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REPUBLIC OF KENYA

**THE NATIONAL
ASSEMBLY**

OFFICIAL REPORT

SECOND PARLIAMENT INAUGURATED
6th February 1970

Vol. XXII

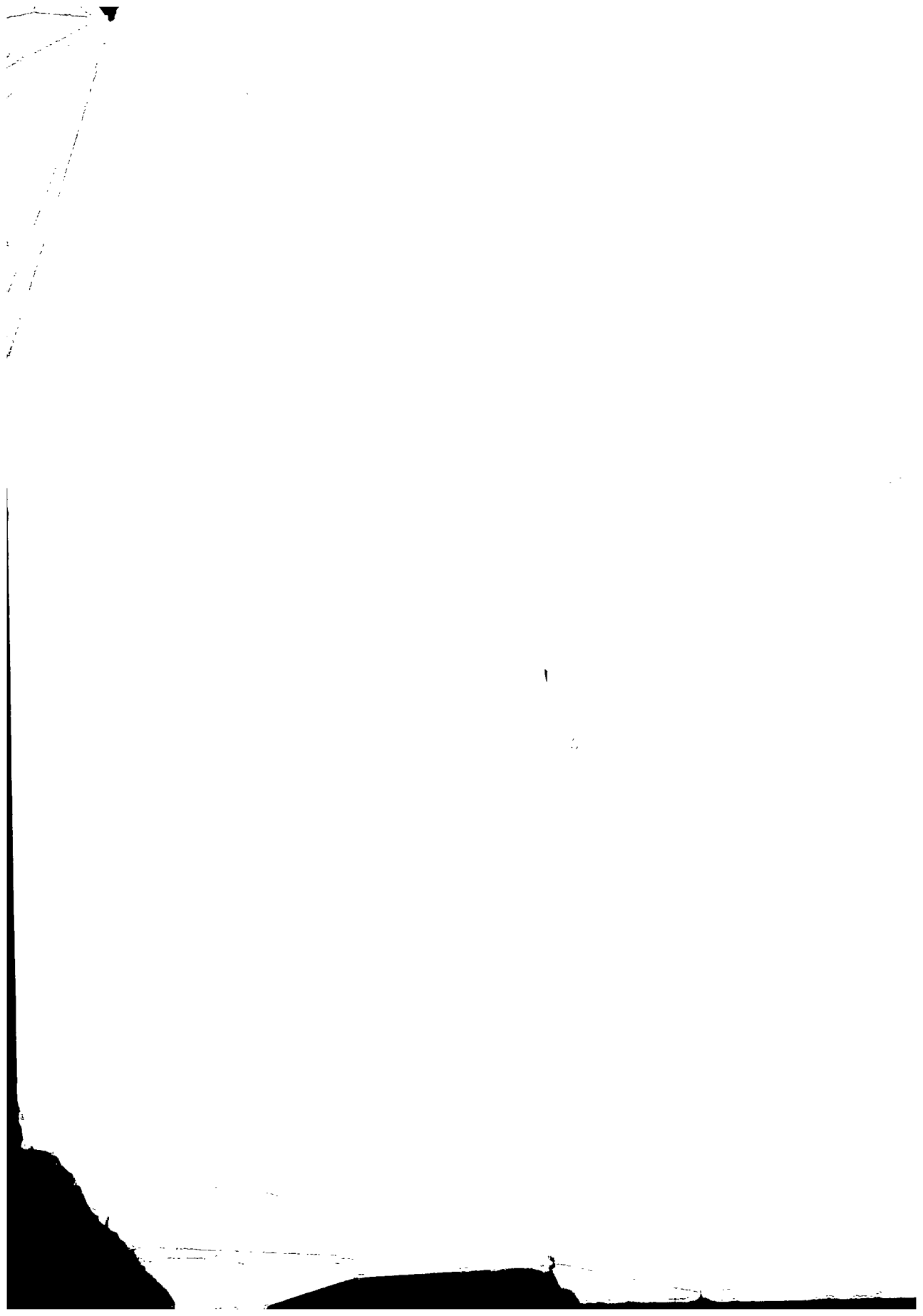
Second Session

Tuesday, 23rd February, 1971

to

Friday, 2nd April, 1971

Note—Index incorporated in this Volume



DAYS OF SITTING

SECOND SESSION—Vol. XXII

TUESDAY, 23RD FEBRUARY, 1971 TO FRIDAY, 2ND APRIL, 1971

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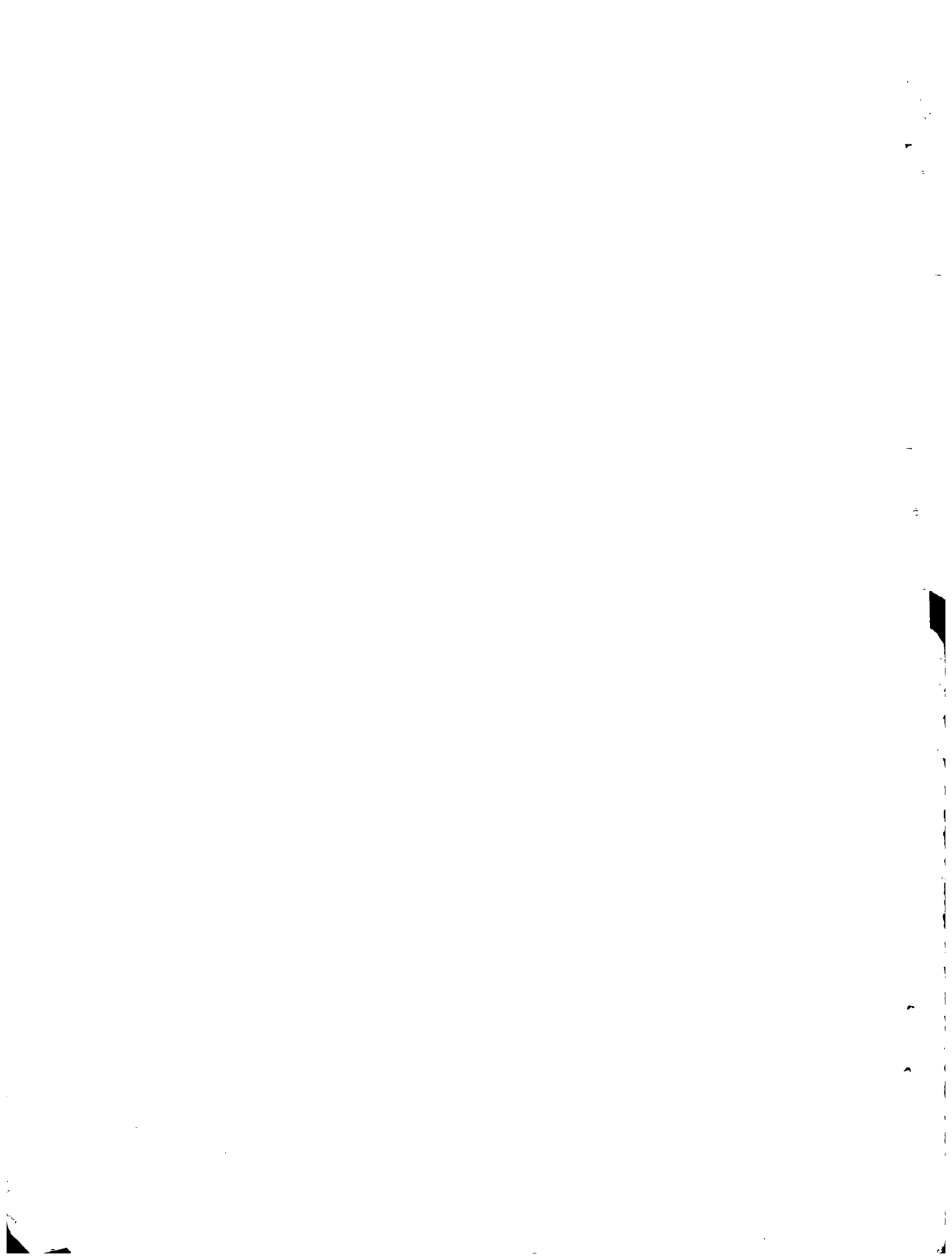




CORRIGENDA TO VOLUME XXII

Col. No.

- 337 Title for Motion for the Adjournment; read, "Allocation of Agricultural Finance Corporation Loans", *not* as printed.
- 506 Second Word of title for Question by Private Notice: read "Accidents", *not* "Accident".
- 677 Member speaking at the top of the Column. read "Dr. Waiyaki", *not* "The Deputy Speaker" as printed.
- 801 At the top of the Column: delete the words "The Speaker".
- 837 At the top of the Column: name of Member speaking, read "Mr. ole Nampaso", *not* "Mr. Gatuguta" as printed.
- 877 In the third line of the supplementary question by Mr. Gatuguta: the word "abolish" should be "abolition".
- 933 Third word of the title of the Motion, read "Evaluation", *not* "Valuation" as printed.
- 961 First word on Second line of title of Point of Order: read "On", *not* "No" as printed.
- 962 Title of the second Bill read the First Time: read, "The Statute Law (Miscellaneous Amendments) Bill, *not* as printed.
- 1067 Name of the fifth Member speaking: read "McKenzie", *not* "Mackenzie" as printed.
- 1004 Title of Question by Private Notice: delete the word "Recruitment".
- 1011 Name of the fourth Member speaking: read "Mr. Wanjigi", *not* "Mr. Wanjigi" as printed.
- 1076 Second word of title of Question by Private Notice—read "Claus", *not*
1079 "Clause" as printed.
- 1304 Name of the Assistant Minister replying to Question No. 221: read "Mr. Oguda", *not* "Mr. Ogunda" as printed.
- 1387 Title for Procedural Motion: Insert the word "Recurrent" between the words "Supplementary" and "and".
- 1473 Top of the Column: Designation of Minister raising a point of Order—read "The Minister for Finance and Economic Planning", *not* as printed.
- 1473 Middle of the Column: The words "Resumption of Replies to Question by Private Notice" should be in italics and brackets.



THE NATIONAL ASSEMBLY

LIST OF MEMBERS

Second Parliament—Second Session 1971

MINISTERS

THE PRESIDENT (His Excellency, The Hon. Mzee Jomo Kenyatta, C.G.H., M.P.).
VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (His Excellency, The Hon. D. T. arap Moi, E.G.H., E.B.S., M.P.).
MINISTER FOR DEFENCE (The Hon. J. S. Gichuru, E.G.H., M.P.).
MINISTER FOR FOREIGN AFFAIRS (The Hon. Dr. N. Mungai, E.G.H., M.P.).
MINISTER OF STATE, PRESIDENT'S OFFICE (The Hon. Mbiyu Koinange, E.G.H., M.P.).
MINISTER FOR AGRICULTURE (The Hon. J. J. M. Nyagah, E.G.H., M.P.).
MINISTER FOR FINANCE AND ECONOMIC PLANNING (The Hon. Mwai Kibaki, E.G.H., M.P.).
MINISTER FOR LOCAL GOVERNMENT (The Hon. Dr. J. G. Kiano, E.G.H., M.P.).
MINISTER FOR LABOUR (The Hon. E. N. Mwendwa, E.G.H., E.B.S., M.P.).
MINISTER FOR LANDS AND SETTLEMENT (The Hon. J. H. Angaine, E.G.H., E.B.S., M.P.).
MINISTER FOR HOUSING (The Hon. P. J. Ngei, E.G.H., M.P.).
MINISTER FOR WORKS (The Hon. J. Nyamweya, E.G.H., M.P.).
THE ATTORNEY-GENERAL (The Hon. C. Njonjo, E.G.H., M.P.).
MINISTER FOR COMMERCE AND INDUSTRY (The Hon. J. C. N. Osogo, E.G.H., M.P.).
MINISTER FOR POWER AND COMMUNICATIONS (The Hon. R. G. Ngala, E.G.H., E.B.S., M.P.).
MINISTER FOR INFORMATION AND BROADCASTING (The Hon. Dr. Z. Onyonka, M.P.).
MINISTER FOR CO-OPERATIVES AND SOCIAL SERVICES (The Hon. H. M. Muliro, E.B.S., M.P.).
MINISTER FOR HEALTH (The Hon. I. E. Omolo-Okeru, M.P.).
MINISTER FOR NATURAL RESOURCES (The Hon. W. O. Omamo, M.P.).
MINISTER FOR TOURISM AND WILDLIFE (The Hon. J. L. M. Shako, M.P.).
MINISTER FOR EDUCATION (The Hon. T. Towett, M.P.).

EAST AFRICAN COMMUNITY

EAST AFRICAN MINISTER (The Hon. Dr. R. J. Ouko, M.L.A., Minister for Common Market and Economic Affairs).
DEPUTY EAST AFRICAN MINISTER (The Hon. G. N. Kalya, M.P., M.L.A., Deputy Minister for Finance and Administration).

ASSISTANT MINISTERS

OFFICE OF THE VICE-PRESIDENT AND MINISTRY FOR HOME AFFAIRS (The Hon. R. S. Matano, M.P., The Hon. J. M. Shikuku, M.P.).
MINISTRY OF DEFENCE (The Hon. J. Njeru, M.P.).
MINISTRY OF STATE, PRESIDENT'S OFFICE (The Hon. Kamwithi Munyi, E.B.S., M.P.).
MINISTRY OF FOREIGN AFFAIRS (The Hon. B. Nabwera, M.P., The Hon. L. G. Oguda, M.P.).
MINISTRY OF AGRICULTURE (The Hon. Maina Wanjigi, M.P., The Hon. J. W. Khaoya, E.B.S., M.P.).
MINISTRY OF FINANCE AND ECONOMIC PLANNING (The Hon. Sheikh M. Balala, M.P., The Hon. W. Cheronu, M.P.).
MINISTRY OF LOCAL GOVERNMENT (The Hon. N. W. Munoko, M.P., The Hon. M. J. Ogutu, M.P.).
MINISTRY OF LABOUR (The Hon. F. P. K. Kubai, C.B.S., M.P., The Hon. P. F. Kibisu, M.P.).

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Assistant Ministers—(Contd.)

- MINISTRY OF LANDS AND SETTLEMENT (The Hon. S. M. Amin, M.P., The Hon. G. G. Kariuki M.P.).
- MINISTRY OF HOUSING (The Hon. E. K. K. Bomett, M.P., The Hon. A. S. Khalif, M.P., The Hon. W. Mukuna, M.P.).
- MINISTRY OF WORKS (The Hon. J. Keen, M.P., The Hon. D. N. Kuguru, M.P.).
- MINISTRY OF COMMERCE AND INDUSTRY (The Hon. M. B. Wood, M.P., The Hon. Z. M. Anyieni, M.P.).
- MINISTRY OF POWER AND COMMUNICATIONS (The Hon. H. J. Onamu, M.P., The Hon. D. C. N. Moss, M.P.).
- MINISTRY OF INFORMATION AND BROADCASTING (The Hon. J. Z. Kase, E.B.S., M.P., The Hon. O. Makone, M.P.).
- MINISTRY OF CO-OPERATIVES AND SOCIAL SERVICES (The Hon. L. Ngureti, M.P., The Hon. S. Choge, M.P.).
- MINISTRY OF HEALTH (The Hon. S. S. ole Oloitipitip, E.B.S., M.P., The Hon. M. Jahazi, M.P.).
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- MINISTRY OF TOURISM AND WILDLIFE (The Hon. Jan Mohamed, M.P., The Hon. J. M. Kariuki, M.P.).
- MINISTRY OF EDUCATION (The Hon. P. Mbai, M.P., The Hon. C. W. Rubia, E.B.S., M.P.).

CONSTITUENCY MEMBERS

- ABDALLAH, The Hon. I. S., M.P., Mombasa North.
- ABUBAKAR-MADHBUTI, The Hon. M., M.P., Lamu East.
- AHMED, THE HON. A. H., M.P., Garissa Central.
- AKUMU, The Hon. J. D., M.P. Nyakach.
- ALI, The Hon. M. S., M.P., Manderu West.
- ALI, The Hon. Y., M.P., Langata.
- AMAYO, The Hon. D. O., M.P. Karachuonyo.
- ¶AMIN, The Hon. S. M., M.P., Manderu East.
- §ANGAINE, The Hon. J. H., E.G.H., E.B.S., M.P., Meru North-West.
- ANGELA, The Hon. P. I., M.P., Turkana West.
- ANG'ELEI, The Hon. P. R. L., M.P., Turkana South.
- ¶ANYIENI, The Hon. Z. M., M.P., Majoge-Bassi.
- ARARU, The Hon. A. O., M.P., Moyale.
- AYAH, The Hon. W. N., M.P., Kisumu Rural.
- BARMALEL, The Hon. T., M.P., Chepalungu.
- ¶BOMETT, The Hon. E. K. K. arap, M.P., Baringo South.
- BONAYA, The Hon. A. W., M.P., Isiolo South.
- BOY, The Hon. J., M.P., Kwale Central.
- CHEBOIWO, The Hon. H. R. arap, M.P., Baringo North.
- CHEPTAI, The Hon. S. L., M.P., Baringo East.
- ¶CHERONO, The Hon. W. K., M.P., Kerio Central.
- CHESEREK, The Hon. E. K., M.P., Kerio North.
- ¶CHOGE, The Hon. S. K. arap, M.P., Aldai.
- CHUMO, The Hon. J. K. arap, M.P., Bomet.
- EBU, The Hon. G. A. E., M.P., Busia North.
- EJORE, The Hon. P. B., M.P., Turkana West.
- GATUGUTA, The Hon. J. K., M.P., Kikuyu.
- GICHOHI, The Hon. T., M.P., Laikipia East.
- GICHOYA, The Hon. K. N., M.P., Kirinyaga East.
- §GICHURU, The Hon. J. S., E.G.H., M.P., Limuru.
- HIRSI, The Hon. A. A., M.P., Wajir South.
- HUSSEIN, The Hon. I. A., M.P., Wajir West.
- ¶JAHAZI, The Hon. M. M., M.P., Mombasa Central.

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

- JILO, The Hon. M. T., M.P., Tana South.
KADIR, The Hon. M. A., M.P., Isiolo North.
KAHENGERI, The Hon. G., M.P., Juja.
KALUME, The Hon. Rev. T., M.P., Malindi North.
¶KALYA, The Hon. G. N., M.P., Mosop.
KANJA, The Hon. W., M.P., Nyeri.
¶KARIUKI, The Hon. G. G., M.P., Laikipia West.
¶KARIUKI, The Hon. J. M., M.P., Nyandarua North.
KARUNGARU, The Hon. B. M., M.P., Embakasi.
¶KASE, The Hon. J. Z., E.B.S., M.P., Tana North.
KASSA-CHOON, The Hon. E. P., M.P., Pokot East.
¶KEEN, The Hon. J., M.P., Kajiado North.
KEINO, The Hon. M. K. arap, M.P., Kericho.
*KENYATTA, H.E., The Hon. Mzee Jomo, C.G.H., M.P., Gatundu.
¶KHALIF, The Hon. A. S., M.P., Wajir East.
¶KHAOYA, The Hon. J. W., E.B.S., M.P., Bungoma South.
KHOLKHOLLE, The Hon. A., M.P., Marsabit South.
§KIANO, The Hon. Dr. J. G., PH.D., E.G.H., M.P., Mbirri.
§KIBAKI, The Hon. M., E.G.H., M.P., Bahati.
¶KIBISU, The Hon. P. F., M.P., Vihiga.
KINYANJUI, The Hon. K., M.P., Lari.
KIOKO, The Hon. D. M., M.P., Mombasa West.
¶KIOKO, The Hon. S. M., M.P., Mbooni.
KITONGA, The Hon. C. J., M.P., Kitui East.
KIVUITU, The Hon. S. M., M.P., Parklands.
KOIGI, The Hon. M. M., M.P., South Tetu.
§KOINANGE, The Hon. M., E.G.H., M.P., Kiambaa.
KOMEN, The Hon. W. K., M.P., Nakuru West.
¶KUBAI, The Hon. F. P. K., C.B.S., M.P., Nakuru East.
¶KUGURU, The Hon. D. N., M.P., Mathira.
KURGAT, The Hon. S. K., M.P., Kerio South.
LENAYIARRA, The Hon. J. K., M.P., Samburu West.
LENTAYA, The Hon. D., M.P., Samburu East.
LOTODO, The Hon. F. P. L., M.P., Pokot West.
LUGONZO, The Hon. S., M.P., Ikolomani.
MAGUGU, The Hon. A. K., M.P., Githunguri.
¶MAKONE, The Hon. O., M.P., Kitutu East.
MARETE, The Hon. E., M.P., Meru Central.
MARIMA, The Hon. M. T. ole, M.P., Narok North.
MARITA, The Hon. L. A., M.P., Borabu-North Mugirango.
MARWA, The Hon. S. M., M.P., Kuria.
MASIBAYI, The Hon. G. F., M.P., Busia East.
¶MATANO, The Hon. R. S., M.P., Kwale North.
¶MBAI, The Hon. P. N., M.P., Kitui South.
MBORI, The Hon. J. E., M.P., Kasipul-Kabondo.
MIGURE, The Hon. O. G., M.P., Mbita.
MNENE, The Hon. D. J., M.P., Taveta.
MOHAMED, The Hon. A. A., M.P., Garissa Central.
MOHAMED, The Hon. Y. H., M.P., Garissa North.
†MOI, The Hon. D. T. arap, E.B.S., E.G.H., M.P., Baringo Central.
¶MOSS, The Hon. D. C. N., M.P., Mount Elgon.
¶MUKUNA, The Hon. W. C., M.P., Emukhaya.
§MULIRO, The Hon. M., E.B.S., M.P., Kitale East.
MULWA, The Hon. J. K., M.P., Makueni.
MUNENE, The Hon. Dr. J. F. C., M.P., Kigumo.
§MUNGAI, The Hon. Dr. N., E.G.H., M.P., Dagoretti.
¶MUNOKO, The Hon. N. W., M.P., Bungoma Central.
MUNYASIA, The Hon. P. N., M.P., Kitui West.

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

- ¶MUNYI, The Hon. K., E.B.S., M.P., Embu East.
MUREGI, The Hon. J. K., M.P., Nyandarua South.
MURGOR, The Hon. C. C., M.P., Eldoret South.
MUTHAMIA, The Hon. J., M.P., Meru South-West.
MUTHUA, The Hon. I. K., M.P., Othaya.
MUTISO, The Hon. G. M., M.P., Yatta.
MUTISO-MUYU, The Hon. M., M.P., Kilungu.
MUTUA, The Hon. I. N., M.P., Meru South.
MUTUNGA, The Hon. A. N., M.P., Iveti North.
MUTURIA, The Hon. J., M.P., Nyambene North.
MWAMUNGA, The Hon. E. T., M.P., Voi.
MWAMZANDI, The Hon. K. B., M.P., Kwale East.
MWANGALE, The Hon. E. W., M.P., Bungoma East.
MWAVUMO, The Hon. K. S., M.P., Mombasa South.
§MWENDWA, The Hon. E. N., E.G.H., E.B.S., M.P., Kitui Central.
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§NGALA, The Hon. R. G., E.G.H., E.B.S., M.P., Kilifi South.
§NGEI, The Hon. P. J., E.G.H., M.P., Kangundo.
¶NGURETI, The Hon. L. K., M.P., Kirinyaga South.
¶NJERU, The Hon. J. G., M.P., Meru South-East.
NJIRU, The Hon. J., E.B.S., M.P., Kirinyaga West.
NTHENGE, The Hon. G. G. W., M.P., Iveti South.
NYAGA, The Hon. G. E., M.P., Embu North.
§NYAGAH, The Hon. J. J. M., E.G.H., M.P., Embu South.
NYAKWEBWA, The Hon. S., M.P., Wanjare-South Mugirango.
§NYAMWEYA, The Hon. J., E.G.H., M.P., Nyaribari.
¶OCHWADA, The Hon. A. A., M.P., Busia Central.
OGALO, The Hon. T., M.P., Nyando.
OGERO, The Hon. B. K., M.P., West Mugirango.
OGINGO, The Hon. M. O., M.P., Ndhiwa.
¶OGUDA, The Hon. L. J., M.P., Migori.
¶OGUTU, The Hon. M. J., M.P., Ugenya.
§OKERO, The Hon. I. O., M.P., Gem.
OKUDO, The Hon. P. J., M.P., Alego.
¶OLOITIPITIP, The Hon. S. S. ole, E.B.S., M.P., Kajiado South.
§OMAMO, The Hon. W. O., M.P., Bondo.
¶ONAMU, The Hon. J. H., M.P., Hamisi.
ONYANGO, The Hon. (Mrs.) G., M.P., Kisumu Town.
§ONYONKA, The Hon. Dr. Z., M.P., Kitutu West.
ONYULO, The Hon. G. N., M.P., Winam.
§OSOGO, The Hon. J. C. N., E.G.H., M.P., Busia South.
OWALA-ORWA, The Hon. I., M.P., Homa Bay.
O'WASHIKA, The Hon. J., M.P., Mumias.
RONO, The Hon. W. K. arap, M.P., Belgut.
¶RUBIA, The Hon. C. W., E.B.S., M.P., Starehe.
SAINA, The Hon. W. M. arap, M.P., Eldoret North.
SERONEY, The Hon. M. J., M.P., Tinderet.
§SHAKO, The Hon. J. L. M., M.P., Wundanyi.
¶SHIKUKU, The Hon. J. M., M.P., Butere.
SOMO, The Hon. A. M., E.B.S., M.P., Lamu West.
SOMPISHA, The Hon. F. O. ole, M.P., Narok West.
§TOWETT, The Hon. T., M.P., Buret.
TSUMA, The Hon. B., M.P., Lurambi South.

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

TUVA, The Hon. F. B., M.P., Malindi South.
 UMURO, The Hon. A. I., M.P., Marsabit North.
 WABUGE, The Hon. W., M.P., Kitale West,
 WACHIRA, The Hon. P. S., M.P., Makuyu.
 †† WAIYAKI, The Hon. Dr. F. L. M., M.P., Mathari.
 WANJAGI, The Hon. R. M., M.P., Kangema
 ¶ WANJIGI, The Hon. M., M.P., Kamukunji.
 ¶ WOOD, The Hon. B. M., M.P., Nakuru North.
 ZIRO, The Hon. J. K., M.P., Kilifi North.

NOMINATED MEMBERS

¶ BALALA, The Hon. S. M., M.P.
 GECAGA, The Hon. (Mrs.) J., M.P.
 HAJI, The Hon. A., M.P.
 ¶ JAN MOHAMED, The Hon. M.P.
 KAMAU, The Hon. G., M.P.
 LEKEN, The Hon. S. K. ole., M.P.
 LUGONZO, The Hon. I., M.B.S., M.P.
 MATIKO, The Hon. G. M., M.P.
 MCKENZIE, The Hon. B. R., E.G.H., D.S.O., D.F.C., M.P.
 MULLI, The Hon. J. M., M.P.
 ODHA, The Hon. H. S., M.P.
 YEGO, The Hon. D. K. arap, M.P.

<i>Ex Officio</i> Members—The Hon. F. M. G. Mati, M.P., Speaker and The Hon. C. Njonjo, E.G.H., M.P.	2
Elected Members	158
Nominated Members	12
Total	<u>172</u>

* His Excellency The President.
 † His Excellency The Vice-President
 § Minister.
 ¶ Assistant Minister.
 †† Deputy Speaker

STAFF OF THE NATIONAL ASSEMBLY

The Speaker:

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

The Deputy Speaker and Chairman of Committees:

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

Clerk of the National Assembly:

MR. L. J. NGUGI

1st Clerk Assistant

MR. J. O. KIMORO

2nd Clerk Assistant

MR. H. B. N. GICHERU

Serjeant-at-Arms:

MR. J. BARASA

Senior Assistant Serjeant-at-Arms:

MR. S. G. KIBUTHU

Assistant Serjeant-at-Arms:

MR. F. W. O. OMONDI

Speaker's Secretary:

MRS. B. MUTUNGA

Ag. Clerk's Secretary:

MISS E. WANJIKU

Hansard Editors:

MR. G. MACHARIA

MR. J. H. TSOLA

Hansard Team:

MISS M. Z. FONSECA*;

J. GICHURU; H. GITHAE; J. KATHURI; P. LEO; J. MACHANJE; S. MUCHERU; S. MUGOH;
M. MUKABI; J. MWANGI; J. MWANIAH; P. NYANG'AU; F. WANJOHI; S. WAWERU.

* = part-time.



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

Second Parliament—Second Session—First Day

(Second Parliament established by Proclamation)

(Legal Notice No. 7 of 23rd January 1970)

STATE OPENING OF NEW SESSION

Tuesday, 23rd February 1971

STATE OPENING OF NEW SESSION

The National Assembly met at fifty minutes past Two o'clock at Parliament Buildings on Tuesday, 23rd February 1971, it being the first day of the new (Second) Session.

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

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

[His Excellency the President (Mr. Kenyatta) took the Chair]

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

The Speaker (Mr. Mati): Your Excellency, may I now call upon the Spiritual leaders to bless our proceedings.

PRAYERS

(Prayers were then said by the following: Bishop John Njenga; Sheikh Abdallah Saleh Al-Farsy; Senior Chief Lepyapui Yakaine; Rt. Rev. C. Kiongo)

COMMUNICATION FROM THE CHAIR

WELCOME TO THE PRESIDENT

The Speaker (Mr. Mati): Your Excellency, today as we witness the inauguration of the Second Session of the Second independent Parliament of this Sovereign Republic of Kenya, we are keenly conscious of Your Excellency's wise words of advice which on similar occasions in the past you have graciously given for the benefit of the Mem-

bers of this House. I am confident, therefore, that I speak on behalf of every hon. Member here when I say that during the past year we have tried our best to heed and put into practice that advice.

While on its part the Chair has at all times required strict compliance with the rules of this House, I am glad to say that the hon. Members, on their part, have always endeavoured to exercise their constitutional obligations through constructive criticism, avoiding, as far as possible, mere parochial attitudes even though on some very rare occasions their criticism might have sounded unusually robust. But even then, Sir, their vigour has invariably been matched by their keen concern for the preservation of democracy and parliamentary dignity and their commitment to the welfare of our country.

Membership of this House, Your Excellency, is the free expression of the citizens' assertion of their right to determine who shall guide their affairs, without which expression no people could claim to be truly free. At the same time, we are fully aware that without disciplined political co-operation on the part of everyone there can be no real achievement of those social and economic goals for which we all strive. In such a situation the National Assembly could easily cease to be a fortress of national unity and turn into a political Tower of Babel, the result of which would be the destruction of all the progress which, under your fatherly guidance, our country has made and continues to make. Throughout the Republic, your leadership and inspiration have released potential energies for that progress and created a sense of hope which this House fully shares.

[The Speaker]

Your Excellency, as we now re-dedicate ourselves to our task, we once again pledge our continuing loyalty to you and to the nation, being fully aware of the supreme trust that has been bestowed upon us.

It is therefore my very great privilege and honour, on behalf of all hon. Members of this House, to welcome Your Excellency and humbly request you to address them.

PRESIDENTIAL ADDRESS

His Excellency the President (Mr. Kenyatta): Mr. Speaker, hon. Members of the National Assembly, during the early phases of Kenya's independence, it was customary for me to use this occasion for giving an outline of national policies and progress. Over the years, however, this Parliament has become more business-like and more professional. In future, I shall restrict any general reviews of public affairs to the important ceremonies which we hold each year on Madaraka Day and on Jamhuri Day.

I wish to emphasize now, both as Head of State and as a Member of this House, that we have entered a new phase of nation-building. During the first seven years of our life as an independent State, all vital foundations were firmly laid. Now we have to keep pace with the structures and opportunities which have emerged as symbols of national advancement, and with all the attendant services and duties which increasingly amount to social justice for our people.

There was a time when the sparkle of politics and the inspiration of progress were needed to set a new National Assembly into steady motion. The situation now has changed. The time has passed when Honourable Members could feel that they were here for reasons of personal enjoyment, or to promote tribal or sectional interests, or to harass the Government. Those who are privileged to sit in this House, by the authority of the people, have had time to learn their trade. And that trade, Mr. Speaker, is hard and dedicated work.

I expect this Parliament to bring a mature and national outlook to bear on its duties, as applied to the passage of legislation and the control of public finances. Many proper opportunities exist, during any session, for debates of a far-reaching kind on all aspects of public affairs. This National Assembly, however, like the Public Service, is an instrument of the State. I have said, again and again, that the Republic is the people. It is your responsibility to serve the people by doing the job for which you are paid.

This is going to mean unremitting work, on

detailed provisions and laws which must affect human well-being in all parts of our Republic.

I shall now outline to the House the principal features or elements of legislation which my Government will bring forward. By this I imply that the atmosphere and motive of this Parliament must become increasingly like that of any other business meeting.

There is no deliberate allotment of priority in the arrangement of the measures I shall mention, since all needs and responsibilities are links in the same chain of human progress.

It will be obvious to the House that some of the intentions outlined will require fresh legislation, while others will be pursued through amendments to existing law.

We shall endeavour to ease the process of consolidation and registration of land so as to ensure that this work keeps pace with targets set in the Development Plan. In addition, there will be a general debate on Sessional Paper No. 6 of 1970, which outlined the policy of my Government on this whole matter.

My Government intends to simplify the process by which our own people can play a fuller part within the Mining Industry. We must and shall offer greater encouragement for overseas investors to embark on prospecting and developing mineral resources, all of which is generally a high capital enterprise undertaken at some commercial risk.

All services of wildlife conservation and management in the Republic are to be streamlined by merging the Game Department and the Kenya National Parks into one new Government Department. We shall move to control the pollution in rivers and lakes, not only in the immediate interests of public health but also as a means of preserving the environment for posterity.

The collection of shells and corals at the Coast is to be strictly controlled in order to conserve the resources and natural beauty of Kenya's beaches.

The many regional or local laws affecting the regulation of hotels are to be repealed, and replaced by a single law applicable throughout Kenya. At the same time new minimum hygienic standards in food servicing and processing will be enforced.

From the land and natural resources, let me now turn to other fields of development.

Fresh provisions will be introduced for the better planning of our rapidly growing industrial sector. These will deal with the allocation of resources in relation to markets, and will embody steps to avoid uneconomic competition between manufacturers. A new Workers' Investment Trust will be

[His Excellency the President]

established to give the workers some greater participation in national industrial development.

Measures coming forward will provide that, in due time, a national wages policy may be implemented through the Industrial Court. To this end, it will also be required that the Industrial Court must be consulted before any Regulation of Wages Order is made.

As an impulse to industrial progress, approval will be sought for guarantees in support of a World Bank loan to carry out the Kamburu Project, as the next major phase of hydro-electric development on the Tana River. This project will not only permit a large expansion of normal supplies, but will also provide power for implementing the rural electricity scheme.

In pursuit of urgent purposes outlined in the Development Plan, my Government will seek an increase in the limits of borrowing through the Central Bank, and will also require greater borrowing powers in respect of short-term loans.

While on the subject of finance, exchange control laws will be strengthened, by means of an exercise designed, for the benefit of the public, to simplify the wording of some main provisions. It is also intended to introduce greater control over the stock exchange and the licensing of stock-brokers. The House must then deal with provisions for implementing the agreement between the European Economic Community and the East African Community.

My Government has already announced the intended elevation of Nyeri, Embu, Kakamega and Meru to the status of Municipal Councils. This, in due time, will require by-elections to provide for extra representatives. Powers lying between those enjoyed by a county council and a municipal council will then be allotted to the township authorities of Kericho, Nanyuki, Thomson's Falls, Machakos, Kisii, Malindi and Murang'a.

Parliament will be advised of steps taken to abolish country-wide area councils, and to replace these bodies with new local councils following the necessary elections.

Laws affecting education will be brought up to date, and will provide for the formal establishment of District Education Boards. My Government's views will be made clear on a past provision re-

quiring the Minister to accept without amendment, any recommendations of the Teachers Service Remuneration Committee.

Kenyatta College must be formally established as a constituent college of the University of Nairobi, and measures affecting higher education loans will be debated also.

Many more detailed but still important items of business will be placed before the National Assembly.

Mr. Speaker, this whole programme of work points to my earlier description of the National Assembly as being business-like and professional. The purpose of this House is not to offer excitement, or to glory in newspaper headlines, or to find an outlet for arrogance and intrigue. All Honourable Members here are servants of the people, with high responsibilities to the nation. I expect them to justify the trust that has been placed in their dedication and maturity. These are the attributes which, through democratic process, will be judged by the people in due time.

Finally, Mr. Speaker, let me say this. We have proved to ourselves, and to the world, all that a young country can achieve on the foundations of stability, unity and hard work. Kenya has won an honoured place within the whole community of nations. All development now must proceed more rapidly to satisfy so many human needs and aspirations. The role of this Parliament is critical. The House is not only an instrument of the State, but must serve as a bridge between Government and people. I call upon you all to set the example of greater effort, and to be guided by the living spirit of our motto:

H A R A M B E E !

**DEPARTURE OF HIS EXCELLENCY
THE PRESIDENT**

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

The House is, therefore, adjourned until tomorrow, Wednesday, 24th February at 2.30 p.m.

(His Excellency the President in procession left the Chamber)

ADJOURNMENT

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

Wednesday, 24th February 1971

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

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

PRAYERS**NOTICES OF MOTIONS****REVIVAL OF MEMBERSHIP OF STANDING AND SELECT COMMITTEES**

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

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

THANKS FOR THE PRESIDENTIAL ADDRESS

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

THAT, the thanks of the House be recorded for the exposition of public policy contained in His Excellency's Presidential address from the Chair on 23rd February 1971.

UTILIZATION OF LOANS FOR LIVESTOCK DEVELOPMENT

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

THAT, noting that Kenya Government—

The Speaker (Mr. Mati): Order, Mr. Seroney! Would you resume your seat?

I do not know whether you can do that unless your Motion has been balloted for.

Mr. Seroney: Mr. Speaker, Sir, I gave notice of this Motion within seven days of the Paper being laid. I believe I was advised by those who had been doing this type of thing that this does not go for balloting before the Sessional Committee.

This is not a Private Member's Motion. This, actually, is reviving a Motion given notice of last Session.

The Speaker (Mr. Mati): Last session— Is that so?

Mr. Seroney: Yes.

The Speaker (Mr. Mati): All right.

Mr. Seroney: Mr. Speaker, Sir, I beg to move:—

THAT, noting that Kenya Government had during September 1968 signed two Agreements

with the Swedish Government and the International Development Association to borrow the total of K£2,785,714 for the financing of the Livestock Development Project as indicated in the Reports No. 17 and 17A, laid on the Table of this House on Tuesday the 15th December 1970, this House requests the Government to give a detailed breakdown of how and where these loans will be utilized.

ORAL ANSWERS TO QUESTIONS*Question No. 27 (1244)***MAN SHOT AT LUKHOLIS: SOUTH TESO**

Mr. Ebu asked the Vice-President and Minister for Home Affairs if he could tell the House whether—

(a) he was aware that in March last year a man was shot in the chest with a gun at Lukholis in South Teso Location of Busia District;

(b) what action, if any, the police had taken to apprehend the culprit and bring him before a court of law.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. I am aware of the incident referred to by the Hon. Member, the circumstances of which are as follows:—

On the night of 21st March 1970, when Mr. Murunga Omita was outside his house, he was shot at by an unknown person. He was first treated at Bungoma and then moved to Kakamega Hospital where he was operated on and a bullet removed from his shoulder. He has since recovered.

Police investigations have been carried out and a man has been arrested and convicted to four years' imprisonment for assault and causing grievous bodily harm.

Mr. Ebu: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, could we know whether it is true that the gun from which the bullet was fired was made locally; and if so, where it originated from?

Mr. Shikuku: Mr. Speaker, Sir, a bullet was removed from the man's chest. The details of the gun and so forth— We know that the individual who was arrested was found guilty of causing actual bodily harm and has now been imprisoned.

An hon. Member: On a point of order—

The Speaker (Mr. Mati): No, let us have more questions rather than points of order.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could we be told the

[Mr. Tsuma]

name of the person who shot that man, who is now imprisoned?

Mr. Shikuku: Mr. Speaker, Sir, the person who was arrested was Mr. Omute.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's reply to the supplementary question which was asked by one of the hon. Members, who said he understood that the bullet and the gun were made locally, could we know from which factory they were made since the Assistant Minister has not told us?

Mr. Shikuku: Mr. Speaker, Sir, I would like to inform the hon. Member that the question of a home-made gun or imported gun is not one that we are dealing with. The question was not that the gun was home-made—I do not know anything about home-made guns.

The Speaker (Mr. Mati): I have already pointed out that I do not want us to waste time on points of order.

Mr. Karungaru: Mr. Speaker, Sir, arising from one of the replies given by the Assistant Minister, does he want to tell this House that guns which are in this country are not known. If they are not known, are we really then, on the point of security, secure?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member himself, looks very secure and everybody else is secure. Had it not been that from our investigation of the bullet we were able to trace the person who did the shooting we would not have succeeded. We would not have been able to do anything without knowing where the bullet came from.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that the criminal was imprisoned for four years, is it not true that this man was taken to the court, tried and then imprisoned for four years? Before that trial, did the court not ask to be shown the gun, and perhaps the bullet, which this man used?

Mr. Shikuku: Mr. Speaker, Sir, when one is sent to the court, it is up to those in court to ask for the gun or not to ask for it.

Personally, I may as well say I felt that the sentence was not severe enough, but the judge felt that four years was enough.

Before any judgment is reached, every stone is turned over for any helpful evidence; no stone is left unturned.

Mr. Jilo: Mr. Speaker, Sir, this is a very serious matter and since an unregistered gun has been

used to kill an innocent person in Kenya can the Assistant Minister tell this House very, very clearly where this gun was manufactured, who manufactured it and where it is now?

Mr. Shikuku: Mr. Speaker, if the hon. Member speaks so authoritatively on the issue of this gun being unregistered, I will be most pleased to know how he has come to know that the gun was unregistered.

Mr. ole Leken: On a point of order, Mr. Speaker, I am seeking your guidance here. In view of the fact that guns are being used to raid our banks and to rob property in this country, I think the issue concerned here is very important. I also think the House would like to know the source and the calibre of the gun; these details have not been disclosed so far.

Mr. Shikuku: Mr. Speaker, I have already told the House that it is from the bullet which was removed from this individual that we carried out exercise of investigation to know who shot the particular individual. This is how we managed to get the gun. So, when the Members talk of this gun being unregistered, this, that and the other, they are only talking without the knowledge of how the guns are handled and of how we manage to trace criminals.

*Question No. 32 (1249)***PROMOTION OF CHIEFS**

Mr. Mbori asked the Minister of State, President's Office if he would tell the House—

(a) how many chiefs, throughout the Republic, had been promoted to District Officer, District Commissioner, Provincial Commissioner and Permanent Secretary status;

(b) how many chiefs came from South Nyanza; and

(c) when the last promotion in the fore-named groups was done.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. (a) Promotion of chiefs has been going on since there are chiefs in practically all parts of Kenya.

(b) The place where one comes from or where one was born is not a criterion in judging promotion of officers in Government. There is, therefore, no record which is kept to indicate this. It is, therefore, not possible to say how many such chiefs were from South Nyanza.

(c) Promotion of chiefs in any part of Kenya goes on all the time. It depends on one having the required qualifications and the existence of vacant posts. Chiefs are considered for promotion like any other citizen.

Mr. Mbori: Mr. Speaker, Sir, my question is very specific. Would the Assistant Minister answer the question as it stands, which asks how many chiefs have been promoted to the status of district officer, district commissioner, provincial commissioner and also those who have been lucky enough to be in Permanent Secretary status? Can he tell us?

Mr. Munyi: Mr. Speaker, Sir, it would be a very expensive task to go through the records of Permanent Secretaries. However, to be more specific, I have a list of names of officers who were once chiefs and who have since gone up the scale. This is not to say that the list is complete. Examples are:

Mr. W. Opiyo is now a District Officer; Mr. Okech, was once a chief but is now a District Commissioner; Mr. Nakisa was once a chief and is now a District Officer. I also have Mr. Akibaya who is the Deputy Provincial Commissioner in Nyanza Province and who had been acting as a Provincial Commissioner a few weeks ago; Mr. C. K. Koinange, the Provincial Commissioner for Central Province; Mr. Makonde, now a District Commissioner; Mr. Mwenesi was an under-Secretary but has already retired—and the hon. Member knows him very well. Mr. Speaker, we have Mr. Babu who is now the District Commissioner for Wajir and who was once a chief, and finally we have Mr. Makanga who is a District Officer. Thank you very much, Mr. Speaker.

Mr. Mulwa: Mr. Speaker, Sir, in view of the fact that the district officers are the people who are particularly dealing with the public and, therefore, we need people who have experience in administration to hold such posts, will the Assistant Minister tell us whether the Ministry is going to undertake to lay more emphasis on the promotion of chiefs to district officers rather than having the students from the universities who do not know how to deal with the public and who, in most cases, put themselves above the people?

Mr. Munyi: Mr. Speaker, Sir, the points which have been raised by the hon. Member are quite good and they have been fully noted.

Mr. Muturia: Mr. Speaker, arising from that fairly satisfactory answer given by the Assistant Minister, would he tell this House what are the qualities required for a chief to be promoted to a district officer or a district commissioner?

Mr. Munyi: Mr. Speaker, Sir, the qualities required are merit and ability to do an excellent job.

Mr. Abubakar-Madhbuti: Does the Assistant Minister agree with me that he has forgotten to

mention the name of Chief Kitonga who has been promoted to a Member of this House?

Mr. Munyi: Mr. Speaker, Sir, that is very good. We have hon. Chief Kitonga here. He was once a chief but is now a Member of Parliament.

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

An hon. Member: Speak up.

Mr. Kitonga: Could the Assistant Minister tell the House, without joking, how many chiefs especially from last year, have been promoted to district assistants because this was not done by the Government at all? I am ex-chief Kitonga—I am an elected, not an appointed Member.

Mr. Munyi: Mr. Speaker, Sir, I have already given the names of the officers concerned, but I would like to add that in this hon. House we have hon. Khaoya, the Assistant Minister in the Ministry of Agriculture, Mr. Choge, and others who were formerly chiefs.

Question No. 10 (1186)

MARSABIT RANGE SCHEME

Mr. Kholkholle asked the Minister for Agriculture if he would tell the House—

(a) why the Range Scheme had not yet started in Marsabit District; and

(b) when it would start.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The Range Scheme in Marsabit District has not yet been started because:—

(a) The Range Management Divisions of Land Use Survey and the Planning Section is presently working in Marsabit District. When its work is completed, its report will be examined by the Ministry for its applicability.

(b) As soon as the study of the report and its implications have been completed by Government the scheme referred to will be started.

Mr. Kholkholle: Mr. Speaker, I think it is a very long time since this 1 million acres of land for Range Scheme was allocated within Marsabit District. I think it was allocated in 1968. I would like the Minister to tell the House how long it will take for this scheme to start? How long? Will he tell the House how long?

An hon. Member: A particular date.

Mr. Wanjigi: I wish, Mr. Speaker, I could place a time on that. But, as the hon. Member has just mentioned, this involves not less than a million acres worth of land and the exercise involved is a very long one indeed. I think that the fact that the team is actually already working in Marsabit should be good proof that we do mean business.

Mr. Umuro: Mr. Speaker, Sir, could the Assistant Minister tell the House what the work of Range Management Officer is, and why what has been reported to the Ministry cannot be implemented? The report of this Range Management Officer was finished in 1969 but the work has not started. He said that he had reported to the Ministry, Mr. Speaker.

Mr. Wanjigi: The work of any Range Management Officer in Marsabit or any other place, Mr. Speaker, is to advise Government; but it does not mean that everything he advises is accepted.

Question No. 22 (1229)

REDUCTION OF OVERHEADS BY KENYA
CO-OPERATIVE CREAMERIES

Mr. Mulwa asked the Minister for Agriculture if he would tell the House—

- (a) what steps the Kenya Co-operative Creameries was taking to reduce the overheads incurred in conditioning milk with a view to making it cheaper to the consumer;
- (b) how much it costs the Kenya Co-operative Creameries per month in terms of foreign currency for the hire of machines from Sweden to process milk;
- (c) whether it was possible for the Kenya Co-operative Creameries to use cheaper material than the tetrapak they are using now for packing milk with a view to reducing costs.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The Kenya Co-operative Creameries tries to keep all its running costs to the minimum bearing in mind the price of milk to the consumer, and also the producer who is the dairy farmer who supplies the Kenya Co-operative Creameries with milk. I am afraid, therefore, that the Kenya Co-operative Creameries, at the moment, is not willing to do anything likely to hit the farmer whose interests the Kenya Co-operative Creameries rates as high as those of the consumer.

(b) The answer to the second part of the question does not, therefore, arise because the Kenya Co-operative Creameries uses processing machines owned by a local company known as Tetrapak Kenya Limited.

(c) Mr. Speaker, Sir, tetrapak, as far as expert opinion goes, is the cheapest material for packing milk, but this matter is all the time kept under review.

Mr. Mulwa: Mr. Speaker, Sir, would the Assistant Minister care to tell us the time when the

Kenya Co-operative Creameries started using these machines which are owned by a local company here? When?

Mr. Wanjigi: I think it was in 1968, Mr. Speaker, but I will have to check that.

Mrs. Onyango: Mr. Speaker, Sir, is the Assistant Minister aware that this tetrapak package which is being used is making the consumers lose the proper measure of milk because of leakage?

Mr. Wanjigi: No, I think the hon. Grace Onyango knows very well that we do take cognisance of the fact that some packages do leak but this is taken quite seriously by the Kenya Co-operative Creameries.

Mr. Owala-Orwa: Mr. Speaker, Sir, can the Assistant Minister assure us that a lot of the material used for the manufacturing of tetrapak are not imported, because for the time being it is believed it is imported and therefore it amounts to robbing Kenya material which was used for making bottles and as such we are not creating jobs for our own people by not using our own materials?

Mr. Wanjigi: Mr. Speaker, Sir, the paper industry as at present has to import most, if not all, of its paper requirements; but, obviously, as soon as we get factories like the proposed Broderick Falls Paper Factory working the situation will change drastically.

Question No. 1 (1127)

ISSUE OF IDENTITY CARDS IN BARINGO NORTH

Mr. arap Cheboiwo asked the Minister for Labour if he would tell the House—

- (a) whether he was aware that there were so many people in Baringo North constituency and other parts of this Republic who were not registered as job-seekers as a result of having no identity cards (*vipande*);
- (b) what the Minister was doing about such people who want to be registered as job-seekers along with others so that they could be considered when interviews take place;
- (c) whether the Minister could agree to send a labour officer to Kabarnet to issue identity cards as soon as possible.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. (a) No. Possession of an identity card was not regarded as an essential requirement for the purpose of registration of job-seekers. Whether one had an identity card or not, and providing they presented themselves for registration, a card was issued to them.

[The Assistant Minister for Labour]

(b) They should go to their nearest Labour Office and they will be registered in the normal manner.

(c) This is already being done by the Molo Labour Officer.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that reply given by the Assistant Minister, that these people should present themselves and they will be registered without identity cards, is he assuring the House that even if they go today they will be registered?

Mr. Kibisu: Yes, Sir.

Mr. O'Washika: Mr. Speaker, Sir, arising from the reply of the Assistant Minister, supposing at the moment a job-seeker went to a firm and was not in possession of an identity card and there is a vacancy for that particular job-seeker, can he be employed without one?

Mr. Kibisu: Providing the job-seeker measures up to the required standards, the answer is yes.

Mr. Nyaga: Mr. Speaker, Sir, arising from the first reply, in part (a) the Assistant Minister has just said that lack of an identity card could not prevent one from being registered. As I know, it happened in many places where those school-leavers who did not have identity cards were not given an opportunity to register themselves. What is the Minister going to do about them because I know they are there, they are everywhere in the country and many are not registered?

Mr. Kibisu: Mr. Speaker, Sir, registration in this respect is in two ways: one, is to be normally registered and be given or be issued with an identity card. The other one is the registration exercise for the purpose of the Tripartite Agreement which has now expired. The hon. Member should be assured that those who have left school subsequent to the registration of work-seekers and those who have come to the labour market need not be in possession of a job-seeker's card in order to be considered for employment. They can, and will be considered for employment without the job-seeker's card.

Mr. Jilo: Mr. Speaker, Sir, is the Assistant Minister aware that there have been cases—in most of these places where job-seekers were registered—of people who have registered as job-seekers and when they lose their cards and go back the following day they find that their names are not even in the register and there is no record? It has been impossible for these people to get jobs because whenever they are called they are told that they have not been registered as job-seekers. Is the Assistant Minister aware of this?

Mr. Kibisu: Mr. Speaker, Sir, the records exist because the card which was used for this purpose had a counterfoil, which remains in our archives, so, even if a job-seeker lost his card, that did not prevent him from being employed.

Question No. 11 (1200)

AMENDMENT OF LABOUR LAWS

Mr. Kivuitu asked the Minister for Labour if he would tell the House whether, in view of the frequent unjustifiable dismissals of employees by employers which is possible owing to the existing labour laws, the Minister would agree to seek an alteration of these laws so as to permit dismissals and resignations only with the approval of a Labour Officer.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. Yes, my Ministry accepts that the Employment Act is due for amendment and it is therefore intended, soon, to take the necessary action accordingly. Among other matters concerning employment to be carefully examined will be the question of dismissal without good and reasonable grounds. However, I would like to point out that there are bad employees as well as bad employers and the restraint on the part of the latter is aggravated by the abundant supply of labour as a result of our current unemployment situation.

Mr. Kivuitu: Mr. Speaker, Sir, could the Assistant Minister tell us at what stage this legislation is, whether it is just about to be brought to Parliament or it is still being considered in the Ministry?

Mr. Kibisu: Mr. Speaker, Sir, the process by which we bring about these amendments is well advanced, and with the advice of those responsible for drafting laws, a draft legislation will be brought to this House during this Session.

Mr. Ogalo: Mr. Speaker, Sir, would the Assistant Minister assure the House that the Bill will be back-dated so that it can be made effective as from 1970 in order to cover those who are now suffering?

Mr. Kibisu: Mr. Speaker, Sir, the draft legislation we have in mind cannot be expressed in quantitative terms and, therefore, it will not be back-dated.

Question No. 26 (1243)

ISSUE OF LAND TITLE-DEEDS IN BUSIA

Mr. Ebu asked the Minister for Lands and Settlement if he would tell the House whether he was aware that land registration in some parts of Busia had been completed in 1968; why had the issuing of land title-deeds not

[Mr. Ebu]

been effected in South Teso and parts of Marachi and Bukhayo.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. What I am aware of is that in South Teso, land adjudication is still in progress. Hence, no complete adjudication registers have yet been submitted to the Land Registrar for the area. Therefore, it has not yet been possible for land registration to take place and for any person to be issued with a title-deed.

In Marachi, five schemes comprising a total of 6,480 titles have so far been registered and 384 land certificates have so far been issued upon payment of the requisite fee.

As regards Bukhayo, two schemes comprising a total of 1,370 titles have been registered and a total of 45 land certificates have also been issued.

The reason why more land certificates have not been issued in Marachi and Bukhayo is that the local people whose names appear on the Land Register have, so far, neither applied to receive them nor expressed willingness to pay the requisite fee of Sh. 5 only and also clear any outstanding adjudication fees which they are liable to pay before certificates can be issued to them.

Mr. Ebu: Mr. Speaker, Sir, as far as we are concerned in that area, I know that South Teso registration of land was completed in 1968. Now, I want to know from the Assistant Minister whether what he is telling us is true or whether what I am telling the House is not true, and if, Sir, the Assistant Minister is right in what he says—that registration has not been completed since 1968—can he tell us what is holding up registration in South Teso?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am only responsible for what I am saying; what the hon. Member is saying, I am not responsible for.

Mr. Cheptai: Mr. Speaker, Sir, the Assistant Minister's reply has not gone far enough. Could he tell the House, in his answer, when the people of Bukhayo were to have their land registered and given title-deeds; if their land has been registered and they have not been given these land certificates, does the Assistant Minister not see that this will be a robbery on the people, whereas they live in this same area?

Mr. G. G. Kariuki: Mr. Speaker, my Ministry is not doing any robbery; what we are actually doing is to assist people to get their title-deeds. However, they have to pay the requisite fee that I have mentioned, and it is only Sh. 5.

Mr. Masibayi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that Bukhayo Location comprises of nine sub-locations and out of these nine sub-locations only two have been allowed for land registration and the remaining seven have not been allowed? Can he tell us why these seven have not been considered together with the rest of the location?

Mr. G. G. Kariuki: Mr. Speaker, what I am aware of is what I have said: that in Bukhayo, two schemes comprising a total of 1,370 titles have been registered, and only 45 titles have been issued.

Mr. Ebu: Mr. Speaker, arising from one of the answers given by the Assistant Minister—when he says he is not responsible for what I have said in connexion with the registration, does he mean to tell this House that he is not responsible for the failures of his Ministry?

Mr. G. G. Kariuki: Mr. Speaker, I am responsible for whatever happens in my Ministry, but whatever the hon. Member does is not my responsibility.

Question No. 36 (1253)

GREATER POWERS FOR LABOUR OFFICERS

Mr. Kivuitu asked the Minister for Labour is he would tell the House—

- (a) why was it that on many occasions when employers dismissed employees without any notice or any payment in place thereof the labour officers to whom these matters were reported were unable to take such action as would ensure that labour laws of this country were respected by the employers; and
- (b) whether he would consider seeking from this hon. House such authority (if necessary) as would enable the labour officers to be able to prosecute such employers who failed to obey their reasonable and lawful orders.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. Before I reply to this question, Sir, I want to seek your guidance here; also, I want to inform the House that since the question was asked last September there have been developments and, therefore, there is a slight change to the actual reply issued which appears in part (b). I will be informing the House as I reply.

(a) Whenever bona fide cases of wrongful dismissal or non-payment of wages to employees by their employers are reported to the officers of my Ministry appropriate action is taken. In

[The Assistant Minister for Labour]

most cases satisfactory settlement is reached without resort to prosecution before a court.

However, there are occasions when complaints are made, by employees, which cannot be supported because of breach of condition of employment on their part; on others you find that it is the employer to blame; it is, therefore, difficult to generalize. If the hon. questioner, the hon. Member for Parklands, has specific cases in mind, he should let us have them for the necessary action to be taken.

(b) This is where the change appears, Mr. Speaker. My Ministry already has the necessary legal powers.

Mr. Kanja: Mr. Speaker, Sir, instead of the hon. Assistant Minister asking the hon. questioner to give specific cases, why does the Ministry not take action by referring this matter to the labour officers, who are already charged with this responsibility, and collect whatever information the labour officers have?

Mr. Kibisu: Mr. Speaker, Sir, my offices do not go round the country hunting for problems. If any employee is affected, if he thinks he is aggrieved as a result of being discharged, it is up to that employee to come forward to my Ministry and report his problems. In most cases—nearly in all cases where justification exists—appropriate action has been taken. The hon. Member for Parklands as well as the hon. Waruru Kanja have a duty to educate the workers to make a habit of going to the Labour Ministry for the settlement of their problems.

Mr. O'Washika: Mr. Speaker, Sir, in some cases, when an employee has been wrongfully dismissed, he goes before the labour officer and reports the matter. In certain cases, these fellows are chased away by the labour officers, and no attention is given. Even if the employer was asked to appear before the labour officer, the African employee who has been wrongfully dismissed is not allowed to get into the room, so as to hear what goes on between the labour officer and the employer.

What is the Ministry doing in such a particular case?

Mr. Kibisu: Mr. Speaker, that is a very serious allegation, and the hon. Member for Mumias is cordially invited to present me with an actual case in sight.

Mr. Kivuitu: Mr. Speaker, Sir, whereas the Assistant Minister is wrong in saying that the labour officers should not go round and conduct investigations whereas the Regulations of Employment Act provide that they can go and

make inquiries, I would like to know whether the problem is not that the Ministry is understaffed as far as labour officers are concerned, and as a result the officials there have to be seen in the Ministry and they are not able to go out and investigate.

Mr. Kibisu: Mr. Speaker, Sir, we are not understaffed in the Ministry of Labour. Mr. Speaker, I would like to say this: hon. Members seem to think that industrial relations is a matter for the labour officer sitting in an office; it is a matter between employer and employee, and the duty lies on either of those parties to draw our attention to the existence of a dispute between them. Additionally, effective unions are organized in this country; and they, too, have a responsibility to draw such matters to our attention.

Mr. ole Marima: Mr. Speaker, Sir, in view of the fact that the Assistant Minister admits that there is no shortage of staff in his Ministry, why do we not have labour officers in every district?

Mr. Kibisu: The fact that we do not have labour officers in every district does not spell shortage of staff in my Ministry. I have said it before, Mr. Speaker, and I would like to reiterate that labour offices are not established until there is enough employment population to be able to justify the services of that officer. The districts which do not have enough working class, industries and things like that, will not expect to have a labour officer of their own, but they will be served by the nearest labour officer geographically situated.

Mr. Mulwa: Mr. Speaker, Sir, since the hon. Assistant Minister has invited us to send to him any specific cases we have regarding this matter, and remembering that in the last Session the same Assistant Minister invited us to send matters in connexion with another question to him to deal with, of which I took the trouble of doing and received a reply in a letter signed by a petty officer from his Ministry, would he tell us whether he is going to give us the same treatment if we take the trouble to give him specific cases, or he is going to take action?

Mr. Kibisu: Mr. Speaker, Sir, the hon. Member for Makueni admits that we have taken action. What he is actually disagreeing with is the type of action we have taken.

Mr. Mulwa: No, you never did anything.

Mr. Wabuge: Mr. Speaker, is the Assistant Minister aware of the fact that throughout the country most of the employers do dismiss their employees without sufficient notice, and even when one queries it nothing is done because, whatever you do, whether you go to see the Minister or the President, they are already in their

[Mr. Wabuge]

pockets. These employers, particularly the Asians, say that they have already pocketed the big people in Government and, therefore, the employees are being frustrated throughout the country? Is he aware of that?

Mr. Kibisu: Mr. Speaker, Sir, why has the hon. Member for Kitale West not been able to go into the nearest labour office and report the cases which have come to his attention?

Mr. Speaker, Sir, let me say this as a comment in reply to what the hon. Member has said: the Ministry of Labour, Government or this hon. House cannot force any employer to keep an employee if he is not measuring up to standard. What we can do is to continue to protect the employees within the established conditions of work. If hon. Members have cases of a deliberate breach of these conditions of service my Ministry will be only too delighted to deal with them as we have done for the hon. Member for Makueni.

Mr. Mulwa: You never did anything.

The Speaker (Mr. Mati): Next question. Mr. Mutua?

Mr. Muthamia: On a point of order. The hon. Member who is supposed to ask this question is in the House but he is unable to speak because he is sick. He has asked me to ask it on his behalf.

The Speaker (Mr. Mati): You will ask it later.

Question No. 30 (1247)

EXPENDITURE ON ROAD DEVELOPMENT

Mr. Muturia asked the Minister for Works if he would tell the House how much money would be spent on road development in all provinces since the Minister had publicly announced that Government would use KSh. 12,000,000 for roads in Western Province.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. Subject to funds being available, the Government plans to spend £53 million during the Development Plan period of 1969/74 throughout the country.

Mr. Muturia: Could he repeat that?

Mr. Keen: I said that subject to funds being available Government plans to spend £53 million on road development throughout the country during the current Development Plan period, 1969/74.

Mr. Muturia: Mr. Speaker, Sir, that was not my question. Sir, I am not interested in knowing how much Government is going to spend during the current Development Plan period.

My question was, the Minister announced KSh. 12 million for road development in Western Province. Could he tell the House how much he is going to spend in every province in Kenya?

Mr. Keen: Mr. Speaker, Sir, I do not know whether the hon. questioner can read and write. The question before the House is: "Could the Minister tell the House . . .", if I may quote—

Mr. Muturia: On a point of order, Mr. Speaker, Sir, the hon. Assistant Minister says: "I do not think the hon. Member can write or read." What does he mean by that?

Mr. Keen: I did not intend to be offensive to the hon. Member, but if I understand his question clearly, it is written in clear language here, Mr. Speaker, and if I may quote: "Could the Minister tell the House how much money will be spent on road development in all the provinces?"

Had he asked the question: "Could the Minister give a breakdown as to how much money Government is going to spend in each province" I would have answered it. I have the information with me. If he wants the breakdown as far as the provinces are concerned, then I beg to reply.

Central Province, £9 million for 1,850 kilometres of road. Nyanza Province, £8 million for 970 kilometres of road. Eastern/North Eastern provinces £10.5 million for 960 kilometres of road. Rift Valley Province, £13.5 million for 1,500 kilometres. Western Province, £6 million for 500 kilometres. Coast Province, £6 million for 333 kilometres of road.

Mr. Muturia: Mr. Speaker, Sir, now the Assistant Minister has understood my question. Was the Assistant Minister, Mr. Speaker—

Mr. Munyasia: On a point of order, Mr. Speaker, I do not want to prevent the hon. Member from asking his question, but, Mr. Speaker, from time to time you have ruled out that there are no regulations governing how hon. Members should dress. But, Sir, in your opinion, as the Leader of the National House, do you think hon. Muturia is well dressed? Is it right for him to come here like a fisherman?

The Speaker (Mr. Mati): Order! Order! I am afraid I cannot see Mr. Muturia's collar. Will you ask your question, Mr. Muturia?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. Is it in order for hon. Muturia to try to hide the truth from you by standing up with a paper to shield his dress so that you do not see how he looks at

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

his neck? Would you order him to remove the paper so that you can make a judgment?

The Speaker (Mr. Mati): No! That means he is repentant.

Mr. Muturia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, the thing I wanted was the breakdown. Would the Assistant Minister for Works—in fact that is why I asked this question—tell this House why he has mentioned Eastern Province and North-Eastern Province together for K£5 million while each of the provinces is getting, say, K£13 million? Mr. Speaker, Sir, you know that North-Eastern Province is one of the largest provinces and has the worst roads.

An hon. Member: Why?

Mr. Keen: Mr. Speaker, Sir, would the hon. Member repeat his question because there was a lot of commotion and therefore I could not hear it well? Would he repeat his question please?

Mr. Muturia: Yes, Sir. I hope the Minister will listen properly this time. Mr. Speaker, Sir, my question is: Would the Assistant Minister tell this House why he should combine two provinces together; namely, Eastern Province and North-Eastern Province for K£5 million while some other single provinces are given K£12 million to K£15 million and yet, you know Sir, that, Eastern and North-Eastern provinces have the worst roads in Kenya?

Mr. Keen: Mr. Speaker, Sir, I appreciate the sentiments expressed by the hon. Member, but we have a system of working in our Ministry. We do not follow the existing provincial boundaries in allocating our funds. Therefore, the reason why the Eastern and North-Eastern provinces have been allocated the K£10 million and amalgamated into one unit is just because of the system we follow in our Ministry. This does not indicate, however, that they will not be considered during the next Development Plan that may probably come between 1974 and 1978.

Mr. Kadir: Mr. Speaker, Sir, although these provinces have been amalgamated into one unit according to the Ministry's system, why have those areas which were developed during the colonial time been allocated more money instead of allocating the money to these two provinces because they were forgotten during the colonial time?

Mr. Keen: Mr. Speaker, Sir, it is all right to say that some areas were developed during the colonial time while others were not. However, we cannot go out to spend money in some areas where the volume of traffic or the economic

output does not justify the expenditure. It would be a waste of Government funds.

Mr. Kadir: On a point of order.

The Speaker (Mr. Mati): Order! Mr. Kadir, let us first of all hear what the Minister has to say before you stand on a point of order.

Mr. Keen: Why do not you pay attention first? However, Mr. Speaker, Sir, I have already said that it is all very well to say that some areas need to be developed. The Government agrees entirely that there is need to develop some of these areas that were left behind during the colonial days. However, at the same time, some factors have to be taken into consideration. These include: the volume of traffic, the economic justification, industrial development, political growth and other factors. We do not just plan for a road to go though nowhere to the North Pole or South Pole just because we want to develop some of these areas.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from the Minister's reply, where he says that the roads are planned where there is industrial development and political growth, would he tell us whether that is the reason why there is no factory in the North-Eastern Province? Also, Sir, if there is no political growth in the area, who brought us to this House, was it he, himself?

Mr. Keen: Mr. Speaker, Sir, the hon. Member—Mr. Araru—should be grateful to the Government because of the existing road—now under construction—from Nairobi to Addis Ababa. The Government is spending a lot of money through the wilderness where the hon. Member comes from.

An hon. Member: On a point of order, Mr. Speaker Sir?

The Speaker (Mr. Mati): No, let us not have points of order.

Mr. Koigi: Mr. Speaker, Sir, does the Assistant Minister agree with me that although this Parliament has given money for the construction of roads there is nothing being done in the whole country? We see surveyors but no roads are being constructed.

Mr. Keen: Mr. Speaker, Sir, I do not know how I could reply to that question because the hon. Mr. Koigi, himself, has travelled all over the country. He has eyes and he sees our bulldozers and other machines, he sees our surveyors and, in fact, he sees the Ministry of Works at work!

Mr. Muthamia: Mr. Speaker, Sir, arising out of the answer given by the Assistant Minister, can he tell the House whether the tea-roads have been included in his reply; those in the existing Development Plan?

Mr. Keen: As far as I know, Sir, the K£53 million is the total money that will be spent during the current Development Plan. I think the money will cover the tea projects as well.

The Speaker (Mr. Mati): Next question.

Question No. 16 (1215)

RE-INTRODUCTION OF AFFILIATION ACT

Mr. Mulwa asked the Attorney-General if he would tell the House whether, since after the repeal of the Affiliation Act the illegitimate children had proved a big burden to the parents of school girls who become pregnant while in school and before they are in a position to support themselves or their children, and in view of the fact that the situation is becoming worse, as a matter of urgency he would re-introduce the Affiliation Act, this time designed to protect school girls only.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. Sir, when the Bill to repeal the Affiliation Act was being debated in this House, in 1969, I said that I moved that Repeal Bill with a heavy heart. I, myself, was not convinced that we did the right thing, but then I happened to be the only person.

Hon. Members: Question!

The Attorney-General (Mr. Njonjo): What shall I say? Shall I say that we were a minority. Now, I do not believe, Mr. Speaker, Sir, that having repealed the legislation this House can again be asked to re-introduce the same provisions of law. My reaction to the issue is that if it is school girls who are getting pregnant. I think the parents of those children should tell them not to get pregnant. However, if it is the women who are getting pregnant, then, all I can say on my part—not from experience—is that instead of re-introducing the legislation as suggested by my learned hon. friend, it is time the women in Kenya were careful and not fooled around with men. However, if they have to, they should practise the use of contraceptives.

Mr. Mulwa: Mr. Speaker, Sir, since I am concerned with school girls and my learned friend has suggested that parents should tell these girls not to become pregnant, would he agree with me that one of the ways which a parent can use to tell their daughters not to get pregnant is to introduce legislation making contraceptives free all over as is the case in Sweden, so that these girls can get them without going to the doctors?

Hon. Members: No! No!

Mr. Njonjo: Mr. Speaker, Sir, I think I would be the last person to make any comment to that suggestion because— My reply, Sir, and I speak quite seriously, is that I believe why this

legislation was repealed was because it was being exploited by women. I happen to know, from court records, of a woman who was getting affiliation fees from no less than five men, unbeknown to each other, and for one child.

Hon. Members: Hear! Hear!

Mr. Njonjo: We also know—this will surprise the hon. lady—that there was an African who was paying this affiliation allowance thinking that the child was his while, in fact, the child belonged to a European. He kept on paying for five years! Now, I think that the responsibility is squarely upon the women to be careful and not be lured astray by men.

An hon. Member: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! No. I have already called upon Mrs. Onyango to ask a question.

Mrs. Onyango: Mr. Speaker, Sir, I want to ask only one question although I have two questions which I would have liked to ask. I want to find out whether this lady who was getting allowances from five African men and yet the child belonged to a *Mzungu*—when she was proving that this child belonged to these five people, was there nobody who could prove who the owner of the child was?

Mr. Kivuitu: Mr. Speaker, Sir, can we know why this woman who had gone to the court five times and given false evidence was not prosecuted for perjury?

Mr. Njonjo: Mr. Speaker, Sir, I did not say that this woman went to court. I happen to know that there are quite a number of people today, perhaps in this House, who are paying this money because—and let us be quite clear on this—if a man is married he does not want his wife to know that perhaps, that he is involved with another woman.

Mr. Kivuitu: Mr. Speaker, Sir, my learned friend, in his reply, said that he knows this after seeing court records, and surely that must have been so because evidence was given in court unless he is now amending his answer.

Mr. Njonjo: Mr. Speaker, Sir, I choose my words, and I am quite careful when doing so. This can be checked from the HANSARD. The woman whom I referred to, as having been being paid this money did not go to court because there were five men who were involved.

Hon. Members: How did they agree?

Mr. Njonjo: By consent because she will go to one person who will think that he is responsible and he agrees to pay because he does not want

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to go to court. A second person, when approached by the same woman, because he does not want to go to court, agrees to pay.

Mr. Kitonga: Mr. Speaker, Sir, can the Attorney-General agree to consider the question as it is and accept my suggestion as a person with experience and one who happens to be parent of 13 children? Mr. Speaker, Sir, I believe that the last Act was drafted by people who had no experience, but now we have our own lawyers and we have people who happen to be the fathers of many children, like myself—and therefore, will the Attorney-General agree to re-introduce the Affiliation Act—will you excuse me—and ask people like myself with many children to help him in drafting such an Act?

Mr. Njonjo: Mr. Speaker, Sir, of course, I must bow to the experience of the hon. Member. However, I personally will not re-introduce the legislation. If the hon. Member can think of a lawyer among the hon. Members of the House who wants to introduce a Private Member's Bill, by all means let him do it.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, the Attorney-General has made a serious allegation here. We know all the women who instituted affiliation cases against men did so in a genuine way, but here the Attorney-General is generalizing when he says that there was one woman who instituted a case against one man when the child belonged to another man. Now this to my opinion is what may worry all women because there is not even a single woman who instituted such a case against a man. To clear this allegation, am I in order to ask the Attorney-General to make it clear who this woman was because, unless he does so, all the other women are going to be demoralized?

The Speaker (Mr. Mati): It is not necessary.

Question No. 2 (1171)

LOAN FOR BUYING A SAW-MILL

Mr. arap Cheboiwo asked the Minister for Commerce and Industry if he would tell the House—

- (a) whether he was aware that there was a group of people (Pitsawyers) from Katimok Forest in Baringo-North Constituency in Baringo District who applied for a loan of KSh. 200,000 for buying a saw mill but had not been given it up to now; and
- (b) if the policy of the Government was to develop the rural areas, why then these people had not been given the loan.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, this question was asked in August last year and I hope the questioner will agree with me that it is now out of date because the group he is referring to has already received the loan.

Mr. arap Cheboiwo: Mr. Speaker, Sir, I entirely agree with him and I am very satisfied because this group has already received the loan.

The Speaker (Mr. Mati): In such a case, I think it would help if the questioner would let us know in time so that we do not have to waste time on asking unnecessary questions.

*Question No. 17 (1218)*STONE-LAYING CEREMONY IN MUMIAS:
PUBLICITY

Mr. O'Washika: Mr. Speaker, Sir, before I ask this question, I would like to add one or two words in the last two lines, so that it reads as follows:—

“Could the Minister tell this House why the stone-laying ceremony conducted by the Archbishop F. H. Olang' at Lubinu Parish in Mumias Division on 23rd July 1970—

The Speaker (Mr. Mati): Order! What are you doing, Mr. O'Washika? You seem to be asking a different question. You can only go by what we have here.

Mr. O'Washika: Mr. Speaker, Sir, I am only adding the words which have been omitted, that is, “Lubinu Parish in Mumias Division”.

Mr. O'Washika asked the Minister for Information and Broadcasting if he would tell the House why the stone-laying ceremony conducted by the Archbishop F. H. Olang' in Mumias on 23rd July 1970, was not publicized.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I think you will excuse me because I did not hear the correction; however, I beg to reply. Had any request been made to my staff at Kakamega to cover the ceremony in question, I am sure that would have been done.

On 22nd July 1970—to prove this, Mr. Speaker—the same Archbishop did perform a ceremony of a similar nature at St. Pauls Church, Kasoko in Bungoma District and coverage was given. It is, therefore, the duty of everyone who wants to be covered by my men to approach them in good time.

Mr. O'Washika: Mr. Speaker, Sir, is the Assistant Minister aware that for this particular ceremony a fee was paid by me personally to

[Mr. O'Washika]

his Ministry and also that a person was sent to Kakamega to go and inform the Ministry that the ceremony was taking place on 23rd of July 1970? It is not a question that I did not make a request.

Mr. Kase: Mr. Speaker, Sir, every person in Kenya who goes to the Voice of Kenya and he says that he is going to hold a meeting has to make a request to the information officer responsible for that area, however, merely announcing that you have a function at a particular place is not a request to our Ministry that you want to be covered.

Mr. O'Washika: Mr. Speaker, Sir, I do not know whether I was understood. In this particular case, I am telling my friend, a fee was paid and a person was sent to Kakamega to go and inform them that the ceremony was taking place on 23rd of July 1970, but it was not a question of just announcing it in the Press.

Mr. Kase: Mr. Speaker, Sir, if I understand the hon. Member properly, and you will help me in this, I understand from what he is asking that money was sent to our information office in Kakamega so that it could be announced that a stone was going to be laid by Archbishop Olang'. This was similarly transmitted to the Voice of Kenya and it was announced over the Radio. That was done, but what was not done by the person concerned was to make a request to the information officer asking him to go and cover the event. What happened is that a person has given revenue to the Commercial Department of the Voice of Kenya, but he did not make a request to the Kenya News Agency.

Mr. D. M. Kioko: Mr. Speaker, Sir, I fail to understand whether the Assistant Minister is telling us that when you pay a fee for any announcement in the Information Department your announcement is not going to be publicized?

Mr. Kase: Mr. Speaker, Sir, I wish the hon. Member would repeat his question.

Mr. D. M. Kioko: Mr. Speaker, Sir, since the question, as put by the questioner, indicates that he paid fees for this occasion to be publicized, now, I am asking the Assistant Minister to tell us whether, if any fee is paid to his department to announce or publicize any occasion, this, in itself, is not enough to have such an occasion covered?

Mr. Kase: Mr. Speaker, Sir, when the money was paid, the announcement was carried over the Voice of Kenya that Archbishop F. H. Olang' was going to lay a foundation stone somewhere in

Busia District. That was done and if it was not done, then, I would ask the hon. Member to bring me the facts and I will have the money refunded to him. However, as I said earlier on, Mr. Speaker, that having been announced, if he wanted public coverage, again, on the actual ceremony itself, he needed to approach our staff so that he had coverage on Television, Radio or the Press.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, am I being made to understand that the duty of the Ministry of Information is to receive the news but not to collect it and that they are always to sit in the office and receive the news and not to collect it? Tell us.

Mr. Kase: Mr. Speaker, Sir, my Ministry has a duty to collect news from every part of Kenya and similarly, any gentleman or gentlewoman in Kenya, who has news, can send it to the Kenya News Agency so that we can receive it. That means it is a two-way traffic. You can either bring it to our office or we can come and look for it.

Mr. O'Washika: Mr. Speaker, Sir, in this particular matter, I am seeking your guidance. In this case, it is true the announcement was made over the Voice of Kenya and on top of the announcement, a padre called Obatha, from the Lubinu Parish went to Kakamega to ask the information office staff to send somebody to Lubinu Parish on the morning of 23rd so that the Archbishop should be covered. I am sure this padre went to Kakamega and I can swear an oath for this.

Mr. Kase: Mr. Speaker, Sir, I do understand from the hon. Member now, that a man was sent to Kakamega to see an information officer, who was to cover this event, plus the fee to announce it over the Voice of Kenya. I wish to say, Mr. Speaker, that we do not have in our records a request having been made to this effect. I want to make it very clear, Mr. Speaker, that for every request that is made in every province, there is a diary where the name of the man making the request is recorded, which information officer will go and the person is told on the spot whether he will get a person to cover the event or not and these records are sent to my office and we look at them. Looking through, Mr. Speaker, we have not seen that record. If he can give me the name of that particular officer, who was told but deliberately did not put it on the diary, I will take action against that man.

The Speaker (Mr. Mati): Next question. Mr. Mbori has withdrawn his question therefore, we go to Mr. O'Washika's question.

Question No. 18 (1224)

EDUCATION FOR DESTITUTE CHILDREN

Mr. O'Washika asked the Minister for Education to tell the House what the Government plans were to provide education for destitute children.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. Government has always considered remission of fees in primary schools or award of bursaries in secondary and university institutions as a fair way of assisting poor and destitute children. This practice has been in force and with the increased rate of remissions during the current Development Plan. Government hopes to assist a larger number of bright children of poor or destitute backgrounds.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by the Minister for Education, in the case of a mother who having lost a husband has children who have attended nursery school with great difficulties, and when they go to primary schools has no money to pay for their fees, has the Ministry of Education any plans for these types of children who have no father and whose mother cannot afford to pay fees for their education?

Mr. Towett: Mr. Speaker, Sir, the system that my office follows is that a particular parent who considers himself or herself destitute or poor, goes to the local people, the local sub-chief, and then they discuss with the teachers of the school they want their children to be sent to and they see whether they fall within the percentage of remission in the particular school they want. This is done all over the country and there is no need for the parents to come to my office because this work is done locally with the assistance of the Assistant Education Officers who are all over the country-side.

Mr. Jilo: Mr. Speaker, Sir, is the Minister aware that last year he made such a statement here on this same issue. He told the Members of this House to go to his office to seek clarification? Is he also aware that just now, there are so many destitute children who have applied for remission and have never been replied to by his Ministry?

Mr. Towett: Mr. Speaker, Sir, I think my friends, the hon. Members do not understand the procedure. We have three divisions of our institutions. If you are talking about destitute children in our primary schools, this is a different story and one should go and see the local Education Officer or the Assistant Education Officer, see also the sub-chiefs and present your case to them

that certain children or a few children are poor. Then, these children will go to the schools they want to be considered for and see whether the percentage of remission in that area has been exhausted or not.

I know, in some cases, Mr. Speaker, Sir, some children who are not really poor, have been recommended by people sympathizing with their friends to make use of the remission that we give. That is one category, Mr. Speaker. The other category is the secondary schools. Now, unless there is a specific case which is brought to us, we just cannot discuss the whole of the three systems. It is impossible.

Rev. Kalume: Mr. Speaker, Sir, arising from the Minister's reply, since Kenya has been dry for the last two years, many parents in some areas cannot afford school fees at all, could he consider to remit more children in those areas because 5 per cent is not enough? There are certain areas in the Coast Province where parents want to educate their children but they cannot get the school fees because of the long drought. Could he consider increasing the percentage of remission in those areas?

Mr. Towett: Mr. Speaker, Sir, I agree that most areas of Kenya have been very dry and some are still dry, but the money I have was planned for a number of school children in the country and unless I get extra money, because of the drought, I cannot consider even increasing numbers for remission.

The Speaker (Mr. Mati): We go back to Mr. Mutua's question.

Question No. 23 (1240)

BREAKDOWN OF NITHI AREA COUNCIL TRACTOR

Mr. Muthua, on behalf of Mr. Mutua, asked the Minister for Works to tell the House whether he was aware that the Nithi Area Council road tractor had broken down and was lying idle at Kabui in lower Mwimbi Location of Nithi Division and that the roads to the markets and Health Centres were impassable.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. No Sir, I am not aware. I think for the benefit of the hon. Member, my Ministry has never taken over roads and equipment from area councils. If the broken tractor is still lying there, it is still being considered the property of the Meru Area Council.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, since the area council is not paying the road workers in Meru District, and the Central Government,

[Mr. Muthamia]

which is his Ministry is paying those people, what are they going to do and what is going to happen to those tractors which are lying idle there?

Mr. Keen: It should be or it is the sole responsibility of the Meru Area Council and the Ministry of Local Government to sort out their own affairs. It is not our problem.

Mr. Araru: Thank you very much Mr. Speaker, Sir. Arising from the Assistant Minister's reply, when he said that this is the responsibility of the Meru Area Council and the Ministry of Local Government, is the Assistant Minister denying the responsibility of roads which are under his Ministry?

Mr. Keen: The major responsibility of roads under our Ministry has been already stated clearly before. These are all classified roads which were formerly under county councils and not area councils. There is a difference between the two.

The Speaker (Mr. Mati): Next Order.

MOTION

REVIVAL OF MEMBERSHIP OF STANDING AND SELECT COMMITTEES

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

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

Mr Speaker, Sir, in the interest of the House and in order to facilitate the proceedings of the House this is necessary so that the Sessional Committees consisting of the original Members can sit and then propose the new membership of all the committees which will come to the House and with the consent of the House, then, the new committees will function.

Mr. Speaker, Sir, it will be difficult if we cannot have any committees at the moment because we will have to sit again and reconstitute the new committees. Mr. Speaker, what I am asking the House is to agree that the committees which existed before the prorogation of the House should function so that the Sessional Committee can meet and propose things which will then be brought to this House immediately, possibly tomorrow or the day after tomorrow.

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

The Minister for Commerce and Industry (Mr. Osogo): seconded.

Mr. Mwamzandi: Thank you very much, Mr. Speaker. Sir, it is quite true that we must have a Sessional Committee in existence in order to have the proceedings of the House going smoothly. However, to my observation, Sir, this Motion does not only need the existence of the Sessional Committee alone. It needs the existence of the Select Committees which were in existence at that time. Some of these committees never met even for a single day. For example, the Public Finance Committee never met in the last Parliament, for the whole of the last year.

Another thing, Mr. Speaker, Sir, it is not very difficult for the Leader of Government Business to bring before this House now—with preparation from yesterday—names for the recommendation of this House to the Sessional Committee. Here, it is said, "until otherwise ordered". We do not know when this order will be made; whether it will be in the next two days, as he has just now promised, or whether it is just a word because the words "two days" have not been put in the Motion. It could even take longer time. Some of the Members who were in the Sessional Committee were very lazy and not keen enough in attending the Sessional Committee meetings.

The Leader of Government Business should have, in advance, selected those Members who are prepared to serve Parliament in the Sessional Committee and every other committee just before the House met, so that we could recommend them immediately.

Here, the Vice-President has failed to tell us which are these committees he has referred to because immediately the House is prorogued, all committees die and we do not expect them to exist. Here, Mr. Speaker, Sir, we are not sure now how long it will be before the Vice-President is going to bring in the Motion for the Select Committee. However, I am agreeing with this Motion taking into account that the Leader of Government Business will bring the Motion for the Select Committee and every other committee this week and not "until ordered" which might be six or seven months from now. So, with these few remarks, I beg to support expecting the Vice-President to bring a Motion for every Select Committee immediately.

With these few remarks, I beg to support.

Mr. Seroney: Thank you very much, Mr. Speaker, Sir. I start by congratulating the Leader of Government Business for taking this step to get a Sessional Committee appointed at the outset in order to avoid some of the difficulties which we experienced during the last session. Our Standing Orders, Mr. Speaker, provide that a Sessional Committee should be appointed at the beginning of each Session. This is important because there

[Mr. Seroney]

are many things which cannot be done except by or on behalf of a Sessional Committee. For example, last time when the Government attempted to limit debate on the Presidential Speech, it was pointed out that it could not be done on behalf of a Sessional Committee. One of the reasons why we have not started debating on the President's Speech today, I believe, was because the time could not have been limited because there was no Sessional Committee. I therefore think it is a good thing to appoint a Sessional Committee now so that it can meet as soon as possible and the orderly proceedings of this House can take place without unnecessary delay. One of the things which the Sessional Committee has to do is to select Motions for Private Members' day. Hon. Members will recollect that we Back-benchers lost four Fridays during the last Session. This time we are determined not to lose a single one. So, Mr. Speaker, I accept the intention of the Leader of Government Business. It appears that the wording in this Motion has been followed regularly over several years now. However, I am unhappy about this Motion because I think it is inconsistent with the spirit of our Standing Orders. The Motion says that the committees should remain unaltered and that they continue to serve until otherwise ordered by the House. Well, that is all very well but our Standing Orders require a Sessional Committee to be appointed at the beginning of every Session and we should not get into the habit of saying that all the previous committees are revived and they continue and we accept that as a matter of course.

So, Mr. Speaker, while keeping the results intended intact I would like to propose an amendment which will achieve just the same thing which the Mover of the Motion intended but with due respect to our Standing Orders. I therefore, beg to move, Mr. Speaker, that all the words after "this House" be deleted and that there be substituted in place thereof the following words:—

"Resolves that all Members who served in the Sessional Committee and other Select Committees as at the last prorogation of the National Assembly be and are hereby nominated to serve in the same committees until the House otherwise orders."

Mr. Speaker, Sir, I would urge the Leader of Government Business not to wait too long before proposing to this House fresh names for a new Sessional Committee. However, in view of the fact that we do require a Sessional Committee urgently, I hope the House will accept the intentions of the Leader of Government Business and trust that within a few weeks he

will come up with the actual names for a fresh Sessional Committee.

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

The Speaker (Mr. Mati): Who is seconding the amendment?

Mr. Munyasia: Mr. Speaker, Sir, I stand to second the amendment by my hon. friend here. Mr. Speaker, Sir, we all know that this House cannot sit and continue to do its functions unless we have a Sessional Committee. Mr. Speaker, Sir, I think the Motion as moved by the Leader of Government Business has come at the proper time. Mr. Speaker, Sir, I say so because if we sit idle without a Sessional Committee, it does not serve the House any useful purpose. How will the House continue without the committee which directs the business of this House? Therefore, Sir, I think it is right and proper that hon. Members who sat in various committees remain nominated, not elected, and do so for the time being. Mr. Speaker, this is because if we say they remain as elected, we do not know at what stage the other proposal will be brought in. Therefore, Sir, I think the Mover of the Amendment was right to say they remain as nominees without any alterations, until the proper election of Members who sat in various committees comes into force.

Now, Sir, we have seen that some of the hon. Members here have been selected to serve in various committees for about a year but only to find that some of these committees do not function. Therefore, Mr. Speaker, Sir, it is useless to select a committee which does not sit. There is no point at all in having such a committee. Some of these committees were very useful during the last Parliament. Therefore, Sir, I hope that when the Leader of Government Business proposes the names to such committees they should see to it that these committees do their work right from the start but not to be committees by mere names—a committee to deal with finance; Select Committee on unemployment and so on.

Therefore, Sir, I think the amendment will serve a useful purpose for the time being so that we get the Sessional Committee going. With these few remarks, Sir, I beg to support the amendment.

The Speaker (Mr. Mati): I will propose the question of the amendment. Now, the amendment and the original Motion are substantially the same and therefore, I do not propose to go through all the stages, but I will propose the amendment as moved.

(Question of the amendment proposed)

The Minister for Works (Mr. Nyamweya): Mr. Speaker, I do not see very much difference between what was moved by the Leader of Government Business and what the hon. Member for Tinderet has amended. However, I think he has advanced one vital point, and that is: due respect to be given to the Standing Orders of this House. It is true that at the end of every Session, all the standing and Select Committees of this House come to an end and cease to operate or to be of any service to the House. The Standing Orders do require that they should be formal establishments of these committees. I think this point is taken into account if we concede that the hon. Member for Tinderet has given due respect to the Standing Orders. I do not think the Leader of Government Business or Government on its side has any strong views in relation to the amendment. I think the amendment is commendable to the House and should be approved without any further debate on the matter.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order. Mr. Speaker, in view of the reply by the Minister from this side of the House, and in view of the views so far expressed, is it not time for us to call upon the Mover to reply?

The Speaker (Mr. Mati): Not quite, because we are dealing with an amendment. So, since it seems Government has accepted the amendment, all I can do is to put the question of the amendment. So, I will put the question.

(Question of the amendment put and agreed to)

The Speaker (Mr. Mati): So, the Motion now reads as I have already read.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Speaker, I beg to move that the Mover be called upon to reply.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I thank the House. This is the beginning of a new Session and we have conceded on a very genuine amendment and I hope this is going to be the spirit in which this House will be working. Mr. Speaker, Sir, as our President referred yesterday, we are grown-ups and we should criticize things, of course, knowing we are mature and that we have been entrusted with the views of the *wananchi*. Therefore, Mr. Speaker, Sir, without labouring too much on this issue, I would like to remind the House that the committees in question are as follow:—

Sessional Committee, Speaker's Committee,

Committee of Privileges, Estimates Committee, Library Committee, Catering Committee, Select Committee on Stock Theft, Select Committee on Standing Orders.

Mr. Speaker, Sir, I would like to remind hon. Members that the fault is not Government's. If a committee has been established, it is up to the chairman of that particular committee to convene the committee and carry on business. Mr. Speaker, I did refer to this point last year that the Estimates Committee is a very important Committee and that, therefore, those selected to serve on this Committee should make use of this committee so that we do not have complaints about what is being spent by various Ministries. Mr. Speaker, Sir, I once again appeal to hon. Members, particularly those who serve on these committees to make sure they make use of these committees and air their views in these committees so that the debate in this House may proceed without any difficulties. Again, the reason why I brought this Motion is, of course, because of the coming Government business. The hon. Member for Tinderet indicated that we will have to decide the number of proposed procedural Motions or any Motions and this will have to be backed by the decision of the Sessional Committee. Therefore, after the House has passed this Motion, I expect the hon. Members of the Sessional Committee to meet tonight so that we can propose the business for the coming days. I assure the hon. Members that we will not delay in proposing the new Members of these Committees for the House to approve.

With these few remarks, I beg to move.

(Question put and agreed to)

The Speaker (Mr. Mati): Next Order.

BILLS

First Readings

THE FISH INDUSTRY (AMENDMENT) BILL

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) (AMENDMENT) BILL

THE COFFEE (AMENDMENT) BILL

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

THE CUSTOMS TARIFF (AMENDMENT) BILL

(Orders for First Readings read—Read the First Time)

Mr. Migire: On a point of order, Mr. Speaker, Sir, could I seek for your guidance in this case. Yesterday, His Excellency, the President of the Republic of Kenya addressed this House, and it is the intention of some of us in this House

[Mr. Migure]

to comment on few points which the President mentioned in his general Address to this House. Now, could I know from you, Mr. Speaker, when we are going to be given time to address this House on the Presidential Address because we have a lot of things to say on his Address?

The Speaker (Mr. Mati): Perhaps you could have allowed Mr. Anyieni to sort out what we were doing here and then raise that. However, nobody has denied you the opportunity of discussing the Presidential Address. What happens is that, at the beginning of the Session Members usually, do not want to plunge into debate on that very general discussion. They like to have some time to read the Speech and prepare themselves. That is why we have taken this business to allow the Members to do that. We will still be coming back to that and it will be, in fact, left to you to decide for how long you want to discuss the Speech.

I understand it is not the intention of Government, for the time being, to proceed with Orders No. 8 and No. 12. We will, therefore, go to the next Order.

*Second Readings**(With leave of the House)*

THE FISH INDUSTRY (AMENDMENT) BILL

Mr. Seroney: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! Mr. Seroney. I think I know what you mean.

We cannot take two stages of a Bill without the leave of the House, so we have to ask for that leave in order to take the Fish Industry (Amendment) Bill—Second Reading.

Do we have leave of the House?

Mr. Seroney: No.

The Speaker (Mr. Mati): Mr. Seroney objects and therefore, we do not have the leave of the House.

I think, Mr. Seroney, you will need some support— You need a number of Members to support you in your objection.

(A number of hon. Members stood in their places)

The Speaker (Mr. Mati): He has already had the requisite number of Members objecting.

Next Order.

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) (AMENDMENT) BILL

Mr. Munyasia: I object.

The Speaker (Mr. Mati): Mr. Munyasia, you object. But you are all alone.

(A number of hon. Members stood in their places)

The Minister of Commerce and Industry (Mr. Osogo): On a point of order, Mr. Speaker, Sir, in a situation like this where some of these Bills are just but a page and some of them have been staying with us for such a long time, could the House not be entitled to be told the reason for Members taking the attitude they have taken in objecting to two stages of a Bill being taken on the same day? Are we entitled to find the reason why they are objecting to this?

The Speaker (Mr. Mati): No, our Standing Orders are quite clear. If a Member objects and, in fact, Mr. Seroney explained why he was objecting to the first one. If he objects and he has the support of two other Members, or, I agree with him, that is all that is required. However, in this case, I play no part at all. It is obvious that the Members do not want to take the second stage.

The following Order No. 15 applies to something that has been withdrawn. Therefore, we will go to the next Order.

THE COFFEE (AMENDMENT) BILL

Mr. Cheserek: I object.

(A number of hon. Members stood in their places)

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, what will be the position of the House when Members are objecting to all the Bills as they appear on the Order Paper, will the House have to adjourn?

Hon. Members: Yes.

Mr. Mwithaga: Okay, Mr. Speaker, Sir, am I, therefore, not in order to find out from the Chair whether any Member standing to object to the Second Reading and thus rendering the House jobless, should be able to explain?

Hon. Members: No, no.

Mr. Mwithaga: Where are you going?

The Speaker (Mr. Mati): No, it is not necessary. Next Order.

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

The Speaker (Mr. Mati): Any objection?

Mr. Jilo: I object.

The Speaker (Mr. Mati): Next Order.

THE CUSTOMS TARIFF (AMENDMENT) BILL

Hon. Members: No, no.

(Leave of the House for Second Readings refused)

The Speaker (Mr. Mati): Now, Order No. 19 does not apply.

The Minister of Commerce and Industry (Mr. Osogo): On a point of order, Mr. Speaker. I am instructed by the Leader of Government Business to inform members of the Sessional Committee that the Committee will meet immediately we adjourn this House today.

ADJOURNMENT

The Speaker (Mr. Mati): Hon. Members, there being no other Business for us today, the House is now adjourned until tomorrow, Thursday, 25th February, at 2.30 p.m.

*The House rose at twenty minutes
past Four o'clock.*

Thursday, 25th February 1971

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

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

PRAYERS**PAPERS LAID**

The following Papers were laid on the Table:—

Maize and Produce Board 4th Annual Report.

Record of Research Annual Report 1969—East African Agriculture and Forestry Research Organization.

Report of the Kenya Wheat Board for 1st July 1969 to 30th June 1970.

East African Agricultural and Forestry Research Organization—70 years with Kenya in Kenya.

Annual Report and Accounts 1969-1970 Pig Industry Board.

Cereals and Sugar Finance Corporation Nairobi—Balance Sheet and Accounts, 30th June 1970 (Laws of Kenya Cap. 329).

National Irrigation Board—Annual Report and Accounts 1969-70.

(By the Assistant Minister for Agriculture (Mr. Wanjigi) on behalf of the Minister for Agriculture (Mr. Nyagah))

Report No. 20: Loan from Kreditanstalt Fur Wiederaufbau for Supplementary Measures for Mwea Irrigation Settlement Scheme AL 525.

The Appropriation Accounts Other Public Accounts of the Funds for the year 1969-70—together with the Report thereon by Controller and Auditor-General.

(By the Minister for Finance and Economic Planning (Mr. Kibaki))

Kenya Fisheries Reports for the years 1967 and 1968.

(By the Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed) on behalf of the Minister for Tourism and Wildlife (Mr. Shako))

NOTICES OF MOTIONS**EXEMPTION FROM TAX: TANA RIVER DEVELOPMENT COMPANY**

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves that the income of Tana River Development Company shall be

exempt from tax in accordance with Section 12 (2) of the East African Income Tax (Management) Act.

IMPROVEMENT OF ROADS LEADING TO MILK-PRODUCING AREAS

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

THAT realizing the acute transport problems facing the Dairy Industry in Kenya, this House urges the Government to give priority to and improve the roads leading to all the milk-producing areas as is done in the case of roads in the sugar-cane, tea and tourism areas.

PURCHASE OF PROPERTIES FROM NON-CITIZENS BY AFRICANS

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

THAT in view of the fact that Africans who are anxious to get into business are finding it extremely difficult to negotiate with non-citizens served with quit notices, to purchase their properties, because of raising the value of such properties with the intention of exploiting the Kenya citizens by demanding good-will money, this House urges the Government to take appropriate steps to stop the racket forthwith.

DISCONTINUATION OF FORMS V AND VI EDUCATION

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

THAT since there are many families in this country who cannot afford to educate their children due to poverty and whereas the Government is spending huge sums of public funds in educating and maintaining students in Forms V and VI and the fact that the education provided for in these two classes is not absolutely necessary for university studies, this House urges the Government to discontinue Forms V and VI as from the beginning of 1972, and employ the money used in running these classes in setting up funds with each county council for the purposes of helping children whose parents cannot afford to pay for their fees.

DIVISION OF MERU DISTRICT INTO THREE DISTRICTS

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

THAT in view of the fact that the Meru Administrative District covers an area of roughly 4,000 square miles with a population of over 590,000 people who are evenly distributed throughout the district, and in view of the administrative, developmental and sociological

[Mr. Muthamia]

problems that afflict the area as a result of inadequate facilities and means to traverse long distances for the purpose of communicating with the District Headquarters in addition to the diversity of interests and needs that exist throughout the district, this House urges the Government—

- (a) as a matter of urgency, to initiate measures to divide Meru District into three districts which will consist of North, Central and South Meru; and
- (b) to establish a commission to investigate and recommend the boundaries of the three districts after consulting the Meru Njuri Nceke and Meru people as a whole.

ORAL ANSWERS TO QUESTIONS

Question No. 19 (1225)

DEPORTATION OF EUROPEANS AND ASIANS

Mr. O'Washika asked the Vice-President and Minister for Home Affairs if he would tell the House how many Europeans and Asians had been deported from the country since 1963.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. Since the attainment of independence on 12th December 1963, until the beginning of September 1970, a total number of 136 aliens have been deported and sent away from Kenya. Of this, 85 are British subjects—32 of whom are of European origin and 53 of Asian origin—and 51 of other nationalities. They have been deported after serving sentences on criminal convictions and also being declared *persona non grata* by the Government on security grounds.

In order to enlighten the hon. Member, I will give him the following breakdown:—

Those who were deported after serving criminal sentences were 66.

Those who were declared *persona non grata* were 70, and the total comes to 136.

Mr. O'Washika: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he says that the others are of other nationalities, can he also give a breakdown of these other nationalities?

Mr. Shikuku: Mr. Speaker, Sir, I did not go into details of that because here, the problem of our country is mostly with those people of British nationality, and as you can see from the figures I have given, these are higher than the rest. The others are people who are not members of the Commonwealth, those who come from

countries like the United States of America, Greece or any other part of the world—just imagine of any other country.

Mr. Gatuguta: Mr. Speaker, Sir, in view of the fact that there are a lot of bad Asians and Europeans who abuse Africans and look down upon them today, will the Ministry take more positive action to deport more of these fellows from this country?

Mr. Shikuku: Mr. Speaker, Sir, from the reply which I have given, the hon. Members will agree with me that the Government is not sitting put; it is doing something; but at the same time, Mr. Speaker, we are also exercising patience and tolerance towards those who are not seeing the light, and when they do not see the light completely that is the time we ask them to leave this beautiful, wonderful weather of ours to go to the cold places where they came from.

Mr. Ayah: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that the British Government has just made a statement that they are going to introduce a new law restricting Asians—particularly from East Africa—from entering into Britain, would the Minister consider, as a matter of mercy, deporting citizens of Asian origin so that they can enter Britain before this law comes into force?

Mr. Shikuku: Mr. Speaker, Sir, we do not just deport people for the sake of it. Mr. Speaker, we take into consideration the question—

An hon. Member: For the sake of mercy!

Mr. Shikuku: Mr. Speaker, Sir, I am coming to the question of mercy.

We do not deport people for the sake of it. We deport them on reasonable grounds; and one of them, which is a very, very important one is security. Now, we cannot enter into an exercise of deporting everybody just for mercy's sake because the Bill is coming up in Britain.

For the information of the hon. Member, we are an independent country and whether that Bill comes up or not, once we decide to deport a Mr. Smith or Patel we shall put him on the plane and it is up to him to know where to go. But, so long as he is a British citizen we shall send him back there; likewise, any Kenyan in Britain will be sent back to Kenya regardless of any law on immigration operating in Kenya.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that some of the Asians—and here I will be specific—who belong to the Aga Khan Community claim to be first-class citizens in this

[Mr. Wabuge]

country, could the Assistant Minister tell this House how many members of this Aga Khan Community have so far been deported from this country?

Mr. Shikuku: Mr. Speaker, Sir, I think the hon. Member will agree with me that when we talk of Asians and Europeans, the Aga Khan Community is also included as it is in the Asian group. But, if he wants a breakdown of that I think I will require notice of that question. However, if some members of this community are very cheeky and they are citizens of this country, what we do some time is to detain them.

Question No. 35 (1252)

MEDICAL EXAMINATION OF REMAND PRISONERS

Mr. Kivuitu asked the Vice-President and Minister for Home Affairs if he would tell the House the reason why it was that, when remand prisoners were examined by a doctor for injuries, age and mental condition they were not informed that such examination had a bearing on their impending trial so that if need be they could make complaints of maltreatment by police or any other authorities.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. Medical examination carried out on a remand prisoner is intended to produce an objective report on the health of the prisoner—the emphasis is on the word “objective”. Therefore, the question does not arise of relating such examination to any impending trial, or informing the prisoner so.

In fact, anyway, the prisoners are intelligent enough to realize that the medical examination is related to possible court proceedings, and make complaints to an examining doctor whenever they feel so disposed. As the hon. Member knows, if a prisoner complains of maltreatment the court normally orders an inquiry.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which is contradictory, is the Assistant Minister denying that when a man is charged with, say, murder, he is examined so that if any injuries are found, that would also influence the court to know whether there was a fight, and therefore it is relevant to the proceedings and it is important that he should be told why he is being examined?

Mr. Shikuku: Mr. Speaker, Sir, I have said that the prisoners—and most of these chaps are intelligent enough to know—know the purpose of this examination. When we arrest somebody and send him to one of our remand homes, it is natural that this particular individual should be examined. Why, Mr. Speaker? It is because this

particular individual may be having some serious acute disease and just throwing him into the cell would be very unfair. Instead, we should subject him to a medical examination, so that the doctor can recommend any immediate treatment if he is suffering from a disease. At the same time, Mr. Speaker, if this particular individual has been beaten up—In most cases we have heard some people claiming that the policemen have beaten them up in the course of arresting them. This provides a chance for that individual to complain to the doctor and tell him he was beaten up on point X by the police and the doctor will make note of that. Also, when he gets to the court, he can also raise that complaint.

Mr. Mwangale: Mr. Speaker, Sir, I am not sure whether I am really following the answer given by the hon. Assistant Minister. But the way I understand the question is this: Why can the Government not inform a prisoner that whatever results they get from the examination by the doctor may be used against him, or may be used for him; in his favour? The question is, “Why?” The Assistant Minister should not beat about the bush.

Mr. Shikuku: Mr. Speaker, Sir, I have already replied to the question. I said the reason is because the prisoners are intelligent enough.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which is very inadequate, does he not notice that the question is about injuries, age and mental condition? What has that to do with the prisoner's health previously?

Mr. Shikuku: Mr. Speaker, Sir, if you are injured you are not healthy.

An hon. Member: It is about age.

Mr. Shikuku: Mr. Speaker, Sir, I thought he said health.

But, Mr. Speaker, the mental condition is one of the examinations that one has to consider. The doctor has to find out whether this man is normal and fit to be kept together with the other prisoners. If it is a mental case, Mr. Speaker, then the doctor will recommend him to go to Mathare Hospital to stay with the other mentally handicapped people: he cannot be kept with the other normal men when he is mentally deranged. He may kick other prisoners, or probably choke them. Therefore, we have to put him in a different place and that is why the examination is important.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and taking for granted that this particular person is innocent until he is proved guilty, is he not entitled to a free medical examination, in which case he should be allowed to choose his doctor if he requires to be examined?

Mr. Shikuku: Mr. Speaker, Sir, I have tried to explain that stage one, one is arrested; stage two, he is to be remanded and then the doctor has to check him to find whether he is healthy or in sound condition. Now, when the hon. Member refers to the question of this man having a choice of doctor, this is a different thing, Mr. Speaker. If he is not satisfied with the present doctor he can ask for his private doctor and this can be looked into.

Question No. 4 (1180)

EXPATRIATES EMPLOYED BY THE MINISTRY
OF AGRICULTURE

The Speaker (Mr. Mati): Mr. Cheboiwo not in? Let us go to the next question.

Mr. Saina.

Mr. arap Saina: Mr. Speaker, Sir, before I ask my question I would like to make some corrections. Insert the word "Not" after the word "Are" at the beginning of the second line.

Question No. 48 (1267)

AGRICULTURAL FINANCE CORPORATION LOANS

Mr. arap Saina asked the Minister for Agriculture if he would tell the House whether, in view of the fact that the Agricultural Finance Corporation Development Loan Funds are not available at the moment and some farmers who had applied for these development loans had deposited 40 per cent of the money as required by the Agricultural Finance Corporation before any loan can be granted, the Minister could tell the House—

- (a) when Agricultural Finance Corporation loans would be available;
- (b) whether the 40 per cent deposit from farmers is earning interest; and
- (c) whether the interest earned by the farmers' money is the same as the Agricultural Finance Corporation money earns from the farmers.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. It is true to say that Agricultural Finance Corporation large-scale loans are very limited now. However, Government is doing all it can to bring back the position to normal as soon as possible.

The answer to part (b) is "Yes", but to part (c) of the question, the answer is "No".

Mr. arap Saina: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he realize that there are so many African farmers who have sold their pieces of land and property and thus rendered homeless, and therefore they have no other alternative but to await for the Agricultural Finance Corporation loan? Could the Assistant

Minister tell us what immediate action he is going to take to help these people?

Mr. Wanjigi: Mr. Speaker, Sir, there is no question of immediate action in the sense that this involves very protracted negotiations, and if these do not succeed, it means we will not continue with that programme.

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell this House the reason why the interest earned by the farmers' money is not the same, or cannot be the same, with the interest the Agricultural Finance Corporation money earns? What is the reason for that?

Mr. Wanjigi: It is very simple, Mr. Speaker, Sir. The money that the Agricultural Finance Corporation holds from the farmers is not being invested in any way at all. It is a deposit against the purchase of land and, therefore, as far as the Agricultural Finance Corporation is concerned, it is idle money. The money that is lent to the farmers is for development and is so utilized.

Mr. Kahengeri: Arising from the answer given by the Assistant Minister, did he say that the funds are limited or did he say that they are exhausted; because we are told that there are no loans and therefore no applications are being considered? Is it because there is no money at all or is it that there is only money for a few people?

Mr. Wanjigi: I think I answered that question, Mr. Speaker.

Mr. ole Leken: Arising from the Assistant Minister's reply, we have learnt that in other areas where adjudication is being carried on loans are not going to be given to people until they hold title-deeds; now, what prevents those who hold these title-deeds from being given those loans?

Mr. Wanjigi: There is no reason why somebody who has a title-deed cannot get a development loan unless, of course, the proposals submitted by him are not convincing.

Mr. Kanja: Mr. Speaker, Sir, can the Assistant Minister and his Minister not reconsider giving back the deposited money that has already been paid by the farmers to Agricultural Finance Corporation instead of leaving it lying idle, as he put it, so that the farmers can make use of the money they initially deposited with the Agricultural Finance Corporation?

Mr. Wanjigi: I think that is a good question, Mr. Speaker. I want to explain that anybody who wants his deposit refunded back is very welcome to put his request to us.

Mr. arap Saina: Mr. Speaker, Sir, since some farmers have deposited 40 per cent of the money required for land purchase, and realizing that they deposited this money with the knowledge that a particular farm had been advertised, will the Assistant Minister tell this House what steps he is going to take to ask the divisional land boards concerned to hold the farms which have been applied for by these farmers until such time that the Agricultural Finance Corporation money is available?

Mr. Wanjigi: Mr. Speaker, Sir, I think the hon. Member knows very well that we cannot hold somebody's property against his own wishes. If he wants to sell the farm to somebody else, there is no way by which we can prevent him from doing so.

The Speaker (Mr. Mati): Next question, Mr. O'Washika.

Question No. 20 (1226)

PROVINCIAL LABOUR OFFICER, KAKAMEGA

Mr. O'Washika asked the Minister for Labour if he would tell the House why a Provincial Labour Officer has not been posted to Kakamega.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. Due consideration is being given to the establishment of a proper office at Kakamega. Delay has been occasioned by the lack of both office and staff accommodation. Additionally, Mr. Speaker, it is intended to maintain the Bungoma Labour Office, but this will be manned by a junior officer who in turn will be reporting to his senior officer at Kakamega.

Mr. O'Washika: Mr. Speaker, Sir, arising out of that bad reply from the hon. Minister, is he aware that Kakamega is the headquarters of Western Province and if he is, why does he not tell the House specifically when this particular headquarters will be constructed? In fact, Bungoma is a mere district.

Mr. Mwendwa: If the hon. Member was listening, Mr. Speaker, I said we have not posted a labour officer in Kakamega because there is no house for him to sleep in and there is no office for the staff. My Ministry is not actually in charge of building these offices at all; this is a different Ministry, and although I am not blaming that Ministry, when we get accommodation we will definitely post a man there. We cannot post a man there to go and sleep in the air or on a tree.

Mr. S. Lugonzo: Does the Minister not agree that the population supposed to be served by this

officer is suffering just because of lack of accommodation?

Mr. Mwendwa: Mr. Speaker, Sir, I am aware that there are quite a number of problems which my officer can deal with at Kakamega if he is there, but I am in difficulties because I do not want to post a man there just to find that he has no house. There is nobody who is more anxious to post a man in Kakamega than my Ministry. As soon as accommodation is available, we will definitely post a man there. If the hon. Member can promise this House that if I send somebody to Kakamega tomorrow he is going to find accommodation for him, I will definitely do so.

Mr. Boy: Arising from the Minister's reply, since he realizes that there is a need to post a labour officer to that town, has he made any attempts so far to tell the Ministry of his colleague to put up buildings for accommodation so that he can post his labour officer there? Has he made any attempt?

Mr. Mwendwa: Yes, Sir, this has been done.

The Speaker (Mr. Mati): Next question, Mr. Cheboiwo.

Mr. Muturia.

Mr. O'Washika: On a point of order, Mr. Speaker, Sir, I am rising to seek your guidance. The Minister has told the House that there are no houses available in Kakamega. In fact, Mr. Speaker, there are plenty of empty houses in a place called Rost Man. Why can't this particular officer be accommodated at Rost Man?

The Speaker (Mr. Mati): You cannot ask any more questions on this now.

Mr. Muturia. Mr. Kivuitu, then.

Question No. 37 (1254)

HOUSING FOR PARKLANDS WORKERS

Mr. Kivuitu asked the Minister for Housing if he would tell the House whether he considers the workers and ordinary residents, who are in the majority, of Parklands Constituency to be adequately housed.

An hon. Member: The Minister is not around.

The Speaker (Mr. Mati): Ministry of Housing?

The Assistant Minister for Housing (Mr. Bomett): Mr. Speaker, Sir, the answer is, "no".

Mr. Nthenge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, why has the rectification of the position not been taken up by the Government?

Mr. Bomett: Mr. Speaker, Sir, we have, in fact, tackled this problem, although we do not tackle

[The Assistant Minister for Housing]

it on a constituency basis, but instead we face it as a problem that is facing the entire City of Nairobi. We have, for example, Mr. Speaker, Sir, a big programme going on an Aerodrom Road involving a housing scheme. We have also the Kibera Housing Scheme which is being done on a self-help basis, fully financed by the Government. We are planning a big extension in the Eastlands area where a lot of lower-income rent houses are going to be constructed. Therefore, Mr. Speaker, Sir, we are facing the problem; however, the only limiting factor as far as we are concerned is finance, but we have shown we are very much aware of the needs of the people.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which does not seem to be a written reply, considering that people living in a constituency like Parklands have to reside near there so that they can serve their employers adequately instead of travelling great distances if, for instance, they are staying in Kibera and other places he has mentioned, why has the Government never considered the possibility of putting up an estate around there for those workers who are there? How does the Government expect people to travel from Embakasi to go and start working before seven o'clock before the *bwana* goes to his work?

Mr. Bomett: Mr. Speaker, Sir, if what the hon. Member has in mind is the accommodation for house workers and servants; it is the belief of my Ministry that landlords are duty-bound to provide accommodation—houses—for their servants since they are required every time to work in their houses. However, if it is for the other type of employees working in factories and things like that, we are tackling that problem as it affects the whole City. However, as I have said, I do appeal to the landlords to make sure that they have living quarters—when I say living quarters, I mean proper quarters—for their servants.

Mr. Kanja: Mr. Speaker, Sir, the Assistant Minister has just said that employers are duty-bound to provide housing for their employees. Now, the question is: if the employers feel that they are not duty-bound, is our Government not duty-bound to provide houses for all citizens of this country, and also those living in that particular area with proper accommodation?

Mr. Bomett: I think, Mr. Speaker, Sir, it is important that we speak the same language because I did not say that the employers are duty-bound to provide houses for all their employees; I was talking about servants who work in their houses as the hon. Member who raised this question put it. However, as far as the need for uses in this City of Nairobi is concerned, I have

said that schemes are afoot, such as the one we see in our Aerodrom Road where houses are being built to meet the needs of those people whose salaries are not big enough. The same thing, Mr. Speaker, Sir, goes with those houses at Kibera, Moi Estate, Otiende Estate and many others. In fact, I have said that there is a big extension which is going to cover all the area around Mathare and all the other areas in the Eastlands. Therefore, we are very much aware of the situation, but the only limitation, as far as we are concerned, is finance.

Mr. Karungaru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he trying to tell this House, or to create a feeling in this House, that these people, who are supposed to be housed, should only be housed in Eastlands or Kibera and Parklands area is reserved for a certain class of people but not for the indigenous people?

Mr. Bomett: It is far from that, Mr. Speaker, Sir.

Question No. 45 (1262)

REPAIR OF ROADS IN KITUI EAST

Mr. Kitonga asked the Minister for Works if he would tell the House whether the Government is aware of the fact that Eastern Kitui needs their own grader, one D. 4 tractor and one lorry permanently for repairing roads in the area.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. Roads in Kitui East will certainly require more than one lorry, one tractor and one grader if they are to be maintained properly. However, Mr. Speaker, Sir, the problem is being faced all over the country. My Ministry is short of equipment and plant and that is why we have recently negotiated a loan of 12 million dollars to enable us to purchase enough equipment to be spread all over the country. For the moment, I do not see any justification whatsoever, or importance, why Kitui East should have special preference over the rest of Kenya. If a bulldozer or a caterpillar D. 4 is going to be stationed permanently in Kitui East, I do not see the reason why one machine of that kind should not be stationed in Kajiado North.

Mr. Kitonga: Mr. Speaker, Sir, is the Assistant Minister not aware that even the Minister, himself, visited my constituency last month and witnessed that Kitui East has been neglected for a long time? In Kitui East there are a lot of impassable roads which do not even permit the Government officials' vehicles or the public vehicles to travel throughout that area. Therefore, Mr. Speaker, Sir, will the Assistant Minister assure us that those areas which have been neglected will be given priority?

Mr. Keen: Mr. Speaker, Sir, the hon. Chief Kitonga is asking for the moon because if there is any constituency that has been given more preference for the last 12 months, that is the hon. Member's Constituency, which is Kitui East. It was visited by one Assistant Minister from the Ministry of Works and my Minister just a month ago. We have done everything possible we can to help the hon. Member in developing roads in Kitui East—we cannot do more than we have done so far.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, since he said that his Minister and one Assistant Minister from the same Ministry visited Kitui East, is he not aware that it is not a question of visiting but of what they are doing to develop the roads? This is what makes the hon. Member complain in this House. This is the question.

Mr. Keen: Mr. Speaker, Sir, we do not simply visit—that is myself, my Minister or another Minister—just to look around. We visit and give orders for work to be done.

Question No. 46 (1263)

HARAMBEE DAY IN ENDAU—KITUI EAST

Mr. Kitonga asked the Minister for Health if he would tell the House whether the Government was aware that Endau people in Kitui East would like a Harambee day to be organized by the Administration in order to raise the money for finishing their health centre as had been done in other places.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The answer is "no". We are not aware of the hon. Chief's desire to have a Harambee day. Even if we were aware, Sir, I do not see how the Ministry of Health has anything to do with their desires.

Mr. Kitonga: Mr. Speaker, Sir, would the Assistant Minister tell the House—perhaps he might not be experienced—why, in fact, his Ministry does not give the *wananchi* the necessary push since he knows that they have already started the health centre? Does he know that it is his Ministry's duty to give the push? If he does not understand what I mean, I appeal to his Ministry to give the necessary encouragement. Mr. Speaker, Sir.

Mr. Jahazi: Mr. Speaker, Sir, I do not see what type of push the hon. Chief wants us to undertake. However, if there is any push to be undertaken at all, Mr. Speaker, Sir, it is his big weight to initiate the push and not the Ministry of Health.

Question No. 50 (1270)

TAKE-OVER OF DISPENSARIES IN NORTH MUGIRANGO

Mr. Marita asked the Minister for Health if he would tell the House when the Ministry was going to take over Nyamusi, Ibara and Entono Dispensaries in North Mugirango Location.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. At present there are no arrangements for the Ministry of Health to take over any new dispensaries or health centres until the staffing position improves.

Mr. Marita: Mr. Speaker, Sir, would the Assistant Minister tell the House when the position of staffing is going to improve? Also, Mr. Speaker, Sir, although these dispensaries in question were built and completed four years back they have not started to work; so will the Ministry consider it necessary to establish a Mobile Unit which will supply medicine to these people who are now suffering?

Mr. Jahazi: Mr. Speaker, Sir, I am surprised that the hon. Member is asking this question because during the recess I spent a considerable time with him touring the same health centres and we had a good discussion with him and I thought he had appreciated the discussion. However, now, it seems as if we had never talked about anything with him. Sir, as for the Mobile Unit, I think the arrangements are as we had arranged when we were with him in Kisii last month.

Mr. Muregi: Mr. Speaker, Sir, arising out of that reply from the Assistant Minister, where the hon. Member alleges that these dispensaries were built four years back, is it that the Ministry did not know that there were dispensaries being built four years back and as a result it has not been possible to have them opened up to now?

Mr. Jahazi: Mr. Speaker, Sir, we did not know that they were being built. In fact, Sir, we were not consulted when they were being built so as to give them a guarantee that we would provide them with staff.

The Speaker (Mr. Mati): Next question.

Question No. 54 (1278)

GOVERNMENT ASSISTANCE: KINYANGI SELF-HELP DISPENSARY

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

- (a) he could consider staffing and supplying medicine to Kinyangi Self-help Dispensary in Kinyangi Location which was

[Mr. Wachira]

built and completed by *wananchi* in Harambee spirit about one and a half years ago; and

- (b) he could fulfil a promise made to *wananchi* by the former Minister for Health in 1968, where he committed the Government to providing materials worth Sh. 20,000 for the construction of a maternity ward in the Kinyangi Self-help Dispensary.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. (a) The opening of the Kinyangi Dispensary will be considered along with other dispensaries which have been built on a self-help basis.

(b) The Minister is unaware of the alleged promise and cannot, therefore, assist the hon. Member. In other words, Sir, the former Minister did not leave any promise on record anywhere that he had promised to give the money. Therefore, we are not aware of it.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that the Minister who visited the centre promised a gathering of people numbering 10,000, would the Assistant Minister tell me that this is not defaming Government Ministers?

Mr. Jahazi: The former Minister, Mr. Speaker, Sir, might have made a promise either personally or as a Minister, but as I have said, the present administration, which includes me and my Minister, has no record anywhere to show what promises the former Minister made on behalf of the Ministry. So I cannot say that the promise was made or was not made.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, would the Minister appreciate that his Ministry is not declining its responsibility in that it is not capable of fulfilling what a former Minister had promised to fulfil, and that it is a high time the Ministry changed the system of forgetting promises made by its former Ministers? Also, Sir, it is now high time they fulfilled their promises.

Mr. Jahazi: Mr. Speaker, Sir, we have no system of forgetting anything. If, Sir, the former Minister, perhaps through his personal friendship with the then Member of that area—I do not think hon. Wachira was a Member when the former Minister was a Member—as far as I and my Minister are concerned there is no such promise. As for the promises which the Ministry of Health gave *wananchi* elsewhere, we are fulfilling them.

Mr. Gatuguta: Mr. Speaker, Sir, I think this is a very serious matter. There is a way in which the Government can use to determine whether

the Minister made a statement or not. There is the Special Branch and other Government administrative officials. So, if a Minister of the Kenya Government made some promises and another Minister comes in to say that no promise was made because they have no record, such a situation creates confusion in the country; therefore, can the Minister assure us that once a Minister makes a promise, that promise will be fulfilled? Can he assure us that he is going to check from the machinery which already exists in the Government whether the Minister made the promise or not?

Mr. Jahazi: Mr. Speaker, Sir, before we decided to answer this question, we checked to dig out all the promises made by the former administration and we are satisfied that no promise was made by the Ministry of Health that Sh. 20,000 would be given to this area.

In any case, Sir, the policy of giving money to any individual project was discontinued as soon as we went in. So, even if that promise was made, it has been overtaken by events.

Mr. Nthenge: On a point of order, Mr. Speaker, since we have now been told of two contradicting statements by two Members, one being a Minister and the other being a Back-bencher; could we know who, is right of the two.

The Speaker (Mr. Mati): Either case could be right. Next question.

Question No. 49 (1269)

PROMOTION OF TEACHERS IN THE COUNTRY

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

- (a) the number of teachers who have been given merit promotion from 1963 to 1970 in all teaching grades in the Republic; and
- (b) the breakdown of the promoted teachers in provinces.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to give the following reply. (a) It is not possible to provide details of teachers and tutors promoted on special merit during the years 1963 to 1967 since no records were kept and the teachers were not all in one register. However, since the establishment of the Teachers' Service Commission, information is available on this matter as given below for the period 1968 to 1970.

(b) The total number of teachers promoted in all grades is 150 during this period. Promotions by provinces are: Nairobi, 32; Coast, 9; Eastern, 34; North-Eastern, 0; Central, 24; Rift Valley, 26; Nyanza, 13 and Western, 12. The total is therefore, Sir, 150.

Mr. Marita: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, would he tell us the criteria which was used to promote these teachers who got this kind of promotion?

Mr. Mbai: Mr. Speaker, Sir, these teachers are promoted on special merit considering the experience the teacher has in the teaching profession and also the definite ability he possesses in this field. Therefore, Sir, after considering the two, a teacher is recommended for promotion and is then promoted.

Mr. Ziro: Mr. Speaker, Sir, I, myself, was personally a teacher. We have one teacher in Kilifi District, known as Mr. Kombe, who even taught hon. Ngala. That teacher has never been promoted since 1933. He can even lecture in a university. Why has this teacher, or the teachers who have been teaching efficiently in the district not been promoted since that time?

Mr. Mbai: Mr. Speaker, Sir, we have a procedure which we follow in considering teachers for promotion. The teacher himself must apply for promotion to the Chief Inspector of Schools, Inspectorate Section through his headmaster and the district education officer. When his application comes to our headquarters, it is then considered and examined to see whether he really deserves this special consideration.

If this teacher has been teaching all this time, he should have applied and I am sure our officers in the field would have given him the special consideration, if he deserved it, of course.

Mr. Ogero: Mr. Speaker, Sir, since there is provision for promoting teachers on merit, and there is another provision which has been introduced to promote teachers after they have studied hard, and observing that in so doing this has cost the parents a lot of money in that these teachers do their own studies rather than teaching the children during that time, would the Assistant Minister consider abolishing this provision of promoting the teachers by studies and instead promote them on merit alone so that they may spend more time in teaching?

Mr. Mbai: Mr. Speaker, no, Sir. The Ministry cannot consider abolishing the method of teachers studying on their own and getting promotion through academic reasons or achievements.

I do not agree with the allegation that the parents lose by way of teachers concentrating on their lessons and therefore, neglecting teaching the children. That is not correct. We have our field officers, the supervisors of schools, who keep on visiting schools and checking on the performance of teachers. I am sure if any is found neglecting his work he will be dealt with accordingly. In any case this does not happen. Therefore, Mr.

Speaker, we would rather like to give the teachers the freedom of studying and gaining higher grades through their own efforts. For those who deserve special consideration, but for some reason or the other, maybe, they cannot achieve this academic qualification to be considered for promotion, they also have the chance of being considered in this way.

The Speaker (Mr. Mati): Let us now go back to Mr. arap Cheboiwo's question.

Question No. 4 (1180)

EXPATRIATES EMPLOYED IN THE MINISTRY OF AGRICULTURE

Mr. Komen, on behalf of Mr. arap Cheboiwo, asked the Minister for Agriculture if he would tell the House—

- (a) whether it was true that there were still many expatriates employed in the Ministry;
- (b) the divisions in which those expatriates were working and how many they were; and
- (c) when they would finish their contracts so that the Africans could be offered those jobs.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. It is not true that there are many expatriates in my Ministry. There are only 170 specialists in the Ministry, found mainly in the technical field, where they will be retained for as long as their services are required by the State.

In view of what I have said above, I consider that (b) and (c) are redundant.

Mr. Komen: Arising from that answer from the Assistant Minister, and since the number is actually too high and yet we have qualified Africans who can take over these posts—they are qualified because they know the country better than some of these expatriates who were trained outside this country—is it not high time the Ministry employed Africans to occupy these posts so that they can do this work?

Mr. Wanjigi: Mr. Speaker, Sir, I do not know whether I understood the question very well, but I would say it is not so much the question of one knowing the country only. If you want an engineer to deal with water he has to be qualified in hydrology, and the like. These are the fields that we call "technical fields", and most of the officers I have mentioned fall in that category.

Mr. Koigi: Can the Assistant Minister give us an analysis of the specific qualifications of these expatriates who are in the Ministry?

Mr. Wanjigi: I think, Mr. Speaker, that cannot be a serious question. I will have to take the whole time of the House to describe the specific qualifications of all these officers.

The Speaker (Mr. Mati): I think what Mr. Wanjigi means is this: to go through the qualifications of 170 people will take the whole afternoon.

Mr. Koigi: Mr. Speaker, we have been given that many times— You see—

The Speaker (Mr. Mati): Order, that is out of order.

Mr. arap Chumo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, what is the Ministry doing to accelerate the training of Africans in these fields so that they can take over as soon as possible? What actually is the Ministry doing?

Mr. Wanjigi: Mr. Speaker, I think the House ought to know that we have a very extensive training programme in all fields of agriculture, but it does take a very long time to have some of these people come out from the training institutions, that is, to qualify.

Mr. Kadir: Mr. Speaker, Sir, would the Assistant Minister tell the House what technicalities are required for a man to be in charge of buying animals as the Europeans are doing in the Ministry now?

Mr. Wanjigi: Mr. Speaker, Sir, I am sure that hon. Kadir from Isiolo knows very well that one of the most tricky things is to deal with the cattle traders in that area. If you are not good at that you lose a lot of money, not only for Government but for the country also.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, will the Assistant Minister inform the House why it is necessary to have a foreigner as the head of the Livestock Marketing Division and his deputy a foreigner also? What is difficult in buying and selling cattle? Can Africans not buy and sell them?

Mr. Wanjigi: Mr. Speaker, I have just said that this is more of a financial problem. As far as we are concerned this is a programme that involves more than £1 million and we cannot just give it to somebody who has not dealt with livestock marketing before.

Question No. 5 (1181)

BOYS AND GIRLS EMPLOYED DURING 1968/70

Mr. Komen, on behalf of Mr. arap Cheboiwo, asked the Minister for Labour if he would tell the House—

- (a) how many boys and girls were employed in different fields between 1968 and June 1970 in the Republic;

- (b) what was the total number of those who had served or completed their contracts of two years and were still unemployed; and

- (c) what arrangements he had in mind to encourage more to be employed from such places as Baringo, Turkana, Masai, Samburu and so on.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. My Ministry could not get the answer for (a) because it is confusing. Mr. Speaker, since it is not the duty of my officers to guess what the Member was talking about we failed to understand whether he meant school-leavers or those employed through a labour exchange. So we could not get any answer at all. Mr. Speaker, even if we were to guess what he meant this could require a complete team of officers to make a research to get the number of girls and boys employed in 1968, 1969 and 1970 in all fields. This is a complicated question, Mr. Speaker.

(b) I do not know what the Member means—it is difficult to understand the meaning because the question asks, "What is the total number of those who have served or completed their contracts of two years and are still unemployed?"

We could not understand what he meant. Since it is not our duty to guess what he meant, I have no answer to that.

Mr. Speaker, Sir, I have an answer to part (c) of the question. My Ministry does not take a particular district and make arrangements for that particular district alone. We have a method which is followed throughout the country. Therefore, the arrangement we have in Kiambu and Murang'a areas of employing people is the same as the one we have in Samburu, Masailand, Turkana and Baringo areas. When the students leave school, they go through the same system before getting employment.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us what he cannot exactly understand about the people who are being asked about in part (b) of the question because they are the people who are unemployed and yet they had worked for two years before? Secondly, he says that he cannot know the people who have been employed in Marsabit, Masailand and the other places mentioned by the questioner; why does he not find out from the labour offices in the relevant places?

An hon. Member: We have no labour offices there.

Another hon. Member: Say you have nothing to add.

Mr. Mwendwa: Mr. Speaker, Sir, I do not know whether the hon. Member knows what he is trying to ask me. What actually confuses us is that this gentleman is talking about people who served and who are still unemployed. If he is asking us to tell him the number of people who are working on temporary terms in different companies and who are, therefore, not permanent, perhaps, I could understand that; but not those who are on contract and still unemployed. I do not understand that English.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, do you not agree—I have been trying to understand the question, Sir,—with me that this question is beyond any comprehension at all and that the hon. Minister should be excused from struggling in endeavour to understand it?

Mr. ole Marima: Mr. Speaker, Sir, it is more or less true that the Minister cannot understand the question which he has been asked, but it is also true that we cannot follow what his answers are. Kiambu and Nairobi, for instance, cannot be compared to the Turkana District or Samburu District where there are no labour officers. Therefore, when we ask for arrangements which are being made so that people in these areas may have equal chances of being employed, we know what we are talking about. We have no labour officers.

Mr. Komen: In pursuance to what the Minister has told us, Mr. Speaker and since there is no labour officer in such places as Baringo, as mentioned here, could the Minister tell us specifically what are the numbers of girls and boys who have been employed from Baringo through the Ministry of Labour? Those whom he knows, because he is telling us now—

An hon. Member: Answer the question.

Mr. Mwendwa: I said from the beginning that this needs research. If I was asked about those who have been employed through the Labour Exchange, then I could get the figures. However, the questioner asks about the number throughout the country, in all fields. My officers need six months to get the answer to this question.

An hon. Member: On a point of order—

The Speaker (Mr. Mati): No we are not going to waste time on points of order.

Mr. Muturia.

Question No. 53 (1277)

LAND CEILING IN THE COUNTRY

Mr. Muthamia, on behalf of Mr. Muturia, asked the Minister for Lands and Settlement to tell the House whether he would consider reducing, by 20 per cent, all the farms over 5,000 acres so as to enable both landless and squatters to have a piece of land and as a result solve the Government problem of providing these landless people with their own land to live on and enjoy life.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. Legally, it is not possible for the Government to deprive all owners of farms exceeding 5,000 acres in size of 20 per cent of their land without payment of full compensation. Therefore, the suggestion that such agricultural units should be reduced by 20 per cent is not a realistic one.

Secondly, I am sure the hon. Member knows that most farms which exceed 5,000 acres in extent are either plantations or ranches and are, therefore, by no means ideal for the settlement of landless people who wish to have agricultural land on which they may grow crops. Mixed farms of 5,000 acres or more are very few indeed and buying 20 per cent of all such farms would, in fact, secure very little land.

Thirdly, if areas of 1,000 acres and more were to be bought at widely distributed places throughout the country, the Government would be faced with an impossible administrative problem in trying to provide services and amenities which would make settlement on the land satisfactory to the people.

The Government is, instead pursuing a far more sensible approach by buying out complete agricultural properties, suitably grouped together, in areas where it is known that the agricultural potential is high and the people to whom the land is allocated will be able to make a reasonable living and at the same time enjoy social, health and other amenities.

Mr. Muthamia: Mr. Speaker, Sir, can the Assistant Minister tell this House what plans he has for settling these squatters, or landless people, in the country, since he has refused the idea of land ceiling?

Mr. G. G. Kariuki: Mr. Speaker, Sir, it is generally known that my Ministry is embarking on purchasing farms for conventional settlement and also for squatter settlement.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, and since we believe in African Socialism and do not believe in capitalism, can the Assistant Minister let us know exactly why there are people living in camps like prisoners—and the Government is always ready to admit that there are landless people—whereas we have some who have hundreds and thousands of acres or some square miles of land? Can he not reduce the size of these farms and provide these landless people with land if we believe in socialism and not capitalism?

Mr. G. G. Kariuki: It is up to the Member, Mr. Speaker, to believe in what "ism" he likes but the Government has her own policy of African Socialism. At the same time, as I have said before, we are busy settling people. Again, we have to consider whether you need land for ranching because if you need land for ranching you need more than 5,000 acres. You cannot compare land for ranching purposes with land for growing *miraa*.

Question No. 52 (1276)

PERMANENT POST OFFICE MAUA, NYAMBENE

Mr. Muthamia, on behalf of Mr. Muturia asked the Minister for Power and Communications if he would tell the House—

(a) when he is going to build a permanent Post Office in Maua, which is Nyambene Division Headquarters;

(b) he would also tell the House when he is going to install telephone facilities in Maua Divisional Headquarters.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. (a) An investigation study was carried out in August last year by the Posts and Telecommunications authority with a view to supplying postal and telephone services in Maua and the surrounding areas. It was found that the demand for postal services is relatively low. In particular, the Maua sub-post office, which has been in operation since 1964, is still being subsidized, and the accounts for the last Financial Year show that the average monthly revenue was Sh. 120 while the expenditure at the same time was Sh. 340 per month.

As can be seen from the above facts there is not sufficient justification for the immediate consideration of building an expensive full post office. However, it is the policy of my Ministry to support and extend the postal services into the rural areas, and as such we will continue subsidizing them until a positive change is achieved.

(b) As regards telephone facilities in Maua, I wish to inform the House that the necessary investigations have been completed and plans are now underway to provide this facility during the 1971/72 Financial Year.

Mr. Muthamia: Mr. Speaker, Sir, while thanking the Minister for the answer to part (b) of the question, would he tell us what his Ministry is doing to encourage the people, or residents of that area, so they will use the postal agency which is there at the moment so they can be given a permanent post office?

Mr. Ngala: Mr. Speaker, Sir, the Ministry is now advising the hon. Member to do that job because it is his job to encourage and urge his people to make use of these postal services so that they can come to the grade where it will warrant a full post office. It is his job.

Question No. 3 (1179)

GOVERNMENT SCHOLARSHIPS—1967/69

Mr. Komen, on behalf of Mr. arap Cheboiwo, asked the Minister for Education if he would tell the House—

(a) how many students Government gave scholarships from 1967 to September 1969 to study abroad; and

(b) if he would give a breakdown to show how many came from each province.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. Between 1967 and 1969, 553 Kenya students were sponsored by Government to study overseas.

The Government spent well over £200,000 on these students, over and above the money spent by the host government in the way of scholarships to students.

As I have on several occasions stated in this House, the selection of students is based entirely on academic merit and citizenship. No provincial or district breakdown is therefore possible.

The students were sent to well over 36 countries in Europe, Asia, America and Africa. As it would be unfair to omit any particular country, I have deemed it prudent not to give a list of these 36 countries.

Mr. Komen: Mr. Speaker, Sir, arising from the answer by the Minister, and according to where he mentioned that he does not give the breakdown according to provinces, since we did not ask for a tribal breakdown, is it not really in order for the Minister to give names or a few from Rift Valley because I do not know even of one student who has been given a bursary by the Ministry at the moment?

Mr. Towett: Mr. Speaker, Sir, I have said many times here that when a student applies, he may be from Rift Valley but may be residing with his father, brother or mother in Nairobi. We take the student from Nairobi when, in actual fact, he comes from Rift Valley. We find it very difficult to go back and ask them to tell us their home areas and where they applied from. This is practically impossible.

Mr. Wabuge: Mr. Speaker, Sir, would the Minister not agree with me that when a student applies for a bursary he is always given forms to fill in and these forms stipulate the name of the student, his district and tribe? If that is so, is it not quite easy for the Minister to tell the House where these students come from, those who were awarded these bursaries.

Mr. Towett: Mr. Speaker, Sir, we ask them to tell us the names of their parents and where they reside but we do not ask them where they work.

Now, if the hon. Members wanted to know the places where the parents reside and where they come from we can give names of the parents' homes of origin but not of the students.

Mrs. Onyango: Mr. Speaker, Sir, would the Minister tell this House how many females have been offered scholarships for education abroad?

Mr. Towett: Mr. Speaker, Sir, could the gracious lady repeat her question, Sir.

Mrs. Onyango: How many women and girls have been offered scholarships for education abroad.

Mr. Towett: Mr. Speaker, Sir, the question of women—this is another question and I do not have figures classified in accordance with sex.

PROCEDURAL MOTIONS

LIMITATION OF DEBATE: PRESIDENTIAL ADDRESS DEBATE

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 Motion of Presidential Address be limited to a maximum of Seven Days with not more than ten minutes for each hon. Member speaking excluding the Mover in reply.

Mr. Speaker, Sir, this is merely a procedural Motion and I think we did the same thing during the last Session. I suggest this because we reckoned, when discussing this matter during the Sessional Committee, that if each hon. Member spends ten minutes speaking more than 100 hon. Members will be able to speak.

Therefore, this is a fair suggestion, and I would also urge the hon. Members to be precise when

they stress their points of view during discussions, particularly on the Presidential Speech.

Therefore, Mr. Speaker, I do not have much to say other than to request the hon. Members to accept and approve this Motion.

I beg to Move.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku) seconded.

(Question proposed)

Mr. Nthenge: Mr. Speaker, Sir, I rise to support the Motion, but I would like to make a few observations.

One of them is that I hope that the Leader of Government Business will tell the Ministers that the President mainly spoke on the Government's side and they should not interrupt very much when the Back-benchers are trying to make their points because that is the only way they can give their views on the speech.

At the same time I would also like to ask the Leader of Government Business to tell the Ministers, also, not to try and grab the time when we are discussing this subject because they have other places to go and where they can air their views. They do meet the President in other quarters, in the Cabinet and so on, and they can give their comments there.

Therefore, Mr. Speaker, I feel this is a chance for the Back-benchers to be able to air their views because the President spoke to this House, and he rarely does so and therefore we want to be able to comment and also give him our views. Mr. Speaker, it would be wrong if most of the time is given to the Government side.

Mr. Speaker, I feel it is very important that we, in the Back Benches and, as a part of the Government who normally do not have many chances of meeting the President as the Government should be given the chance to air our opinions.

The other thing I would like to mention here is that hon. Members speaking should always try and not hammer the points hammered by the former speakers but rather let two or three hon. Members specialize on one point and the other hon. Members specialize on the other points so that we do not have too much repetition but each point is covered.

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

Mr. Kahengeri: Thank you, Mr. Speaker, Sir. I rise to support the Motion, and I would like to start by saying it is very important that we have a limited time to speak in this House. Mr.

[Mr. Kahengeri]

Speaker, Sir, in front of us, there is a great volume of work that we have to do within this limited time. Therefore, Mr. Speaker, Sir, it is for the benefit of the country and the people who elected us to represent them in this House if we can have a reasonable volume of work discharged within our time. This is why we did a lot of business during the last Session.

Therefore, Mr. Speaker, Sir, without wasting time, I beg to support.

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

(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 wish to thank the House, particularly the last speakers who spoke on matters which they felt that Government ought to take note of; one being that hon. Members should be given an opportunity to air their views. Mr. Speaker, this is accepted and I am sure that very few Ministers and Assistant Ministers will speak so that the opportunity may be given to Back-benchers in order to air their views.

With these very few remarks, Sir, I beg to move.

(Question put and agreed to)

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, again, this is a procedural Motion. It is not a new thing because this is what we have been doing previously. However, Mr. Speaker, this being a new Session, after the House being prorogued, and now we are sitting again, these things have to be brought into light again. Therefore, Sir, I do not have much to say on this, other than to request the House to approve the Motion.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): seconded.

(Question proposed)

Mr. Araru: Thank you very much, Mr. Speaker, Sir. I would like to start by thanking the Mover of the Motion—the Vice-President. Mr. Speaker, Sir, I would like to state today, in this new Session of the Second Parliament, that we are experiencing a lot of difficulties in our area at the moment as a result of drought. Mr. Speaker, we are here to bring the news to our Government about this drought. Mr. Speaker, this drought is making our people suffer a great deal and it is still going on and very severely too. Mr. Speaker, you hear about people and animals dying—

The Speaker (Mr. Mati): Order, Mr. Araru. What we are doing here is that we are deciding on the limitation of time—how much time we shall allow for the general debate. It is in that debate where you can bring in what you are bringing in now. However, just now, we are dealing with the timing.

Mr. Araru: Thank you very much, Mr. Speaker, I thought we were allowed to do this when you proposed the question. However, Mr. Speaker, I quite agree with the Mover on 20 minutes for the Mover and the 10 minutes for each Member speaking as was put in the Motion. Mr. Speaker, I appeal to the Mover of the Motion to give more time to the Back-benchers as he stated. If this assurance could be given by all the Members of the Front Bench, then we would have no difficulty in supporting the Motion.

Mr. Seroney: Mr. Speaker, Sir, while supporting the Motion, I would like to make two points. This Motion relates to Private Members' Motions, which in the past, have taken place on Fridays. I sincerely hope that very soon we shall be able to alter the time because I do not think it is fair for Back-benchers to be given the very last day of the week when everybody is very busy running home. I sincerely hope it will be possible to alter this state of affairs so that we may have Wednesday as the Private Members' Day.

Secondly, Mr. Speaker, it is good to have a Private Members' Day, but it is a bit discouraging because very often the Government does not act on the Motions passed within this period. I hope they will not force us to appoint a Select Committee to inquire into the implementation or otherwise of the previous Motions. Therefore, Mr. Speaker, I hope they will bear this in mind, and with these few remarks I support the Motion.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I did not intend to speak on this Motion, but I cannot see myself letting the hon. Member get away with what he has just said:

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

namely, that there should be a change in the usual manner of having the Private Members' Day on Fridays and have it on Wednesdays. The reason he gave is that Friday is the last day in our weekly Sittings and many hon. Members run away. Mr. Speaker, this is a very absurd thing because hon. Members are paid to be here, be it Fridays, Wednesdays, Tuesdays, Thursdays or whatever day it is. We should all be here and do our job and not rob the public of their money and then run away earlier on Fridays when we are paid for the full day. I am of the opinion, Sir, that that was a very flimsy excuse or reason for trying to switch from Friday to Wednesday. I am of the opinion, Mr. Speaker, Sir, that we should do everything here as we are told and earn our living justly and not run away earlier on Fridays before we do our full job because if we did this we would be robbing the public in broad day-light.

The Speaker (Mr. Mati): No! Order! I think we had better get this straight. The question of the day when Private Members' Motions come up is not really directly relevant here. It is quite a different issue, and, in fact, it is only something that can be done during the review of the Standing Orders. It is not something that can be discussed here. So, the quarrel is really uncalled for here, Mr. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to support the Motion as it stands.

The Speaker (Mr. Mati): Now, as there is no other Member who wishes to speak I will put the question.

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

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

While agreeing with the hon. Member for Butere, the Assistant Minister in the Vice-President's Office and Ministry of Home Affairs, I feel that it is vital that hon. Members ought to be present all the time and devote their energies into studying what goes on in the House, and also be the watch-dogs of what goes on in the House. I also feel that it might be a good idea to substitute Wednesday as a Private Members' day with Friday. This, again, will be up to the hon. Members to make suggestions to this effect to the appropriate Committees when they are established.

With these few remarks I beg to move.

(Question put and agreed to)

LIMITATION OF DEBATE: MOTION FOR THE ADJOURNMENT INTO RECESS

The Vice-President and Minister for Home Affairs (Mr. 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 thirty minutes and shall be strictly confined to the question of the Adjournment.

Mr. Speaker, Sir, this is merely what we had before. It merely guides the House on how to handle a Motion for the Adjournment. It means that if it is a question of adjourning the House for more than two hours or so, the procedure to be followed is set. Therefore, there is no difficulty in this one, nor is there any amendment to the previous procedures.

Therefore, with these few remarks, I beg to move.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): seconded.

(Question proposed)

The Speaker (Mr. Mati): Now, as there is no Member who wishes to speak I will put the question.

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

The Vice-President and Minister for Home Affairs (Mr. Moi): Mr. Speaker, Sir, since no hon. Member rose to speak I have nothing to add to what I stated before.

Again, I would like to thank the hon. Members for approving this unanimously.

With these few remarks, 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. Moi): Mr. Speaker, Sir, I beg to move the following Motion:—

[The Vice-President and Minister for Home Affairs]

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 23rd February 1971.

Mr. Speaker, Sir, once again His Excellency the President in his Presidential Address stressed the need for unity in order to achieve those social and economic principles for which we all have to strive. While His Excellency the President was addressing this House he mentioned very many important points which will be experienced by the country between now and the next Session.

All of us should be very thankful to His Excellency the President for the way he has handled the affairs of our Republic and for the way he has promoted unity and a sense of security amongst our people. He has always stated in his speeches that if we are divided we shall fall and if we are united we shall stand. I wish to echo the same feelings, the same views to the hon. Members in this House: that they should not be shaken by external winds, nor should they be taken away by trivial differences. We have started well, and therefore, I would like to appeal to the hon. Members at this juncture to preach unity, since they are national leaders in our Republic. Tribal differences will not really help.

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

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

I hope that we can settle these problems by showing that we hon. Members are united and loyal to our President and the Government.

I would like to thank the hon. Members for having worked very hard during the recess and for helping their constituents. There was nothing of great concern that was seen or heard that could destroy the image of the Government. If the hon. Members will continue to be united and work for the betterment of our people, Kenya will be a better place to live in. We should set an example to the *wananchi*. What we say, how we behave and how we move about is always watched by our people. We should demonstrate that we are above trivial matters, we are above petty problems and we are capable of dealing with the national problems.

Mr. Deputy Speaker, Sir, you have all along mentioned that this House is the supreme authority—Parliament. Therefore, since this Parliament is the supreme authority we should ensure we do not sink to a level where our

people will wonder whether hon. Members are really setting a good example to the *wananchi*.

I am sure that the hon. Members will heed His Excellency the President's call for unity, which he himself has stressed from time to time at public meetings and at all the public functions he performs. I would like to appeal again, to the hon. Members here, not only—when I am speaking I am speaking for all—Ministers, Assistant Ministers and Members of Parliament. The best way to handle our problems in the Republic is not to be guided by rumours. Some people will die on the road believing in rumours.

An hon. Member: Where do rumours come from?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): It should not come from you because you are more knowledgeable; you know how to handle the people and you know what to tell the people. However, if an hon. Member hears rumours and he then tells the ordinary man, "I also hear rumours." Where, or to whom can the ordinary man rely on to clear such rumours?

I wish to emphasize one point. The Government does not object to criticisms—genuine criticisms—which would put right certain things because this is a democratic country. However, I believe that criticisms which are uncalled for, or criticisms which do not really show that they are genuine criticisms, should not really be expressed in this House. I hope the hon. Members, having learned quite a lot during the past 12 or 14 months, are now knowledgeable and they are experts on the running of the affairs in this House. I congratulate them for having learned the procedure of this House within a very short time.

I have not much to say other than to thank the hon. Members—As I have said before, we should be united, loyal to our President and the Government and work for the nation building so that our country can see more and move forward in peace and prosperity.

With these few remarks, I beg to move.

The Minister for Labour (Mr. Mwendwa): Thank you, Mr. Deputy Speaker, Sir. I take this time also to join my colleague, the Vice-President, in thanking the President for the way he has handled independent Kenya since we became independent up to this time.

Mr. Deputy Speaker, Sir, we have seen countries getting independence and we have seen countries collapsing; some through *coups* and other inability to balance their payments. Others are in

[The Minister for Labour]

the red all year round—year after year— Are we not grateful to the President for the way he has handled this country? Up to now Kenya is one of the two countries in Africa which are never in the red—Kenya and the Ivory Coast. The others are perpetually in the red. Kenya and Ivory Coast, these two countries are the only countries which are never in the red. This is because the man we call Mzee Kenyatta, is full of wisdom. He has tried his level best to lead this country. He has often advised us here, in this Chamber, and also outside the Chamber, and if we follow his advice I am quite sure that Kenya will stand as a good example of a country led by mature politicians, Mr. Deputy Speaker, Sir.

However, we would be wrong if we did not warn ourselves and question ourselves as to whether we are really helping our President in all the fields to maintain the stability he is trying to build. It is we in this Chamber, it is the civil servants at the top, who can easily spoil the good work the President has done for this country. When an individual fails to realize that he is a Kenyan—and that his stomach feels the same with somebody else's stomach when it is hungry, and that school children from a tribe which is not his, when they do not go to school would feel the same as his own; that a loan which is needed for a trading business is just important when it goes to a man who is not from his tribe, someone, else, to develop the country—when we forget these things, Mr. Deputy Speaker, Sir, we are destroying the very stability which the President is trying to build.

Mr. Deputy Speaker, Sir, if every hon. Member would remember what is said in our National Anthem, I do not know what it says in English, but in Kiswahili it says: "*Haki ndio ngao na mlinzi.*"

When justice is followed, then you have the proper protection. But if there is no justice in anything you do— You may have guns, you may have ammunition, you may have bombs, but a human being is queer. When he is troubled he is never afraid of a bomb; he is never afraid of any ammunition. Have we not seen America fighting with a small country which is determined to fight? This is because they feel they are dissatisfied. It is not only America: we have seen a big country like Russia and so on fighting with a small country like Israel where people are determined to die.

I say this because the strongest weapon we can build Kenya with is nothing but "love". There is no other weapon. If we use this equipment,

"love", which our President has tried to use himself, although we do not give him the full support because of *kichinichini* all over the place, in giving loans and doing all funny little things — If when in my office, I am trying to give people employment, I only look after the people from my tribe because I think that they are the ones who tend well in Kenya— This is destroying the country which Mzee has worked for all these good years to build.

Thank God! I am standing here to thank him and I appeal to you, gentlemen, to help this good old man by using the equipment called "love"; by refusing to be called a Kamba, Kikuyu, Kalenjin or Luo and insisting on being called Kenyan—

An hon. Member: Are you serious?

The Minister for Labour (Mr. Mwendwa): I am very serious, and God knows that I am serious. You can check my deeds, I mean exactly what I say. To me a Kikuyu, a Kamba or a Luo are equal. If you like you can check. This is the appeal I am making to you hon. Members in this honourable House. Let us help Mzee by showing love in everything we do.

Our civil servants, too, can do a lot of damage to this country by doing *kichinichini*— putting their fellow men to be chairmen of this and that—which Mzee does not know. And by so doing, he is not helping Mzee. In fact, he is the biggest enemy of the very man we are now helping called Kenyatta.

Thank you, Mr. Deputy Speaker.

(Question proposed)

Mr. Migire: Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to address the National Assembly on the Presidential Address this afternoon.

Mr. Deputy Speaker, Sir, what I would like to say is that it is always easy to say that we can be united; but, we cannot. We cannot have unity unless we are prepared to work for it. Mr. Deputy Speaker, Sir, I think it is my duty as a representative for Mbita Constituency to tell the Government some of the mistakes which I think the Government has been making in this country.

The first thing to begin with, Mr. Deputy Speaker, Sir, is that the President has not told us, in his Speech, why the school fees have been increased in this country. Mr. Deputy Speaker, Sir, we have to help the members of the public. It is the duty of the Government to assist members of the public. We know that our people are poor and we know that we have people at home who are not working and who have not worked for the last 10 years. However, when we began

(Mr. Migure)

the year we were told that a small child who is beginning school in Std. I will pay over Sh. 77 as well as the child who is in Std. VII. They will be paying the same thing. Now, what a situation is this? Are we now helping the public or are we delaying them?

However, at the same time, Mr. Deputy Speaker, Sir, we expect the Minister for Education to give us a plan on what his Ministry is intending to do about the free education which Kanu had promised this country some years ago. This is because nothing has been done up to now. How do you expect us to work as a bridge between the people and the Government in this country, Mr. Deputy Speaker, Sir? We must be specific and state the facts. Now, how do you expect co-operation from the Members of Parliament, and even from the members of public, if we are not doing anything good for this country?

We know that we, Africans, marry many wives and this is our custom; we have the right to do it. We have many children as a result of many wives. Now, what are we going to do with our children? Are we going to let them stay at home without sending them to school? The Government is increasing the school fees and at the same time the Government has not even told us how it is going to maintain the schools. However, here we are told that there is a plan for working out the educational policy. Mr. Deputy Speaker, Sir, I am asking the Minister for Education to come forward clearly and tell us what his plans are because, in fact, the public is complaining. The public is saying that the Colonial Government was a little bit better because the school fees were low and now our own Government has increased everything.

Mr. Deputy Speaker, Sir, it was last year when we began this Parliament. When we began the Parliament, I appealed to the President that we were not satisfied with the appointment of the Ministers. We have several districts in this country. There are about eight or ten districts without a single Minister, and yet you find that there is one district which, perhaps, has about five Ministers. Why is it being done like that? And this district, Mr. Deputy Speaker, Sir—

An hon. Member: Because they contribute more money.

Mr. Migure: Also they contribute *kodi*. And one district with several Ministers who earn money for these districts; how do you expect unity and co-operation from other districts? For example, Mr. Deputy Speaker, Sir, I come from

South Nyanza District, another person comes from Narok District and another one from Nyeri District, and each one of us would like to have a representative in the policy-making body of this country. If you told him that he had no right to have a Minister, then, how can you expect co-operation from that person, Sir? Do you want to tell me that when we were fighting for political independence in this country people from Nyeri District had no freedom fighters to fight for this country? Is this what the Government is telling us?

Mr. Deputy Speaker, Sir, we want the President to review his Cabinet and, if possible, reshuffle his Cabinet this month so that other districts which are not represented can also be represented. We cannot have a Government which is telling us things which are not practical at all. We are asking the President to tell us because he has not even told us in his Presidential Address to this House why some other districts are not being represented in the Cabinet. I hope that the Government is going to take note of this.

Mr. Deputy Speaker, Sir, there is no need for pretending that things are right when they are not right. I would like to say that because of this unfair distribution of representation in the country, this is an invitation to revolution which has been happening in other countries. This thing can also happen in Kenya. Therefore, when you talk of revolutions, people think that Kenya is perfectly clear and everything is all right and there can be no revolution in this country. But, I am warning the Government that unless there is a fair distribution of representation in this country, there will be no co-operation at all even from the members of the public. They will always be singing and singing, and what they say is quite different. Therefore, I think that Mzee has done his level best and that is what I appreciate. However, he has to do more. He has to give us also Ministries. Why should some districts have more Ministers?

Now, the other thing, Mr. Deputy Speaker, Sir, is about the employment of teachers. Mr. Deputy Speaker, Sir, it is quite unfortunate because I do not see how somebody can be brought from Central Province or from Kajiado to go and teach a Standard I child in South Nyanza District; or how somebody can be brought from Homa Bay to go and teach a Masai child who is in Standard I or who has just gone to school. How do you expect such a teacher to be able to teach such a child?

Mr. Mutiso: This is very serious.

Mr. Migure: This is very serious, Mr. Deputy Speaker, Sir. We know that for secondary school teachers this is all right because they are on a national basis. However, you cannot expect my son, who is only five years of age, to be taught by somebody else who is coming from another district and who does not even speak the same language with my child. Is the Government telling us that we do not have enough teachers in Kajiado or in Nyeri who can teach children in Kajiado and Nyeri who are beginning school? We do not want this question of importation of teachers, Mr. Deputy Speaker, Sir. We do not want it, and we object to it *in toto*. I think something is going to be done and it does not matter whether somebody is thinking that he is doing it because he is in authority. But, I say that if I am wrong, one of these days history will put me right. However, I say that it is wrong because you are discouraging our children from going to school and we are complaining a lot. Why should we import some teachers to come and teach us? You take them to secondary schools. And, moreover, they are not even qualified. They are not trained teachers. We do not want a Kenya whereby the Government is doing things to create employment for other people and yet we have Standard VIII pupils in South Nyanza District, in Kajiado and in Kirinyaga who are looking for employment. We want to utilize these boys and we do not want somebody to bring us teachers who cannot even talk to Standard I boy because he does not know the vernacular language. We are not English people so that my child can be taught English language first; we are Africans. We want our children to start with their mother tongues because I must be proud of my mother tongue. Therefore, in this case, Mr. Deputy Speaker, Sir, we are asking the Minister to review the policy. They must review the policy.

Now, Mr. Deputy Speaker, Sir, I come to the question of our foreign policy. Mr. Deputy Speaker, Sir, I appreciate what His Excellency's Government has done about Uganda. However, we want the Government to tell us whether they have recognized Uganda or not because they have not told us anything. I appreciate the fact that Mzee has never interfered with anybody because I do not think that it is the duty of Kenya to interfere with other countries' affairs. It is up to the Uganda people to decide who is going to be their President; it is not up to us here in Kenya to go there and decide for them. If we think that our Government is not doing well, then, the people in Kenya have the right to stage a revolution. There is nothing wrong. Therefore, in this

case, we want the Government to tell us frankly, whether they have recognized Amin or they have not recognized him because we regard Amin as one of the best African revolutionists in Africa. Therefore, we want the Government to tell us what they are thinking about Amin.

Mr. Deputy Speaker, Sir, the other thing which I would like to state—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, the hon. Member had better say that he recognizes Amin as one of the best African revolutionist rather than saying "we" because some of us may not be recognizing him.

An hon. Member: Why? Why?

Mr. Migure: The other thing which I would like to say is that the people who are getting citizenship, we do not want people like Bolton to apply today and then they get it tomorrow. The Minister for Home Affairs must revoke this, and if he does not do it we shall investigate the matter.

Mr. Araru: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to speak on the Presidential Address. First of all, I would like to thank the Father of our nation for giving us his Speech which was quite reasonable and one which laid emphasis on development.

However, Sir, I was quite surprised when I was listening to his Speech— I was listening very carefully but I never heard anything about the drought which has hit our people in northern Kenya, including many other parts of Kenya.

Mr. Deputy Speaker, let us speak the truth—that is what I say every day in this House—Kenya must enjoy the same equality, all parts of Kenya. We should not live in this City enjoying having water—clean water—sprayed on the grass and, gardens whereas some human beings are dying in another corner of the county. In this very House, Sir, I see somebody spraying water on the grass! I feel as if I would cry when I see this water being sprayed on the grass!

I tell you, my colleagues, if today you drive from Isiolo to parts of North Horr or parts of Moyale, in a place called Galgalu, I tell you, you will pray a hundred times to God, and say, "God, bring us water!", about a hundred times. What we would like to be told by the Kenya Government—it is a Republic and we are seven years old—why in some parts of the country our people are dying because of lack of water. We have a lot of water from Mount Kenya and all the water from the Tana River is just pouring into the sea without anybody thinking what could be done with such water.

[Mr. Araru]

Mr. Deputy Speaker, when we came here on 17th or 20th January, I and some other Members of the North-Eastern Province cried to the Government and gave a picture of the situation there. However, somebody sitting here in Harambee House, who is enjoying his life, who has never been out of Nairobi, denied this and said there were no difficulties and that there were no people dying there; he cannot even recognize a drought. However, what happened— After only two weeks, after people had died and the animals were almost finished, Government then came out saying, "Oh, yes, there is a drought, Red Cross and everybody, offer something!" What is this— Is this how we guard our people? Do we guard people when they are dead or when they are alive? What is the use if people have already died and that is when you come to help? They have already died and even if you bring a hundred times that amount of maize, rice or ghee, they cannot come back to life again. What is the use of that now?

Mr. Deputy Speaker, there are some people— as one of the Ministers of this Republic said here today—sitting in some of these offices here who are the enemies of political leaders of this country. Let us remind them that if it were not for our politics, they would not be enjoying what they enjoy now in the offices especially, when it is we ourselves, who are making laws for them. When we give these laws to them, they enjoy life under these laws and enforce them and sometimes when we make these laws, they never enforce them as we make them; they change them in the way they like. Whatever we say, somebody will always deny it; they cannot say it is the truth. This is what happened last year: when Western Province Members of Parliament cried for maize, somebody told us, "Oh, there is plenty of maize everywhere", and some hundreds of bags were even photographed in the newspapers. After only one week, there was no maize and the Government came out to admit they were importing maize from other countries. That is what we were told.

Mr. Deputy Speaker, let us tell these people not to forget that they are merely employed. We have brought about their promotion; we have made them what they are, to deal with the offices. These days they are trying to have political arguments with us in the newspapers; in fact, these days they have become just like politicians. This is what we say: if anything happens here, as in other countries—one of my colleagues said, even revolutions which are occurring in Africa are mostly brought about by civil servants. They are cooking up a revolution in this country because

they know everything. They say, "Why, the Minister did this, and I will do it also; somebody did this and I will do it also: that is why I am here." However, let me tell them this: Mzee spent 11 years in Lodwar and he nearly died there. Did any civil servant go to Lodwar? Did anybody send them to prison? Let them tell us whether any of them struggled for *Uhuru*, if any of them has any certificate. There are so many politicians today, when at least an African should be free like an African in an independent country but some of the leaders who even fought for Mzee are today in prison because of political affairs. How many civil servants were sent to prison for political reasons?

Mr. Deputy Speaker, we want respect; let us respect each other. Let us not say, "Well, because somebody has done this, I will do it also"; just because somebody else did it. If somebody does something bad, you should pray God and say, "Let God help me not to do as he did." Leave him alone. You should not spoil your country because you happen to be in that position. You have to watch the public; you have to guard against involving yourself in politics.

When a Minister goes there— Everyday, these days we find civil servants complaining about us through the newspapers of this country, that Members of Parliament have a big salary which is not taxed. They went so far on our salaries just because our salaries as politicians were shown in the newspapers. Let the Government come out with everybody's salary in the newspapers and then we will know how much everyone of them gets. Some of them have even built houses— Yes! Some Permanent Secretaries in this country have built some beautiful houses or bought all the colonialists' houses in Milimani, and when a Minister goes to them, because he is a politician and not a civil servant, he is told, "Sir, welcome, Sir, there is a very nice house I have found for you in Milimani here", then the Minister says, "Thank you very much." He just goes in because he is tired because he might just have come from the campaign whereas that house belongs to the Permanent Secretary himself, he is—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. I would hate to interrupt the hon. Member but it will be very interesting, Sir, to know whether there are civil servants or Permanent Secretaries who own buildings and rent them to Ministers; could we be told?

Hon. Members: Shame! Shame!

The Deputy Speaker (Dr. Waiyaki): Order!

Mr. Araru: You should not interrupt me. Let the Front Bench give us our chance. This is our time, we Back-benchers. Even the hon. Vice-President agreed on this, and told our Member for Butere, who has now been twice elected, to listen to me carefully. I have only been elected once and, therefore, he is more senior than I am, and he should give me time.

Mr. Deputy Speaker, I am saying this quite clearly: let the Government today publish everybody's salary since our salary was attacked and we only ask this: what sort of life do we expect when we are in this House? We have no pensions, no leave, we do not have house allowances, we have no security and we have no chance of being involved in corruption, by which most of the people of this country become rich and particularly civil servants.

Mr. Deputy Speaker, what then do we have? The Government has not come out to say anything about this. Even so, this Bill was not brought here by Members; it was not a Private Members' Bill. It was a Government Bill brought to this House because the Government realized what Members need. However, we were surprised when we saw that this affair was criticized by civil servants. Nobody from the Government came out to comment on it and explain to them; it was a shame, particularly when this House was prorogued. If this House was meeting, we could have dealt with them, just as I am doing now.

I am appealing to the Government to publish everybody's salary, every chairman in this country, all civil servants, including Permanent Secretaries; all their allowances, everything they get should be published so that the public can see it.

Mr. Deputy Speaker, Sir, because of these reasons, I want to say that quite clearly; we have to get our own share and our money, particularly we, Members of Parliament who belong to the *wananchi*. Everywhere I go in Kenya, I meet Moyale people or any other person who knows me, they come to me and say, "Hon. Araru, I have no food." Then I put my hands in my pocket, what I have there I give to him. We are told by our Mzee, that any leader who has not done anything for himself, whoever he may be is not a leader. Everybody, and particularly the civil servants, are aware of this. We are building Harambee hospitals, Harambee secondary schools, Harambee primary schools and Harambee nursery schools for their families, Mr. Deputy Speaker. Mr. Deputy Speaker, Sir, these people are just here blaming us.

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

Mr. Wabuge: Thank you very much, Mr.

Deputy Speaker, for giving me this chance. In the first place, Mr. Deputy Speaker, I would like to thank His Excellency the President for his Speech and having said that, Mr. Deputy Speaker, I would like to make a few remarks.

First of all, about unity, Mr. Deputy Speaker. This question of unity has been preached now and again in this country but it has never been put into practice. How can one go on preaching unity when the ruling party is not functioning at all? How can one expect us to unite when Kanu is not operating? You can only tell people to unite under one political party. But, here we are being asked to unite just in a vacuum. Under what? Mr. Deputy Speaker, Sir, as far as I know, in this country, anyone who preaches unity is just having day dreams because any moment something could happen and when something happens, it will take years to get everybody in this country to come together. This is because we have a party known as Kanu but it is not functioning. Therefore, Mr. Deputy Speaker, Sir, anyone who wants unity in this country, the first step he must take is to organize the party. Let him organize the party and let the party have more say in the affairs of the country, not leave it to the civil servants or to provincial commissioners who are now becoming small kings in the provinces; not to leave it to the district commissioners who are now becoming small lords in the districts. How can you expect unity to come about in such a situation? How can you expect unity to come about, Mr. Deputy Speaker? Mr. Deputy Speaker, Sir, this is done purposely. It is done purposely because some of the people who feel that they are going to be next president of this country are afraid that when there is a very strong and organized party, they may not have that position at all. Therefore, what they want is to disorganize the party advising Mzee Kenyatta that "Oh! Mzee this is what we want and this is what we want", so that, one time, possibly they will use their money to buy people's votes. But, to their regret they will shed crocodile tears without having anything at all, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, people talk of unity. How can you expect to have unity when someone is sitting on your head telling you that "Let me stay here and let us walk. By you letting me sit on you, it means unity." How can you expect that, Mr. Deputy Speaker? You will go on preaching about unity but he who is being sat on will one day say, "No, I am tired." You will fall down. Where will you be? Possibly you will break your neck. Therefore, Mr. Deputy Speaker, anyone who wants unity in this country must first of all organize the party and secondly he

[Mr. Wabuge]

must be above tribalism. This is because—and I will say it here, Mr. Deputy Speaker—the President we have is a man who is above tribalism. But, the trouble is this: the people around Mzee or the so-called “Inner Cabinet” are the ones who are letting this country down. Some of them, Mr. Deputy Speaker, behave as if they were private secretaries to Mzee. We have Mr. Mathu as the President’s Private Secretary. When Mzee is in Mombasa, let them tour my constituency. Let them come and see what people want but not that every time wherever Mzee is, they are there. Wherever Mzee is they are there, Mr. Deputy Speaker. What are they looking for when the country is waiting to see them? If you ask a person in the village, “Who is the Minister for Administration?” They will not tell you who he is, Mr. Deputy Speaker, because they have never seen him. They cannot tell you who he is, Mr. Deputy Speaker.

Therefore, Mr. Speaker, the first thing is that we must have a proper organization of the party and tribalism should be done away with. People talk of a certain tribe and I sympathize with that tribe. This is because a small clique in that tribe are the people who are causing all the trouble and as somebody said, when you have one rotten potato in a basket it spoils the whole lot. I feel this is very serious, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, as far as Foreign Affairs is concerned I want to say this: people speak about recognizing Uganda. I do not think we can recognize Uganda because we have no diplomatic relations with that country. What I want to say here is this: the East African Community is not Mzee, is not Nyerere or for that matter Amin or Obote but it is the people of East Africa. Therefore, whoever goes away, it does not mean that that will be the end of East African Community. If anyone feels the East African Community is there because he is there and the moment he goes then it breaks up, then I must say that it was a false marriage and as such, it should go. The sooner it goes the better. Mr. Deputy Speaker, Sir, when we want unity in this country it must not be the unity of Wabuge because he is the President. No, it is unity of East Africa because the people in the village are the ones who want that unity.

An hon. Member: You are experienced. You have been a President.

Mr. Wabuge: And soon or later I am going to be.

Therefore, Mr. Deputy Speaker, let the East African Community be there. Whether Dr. Obote is not there or not, the Community must be

there. If anyone says that we do not want to have the East African Community because Dr. Obote is not there, then we tell him, “Well, that was the reason why our fellows were being sacked in Uganda.” If that is the reason, then the sooner we break the better and we know where we are. At some time, the people of East Africa themselves, who have the genuine unity of East Africa will form a good and proper East African Community.

Mr. Deputy Speaker, Sir, I want to say something here about our Government. As far as the local man is concerned or the people in the village are concerned, they say our Government is full of lies. Every time there is a statement, “Oh, there will be free education, free medicine, remission of school fees or bursaries”, but this is never implemented. The other time Government said that people will only pay Sh. 24 in form of graduated personal tax. Now, where is it? It is going up and up. Now, people ask us, “What is this?” How do you expect me, as a Member of the area to answer such a question? The Government tells me that I must explain to people but when I explain to people the truth, they say Wabuge is not supporting Kanu, Wabuge is not supporting Government. If I do not support Kanu, if I do not support the Government, where am I? Am I not in Kenya? I am in Kenya, we have one party, we have one Government and we have one country and therefore, automatically, I support. But, I am criticizing what goes wrong. I have told the people leading the Government they are not angels. They are human beings and are subject to making mistakes and as such, they are subject to correction. They should accept these corrections when they are put to them.

Mr. Deputy Speaker, Sir, I happen to represent an area which is full of poor people. You will find that a family has about five or ten children who are supposed to go to school but because of school fees, these children are not getting education at all. Now, my question is this, does Government really want to educate the children of this country who will be the future leaders of this country? If so, why can Government not devise ways and means whereby all these children who come from poor families get education? They can get education if Government has no money for free education for all in the way of giving remissions and bursaries. If that is done, then everyone will see that the country or the Government has the sympathy of the people of this country.

Also, Mr. Deputy Speaker, Sir—

Mr. Deputy Speaker, Sir, my time is up and with these few remarks, I beg to support.

Mr. Karungaru: Thank you very much, Mr. Deputy Speaker. I will also like to speak on this very important Motion regarding the Presidential Speech. Sir, it is true that there are a lot of things to be put right and I think it is also true that a lot of other things have already been put right. However, Sir, we are, now, like people who are hunting for game but do not know where this game is. Sir, some of us have already noted what is wrong in the whole of Africa and, indeed, Kenya is not in isolation. Mr. Deputy Speaker, Sir, it appears that the members of the Civil Service do not pay attention to whatever the politicians advise them to do. The duties of the members of the Civil Service are well known and the duties of politicians are well known. Now, you find a Minister is responsible for policy making and it is a duty of the civil servants to implement that particular policy. But what do we see, Sir? What we see is that it appears as if there was a gentlemen's agreement which was reached between members of the Civil Service and the colonial masters who left this country.

Mr. Deputy Speaker, Sir, this appears to be so because whatever the political Government's policy may be it is not possible for the civil servants to implement that policy. I fail to understand why this happens. Sir, the new colonial imperialists are having possible ways of coming back to re-colonize Africa through the use of simple methods over civil servants. If not civil servant— You know, Sir, when the members of the public get annoyed, what happens is that there is always the truth of finding the scapegoat. Many times, the politicians who are absolutely independent are subjected to being the scapegoats and in many cases, they end up in detention camps under a Government which has no valid mandate to take over from a political Government. This must be corrected and be corrected in time. A situation like this, gentlemen, is not a situation that we can all laugh at. It is a bitter situation and it must be arrested and arrested in time.

Mr. Deputy Speaker, many times we have seen members of the public being arrested without any reason whatsoever. They are arrested under the pretext that they have committed the crime of being drunk and disorderly. Sir, if somebody is really accused of such a serious crime and no doctor has been consulted, this is really a method of creating anarchy in the country because what is aimed at is that we make the members of the public annoyed, as a result of which they will be annoyed and they will have no confidence in the Government. A situation like this one of arresting people wholesale under the pretext that they

are drunk and disorderly should be stopped and be stopped in time.

Mr. Deputy Speaker, history teaches us that it repeats itself. We do not want this country to continue with rumour mongers because there are some if not a section of the people, who are capable of creating rumours which are unfounded only to find that if you try to follow up the paths of where some of these rumours have come from, you just do not find the source. In most cases, these rumours come only when the House is expected to meet. This—and I am saying it during the day—must be checked and checked thoroughly. Anyone found doing that, please, this man is worth being put where others are not put and where others should not be put, because this is not a lover of this country. He is a person who is creating hatred in this country in order that this country may enter into chaos. Gentlemen, we are all politicians. When there is any chaos in a country, the first person to become a victim is a politician. I, therefore, warn those concerned, if they are politicians, to stop preaching their gospel because their gospels have no philosophy whatsoever, and this must be arrested. I will call upon the Government to work through, tooth and nail, and make sure that whoever is concerned is brought before justice so that justice may prevail.

Mr. Deputy Speaker, time and again, when we speak in this House we are told, "Oh, some of these fellows are controversial." We can be controversial because if whatever we say today is not given a hearing, it does not mean that tomorrow we will not say what we are saying today. It will be repetition of what we are saying and that will be psychologically accepted. We want to make sure that whatever we say in this House has a place for implementation.

Mr. Deputy Speaker, we have so many people in this country who are unemployed and who are going with empty bellies but the foreigners and other people are not suffering the same. It is a great shame for us to continue importing goods which we are also producing in this country. It is a great shame and we only end up in finding that our people have no employment. Are we really being sincere? Many people talk about Mr. Enoch Powell when he says that he does not welcome new foreigners like the Asians and the rest to go to Great Britain. I think Mr. Enoch Powell speaks the mind of the people of Great Britain. He speaks about the English national language. Now, I am speaking the language of Kenyans; I am not going to speak the language of foreigners because I have not

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been employed for that. I have been employed to speak and protect our own nationals because if our nationals have no confidence in us these foreigners will not come and help us at all. It is only we ourselves who will struggle with our own problems and these people will be sitting on the fence just laughing and saying, "Look at these demagogues; they are defeating themselves." Sir, we must be careful. We do understand that this state of tribalism is going on in the country. But, Sir, if we have never heard of a person who has been arrested by the Government for promoting tribalism, who can believe that this kind of a thing is going on? It appears that this kind of philosophy has been—by nature—accepted. If it has been accepted—this is what I have to say—then, there is no reason why we should invite it in a form of spreading the gospel of tribalism. Let it disappear on its own route because no one is interested in uprooting it.

Mr. Deputy Speaker, we hear that there are members who are championing the idea of how it can be arrested but they have not told us how we can arrest it because many, many of these people who are saying so may be promoters of the same. These people might be the promoters of the same thing. It is easy for us to say that situation can be arrested, but we shall not be able to provide a method or a formula on how it can be eliminated. If it is to be eliminated, then all the jobs should be distributed to people through the Ministry of Labour. At the same time there should be no personnel officer in any firm or any company allowed to recruit without the consent of the Ministry of Labour or we may ask the assistance of the Special Branch if it is not possible to get the help of Criminal Investigation Department so that we can make sure that jobs are offered to people on merit, but not on favouritism. If we are not going to do that, but we pretend that we do not know that this kind of thing is existing, then we shall only be cheating the nation. In that case, we shall not be sincere to our people.

With these few remarks, I beg to support the Presidential Speech.

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, I rise to support the Motion and at the same time thank His Excellency, the President for his wonderful Presidential Speech which was delivered in this House last Tuesday.

Mr. Deputy Speaker, Sir, we have a very serious problem in our country right now which needs very serious and full attention of the Ministry concerned. This problem is as a result

of drought. Mr. Deputy Speaker, Sir, very many parts of the country have missed rain for almost a year up to this time or even more. Mr. Deputy Speaker, Sir, in these parts, for instance, in Samburu District and other parts in the country we have livestock as the only means of livelihood of the people. Mr. Deputy Speaker, Sir, these cattle have now died. In Samburu District today two-thirds of our cattle have died and we do not have anything else. The surviving cattle, Mr. Deputy Speaker, are so thin and weak that they cannot produce milk or meat and there is nobody who would like to buy them if we were to sell them.

Mr. Deputy Speaker, Sir, therefore, as a result of that now the bigger part of our population, let us say 75 per cent of our people, have to get food from somewhere else so that they can survive. I am very sorry to say, Mr. Deputy Speaker, Sir, that the necessary co-operation or assistance from the Government has not been forthcoming as it should. I have tried to make several appointments with the authority. I have seen the Provincial Commissioner in his office several times and I have come to Nairobi here to see the Permanent Secretary trying to explain to him about this problem. However, I am very sorry to say, Mr. Deputy Speaker, Sir, very little has been done so far. I say it is very little, Mr. Deputy Speaker, Sir, because today the allocation of maize or *posho* which is given to Samburu District is only 300 bags to feed over 50,000 people for a month. This is too little, Mr. Deputy Speaker, Sir. Mr. Deputy Speaker, Sir, I have seen very many droughts, in the past, but I have not seen such a negative attitude from the Government. What is the Minister doing? I have not seen him moving around to see what is happening. Why is it that when we report this matter to the people concerned, that is, the provincial commissioners, or the permanent secretary we are taken lightly? Why does the Government want to pretend there is nothing wrong in the country or as if people are not dying? What can save people from dying if they have no food to eat? People are dying. Cattle have died and now people are dying. What is the Government doing to help people because I have seen people dying in Samburu?

Mr. Deputy Speaker, Sir, I take this opportunity here to make one more appeal to the Government and to the Minister who is here so that he can know that people are dying of hunger. There is a very big famine in the country and especially in Samburu District. In this area there is no water in some parts. Although this is the case, I have not seen anybody trying to provide water in these parts.

[Mr. Lenayiarra]

Mr. Deputy Speaker, Sir, if this Government is interested in my people in that part of the country, that is, people who are living in the Northern Frontier District, in Samburu District, Turkana it should make arrangements right now to provide them with food. Mr. Deputy Speaker, Sir, I happen to have met some of the representatives of some of the voluntary organizations here, like the Red Cross, the Freedom from Hunger and others and I have learnt that they are complaining of the same attitude of the Government.

The Government is not prepared to tell these organizations that people are suffering and ask them what should be done to remedy the situation or from where they will get money to help the people. Mr. Deputy Speaker, is this not really surprising? Is it because people who are in authority are earning salaries here and they are rich people and very well-off people? Then, if that is the case, should they not know that other people's lives are dependent on what the administration does?

Mr. Deputy Speaker, Sir, I am sure that His Excellency the President does not know that this thing is happening. I think this is the reason why he did not mention it in his Presidential Address because this is a serious problem and it is affecting more than half of the country, that is, half of Kenya. I leave this to the Minister, Sir—the hon. Koinange—who is seated here so that he can go and think of what he can do to try to save the lives of people who are dying.

Mr. Deputy Speaker, Sir, I have another point which I would like to mention and which also was mentioned by His Excellency in his Presidential Address. This is about the introduction of the Educational Boards on district level. This is most welcome, Mr. Deputy Speaker, because it is important that we should have a say—that is the local authorities—in the running of schools. Mr. Deputy Speaker, Sir, there is one thing which took place and it was mentioned by one hon. Member here. This is about the increase of school fees. In my own district last year a day scholar paid only Sh. 50. This year they are required to pay Sh. 72. This is an increase of Sh. 22. Last year, Mr. Deputy Speaker, Sir, a border paid Sh. 90, but this year the amount was doubled. A border today pays Sh. 180. Now this means that a child who goes to a boarding school this year is required to pay Sh. 272 while last year they paid Sh. 140. Mr. Deputy Speaker, Sir, we are having these difficulties which I have just explained before, that is, drought, the fact that people have no healthy cattle now which they can sell. Then how can we afford to pay these fees? I made a

special journey from home to come and see the Minister in Nairobi here and he said that it was agreed that the school fees should be standardized throughout the country. Mr. Deputy Speaker, Sir, with whom did he agree? That is the question. With whom did he agree to do that? When the schools were under the county councils, the local people used to say that the people in these county councils' areas can pay so much as school fees. Now when the schools have been taken over, how did the Minister come to a conclusion that all school fees should be doubled? Mr. Deputy Speaker, Sir, I also appeal to him to reconsider his stand because this is going to discourage children from going to school in my part of the country. I am sure, Mr. Deputy Speaker, Sir, at the moment they have not asked for school fees because of the drought but as soon as they ask for the school fees I know that all the children—all the Samburu children—will leave school. It is because they have no money. I am sure, Mr. Deputy Speaker, Sir, if the fees are reduced to the amount which they used to pay in the past, they would try. However, we have reached a point of asking the Government to give free education in that part of the country because we do not know when the rains will come and at the same time we do not know how many head of cattle will be alive when the rains come. Mr. Deputy Speaker, Sir, that is another very important point which the Minister for Education should take very seriously and therefore, we look forward to hearing from him soon.

Mr. Deputy Speaker, Sir, another important thing which was mentioned by the President was the—

The Deputy Speaker (Dr. Waiyaki): Order! Your time is up.

Mr. Ayah: Thank you very much, Mr. Deputy Speaker, Sir, I would like to spend a few minutes, first of all thanking the President for what I think was an excellent exposition of the public policy. However, as we start 1971, I would like to express some hopes.

Hon. Members in the last Session and today have shown a great concern for the future of our country, and I would like to express some hopes that as we start this Session for 1971, we shall translate these desires and hopes into action. Therefore, the first thing I would like to say, Mr. Deputy Speaker, Sir, is that when Members of this House, Back-benchers or Ministers, stand up in this House and say that either they want unity or they do not want unity or there is no unity, we are the first hypocrites. Mr. Deputy Speaker, Sir, I have heard it sung in the most musical manner possible at every Parliamentary Group

[Mr. Ayah]

Meeting “Kanu *yajenga nchi*.” These hon. gentlemen, whenever the President meets with us—

An hon. Member: And ladies as well.

Mr. Ayah: Yes, and ladies sometimes. When the President meets with us, after we have had our discussions, somebody always stands up and begins singing in the most musical manner “Kanu *yajenga nchi*”, and yet we are prepared to say that Kanu is not functioning, the Government is not doing this and the Government is not doing that. This, Sir, would only mean that the Members of this House are not taking themselves seriously. We cannot have it both ways. We cannot stand up and sing “Kanu *yajenga nchi*” and at the same time say “There is no Kanu, Kanu is weak or the Government is not doing this or that.” I am saying this because I have never sat down or stood up and sang “Kanu *yajenga nchi*” because I do not believe Kanu is building the *nchi*.

Hon. Members: Hear! Hear!

Mr. Ayah: I am not prepared, Mr. Deputy Speaker, Sir, in any sense at all to be hypocritical. I would like us to start from now onwards facing the facts as they are. The facts as they are, in my opinion, Sir, are these: there is tremendous amount of tribalism in this country. If anybody says that there is no tribalism, he is deceiving himself and the truth is not within him. There is plenty of it.

Now, the second fact is this: that because of tribalism, there is maximum amount of nepotism in this country and it is no good any hon. Member standing up and saying “substantiate this, substantiate that” because we all know that the complaints that every member of the public is bringing to us is that he cannot get a job unless he has a letter from somebody. Now, if it was not because of nepotism, there would not be any necessity whatsoever of members of the public coming up into the Parliament Buildings and demanding letters from hon. Members which can help them in looking for jobs. That is why I say that the second fact arising from tribalism, nepotism is very, very rampant.

Now, the other dangerous thing, Mr. Deputy Speaker, Sir, which I would like to speak about at reasonable length is the question of foreign control of business and commerce in this country. The President, the Cabinet, Members of this hon. House have expressed themselves as saying that they do not want the foreigners to continue dominating business in this country. Now, what are the facts? What are we doing about it?

Mr. Karungaru: Nothing!

Mr. Ayah: Now, it is my conviction, Sir, that

if we examined the statistics that are being thrown around from the Ministry of Finance and Economic Planning, we would find that these so-called Development Plans, all these growth rates, and all these other things, they reflect nothing but greater control by the foreigners of our economy. If anybody wants to challenge me on that I would like to argue with him because I know that ever since independence—for the first two or three years—the foreigners were rather scared. They said “We do not know what is going to happen” but now foreigners fill the papers in the world and stand up on table-tops and say that Kenya is a wonderful country. My personal view, I might declare, Mr. Deputy Speaker, is that I hate foreigners by nature. Now, when I hear them standing and saying that we are a wonderful country, I know there is something wrong. What is wrong is the fact that they know they have never had it better anywhere else in the world. People are coming here from Britain, India and God knows where because they are unable to live at a higher standard of living in their own countries. Therefore, let us not be cheated that they are here because they like us. They do not. No foreigner likes us. They are investing here on purely economic grounds because they know that they get better returns here than they would get in their own countries. It is no good anybody saying that they like us in any way or anything like that. Therefore, Mr. Deputy Speaker, Sir, I would like the Minister for Commerce and Industry—him being here—together with the Ministry of Finance and Economic Planning to set some kind of standard by which we are going to reverse this kind of trend. Otherwise we shall continue to make speech after speech in this Assembly, and even in public rallies complaining about this or that. The first step we should take is to reverse this trend and advise institutions like the Industrial and Commercial Development Corporation not to involve themselves in purchasing existing businesses which, in any case, are foreign owned. The part ownership is the wrong thing because we get advice from the very people we would like to replace. They tell us “All right, I have a business here, take 50 per cent and I will remain with 50 per cent. It is all right if you get me the chairman.” They know that the chairman was educated in America, like me, or England and therefore he can always invite him to a cocktail party and they can discuss these things with him without any trouble.

Hon. Members: Hear! Hear!

Now, the other thing, Mr. Deputy Speaker, Sir, and I want to refer this point to a specific Ministry, the Ministry of Tourism and Wildlife. I

[Mr. Ayah]

noticed the other day when my hon. friend, the Member for Butere, made some remarks about hotels in Mombasa all these foreigners were up in arms. As I said earlier, whenever you hear them praising you, know that something is wrong and whenever you hear them not praising you, sleep comfortably knowing that you have done something good.

Hon. Members: Hear! Hear! Very good!

Mr. Ayah: The Ministry of Tourism and Wildlife must be re-organized, Mr. Deputy Speaker, Sir, and because of protocol and politeness in this House, I would not like to say this very strongly. However, had I not been a Member of this House, had I not been trying to live up to the standards of decency in this House, I would have recommended the sacking of the hon. Jan Mohamed, the Assistant Minister for Tourism and Wildlife. I think he needs to be sacked.

Hon. Members: Hear! Hear!

Mr. Ayah: However, because of politeness, I would not emphasize the point.

An hon. Member: But you have done it!

Mr. Ayah: I would like, Sir, the Ministry of Tourism and Wildlife to think in terms of Kenya as an African country and of Kenya as a whole. It is no good having these hotels in and around Nairobi, it is no good having the Europeans and the Asians telling the Ministry where it is good for us to build hotels and where it is good for us to take tourists. We want them everywhere, particularly, Sir, we want them in Kisumu. As my provincial commissioner said the other day, we have excellent facilities there which only need to be developed. However, how shall we ever do it when the whole industry is controlled by Europeans. I have found people resigning from the Civil Service, Europeans resigning from their jobs to start up very small businesses as tourist organizations and within two years you find them driving in Jaguars.

Finally, Sir, the third point, I would like to express another hope that as we go into 1971 we shall have an opportunity to discuss the question of people being detained. I express this hope in all humility because I think, Sir, that there is something to be gained in any country for having nobody being detained in any detention camp. I remember in 1961, I think it was, when I was a student and when the hon. Minister of State in the President's Office was then in Ghana, members of Kanu were going to a conference in London and the British people did not want him to join the conference. I remember Mr. Odinga saying that if Mr. Koinange was not going to be allowed

in, he himself would probably leave the conference. Now, I would like to appeal to the Minister of State in the President's Office to consider this issue.

Now I want to appeal to the Minister of State, to remember that and advise the President that there is an old man rotting in jail, that whatever has happened in the past let us forgive and forget. Unless this thing be general, it is no good forgiving and forgetting one case and not the other. By saying so I must also express myself as being very thankful that the President has so far released a lot of people who were detained.

However, let me appeal to him again, particularly through the Minister of State, that we would like all the people who were detained, particularly those of them who are old men—the Minister of State will understand what I am saying because he is near that age—to be released and taken home to be good citizens.

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

Mr. Gatuguta: Mr. Deputy Speaker, Sir, first of all I would like to express my thanks to the President for his excellent exposition of public policies. He made certain references to certain matters which I think are very important for us to consider and to have very serious concern for immediate action to be taken.

The first one is the question of establishing local councils instead of the present area councils. This, Sir, is very important indeed because the present area councils are set up on a constituency basis and they are not in touch with the people. The old local councils which used to deal with the local problems were more useful than the present area councils.

The other thing which he mentioned, and which I thought was very important was the question of establishing district education boards. This, Sir, is very important because education is the key to the progress of this country and it is very important that the people themselves take part in whatever is being done. They must be involved in the educational planning and in whatever happens in matters of education. Therefore, I think the Ministry of Education should take immediate steps to organize this aspect of education.

Before I leave this question of education I want to add one or two things which have already been mentioned by other people. This question of raising the school fees is very serious indeed. I think we look ridiculous all the time. We have told the country in the Kanu manifesto and we have passed a Motion in this House that the country needs free education. Instead of moving

[Mr. Gatuguta]

towards that progressively we are moving backwards by increasing the school fees. I do not know whether the people in the Ministry of Education who plan this matter have any idea of the problems that the people are facing. I do not know whether they have any idea of what the feelings of the people in the country-side are.

The people are suddenly told that the school fees have been increased. Do they consider how many poor parents in the rural areas especially, or even in the towns, who want their children to get education, have no means of educating those children? There are thousands of them. Why do they not think about the children who cannot go to school now? There are thousands of them in the villages, and they have a right to have education like anybody else. It is the responsibility of the State to provide opportunities to these types of children to have education also instead of increasing the fees all the time knowing very well that only the rich will be able to educate their children.

We, as the representatives of the people, are being faced with great difficulties now because the poor parents come to us all the time asking, "Where am I going to get fees for my child?" This is very serious. I want this to be reconsidered, and I think Government must take a serious view of this as some Members have already said about it.

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

[The Speaker (Mr. Mati) took the Chair]

The other thing I would like to say is that I think there is something wrong somewhere within our Government system. The policy of this Government is very clear indeed. The Head of State, President Mzee Jomo Kenyatta, has made the policy very clear. Whether it is the question of moving towards economic independence or whether it is the question of Africanization in any field, the policy is very clear. But there is something wrong with the implementation of it somewhere. The Government departments and Ministries are not implementing the policies effectively and efficiently as should be done. Surely, we are not going to expect the President to go and implement these matters in the Ministries, but it is up to the Ministries to implement them.

In the Five-year Development Plan we were told, and the country agreed, that emphasis would be laid on rural development. But what is being done in the rural areas? Regarding the question of housing, the Ministry for Housing is concentrating on building houses in towns like Nairobi,

Mombasa and others. If a man in Kiambu asks for a loan to build a house he will hardly get it. Why are we not providing money to the people in the rural areas to improve their living by building good houses? Why are we only concentrating on the towns?

What about the water supply in the rural areas? There are certain areas where people travel for 10 miles to get water. What is being done about this matter? It is up to the Ministry concerned to do these things. Government has said that this would be done, but why is it not being done now?

There are contradictory statements made. The President has said that the people must embark on self-help projects. They must work hard and build health centres, schools and work on their *shambas*. He has said all these things, but when we want to do so we are told, "No, you cannot put up more health centres because Government has no money. You cannot build more Harambee Schools because Government has no more money." This is very funny indeed. Even during this afternoon one Minister told us that no more health centres will be taken over by Government.

All these contradictions must certainly cease. Something must be done. Why should a Minister of Government say this today and another one say that tomorrow? There is no co-ordination of what is going on. We want these things to be done, Mr. Speaker.

I remember one day the President of this Republic made a statement—I think it was during Kenyatta Day—that there was land for everybody who was a genuine landless person. He said that. Why is the Ministry concerned not giving land to the people? We have a lot of landless people, particularly those who are living in the Emergency villages.

I request the Minister for Lands and Settlement to pay particular attention to my constituency, where I have about 10,000 landless people in the Emergency villages. I am not talking of any ordinary landless men, but I am talking of those people who are living in the Emergency villages. They were put there by the Colonial Government, but we are now free. So I think our Government should do something about it.

Before I conclude, Sir, I would like to say something about unity. I think that every thinking person and every realistic person in this country will know that the need for unity is more important today than ever before because of what is happening in the neighbouring countries. We have seen military *coups d'etat* taking place in areas not very far from us, and recently we saw a military *coup d'etat* next door. Therefore,

[Mr. Gatuguta]

this is a very great lesson to us now that we must be united to avoid that kind of thing which is happening in other places.

We are lucky because of the leadership we have today. This leadership can be compared with any level in the world. That is why we are stable, secure and that is why we have freedom to talk the way we want to here. However, if we have no unity, and that leadership will not be there tomorrow, what will happen? There will be trouble. There will be chaos and tribal fighting. The only thing to guard against such a thing is unity. I will tell you that nobody should deceive himself. If there is going to be any trouble in this country, everybody is going to suffer and particularly the representatives who have been elected by the people. Therefore, the leaders of this country, the Members of Parliament and the others, should be more concerned about unity than anything else.

Who will benefit from any trouble which may come here? We want sincere unity. This country belongs to all of us. It does not belong to one person or to one section of the community but to all of us. Therefore, gentlemen, hon. Members, let us sit down— Sorry, I am using the words “hon. Members”.

Sir, I have not finished.

What I am saying is that we leaders should get together and instead of trying to create tribal feelings among the people we lead, let us try to show them the way towards unity. At the same time, where tribalism exists in whichever Ministry it is, it must be fought. It must be fought by everybody and by all means. It is there, as some Members have said and it is the duty of the leaders themselves to point out specific cases of tribalism so that we can finish up this kind of tribalism and work towards unity.

It is at this time when we have the leadership that is recognized and respected by everybody that we must make use of the opportunity to build our country. We should use this opportunity because it may not be easy to do it later on. Once we have a strong foundation, it is not going to be possible for anybody at all to be able to shake the existing stronghold of our nation.

The other thing I want to mention is the question of taxation.

Mr. Mwamzandi: Mr. Speaker, Sir, I must first of all congratulate His Excellency the President for the able Speech he gave. I would also like to take this opportunity to congratulate him again for the way he is running this country.

In my opinion, he is running the country in a very fair manner where if we were capable of following his leadership, there would be no trouble in this country.

Mr. Speaker, there are reasons why we fought for independence. We fought for independence because we had no land. All the land was in the hands of the Europeans, the Asians and the Arabs. So, we had to fight for independence.

We fought for *Uhuru*, Mr. Speaker, because we were every time being arrested by the police and there was no place for us to take our complaints. We had to fight for independence because no loans were available except to Asians, Europeans and Arabs.

Whenever a European came to Kenya, you could see him driving a motor-car within a few days when we were walking on foot all the time. So, we had to fight for independence.

The question here, Mr. Speaker, is: have we got rid of all these difficulties? The answer is “No”, but why? Instead of getting rid of these Europeans, we have created a class of a few Europeans in Kenya—black Europeans. Mr. Speaker, we have removed the colonialists and we have now, in Kenya, black colonialists.

We always talk of unity here and it has been said here that people should be united. We are trying to unite our people. We are trying to explain the truth to our people but we fail to convince them because of what is happening in this country. I said earlier on that the President is a fair man and he does not know what is happening in the field. However, these people in the field— We complain that we do not get loans and that Kikuyu people get loans. It is, therefore, upon the people in the field to convince us that these people qualify for loans. However, instead of doing this, you will see a Kikuyu man telling us, “Do you not know that we fought for independence and some of us have been in detention for so long?” Is that an answer for one to give? One hon. Member rightly put it some time back—the hon. Koigi. So when we hear this, we know—

Mr. Koigi: It is true that a man like me fought for independence.

Mr. Mwamzandi: Mr. Speaker, it is from such hon. Members that if we could get a proper explanation then we could explain this to the public. If we could get such an hon. Member here saying such sort of a thing, does that not create hatred between the African themselves? However, he comes here to tell the public, “Do you not know that I fought for independence?”

[Mr. Mwamzandi]

We do not need that. We must remove such things if we want unity in this country.

Mr. Speaker, we must distribute the loans evenly. Every tribe should get loans, not necessarily in the Coast Province— We see a certain section of the community which is really enjoying the freedom of this country when the others are in difficulties. I said, in the last Parliament, that Salim Road—the so-called Salim Road—where we had so many Asians, it is surprising, when we go there today, we see people from up-country only.

If we do not have money, and we ask for money to develop our area, it is upon the officers in the field to consider us. Some of the conditions of getting loans must be waived for those backward people. It is exactly in this way, Mr. Speaker, that we are creating hatred if we do not listen to others who speak the truth. We must accept the truth whether it is bitter or not. We must accept the truth.

Mr. Speaker, I was saying that it is upon the officers in the field to waive some of these difficulties for those people who are in difficulties and those people who are not educated so that they could now feel that they are independent.

Mr. Speaker, we fought for independence because in some of the areas where independence was being fought for had no water. Up to now, we have still no water in some of these places. Funny enough, water has been piped from Mzima Springs. I thought it was going through my constituency to serve my voters when I realized that it was going to Jardini and Two Fishes Hotels—those European hotels—so that when the tourists come to this country, they enjoy their stay without difficulties when the electors of this Government are today dying for lack of water. I do not know what is happening.

It is, however, upon the Minister for Agriculture to realize that it is the *Mwafrika* who needs water and not the person who comes from Europe for his holiday or honeymoon. We are the voters and the tax-payers and we should, therefore, have these facilities.

We have heard that the Samburu people are dying from lack of water. There is no water at Moyale. In fact, in the hinterland of Kwale District, water passes through from Mzima Springs to Mariakani and to other parts of the district.

An hon. Member: Break the pipes!

Mr. Mwamzandi: I think that is the best method—breaking the pipe. Water passes through that area but the people of that area do not get

water. Their cattle are dying. Would you really convince that person that he is independent today when he is suffering as he was under the colonialists?

Again, Mr. Speaker, we fought for our independence and some of the leaders were told that there would be no taxation. This is a wrong advice to be told that there was no taxation. The President, boldly enough announced that those who were paying the tax of Sh. 24 were not going to pay this tax last year. This became opposite because all of them were asked to pay Sh. 48. It was in the Presidential Address here where he said that he was going to make a policy statement at public rallies. I think it is provided in our Standing Orders that we cannot question what the President says in a public rally. We feel he should speak here about any public policy so that we have a chance to debate and see what is happening.

Mr. Speaker, Sir, it was even said that there will be free education. It has been well expressed here by some hon. Members that instead of there being free education, a child in Standard I pays over Sh. 70. We know the standard of our people that some do not have even *chakula* at this time. How can they educate our people?

I think it is upon our Government and the Minister for Education to see that free education is introduced in this country. I thought the Minister for Education was going to be very active because, immediately he was appointed he went to the Press and we saw in the *East African Standard* an article entitled "Free Education Soon". Now, he was confused by his philosophy and he has kept quiet. Instead of having that free education he has increased the school fees.

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

Mr. Munyasia: Mr. Speaker, Sir, I stand to give my thanks in appreciation of the Presidential Speech. Mainly, Sir, I will deal with paragraph four where the President emphasized so much on our duties as Parliamentarians and the duties of this Parliament. Sir, many speakers have spoken on various subjects but although we talk about tribalism and we try to criticize it, we should also be mature and more specific. I hate, as a person, Sir, to challenge the whole tribe or to generalize the whole tribe as bad. That is one of the things that hon. Members should not do. Let us be fair. There are some people whom we know do dance around the President wherever he goes. Now, is it (Inaudible).
..... by the whole Kikuyu? If Koinange is bad, say

[Mr. Munyasia]

Koinange is bad and call him by name instead of saying that all Kikuyus are bad. This is inviting trouble to those who are innocent. So, we must single out those who are bad and follow Mzee inch to inch. (Inaudible).
 you know them, Sir, and why should he tell us it is the whole of Kikuyu tribe? You know who go to Mombasa, we have Mungai, Njonjo and Koinange. Why say that all Kikuyu are bad?

The Muslims say that where there is fire there is smoke. There is fire and you can see the smoke. That is the smoke, we begin with the smoke. Where there is smoke there is fire. There we have seen the smoke and there is fire.

If I go further, Sir, we must know and we must be told by this Government because Government started the fire. There is one newspaper, Sir, which is known as "Guardian" which (Inaudible).

Sir, if you look at this paper, there is the picture of His Excellency the President. Does this mean that Government does not know this paper which was put inside our pigeon-holes, and it is indicating who will be the successors of this country after Mzee? This paper is trying to show how powerful and how weak some of our leaders are in this Government. Moi is a weak Minister, Koinange, because of his age is ruled out, Njonjo is out because he is not popular, Mungai, being a Cabinet Minister and being in the inner Cabinet Minister—

Mr. Mwamzandi: On a point of order, Mr. Speaker. My point of order is this. Could we understand that the hon. Member will lay it on the Table?

The Speaker (Mr. Mati): Yes, Mr. Munyasia, if you would not take too much time, (Inaudible).
 Just lay the paper on the Table.

Mr. Munyasia: Now, the only two gentlemen who are remaining and who are now the big bulls fighting for the succession of the President are hon. Mungai and hon. Mwai Kibaki but because hon. Mwai Kibaki comes from Nyeri, he is not near to the succession.

(The hon. Munyasia laid the paper on the Table)

Now, Sir, if such papers are circulated, they will be trying to incite trouble. Government should be pressured by this Parliament to make a thorough check. How do these papers appear in our pigeon-holes? How do they come here?

Does it mean that Government does not know about this paper? Is that why we are told that

there are two changes coming? Is that the intention of that paper? If it is the intention of that paper we must be told. Mr. Speaker, Sir, whoever deceives himself that he will succeed this country by the way of dodging, he will have it. The Head of State must be elected by popular vote of the entire Republic as it is with the President of Kenya. But, *kichinichini* will never survive in this country.

The other point is about water development in the rural areas. Mr. Speaker, Sir, it is disappointing, Sir, to learn that there is an allocation of Sh. 53 million throughout the Republic but recently we have seen that Government is not taking the initiative to see the poor areas which have been mentioned by hon. Gatuguta, hon. Wabuge and many other speakers. The Government has not yet seen or has not attended to them. Embu was given Sh. 10 million. What a project where water is flowing in streams whereas the poor man down in Turkana, Samburu, Kitui, Masai, Makueni, Kwale lack water. Now, is this the policy of Kanu where they say unite and be good boys to the state. When we say "correct this" we are told this man is not a good boy because he is challenging Government. Is that a challenge, Mr. Speaker, Sir. We are told here that our duty as Parliamentarians is to serve the people by doing the job for which you are—I cancel the word at the end—you are paid. The job that you are elected for should not be paid for. I was not elected here to be paid for. I was elected here to be a thorough representative of the people who elected me and to air their grievances, not for payment. Whether there is salary or no salary—say that there is no salary today we will still serve our people.

Mr. Speaker, Sir, we are prepared for all this whether we die for the right of this nation or not. We have been very realistic but we must be more realistic and more mature. When the people say that Turkana is in trouble Government must visit there.

Mr. Speaker, Sir, when I was in bed at the Aga Khan Hospital I read that the Turkana and Samburu people and also people in Moyale were dying. The Permanent Secretary in the President's Office said that people were not dying whereas he never went there. It was only hearsay. Sir, does Government not know today that there is trouble? Mr. Speaker, Sir, this has gone to the extent of affecting many areas in the Republic, such as Ukambani, Masailand, Samburu, Turkana and North-Eastern Kenya. Mr. Speaker, Sir, what is Government doing about this drought? I am asking this because cattle, which most of the people in these areas depend on, are lacking

[Mr. Munyasia]

food. The cattle feed on grass and there is no more grass in these areas, and immediately they miss grass, they become weak, thin and eventually die. What follows then? People also begin living without food or meat and eventually, they also die. Now, Sir, is the Government going to wait until they see these people chewing all the dead bodies lying everywhere and then they might realize that there is a drought? Mr. Speaker, I think it is high time Government takes immediate steps and sees to it that it establishes complete famine relief measures and not anything like deduction of prices. We want complete famine relief measures throughout the areas which are mainly affected by the drought. Therefore, Sir, the Minister in the President's Office should travel to these areas to see for himself what the situation is and, Sir, I challenge him to do so. Now, during the sixty-six days of the prorogation of Parliament, can the hon. Minister, whom I highly respect, tell us whether or not he has visited any place in the entire Republic?

An hon. Member: He has not!

Mr. Munyasia: Why is it that he has been going to Mombasa all the time and spending all his time there? Even the Samburu would like to see Mr. Koinange, as one person said, "I have come. (Inaudible). We must be more realistic. Sir. It must be a special visit so that these people may realize that they are cared for. However, if you sit here the whole day, then brothers, when this thing gets worse, we shall know what to do and that is wrong. Now, Sir—

The Speaker (Mr. Mati): Your time is up, Mr. Munyasia.

The Minister for Commerce and Industry (Mr. Osogo): Thank you very much, Mr. Speaker, for giving me this opportunity to join my hon. colleagues who have spoken in thanking His Excellency the President for the speech he made when he opened this House for the new Session. Mr. Speaker, Sir, I think it is only fair that some of us should be given an opportunity at a stage like this to answer a few questions that have been asked by hon. Members, if those questions raised concern in our individual Ministries. I think this is the reason why this debate would be useful to hon. Members if such opportunities are given to us. Mr. Speaker, I would like—

Mr. Mwithaga: On a point of order, Mr. Speaker. I stand to seek your guidance here. This is the first day to debate the President's Speech and this is going to last seven days. Is it really advisable for a Minister to stand to reply when

there will be debate and speeches about his Ministry for seven days? Will he have the chance to speak again and reply?

The Speaker (Mr. Mati): No, there is nothing wrong with a Minister wanting to speak at this stage. He has every right like any other hon. Member. Of course, the disadvantage is that if other points are raised which touch on his work, he will have no opportunity of replying to those. However, if a Minister indicates that he wants to speak and catches my eye, I will allow him to do so.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, the hon. Member should have known by now that there are two Assistant Ministers in my Ministry, and we are going to space ourselves in such a manner that we shall be able to cover whatever points will be raised concerning our Ministry in the debate for the seven days. Mr. Speaker, I think there are a few points that I should—

An hon. Member: The Assistant Ministers should speak first.

The Minister for Commerce and Industry (Mr. Osogo): It is not necessary that they should speak first, Mr. Speaker. It does not matter at what stage they speak because whatever they say is the Government policy just as much as what I am going to say.

Mr. Speaker, Sir, first of all, I would like to support the hon. Araru and the Member for Samburu West, the hon. Lenayiara, that the drought in their areas should be considered very seriously. What I would like to ask hon. Members is to join me in my suggestion. Mr. Speaker, Sir, I am saying this because I have a great deal of water in my constituency in Lake Victoria which is worrying my people there. I would like hon. Members to revive what Mr. Howard-Williams used to say in the Legislative Council about piping Lake Victoria water to those dry areas. They should come together with me so that we formulate a Paper and give it to the Ministry of Economic Planning so that they may see to it that instead of the water in Lake Victoria worrying my people, it could go to them and help them during the dry season. I am serious about this and I am inviting them to consider my proposal and they should join me so that we may put our thoughts together. This is all I am saying.

Mr. Speaker, Sir, the other point which I would like to touch on, unfortunately the hon. Member for Kisumu Rural who raised it is not here in connexion with investments. Mr. Speaker, Sir, it is true there are praises going around all over the world that Kenya is a stable country, and

[The Minister for Commerce and Industry]

there is no doubt about this. Kenya is stable, but those who can come to Kenya are only investors and I would like hon. Members to mark this. There is nobody who is going to come here to do simply petty trading. We cannot license him and we are not going to license him. However, all the investors who come in—and hon. Members have asked repeatedly about this in this House that they need rural industrialization—are welcome. Mr. Speaker, any investor making inquiries on where to invest, we welcome him and we will explain to him where he should invest. If he is willing to come and invest in the areas we propose to him we shall welcome him and give him all the possible facilities. There is another point which probably hon. Members do not know, but it is happening. This was raised by the Member for Kisumu Rural and this is: Industrial and Commercial Development Corporation participation in existing companies. Mr. Speaker, I would like to inform the House that it is the Government policy for the Industrial and Commercial Development Corporation not to participate in the existing companies which are doing well. It is only for very extreme reasons that we allow the Industrial and Commercial Development Corporation to participate in any existing companies and even then, such particular companies must be away from Nairobi in the rural areas. This gives such a company a bit of incentive, it gives that company a bit of confidence, and therefore, we allow the Industrial and Commercial Development Corporation to participate in such companies. Otherwise, the Industrial and Commercial Development Corporation does not participate in any existing companies which are doing well. We stopped this since—I might say—the beginning of last year.

Mr. Speaker, I would also like to inform hon. Members that with the unfortunate trouble in Uganda, the East African Common Market is still doing very well. Our trade with the partner states in the Community has not been interfered with at all, and if anything has happened, it has grown a bit better. This is just information to the House that our trade has not at all been affected by the unfortunate incident of the *coup* that happened in Uganda. Mr. Speaker, Sir, I represent Kenya on the Common Market Council, and although we have not met, the normal business of trade between Kenya, Uganda and Tanzania is progressing very well.

The hon. Member for Kwale East spoke at length about loans to the Coast people. I sympathize with the hon. Member, but I do not think it is fair to suggest to this Government that

Government should take public money collected from everybody in the country and give it to the Coast people in order to force them to go into business. I think that would be very unfair suggestion. Mr. Speaker, I would advise him as I have advised his colleagues before that they need to educate their people. We have loans and, in fact, we borrow money to give to those areas which we think we should assist. However, Mr. Speaker, Sir, the trouble at the Coast is that nobody wants to get rich for fear of being bewitched.

They need to educate their people. This is true. Unfortunately, the hon. Member is not here to challenge this one. He needs to educate the people at the Coast. What happens is that if a man from the Coast has a shop people fear to go to his shop lest they make him rich. The record shows that the people have not even approached us for loans even if they are capable of doing so, except a few people, Members of Parliament who are trying to move away from this particular witchcraft cloud. However, I think they should educate their people because we are prepared to help them, but not to the extent of giving them loans and forfeiting them in spite of the fact that they come from public funds. Mr. Speaker, I think that is a point which Members of Parliament from the Coast should take very seriously. We are not going to do that. No Government would do that and this Parliament will not allow it either—giving loans to those people who are sitting down—lest we lose that money.

The last point which I wanted to inform the hon. Members about is concerned with the document that has been laid on this Table by the hon. Member from Kitui West. It is a document that has caused a lot of rumours in the country; but I think it should be regarded for what it is worth. Looking at that paper, it will be seen that the heading has a statement. Having been in the Ministry of Information and Broadcasting I know that a question mark was left out of that statement purposely so that the paper can be sold; otherwise if that statement in black thick prints had a question mark, which it is intended to have, that statement would have been regarded otherwise. The writer of that paper, Mr. John Fairhall is a simple journalist who is putting on paper his own views just in the same way as you and I would put our views on paper. Therefore, this cannot be regarded by the Government as a serious thing at all—for us to be accused. Whoever is putting them in the pigeon-holes, being photostated does not know journalism—so I think. Those of us who have been in the field of journalism for some time only regard that document

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for what it is worth. I can assure the House that the Government has regarded that document for what is worth—the face value of it.

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

Mr. Ogero: Thank you very much for giving me this opportunity to make a few observations.

While everybody in this House appreciates the President's Speech as having been very nice, I would like to say that if every hon. Member of this House and the civil servants co-operate and behave like the head of this Government, the hon. Mzee Jomo Kenyatta, I think Kenya could be a country that is worth living in, as the Vice-President and the Minister for Home Affairs said.

Mr. Speaker, Sir, I would like to say that Harambee projects are causing a lot of chaos or a lot of problems in the Republic of Kenya. I can recall that in 1962, during the colonial régime, the people of Nyanza wanted to begin Harambee projects but the then régime did not allow us to begin these projects. I can now understand why this happened: the then Government did not want to see something started and then fail or fall afterwards. That is the reason why the then Government did not allow such kinds of projects to be started. However, our Mzee has encouraged us to begin as many projects as we can. However, in the end we have not been told where we are heading to: how we shall have these projects taken over or how we shall have them working. However, we have seen that these projects must be registered before they can be started, for example, every project has to be registered with the community development officers. This is done through a Kenya Government office, and the people concerned know full well that when a project is registered it has to grow and it has to be there and render services to the people. However, in the end you will find that a project is started and shortly afterwards, it dies out. What is the intention of **beginning a project and then** see it not working or rendering services to the *wananchi*? I think the Government should come out with proper plans on how to direct these Harambee projects. It was in 1963 when these Harambee projects were started and every district and every community started as many projects as they could according to their needs. In the final analysis we find that these projects, for example, schools, dispensaries, water projects are not working. I would like to suggest to the Government with regard to Harambee secondary schools, that it should take measures and see that equipment is taken to these schools and teachers provided, leaving aside the labour for the maintenance of school buildings to be provided by the community

concerned. I know that these schools are falling off because they are not able to pay teachers' salaries and are also not able to buy school equipment and more especially some modern books which can be used in these schools. If this is then the position, the Government should look forward and take over these unfinished schools and see to it that they are eventually finished so that the people's spirit of Harambee is not killed.

I would like to come to the side of unity. Unity cannot be brought about by one person alone. I would like to support the hon. Wabuge who said that provincial commissioners and district commissioners are becoming kings in their areas. These people are sometimes misusing the laws of this country. The laws are made by this hon. House but when these laws are sent out they are misused by those who are allowed to implement them. If I may give an example, on 22nd an acting district commissioner in Kisii using his Administrative Police arrested the clerk to the county council, in spite of the fact that the police are there, the Criminal Investigation Department men are there and the men of the Special Branch are there. Nevertheless, the district commissioner found it fit to arrest the clerk to the county council, a person who controls the county council or the county for that matter where the district commissioner also works. This man is not the district commissioner's junior boy; this man is not a small man but he is just a big man—a responsible man—just as responsible as the district commissioner is. Therefore, when this person was arrested we wanted to find out the cause for his arrest. This particular acting district commissioner did not want to see the Members of Parliament from that area, who wanted to know why the clerk to the county council had been arrested. That means that this man does not recognize the Members of Parliament but thinks that he is the king of that district. I do not know whether he demands our co-operation when he does not co-operate with us. Eventually, this man who was unco-operative told us that he could see us the following day. The following day, we went to him to find out why the clerk to the county council had been arrested. He went on to say that he was not prepared to see us until twelve noon when he could be free. All that time we waited for him so that he could give us time to ask him the reason why the clerk to the county council had been arrested. Who says that clerks to county councils, municipalities or a city council like this are small boys or are office messengers of district commissioners?

Mr. Nthenge: Even small boys have not to be arrested in that manner.

Mr. Ogero: Eventually, this man never allowed us to see him; and so we had to go away and seek the guidance of the provincial commissioner who was not there then. However, the deputy provincial commissioner allowed us to see him. He also wondered why the clerk to the county council had been arrested. If the provincial commissioner could wonder, who had given the district commissioner permission to arrest the clerk to the county council?

Mr. Speaker, Sir, I understand that no person should be arrested unless the Attorney-General's consent has been given. Now, who gave the acting district commissioner, Kisii the consent to arrest the Clerk to the Kisii County Council? This shows that this man was acting on his own. He had taken the law into his own hands and was acting contrary to the laws of this country. That is why I do support the hon. Wabuge's statement that these people are becoming autonomous and that they are becoming people who do not want to see other people who are working in the same field or even the people who are higher in ranks than they are. Some officials do not even wish to see politicians but they want to see some higher officials. Or they claim not to see the Members of Parliament, but if someone is a Minister then he has to be seen. This has happened elsewhere, Mr. Speaker, Sir, that unless one is a Minister he cannot see someone. Now, how many people would be Ministers in this House?

Mr. Speaker, Sir, this is where we cannot cooperate and unite. People are asking for unity but unity cannot come about because of some people who do not regard others as people.

Mr. Speaker, Sir, if I come to the—

The Speaker (Mr. Mati): I am sorry, your time is finished.

Mr. Mwithaga: Mr. Speaker, Sir, I welcome the President's Speech because there is nothing much one can say about that one. It is self-explanatory and has been understood.

Mr. Speaker, Sir, I begin with supporting the Governor of the Central Bank of Kenya who just the other day—in his official capacity as Governor of the Central Bank—exposed the position of the banks, financially, in this country. He accused those banks of refusing to support the African people with loans so as to enter the economic fields like any other.

Mr. Speaker, Sir, while supporting him, I would like to say that the problem is one. Some banks have political managers. I say so because they will always look at the person to whom they would want to lend money. They would like to look for some tribes to whom they want to lend

money, and not the other tribes. They are using this intrigue, Mr. Speaker, and this is a matter that I can prove. I am sure that if there is any Government worth its salt, they know about it.

Mr. Speaker, Sir, if they are doing this in our country and it is known, why are they being allowed to continue to do these things? How will the people benefit if a person is a manager of a given bank and he continues to frustrate some and support others? What is his interest? Mr. Speaker, Sir, the loaning system of money from banks must be based on merit—actual merit—and not by trying to use intrigues which are tantamount to political interest.

Mr. Speaker, Sir, banks like Barclays Bank and Standard Bank; during the colonial times, the Standard Bank was known as the Standard Bank of South Africa. Mr. Speaker, Sir, how it became the Standard Bank of Kenya, I do not know. The Headquarters of the Standard Bank is in South Africa and yet here we say that we are against the South African Government, we are hot with the Prime Minister of Britain, Mr. Heath who is selling arms to South Africa. Yet we have allowed a bank whose mother bank is in South Africa to continue its operation here. We also have the Old Mutual whose mother is in South Africa. Mr. Speaker, Sir, we have them here and they are all over and yet here we say we are anti-Heath because he is supporting South Africa. We are doing the same by allowing these bodies whose finances are from South Africa to be here. The South Africa Government is right in saying that they have penetrated certain governments in Africa and they are not worried by them. The only thing they are going to do is to work for the overthrow of other governments. I have heard Radio Johannesburg saying this. Mr. Speaker, Sir, we must be very careful. We are just sitting here talking politics and we do not know that is happening.

Mr. Speaker, we see these *coups* like the one in Uganda.

Mr. Speaker, Sir, we must be very careful. Mr. Speaker, Sir, we sit here talking about the Uganda *coup*. It is absolutely a foreign *coup* organized jointly by Heath, Powell and Vorster. Mr. Speaker, Sir, let anybody challenge me on this one. Why have they conspired to do that? They are now planning *coups d'etat* in Tanzania and Zambia. It is known, Mr. Speaker.

An hon. Member: How do you know that?

Mr. Mwithaga: From those countries where do they go? They will come here and we are sitting here laughing as politicians.

Mr. Speaker, Sir, I would like to say this, if we want to curtail this kind of thing, we must

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not sacrifice the future political life of this country on the altar of economic interest and investment. Mr. Speaker, Sir, we cannot do this. We are nationalists and whether alive or dead we shall remain in the books of history as having died as nationalists. But, we must never sacrifice the youth of Africa on the altar of economic investment and economic interest.

Mr. Speaker, Sir, why I say this it is because Ghana's government was overthrown and Nkrumah was overthrown. They were saying that well, Ghana is dead, then Nigeria is wonderful. However, Mr. Speaker, Sir, I was in a London hotel when the *coup* in Nigeria took place. Mr. Wilson by then was attending a conference in Nigeria and when he was told by the British Intelligence Group that there was going to be a *coup* in Nigeria and he knew about it then during the conference he flew back home on a business mission. However, in two day's time, Nigeria was on fire. Mr. Speaker, these are facts.

Therefore, Mr. Speaker, Sir, let us be very careful. The other thing is how do we satisfy our people so that they may continue to support the Government of this country and the ruling Party against the foreign intrigue and against the foreign invasion? We must provide a situation which will ensure peace.

Mr. Speaker, Sir, when I tried to move a Motion on Adjournment trying to establish or asking for the establishment of a brigade—the national builders' brigade—the Assistant Minister for Labour, Mr. Kibisu, tried to block that Motion and he succeeded and yet he is the Assistant Minister for Labour! Thousands of school-leavers who have not had jobs since 1967 and cannot be employed hitherto with Cambridge School Certificates in their hands are being added to the other lot of those who are leaving school today; they are on the streets now. They go on looking for jobs all over and they are told, "*Hakuna kazi*", "No Admission", "Strictly Private" and all these kinds of warnings. They cannot get jobs and they are lost. When one wants a job he is asked, "What is your training?"

Mr. Speaker, Sir, is it the fault of that youth not to have been trained in a given skill so as to be asked what skill he has and yet he has just left school? Mr. Speaker, Sir, we must be very careful and I call again upon the Government to create either a department or a Ministry which will look into the affairs of our youth of this country. Mr. Speaker, Sir, they are now on the increase; the older age is the lesser, the youth is the greater number. And let these old gentlemen remember this, if you create a foundation which will jeopardize the welfare of those youths—you

own children—you are not worth living. Mr. Speaker, Sir, it is no good becoming a parent if you will not be able to take care of your children. Mr. Speaker, Sir, it is a painful affair when I see in my own Constituency thousands and thousands of youths coming to me asking for employment. Where do I have the jobs? I am just a simple Back-bencher. Where do I have those jobs that they want? Which is my company where I will put these young people? My work is to represent them; my work is to appeal to the Government on their behalf. Mr. Speaker, Sir, they must be considered seriously; the youth brigades.

The other day I saw the National Youth Service had a lot of money from the United States. Now, Mr. Speaker, Sir, the National Youth Service is not an employing body but it is just a training organization. I want a training and employing body and that is the national builders' brigade. I have said this since 1967 and I will continue saying so. Why has the Government not invited myself to tell them exactly how to go about these things? They have kept mum. When I said this the first time, they called me "communist". I say it now, if you want to call me another communist, go ahead and do so. However, the situation, Mr. Speaker, in the future, we will be the judge. It is painful and they know it. They are representatives of constituencies. Hon. Koinange knows how many people—youths—come from his constituency and cannot find jobs; the hon. Nyamweya knows this too. Therefore, when they sit in that Cabinet, they must know that Oliver Cromwell made history by sending dogs and men to Parliament. "For seven years you have been here and for seven long years you have done nothing", and he chased all of them away, and called them maids and empty bottles. They know history, I am not teaching them.

Mr. Speaker, these are tangible facts; they must be taken seriously otherwise one day they will say that this—on a board outside—House is for rent without furniture. Mr. Speaker, we have to be very careful.

While I say this, I would also like the question of our culture and the question of whole youth organization and guidance to be considered. Mr. Speaker, I call for the creation of a department of national guidance. Why there are all these rumours in this country, Sir, of this and that, is because there is no department; there is no Ministry that handles national guidance. Mr. Speaker, our radio—Every person now in Kenya listens to Radio Tanzania because of commentaries. Mr. Speaker, they enjoy them and

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they are also listening to Radio South Africa from Johannesburg. Go and find out and you will agree with me. Why are they not interested in the Voice of Kenya; why? This is the question for any government to ask. You have the Voice of Kenya; why do the people not want to listen to it?

Mr. Speaker, we must have a department of youth and national guidance. It does not matter how much it will cost the Government, but for the sake of the future stability in this country, we must create that kind of thing, so that the youth is guided in the proper channels, through the public media and papers, and the Government will have to establish its own paper. The *East African Standard*— I would like to be challenged, who are the owners of the *East African Standard* who speak for Kenya— Rhodesia.

Mr. Speaker, Sir, I beg to support.

Mr. Nthenge: Mr. Speaker, Sir, I am glad to get this chance to say a few words. First of all, I would like to say that Mzee Jomo Kenyatta has been a leader of this country for very, very many years with very few mistakes. He has had all the sacrifices that a person needs to have, in order to be acceptable. However, what is wrong — What is wrong is the clique around him. Mr. Speaker, Sir, this is something I am going to say, when I get the chance to tackle it when the President is sitting with some of his clique because some of these people have become masters of Kenya. They do not want anybody else to get near him, and it is known. It is a fact that if you hear one thing too often, you tend to think there is some truth in it.

Mr. Speaker, Sir, what I feel is necessary is a reshuffle in the Cabinet and in his company. Mr. President is the President of everybody in Kenya, no matter who he is, and there should be access for all leaders to the President of this country and not a few people, to go round and tell the people who will take care of telephones. If you— Now, Mr. Speaker, the point I was making first is that we accept that this country could be led very well under the guidance of Mzee Jomo Kenyatta. Unfortunately, you cannot run an army with only one askari; there must be a lot of officers that you give orders to. The Mzee has given all the work in the country to various Ministers, and these are his advisers. But, it has now developed that there tends to be a link that if you try to get an appointment with him you will be told he is not available. But, it is not he who refuses. There is a group of people who do not want the President to be

reached. In fact they have already, in my opinion, told him that the other people do not like his leadership which is incorrect. Some of them—I challenge—are only good to the President for their own good. They are opportunists, I dare say. What have they ever sacrificed? Some of us, even myself have demanded his release and many other things and they do not go near him, Mr. Speaker. The fact that you go near him while he is in power does not mean love. You might be an opportunist. Mr. Speaker, Sir, I feel that the necessary thing is for the President to be reached by all leaders so that he can weigh up all the points of view but not stick to a few people who do not want him to hear anybody else.

Mr. Speaker, Sir, the public in the Republic has nobody else other than their own leaders whom they have elected and these are the people who are supposed to convey the goods to the President and nobody else. If they are denied that right of reaching him, what happens? We get into the mess we are in. There is a great frustration and I will advise hon. Members, Mr. Speaker, on what to do if they want to know what is happening in the country. They should just go and buy a second-hand *kabuti*, remove their good shoes and put on shoes with *rangi* or walk bare-footed and mix with the public. There is a great frustration, Mr. Speaker. What is going to happen when the throats of everybody who are well-to-do and well dressed like myself and all hon. Members are cut? There will not be any exception. The few people who are causing the mistakes will cause all of us inconveniences. Mr. Speaker, Sir, I am proposing this because I have no other home and I do not intend to have any other home, I do not want to have money elsewhere. We understand that some of them have even money elsewhere because they are waiting to go there. Mr. Speaker, Sir, it is our duty, it is the duty of this House and the Government to bother about the lowest person in this country. No matter where he is, he must get education and his other essentials, whatever sacrifices should be made. Now, what is happening? The worst thing is that the rich, the influential or the top people are destroying this country. The very rich people have influence mainly over our Ministers and our Members of Parliament. And now, what happens: if you criticize a small thing about those foreigners investing here you will find that the man who should support you is the one to oppose you. He has become their advocate. That is wrong and it must change and the earlier it changes the better.

[Mr. Nthenge]

I would like to mention something about planning in this country, Mr. Speaker. It is good to talk but we must have a ten-year plan geared towards something. Now, the hon. Member who has just finished his speech has asked what we are doing about the youth. The more people we have unemployed and frustrated the less stable we become. We become very unstable and anything can happen at any time. I am saying this with great sorrow because I have nowhere else to go. I have ten children in this country and even if I go I will be wasting time. I have here all my relatives and the people of Kenya whom I love. I hope this thing is corrected. It is high time we had more meetings of the leaders, Mr. Speaker. I hope the President gets the point of what I am saying. I want more meetings of the leaders to find what should be done because something should be done soon. This is because Mzee Kenyatta will have wasted all his time to build what he has built if within a short time

his successors will mess up all the things. All the work that he has tried in 55 years will be wasted like nobody's business because a lot of us are being pocketed.

Another thing is that people have a right to elect their leaders. Now, there is a rumour circulating— There is a *Swahili* saying which goes, *Palipo na moshi pana moto* or wherever you see smoke there must be something. Rumour has it that some people are going to Mzee Kenyatta telling him, "Influence the people to accept me." That is wrong, Mr. Speaker.

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business.

The House is therefore adjourned until tomorrow, Friday, 26th February, at 9 o'clock.

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

Friday, 26th February 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 6 (1182)

IMPROVEMENT OF BARWESSA—KINYACH ROAD

Mr. arap Cheboiwo asked the Minister for Works to tell the House whether—

(a) the Minister was aware of the fact that the road from Barwessa to Kinyach through Kuikui in Baringo North Constituency was impassable to all traffic including even Land-Rovers; and

(b) his Ministry would, as a matter of urgency, improve this road.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. I regret that I am not aware that the section of the road from Barwessa to Kinyach is impassable.

(b) My Ministry will carry out the repairs as soon as the resources at our disposal allow.

Mr. arap Cheboiwo: Mr. Speaker, Sir, since the Assistant Minister has said that he is not aware, could he make any effort to see that this road is repaired because it is true that it is impassable.

Mr. Keen: Mr. Speaker, Sir, I have already said that as soon as our resources allow, we will carry out the repairs. Furthermore, the hon. Member representing the area—if that is the area of the hon. Member—should know that we have a Provincial Engineer in Nakuru and we have a Road Superintendent in Eldoret, whom he could always contact in case something involving a major repair of a road is required.

Mr. Murgor: Mr. Speaker, Sir, the Assistant Minister has answered that he is not aware; can he now tell this House whether, since this question was brought to this House, anybody has ever gone there to check, on that road, and if not, why?

Mr. Keen: Mr. Speaker, Sir, I am not able to tell the House just off-hand.

Mr. Araru: Mr. Speaker, Sir, arising out of the reply by the Assistant Ministry's reply, when he said that the Member of Parliament of the area should go and see the Road Superintendent at Eldoret, would it not be better for his Ministry itself to take up a matter like this? Is it not the responsibility of his Ministry to tell that Road Superintendent to check on the conditions of that road and then report to the Assistant Minister so that he can give a clear answer?

Mr. Keen: Mr. Speaker, Sir, this is a question of responsibility. This is a very small matter which could easily be discussed between the hon. Members and the provincial engineers of their respective sections. There will be no problem at all, and all that you need to do is to pick up a phone, telephone the provincial engineer and tell him that the road from Barwessa to Kinyach is impassable and ask him whether something could be done about it. I am sure he could always make it his duty to do so. I do not really think this is a question that needs to be brought to the House.

However, Mr. Speaker, Sir, I will undertake to investigate and ask the provincial engineer to carry out these repairs, if necessary.

Question No. 21 (1227)

PROVINCIAL ENGINEER FOR KAKAMEGA

Mr. Ebu on behalf of Mr. O'Washika asked the Minister for Works to tell the House when he would post a provincial engineer to Kakamega.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The present arrangement is that Ministry of Works activities in Western Province are supervised by my Provincial Engineer in Kisumu. My Ministry has a very large depot in Kisumu from which it is very convenient to carry out all my Ministry's operations in the Western Province. It would cost the Government a lot of money to build a similar depot in Kakamega in order to establish another provincial engineer's organization there. The distance from Kisumu to Kakamega is so short that it would not be justified to invest large sums of money to put up such a depot in Kakamega. My Ministry has a small sub-depot in Kakamega which is manned by fairly senior officers who look after the day-to-day maintenance operations in the Western Province under the general direction of the Provincial Engineer in Kisumu.

The hon. Member will no doubt appreciate the fact that my Ministry is very short of engineers and it is desirable, therefore, to utilize what manpower resources I have in my Ministry as economically as possible. I would like to state, with confidence, that my Ministry's operations in Western Province are being looked after with the present arrangement as well as possible and there would be little, if any, difference if my Ministry were to post a provincial engineer at Kakamega.

Mr. Ebu: Mr. Speaker, Sir, I would like to know, from the Assistant Minister, whether he agrees with me that because we do not have a provincial engineer there, that is why the roads

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are in a terrible situation? Does he agree with me or not?

Mr. Keen: Mr. Speaker, Sir, I do not agree for one moment because at the present moment large sums of money are being expended for construction there; this construction work is to a tune of £600,000. I cannot, however, say that all roads in Western Province are perfect; some, of course, need repairs and culverts, but this work is being carried out under our present Development of 1969/74 and the posting of a provincial engineer to Kakamega would not make any difference whatsoever.

Mr. Mutiso: Mr. Speaker, Sir, would the Assistant Minister not agree with me that the fact that where there is a province which is capable of holding its own staff, it is imperative that the Ministry should post a provincial engineer to the headquarters of that particular province so that the provincial plans, as far as the roads and whatever is concerned with that particular office is carried out without any interference from or sharing with another province?

Mr. Keen: Mr. Speaker, Sir, these plans and organizations, and so on, could be effectively carried out by Kisumu. It is only 22 miles from Kisumu to Kakamega, a relatively short distance; and, furthermore, to construct a new provincial engineer's headquarters in Kakamega would cost the Government anything to the tune of about £150,000 and that money could well be spent on road maintenance rather than building a new provincial headquarters when we have one adjacent next door.

Question No. 38 (1255)

MEDICAL TREATMENT: PRIVATE HOSPITAL
EMPLOYEES

Mr. Kivuitu asked the Minister for Health to tell the House whether he would consider introducing a scheme whereby private hospital employees would receive cheap treatment in their respective employer hospitals so as to avoid the ridiculous situation of such sick employees being taken from the nearest place of treatment to some other distant hospitals.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Minister has no such scheme under consideration.

It is not very clear which private hospitals the hon. Member is referring to. Some private hospitals have general beds offering basic hospital services, e.g. most of the church hospitals. There should be no difficulty about the treatment of the hospital employees who are not contributors to the National Hospital Insurance Fund in such beds.

Other hospitals have amenity beds only and there would be no justification for expecting these hospitals to treat junior members of their staff, who are not contributors to the National Hospital Insurance Fund, in these amenity beds. Any member of the staff who are anxious to make use of the amenity beds in their "employer hospitals" could do so by becoming voluntary contributors to the National Hospital Insurance Fund.

Apart from the National Hospital Insurance Fund the Ministry does not have a scheme which could cater for the hon. Member's difficulty.

Mr. Kivuitu: Arising from the Assistant Minister's reply, and considering that I personally did see some reports on incidents in the hospital known as the M.P. Shah Social Service League Hospital in Parklands, where two employees were sick and had to be taken to Kenyatta National Hospital because they could not be treated there due to the high prices they had to pay to be treated there, would the Assistant Minister consider a better way to deal with such situations instead of the present one whereby patients were removed from that hospital when they were very sick and taken to Kenyatta National Hospital? What arrangements could be made, like an agreement between hospitals and Government, so that these sick people can be looked after well?

Mr. Jahazi: Mr. Speaker, Sir, this is the first time I have heard of this particular hospital being referred to. However, apart from condemning such attitudes of an employer who would check out an employee when he is sick and particularly, like this case, when the employer happens to be working in a hospital, I think it is very bad indeed. As I said, we do not have any scheme now to force employers, whether in hospitals or elsewhere, to treat their employees. Our hospitals are open and if such cruel employers throw away their people like that we will receive them in our own hospitals as we receive all other *wananchi*.

But I would say that if the management of this particular hospital is treating their employees like that it is a very sad act indeed. I think it is inhuman and I feel that immediate arrangements should be made by all these hospitals to see that they provide facilities for their subordinate staff when they fall sick.

Mr. Kanja: Thank you very much, Mr. Speaker. The Assistant Minister, has admitted those types of hospital employers are cruel to their African employees. Now having admitted that, is Government—our African Government—

[Mr. Kanja]

not duty-bound to give a directive, as a Government, to ensure that those people who work in hospitals are treated where they work so that there is no need to have them transported to other hospitals since they might even die on the way before they can reach our doctors? Why do we have to be dictated to by those rich tycoons who run those hospitals, yet we are the Government and the rulers?

Mr. Jahazi: Mr. Speaker, Sir, I see no dictatorship in that. It is our duty to provide medical facilities for all *wananchi* as a Government. We are doing this. Apart from the employer/employee relations we, as a Government, have not actually shirked our responsibilities of treating the people these hospitals are throwing out; but I do think the idea which the hon. Member is advancing is worth considering and looking into.

Mr. Mutiso: Mr. Speaker, Sir, since it is clearly stated in the Kanu Manifesto that Kenya will work towards establishing a free socialist state, would the Assistant Minister not agree with me that by allowing these private hospitals to function in this country and charge large sums of money to patients we are really working backwards from our Kanu policy? When will this policy of socialism be really practicable in this country?

Mr. Jahazi: Mr. Speaker, Sir, I think it is being practised. If it is the general question on it, I think as the Ministry of Health our concern is on health matters and not the policy of how the whole idea of African Socialism in the Sessional Paper No. 10 is being implemented.

Question No. 51 (1271)

CONSTRUCTION OF NYAMIRA DISTRICT
HOSPITAL

Mr. Marita asked the Minister for Health if he would tell the House when he will start the construction of Nyamira District Hospital.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The 1971-74 Development Plan shows that another Hospital will be built in Kisii and if it is the wish of the people to have this hospital built in Nyamira the matter should go to the District Development Committee so that the question of the site is decided.

At this juncture, Mr. Speaker, I would like to tell the hon. Member that this question has now been decided. It was not entirely for the Ministry of Health to decide; it was for the Members of Kisii and the people of Kisii themselves to choose a central place in Kisii to build this hospital. Now Nyamira has been decided on and

our surveyors have been there to survey the site. When I was in Kisii with the hon. Member I gave an assurance that we are going to build this hospital. Since the survey team is almost completing the site survey, the next stage will be for the drawings to be submitted to our Ministry by the people from the Ministry of Works and then we shall start the building of the hospital.

It is no longer doubtful that we will have a hospital at Nyamira. The process has already started.

Mr. Marita: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, will he assure this House that the money allocated for this hospital will be used during this Financial Year? It has been the usual practice of Government to return the money to the Treasury.

Mr. Jahazi: Mr. Speaker, Sir, I want to assure the hon. Member that Nyamira Hospital will be built on the site we agreed on and it will be a 200-bed hospital. So the question of returning money to the Treasury, I think, should not be the Member's concern.

Mr. Ebu: Mr. Speaker, arising from the answer given by the Assistant Minister, can we know whether, within the planned period, the hospital that has been mentioned will be put up and will be opened immediately in view of the fact that there are certain places where hospitals have been built and have stayed unopened for over two years? Will the hospital that he envisages be opened immediately or will they just build houses there and then call them a hospital?

Mr. Jahazi: Mr. Speaker, Sir, the Ministry of Health does not call houses hospitals unless they are really functioning. So, those that are not opened as you say—we do not know them but if there are houses there they are not hospitals. Nyamira Hospital will be a hospital, opened and treating people.

Question No. 47 (1264)

PAYMENT OF SALARIES TO KITUI DISTRICT
TEACHERS

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

(a) why teachers in Kitui District, and in particular Kitui East, were not paid their salaries at the school they taught; and

(b) why they had to gather around the divisional centre, which is far away from their schools for their payments.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to give the

[The Assistant Minister for Education]

following reply. (a) It is not practicable to pay teachers' salaries at the schools due to the shortage of administrative personnel and for security reasons. There are over 200 schools in Kitui District and they are far from each other. If teachers were to be paid at these schools quite a number of them would have to wait for a considerable period before receiving their salaries and this is obviously undesirable.

(b) Only those teachers who have chosen to receive their salaries in cash are asked to gather around the divisional centre. The problems they face will be eliminated as and when they open bank accounts and have their salaries paid through the banks.

Mr. Kitonga: Mr. Speaker, Sir, would the Assistant Minister agree with me that what he said is not true? Since other Government officials' salaries are sent to where they work, would the Assistant Minister speak the truth and agree with me that this is an anomaly? If that is the case, why should the teachers not be paid in the same way, being employees in the same Government?

Mr. Mbai: Mr. Speaker, Sir, I do not agree with what the Member is suggesting here. For instance, I know, Mr. Speaker, that all staff of the Ministry of Agriculture gather at the divisional headquarters in their divisions to get their salaries there. It is only the chiefs and the administrative staff who get their salaries at the chiefs' camps.

Mr. Speaker: I have already indicated to the hon. Member in this House that we have about 200 schools in the district. If the paying officers have to travel to each school and pay the teachers it will take quite a long time. Some of the teachers will have to wait for a long time before they get their salaries.

In addition, Mr. Speaker, the paying officer has to be accompanied by a security guard to safeguard the money. I am sure the hon. Member would not like to hear that teachers' salaries have been snatched in the bush.

An hon. Member: On a point of order—

The Speaker (Mr. Mati): No point of order.

Mr. Munyasia: Can the hon. Assistant Minister who is answering the question deny, or refute, the allegation that the truth is that this arrangement is made because there are some people who have some interest in the teachers being paid very late in the evening so that their friends may spend the money with them in bars? Is this not the reason why there is this arrangement?

Mr. Mbai: That is a ridiculous suggestion, Mr. Speaker, Sir. I do not think— Teachers are grown-up people even if they are paid late in the evening. Each one is responsible for safeguarding his money. If someone is paid, say near a hotel or a bar, he should be careful not to use his money in that hotel or bar. Therefore, it is not true that this is an arrangement between, say, the bar owners or hotel owners or somebody else and the paying officers so that the teachers can be paid in a place where they are likely to spend their money. This is not correct, Mr. Speaker, Sir.

Mr. Ayah: Mr. Speaker, Sir, arising from those replies given by the Assistant Minister, would he consider, or would his Ministry consider paying travelling allowance to the teachers when they are going to get their salaries because some of them have to travel long distances and therefore part of their salary is spent on the journey to and from the headquarters?

Therefore, would he consider introducing something like, say, travelling allowance.

Mr. Mbai: Mr. Speaker, Sir, we cannot consider doing that. What we would advise the teachers to do is to choose their salaries to be paid through the bank and this burden will be eliminated.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order in saying that there are so many schools in Kitui District and, therefore, it is impossible for the Government to go to every school paying teachers whereas he knows that in some places, like my place, Kitui East, there are five locations and, therefore, the Government staff paying the salaries can go to each location? This would mean that one school in every location would be the centre paying for that location, and therefore the Government staff paying the salaries would tour only five locations and this could be done in one hour. Why should the Assistant Minister take—

The Speaker (Mr. Mati): Mr. Kitonga, will you sit down please!

Rev. Kalume: Arising from the Assistant Minister's reply, is the Assistant Minister aware that there are certain areas in our Republic where schools are in such remote areas that travelling from the school, to the divisional headquarters would take a teacher at least three days to walk there and back and, therefore, for that reason that school would be closed until the teacher comes back to the school?

If he does realize that, what is he going to do in order to eliminate these difficulties because the

[Rev. Kalume]

children from those areas do not get education while the teacher is not there?

Mr. Mbai: Mr. Speaker, Sir, I quite sympathize with the point raised by the hon. Member; but as I indicated in my earlier reply, we have a difficulty of administrative personnel who are supposed to be involved in the arrangement of paying the teachers. Therefore, when we overcome this difficulty, we shall be able to reach the teachers, if not to their schools as far as to their locational headquarters. However, this will be looked into. I can assure the hon. Members that we are not satisfied with the present arrangements, but because of the present circumstances we cannot avoid operating the way we are doing; but this will be looked into.

The Speaker (Mr. Mati): No more on that. We will move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

RECOGNITION OF UGANDA'S NEW REGIME AND FUTURE OF THE EAST AFRICAN COMMUNITY

Mr. ole Leken: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice:—

In view of the recent events in Uganda which led to the overthrow of Dr. Milton Obote's Government by General Idi Amin's Army:—

- (a) What is the Government stand so far as the recognition of the new régime is concerned?
- (b) What is the future of the East African Community?

The Minister for Foreign Affairs (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. However, in reply to this question I would like to point out that this is a delicate matter affecting our region and, therefore, we cannot afford to use any inflammatory and emotional statements which could cause us embarrassment or cause any difficult conditions in our neighbouring countries. Therefore, I hope the Members will exercise restraint and good judgment in pursuing this matter.

Mr. Speaker, Sir, the people of Uganda will have to determine and recognize the kind of Government that they want, and that is the Government that we shall have to recognize. We cannot interfere with matters of another State, neither would we let anybody else interfere with matters of our own State.

In pursuing this question, in the past, the Kenya Government policy on recognition has always been consistent and is based on objective criteria. It is not the practice of the Kenya Government

to make any formal statements on recognition of new Governments; as our policy is to recognize States and not régimes. Kenya Government is always prepared to conduct normal inter-state business with any Government of a State provided that the following conditions are fulfilled:—

1. Such a Government must be in effective control over most of her states in that territory and this control must seem likely to continue.
2. There must be a general acceptance of the people of that country of the new order.
3. Such a Government must display the ability and willingness to discharge its international obligations and honour those obligations entered into by the previous Government.

It is on these bases that Kenya Government coolly and dispassionately assesses any changes in the régime of a state before extending recognition to it. Consequently, the Government of Kenya, like indeed most other governments in the world, are still studying these conditions in Uganda, and once the Uganda people accept the Government, Kenya has no option except to accept that Government and recognize it.

As to the second part, we still have to see the matters affecting the Community but, as for now, the common services are still running normally; the Railways are serving Kenya, Uganda and Tanzania without any problems; the Airways are serving Kenya, Uganda and Tanzania without any problems; Customs are functioning as normal; other communications like the Post Office and telephones are functioning quite normally; trade is going on as usual—it is not being affected—and indeed the normal movement of the people is still going on. We will have to wait and see what happens about the Community in the future. I hope nobody will do anything to disrupt the smooth functioning of the Community.

We have had other countries that have gone through the same thing and Kenya has been very consistent in its policy towards recognition of such states.

Thank you, Mr. Speaker.

Mr. ole Leken: While agreeing with the Minister that it is not our duty, as a sovereign State, to interfere with internal affairs of Uganda, nor do we want anybody to interfere with our internal affairs, does the Minister want to tell me that this is only a mere silent recognition because recognition is not interference?

Dr. Mungai: Mr. Speaker, Sir, as I have said, in Africa there have been several other countries

[The Minister for Foreign Affairs]

that have gone through the same things. We have had a country like Ghana; we continue conducting business with the Republic of Ghana as we were doing before that happened. This has also happened in other countries like Nigeria and we did exactly the same without shouting one way or the other, and we have never shouted one way or the other, but we continue doing the normal business with any country or régime or government that is in control.

There have been numerous countries like these. For example, one of our neighbours, Somalia; another neighbour, Sudan; we have never said that we recognize this or that. Some countries, like the United Kingdom, do put up statements saying that they recognize So-and-so. We do not have to do the same. We make judgment otherwise and we continue doing business otherwise.

Mr. Koigi: Mr. Speaker, Sir, could the Minister agree with me that when Uganda is touched by a régime which we think—the new one—was planted by the white people that we in Kenya are also touched because Uganda is a member of the East African Community?

The Speaker (Mr. Mati): First of all, I must apologize for the loss of my voice.

May I remind, Mr. Koigi that I think we should follow the advice of the Minister. We should not prejudge the issue by introducing matters like alleging that the régime has been planted by somebody there—Order! Will you sit down?

You can ask questions about our relations without introducing other matters like that.

Mr. Ayah: Mr. Speaker, Sir, arising from the Minister's reply, where he said that one of the criteria they use is whether the government—a particular government—has the control over the majority of the country; I would like to ask the Minister whether the Government of Kenya uses different criteria in the sense that, for instance, the South African Government has the control—Is the Minister saying that the manner of control does not matter? For instance, the South African Government has major control over its country because of the force they use; would the manner of the control matter in our attitude towards certain governments?

Dr. Mungai: The two issues are very different and we are not going to be confused here. We reject one because of its racialist policies. They may have control over South Africa but they have something added on to that. They are a racialist oppressive régime which we do not accept. The other one is very different from that.

Mr. Masibayi: Mr. Speaker, Sir, arising from the reply by the Minister, would he tell us how long the Kenya Government is going to take to find out the three points which he has mentioned to us; whether the Uganda Government—now the Amin government—is going to have the control of the three points so that the Kenya Government would recognize it?

Dr. Mungai: Mr. Speaker, Sir, I think if the hon. Member will just wait, he will see. I have also explained very clearly that business is going on as usual and it is quite normal between the two states.

Mr. ole Leken: Mr. Speaker, Sir, on the understanding that the supreme authority of the East African Community are the three Heads of the sister states, now, if the Uganda Government—the present military Government—does not want to sit with the Tanzania Government on the same bench or table to discuss the matters of the Community, what steps will the Kenya Government take?

Dr. Mungai: Mr. Speaker, Sir, Kenya Government cannot dictate to another government as what they should do or what they should not do. Kenya Government cannot dictate to the President of the Republic of Tanzania and tell him that he has to sit with another Head of State. It is up to him to decide whether he is going to sit with the other Head of State or not. Therefore, this question does not belong to this House at this particular time.

Mr. Araru: Thank you, Mr. Speaker, Sir. Arising from the answer by the Minister, where he said that the business of the East African Community is going on normally, could it be explained clearly why the meeting of the Charter Air which was to be held on the 4th and 5th February 1971 at Mombasa was cancelled? This was because of the Uganda régime. Therefore, if it is true that all business of the East African Community is going on normally, as the Minister says, then why was that meeting cancelled?

Dr. Mungai: Mr. Speaker, Sir, I am advised by the Minister for Power and Communications who knows very well about these meetings, that this meeting will be held later. This is not the first time that meetings of the East African Community have been postponed. Many times in the past there have been postponements and later on they have been held. This is nothing unusual.

Mr. Araru: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! No, I do not want to spend time on that.

Mr. Wabuge: Mr. Speaker, Sir, I think for the first time the Minister for Foreign Affairs has

[Mr. Wabuge]

answered the questions in this House in the right manner. Here, Mr. Speaker, Sir, the congratulations should go to His Excellency the President for having maintained the situation as it is up to this moment.

Arising from the Minister's reply, and in view of the fact that he has stated that the services of the East African Community are going on in the normal manner, is he aware of the fact that, right now, the East African Railways Corporation has no chairman; and also that, the Ugandan who was heading the East African Airways is now a Minister in the present Uganda Government, and therefore the services of this Corporation are not being carried out normally because of withdrawal of representatives from Uganda who were appointed by the previous Uganda Government? Is the Minister going to use his good offices to persuade the Tanzania Government to accept sitting together, and on the same table, with General Amin so that the services of the East African Community would be maintained?

Dr. Mungai: Mr. Speaker, Sir, let us not confuse the workings of the East African Community and the personnel, some of whom may not be there.

I am quite aware that the Director-General of the East African Airways Corporation has taken another job. However, there is someone who is right now, acting. In fact, the Board of the East African Airways Corporation met yesterday and it is functioning. The airlines are functioning—the planes are flying between Dar es Salaam, Entebbe and Nairobi as usual and these are services. Whether there is one person missing, whether there is a pilot missing or a mere hostess missing the services are still continuing.

Mr. Speaker, Sir, the second part of the question—I think I have answered that and I am not going to repeat what I said before about the three Heads sitting together. However, as far as Kenya is concerned, we would like to do everything possible to make sure that there is stability in this region of Eastern part of Africa, to make sure that there is peace and to make sure that we all prosper and progress together as East Africa, not only as Kenyans. We would not be happy to see one country suffering or another country remaining behind; together, we must forge ahead.

Mr. Mutiso: Mr. Speaker, Sir, would the Minister not agree with me that the comparison he is trying to give to this House of various governments like the Ghana Government, Somalia Government and others where *coups* have taken place is totally different from the position of the

Uganda Government in that we are in one Community—the East African Community—and we have no diplomatic representative in Uganda? That being the case, Mr. Speaker, Sir, would the Minister not agree with me, also, that the fact that Kenya has kept silent on voicing its views on the issue in Uganda means that they accept the change of Government by military means, and therefore, they have recognized the Uganda Government?

Dr. Mungai: Once again let me make it very clear that Kenya prefers a change of Government by the ballot box any time. Secondly—I have made this position very clear—if a régime changes in whatever manner it does, Kenya cannot send in troops to force that régime to do otherwise. So, there is nothing that we can do; we cannot interfere with internal matters of other people. However, once a fact comes to be a fact it has to be accepted as a fact.

Mr. Gatuguta: Mr. Speaker, Sir, while appreciating all that the Minister has said, and arising from all that he has said and bearing in mind what we have read in the newspapers, that Amin has sent a delegation to the Addis Ababa Conference of Organization of African Unity and so has Dr. Obote, what is going to be the stand of Kenya at the Addis Ababa Organization of African Unity Conference? Is Kenya going to support the Amin delegation or Dr. Obote's delegation?

Dr. Mungai: Mr. Speaker, Sir, Kenya Government does not function on reports from the newspapers. One could now travel to Addis Ababa from any part of the country and that does not necessarily mean that he is going to the Organization of African Unity Conference. One will have to have credentials in order to enter into the conference hall of the Organization of African Unity. So we just have to wait and see who has the credentials and then take our stand at that particular time.

The Speaker (Mr. Mati): We must now go on. Mr. Mutiso's Question by Private Notice.

SETTLEMENT OF RESIDENTS OF YATTA
GAME RESERVE

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

- (a) Will the Minister stop the use of £4,000 given to Masaku County Council for the purpose of creating a Game Reserve in Yatta around Kindaruma area, until such time that the Masaku County Council and the Central Government have found an alternative settlement for 400 citizens who are there now?

[Mr. Mutiso]

(b) Since these citizens deserve compensation, can the Minister tell the House who is responsible for payment of this compensation?

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to reply. (a) The £4,000 which was granted to the Masaku County Council by the Government for the establishment of Kindaruma Game Reserve was to be spent on major development works including fencing, roads, water supply. However, operations of this magnitude cannot be commenced before the fulfilment of such legal requirements as setting apart the land required, which cannot be finalized before the resettlement of any genuine landless people.

I wish to assure the hon. Member that his concern and interests are already safeguarded by this strict formal requirement. The question is whether the present settlers, who incidentally number much less than 400 according to the Masaku County Council report, are genuine landless *wananchi*. This will have to be ascertained carefully at the appropriate stage in future by the competent authorities of the Government.

(b) I am advised by the Chairman of that particular county council that according to a report of the committee of that council which visited this particular area some time last year, the then existing settlers were residing in cattle *bomas* and none of them possessed any form of fixed assets which could justify any form of compensation. However, since the existing Standing Orders of this House require that a reply be given within 48 hours, and since investigations are still going on, I would like to make it quite clear right from the start that I cannot commit myself and say any of the settlers in the area will be eligible for compensation. Nevertheless, if after consultation with the Minister for Lands and Settlement and the Provincial Administration it is established that there are cases that deserve compensation, Government will assess such cases.

Mr. Mutiso: Arising from that reply from the Assistant Minister, would he take note of the fact that the County Council of Masaku passed a resolution to set aside this area as a game reserve without first of all investigating whether there are people and whether people in that area had carried out certain developments? Mr. Speaker, Sir, bearing in mind the fact that since Yatta was opened for settlement it is more than 25 years ago, and that people have moved there and have built cattle dips and schools, and have also established markets—all these things taking place with the knowledge of the County Council

of Masaku—would the Assistant Minister not consider it necessary, first of all, to have these things solved before the area is set aside or before any money is spent for game operation as he has just said, if at all the County Council of Masaku decides to remove these people at this particular time?

Mr. Jan Mohamed: Mr. Speaker, Sir, this is not true. Enough consultations have been carried out and the hon. Member himself has been consulted. The hon. Member in question has met with the chairman of this particular county council. The hon. Member's cattle *boma* is outside the proposed area. Mr. Speaker, Sir, we are speaking—

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, is the Assistant Minister not confusing the House by saying "my cattle *boma*" or I have even some personal interest in that particular place? I said that there are cattle dips, markets and homes of, in fact, over 400 people. I do not want him to bring in the question my personal *boma* which is not, after all, in the area.

Mr. Jan Mohamed: Mr. Speaker, Sir, this is the whole matter. I think there is no point of order here because the hon. Member is trying, perhaps, to mislead this House. It is not the whole of Yatta area that we are talking about; it is just a small area of 50 square miles. Indeed, a committee of Masaku County Council has visited that area and have met with the people. As I have already said, the number of people in that particular place of 50 square miles is much less than 400. They do not have permanent family establishments; all they have are cattle *bomas*.

Mr. Speaker, Sir, there is another adjacent area near the settlement called Ndalani. If the time comes and if some of the settlers have to be resettled, this area is available. As I have already said, the matter is being investigated and proper care will be taken for those who might be displaced.

Mr. Kanja: Mr. Speaker, Sir, can the hon. Assistant Minister tell this House very clearly, since he does not live at Yatta, who we have to believe, the hon. Member who represents Yatta Constituency or a Minister who is only briefed by people from Machakos in writing, since he himself, does not live in Yatta?

Mr. Jan Mohamed: Mr. Speaker, Sir, the hon. Member should know that I also lived in Machakos and I know the area well. However, any statement made by a Minister in this Government should be taken as authentic because enough investigations are always carried out first. What I am saying in this House is true.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell us the exact population of the area since he has denied that the population of the residents number 400? Can he tell us whether he has carried out his private census or what is the real number of people?

Mr. Jan Mohamed: Mr. Speaker, Sir, this is what I precisely said: a notice of a question by Private Notice allows only 48 hours. However, I have said that no action will be taken until complete investigations have been carried out and these facts are established. As I have said, nothing will be done until the Minister for Lands and Settlement and the Provincial Administration are satisfied about going ahead with this scheme.

Mr. ole Marima: Mr. Speaker, Sir, while accepting that what the County Council of Masaku intends to do in this area is to bring profit for the people of Machakos, could the Assistant Minister assure us the people who will be affected by that transfer which is intended to protect that place for animals will have superior facilities in their resettlement area than those which we are giving the animals?

Mr. Jan Mohamed: Mr. Speaker, Sir, this will be carefully considered by the Provincial Administration, the Minister for Lands and Settlement and my Ministry.

The Speaker (Mr. Mati): We must go on now.

BOYCOTT OF LECTURES BY NAIROBI
UNIVERSITY STUDENTS

The Speaker (Mr. Mati): I understand that the Minister is not ready today with the reply of the next question; but it will be put on the Order Paper again next week.

(Question deferred to another day)

NOTICES OF MOTIONS FOR THE
ADJOURNMENT

HOUSING FOR RESIDENTS OF PARKLANDS
CONSTITUENCY

The Speaker (Mr. Mati): I have received a Written Notice from Mr. Kivuitu of his intention to raise on a Motion for the Adjournment a matter contained in the reply received to Question No. 37 (1254) concerning housing for the residents of Parklands Constituency.

I shall, therefore, call for the Motion for the Adjournment at the time of interruption of business on Tuesday, 2nd March 1971.

ALLOCATION OF AGRICULTURAL FINANCE
CORPORATION LOANS TO FARMERS

The Speaker (Mr. Mati): I have also received a Written Notice from Mr. Mwangale of his

intention to raise, on a Motion for the Adjournment, a matter contained in the reply received to Question No. 48 (1267) concerning the Agricultural Finance Corporation Development Loan Funds allocation to Farmers. I shall call for the Motion for the Adjournment at the time of interruption of business on Wednesday, 3rd March 1971.

Mr. Ayah: Mr. Speaker, Sir, a rather serious matter has been drawn to my attention and I am hoping to get some guidance from you, Sir, and this concerns the drought situation in the country. Mr. Speaker, my attention has been drawn to the fact that the two Nganyi brothers in Bunyore are prepared to bring rain throughout Kenya. Would it be in order to ask the Minister for Agriculture to have an immediate meeting with these two brothers so that we may have rain throughout Kenya?

The Speaker (Mr. Mati): There is no use bringing up such an issue. Next Order.

MOTION

IMPROVEMENT OF ROADS LEADING TO MILK-
PRODUCING AREAS

Mr. arap Saina: Mr. Speaker, Sir, since there is an indication that most hon. Members in this House have shown their intention of supporting this Motion, I do not intend to take a long time because I would like to give an opportunity to those who will support the Motion.

Mr. Speaker, Sir, it is quite clear that in Kenya all road except those serving the tourist areas, the Kenya Tea Development Authority areas and the sugar areas are extremely poor. Mr. Speaker, the dairy industry, being one of the major agricultural industries, which is equitably distributed to all classes of people in this Republic, Government should now embark on financing the improvement of roads serving these areas. Mr. Speaker, Sir, the dairy industry is enjoyed by both the large-scale farmers and the small-scale farmers. By this I mean a large-scale farmer who supplies milk to the tune of one hundred or two hundred gallons a day to the Kenya Co-operative Creameries and a small-scale farmer who supplies something between one litre and five litres a day.

Mr. Speaker, Sir, let me outline the economic status of this very important industry. The dairy industry, or rather the dairy farmers, have the following representation supplying milk daily to the Kenya Co-operative Creameries which in turn supplies milk to the entire nation of Kenya and at the same time exports milk to other countries: there are 800 suppliers, including individual suppliers, supplying milk daily to the Kenya Co-operative Creameries. Mr. Speaker, Sir, this

[Mr. arap Saina]

involves the handling of thousands and thousands of gallons of milk which is being transported over very poor roads. In addition, Mr. Speaker, Sir, there are 300 co-operative societies which also supply milk to the Kenya Co-operative Creameries over extremely poor roads.

Mr. Speaker, Sir, to make the House understand how much of this milk is handled every year, and also for the last five years, I would like to outline and give specific statistics of the amount of milk which from 1966 to 1970 has been supplied every year to the Kenya Co-operative Creameries over terribly poor roads. Mr. Speaker, you find that at times some of this milk is thrown away because it reaches the factory after one day, or after several hours, and as a result it goes bad and is rejected. Therefore, most farmers have lost their money this way and as a result they cannot be able to pay back their loans, or even be able to meet their expenses and pay school fees for their children: neither are they able to maintain good farming because of poor roads. Mr. Speaker, Sir, the milk statistics from 1966 to 1970 has been as follows:—

In 1966, whole milk, that is milk containing (Inaudible) and butterfat, the amount supplied to the Kenya Co-operative Creameries was to the tune of 20,242,872 gallons, and butterfat 7,740,425 gallons. Let me repeat that, Mr. Speaker. Whole milk supplied to the Kenya Co-operative Creameries was 20,242,872 gallons and butterfat was supplied to the amount of 7,740,425 gallons. This milk was sold to the Kenya Co-operative Creameries and it brought money to the Kenya nation to the tune of K£5,302,887, and out of this amount K£3,642,762 was paid to the farmers. Therefore, Mr. Speaker, Sir, I do not see any reason why the Kenya Government has turned a deaf ear to the improvement of roads serving this industry which brings a great deal of money to both the large-scale and the small-scale farmers.

Mr. Speaker, Sir, in 1967 milk production went up progressively and the supply to the factory was to the tune of 23,716,988 gallons of whole-milk and butterfat was supplied to the tune of 7,741,360 gallons, and this represented an income of K£6,322,510, and the amount paid to the farmers was K£4,428,975. This is an increase and there has been one every year. The following year, 1968, the amount of milk supplied to the Kenya Co-operative Creameries factory was to the tune of 27,455,202 gallons of whole-milk, and butterfat was supplied to the amount of 6,631,760 gallons and this was sold and fetched K£6,865,193, and out of this amount K£4,587,693 was paid to

the farmers. Therefore, Mr. Speaker, Sir, I do not see why the Kenya Government, seeing this booming industry improving year after year, and at the same time being equitably distributed, particularly to the small-scale farmers in the settlement schemes in the former African reserves, cannot improve the roads serving the dairy areas which serve the poor and most of Kenya people. Mr. Speaker, Sir, following closely 1968, the production went up.

Mr. Speaker, Sir, in 1969, the amount of whole-milk supplied to the Kenya Co-operative Creameries factory was to the tune of 29,447,701 gallons and the amount of butterfat supplied was to the tune of 6,910,797 gallons, and this brought in an income to the tune of K£7,253,276, and out of this amount K£4,878,583 was paid to the farmers.

Mr. Speaker, Sir, the figure for last year showing supply of milk to the factory went up to twice the amount supplied in 1966, to 44,187,636 gallons whole-milk and, this was sold for over K£10 million and payment made to the farmers was in the region of K£7 million.

Mr. Speaker, Sir, I did, earlier on, say that this industry is about the only agricultural industry which is equitably distributed among the small-scale farmer, the medium-scale farmer and the large-scale farmers. Therefore, Mr. Speaker, Sir, this means that the largest population of our Republic gets a regular daily, weekly, monthly and yearly income from milk. I urge the Kenya Government to take serious view and improve all roads in the dairy areas.

It is known, very well, that all roads in the settlement schemes throughout the Republic and all the roads in the former non-scheduled areas or districts—I can mention the districts which experienced difficulties in the last rainy season in transporting milk to the Kenya Co-operative Creameries Limited. Nandi District was poorly served with roads; Elgeyo-Marakwet was terribly poorly served; the entire Western Province was poorly served and the people could not take their milk to the Kenya Co-operative Creameries Limited. In Nyandarua District most of the people in the settlement schemes had their milk blocked up at home. The same problem faced the entire Kirinyaga District, Nyeri District and even Kiambu here. I heard this from farmers when we went to hear evidence, on Tuesday, in Kiambu County Council on the agricultural input; farmers stood and said that Kenya Government must improve roads because a quarter of their milk was lost. I was shocked because I thought Kiambu roads were good, even those roads which were miles away from Nairobi.

[**Mr. arap Saina**]

Mr. Speaker, Sir, I am pretty sure that no hon. Member of this House will oppose this Motion. Even Government Ministers, who are also farmers, and Members of Parliament, who are farmers, are experiencing the same problems. I am experiencing the same problems.

Mr. Speaker, it is shown by the smiling faces of hon. Members that this is a straightforward Motion and I do not want to take a long time as I want to give hon. Members time to debate this Motion and pass it without any delay. All I ask, particularly from the Front Bench, is that although Motions have been debated in this House and passed but have been sat upon by some people, this is one of the Motions—and a most important one—which if you do not pass your constituents are going to ask you, “Why, Mr. Minister, do you sit in Nairobi, drive on tarmac roads and you do not want to think about our roads?”

It is from milk that now most farmers are repaying their loans to the Agricultural Finance Corporation, land purchase loans, paying their children’s school fees and for other liabilities. It is milk that is bringing in a regular income.

I want to take this opportunity. Mr. Speaker, to congratulate the directors of the Kenya Co-operative Creameries who have recently taken a stern measure to improve and increase the price of milk. Never in the history of the dairy industry has a gallon of milk gone up to a price of Sh. 3. I therefore take this opportunity to congratulate its chairman and the directors.

Mr. Speaker, Sir, I hope the Government will, without any delay, take prompt action to improve roads which serve the dairy industry areas. In the past the Kenya Government has thought too much of the tourists—a tourist is not your voter; he is somebody from Germany, Britain or Japan. He did not elect you to this Parliament. I challenge you, hon. Members, including the Ministers, to respond to your constituents needs. This is a challenge at the beginning of 1971.

Mr. Speaker, Sir—

The Speaker (Mr. Mati): Remember to move your Motion. Your time is running out.

Mr. arap Saina: Mr. Speaker, Sir, I can see that everybody is ready to debate this Motion and I now beg to move:—

THAT, realizing the acute transport problems facing the dairy industry in Kenya, this House urges the Government to give priority to and improve the roads leading to all the milk-producing areas as is done in the case of roads in the sugar-cane, tea and tourism areas.

I, therefore, call upon the hon. Member for Kitale West to second the Motion.

Mr. Wabuge: Mr. Speaker, Sir, this is a very straightforward Motion and, that being so, I do not think we should waste time discussing it because as the Mover has said everyone in this House is very much concerned over the condition of these roads.

In the first place, Mr. Speaker, Sir, the economy of any country depends on its road communications. Without road communications, then the question of a better economy of any country does not arise at all. Therefore, any person who is interested in raising the economy of his country must, first of all, take into consideration the improvement of roads.

Now, here, Mr. Speaker, Sir, it is well to say that first priority should be given to roads leading to sugar-growing areas, tourist areas and tea areas. However, what one had to bear in mind, Sir, is that milk is more important than these other commodities. Milk is a very delicate commodity and, in fact, it is something which goes bad if not transported at the right time. Now, if it went bad whoever is giving priority to tourism would find that the tourists who come into this country would have tea without milk because milk has not been transported to the Kenya Co-operative Creameries from where hotels catering for the tourists buy it so as to serve the tourists with tea containing milk. Therefore, Sir, the first priority, as far as we are concerned should be given to roads leading to milk producing areas. I say, this, Mr. Speaker, Sir, because during the rainy season it is almost impossible to move milk from the milk producing areas to the Kenya Co-operative Creameries’ factories. In most cases the milk which is supposed to be moved at 7.00 a.m., to your surprise, Sir, you will find that it reaches the factories in the afternoon. What happens, Mr. Speaker, Sir? When it reaches the factories in the afternoon, Sir, it is often rejected because it has gone bad due to the fact that it was not processed at the right time. Once it is rejected, the people who expect to get the milk miss it. After these people have missed their milk supply, the second person who suffer is the producer because the small farmer in this country depends on milk. He depends on the milk because at the end of every month a milk cheque or a cream cheque is paid into his account. Now, when the milk is not accepted at the factory, the person who loses is the producer, and once he loses, the economy of this country is affected. Therefore, Mr. Speaker, Sir, I think this case, here, is genuine. The Government should take very serious consideration to implement this Motion because by so doing it would also be assisting the small farmer who only produces a pint of milk—the small farmer who depends on milk

[Mr. Wabuge]

in order to educate his children and also to feed them. There are so many areas in this country which lack milk, and to your surprise, Mr. Speaker, Sir, you will find that people coming out of this country say that possibly the country has not enough milk. It is obvious that we have enough milk to feed our nation, to feed our people in the remote areas. However, what happens? They do not get milk because the roads are impassable. Therefore, Sir, I feel the Government should take a very serious consideration on this Motion so that roads leading to milk-producing areas are improved and if necessary they should be made all weather roads. I would not be ashamed to say here that all those roads should be tarmacked so that at any moment milk is required to be moved from one area to another is moved without any difficulties.

When it is the dry season, as it is at the moment, Mr. Speaker, Sir, you will find that this milk which is transported over our roads is filled with dust. It is filled with dust because the roads are dusty. In fact, some roads are so bumpy that the lorries transporting the milk reach the factories when the milk is very dirty and full of dust. Now, who is going to be fed on this kind of milk? Factories always reject such milk because it is not kept clean. Sir, the producers take the trouble to keep the milk clean, but what happens between the collecting point and the factory is something which should be looked into. This, Sir, is connected with the improvement of roads so that milk is transported in a nice way and it reaches the factory when it is clean.

People talk of the sugar industry and say that the roads leading to the sugar-producing areas should be improved. We have no objection to that suggestion. In fact, they should be improved. However, comparing milk with sugar—milk goes bad unless it receives immediate attention and therefore we are left with no alternative but to suggest that milk-producing areas should have better roads. Milk cannot remain good if it is kept for an hour, before being delivered to the factory, after it has been milked. Therefore, I would like to suggest, here, that the Government should give the first priority to milk. The second should be sugar-cane, and the third should be tea because without tea you can still live on milk, and without sugar you can still live on milk. Therefore, milk should be given the first priority because of these circumstances. Also, Sir, milk is the only source of income to a poor fellow in this country; it is from milk that he gets money after having sold it. The first priority should therefore be given to the milk industry in this country.

With these few remarks, and this being a straightforward Motion which we hope the Government is going to implement as soon as it is passed by the House, I beg to second the Motion.

(Question proposed)

The Minister for Power and Communications

(Mr. Ngala): Mr. Speaker, Sir, although the Minister concerned will speak on behalf of the Ministry, I would like to support the intentions of this Motion so that the policy of the Government in developing rural areas would, very much, be assisted, by implementing the idea being projected in this Motion.

Mr. Speaker, Sir, taking as an example an area I know very well, that is the hinterland of Kwale District and the hinterland of Kilifi District, where a producer of milk from indigenous cattle has organized himself over a large area to send milk to Mariakani Milk Plant, one of the biggest snags is the condition of roads. The small in-roads that go to the milk stations from different areas are such that they need a great deal of improvement. They need to be given that priority which will enhance the economic development over that area from this dairy product. Therefore, I think this idea needs to be supported by the House because it is very much in line with the Government policy of rural development.

Mr. Speaker, Sir, having acknowledged the need to develop the roads in the dairy areas, I would like to say, Sir, that it is not just the dairy products that need this kind of attention from the Government. You have, as it has already been indicated, tea, coffee and tourism, but there are some areas too where cashew nuts and coconuts are grown and these roads which go into the locations to carry the products on to the main roads and on to the markets also need development. Therefore, I think what we need to do is to take a general picture of the need to improve the agricultural producing area roads throughout the country but not just to single out one aspect. This is because if you single out one aspect in a Motion like this, you act on one aspect of agriculture only. I think what is needed in the country is to pay attention, in all these areas that are agricultural producing areas, to their roads. I think this is very important because since Government took over the responsibility of roads from the county councils this particular aspect has not had sufficient emphasis and it needs to be given a special emphasis. Maybe the Ministry of Agriculture and the Ministry of Works ought to have a special body which would give attention to this very special aspect of rural development, that is roads to collect produce all over the areas where there is agricultural production.

[The Minister for Power and Communications]

Mr. Speaker, Sir, I think the milk producers, as moved by the hon. Saina, are very much concerned over this, and I notice that the people who have spoken so far are all farmers producing milk. I would like to say that we appreciate their feelings but I think they should have extended their feelings to other types of farmers who also would like to see Government doing something towards the roads that collect their produce. I therefore feel the Government attitude to this should be an extension of the Motion so that it covers all the needy areas in this aspect.

Mr. Speaker, Sir, with those few words I would like to support the Motion very, very much because I think it is given in good faith and also it is in line with the Government policy of rural development and communications and roads that carry these products are vital as a basic means of economic development in our areas.

With those few words I beg to support the Motion.

Mr. Mwicigi: Thank you very much, Mr. Speaker. I rise to support this Motion, Mr. Speaker. It is very important that milk should be given the importance it requires. In this industry a lot of people are employed and also we get an income from milk. It has been said that we get over Sh. 5 million going to this type of farmers and this is very important, Mr. Speaker, Sir, what worries most of us is that you will find that these dairies are increasing the use of Land-Rovers because the roads are so poor that the ordinary type of vehicles cannot be used. In fact, there are some areas in my constituency where even Land-Rovers cannot go because roads are very bad. We understand Government is spending about K£53 million on roads but it is unfortunate that very little attention is given to milk. There is a big demand for milk in this country and we have never been able to produce enough milk. In fact a lot of our children in the country are suffering from malnutrition and if there was enough milk this problem would not arise. Also, Mr. Speaker, our butter has a very big demand outside Kenya and we understand this year we shall have to import butter. We have land for this but we have been unable to do it because the dairy industry has not been given the importance it requires. Mr. Speaker, Sir, poor roads have been reducing the production of milk and we feel that the negligence which has been given to the roads in the past must be corrected. Also, Government planners should take heed—if this Motion passes through—and we hope it is going to pass through—Government should implement it without any further delay.

Mr. Speaker, Sir, I know a lot of importance has been put on tea and I do not think it is the question of changing the priorities as such but it is the question of Government getting money to improve the roads. Tea is also playing a very important role in this country. Last year we had about £10 million coming into this country through tea, and as such we feel also, that roads which are in tea-growing areas should continue to be improved. It is unfortunate that on tea roads Government has decided to tax the tea growers while a big area of road network has been prepared for every road user. The people who have been bearing this burden have been the tea growers, and this is a mistake which we feel Government should rectify immediately. If the roads are used by everybody the whole burden should not be given to growers only. In this particular case of tea growers, loans come from the World Bank, whilst the tea growers are deducted something like one cent per pound. Also, when it comes to sugar-cane there are areas which are very bad and the roads in such areas should be maintained. I can recall that at one time when I was at Muhoroni, army vehicles were to be used for the transportation of sugar-cane. We also have to consider that industry to be important and everybody should assist.

Mr. Speaker, Sir, also when we consider coffee, there are some areas in the coffee industry where roads are very, very bad. Coffee is bringing money to the tune of £17 million a year and coffee farmers meet a lot of taxation in the form of cesses imposed by the Central Government and the local authorities. We also feel that the roads in these areas should be maintained because some of them are very poor.

Mr. Speaker, Sir, I support the Motion and I feel that the negligence that has been given to the milk industry should be corrected immediately.

I support the Motion, Mr. Speaker. Thank you.

Mr. Mwangale: Mr. Speaker, Sir, I think that all of us in this House agree that Government is making a tremendous effort to improve our road communications throughout the country and that our Government has seen it fit to pump a lot of our taxation money into road improvements. Therefore, I think that to start with we are going to congratulate our Government for making this very tremendous effort.

Mr. Speaker, I want to emphasize a point which other Members have mentioned here and that is: the dairy industry is one of our major agricultural industries in the country and most of our farmers depend on non-cropping system of crops such as maize, or in some places sugar-cane and tea. In this case, where you get a dairy industry

[Mr. Mwangale]

being encouraged it tends to encourage diversification which is necessary for a proper living—not to mention, of course, the nutritious aspect of the dairy industry *vis-à-vis* the production of milk, butter and what-have-you. However, Mr. Speaker, Sir, the point which the Mover of the Motion has emphasized here is that Government found it necessary to classify roads according to their importance. They have classified roads in sugar-cane areas, and I agree, of course, that sugar-cane areas, generally, have clay soils or the so-called black cotton soils, which are very difficult for vehicles to pass through. Therefore, the Government has seen it fit to prepare these roads so that they become all-weather. That applies to tea areas, and to tourism which is basically a foreign orientated type of industry.

Mr. Speaker, the dairy industry is important to the ordinary farmer. It is so important that if it were not for this particular industry some of our settlement schemes would not survive today. However, when you look at some of the settlement schemes, especially those that I represent, Sir, the roads are not only impassable during the rainy season, but also impassable even at this particular time of the year because either the bridges broke down during the previous rainy season or they are so rough that only a bicycle can pass through. Whereas Government has made this effort to provide transportation vehicles for these farmers to transport their milk from as far away as 60 miles, from a place like Songareni to Eldoret—Mr. Speaker, sometimes during the rainy seasons these roads are so bad that the vehicles do not get to this point. Therefore, a farmer literally stands with his milk in cans, waiting for a vehicle to come and collect the milk, so that he can get his monthly income but the vehicles do not appear, not because they do not attempt to come but just because the roads are very bad.

Now, I want to propose here, Mr. Speaker, that the Government should specifically classify dairy roads as such, especially in those areas which are real dairy producing areas, not potential but dairy producing areas. In this particular case, I am referring, Mr. Speaker, to roads in the settlement schemes in most areas of Western Province, in Rift Valley Province and in other areas which have already been mentioned.

I want also to mention a point which was brought forward during our discussion of the Development Plan, and that was that the Government had introduced some kind of phases of construction of settlement roads. I think there was Phase I, Phase II and Phase III. I may be corrected, if I am wrong, but I do not really know

how long these phases will take, in order for these roads to be completed in the settlement schemes. As I understand from the Minister for Works, the roads that had been given priority were those roads, I think, around Thomson's Falls or somewhere around the schemes in that area.

Now, it has taken almost a year and they have not come to Phase II, whereas my schemes are in Phase III, and yet we are coming to the rainy season in just about two weeks' time. Therefore, Mr. Speaker, I would like, if possible, our hon. Minister to make it quite clear as to when these phases of road construction in the settlement schemes will be finished, or whether they will be finished before the start of the rainy season in March.

I wanted also, Mr. Speaker, to make one point quite clear, and this is that if we want to be successful in maintaining our roads, to be all-weather in these dairy areas, the Government must provide equipment or depots, or they must equip their depots as well as they can and as soon as possible because if we have to wait—as the Minister pointed out (I think it was yesterday) **that the equipment was on the way, that it has been ordered—until these roads are so badly damaged, it will need a lot of money to be spent on repairing these roads before they are up to standard.** Therefore, I would like to ask the Minister to make it as a priority, to equip these depots which maintain these roads throughout the dairy areas and other areas of the country so that these roads **cannot be damaged beyond repair** before the Government has to spend a lot of money. I understand you spend as much as Sh. 15,000 per mile, on laying murrum on some of these roads up to, I think, a layer of three inches or something like that.

Mr. Speaker, there is no point in our Government spending so much money, Sh. 15,000 per mile, on laying murrum, and only just after three months the whole thing has been washed away simply because it has not been maintained. I would like, Mr. Speaker, Sir, the Minister particularly to take into account the importance of equipping the depots so that they can constantly repair these roads and keep them in good condition.

Another point, Mr. Speaker, which I have noticed, as far as the Ministry of Works is concerned in the dairy areas, is that the road construction, when it is started, is always done during the rainy season, that is the laying of murrum. Therefore, they lay the murrum, the rain comes **and the whole thing is washed away continuously.** I have pointed out this in the past but I see it

[Mr. Mwangale]

happen even now. Therefore, Sir, if it is Government intention, or the Ministry of Works' intention, to maintain these roads it is up to them to ensure that those people who are given contracts to lay murrum on those roads or to maintain those roads, maintain them at the right time.

Now, there are provinces, and this is a point which has already been mentioned, I think during Question Time today, such as Western and Nyanza provinces and part of Rift Valley Province which are covered by only one provincial engineer. Now, for a provincial engineer to come all the way up to Kisii, all the way up to Sotik and back to Kitale, just to keep an eye on these roads—that is such a large distance that you would not even blame him if he does not see some of this very poor road construction that is being carried out by the contractors who are given contracts by the Government.

Therefore, Mr. Speaker, I think it is of paramount importance that our priorities must be **redirected towards the training of personnel**, especially so as to post as many provincial engineers per province as possible and not just one provincial engineer covering two or three provinces or two provinces and part of another province. However, there should be at least one provincial engineer per province and we should increase the number of inspections carried out by these people who inspect road contractors so that we can get better services out of them.

With these few remarks, I beg to support.

Mr. Seroney: Thank you very much, Mr. Speaker. While supporting this Motion, and I say quite clearly that I support everything that has been said by the Mover and all those who have spoken and, therefore, I will not repeat the importance of the dairy industry. I would like to say a few things which have not been said so far. I can see the hon. Member for Kajiado is very busy preparing to reply to this Motion, probably because his other colleague is intimately connected with the Kenya Co-operative Creameries and, therefore, has chosen not to reply to this Motion. I hope that the Member—the Assistant Minister for Works—assuming that he is going to accept this Motion, will not feed us with the usual Treasury talk of agreeing, as soon as funds are available or as soon as budgetary provisions are made. I think, at this very moment, a lot of activity is taking place between Government Ministries and the Treasury with a view to preparing for the next budget which is only a few months away. I sincerely hope that if the Assistant Minister accepts this Motion he will make urgent representation to his Ministry which

should, in turn, make very serious representation to the Treasury so that we are not told to wait **until next year because no budgetary provisions have been made for this year.**

The other point that I would like to mention to the Ministry of Works is that the problems of bad roads arose since the function of the roads was removed from the county councils. This has meant that the organization of roads is done from long distances, particularly in a place like Rift Valley. Since county engineers have been replaced by one engineer, it means that whenever you want to do anything in the district, you have to refer all the way to Nakuru. I mentioned this because we do not want any money which is set aside for carrying out this Motion, if it is going to be accepted, to be squandered by unnecessary costs. I think it is necessary to follow the lead given by the Ministry of Education which has agreed to establish District Education Boards. The Ministry of Works should have similar district organizations through which to operate and through which they can issue tenders, advertise and through locally instead of all these contracts going to Kamau or Njoroge from hundreds of miles away to remote places like Nandi or Western Province. I think this is important because whatever money we decide to spend on the roads should be adequately spent and should not be squandered.

I hope that Government will not be penny-wise and pound-foolish because the state of the roads, in many of our areas that have been mentioned, in the settlement areas and in the large-scale farming areas of Wareng and other districts in the Republic or the rest of Kenya, are in a terrible position. I think it is the duty of the Ministry of Works to improve all roads as the Minister for Power and Communications has said, but I think the priority should be given to the dairy industry areas because it is the mainstay of all the new farmers. Our farmers, whether large-scale farmers or small-scale farmers, have had to obtain loans to buy their farms and the only sure means of repaying their loans is the monthly cheque from the Kenya Co-operative Creameries because other crops are not reliable. The price of maize keeps on changing from time to time; there may be drought and other things which may affect other crops. So the farmer really depends on the milk cheque every month to repay his loan which had been incurred by his farm, whether in a settlement scheme or in a large-scale farming area. Many farmers take development loans to buy grade cattle and they repay these loans through the milk bill. So, I sincerely hope that the Assistant Minister and the Government will be imaginative as far as this issue is concerned and not

[Mr. Seroney]

be stingy about making adequate provisions to meet the requests contained in this particular Motion.

It is well known that where there is will there is a way. If a war was declared tomorrow, or if a foreign country invaded Kenya tomorrow, money would be found, somehow, to meet the enemy. Therefore, in the case of a problem like this one I would urge the Government to recognize the urgency for developing dairy roads instead of saying there is no money available or instead of saying "please let us wait until we have negotiated with the World Bank" and similar excuses. I think urgent action is required as we have all agreed that something should be done and I sincerely hope that the Assistant Minister and the Government will concede to this request and will meet the wishes of *wananchi* who, after all, have sent us to this House.

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

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I think, first, I would like to pay tribute to the honourable Mover of this Motion in the way that he has presented to the House such detailed facts about the entire dairy industry. No doubt he, being a keen farmer has taken a lot of trouble to tell the House exactly the problems facing the farmers.

At the same time, I am also equally appreciative to remarks that have been made by other hon. Members who have contributed to this Motion. Mr. Speaker, Sir, there is no doubt that the dairy industry is an extremely important commodity of our economy in this country and one which is of serious concern not only to the farmers themselves but also to my Ministry which is responsible to maintaining these roads.

I speak from experience, being a milk farmer myself, and so when I speak I realize the problem of other farmers because these are the problems that I, particularly, have faced in the past.

Milk is an extremely perishable commodity and one that needs to be transported speedily to the factory. Once the milk gets to the factory one hour or two hours late, the normal procedure in the Kenya Co-operatives Creameries depot is that the milk is considered to have gone bad and it is rejected, and therefore no monthly cheque to the farmer. Therefore, milk can only get to the factory if roads are in good shape and so on. I live six miles from the milk depot, and I know that at times the milk that gets to the Kenya Co-operative Creameries depot, Nairobi, two hours late is all rejected. So, I can imagine the problems of a farmer who is living fifty or sixty miles away from the factory.

Therefore, I speak from experience having been a milk producer myself and knowing the problems facing farmers throughout the country. All the same, we cannot just simply single out milk areas alone. We have underway several road phases for tea, sugar and tourism areas, all of which are very successful. Most of these roads are at the same time equally being used by farmers transporting their milk from their farms. The problem really, here, is on the access roads which come from the farming areas. Some time last year I paid a visit, to Kitale and toured some of the high-potential areas, Cherangani, Kimilili, and noticed the problems the farmers were facing in those areas in transporting their milk. They were even facing these problems during the dry weather. I therefore cannot imagine how the problem would look when it rains. In some places there were no culverts, no bridges and so on. On the whole I think there is a case here that my Ministry needs to look into; the Government and this House have a responsibility to tackle this responsibility for the benefit of all farmers in this country because milk as we have been told, and as the statistics given to us by hon. Saina have shown, it a commodity that is rising year by year and I am sure that unless we give priority to these roads there will be farmers, who are supposed to pay their loans and so on, who will be faced with a critical situation. Therefore, we are trying constantly to do everything we can to improve these roads. It is only about 12 months ago since we took over the running of most of the roads from the county councils, most of which were in very bad conditions. We have been hit by the lack of equipment and plant to maintain the very roads which we have taken over. At the moment it would be difficult for me to tell or give to the House a precise time when these phases will be commenced. However, as soon as we get sufficient equipment and plant, as I have already stated in this House many times, my Ministry has negotiated a loan of 12 million dollars to enable us to buy sufficient equipment to cover the entire country. I am sure, now with adequate equipment, we shall take into consideration seriously the problem of roads used in the transportation of milk.

The situation as it stands at the moment, roads leading to all tea-producing areas are covered in the Ministry's settlement programme, Phase One and Two. Phase One of this programme is already under construction and we will give the highest priority to settlement areas, giving first attention to access roads within various schemes. Such improvement of these minor roads will enable perishable produce, including milk, to be transported via the existing major roads network.

[The Assistant Minister for Works]

With the increase of agricultural production, the important roads serving these areas will be improved. The first phase of improvement work will involve the construction of reasonable standard access roads within those settlement areas whose development is at present frustrated by the lack of a suitable road system. The estimated cost of the recommended first phase of development involves a sum of £454,000, covering the construction of approximately 360 miles of low standard access roads, including a total of 48 bridges and major drainage structures. The areas affected at the moment in Phase One of this programme will include Ainabkoi, Sotik, Emburu, Ndundori, Thomson Falls, Marenet, Ndaragua, Kinangop, Mweiga, Naro Moru, Highland Farms and Salient. The Second Phase of the work will include the balance of roads recommended by the Settlement Department. It is possible that Phase Three may be required later to complete roads not covered under Phases One and Two.

As I have said, the question of roads to milk-producing areas being treated as separate does not arise since this will be covered under the settlement roads programme. Milk is one of the most important agricultural products in the settlement schemes but cannot be considered in isolation from the other agricultural products in the schemes. Therefore, hon. Members I think, will realize there are other equally important agricultural commodities that the country has to cater for. As I have already said, we are constantly at work, and we are constantly improving whatever roads we can when we have the funds.

I would like the hon. Members to accept a slight amendment, Mr. Speaker, Sir, which I am going to propose.

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

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

Mr. Deputy Speaker, Sir, if I may read the amendment it will read as follows:—

“THAT realizing the acute transport problem facing the agricultural industry in Kenya, this House urges Government to give priority to and improve roads leading to all producing areas as well as other agricultural producing area.”

I would propose that all the other words, that is, “tea” and “sugar” be deleted.

With these few remarks, Mr. Deputy Speaker, Sir, I sincerely hope that the House will approve this slight amendment as it does not make much alteration. It shows that we shall do everything we can to give priority to milk-producing roads as much as we can.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):

Mr. Deputy Speaker, Sir, I beg to second the amendment by the hon. Mover and the responder to this Motion for the simple reason, Mr. Deputy Speaker, Sir, that Government is also aware of the fact that milk is one of the products in this country which is very, very important and necessary. This amendment, Mr. Deputy Speaker, Sir, more or less accepts the fact that there are other agricultural products which we require to meet the consumption of our people and which are not included in this Motion, what will happen is that, today we are having the dairy industry accorded the priority, and tomorrow another hon. Member will bring in something to do with coconut areas, and the following day after that one there will be another Motion about cashew nuts and the following day after that there will be a Motion about maize roads, and another day there will be fish “something”, groundnut roads and so forth. Therefore, Mr. Deputy Speaker, Sir, there will be so many Motions in this House that we shall actually spend most of our time on the various types of agricultural produce.

Nevertheless, Mr. Deputy Speaker, Sir, the Motion as amended is very reasonable indeed because it has not changed the meaning of the Motion in that the Mover of the Motion wanted milk to be given priority which has not been interfered with in the amendment. It is still the priority as well as other agricultural producing areas. Milk is at the top over the other agricultural products. All roads leading to areas producing agricultural produce—cashew nuts, maize, wheat and whatever else will be taken care of.

Mr. Deputy Speaker, Sir, while on this point, I agree with Government that it is intending to do something, but there are difficulties at the moment as one hon. Member has already stated particularly now that we are going to have rains. People in the settlement areas particularly, Mr. Deputy Speaker, have very big problems because they can hardly transport their produce to the various centres for marketing purposes. The result Mr. Deputy Speaker, is that there is a delay in delivery of their produce and they are also unable to meet the commitment as far as the loan repayment is concerned which in itself has rendered some of the farmers in the settlement schemes being expelled from the schemes. However, now when they are settlers and yet they are going to be expelled from the settlement scheme, we are actually de-settling them, something which will not help us at all. Therefore, Mr. Deputy

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

Speaker, Sir, I appreciate and congratulate the Government for being aware of the fact that there is need for these roads to be improved as this in itself will improve the situation which is prevalent in the settlement schemes as far as the transporting of the produce to the market is concerned.

The last point, I want to say in connexion with this Motion, Mr. Deputy Speaker, Sir, is that, I must thank the hon. Member for having moved this Motion because it is this milk that helps a lot of our young kids and even the grown-up people. In that case, we should consider very seriously how we can help our people. We all of us in the House are quite unanimous on this question, and therefore, I do not want to take more time on this.

Therefore, I beg to support.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

Mr. Seroney: On a point of order, Mr. Deputy Speaker, can it be made clear as to which these words are?

The Deputy Speaker (Dr. Waiyaki): I thought that hon. John Keen had just read the amendment. Mr. Keen has proposed that the words "as it is done in the roads in the sugar-cane, tea and tourism areas" to be left out of the question and in place thereof be inserted the following words, "as well as all other agricultural areas".

Mr. Murgor: Mr. Deputy Speaker, Sir, I am actually standing to strongly oppose the amendment which is meant to kill the intention of the Motion. Mr. Deputy Speaker, Sir, which is more perishable than the other, maize or milk? Milk is the number one—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to try and mislead the House that the intention is to kill the Motion because the amendment is not even touching the priority on milk?

The Deputy Speaker (Dr. Waiyaki): I think his intention in uttering those words was that Mr. Keen's amendment would have the effect of watering down the feelings and the intentions of the Member who moved the Motion. I think this is what he is trying to express but he has not said anything.

Mr. Murgor: Mr. Deputy Speaker, Sir, that is what I am trying to say. If you put any other agricultural produce, then, you are just going back to where we have been in the sense that

you are generalizing this sort of thing. Now, milk, as I said, is more perishable than even tea or sugar. It is number one in perishing. Therefore, milk ought to have the first priority and you cannot say that tomorrow somebody will bring another Motion asking for the improvement of coconut or maize roads. Well, things will come as the time comes also. When we are asking today that the milk roads be improved, we are asking this because there is a need for it.

The Mover of this Motion has explained very well and given facts which amount to the reasons for making this to be a priority. The dairy farmer's only means of income is milk. He has no other source of income and if this milk is to be transported on very bad roads, sometimes this milk is delayed and it goes bad, sometimes it is delayed and the grade goes down and the person who losses is the farmer who does not have any other means of getting an income. Sometimes, when it is rainy, the lorries get stuck for hours or even days and what does the farmer gain from this, he only loses. This is why we are saying that milk roads should be made the priority number one.

The farmers spend quite a lot of money. If you want to get more milk from your cattle, you must spend a lot more money to feed your cattle. You must give them more food, and this food, to increase the milk yield, costs money. When you increase your milk yield, you expect to get some return from the money you spent to feed your cattle and this money comes from the sale of their milk. If, however, you improve the yield of your milk and, then, this milk does not get to its destination, then you lose much more than you would have lost if you had not fed your cattle with more food.

Mr. Deputy Speaker, Sir, to improve our dairy cattle these days we use artificial insemination. With bad roads, however, this scheme cannot be carried out and that, then, means that you cannot improve your dairy cattle. Therefore, milk roads should be considered as important as sugar and tea roads are. There is no use saying that the Mover of this Motion has just singled out milk. If he has singled out milk, why were tea roads and sugar roads singled out? Why were they called tea roads and sugar roads? What is wrong in saying that we want milk roads to be improved in the same way?

Mr. Deputy Speaker, Sir, I am pleased to hear the Assistant Minister here saying that the Settlement roads are also going to be improved because the settlement scheme farmers have suffered quite a lot because they have not been able to deliver their milk to the Kenya Co-operative Creameries because of the poor roads and a lot of other

[Mr. Murgor]

things have happened which have made them find it very difficult to repay their loans.

Mr. Deputy Speaker, Sir, the dairy farmers would like to see roads all along the collecting points tarmacked so that whenever they take their milk to the collecting points, that milk will be able to get to the Kenya Co-operative Creameries without going bad.

Mr. Deputy Speaker, Sir, as I said, the intention of saying that the Motion be amended to include other areas meant that the Motion was being killed because we have definite areas which produce only milk and other definite areas which produce beef cattle only. At the moment we are talking about areas which produce milk. To talk about the areas which produce beef cattle, that is a different matter. In places where they produce maize, you can keep maize in the store for a long time, as long as you want it to be kept, but for milk you cannot do this. If, for example, I have ten gallons of milk today and the lorry gets stuck, it cannot get to the Kenya Co-operative Creameries, what do I do with all that milk? There is nothing else I can do with it. However, if it is taken straight away to the Kenya Co-operative Creameries, I get what I have laboured for. Therefore, Mr. Deputy Speaker, Sir, I strongly oppose this amendment and I hope that the Members of this House will also oppose it.

With these few words, Mr. Deputy Speaker, Sir, I oppose the amendment.

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

(Debate on the original Motion resumed)

Mr. Araru: Thank you very much, Mr. Deputy Speaker, Sir, I am standing to support this Motion very strongly. We are very happy that this amendment has been dropped.

Mr. Deputy Speaker, Sir, I am wondering why this amendment was brought forward because these milk roads are not going to be used for the transportation of milk alone. These roads are going to pass through many areas of our reserves. I wonder if the hon. Assistant Minister has ever been to that place. I was there myself back in 1956, when I was young. During my tour in that area, I saw a lot of milk put beside the roads waiting to be collected by trucks and transported to the Kenya Co-operative Creameries. However, apart from cattle being raised on those farms, there is coffee, maize and so many other agricultural products. Now, when such a road has been tarmacked, these other products will be transported on it and this is why I say that this road is not going to be made for milk alone.

Mr. Deputy Speaker, Sir, I know when the Mover of this Motion brought it to this House. He was very serious about it because, as we know, milk is a one day business. If milk is allowed to remain for one day, it cannot be used because it goes sour—*maziwa lala*. Therefore, this is what forced the hon. Member of the area to bring this Motion to this House for consideration because his people are suffering. Milk should have good means of transport because during the rainy season, I believe, that road becomes impassable. I remember some time ago I had to sleep in a lorry which was stuck during the rain on that same road somewhere between Thomson's Falls and Bungoma. I also know that the road from Kabarnet via Turbo to Eldoret is also very bad during the rains. Although I know that the major road which goes to Kampala is all right, the feeders of that road which lead to the farms are very difficult to pass when it is wet. We also know, in addition, that there is always rain in the Rift Valley Province and this makes it very difficult to use those feeder roads. That is specially brought up by the Mover to see that the milk-producing areas have as good roads as those in farming areas affecting tea and sugar. Mr. Deputy Speaker, Sir, I strongly support this. I personally know that part and I have even been to some of those areas. If you want to travel from Eldoret to Kabarnet. Mr. Deputy Speaker, you cannot drive. At the hill near Kabarnet there is a signal at the foot of the hill indicating, "Wait. A single lane." There is not enough room for two lorries or cars to pass each other. Then you have to wait below while the signal indicates to the other motorist at the top. "The lane is now clear", then you may drive on. In the whole of that area, if you go there you will find that it is the farmers who are affected, particularly the Africans who are called upon by Government to apply for loans to go and become good farmers, but there are no roads to serve them. Mr. Speaker. How will these people be able to repay their loans, the cases of which Members from those areas always bring here and complain about?

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

Mr. arap Saina: Mr. Deputy Speaker, Sir, first of all I wish to take this opportunity to thank the Seconder of this Motion and all those who have supported it.

I was a little surprised to see the hon. Minister for Works trying to generalize this Motion by amending it to cover roads in all agricultural areas, in which case, he was actually trying to play a small tactic because tomorrow, or the next day, if Government is asked to improve the roads in the sisal area they will just turn up and say,

[Mr. arap Saina]

“Sisal has lost the market. So there is no point in putting money into the roads in the sisal areas.”

Mr. Deputy Speaker. Sir, it is true, and it is realized that once you improve the dairy area roads you will have improved the tea roads, coffee roads, pyrethrum roads, sugar-cane roads, wheat roads and maize roads because all these commodities are intermingled. In fact, the dairy industry is a mixed industry. Many farmers grow wheat, maize and rear dairy cattle at the same time. Once all roads in the dairy farming areas are improved the farmers who grow other crops like cereals and the plantations will also benefit.

Without wasting any more time, Mr. Deputy Speaker, Sir, I beg to move the Motion.

(Question put and agreed to)

PURCHASE OF PROPERTIES FROM NON-CITIZENS BY AFRICANS

The Deputy Speaker (Dr. Waiyaki): Mr. O'Washika will not be able to move his Motion this morning as he has gone to see a doctor. So we will move on to Order No. 7.

(Motion deferred)

Mr. Mulwa: On a point of order, Mr. Deputy Speaker, Sir, you realize that in the middle of the Motion we talk of the beginning of 1971. It should read 1972 because it cannot be the beginning of 1971.

DISCONTINUATION OF FORMS V AND VI EDUCATION

Mr. Mulwa: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

THAT since there are many families in this country who cannot afford to educate their children due to poverty and whereas the Government is spending huge sums of public funds in educating and maintaining students in Forms V and VI and the fact that the education provided in these two classes is not absolutely necessary for university studies, this House urges the Government to discontinue Forms V and VI as from the beginning of 1972 and employ the money used in running these classes in setting up funds with each county council for the purpose of helping the children whose parents cannot afford to pay their fees.

Mr. Deputy Speaker, Sir, from the out-set this is a very important Motion. I say that because as regards education we do not have to emphasize its importance. In fact, even the most backward people in this country now do appreciate the importance of education. The only thing, Mr. Deputy Speaker, Sir, is that despite the promises we have been making, as a Kanu Party since 1961, that Government would work towards the achievement of free education, to the

contrary, the common man is wondering what is happening because the fees went up last year, for example. Instead of showing a gesture of reducing the fees they were increased. Mr. Deputy Speaker.

We have also to realize that there are so many families in this country who are so poor that they cannot afford to educate their children. Are we going to have these children growing up without education simply because their parents cannot afford the fees and yet Government sits down doing nothing? Are we going to leave education to the people who can afford it? Are these people not the citizens of this country? They are, and for this reason they look upon Government to find ways and means—let alone the promises which Government has made several times—of educating these children.

One of the ways I am suggesting in this Motion is that Forms V and VI which we have at the moment, and which are maintained by Government, are not necessary in our education system, and I will show why they are not necessary.

Secondly, why I am moving this Motion, Mr. Deputy Speaker, Sir, is because the Minister for Education said the other day that we cannot afford to have free education until, say, after seven years because Government has no money. Well, since Government has no money, and we cannot do anything about it—I do agree that Government has no money—we have to look for this money somewhere else. That is why I am suggesting that Forms V and VI, which are not necessary in our system of education, should go away.

Let me explain why Forms V and VI are not necessary. Mr. Deputy Speaker, Sir, we inherited the British system of education, which, to say the least, is not suited to our needs here. They brought this system here simply because it is the system they had in Britain. Mr. Deputy Speaker, Sir, when you look at this, even before I go into details, you make a feasibility study and we come to the conclusion that it is only in Britain and some of the former British colonies that there is this system of having Forms V and VI. What do the rest of the countries do? The rest of the countries, Mr. Deputy Speaker, Sir, do not have Forms V and VI. What happens is that they have a compact system which includes most of the subjects which are dealt with in Forms V and VI in our country here and Britain included in the secondary school curriculum so that these subjects are dealt with there. If it is a very technical subject, then the students are made to undergo one year of free university when they go into it so that they do what they should have done which was not

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covered in the secondary school, and then they proceed on. This system is used widely on the continent and it has been found to be very effective. It does not waste time, but what happens here is that you go to a secondary school, then to Form V and do the subjects which have nothing to do with what you are going to do in the university. Not only that, but in fact, what you do there is a continuation of what was being done in the secondary school. So in effect if somebody took the trouble he would find that what is being taught in Forms V and VI can be taught in Form III and IV by simply bringing in the teachers who teach Forms V and VI there.

There is another advantage here, that of making the curriculum in Form IV more effective by having qualified teachers. In fact, what I am saying, Mr. Deputy Speaker, is that we are following this system for the sake of it because we were given it by the British Government, but it is not one of the best systems. What we need here is a curriculum which suits our needs here. If we look at this we will find that we are trying to achieve what Britain has achieved, in a matter of two centuries, within 50 years. We are not up to date when we are adopting this system which is becoming absolutely obsolete. Therefore, why do we not take the money which is used in maintaining students in Forms V and VI and also used in paying the teachers who are teaching them in setting up funds with the county councils since the Government says that it has no money? We accept this fact because we have no money. Why do we not use this money in setting up funds with the county councils so that the parents who cannot afford to pay for their school children and the parents who are citizens of this country and who are, in fact the majority are helped? For example, particularly at this time when there is a drought in my area and Moyale and, therefore, it is necessary that we have to think seriously about this situation.

Mr. Deputy Speaker, Sir, there are parents who cannot afford to pay school fees for their children. For example, like my area—Makueni—where we depend on the sales of cattle, there is now a quarantine and we cannot sell the cattle. What are we going to do with our children? Are we going to leave our children without going to school simply because the parents cannot afford to pay and yet it is in the same Republic? Mr. Deputy Speaker, Sir, we should think seriously about abolishing the Forms V and VI. This is why I put up this Motion today. Let us discontinue with them and then let us include the subjects taught in Forms V and VI in Form IV. For example, in Law, for somebody to qualify

as a lawyer, he has to study for seven years and there is nowhere else where I can think of where somebody has to study for seven years. These things were designed by the imperialists who were here in order to sort of sit on us and discourage us. What is the point of lengthening the period for law studies to seven years? Now, after Cambridge School Certificate you go to Higher School Certificate where you do Geography, History and Mathematics which have nothing to do with law for two years. Then after that you go to university.

The Minister for Commerce and Industry (Mr. Osogo): History has something to do with law.

Mr. Mulwa: No, I am a lawyer. Yes, continue with your commerce and I will have something to say about you next Tuesday.

Therefore, Mr. Deputy Speaker, Sir, what I am saying is that after wasting time with useless subjects, then, one goes to a university. For example, if I may tell you the truth, I did not go for Higher School Certificate. Moreover, I did not do History and I am one of the best lawyers. Let anybody call me and I will teach him.

Therefore, Mr. Deputy Speaker, what I am trying to say is that it is not necessary to do these useless subjects because after that he goes to a university for three years and after that he goes to the law school for two years and then he qualifies. A total of seven years. And yet, most of the lawyers here in town, the so-called English lawyers did only two years at the Bar! Ask anybody who knows about it. They did only two years or two and a half years, including the Attorney-General. Ask him because he did his studies in the United Kingdom. And yet, they still think that we cannot qualify within three years! They want us to do seven years. I think this is doing things blindly for the sake of doing it, following blind advisers without questioning why we have to do things.

Mr. Deputy Speaker, Sir, this is absolutely unnecessary. Anyway, the emphasis, Mr. Deputy Speaker, Sir, is on the necessity of education because everybody is now appreciating the necessity of education and, therefore, we should think of how we are going to help our poor citizens who cannot afford to pay school fees for their education. If I may point out this, I wish to remind the Government that it is the same Government, which whenever an election is approaching talks of free education; "That, if you elect us, we, Kanu, we are going to work towards free education." Nothing so far has been done and I think this is our seventh year since independence. Yet, there is no sign showing that the Government is in fact doing something towards

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that end. At least, there should have been something to show the public that Government is doing something. However, instead Government is decreasing the school fees. It is now Sh. 72. Is this in accordance with the promises made to us?

One thing I may tell you, Mr. Deputy Speaker, Sir, which these people do not seem to realize and yet it is very important: these people would rather pay more tax and have their children educated freely or have the school fees reduced rather than being given promises like the one they were given the other day that they are not going to pay their tax and yet they are paying now and yet they do not see the benefit of it.

Mr. Deputy Speaker, Sir, I think this is one of the things which brings about misunderstandings in a country. When the common man realizes that the people—the Government—which they choose seem to have forgotten them when they get into power and they are enjoying themselves and because of this they can afford to pay for their school children and have forgotten the people who put them into power, Mr. Deputy Speaker, Sir, this is one of the things—the root of the thing—which is bringing unfortunate misunderstanding now sweeping the whole of Africa.

Mr. Deputy Speaker, Sir, I beg to move and leave it to my friend, Mr. Munyasia, to air his views but, I will have something to say against the Minister for Commerce and Industry.

The Minister for Commerce and Industry (Mr. Osogo): What are you talking about?

Mr. Munyasia: Thank you very much, Mr. Deputy Speaker, Sir.

This is a self-explanatory Motion and I think Government will not hesitate to agree to the terms of the Motion as it is moved.

Sir, looking at the country-side, we see that there is no point in continuing with Forms V and VI. As my hon. friend puts it they are wasting time. What I suggest, Sir, is that immediately after a student has finished his Form IV, he should move to a university where he goes to qualify for a degree because it will take him about seven years to acquire a degree. Therefore, this is money used for nothing. Mr. Deputy Speaker, Sir, if we take, for instance, the number of students in Form V, each student spends about Sh. 20,000 which, in comparison, could be used to cater for 35 students in Form I. Now this money could be used to educate the unfortunate children.

Mr. Deputy Speaker, Sir, I would like the Minister who is going to answer this question or this Motion to tell the House what necessitated the increase of school fees by 44 per cent; be-

cause formerly it was Sh. 50 for Standards I to IV and then Sh. 60 for Standards V to VII.

However, today, Sir, it is uniform throughout the classes; Sh. 72 from Standard I—a child who knows nothing—to Standard VII. This is a shame on the part of the Government and the Minister must stand on his feet and tell the country what necessitated this increase of 44 per cent—because this request did not come from this Parliament and we do not know what the Minister had in mind when he made the increase.

Mr. Deputy Speaker, Sir, it is well stipulated in the Kanu Manifesto that the Government was going to give free education for seven years throughout the country. We know at the moment it is not important but, when the Kanu is singing this slogan of “free education”, I thought, Sir, that the Ministry was going to reduce the school fees in order to enable the poor parent to be able to educate his children. However, instead of coming down the ladder, the Government has decided to climb the ladder. Now, Sir, the truth is that in many poor families, they are the people with the majority of children, you will find a parent with six children whereas a well-to-do man is having two children. Now, what is the Government going to do with this parent who is having six children and has to educate all of them at the same time? What they say is that you go back, and look after cattle or do farming, go back to the land. Is this the motive of the Government?

Therefore, Mr. Deputy Speaker, Sir, for any child in the Republic, it is the duty of the Government to care for it because he is a future leader of this Republic. I hope the Minister will make a note of this and make it clear why instead of the Government reducing the school fees they have gone higher.

Mr. Deputy Speaker, Sir, you will find that since Kenya attained its independence, we have appealed for this free education from time to time. People are now getting tired. I think this came into operation as a slogan since 1963 and now we are in 1971. The people who have been cheated into thinking that Government is going to give free education, are they going to believe that after eight years of independence the Government is still thinking of free education when they see school fees going up? How is Government going to convince the ordinary man right in the rural area? I think this is one of the things Members of Parliament are being worried about by the electors; “Why did you increase the school fees?” “What necessitated this increase?”

Therefore, the House, Sir, must be told today. This is how the Government loses the confidence of the masses. It is good for Government to keep quiet and say, “For free education, you

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are dreaming!" However, when you begin cheating people by telling them, "Oh! I am ready to give you a loan and so you come next month." And this man keeps on coming to you every day and he sees no loan, you will end by that person knowing what you are. Therefore, Sir, we as leaders and responsible people and as the President said this National Assembly is a mature and responsible House and so the duties for which we are responsible must be fulfilled. We must speak and act as elders. Are we really acting as elders? When we appeal to Government to reduce the school fees or do away with the money that is spent on Forms V and VI we do that so as to enable the Government to educate the unfortunate children whose parents cannot afford to pay the school fees. Are we quite sure that we are doing any service to the community? Therefore, Sir, I think this Motion is a straightforward Motion and we should not waste time on it. I think Government should come with a full reply to the Motion.

Kenya as an independent country should not follow the advices of the foreigners. We must decide on our own and for our own good.

With these few remarks, I beg to second the Motion.

(Question proposed)

Mr. Nthenge: Mr. Speaker, Sir, I am glad to have a chance to say something on this Motion. This is because, first, I would like to clear one point which some people might have. Some people might think that the idea is to lower the standard of education. This is not the case.

At present the world is accepting specialization and whether we like it or not we are going to end up with specialists—somebody mastering one thing. One may be a top-class intellectual but he cannot be an engineer, a lawyer, a doctor and everything else. Therefore, the point is specialization. So what do I say about Forms V and VI? If somebody is going to be a doctor, definitely he is not very much interested in a lot of history or geography. He is interested in science subjects: biology and in the first two years in a secondary school, teachers will start judging who are the boys and girls with a tendency towards becoming doctors and therefore, they will start being good in science subjects. Instead of boring them with unnecessary art subjects, they should drop some of the art subjects after two years and start specializing and doing more of other science subjects. Within the following two years they would know sufficient on the science side and start feeling whether they could become doctors and so start doing particular subjects which concern the line to be pursued. This is because even when he

becomes a doctor he cannot be a dentist; a chest specialist; and an oculist; or a gynaecologist. You either become general or even you will have to specialize in the long run and only become an eye specialist or become a gynaecologist. Therefore, the idea of trying to make a human being to become a master of everything is silly. The idea of Forms V and VI is more or less doing this.

What should be done is that: this money which is being spent on Forms V and VI, which is more or less a repetition of the work done in Form I to Form IV, let these students not waste any more time. My idea is that after two years students should start dropping subjects so that they start doing and concentrating on the subjects that they are likely at the end to specialize in.

What will be done with the money that is being spent on Forms V and VI, because it costs a lot of money to educate one student for those two years? This money should be sent to the county councils so that there can be a committee which can decide that this is a poor child but brilliant and so we will educate that child with the money which would have been spent in Forms V and VI. The pupils or students in Forms V and VI spend so much money that one student in Form V and Form VI, if dropped, would educate about 10 other students in the lower classes. In that way we are going to have fewer "traffic boys" in the streets. What is the cause of these boys who show people where to park? It is lack of education. Why do they lack education? Because their parents cannot afford it. If the parents cannot afford paying for their school fees, is it not the duty of the state to take care of those children? What we are doing is to create a situation whereby thuggery will be higher because we are getting a few boys and girls to know too much unnecessarily, yet others do not have anything. In the end when those who do not have the knowledge but they are intelligent enough, they will learn how to rob the banks and plan other sorts of crimes. This is because there is nothing worse than leaving an intelligent brain untrained for it must train itself to prove that it can also do something. Normally, they find that to train themselves to be a first-class criminal is the easiest way.

They will wait for the doctor to make his money and then deal with him later, they will trick him somehow. If necessary they will use force to get the money. Therefore, my suggestion is to let us look at things as they are. We must accept that we are a young country. And being young we cannot afford some luxuries. Somebody doing six years of education is not necessary. Let him do four and then go to the university and start doing the subjects he is going to do for his profession. If he is going to be a lawyer

[Mr. Nthenge]

he starts taking those subjects slightly earlier and by the time he does four or five years in the university he will be well qualified.

Mr. Deputy Speaker, Sir, we must accept that education is an international art and so we cannot afford to be different from the others. Let us examine how the Germans do it; how the Japanese do it; how the Americans do it; how the British do it and so forth. Must we go beyond what the British do. Let us keep the standard that is international. This will not lower our standard. So long as you are a good doctor it does not matter whether you studied in Form V or Form VI. If you are a good eye specialist, for example, you are a good eye specialist; and similarly if you are a good lawyer you are a good lawyer whether you know much geography or you do not. Just let one get an idea of geography for the first seven, eight, nine or ten years and then after that one should start concentrating on one's career. If one has to be a geographer one could do it for fifteen or twenty years and thus we can have a specialist in geography, a specialist in law, a specialist in medicine, etc. However, we do not want one human being to try and make himself know everything—what for? I do not believe that there is any need for this. This question of having Form V and Form VI represents this idea.

I feel that there is necessity for the Government to implement this Motion by 1972 so that the existing system can be changed and we adopt in its place a system which takes into consideration the poor people, because whether we like to hear it or not it is a fact that we did not start birth control at the same time with Britain. Many of our people have many children and so they cannot afford school fees for their children, some of whom roam the streets. Is it better to have a few boys and girls in Form V and Form VI and let many boys and girls do without education or is it better to drop Form V and Form VI and have everybody getting the chance of being educated? I propose and would like to say with certainty that the right thing is to give everybody a chance because we are throwing very many doctors out, though we require them, by not sending the potential doctors to school so that we can exploit the gift they were given by God of being doctors. Once we leave him at either Standard III or Standard IV and then we drop him how is he going to be a doctor in spite of the fact that we require them so much? How is he going to be an electrician and we require electricians so much? How is he going to be a teacher and we require teachers so much? All that we do is to prepare them and then leave them in negligence of the potentialities which they have in their blood

and which was planted by God in their brains. We do not exploit these potentialities by educating them simply because their parents are poor. However, there is much public money which is being spent in other fields which in my opinion and the opinions of many other people which are internationally proved as unnecessary.

If somebody wants to be a geographer, well, he can continue doing geography for ages; but if he has to be a scientist, why has he to waste a lot of time studying geography or any other subject for that matter? Let us start early in specialization and gear ourselves on what we are going to be. There is no need trying to be very general for too long a time. After nine or ten years of a child's education, he is grown up enough to start showing his own tendencies. We should start to develop that because we do not need to start creating what does not exist—just let it die. After all, so I am told, everybody at the beginning is a male and a female but God being what He is and brilliant He develops one sex and leaves the other alone so that one becomes either a male or a female. Similarly, let us do the same thing. If you appear to be a potential scientist, let us forget your art potential part of it and develop the science potential part of it and vice versa until you become a first-class specialist of one kind or another.

Thank you.

Mr. Kivuitu: Thank you very much, Mr. Deputy Speaker, Sir.

I find this Motion rather difficult to know whether to support it or oppose it because it contains both objectionable aspects and some desirable aspects. However, the motive behind it is obviously good as expressed in the Motion. My objections are mainly on the fact that the Motion sets a time limit within which these classes terminated. I think this is very unrealistic because I do not know what is expected to be done to those who are now in Form V this year and will be in Form VI next year. Besides that, I think any form of education cannot be changed so abruptly without causing a lot of maladjustment. I think that if we have to introduce a system like this the Government should be given sufficient time within which to implement such a project. This is one of my objections.

The other objection, Mr. Deputy Speaker, Sir, is that I think the Motion is rather narrow. I think the whole system of our education needs overhauling; but it is not a question of removing two classes and replacing them with a free education system. We require a general overhaul with a view to shortening the period that one takes from Standard I to university level. I think

[Mr. Kivuitu]

that is what we require but not simply removing two classes which cannot do. I think that is a very artificial method of satisfying the required objectives. I am saying so because I know when I was in school, starting with when I was in Standard II, I was taught that a grasshopper has —I think either six or eight legs or somewhere in that region. Then, when I went to Standard IV I was taught the same thing. Again when I went to Standard VI, I was taught the same thing. Similarly, when I went from Form II to the abolished Standard VIII, I was taught the same thing. When I went to Form IV which is equivalent to today's Form II, I was taught the same thing. This went on and on. This sort of repetition is something which can be reduced so that something could be repeated twice only instead of six times.

The other aspect is the question of history. In my history lesson when I was in Form II—latterly Standard VIII—I was taught about the Black Hole of Calcutta. This was again repeated in Form IV which is the present Form II and similarly it was repeated in Form VI which is the present Form IV. This repetition is again carried on to Form VI. I think this could be reduced. I cannot believe that it can be reduced by removing two classes. As I have already said, it is obviously artificial although the motive is good. What is required is to shorten the period between Standard I and university level. If that is reduced, and it can be reduced by condensing the studies so that one can have concentrated study within a particular short period, I think this can be achieved. However, what is required is that the Government must have time to study this. We do not want this to be introduced and then we come to Parliament and then begin shouting, "Oh, the whole system is bad and is not working well because our children are not getting sufficient education!" I am sure this will come about. So, those two aspects make me object to it. However, the objective is good because it will shorten the time within which children will be able to study and in so doing will save money which can be used for free education or for lessening the burden on the part of the parents with regard to school fee obligations.

Mr. Deputy Speaker, Sir, those are my views; and I had the objective of amending this Motion but I find it difficult to do so. However, I only hope that the Mover will be able to delete certain words, for example, instead of saying that "This House urges the Government to discontinue" it should read, "This House urges the Government to consider discontinuing Form V and Form VI from the beginning of 1972 and any other relevant matters with a view to"—and so

forth. It can be amended, Mr. Deputy Speaker, Sir.

An hon. Member: Why can you not amend it?

Mr. Kivuitu: The Mover of the Motion being unable to amend it is now asking me to amend it. He told us that he is a lawyer and so he should be able to do it. He also told us that he is a big lawyer. Mr. Deputy Speaker, Sir—

The Deputy Speaker (Dr. Waiyaki): It is not time worth spending in that way. If you want to amend a Motion, instead of speaking about it, you do it.

Mr. Kivuitu: Thank you very much, Mr. Deputy Speaker, Sir, the criticism is well taken. However, Mr. Deputy Speaker, Sir, I am not going to move any amendment, but I will leave the Motion as it is and let Government do their job. In any case, the objective is good and if it is not amended, I will support the Motion as it is. If the objective is opposed by Government I will support the Motion as it is, but if it is properly amended by the Government I will support the amendment.

Therefore, Mr. Deputy Speaker, Sir, with these few remarks, I beg to be confused.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, it is very amusing for that gentleman who is a lawyer to give such a lecture attacking his fellow lawyer. Mr. Deputy Speaker, Sir, indeed the sentiments and the intentions of the Motion are understood and acceptable if only we could have Ministers in the Cabinet and in the whole Government who are interested in finding out ways and means of developing the youth of this country. Mr. Deputy Speaker, Sir, I have the intention of amending this Motion rather than becoming naive in the way that hon. Member was trying to be. However, Mr. Deputy Speaker, before I move the amendment I would like to say the following:

Mr. Deputy Speaker, Sir, I deem Forms V and VI classes to be useless classes, a waste of time, a waste of manpower, a waste of money and a waste of everything in this country. Mr. Deputy Speaker, I say this because—and I must submit that in the old days before one started studying for a degree, one had to go through an intermediate course at the University or in the colleges which was then two years—it has now been reduced to a three years' degree course and there has been provided Forms V and VI as stepping grounds. Mr. Deputy Speaker, Sir, I find it difficult to understand why this was decided. I am saying this for the simple reason that when you have completed Form IV, you are capable of joining any university. Mr. Deputy Speaker, I know students who have gone to universities overseas and some of these students were of

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Form II level, let alone Form IV and they have beaten the fourth-formers in the degree course. Mr. Deputy Speaker, the only thing we need to learn is the understanding of minds and brains of our students at school because we do not understand them. This is precisely the reason, Mr. Deputy Speaker, I had brought a Motion here calling for the establishment of a National Education Intelligence Service. When I brought this Motion here, my hon. colleague, Mr. Shikuku, said I was too intelligently minded. That was not a question of an intelligent mind, but it was a question of trying to understand the kind of youth we are developing in this country, especially at schools, so that we can advise them on what to do immediately they leave school at Form IV level.

Mr. Deputy Speaker, the headmasters and principals know their pupils and students just too well and they know immediately one has done School Certificate, one could be trained in a given technology. What we require is the students to leave Form IV and go to technological institutions immediately, so that they can prepare themselves for the skilled manpower that we require in this country. We do not require this theoretical education for two years. Mr. Deputy Speaker, Sir, imagine if Government decided to give Forms V and VI free education instead of starting with primary schools, they want to give free education to Forms V and VI. Mr. Deputy Speaker, Sir, how much money is being wasted? Mr. Deputy Speaker, I happen to be a governor of a certain college. We recruit students both with School Certificate and Higher School Certificate as students for diploma courses. Mr. Deputy Speaker, if you check the records, you cannot tell the difference between the two because all of them are as bright as one can expect a student to be. Mr. Deputy Speaker, what is the logic behind this kind of education? Why should the State spend so much money on Forms V and VI? If I were asked, Sir, I would suggest that both Forms V and VI be nothing but technological institutions and at the same time going along with military education. Sir, I believe we can make use of this chance a great deal during those two years instead of having to send them to the Lanet Military College for six months or one year to become Army Officers. The whole thing could be done simultaneously and come out and work. All we want is manpower. Therefore, Mr. Deputy Speaker, Sir, I support this Motion seriously because instead of spending that money on this kind of unstrategical education, the money should be spent in educating the poorer children whose parents are actually very desperate and these

children need education badly. Mr. Deputy Speaker, Sir, instead of educating our children from the peak we should start at the bottom—educate the poorer children who are in thousands or indeed in millions and then help them that way with that money. In fact, the cost of educating one chap at Form V and Form VI. Mr. Deputy Speaker, can meet the education of five Standard I to Standard V children in two or three years. The expenses on teachers, the expenses on clothing, expenses on boarding and tuition, food and the rest, taking into account the money spent on one particular student in Forms V and VI, you will find that money can educate five primary children in the lower classes.

Therefore, Mr. Deputy Speaker, Sir, I beg to move an amendment in the eighth line by:—

“ . . . deleting the word ‘county council’, and inserting in the place thereof, the word ‘local authorities’ ”.

Mr. Deputy Speaker, this is in order that my friend the hon. Mulwa does not only think about the rural areas because it is a right that we must consider even the urban areas where he lives in Nairobi for Parliamentary duties and these places must all be considered. Let the whole thing apply to the whole nation because, Mr. Deputy Speaker, Sir, even the city council, for that matter still goes on with cries all over because of the money they want for education. They can run the primary schools, they can take over the private nursery schools for better education with this money which is now being used without strategical approach. Mr. Deputy Speaker, Sir, this touches on our planning, and if the Minister for Finance was here, I would tell him that we must rethink every time we are planning for the betterment of this nation. We must always take time to think and put into effect those thoughts. Why should we spend that money in given places on given students and what does the country gain. Mr. Speaker, do you know, as we are speaking here hundreds of students with Higher School Certificates are still looking for jobs just as Form IV school leavers are doing? They are doing it. What do they gain in those classes?

Therefore, Mr. Deputy Speaker, I beg to move:—

THAT, since there are many families in this country who cannot afford to educate their children due to poverty and whereas the Government is spending huge sums of public funds in educating and maintaining students in Forms V and VI and the fact that the education provided for these two classes is not absolutely necessary for university studies, this House urges the Government to discontinue Forms V

[**Mr. Mwithaga**]

and VI as from the beginning of 1972 and employ the money used in running these classes in setting up funds with each local authority for the purpose of helping children whose parents cannot afford to pay for their fees.

Mr. Deputy Speaker, the University Senate will agree with me that the record they have of students who are studying for degrees there and of those who are taking diploma courses show that even those who have been taken on a maturity basis rather than being Form V or VI students are sometimes better than those who went to Forms V and VI. Therefore, it is a question of the personal integrity and intelligence of a given student that counts. It is the merit of that student that counts and not the forms.

I believe, Sir, that the parents will be with this House if we can succeed in convincing the Government that this money is not being spent properly and therefore, the classes in question be done away with and that the alternative should be accepted. I hope the Minister for Education, including hon. Shikuku, who, as I can read his mind, is totally opposed to this Motion, should think of Butere. I therefore, beg to move.

Mr. Karungaru is seconding my amendment.

Mr. Karungaru: I would also like to join with my other fellow colleagues who have contributed a lot to this Motion. However, Mr. Deputy Speaker, Sir, this House is very much ashamed of telling the truth. Any time a Member moves anything here, we find that he is not interested in telling the truth. If we are only going to remove Forms V and VI, I in my own analysis, do not believe that we are going to solve the problem in question.

Mr. Deputy Speaker, why do we not tell the nation the whole truth? The whole truth is: we have a university here. In the other countries of the world, we have never heard of a university which is maintained by the State. Here, we have students who are spending a lot of money in the university. They are provided with residential houses and fees. This money, which is used in the university, can surely be used to offer free education in this country. It is true this can happen.

In America and Great Britain, only bright students are maintained by the government. It is only the bright students who are helped by educational institutions with the education funds. The other students are maintained by their parents or else they maintain themselves because the education they get is their own. It is their own in the sense that if they come out of the university, they start earning.

However, these are the fellows we have in this country and who are always causing a lot of inconvenience and strikes in the university. They think that, we, the parents of this country, do not pay for their education. We want the Government to tell us why that is happening whereas the poor people's children cannot go to school. We are only to try to educate fellows of very well-to-do people as opposed to those of the majority of people—the indigenous citizens of this Republic. This is a wrong policy and the issue should not be approached this way.

If this situation is solved, surely, the question of having free education could not arise at all because we could easily master it. The money that is being used by a student in the Form V or VI is roughly £5,250 per year and there are only 53 schools. Therefore, even if we get hold of this money, surely we are not going to solve our problems. We are going to remain with a lot of problems. However, I understand that every student in the University College gets pocket-money to the tune of Sh. 500 per year.

An hon. Member: Per year.

Mr. Karungaru: Even if it is per year. First of all, why has he to be paid that money when he can still go and have vocational employment to earn money. That money should have been utilized in something else for the interests of the Republic.

We are becoming so naive by pretending that we do not know that we have a problem in this country. We have it in a big way and we should realize this in advance; otherwise we will be caught unaware.

Mr. Deputy Speaker, the former Motion as it was could not, surely, be accepted by this House because it had a sign of discrimination in that it was talking about county councils. Only a naive person could accept that kind of approach. I have never heard of any House which is interested in creating a law for a certain section of a community.

We are all concerned with the whole country and with the interests of the whole nation. We are not concerned with only county councils. What about we hon. Members who represent areas such as municipalities and cities? We are also Members representing this nation. We also want to have our share and so any time a deal is being made. Mr. Deputy Speaker, Sir, we fail to understand why we are not being considered. We are also part and parcel of the whole nation.

Mr. Umuro: It is because you are consuming the whole of our money.

Mr. Karungaru: I understand, Mr. Deputy Speaker, Sir, that it is because we are consuming the whole of their money. These people who come here are our tourists. If they come here and we provide services for them they feel it. We provide services. We do not take a penny from anyone unless we provide services for him. This is it. We should not be ashamed of telling the truth.

Mr. Deputy Speaker, Sir, it is high time the whole system of education in Kenya was overhauled. Why I am saying this is because a lot of time is wasted by education planners in this country who are still thinking in the same terms like their colonial masters. Whatever it was, they are still thinking the same way! This kind of colonial hang-over should go, and go for good. If it does not go, we will never shut our mouths. We will continue to shout and continue to criticize whatever we think is wrong. It is our duty and we are employed to do it and therefore if we fail to criticize, then, we are failing to comply with what we are required to do. Mr. Deputy Speaker, Sir, if we adjust the education system things will be all right.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to second the Motion.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Assistant Minister for Education (Mr. Mbai): Mr. Deputy Speaker, Sir, I think it is high time that I made known the views of my Ministry in connexion with this Motion.

I have listened intently to the arguments put forward by the hon. Mover and other Members who have participated in the discussion of this Motion and I feel Sir, that hon. Members seem to think that this Motion is as simple as it sounds. That is, Sir, to say that it is not just as simple as taking away the two forms, namely Forms V and VI, and then the money which will accrue will be enough to provide free education in primary schools. This is wrong, Mr. Deputy Speaker, Sir, as I will elaborate later on in my speech.

The Motion says, Sir, that it is not necessary to have Form V and Form VI classes because the education got from these two classes is not necessary for any student to gain entry into a university. It also goes on to say that we spend huge sums of money to maintain or run these two classes. I must make it quite clear from the beginning. Mr. Deputy Speaker, Sir, that upper forms in secondary education, as far as we are concerned and in relation to our present stage of development, are necessary in regard to the manpower requirements we, in Kenya, need. The

Government does not spend, as it is put by the Motion, huge sums of money in running these two forms. In fact, no significant savings would be obtained or would accrue if we did away with the two forms. At the moment, Mr. Deputy Speaker, Sir, we have about 53 secondary schools which have upper forms that is Form V and Form VI and that constitutes about 5,200 students in those upper forms. The average expenditure per student per year is about £110. If any mathematician here can calculate that—and I hope the hon. Member can also calculate that—he will find that we are not going to have much money to be able to cope with the great needs of financing or giving primary school children free education. Not very much indeed, Mr. Deputy Speaker. In fact, if we were to do away with the two forms, the savings would only represent 13 per cent of the total expenditure of our secondary education.

Mr. Deputy Speaker, Sir, as I have said we need these upper forms because we require a high level manpower at our present stage of development. Also, Mr. Deputy Speaker, Sir, we need them because we know that the savings—if we are to phase those forms out—which will be accrued as a result will be so infinitely small and will not make any impact if you were to divert it to the use of primary school fees.

Mr. Deputy Speaker, Sir, the Motion has also gone on to say that it is not necessary to go through Forms V and VI or to have sat for Higher School Certificate Examination to gain entry in universities. Mr. Deputy Speaker, Sir, most of the universities require a minimum entry qualification of say, one principal pass and two subsidiary passes or two principal passes and three subsidiary passes. These, Mr. Deputy Speaker, at our present set-up of education, can only be obtained from the two-year course in Forms V and VI which our students undergo. Therefore, we feel that it is quite necessary at this stage to maintain Forms V and VI, one, because of manpower requirements which we need. Also, we know that we would not like our students—when they leave school at the university level—to be at a disadvantage by not being considered for any employment internationally. Our education system must really meet the international standards. That is one of the reasons, Mr. Deputy Speaker, Sir, which makes us feel that at this stage there is a need to maintain these two classes. However, if I may point out here, Mr. Deputy Speaker, it might be desirable at a later stage to look into the whole system of our education and see whether, really, as one of the Members here has suggested, we can do away with the two-year course but instead have one year after Form IV and then the students proceed on to the university. However, this

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will require time and it will also require the examination of the whole of our education system to see whether it is for the benefit and best interests of our country and our educational developments to do that. What the Motion is asking is not quite practicable at the moment and it is not going to have much impact or benefit at the moment and it is not going to have much impact or benefit as the Member tries to put to us. Mr. Deputy Speaker, Sir, the Member says that the money that is used in educating these two classes could be used in giving more remissions or perhaps giving free primary education. As I said, this is not very much. The Government realizing that county councils had a lot of difficulties in running primary education, took over the running of primary school education and now, we have embarked on a programme, Mr. Deputy Speaker, to increase the ratio of remissions to our schools throughout the country. In fact, some parts, such as Samburu and North-Eastern Province, we have gone up as far as giving a 20 per cent remission ratio, and we hope that this is going to continue until such a time that we can really provide free education for all.

Mr. Kitonga: When?

The Assistant Minister for Education (Mr. Mbai): However, Mr. Deputy Speaker, it should not be taken for granted that— It is quite simple for a Member to stand here and say we need free primary education, as if the Government itself, or the Ministry, does not want that. We, in the Ministry and the Government as a whole, would like to provide this. However, there are certain obstacles, Mr. Deputy Speaker, which you must also see and appreciate.

Mr. Mulwa: On a point of order, Mr. Deputy Speaker. Is it in order for the Assistant Minister to dwell on one point of the Motion? We are not discussing free education itself, he is outside the Motion. We are talking of children who are helpless.

The Deputy Speaker (Dr. Waiyaki): That is the truth because since many Members referred to free education, I seem to remember that even you, yourself spoke about this. However, despite our promises to the people, we have not given free education; instead, we have increased school fees. I seem to remember that kind of thing— He is replying.

The Assistant Minister for Education (Mr. Mbai): Mr. Deputy Speaker, when the hon. Member was moving his Motion, we gave him a good hearing. I think he should also listen to this side of the House and hear what we think of this Motion.

Mr. Deputy Speaker, I quite appreciate the objective of the Motion. However, the way he is trying to put it, that the only way he thinks could make us achieve the objective of helping the destitute children is by doing away with these two classes, is what I am trying to say is not true. If he says that the Government should think of other methods of getting money to help these children, that is quite all right and I am trying to tell him, Mr. Deputy Speaker, that the Ministry is already engaged in this exercise of trying to see how best, within the funds available, to cater for the children whose parents are poor. That is why I was trying to explain, Mr. Deputy Speaker, that we have now gone to the exercise of increasing the remission fee, so that no child in any given area of the Republic would miss education because of the parents being desperate or cannot afford it; I was trying to explain that.

Another thing, Mr. Deputy Speaker, is that we, in the Ministry of Education have an arrangement or a scheme, whereby we provide bursaries for such children, and if any case is brought to us, and we examine it in a proper way and if we find that it deserves attention and action, we will definitely take action, Sir. However, just to suggest here, that the only method of solving this is to do away with the upper forms, and that we will get enough money to pay or to meet the needs of the destitute children in primary schools, when it is known that children in the Republic who are attending primary schools today are so many that this amount will be very little. This amount will be so little and very few people will benefit as a result of this but we could appreciate a plan which will, actually, bring better suggestions which we as a Ministry would consider and see whether it is practicable to go by and help the children whose parents are very poor. As I have said, Mr. Deputy Speaker, we have—this situation is taken care of in our remission system and also in our bursary schemes in the Ministry and, therefore, we do not consider that it is quite advisable and right to do away with the two forms which we very much require for this high level manpower at our present stage of development and also the time which the Motion tries to set for us is so short that we cannot practically do it. Physically, it is impossible. We need a good time to study the whole system and see where it could be really altered and which part can remain within our educational system.

Therefore, Mr. Deputy Speaker, I should also mention that our educational system is geared to producing school leavers who will help the country to meet its high level manpower which I have just mentioned and at the same time fit in with our present society or the changing society. As

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I have already said, Mr. Deputy Speaker, we also need students or we must produce students from our secondary schools, and from our particular universities who, really, can meet international standards and who can look for employment elsewhere outside Kenya. This is another aspect that may look unimportant to the hon. Member but it is a very important point, Mr. Deputy Speaker, and we should also consider that because we would like our students to be employable on all sides. Therefore, my Ministry rejects this Motion, first, because the upper forms are necessary for manpower requirements and secondly, expenditure on running the upper forms is approximately so small that it is not going to make much impact if it was to be diverted to helping the children and also, Mr. Deputy Speaker— Yes, I am just finishing. Therefore, we do feel, in the Ministry, that this is not the way by which we will be able to really solve the whole question of how the hardships which the children whose parents are unable to pay their fees, will be met. As I have said we have methods which we are following to try to relieve this cadre of children throughout the Republic.

With these few remarks, Mr. Deputy Speaker, I totally reject the Motion and I ask the hon. Member to realize that I object to the Motion because the way it is framed is not quite palatable to us in the Ministry and we feel that, although there might be the need to examine our educational system this is not the way. Thank you very much.

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

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

(Question of the Motion as amended proposed)

Mr. Mwangale: Mr. Deputy Speaker, Sir, I have only about two minutes, and I want to summarize what the hon. Assistant Minister mentioned in only one word because some of us have had the experience of being in the university for some time both under the old system

of going up to Form VI and then straight to the university as well as having the opportunity to teach some of these boys who have gone up to Higher School Certificate. My own opinion if I may tell the hon. Assistant Minister is that we literally converted the Higher School Certificate Forms to nothing but a method of screening kids who otherwise would go into the university and then throw them out. Some of these boys have passed in their School Certificate Examination, maybe they passed in First Division perhaps with nine points, but they fail to make the grade in their Higher School Certificate Examination. We have a certain administration in the university here which not only screens those students not on the basis of something like tribalism—if I may call it so—but also to make it worse on the basis of brotherization, nepotism and what-have-you. This is going on and we shall see to it that it is not done in this country again. There is no need in having Higher School Certificate Forms at all. The hon. Member says the amount of money that is being spent on Higher School Certificate students is negligible. However, £600,000 per year can do a lot. It is better for us to encourage the establishment of constituent colleges of this university so that many more students can go to school after School Certificate instead of going on spending money to the tune of £600,000 or more per year on unnecessary education. I think as the hon. Karungaru said, we still have this colonial mentality that somehow we have to get the top cream. There is nothing like top cream any more in the world. I think Form IV is enough to enable our students to join the university.

With these remarks, I definitely support this Motion.

The Deputy Speaker (Dr. Waiyaki): I think we will continue next time.

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): It is now time for the interruption of business. The House is therefore adjourned until Tuesday, 2nd March, at 2.30 p.m.

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

Tuesday, 2nd March 1971

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

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

PRAYERS**PAPERS LAID**

The following Papers were laid on the Table:—
Department of Agriculture Annual Report 1968, Volume I.

Annual Report and Accounts for the Kenya Tea Development Authority for the period 1st July 1969 to 30th June 1970.

The Pyrethrum Board of Kenya and the Pyrethrum Marketing Board—Annual Report and Accounts for the period 1st October 1969 to 30th September 1970.

(*By the Assistant Minister for Co-operatives and Social Services (Mr. Ngureti) on behalf of the Minister for Agriculture (Mr. Nyagah)*)

1970/71 Supplementary Estimate No. 1 (Recurrent Expenditure).

(*By the Assistant Minister for Co-operatives and Social Services (Mr. Ngureti) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

NOTICE OF MOTION**AFFAIRS OF THE UNIVERSITY OF NAIROBI**

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

THAT, in view of the fact that the University of Nairobi which was established in July last year started on an unsound and improper footing, and in view of the recent events indicating inefficiency and poor administration which have created unnecessary frustrations and animosity; this House urges the Government—

- (a) to dissolve the present University Council and appoint a new one with membership on a provincial basis;
- (b) to appoint a commission to inquire into the affairs of the university with a view to making recommendations for its smooth and efficient running; and
- (c) to establish more constituent colleges which are geographically dispersed throughout our Republic.

ORAL ANSWERS TO QUESTIONS

Question No. 40 (1257)

IDENTIFICATION PARADES

Mr. Kivuitu: Mr. Speaker, Sir, before the Minis-

ter replies to my question, I wish to correct the following error.

After the word “offence” in the second line of the question, it should read “or is a suspect” and not “as a suspect”.

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

(a) whether it is not just and reasonable that when a man is charged with an offence or is a suspect and is on an identification parade in the course of investigation of an offence he should be informed of the object of the parade and of his rights in that connexion; and

(b) if the reply is in the affirmative, whether this is done.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The procedure to be followed whenever it is necessary to hold an identification parade is laid down in Cap. 46 of the Kenya Police Standing Orders.

The accused or the suspect is always informed of the object of the parade and of his rights, and this is done in all cases.

For the information of the House, a person cannot be compelled to take part in a parade if he refuses. However, should the person be subsequently charged, evidence will be given of this refusal.

Mr. Kivuitu: Arising from the Assistant Minister's reply, is it not a fact that in an identification parade all a man is asked is whether he objects to the parade but is not told the purpose of the parade besides the fact that he is one of the suspects?

Mr. Matano: As far as we are aware, Sir, people are told exactly why the parade is held, and it is therefore for them to decide to agree or to refuse. However, as I said earlier on, if they refuse, the refusal will be taken in evidence.

Question No. 25 (1242)

NUMBER OF SENIOR DISTRICT COMMISSIONERS AND DEPUTY PROVINCIAL COMMISSIONERS

Mr. O'Washika asked the Minister of State, President's Office, if he would tell the House—

- (a) how many senior district commissioners there were in Kenya; and
- (b) how many deputy provincial commissioners there were.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. (a) We presently have ten senior district commissioners.

[The Minister of State, President's Office]

(b) We have four deputy provincial commissioners.

Mr. O'Washika: Arising from the answer given by the Minister, could he kindly give the House the tribal breakdown of these officers?

An hon. Member: Seven are Kikuyu tribesmen.

Mr. Koinange: The four senior district commissioners are:—

Mr. Kangethe for Kiambu; Mr. Mugambi for Marsabit; Mr. Oranga for Bungoma and Mr. Bonyo for Kitui.

The other six senior district commissioners are: Mr. Muhashamy for Trans Nzoia; Mr. Osundwa for Uasin Gishu District; Mr. Etemesi for Nyandarua; Mr. Okech for Kilifi, Mr. Ngoro for Taita and Mr. Ngugi for Lamu District.

The four deputy provincial commissioners are: Mr. Mahinda for Rift Province, Mr. Waibochi for Central Province, Mr. Akibaya for Nyanza Province and Mr. Osare for Eastern Province.

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

Arising from the Minister's reply, I do not think he has answered the supplementary question which was asked by the hon. O'Washika. I think what Mr. O'Washika asked for was a tribal breakdown.

An hon. Member: Yes, that is what he asked for.

The Speaker (Mr. Mati): What you are saying is quite true. Mr. Araru perhaps you can tell from the names.

Mr. Migure: On a point of order, could I seek your guidance. If the Chair rules that we can normally detect from which tribe they belong, if, for example, a Kisii tribesman has an initial "O" in his name and a Luo has a similar initial, how shall we know whether this man is a Kisii and that man is a Luo?

The Speaker (Mr. Mati): You are still free to follow up the question.

Mr. Ayah: Arising from the Minister's reply, would the Minister tell this House the specific duties of deputy provincial commissioners and why they are not in every province?

Mr. Koinange: Whenever the provincial commissioner is absent, the deputy provincial commissioner takes charge. He also helps—he is almost the assistant to the provincial commissioner, and within the provincial administration he is assigned certain duties by the provincial commissioner in certain areas as the provincial commissioner feels fit.

The Speaker (Mr. Mati): Let us have questions rather than points of order.

Mr. Kitonga: Arising from the Minister's reply, Mr. Speaker, is he not aware that the table of the deputy provincial commissioner is always empty and that the table of the executive senior clerk in the district commissioner's office has more work than that of the deputy provincial commissioner? If that is the case, will the Minister tell us the specific duties of the provincial commissioner because we believe that he is there doing nothing? I am an ex-chief and therefore I know this is so.

Mr. Koinange: Mr. Speaker, Sir, I think I answered that question properly when I said that if, for instance, the President calls the provincial commissioner for Nyanza Province to Nairobi, the whole of Nyanza Province and the whole responsibility is left with the deputy provincial commissioner, and that, Mr. Speaker, Sir, is not just paper work but full responsibility.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Minister's reply, that the deputy provincial commissioner acts when the provincial commissioner is called to Nairobi, will he tell the House what happens in a province where there is no deputy provincial commissioner? Who acts?

Mr. Koinange: Mr. Speaker, Sir, if the hon. Member listened carefully to what I said before—I said this: apart from that duty of representing the provincial commissioner, there are certain duties assigned to him by the provincial commissioner.

Mr. Tsuma: Am I right, Mr. Speaker, Sir, I wish to state that the Minister is not replying to my question at all. The question was: who acts in the place of a provincial commissioner where there is no deputy provincial commissioner? Do not evade the question.

An hon. Member: As simple as that.

An hon. Member: Will you be direct?

Mr. Koinange: Mr. Speaker, Sir, the most senior district commissioner at that particular headquarters may be asked by the provincial commissioner to take up the duties where there is no deputy provincial commissioner.

Mr. Jilo: With all due respect to the Chair, Mr. Speaker, Sir, and my hon. responsible Minister, the Minister does seem to be avoiding the supplementary question put to him by the other hon. Member who wanted to know why it is that all provincial commissioners do not have deputies? That is one of the questions and he did not answer it.

The Speaker (Mr. Mati): Mr. Jilo, you have already asked your question and again what you

[The Speaker]

are saying is not quite true. You may be dissatisfied with the reply but the Minister did reply.

Mr. Jilo: Mr. Speaker, Sir, since the Deputy Provincial Commissioner Mr. Cheluget, was removed from Mombasa no one has been put in his place, does it mean that the Provincial Commissioner at the Coast was busy at that time and now he is not busy?

Mr. Koinange: No, Mr. Speaker; but he has a very senior district commissioner to whom he can give the responsibility. The provincial commissioner has not found any difficulties regarding whom to give this responsibility.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answers given by the honourable Minister, does he agree, or not agree, that since his taking over the provincial administration he has successfully destroyed that administration completely?

Mr. Koinange: Mr. Speaker, Sir, with all due respect to the hon. Member, I say that is telling an absolute untruth.

Question No. 8 (1184)

NUMBER OF COMPASSIONATE-CASE FARMS

Mr. arap Cheboiwo asked the Minister for Agriculture if he would tell the House—

- (a) how many compassionate-case farms are available within the Republic;
- (b) whether he can give a breakdown per province; and
- (c) how many farms are available for leases in the Rift Valley Province alone.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. There are no compassionate farms available, and therefore questions (b) and (c) do not arise.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that very short reply from the Assistant Minister, where he says that there are no compassionate-case farms—this question was asked a long time ago—could he tell us whether there are some farms now available?

Mr. Wanjigi: Mr. Speaker, Sir, I am answering as of now.

Mr. Murgor: Mr. Speaker, Sir, this is about question (8) part (c). The hon. Minister said after answering part (b) that question (c) could not arise but this is a different question. How many farms are now available for lease in the Rift Valley?

The Speaker (Mr. Mati): No, that arises from what goes before which asks about these compassionate-case farms; if there are none, then it does not arise.

Mr. Murgor: I think compassionate-case farms are different from, maybe, the farms which are for lease. The hon. questioner is asking how many farms, in Rift Valley, can be leased apart from compassionate-case farms.

The Speaker (Mr. Mati): No, reading the question it is quite clear that if that was the intention it would have been put as a separate question. I would not have allowed it to be put as part of this question. It would have been a separate question.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that, in fact, Government has issued a directive to the effect that no more farms will be leased or sold by either Agricultural Development Corporation or Lands Limited, and if so, could he tell us what steps Government is taking to ensure that farms are now sold or leased to *wananchi*?

Mr. Wanjigi: Mr. Speaker, Sir, I am not aware of that directive, but if there was it would only be indicative of the fact that we do not, in fact, have any farms for sale or lease.

Mr. Mwangale: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No; do not ask a question under that pretext, Mr. Mwangale.

Mr. Tsuma: If the Assistant Minister is not aware, who gives the directives?

An hon. Member: As simple as that?

Mr. Tsuma: Just as simple as that.

Mr. Wanjigi: Mr. Speaker, with all due respect, I think you have to ask the hon. Member who has referred to the directive.

Mr. Mwangale: On a point of order, Mr. Speaker, Sir, am I to understand, from the Assistant Minister's reply, that in fact he did not have enough briefing before he came here to answer the question on the leasing of farms which come under his Ministry, or do I take it that directives are issued by the Government and he is not part and parcel of that Government?

Mr. Wanjigi: Mr. Speaker, Sir, I think that is completely out of order in the sense that the question referred to here is on compassionate farms, and as far as the answer is concerned it is very appropriate, and that is as much as I know. If somebody is running a different Government with different orders around the country, then it is up to him.

Mr. arap Cheboiwo: Mr. Speaker, Sir—

The Assistant Minister for Commerce and Industry (Mr. Wood): On a point of order, Mr.

[The Assistant Minister for Commerce and Industry]

Speaker, Sir, I want to seek your guidance here. The hon. Member here is a member of Provincial Agricultural Board in the Rift Valley. Would it not be in order for him to declare his interest first before he asks his question?

The Speaker (Mr. Mati): No; if he has a personal interest yes, but his membership of the Provincial Agricultural Board has nothing to do with this.

Do you have any interest to declare, Mr. Cheboiwo?

Mr. arap Cheboiwo: I do not have any interest to declare, Mr. Speaker, for the information of the Assistant Minister. May I ask a supplementary question, Mr. Speaker?

Mr. Speaker, Sir, here I have a written reply to that question, and that is why I want to ask the Assistant Minister whether the answer he has given to the House is up to date because he says something different from what he has written. Where do we stand in this case, Mr. Speaker? This is because in his reply to part (a) of the question he says that there are no known compassionate farms available at present. He has already said this and it is true. He has also said that part (b) of the question does not arise; but in part (c) of the question he says that there are 16 farms available in the Rift Valley which are in the process of being leased or sold. Now, where do we stand because he did not tell us this when he was replying to the question?

Mr. Wanjigi: Mr. Speaker, Sir, let me explain this by using the answer which the hon. Member has given. The answer to the question, as he has rightly informed the House, was written a long time ago but the situation has changed to the extent that this stencilled answer should not really have been submitted to this House.

The Speaker (Mr. Mati): Next question; Mr. Nthenge.

Mr. Nthenge: Mr. Speaker, Sir, first of all I understand that one has to declare his interest in a matter before he raises it in this House. I have an interest in the poultry industry and that is why I have asked this question.

Question No. 63 (1287)

PRICES OF POULTRY FOOD

Mr. Nthenge asked the Minister for Agriculture if he would tell the House the reason why the price of food for poultry was raised while the price of eggs remained the same.

The Assistant Minister for Agriculture (Mr.

Wanjigi): Mr. Speaker, Sir, I beg to reply. Both the egg and the stock-feed industries in the Republic fall outside the industries controlled by the Government. Prices for poultry-feed depend mainly on the cost of the basic material like maize, fish and so on, which is used for the preparation of these feeds. There is therefore, very little that Government can do apart from looking into ways and means of producing local feeds, which we are at present looking into.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell the House why Government feels that it should keep out of this, yet eggs are one of the cheap and common protein that can be used to stop Government from using a lot of money in curing diseases which occur because of children lacking protein?

Mr. Wanjigi: Mr. Speaker, Sir, I do not agree with the hon. Member that eggs are a very cheap form of protein. They are not, Mr. Speaker. However, we are not sidestepping the issue. We are looking into the entire question of feed manufacture in the country and also trying to look into the possibility of getting more involved in the poultry industry, which I think would be more in line with what you are asking, hon. Nthenge.

Mr. Mulwa: Mr. Speaker, Sir, since poultry-keeping comes under agriculture, and since it is Government policy to encourage farming, will the Assistant Minister give a firm undertaking to this House that his Ministry is going to become involved in the poultry industry, to the extent that they will make sure that either the price of eggs goes up so that the farmer does not suffer because of the increased expense on the foodstuff or to ensure that price of the foodstuff goes down?

Mr. Wanjigi: I think the only undertaking I can give is that Government will get more and more involved in the poultry industry. I wish I could say the prices of eggs will go up or the feed prices will go down, but that is, I think, a wrong order.

Question No. 64 (1288)

DISPOSAL OF UNCONSUMED ENRICHED FLOUR

Mr. Nthenge asked the Minister for Agriculture if he would tell the House what had happened to the enriched flour which was not consumed by human beings.

The Assistant Minister for Agriculture (Mr. Wanjigi): I think he has a vested interest also. Mr. Speaker, Sir, I beg to reply. Government is not aware of the enriched maize meal which was not consumed by human beings as the hon. Member alleges. What we are aware of, Mr. Speaker,

[The Assistant Minister for Agriculture]

is that all the enriched maize meal that was produced was sold before the sifted maize meal was reintroduced.

Mr. Ayah: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House whether or not the Government is now convinced that the whole exercise of enriched maize flour was a wrong step to take and that it will not occur in the future again?

Mr. Wanjigi: No, I would not say it was a wrong step to take because I think, in fact, it saved us out of what could have been a very embarrassing situation. I think Government reserves the right to take appropriate measures depending on any future situation.

Mr. Nthenge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he assure this House that if, and when, Government feels forced into enriching flour again, it will make sure that it is acceptable to the tummies of those who are to eat it so that we do not get into another chaos as we were in previously?

Mr. Wanjigi: Yes, I think we could say Government will take parliamentarians' views in at least as far as sifted maize is concerned.

Question No. 55 (1279)

STANDARDIZATION OF PRICES

Mr. Mulwa asked the Minister for Finance and Economic Planning if he would tell the House whether, considering that it is the duty of our Government to protect its citizens against exploitation by traders, the Minister will introduce standard prices throughout the country thereby stamping out the prevailing system of bargaining.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. I agree that it is the duty of the Government to protect her citizens against exploitation. With this in view, the Government has already enacted the Price Control Act (Cap 504) and my Ministry is charged with the responsibility of enforcing it. A start has already been made by controlling some of the common-user commodities. The Act aims at protecting the consuming public from exploitation and keeping the cost of living at a reasonable level. However, while the interests of the consumers must be safeguarded, those of the traders must also be taken into account. The position desired by the hon. Member, whereby there are standard prices throughout the country, can only be achieved if no account is taken of the costs incurred by the traders up to the point of sale.

Under the Price Control (Determination of Costs) Order, the following costs have to be taken into account in determining the price of any goods manufactured in Kenya.

Cost of the material including packing material; wages and salaries; fuel and power; rents; rates and taxes; excise duty and transportation costs. In respect of imported goods, account has to be taken of costs incurred on sea freight and surface rates, insurance, agents' commission, import duty and transportation. Over and above these costs, a profit margin has to be allowed to the traders.

Hon. Members will agree that such costs must of necessity vary from place to place and it is, therefore, impossible to introduce standard prices throughout the country for all goods.

On the question of bargaining, the Government is taking action either to stamp out this practice altogether or reduce its scope. For those goods which have been placed under statutory price control, maximum prices have not been fixed which are not subject to bargaining. For goods not under statutory price control, traders are required by law to display maximum prices at which they may sell such goods. The purpose of this is to enable members of the public to compare maximum prices offered in different shops for the same goods and go only to the shop which offers the lowest. This, at least, reduces the necessity of moving from shop to shop bargaining over the same item. As more and more commodities are put under price control, the scope for bargaining will be progressively reduced and possibly stamped out altogether.

Mr. Kivuitu: Arising from the Assistant Minister's reply, does he not agree with me that the system of bargaining sharpens the wits of the customers?

Mr. Cherono: Yes, and it also sharpens the wits of the seller.

Mr. Mulwa: Arising from that answer, which admits there is unnecessary exploitation on public from the Assistant Minister, will he tell the House whether the Government will introduce the same system as we have, for example, in the petroleum markets, whereby the petrol standard depends on the locality, instead of giving us such a long answer? Just tell us what we wanted to know.

Mr. Cherono: Mr. Speaker, the hon. Member is only repeating what I have already said. I said that it is not possible to have standardized prices for all goods in all trading centres in Kenya precisely because varying costs, like transport, have

[The Assistant Minister for Finance and Economic Planning]

to be taken into account. That is why, if the hon. Member does remember, petrol is sold at different prices between places from, say, Mombasa to Kitale. They have to take into account the factors I have already mentioned.

Mr. arap Chumo: Mr. Speaker, Sir, arising from the reply, I do not think the Assistant Minister has really answered the question. We know and agree that the price of petrol varies from one place to another but the Assistant Minister has told us that the price cannot be standardized. We are not asking for the price to be standardized throughout the country, but why not in Nairobi? Why not in the towns? Why does the Government not take the necessary action to see that the price in Nairobi is standardized? Let it vary from the price in Nakuru and Kitale or any other place but it should be standardized here in Nairobi.

Mr. Cheron: Mr. Speaker, Sir, I get the point the hon. Member is making. It is true that within certain limits the Government has already enforced, for example, standardized price control on sugar, bread, maize and maize meal as well as meat. The prices of these commodities are determined by their wide use by the majority of the population of this country.

However, prices are fixed, say, in Nairobi. Yet the same prices cannot be applicable in Nakuru or Kitale. The prices for these commodities have already been fixed for all major trading centres in the country. The list of these commodities will be progressively increased.

Mr. Kahengeri: Mr. Speaker, can the Assistant Minister not realize that the traders, at the present moment, are exploiting the situation in that many people who are now going hungry are going hungry because the prices are so exorbitant? The traders are only charging what they think is the marginal profit, as they say. Why do you let them do as they like?

Mr. Cheron: Well, Sir, although I do not agree with the hon. Member that all traders are trying to exploit this uncertainty, I have already stated that the Government is doing its best to eliminate the entire procedure of bargaining and in due course it will be entirely eliminated. However, for the goods which have been placed under statutory price control, there is no need to bargain. If there is a buyer the customer knows, he is aware that those goods are actually listed and the prices are controlled. It is, however, really a problem of the education of the consumer and the purchaser. The Minister, for example, has launched a consumer education and publicity programme through the media of public lectures,

radio, television and newspapers. The public are being educated, among other things, to know their rights under the law, to be price conscious, shop intelligently and increase their bargaining power so that they are not exploited by the traders.

Mr. Mulwa: Mr. Speaker, Sir, since the Assistant Minister has touched on the question of price control, is he aware that the same Order, this Price Control Order that he has mentioned, requires the shopkeeper to display the price of the goods in English and if he does not, in fact, display it in English he has committed an offence? Will he give us an assurance that this is going to be changed to Swahili instead of English?

Are you not aware of that?

Mr. Cheron: Yes, I am aware what the hon. Member is suggesting. The Ministry's team of inspectors is being strengthened to do precisely what the hon. Member is asking.

Question No. 39 (1256)

ALLOCATION OF BUSINESS PREMISES: OUTER RING ESTATE

Mr. Kivuitu asked the Minister for Local Government if he would tell the House why all the shops and business premises built at public expense by the City Council of Nairobi at Outer Ring Estate had been given by the City Council only to members of one area, when there were other African citizens who had been equally (if not better) qualified from other areas.

The Assistant Minister for Local Government (Mr. Ogotu): Mr. Speaker, Sir, I beg to reply. It is not clear what the hon. Member means by referring to members of one area, whether he is referring to wards or any other specific geographical area.

Sir, the shops and business premises that were built at the Outer Ring Road Estate were advertised normally through the Press in June last year. The applications were then considered in August 1970 by the appropriate committee of the council, namely the Social Services and Housing Committee, and accordingly, those who satisfied the Committee's specifications were allocated the premises.

Mr. Kivuitu: Arising from the answer in the Assistant Minister's reply, in considering whether he could understand the question or not when it was first brought to the Ministry, did he try to find out whether it could be that the persons who were given these facilities could be identifiable by a particular area? And if he did, is he denying that he did identify the forms by a particular area?

Mr. Ogutu: Mr. Speaker, Sir, the specification of the council was that the applicants who showed proof of having sufficient capital to be able to run the business and also pay the normal monthly council rental were the successful applicants.

Mr. Y. Ali: Arising from the Assistant Minister's reply, and since the Assistant Minister has accepted the fact that he has been at a loss to understand this question, would he, therefore, tell this House who and who were given the facilities, or name those people who have been given shops at Outer Ring Estate?

Mr. Mulwa: And where they come from.

Mr. Y. Ali: Yes, and where they come from.

Mr. Ogutu: Mr. Speaker, this is irrelevant to the question. But if the information is required I am prepared to produce it, but I do not have it with me now.

Mr. Nthenge: Mr. Speaker, can the Assistant Minister tell us why he did not really go—I am only asking the question which was put to him earlier.

Can the Assistant Minister tell us why he did not try to find out what was in common among these traders who were the applicants as far as the geographical groupings is concerned?

Mr. Ogutu: Mr. Speaker, the applications were considered on merit. There were several applicants and when the Committee was considering these applications, allocations were based on those who had sufficient capital. Those who were given these premises are the present successful applicants who had the money to run the business and pay the standard rent set by the council.

Mr. Kivuitu: Arising from the Assistant Minister's reply, would he agree to bring the names of those who applied and the names of those who were granted these shops to this House?

Mr. Ogutu: Mr. Speaker, if I understand the question right, reading or giving the names is irrelevant. However, if this is required, I am prepared to do so.

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

Actually, I think I am the only one who can say whether or not a question is relevant. If it is irrelevant, then it is out of order and I have a duty to rule it out of order. However, I do not think that question is irrelevant. It relates to the main question. The question alleges something and you could ask the hon. Member to substantiate what he means, but it alleges something. It is expected that you would have tried to find out whether there is any truth in what is alleged here.

Mr. D. M. Kioko: Arising from the Assistant Minister's reply, will he tell us that it is not true that some of the people who were disqualified might have been in a position to have more capital than those who appeared to have qualified?

Mr. Ogutu: Mr. Speaker, Sir, out of 250 applicants who applied for the seven shops, definitely the other people who were not successful are liable to complain and there would be justification in that. The seven people who were successful were those who satisfied the Committee which allocated these premises.

Hon. Members: On a point of order— On a point of order—

Mr. Kivuitu: Mr. Speaker, I asked a question whether the Assistant Minister would agree to bring the names here and a reply was not given. Am I entitled to an answer to that question? I would like to know whether I will get an answer or not.

The Speaker (Mr. Mati): The Assistant Minister said if he was required to produce the names he could bring them. That is what I understood Mr. Ogutu to say.

Mr. Ogutu: Mr. Speaker, Sir, I am prepared to bring the names tomorrow.

Question No. 59 (1283)

KITUI/GARISSA/GALOLE BOUNDARY MARKET

Mr. Kitonga asked the Minister for Local Government if he could tell the House when the Government would establish a market at the boundary between Kitui East, Garissa and Galole districts to cater for the inhabitants of the area.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply. May I inform the hon. Member that the Kitui County Council has established five markets between Kitui East, Garissa and Galole. These are:—

Usueni Market	—	Tseikuru Location
Ukasi Market	—	Ngomeni Location
Nuu Market	—	Nuu Location
Ndamsa Market	—	Endau Location
Inyali Market	—	Mutha Location

Hon. Members: On a point of order—

The Speaker (Mr. Mati): Order! Let us not get too excited.

Mr. Kitonga: On a point of order, Mr. Speaker, this might tend to condemn the attitude of the Ministers and Assistant Ministers in that they do not know the geography of the country.

[**Mr. Kitonga**]

I seek your guidance here, Sir. Could you please ask the Assistant Minister to go and study the area so that he realizes there is no such market at the boundary? The markets are in the centre of the locations. Therefore, Sir, could you please ask the Assistant Minister to go and look into this matter and then bring the proper answer here?

Mr. Ogutu: Mr. Speaker, Sir, if the hon. Member will give me the specific area where he wants the county council to establish the market, I am prepared to ask the Kitui County Council to establish one there.

Mr. Nzelu: Mr. Speaker, Sir, here, if at all I understood Mr. Kitonga's question, the market is between Kitui East, Galole and Garissa. Tseikuru is within Gomen, which is in Northern Division, not Kitui East, and the other place is also within the Northern Division. Now, the question is very clear here; when will the Government establish a market at the boundary of Garissa and Galole? It is as simple as that. Could you tell us exactly when you are going to do that?

Mr. Ogutu: Mr. Speaker, the reply I gave when I mentioned the names of the markets which are run by the county council was very clear. If those markets are not within the specific area required by the hon. Member, I shall be pleased if the hon. Member will indicate the area he wants for these specific markets and we will ask the county council to establish them, Mr. Speaker.

Mr. Nthenge: Does the Assistant Minister know that the British Government did not want the intermingling of tribes and that is why they did not establish such badly required markets, through which people of these districts could trade together and form a common attitude of togetherness?

Mr. Ogutu: Mr. Speaker, Sir, that is another question; but, as I said, the establishment of all markets in the Republic is the responsibility of county councils, and it is up to this particular county council to establish a market where they want it in this particular area. If that name is brought to us we will authorize the county council to open a market there as asked by the hon. Member.

Mr. Matiko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the questioner wants a market between Garissa and Kitui, which is part of Kitui East and Kitui North? Is he aware, also that the nearest market is 50 miles from Kitui, and from Garissa almost 100 miles? The questioner, therefore, wants to

know whether a market can be established at the boundary between these areas so that Pokomos, Kambas, Somalis and Galas can be trading there?

Mr. Ogutu: Mr. Speaker, Sir, I am not disputing the establishing of the market. All my Ministry would like to know is of any feasibility study made by the county council. If the hon. Member would indicate the specific area he wants the market to be put, we will be only too pleased to ask the county council to establish one at the area the people want.

The Speaker (Mr. Mati): Next question.

Question No. 7 (1183)

NUMBER OF MISSION HOSPITALS IN THE COUNTRY

Mr. arap Cheboiwo asked the Minister for Health if he would tell the House how many mission hospitals there are in the country and how many in each province.

The Minister for Health (Mr. Okero): Mr. Speaker, Sir, I beg to reply. There are 73 mission hospitals in our Republic. The breakdown per Province is as follows:—

Nyanza Province	...	15
Central Province	..	15
Rift Valley Province	..	13
Western Province	..	10
Coast Province	..	2
Eastern Province	..	15
Nairobi District	..	3

Mr. arap Cheboiwo: Mr. Speaker, Sir, could the Minister tell this House whether the Government is intending to take over these hospitals, and if not, what assistance does the Government give to these mission hospitals?

Mr. Okero: Mr. Speaker, Sir, I do understand that we have memories that differ in their retentive power; but not long ago, in this House, the Government stated its position with regard to the question of mission hospitals. It is not too difficult to find out from the records of HANSARD as to what was said. However, I think, for the benefit of the hon. Member, I would like to repeat quite shortly that the Government is committed to retaining the services of the mission hospitals, and at the same time it is studying the position of the mission hospitals with a view to providing and finding a formula of integrating them into the services of our health services.

Rev. Kalume: Mr. Speaker, Sir, is the Minister aware of the crisis that was there last year in connexion with the closure of these hospitals, which has began again and some of them are on the verge of being closed? If so, will he assure this House that the money that was allocated for them last year will be allocated for them again this year so that they may not be closed?

Mr. Okero: Mr. Speaker, Sir, all I can say is that the Government has committed itself to ensuring that mission hospitals do not close. I think it would cause a crisis if they did close. However, on the question of money, I cannot, myself, assume a responsibility that, eventually, is for this House. It is this House that votes the sum of money, and when the time does come and there is a need for additional revised estimates to provide us with additional funds that have not been provided for by this House during this Financial Year, we will ask for it. I think it would be quite improper for me to commit myself to a sum before this House approves it.

Mr. Kanja: Mr. Speaker, Sir, as it is our Government's declared policy to give free medical treatment to out-patients, can the Minister and his Ministry do something to subsidize mission hospitals so that they can give free medical treatment and then charge the Kenya Government for the treatment they have rendered to those *wananchi* who cannot walk long distances to go to Government hospitals?

Mr. Okero: Mr. Speaker, Sir, that is a question that has arisen once before. We do think, in the Ministry, that we have to study the problem as a whole and that it will not be desirable or efficient to provide a solution piecemeal. We cannot, therefore, do that now.

The Speaker (Mr. Mati): Next question, Mr. O'Washika.

Mr. O'Washika: Mr. Speaker, Sir, before I ask Question No. 33 I would like to correct the name Mandigari in the second line of the question to read Madungu. It should be Madungu and not Mandingari.

Question No. 33 (1250)

COMPENSATION FOR OWNER OF LAND ON WHICH MADUNGU HEALTH CENTRE IS BUILT

Mr. O'Washika asked the Minister for Health if he would tell the House why the owner of the land on which Madungu Health Centre in North Wanga, Mumias Division, is built has not been compensated.

The Minister for Health Mr. (Okero): Mr. Speaker, Sir, I beg to reply. No; I would, however, advise the hon. Member to seek further enlightenment from the district development committee regarding the terms under which this piece of land was allocated in the first instance.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by the Minister, is he aware that this particular Health Centre was erected during the colonial régime, and therefore referring me to the district development committee is utter nonsense?

The Speaker (Mr. Mati): Mr. O'Washika, you know that is not allowed here. Will you withdraw what you have said, Mr. O'Washika?

Mr. O'Washika: I withdraw, Mr. Speaker.

Mr. Tsuma: Mr. Speaker, Sir, realizing the fact that any piece of land given for public use is land which has to be compensated for, and this has been there for long time, could the Minister tell this House whether the Government has changed the policy that where land is taken for public use, for that matter a Health Centre, it should never be compensated for as it has been there long before?

Mr. Okero: Mr. Speaker, Sir, I am as much interested in history as the hon. Member. However, I do not think I am in a position, now, to enlighten the House about what happened when this dispensary or health centre was built. I am almost certain that the hon. Member could assist me and assist other hon. Members a great deal by seeking and inquiring amongst the local people, who are aware of what happened before this particular health centre was built.

Mr. Speaker, Sir, I do not think this is an unreasonable suggestion.

QUESTIONS BY PRIVATE NOTICE

KENYA'S MEMBERSHIP OF COMMONWEALTH EIGHT-NATION STUDY GROUP

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

In view of the fact that Kenya, at the last Commonwealth Conference at Singapore, was selected to be one of the Commonwealth's Eight-Nation Study Group to look into the issue of British Sale of Arms to South Africa, and in view of Britain's decision to sell seven Wasp Helicopters to South Africa even before the study group meets, which decision has made Nigeria withdraw from the group leaving Kenya as the sole African State in the group, would the Minister tell the House whether Kenya is to continue membership of the study group?

The Minister for Foreign Affairs (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, in keeping with Government's consistent policy of not conducting Government business through the newspapers, and also of not making statements that would be withdrawn later, this statement on this Committee will be made, if, and when this Committee is about to materialize. As you all know, the British have already decided to sell these weapons to South Africa and one fails to see what purpose this Committee will be serving. However, an announcement will be made at an appropriate time.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply, and since the Committee was formed with a view that the Committee should investigate the whole issue before the British do sell the arms to South Africa, and in view of the fact that the British have done so (in other words, it has shown disrespect to those countries which form the Committee) is the Minister aware that the Committee is convinced that if Kenya happens to sit on that Committee, it will be doing a disservice to other African countries?

Dr. Mungai: Mr. Speaker, Sir, as I have said, this statement will be made at the appropriate time, and all I can ask the hon. Member is to wait and hear that statement made in this House.

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's reply, I think it is high time we accepted the fact that our Government is a bit slow. We just read the other day in the paper that in every issue, whether local or international, our Government sits on the fence. Now that we know this Committee is not going to serve any useful purpose, because it was supposed to prevent the sale of arms to South Africa by Britain, why can the Minister for Foreign Affairs not declare, now, without fearing anybody, that we are not going to sit in this Committee, and, if he has any reason, would he tell us why, and not sit on the fence, following this "wait-and-see, wait-and-see policy"?

Dr. Mungai: Mr. Speaker, Sir, I have said very clearly that we are not sitting on the fence. We shall make this announcement at the appropriate time.

An hon. Member: Mr. Speaker, Sir, having observed, with great concern, the long events connected with South Africa, Rhodesia and the British Government, is the Minister aware that the British Government is now at the highest peak of promoting white supremacy in Africa, during this second half of the century, than ever before?

Dr. Mungai: Mr. Speaker, Sir, I would say the white South Africans and the white Rhodesians are the ones who are promoting white supremacy in Africa.

Mr. arap Saina: Mr. Speaker, Sir, since the Minister for Foreign Affairs was a member of the United Nation's campaign to appeal to the world to stop Britain selling arms to South Africa, could he tell this House whether he has withdrawn from this campaign and has come back to this House to dilute the answer which has been determined?

Dr. Mungai: Mr. Speaker, Sir, Kenya still stands very strongly against sales of arms to South Africa. When the Minister for Foreign

Affairs was doing this campaign, he was doing it on behalf of all Kenyans, because this is what they all believe, and we still have the same stand, we have not changed, and this announcement will come at a very appropriate time, and probably if you wait it will be pleasing at that time.

Mr. A. A. Mohamed: Mr. Speaker, Sir, arising from the reply given by the Minister for Foreign Affairs since he was the one who advocated the rise against the sale of arms to South Africa, when he was going round the world, is he now going to tell us why he is quiet over the issue at this time, and is he also going to tell us whether the African representatives who attended the Commonwealth Conference at Singapore are the ones who asked for this committee or not? It shows, however, that the British Government have nothing to do with this committee and are not interested.

Dr. Mungai: Mr. Speaker, Sir, I am glad that the hon. Member put the question in that form, because it is not only mere words that are going to stop the British from selling weapons to South Africa. We have to do research and apply the appropriate action that would stop the British from selling weapons to South Africa. However, just shouting out words is not going to stop them, and they are likely to go ahead whether anybody shouts about it or not. As far as Kenya is concerned, we have taken every conceivable effort to bring about a united effort among African countries and non-aligned countries, which are 62, right up to the United Nations, including visiting the capitals of those countries which sell weapons to South Africa, and we are still going to continue being active against it.

Mr. Mbori: Mr. Speaker, Sir, I could not agree more with the Minister for Foreign Affairs in stating that African states require action in order to bring the arms sales to South Africa by Britain to a stop. Now, would the Minister tell us that he is prepared to take arms from Kenya to force Britain to stop selling arms to South Africa?

Dr. Mungai: Mr. Speaker, Sir, honestly, if the hon. Member, himself, would offer himself to go and fight, I will encourage him. One thing, I think, we have to be practical and sensible about our actions otherwise we may just talk and then everybody will see that we are talking nonsense and our words will be worth nothing. We have to be quite honest when we have to make these speeches. However, Mr. Speaker, Sir, I do not feel that this question was related to the committee.

Finally, I want to say that Kenya has never been a Member of this committee; it was only mentioned. Kenya was elected to be a member

[The Minister for Foreign Affairs]

of the committee. They have never sat and therefore we have nothing to withdraw from since we have never been members of this committee.

ARREST OF CLERK TO GUSII COUNTY COUNCIL
BY ADMINISTRATIVE POLICE

The Speaker (Mr. Mati): Mr. Marita's Question by Private Notice.

Mr. Marita: Mr. Speaker, Sir, I beg to ask the Minister of State, Presidents' Office, the following Question by Private Notice:—

- (a) Why was the Clerk to Gusii County Council, Mr. Paul Nyachio, arrested by the Administrative Police on 22nd February 1971 at his office in Kisii Town?
- (b) Why was he taken from Kisii Town to Manga, which is 11 miles from Kisii Town and detained in the chief's cell?
- (c) Why did the acting District Commissioner, Mr. Okoda, refuse to release him on bail which was offered by hon. Ogero and the hon. Marita?

The Minister of State, Presidents' Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. This question is *sub judice* and therefore, I do not wish to say anything about it.

An hon. Member: Why!

The Speaker (Mr. Mati): I think it would help if the House could be told whether proceedings have been instituted in the court of law.

Mr. Koinange: Mr. Speaker, Sir, the police are definitely taking very active work on this, and therefore what may be said here may prejudice the work of the police which is going on now.

An hon. Member: On a point of order—

The Speaker (Mr. Mati): Order! Actually, if no proceedings have been taken to court the matter cannot be *sub judice*. However, Mr. Koinange has a point in that whatever is said might influence the outcome of the investigations that are being carried out by the police. However, I think it would be wrong to say that it is *sub judice*.

Mr. Koinange, you might like to explain why you think Members should not discuss it at this stage.

Mr. Koinange: What I said is just exactly what you said in my support—

The Speaker (Mr. Mati): Order! Let us hear his reply.

Mr. Koinange: When you said that at this point, and with all the people involved, both within the administration and the person con-

cerned, if we discussed this matter here it might involve the leaking out some of information which may be required and which must be preserved for the police in order to take the action required for this very serious case.

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

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, I am seeking your ruling on this. If you read the question, particularly section (b) where it says that this clerk was arrested in Kisii Township, where we have the police headquarters, prisons headquarters and all the other facilities which are necessary for dealing with any criminal you will pose this question: "Why was it necessary that this clerk was transported 11 miles away and then put in a chief's cell?" Can we not have an answer from the Minister, rather than telling us that the matter is under investigation? Why was it that this man was not detained in Kisii Township?

An hon. Member: He was tortured! He was tortured!

Mr. Koinange: Mr. Speaker, Sir, the answer to this very query "Why" is that the police are actively investigating. With all due respect, I would like to beg the House to give the police the chance of giving an answer to this "Why". The Members will very soon know about this "Why".

The Speaker (Mr. Mati): Order! There is an important point here. I might just add that when Mr. Marita came to see me about this question I raised this point that I wondered whether this was the best way of dealing with this case, if it so happens that the person concerned wishes later to take some action if that became necessary; and whether what may have been said here will not be detrimental to his own interest. However, Mr. Marita for some reason wanted to raise it. I think I tend to agree with the Minister that for this man's own interest we should leave this matter here now; but Mr. Marita, or anybody else, can raise it later on when the investigations have been completed because I personally doubt whether we are doing the best thing even for him.

Mr. Marita: On a point of order, Mr. Speaker, Sir, is the hon. Minister in order to mislead this House? When this particular clerk to the Gusii County Council was arrested, with the full knowledge of the Government that he had committed an offence, he was taken from Kisii Township to a village cell and kept there overnight and later released—in the afternoon of the next day—it means that the Government had known that this person had committed an offence. Up to this time, this clerk has not been asked to write any

[Mr. Marita]

statement concerning his arrest. It is in this connexion that the Minister is misleading the House by not giving the answer.

The Speaker (Mr. Mati): Let us get this clear. What Mr. Marita has said is what is contained in the question and what he gave are his facts. It appears that these are some of the things that are being investigated. When you ask a question you, of course, expect an answer. What is happening now is that the Minister has already indicated that he was not going to give any answer at this stage; in which case you are not very likely to get very far.

I have said that if, after a reasonable time, nothing happens, then we can still bring up the matter again. However, there is no point in following it up now when you are not likely to get an answer.

Mr. Migure: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Mr. Migure, do not repeat these facts because there is no point as we have had them.

Mr. Migure: On a point of order, Mr. Speaker, Sir, do I understand from the Minister that the Government has the right to arrest anybody in this country without any specific charge which the House should be informed of? This is what it amounts to. If the Minister is not prepared to tell us the specific charge with which this clerk to this particular county council is charged with, then it means that the Government arrested him without any specific reason.

The Speaker (Mr. Mati): He said that investigations are going on.

Order! Order! I have put this in the best way I thought it could be handled. I have given Mr. Marita an opportunity of raising the issue later. However, there is no point now of wasting time on it when we know that we are not getting very far.

Next question. Matiko's question by Private Notice.

CONTROL OF SPREAD OF LIVESTOCK DISEASES ALONG TANA RIVER

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

Since as a result of the drought threat in the Republic, Boran, Somalis, Kamba and Oruma are grazing thousands of livestock along the Tana River from Usueni up to Katundumo waterfalls and making it quite impossible to prevent illegal movement of cattle in order to

avoid contact with diseased livestock, could the Minister tell this House what immediate steps the Ministry has taken or is going to take to stave off the spread of livestock diseases in the area?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The Government is keeping a very vigilant eye on the whole situation, and as a result we have instituted the practice of inoculation against rinderpest and bovine pleuro-pneumonia which are the two serious diseases that affect cattle. We are keeping a very vigilant eye as I have said and if there is any deterioration in the situation and a spread of the disease, we shall act more on the information.

Mr. Matiko: Mr. Speaker, Sir, arising from the Minister's reply, does he know that there has been no veterinary officer in the area who could inoculate the cattle, and is he also aware that the area which I refer here covers a length of 40 miles along the Tana River and there are no roads?

Mr. Nyagah: Mr. Speaker, Sir, the hon. Member did say in his question that the animals concerned came from the Boran area, the Somali the Kamba and Oruma. The Borans come from Isiolo mainly; the Somalis from Garissa District mainly; Kamba, of course, come to the area which he is talking about, but all those cattle which have come from Tana River District have been inoculated, or else the majority of them have been inoculated. If the hon. Member has not seen a veterinary officer in that particular area he should know that these cattle came from areas where there are veterinary officers who have conducted the inoculation.

Mr. Araru: Arising from the Minister's reply, Mr. Speaker, Sir, could he tell us, since there is drought throughout the country, what he is doing to provide boreholes in places where these boreholes are non-existent because people are suffering from severe lack of water?

Mr. Nyagah: Mr. Speaker, Sir, that is another question.

SPECULATION ON SUCCESSION OF PRESIDENCY

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

(a) In view of the persistent and calculated speculation inspired by certain politicians anxious and in a hurry to succeed to the presidency of our Republic when our beloved President, strong and fit as ever, has just begun a new term of office, and has not indicated any wish to retire; what steps is the Attorney-General taking to

[Mr. Seroney]

deter these self-seeking politicians and to protect the name of the President.

- (b) Is the Attorney-General aware that *wananchi* have confidence in His Excellency the President and have no wish to see the creation of the post of Prime Minister as long as Mzee Jomo Kenyatta is President?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. The Government welcomes the question by the hon. Member for Tinderet and I am glad to have the opportunity to make the constitutional and legal position quite plain.

Freedom of speech, Mr. Speaker, is a liberty that we enjoy in Kenya and which we wish to see preserved. It is enshrined in our Constitution and, I hope, for ever. However, every civilized society must protect itself and its institution against false words just as it must protect itself against bombs and bullets. Our most cherished institution is the Presidency and our most beloved citizen is the first holder of that office, Mzee Jomo Kenyatta. No one, Mr. Speaker, Sir, is more important to the peace and prosperity of our country than our President. Any wicked person intending to do harm to Kenya will realize that the most harm can be done by attacking the President and the Presidency. That is why our Penal Code provides the severest penalty for treason.

I would like, Mr. Speaker, Sir, to remind the hon. Members of the nature of the offence of treason. Section 40 of the Penal Code, as amended by section 2, of No. 24, of 1967 states as follows:—

Treason is the imagining, devising, or intending, of—

- (a) the death, wounding or restraint of the President;
- (b) the deposing by unlawful means of the President from his position as President or from the style, honour and name of the Head of State and Commander-in-Chief; or
- (c) the overthrow by unlawful means of that Government.

The law of Treason, Mr. Speaker, is stated in those terms because the President and Presidency are the very heart and essence of our Government. I must emphasize that it is treason to utter or declare any such imaginations, devices or intentions. There is also, Mr. Speaker, Sir, the law of Sedition. As the hon. Members will be aware—and some perhaps more than others—words can be seditious if they are likely to bring

hatred or contempt or to excite disaffection against the person of the President or his Government.

Hon. Members will know that the title and the likeness of the President are protected by the National Flag, Emblems and Names Act, Chapter 99. I would also mention that it is an offence under section 66 of the Penal Code to spread false statements or rumours that are likely to cause fear or alarm to the public or disturb the public peace. Hon. Members, Mr. Speaker, Sir, can be assured that the present law is adequate to deal with all makers of mischief. Mr. Speaker, I can assure the hon. Members, and the nation at large, that the public peace in Kenya is now secure and will remain secure in the future. Of course, the Government condemns offensive speculations, and of course, the Government will not hesitate to apply the law where necessary. There will always be mischief-makers in every society. However, it is hoped that all responsible and patriotic persons will create a climate in which both freedom of speech and respect for our institutions and Government will flourish. The mischief-makers can be rendered harmless by the refusal by the loyal citizens of Kenya to be disturbed by their false speculations.

As to the business of a Prime Minister, I suggest, we could do with the little rest from this Prime Minister. However, I must first of all give a formal answer to the second part of the question. The Government is, indeed, aware that *wananchi* have confidence in His Excellency the President and have no wish to see the creation of a post of Prime Minister so long as he is the President. Indeed, Mr. Speaker, the Constitution of our Republic was devised in 1964 not only for the present Presidency of Mzee Jomo Kenyatta but also for posterity. Times and conditions do change and no one today could say what Kenya will want in a 100 years from now; however, the Government has no intention, at present, of amending the Constitution and no serious movement to have it amended is apparent anywhere in the country.

I will conclude, Mr. Speaker, by reminding hon. Members that the President and his Government were returned to power by elections only one year ago. The President and his Government are in just as good physical and political health as they were at the General Elections.

Mr. Speaker, Sir, hon. Members will remember our saying, which is African, that there is no inheritance from a man while he is still alive.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Attorney-General, and in view of the fact that this so-called speculation was generated from a foreign source, and also in view of the fact that the so-called mischief-makers—if I may quote and quote those four mentioned in this particular paper, and mentioning by their names, they are, the hon. Kibaki, the hon. Mungai, the hon. Attorney-General and the hon. Vice-President—

The Speaker (Mr. Mati): Hold on, Mr. Mwangale. The opportunity I gave you was to ask a question but not to make a speech, first of all. Secondly, our Standing Orders are quite clear, that you do not have to refer to names unless they are necessary to make what you want to say intelligible. However, I think people follow what you are saying and there is no need for quoting the names.

Mr. Mwangale: Mr. Speaker, Sir, my question is, therefore, this:— Will the Attorney-General assure the House that, indeed, those four are not the mischief-makers that he is referring to?

Mr. Njonjo: I would like to say this, Mr. Speaker, that if the hon. Member has met the gentleman who wrote that article and he has that information that the people he has mentioned were, in fact, the source of the information which appeared in the *Guardian*, I would be very happy if he could disclose it to this House.

Mr. Magugu: Thank you, Mr. Speaker. Looking at the nature of this question, and reading the first three lines, it would appear to me as if the Member for Tinderet had the names of some politicians who are anxious and in a hurry to succeed to the Presidency. Therefore, could the hon. Member be kind enough to disclose to the House the names of these politicians?

Hon. Members: No! No!

Mr. Magugu: Mr. Speaker, Sir, I am not asking the hon. Member to substantiate; I think the hon. Members are getting me wrong but, could he be kind enough to disclose to the House the ones he seems to have had in mind when he put up this question?

The Speaker (Mr. Mati): No. The question says it is all speculation. Therefore, I do not know what you expect him to disclose.

Mr. arap Saina: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to question another questioner when these rumours were circulated in a paper, and which almost a half of the population of this Republic has seen; moreover, he himself has seen it?

Hon. Members: And it was laid on the Table?

The Speaker (Mr. Mati): Well, I think the impression I get is that the reply given by the Attorney-General was so comprehensive that there is hardly anything new you are likely to raise. So we will move on to the next question.

BOYCOTT OF LECTURES BY NAIROBI UNIVERSITY STUDENTS

Mr. O'Washika: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:—

- (a) Will the Minister for Education make a precise statement to this House on the circumstances which made the students of Nairobi University boycott lectures?
- (b) Why was it found necessary to rush the Kenya Police detachment to the University campus?
- (c) Since some students were seriously injured, and the public views this action with great concern, what has the Ministry of Education done over this grave situation?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. The boycott of lectures by students made in January 1971, was allegedly based on the fact that four women students were suspended by a disciplinary committee in which the students and academic staff of the University were represented. The suspension arose out of a nasty incident whereby 25 women students invaded the warden's flat and disorganized property as well as flooding her room. It is understood that 25 students were challenging the allocation of rooms by the warden. The disciplinary committee found four students guilty of being ring-leaders and recommended to Vice-Chancellor that these women students be suspended with the proviso that they appeal against the decision of that disciplinary committee.

The Students' Union took it upon itself to solve the problem by issuing an ultimatum to the Vice-Chancellor to the effect that he should withdraw the suspension of the four students immediately; he should give a written assurance to the students that the rooms in the women's halls of residence would be re-allocated within a fortnight and that she should be relieved of her duties as a warden at the women's halls of residence immediately.

It should be noted, Mr. Speaker, Sir, that no leader of any organization like the University of Nairobi would accept to meet such a demand when machinery is there for negotiations by which the cases of the suspended students could

[The Minister for Education]

be heard independently. At this stage, Sir, there appeared to be a confrontation between the University students and the University Administration which led to the students boycotting the lectures. It should be made clear that the police were not called to the University campus to make students return to their classes. The police were called in to be on the look-out as it was apparent that the situation would get out of hand once the students started mass demonstration against the University Administration.

Note should be made of the fact that the students who were attending classes were being picketed by their fellow students who had refused to attend classes, and in one area of the University the students were thrown out of their classes violently by the protesting crowds. Members of the public had started converging on the University campus as spectators and anything could happen when both the students and members of the public appeared to be intermingled in the crowd that met in the great court of the University. From experience of the damage that could be done when the crowd gets out of control, the University Administration had to alert the police as a precautionary measure so as to avoid any possibility of damage to the property of the University.

It is true, Mr. Speaker, Sir, that during the demonstration some minor injuries were sustained by both the police and the students, and I would like to assure the House that my Ministry did view this grave situation with deep concern. However, I am satisfied that the University Administration and the students' union have solved the matter amicably and I wish now, Mr. Speaker, Sir, to express my appreciation of the way in which the University Administration and the students' union managed to reach a compromise over the issue; and also it is my wish that the lessons learned during the incident would forestall the re-occurrence of this situation in the future of the University.

The Speaker (Mr. Mati): Order! Mr. O'Washika. I am sorry we have gone very far beyond our time but, at the same time, Mr. Mwangale gave notice of a Substantive Motion on a similar issue. In fact, what is said now could be said during that debate, and normally we do not ask questions on matters which will be coming up again in the form of a Substantive Motion.

So, I hope Mr. O'Washika will feel satisfied and I hope that when this Motion comes up he can still follow up whatever he wants to raise so that we can get on with the business of today. We have gone far beyond our time.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS
(*Second Day*)

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 23rd February 1971.

(*The Vice-President and Minister for Home Affairs on 25th February 1971*)

(*Resumption of Debate interrupted on 25th February 1971*)

The Speaker (Mr. Mati): Mr. Nthenge had three minutes to go.

Mr. Nthenge: Thank you, Mr. Speaker for reserving my three minutes.

Another point I would like to make, Mr. Speaker, Sir, is this: any country must have the executive and the policy-makers. Here, in Kenya, we do find that there is too much mixing up of politicians and civil servants. Some of the civil servants tend and wish to be involved in politics. Mr. Speaker, Sir, I think this is an issue that must be tackled very urgently because one has to make up his mind whether to become a politician or to become a civil servant. It is in our Constitution that whoever wants to be a politician must resign from the Civil Service.

However, Mr. Speaker, what is most annoying now is to see some of the people in top positions in Government—the policy-makers—tend to associate themselves so much with some of the civil servants that the civil servants start acting as their stooges or puppets. They do this to such an extent that the respect that should be given by these civil servants to politicians is dwindling. Mr. Speaker, I think there is great a need for the Ministry responsible for administration, particularly, to try to correct this.

Another point, Mr. Speaker, is that the President of this country has, very rightly, urged the Members of Parliament, the politicians, to give the public some guidance and to speak to the public as much as possible. In fact, he has condemned any Members of Parliament who stay here in Nairobi unnecessarily, and advises all of them to go back to their constituencies, mix with the people and identify themselves with the people they represent.

Mr. Speaker, it becomes very difficult for a politician—a Member of Parliament—to go to his constituency like a thief or hiding himself; it should be known when one is going there, and people should come and hear him. However, a problem is cropping up; when you go to the district commissioner, it looks as if one is begging.

[Mr. Nthenge]

You seem to be asking for a favour when endeavouring to get the right to hold a meeting in your own constituency. The district commissioner has a lot to say about that meeting; in fact, he advises you that you do not need to talk on this, you do not need to do this, and Sir, it becomes very difficult and very embarrassing for us to lead our people; we can hardly meet them, whereas we are told by the President to go and meet the people. When we ask for permission to meet them, we are not allowed to do so.

With these few remarks, I beg to support.

Mr. Tsuma: Mr. Speaker, Sir, I rise to thank the President for his good statesmanship on 23rd February 1971. Along with that, Mr. Speaker, I should not forget the fact that you, as well, gave a speech that was very mature, representing the Members of this House. I therefore extend my thanks to you, Mr. Speaker, because you delivered a mature speech when you welcomed our President.

Mr. Speaker, Sir, the President made his Speech and talked about land policy. In Kenya, Sir, the policy on land has not been drawn as yet, so that the public is able to know what it means when they own land. Right now, Mr. Speaker, the Minister for Health has been telling the House that where a public service is to be carried out the owners of the land cannot expect payment at all. Therefore, we ask the Government to draw out or produce a policy so that the people who own land will be ready to help when the public want their land for any use at all.

Mr. Speaker, we are told that when we consolidate land will we get title-deeds. However, when we go to the banks to borrow money—I wish the Minister for Lands was here—they challenge our people. What is the use of people getting title-deeds when they do not even get loans from the banks, particularly if that is the only way to enable them to get the money? In the Speech of the President, he talked about loans, yet the banks continue rejecting the land owners with title-deeds that are given to them to enable them to apply for loans. Mr. Speaker, Sir, I would like to draw the attention of the Attorney-General to the fact that he is making too much noise behind here when I am making my speech. Mr. Speaker—

The Attorney-General (Mr. Njonjo): I am not interested.

Mr. Tsuma: If you are not interested, then go out.

Mr. Speaker, Sir, I must thank the Government for having given us a municipality at Kakamega;

that is something worth giving credit to. However, one thing I would like to make clear is that we have areas that were taken into the area of the township, from outside. The people living in such areas were not registered within the unit that was registered so that they can participate in election when the voting for urban councillors take place. We ask the Government, therefore, that people living in areas that were taken into townships, that is in Nyeri, Embu, Meru and Kakamega, be immediately allowed to register as voters so that when the election or by-election of councillors arises they are also able to participate. In Kakamega, for example, the land was taken from Butso, Isukha, Ikolomani and Lurambi South, to add to the area of the municipal council. Now, if the people were not registered, how shall we call them members of the municipal council, representing an area where there are no voters? While I thank the President for this, and the Government, I ask the Minister for Local Government to see to it that the people who were brought to this area are allowed to register as voters so that they will be able to participate in elections.

Mr. Speaker, Sir, the question that is very important here is the question of democracy. Mr. Speaker, Sir, you very clearly outlined this and told the President that this House was a representative House; it was the House that spoke the minds of the people. However, I want to say, Sir, and even the President said it himself, that he, as a Member of Parliament for his area, knew that for the first one year and then seven years, this House has played the role of showing other countries that we were independent, and that we had done a lot.

Democracy, Sir, is a matter of practice. Kenya is a country that practises democracy. However, let us not have diluted democracy. Why can we not have democracy that is based on give-and-take policy; based on argument and criticism, Mr. Speaker? I challenge any democracy, Sir, in any country, that has no opposition, because in this country, if Kenya allowed democracy that is only said and which is practised in other countries, that is why other countries have experienced *coups*; that is why the overthrowing of governments is there, because the only opposition there is is the army. Must we accept the army in any government, to be another party—a party without a constitution—and then say we are democratic? Any country that has a government overthrown, like our neighbour here, should know that that happens because it is not democratic; it does not agree that it is open for one to challenge or criticise me and you, Mr.

[Mr. Tsuma]
Speaker, and the Government as well. If our Constitution allows democracy, why must we dilute it? With that I mean, Mr. Speaker, that we should accept democracy which is based on the British democracy; that is we have to accept anyone challenging us. That is why, as a member of Kanu, this House being a member of Kanu, the Government being based on Kanu policy, I feel we should, if our Constitution allows, accept any challenge by a party and not by the army. We believe in having a democracy with an opposition from anybody; anybody who wants to challenge us as a Government, but not having to be challenged by a bullet. This, Mr. Speaker, should not be accepted in Kenya because we are democratic. Mr. Speaker, Sir, that is a matter of democracy, which our President mentioned in his Speech.

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

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

Mr. Deputy Speaker, our foreign policy, which was stated in this House by the Minister for Foreign Affairs, is well known and asking more questions on this is a waste of time. Our policy is to recognize a country, to recognize the people and not to recognize an individual, as the head of State. It would be wrong for us to have to recognize a person just because he is a friend of Brown Tsuma, a friend of the Speaker or a friend of the President of another State. Therefore, our policy remains as it was stated here and we should never be fed on words, like when someone was trying to say, "What we say in this country—their country—is what Kenya will say as well". Mr. Deputy Speaker, our policy remains as the Minister stated, and that is our policy.

Sir, the question that worries our country is about education, and I want to talk about it when the Minister for Education is here. We cannot accept any policy on education from the Minister which has never been formulated by this House.

We hear of constituent colleges; why can the Minister not look at Kenya as Kenya and not as a section of Kenya? We have many times said here that we want constituent colleges to that of the University of Nairobi so that we have one at Maseno for west Kenya; have one in Mombasa for the Coast and then Kenyatta College for the other part, and probably have one in the Eastern Province for the people there. Why do we have to be told that the only constituent college of the Nairobi University College should

be Kenyatta College when we had said that we should have another one somewhere else?

Mr. Deputy Speaker, Sir, another point is: why is it that the Minister for Education issues directives—he is a politician as we are—saying that no Member of Parliament should go to any school or speak with any headmaster of a school and that he cannot be a representative on the board of governors? We want to ask the Government to sit down as a Cabinet and advise the Minister for Education that we do not want policies which are drawn by individuals, or emanate from a Minister as such because that is what we call dictatorship.

Mr. Deputy Speaker, Sir, in the Western Province we were given Form V in Butere Girls' High School. The Minister here announced what they called an educational complex. Why must he have to try Butere Girls' School which has Form V already as a complex? Secondly, it has the Chadwick College students, it has the Butere Boys' Secondary School students and then the girls. As parents, how do we understand how boys and girls will stay together in a complex? Why had he to try this in the Western Province? I challenge that sort of practice and therefore ask the Minister to withdraw that sort of suggestion that a complex type of education should be given to girls and boys in the Western Province. We want this complex system to be left out.

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

Mr. Mwicigi: Thank you, Mr. Deputy Speaker, Sir. I would like to thank His Excellency the President for the Speech he gave us here on the national policy. The country is grateful for the service he has performed in this country; he has worked for us for half a century and we appreciate his leadership. No one would actually doubt this especially if one was to consider what is happening in our bordering countries.

Mr. Deputy Speaker, Sir, we are also grateful—we in Kenya—that there are outside countries which use Kenya as a holiday resort. We have chancellors, princes, princesses and kings coming to Kenya. That means we are going to have more and more tourists coming into the country. What we would like to warn the Ministry of Tourism and Wildlife to ensure is that we are ready with more accommodation and good routes to the lodges.

Mr. Deputy Speaker, Sir, we must be prepared to support our fellow Africans in Rhodesia and South Africa. Kenya must also give a lead towards this direction. Rhodesia seems to be rather quiet now and we understand that the British

[Mr. Mwicigi]

Government and Rhodesia are making secret deals or secret negotiations to pass over Rhodesia to the white minority. We have always been against this—the people of our country have been against this—and therefore we should air our views clearly and strongly against it. Also, on the issue of South Africa, the trade sanctions do not look good. This is because you find a lot of white countries, which in the past had not been in favour of the South African apartheid government, seem to be increasing trade and are now selling arms, and this is a big concern to us, the black Africans. In fact, I wonder why, having so many generals as Heads of State in the Organization for African Unity meetings, they should not get together and tell us how we can save our African brothers in South Africa militarily.

Mr. Deputy Speaker, Sir, coming back home, I must stress the question of unemployment. The people of this country, especially school-leavers, are going to suffer greatly this year, as they have been suffering in the past. The situation is, actually, not improving but deteriorating. Last year we had about 168,000 school-leavers at primary level, Std. VII. At secondary level, we had about 26,000 school-leavers. On combining the number, we know that it is only about a quarter of these who get opportunities for either going for higher education or for employment. The other group is left largely to look for jobs for themselves and it is very, very difficult. We would like our Government, sooner or later, to report to this House what they have done on the Report on Unemployment which was passed and adopted in this House. There were various recommendations in this Report and if the Government has a better report so that it is able to employ a lot of people, then it is all right. However, if it has no better solution to unemployment than what is contained in this Report, I think they should take the Report seriously and report back to this House. This is because we have not only the school-leavers of last year but we also have to consider the backlog of the previous years and the numbers of unemployed continues to increase.

Mr. Deputy Speaker, Sir, other countries, like Peru or Bolivia, go to the United Nations to borrow money to run various projects which alleviate unemployment in their country and I do not see why our country should not do the same.

Mr. Deputy Speaker, Sir, there are two other points I want to raise, and one is with regard to our banks and our banking system. We are

told that there is more money in our banks than they are able to give out. We have deposits and reserves and they do not seem to be utilized. Mr. Deputy Speaker, Sir, I would ask the Government to use whatever means it has to persuade these banks to give more money to Africans for various enterprises. This, in itself, would alleviate unemployment. However, on the other side, Mr. Deputy Speaker, I think the Government should revise its exchange control policy to allow foreign banks to borrow more money for local projects which will also be able to employ more people.

Mr. Deputy Speaker, Sir, there is another point which I feel very strongly about, and this is with regard to our minerals and petroleum products. This is a very important point—in fact, I remember in my maiden speech I also included it.

There is a strong rumour that in our country we have oil. We also know that around Garissa, one petroleum company spent £28 million—of course, this company was based on East Africa, but mainly concentrating in Garissa area trying to prospect for oil. We are told that there are some reports which say that oil has not been discovered. We have also been told that oil is not sufficient to run economically.

Mr. Deputy Speaker, we also hear that on an island, called Pate, there is a very strong possibility of oil being found. My feeling is that this country has some oil. In the past the experience is that once foreign companies discover oil, they actually close it and tell the people that there is no oil or that there is oil but exploiting it would not be economical. They did this in the Eastern Nigeria. Mr. Deputy Speaker, they did this also in Eastern Nigeria and it was discovered many years later.

Mr. Deputy Speaker, Sir, I tend to agree with a lot of what has been said—there is oil in this country. However, Mr. Deputy Speaker, Sir, you find that the findings tend to end up in a certain European's hands and the report is shipped back to the United Kingdom or given to another European in this country and it is no wonder why oil is not discovered.

Mr. Deputy Speaker, Sir, I would like to appeal to the Government to give these areas, which were explored by some British companies, which tell us that there is no oil, to other companies from other countries like Japan or any Eastern countries and see whether we are going to have the same results.

Mr. Deputy Speaker, Sir, with these few remarks, I support the Speech.

Mr. Amayo: Thank you very much, Mr. Deputy Speaker, Sir. I wish to join my colleagues in thanking his Excellency the President for his Speech at the State Opening of Parliament. However, Mr. Deputy Speaker, Sir, I have a few points to make in connexion with His Excellency's Speech. Mr. Deputy Speaker, Sir, there is one thing I would like to put before Government, and this is in connexion with the announcement being made about the Cabinet Ministers and even His Excellency. Mr. Deputy Speaker, it is very damaging to make some announcements to the citizens in the Republic about any Government policy if and when it has not been effected or put into practice. This is spoiling the name of the Government and also making it difficult for the hon. Members who are working as the bridge between the citizens and the Government. Therefore, Mr. Deputy Speaker, Sir, I would like to advise the Government especially the Minister for Education to be careful of this; I mention that Ministry because of its decision on increase of school fees. Mr. Deputy Speaker, if the hon. Members of this House are working as a bridge between the Government and the people, then the hon. Minister ought not to have increased the school fees without notifying hon. Members about his intention to increase the school fees. I am saying this, Mr. Deputy Speaker, Sir, because we are the people in the field and we are being faced with a lot of questions in connexion with such policies.

Mr. Deputy Speaker, Sir, I would like to refer to a speech made in this House one day last year by the Minister for Power and Communications, that no tankers would no longer be on the road during the night and within a short time the tankers were on the road again. Such statements should not be made. The Government should be responsible and whatever they say must be put into practice. There should be no question of saying one thing today and saying another tomorrow. Therefore, I am advising Government to take a serious view on this.

The other thing, Mr. Deputy Speaker, which I would like to remind Government is what His Excellency the President mentioned about unity. I would like to say, Mr. Deputy Speaker, Sir, that there are certain things which should be looked into. When we talk about unity, we should not talk about empty things. We should talk about something which we know. Mr. Deputy Speaker, Sir, on many occasions, we as representatives have been told about So-and-so who has been working in such-and-such a Ministry has been frustrated and as a result left his job; and when you ask why you are told that his services have been

discontinued and that he is no longer required. Therefore, Mr. Deputy Speaker, Sir, I would like to recommend to the House that a commission be sent out to every Ministry to check and see whether tribalism is being practised, as has been alleged in the past. It would be advisable for a commission to be set up in order to look into this so that we may know exactly what is going on in the Ministries. We understand that nepotism is being practised. How shall we know this? People will keep on talking about it in this House, people will be crying in this and that place but there will not be an end to this. Therefore, Mr. Deputy Speaker, Sir, if we want real unity in Kenya, we must avoid such things. Mr. Deputy Speaker, Sir, by setting up a commission we will be able to get the truth about what is taking place in our Ministries.

Mr. Deputy Speaker, Sir, the other thing I would like to mention, as far as tribalism is concerned, is that anybody, whether a civil servant or a Member of Parliament practising tribalism somewhere—because although you cannot get hold of tribalism in your hands, people only talk about it—should be dealt with accordingly. This is the action that the people call for to end tribalism. Therefore, it is advisable that these people, whoever they are, whether a Minister or a Permanent Secretary, should be dealt with: but we should not condemn a whole tribe and say that this is done by Luo or Kamba. This should not be the case.

Mr. Deputy Speaker, I would like to make a few points in connexion with land consolidation. Actually, the people are ready for land consolidation. However, as His Excellency said, this should be put into practice and more surveyors should be sent to the country-side to complete this work so that people may get their title-deeds.

Mr. Deputy Speaker, Sir, the other thing which His Excellency mentioned is about control of rivers and lakes. We people around the lake area are year after year affected by water. However, now the area is very dry and we are thirsty. During the months of April and May, you find that the area is flooded by water. Therefore, what I am asking here is that a permanent solution should be found in order to reduce the havocs of water from the lake and rivers.

Mr. Deputy Speaker, Sir, the other thing I would like to mention is in connexion with health. It would be advisable for the Ministry of Health to look into the question of our hotels or *Mathawa* as such. Some of our hotels are very filthy and we fail to understand the work of the health inspectors in the country-side. Mr. Deputy

[Mr. Amayo]

Speaker, I would like to suggest that a kind of seminar should be organized to teach the people running the hotels how the cups, the bowls and other things should be cleaned, or even how to keep the rooms clean. So, what we are paying to these people, may one day block the Bill of the Ministry of Health if they are not utilizing properly the money which we give to them.

The other thing which I would like to mention is that we would like the planning to be done according to districts. Let those people who are planners, or economists, plan and apply their economy to every district or constituency so that when we come to the beginning of each year we may exactly know that this is what Government offers for this constituency or for this district. However, when it comes to the end of the year, you find that your constituency gained nothing. But when it comes to the time of repaying loans, then everybody is required to pay. This is something which I am trying to drive the Government away from because it is not encouraging at all.

The other thing I would like to mention is about hydro-electric schemes. The President mentioned one place—Kaburu—where a hydro-electric scheme will be started. I would like to say that is not the only place. We have a place on the Miriu River known as Odindo. This should also be explored. The other one which has already been surveyed and which should be considered is known as Gogo Falls. It can be of great help to the people in the rural areas, especially in South Nyanza, Kisii and parts of Central Nyanza.

The other thing I would like to mention is the question of town authority, which some of the towns like Nanyuki, Thomson's Falls, Machakos, Kisii, Malindi and Murang'a are going to have.

QUORUM

Mr. Kanja: On a point of order, I do not think we form a quorum.

The Deputy Speaker (Dr. Waiyaki): Yes, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

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

Mr. Marwa. Member for Kuria.

Mr. Marwa: Thank you very much, Mr. Deputy Speaker.

An hon. Member: Are you baptized?

Mr. Marwa: Why not?

An hon. Member: What is your name?

Another hon. Member: What is your name please?

Mr. Marwa: Mr. Deputy Speaker, Sir, I also stand to join hands with my hon. colleagues to thank the President for his Speech which he made when he opened the House.

Mr. Deputy Speaker, I should start my speech by saying that, I think the Speech which the President made was a very nice one and, therefore, we should be thankful for it.

Mr. Deputy Speaker, there are certain resolutions which we have passed in this House but have never been implemented. It is very necessary that whenever we pass something here in the House, it should be effected immediately so that the announcements which have been made by the Government should be made known and that whatever was passed in the House should be implemented. However, we have seen nothing emerged from what was passed last year. There were some Motions which were moved by Members in this House asking for some districts to be divided. We were told in this House that there was a commission to be set up to look into the question of district and provincial boundaries. Mr. Deputy Speaker, up to this time we have not seen any commission and we are still waiting to see it. I, therefore, think it is high time this commission was appointed so that it should look into the district administration; and the constituencies where people want to be given an extra district should be looked into.

Mr. Deputy Speaker, in his Speech, His Excellency mentioned something about the constituent college of the Nairobi University. We know that in Kenyatta College, there is an intake of students to study for Bachelor of Education degree, diplomas for teachers and S1 courses. As Members from the rural areas, particularly from the backward areas, we find that this college only benefits people who come from around Nairobi. It does not serve the whole area. For example, since this college was started, about five years ago, no person from my constituency has been taken. When we look at, for example, South Nyanza, we find that some teachers or some headmasters who are now heading our secondary schools are from other areas. This is not because there are no people from South Nyanza who are educated to hold these posts but because people from this area are not taken into the colleges for training. Therefore, they are not given this opportunity of heading their secondary schools. I would, therefore, like to ask the Ministry of Education to look into this question of intake very seriously and give equal distribution of entrants from all over Kenya but not to concentrate on only one area.

[Mr. Marwa]

In backward areas, like my own area—Kuria—there is not a single person who has been trained in this college. Even though we have boys who have completed Form VI and some have passed well in the East African Certificate of Education who could be taken for training and could come and teach in our areas but this is not done. This has been our problem in primary schools and it is also going to be a problem in our secondary schools, the ones which we have established on Harambee basis. Therefore, I feel it is high time I asked the Ministry of Education to see to it that the intake into these teachers' training colleges should be spread to all areas, even those backward or undeveloped areas.

Mr. Deputy Speaker, I should also ask the Ministry to see to it that when they are selecting boys for overseas scholarships, they should also remember the backward areas. This is a very serious thing because our boys are not selected for education and if we are not considered for education, we are not going to develop because there is no way of developing the backward areas unless the people are educated. This is a very serious affair and it should be looked into by the Government seriously.

The other point I would like to raise is about the touring of Ministers in the country. Ministers tend to tour only the provincial headquarters. They never go to the remote areas and, as I mentioned last year, I think it is very essential that we should be visited by our Ministers so that they see themselves the conditions in which our people are living so that they can help or give more assistance, if necessary. Mr. Deputy Speaker, I would thank those who have toured or who have made an effort to come and to see the people in the remote areas. It is a credit to them and they should be thanked for that. I should also like to thank our Government for having given us a road from Kisii to my area—a tarmac road. This is a very good thing which has been done by our Government and my people are very thankful for that. I shall not forget that.

The other thing is about rural development. We were told that some areas were selected for special rural development. These areas included Migori and my area—Kuria. However, since last year— This special rural development was to be started in June last year. However, up to this time, it has not been started. As far as I know, money was allocated or made available for that project and since this is almost the end of the Financial Year—we have about four months to the end of the Financial Year, but we do not know how that money which was allocated or

estimated for that project is going to be used. Mr. Deputy Speaker, Sir, this is a delaying tactic that is being done by somebody somewhere. It has been said that if by the end of the year the money is not spent Government will take back that money to the Treasury and it will not be used in our areas. Mr. Deputy Speaker, I think it is very, very necessary that this money, that was allocated for our area, specially for rural development, should be made use of immediately and it should be released to the people to make use of it. If Government was really serious in using the money, we do not see the reason why they should have the delaying tactics which are being played. Since July last year up to this year and it is almost the end of the Financial Year, no money has been released from the Treasury. Mr. Deputy Speaker, I think this is a serious thing and I think this money should be given to us if Government was really serious and honest about giving us some rural development. It should be started and we will see how it will go.

Mr. Deputy Speaker, Sir, when we ask questions about this, that or whatever thing we ask here, we are told that we are covered under rural development but we cannot only be covered by words without any action. We want actions to be taken so that our people can see some differences or the outcome of that.

Another last thing, Mr. Deputy Speaker, is about school fees. The increase of school fees especially in remote areas or undeveloped areas has had a very serious effect because in those areas where people are not interested in educating their children, when they find that the fee has been raised from Sh. 50 to Sh. 70 or Sh. 80 which includes the activity fee, and building fee or something like that, it becomes very serious. People are now not sending children to school and this has had a very serious effect on primary schools. So, Mr. Deputy Speaker, I would again appeal to Government to see that they reduce the fee so that these areas which are undeveloped will be helped to educate their youngsters. This, I think has a bad effect on hon. Members themselves because when anything is passed or done the public will think that it is the hon. Members of this House who have passed that the fees should be increased. As far as I know, there was nothing mentioned to us about that.

Thank you very much, Mr. Deputy Speaker, and I beg to support.

Mr. Kanja: Thank you very much, once again Mr. Deputy Speaker, for giving me this chance to address this honourable House and the nation at large. Although ten minutes is far too limited

[Mr. Kanja]

for me I wish to go through the Presidential Speech very carefully and very fast indeed.

Mr. Deputy Speaker, I wish to congratulate and thank His Excellency the President for his exposition in his Presidential Speech and Government for everything good that it has done for the *wananchi*. While I do that, Mr. Deputy Speaker, as a duly elected representative of my people I would be failing in my duty if I do not touch some very important points which affect our day to day life.

First and foremost is the land policy. Mr. Deputy Speaker, Sir, we got our independence through sweat, dying and through fighting and we did not get it on a silver spoon. After getting our independence, the people we elected to take the reigns of Government went to our enemies, the very people we were fighting with and mortgaged our land and now we are made to buy the same land that we had to fight for. This is very absurd, Mr. Deputy Speaker, and I call upon Government to correct this situation otherwise we are sitting on volcano, for our people will never be satisfied unless and until they own each and every inch, every millimetre of this country. We did not fight to share our land with foreigners. I say that and I say that categorically, Mr. Deputy Speaker.

Mr. Deputy Speaker, we are told that we can get loans to buy land. Thank you very much for those who have been given plots in Nyandarua, Muhoroni and Taita but at the same time, Mr. Deputy Speaker, we must not forget that very many of our own settlers in those areas are nothing but slaves of loans. They have to be made free. They are only working for the repayment of loans. Government ought to be aware of this and it ought to act before it is too late. Some of the farmers, Mr. Deputy Speaker, are running away from those farms not because they have anywhere else to go but because they cannot make both ends meet. Therefore, the only alternative is to run away.

Mr. Deputy Speaker, I call upon Government to leave land loans that we are repaying to the British Government. The British Government did not give us our land but it is our heritage which we got from our almighty God who made our skins black.

The Deputy Speaker (Dr. Waiyaki): Order! Mr. Kanja will you use the microphone behind you because that one is causing some disturbances in the box up there?

Mr. Kanja: Mr. Deputy Speaker, Sir, the other point I want to elaborate on very clearly is that this Government is a Government of politicians.

It is led by His Excellency the President who is himself a politician. We are all duly elected politicians by our people and yet we have small kings the so-called provincial commissioners and district commissioners. Some of them have entrusted themselves with so much power so that they do not think the hon. Members of this House are anything. Why? Because right from the very time we were fighting for independence some of them were saying that an African cannot rule himself. After we acquired independence, what did they do? They took all the big shares. They are the people who run the big estates, the big tankers and everything. Their wives, their sisters are running everything. We people have become a laughing stock. Why do we have to reduce hon. Members of Parliament to such a low status just because somebody has been sitting in a chair, he got his inheritance from the Colonial Government and now he is reaping the fruits of the *Mau Mau* who had to fight and who had to die and at the same time he is sitting there saying that Parliamentarians are nothing but small boys playing about. They have to be forced to understand that this country has to be ruled by the duly elected representatives of this country. If they do not realize this, then, Mr. Deputy Speaker, as I said earlier on we are going to face up to it and the consequence will be very serious indeed. I would like to see it.

That is why, Mr. Deputy Speaker, there is too much overspending by Government because the Minister, the provincial commissioners and the senior civil servants do not have time to concentrate and look after the money of the *wananchi* because they are thinking about their tankers, their ranching companies. It is high time they were made to become true civil servants and not double-crossing businessmen.

Mr. Deputy Speaker, Africanization of commerce has become nothing but a mockery. Our Africans have to take over shops, industries in the real sense and to achieve this, Mr. Speaker, is a challenge to the present Government to give us an industrial protection act for our own people, the black Africans, who have got— When I was in India and Singapore, Canberra, Sydney I did not see any Luo trading nor a Kamba. Why do we have to fear. Let us face it.

Mr. Deputy Speaker, Sir, since my time is running out the other point I would like to say is this: as far as the salary structure is concerned, in this country we cannot afford to pay the salaries we are paying. I am afraid to say this Mr. Deputy Speaker, but I have no regret. The salary structure in this country as a whole must be overhauled so that the highest paid African must only earn Sh. 5,000. I am also willing to

[Mr. Kanja]

go back to Sh. 1,000 if this is done everywhere so that those people who are jobless, those people who cannot pay school fees can also get something. We must be dedicated leaders.

Mr. Deputy Speaker, Sir, reorganization of Kanu is very important. We must not bluff and kid ourselves that we can do without a political party. Our political party must be made very strong. It has to be strong otherwise this is the reason why we are getting *coups d'etat*, because there is no opposition or anything of the sort. Eventually, the only opposition we get is a military soldier holding a gun at Kanja and saying, "Kanja, you are now down. I am now on top with the same bullet that you voted for and bought for me." Let us avoid this kind of situation, Mr. Deputy Speaker by revitalizing Kanu as our party.

The other point, Mr. Deputy Speaker, is the point which the *wananchi* have asked me—and I have to convey this because I am the bridge between my people and the Government. Mr. Deputy Speaker, Sir, children going to sing for the President—when they go there if they must go there—must be fed. They must not travel such long distances without anything in their bellies. Surely, what kind of reflection are we going to give to our own children that we, as a Government do not care for them? I am not blaming the President because it is not his fault. We are the people who vote money here. If a Minister has to tell school children to go 200 miles to sing, surely he must have the courtesy to give them at least a loaf of bread and a bottle of soda, if not a pint of milk. Otherwise, why should they go and sing and by the time they get home they are dying of hunger and cursing the whole Government? This is unfair, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I would like to end my speech by drawing the attention of this hon. House to the point that when His Excellency the President himself was in detention it was Oginga Odinga who was expelled from this House because of saying, "Release Kenyatta". His Excellency the President is the only leader that we know of. Today, that same man is in prison and is detained. Mr. Deputy Speaker, Sir, I would like to say that some people somewhere are trying to take an advantage and make this to be a wedge between the Kikuyu people and the Luo people. I am a Kikuyu and I do not want to confront—

An hon. Member: Me!

Mr. Kanja: Not you. I do not want to confront the gracious lady, Mrs. Grace Onyango on a tribal basis. Let us, through humanity and

through this House ask our President, who is full of mercy, to release that old man. Let him go to Bondo and eat his own *Kamongo*. He is not going to interfere with me at Nyeri or interfere with anybody anywhere. Surely, all we used to require when we were in detention was freedom.

Mr. Deputy Speaker, Sir, the rumours that are spreading about who is going to be what or what not are immaterial. Mr. Deputy Speaker, Sir, I would like to say one thing on this matter. Anybody ruling this country will rule by the rule of law, the will of the Kenyans. He cannot rule because he is Kanja or because he comes from this cliqué or because he comes from that particular location. He will have to be elected by the people of this country.

Thank you very much, Mr. Deputy Speaker. I beg to support.

Mr. Mwengi-Nzelu: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to say something on this very important Motion.

Mr. Deputy Speaker, Sir, first of all I will deal with what we call tribalism. Mr. Deputy Speaker, Sir, everybody has been singing about tribalism and unity time and again. In the long run, Mr. Deputy Speaker, Sir, you find that those who were singing about unity and condemning tribalism are the people who are encouraging the latter. These are the people who are telling their people—the *wananchi*—how to practise tribalism.

Hon. Members: Who are they?

Mr. Mwengi-Nzelu: They know themselves and if you want to know them I will mention them.

Mr. Deputy Speaker, Sir, I am not going to say what another Member of this hon. House said that Mr. So-and-so is the man who is spoiling this tribe. Instead, Mr. Deputy Speaker, Sir, I will say the whole tribe is spoiling everything in this country. I have reasons for saying this, Mr. Deputy Speaker. Mr. Deputy Speaker, Sir, Kenya belongs to Africans but it does not belong to one tribe. It does not belong to Wakamba nor does it belong to Wakikuyu but it belongs to Kenya's *wananchi*. This should be known, Mr. Deputy Speaker. This country does not belong to the British people but it belongs to us. All tribes in this country should be treated equally and fairly businesswise and administratively. When I say this I mean that— To cite an example, if you go to the University of Nairobi you will find that the University Council of the University of Nairobi is made up of one tribe. The Vice-Chancellor, and Chancellor and chairman come from the same tribe. Do you not think those people are encouraging tribalism?

An hon. Member: Which tribe is that?

Mr. Mwengi-Nzelu: You just go to the university and you will get the facts there.

Mr. Deputy Speaker, Sir, I will now turn to the administration. Mr. Deputy Speaker, Sir, 99 per cent of all provincial commissioners, district commissioners and district officers—you just go round and try to visit these offices—are from the same tribe. Do you not think that that is an encouragement of tribalism? That must be done away with, Mr. Deputy Speaker. As I said from the beginning, the Kikuyu people should know that Kenya belongs to Kenya people and that is definite. Everything here should be shared equally and things must be done fairly. If you go to the Eastern Province you will find that if there is a vacancy somewhere for a district commissioner, a Kikuyu will be moved from Isiolo to Kitui in order to get promotion there as a district commissioner. Why do you think that a Masai cannot really work as a district commissioner? He can, why not. Therefore Mr. Deputy Speaker, Sir, as far as the administration is concerned, the Minister of State, President's Office should be told that if they want unity in this country, things should be done in a good manner. There must be a commission of inquiry to look into these things and if that commission finds there are too many Kikuyu officers in the administration they should be reduced and be sent to companies to work there to give a chance to the other tribes, if you want unity. If you do not want unity, one day will come and you will have it.

An hon. Member: Is that true?

Mr. Mwengi-Nzelu: Let me speak up my mind. This is true and it has been there. Mr. Deputy Speaker, Sir, it has also been the same with the banks. It is only last year when we passed a Bill here in ten minutes to allow the Government to acquire 60 per cent of the shares in the National and Grindlays Bank. If you go to that bank—the Kenya Commercial Bank—who is the chairman? Who is the chairman of the Kenya National Bank? These things should be put right, Mr. Deputy Speaker. This must be done and done in a good manner. If the unity of this country is to be maintained, things should be done in a good way. These things should be shared.

Let us now turn to rural development. If you look at Nairobi it looks better than London, better even than Washington, but if you go outside things are different. The *mzungu* is enjoying here in Nairobi, he has nearly everything while the real *wananchi*, the people who fought for the freedom of this country, what do they have? The man at Nyeri has no *shamba*, he has nowhere to sleep. Yet, Sir, we hear people saying that our economy

in the country is booming. Going where? It is going to Britain, going to Germany for the simple reason that we are selling all their Mercedes cars here. I believe that any good government is there to care for the welfare of its subjects; that is what I believe.

You will find in these game parks and tourist resorts that water is available everywhere, it is flowing everywhere. Go to Masailand, go to Lodwar, go to Kitui, go to Somalia and you will find that people are dying for lack of water. Yet all the time the animals, the elephants are playing with water in these game parks and tourist resorts. Those places were made attractive for the tourists and the animals while the *wananchi* are dying for lack of water.

Gentlemen, Members of Parliament, the policy of this country should be reviewed, otherwise we are going to remain beggars. At long last these people will dominate our economy and everything. I am not against anybody, I do not have any grudge against anybody, I am merely telling you the truth. We cannot have people dying while you make the game parks and the tourist places a paradise for the British people to come and enjoy. The *wananchi* who chased away the *wazungu* are dying for lack of water, water to drink. That sort of thing must be done away with and the policy of this country should be reviewed to suit the needs of the people here, not that of the foreigners. I do not believe in tribalism but I believe that I am a Kenyan, not a *mzungu*.

We borrowed a lot of money from Britain and other places so that we could buy back our own land in the former White Highlands. I remember when I was young, in Standard IV, I used to read what people were saying, "Kenyatta said this country belongs to us, it is ours and nobody will *tunya* us." Now we are buying the land which once belonged to us, there is nobody to *tunya* us. Today they have *tunya* our land. We have borrowed money to come and buy our own land here in the White Highlands. We have beautiful land in Machakos, in Kitui, in Moyale, everywhere. Why can we not use this money to develop those lands? Why did we have to buy our own land? I would like now to tell the Government that these loans should not be paid back by the Kenya people, the British Government should be responsible for that. After all, they are the people who brought the settlers here after the Second World War and so they are the people who should meet these expenses. It should not be the responsibility of the people of Kenya to do this. That money can be used to develop some large areas that need development

[Mr. Mwangi-Nzelu]

so that we ensure that the people in Kenya are quite happy.

As a Member of this hon. House I feel that any loan outstanding which was used to buy our own land in the former White Highlands should be written off by our Government. We should not have to repay it.

I want now to touch a little bit on the present situation in some parts of the country. Drought, famine in this country—

My time is up. Thank you, Mr. Deputy Speaker.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Deputy Speaker, for having given me this chance to say a few things.

The first point I would like to touch on is the danger that faces this country. As a citizen of this country and as one of those who fought for independence of Kenya I shall be failing in my duty if I were not to say the things I am about to mention.

One of the hon. Members has already touched on this point. We had the colonialist here, they came here without any invitation from our grandfathers or our forefathers. We fought against them, we removed them. Some of our brothers, at that time, Sir, I remember when I was Secretary-General of the Nairobi People's Convention Party, were actually their good boys, they were licking their boots at that time and reporting every move we made here against the *wazungu*. After independence, Sir, we forgave them, we took them in as our brothers and promoted them to various positions in this very Government. Today, however, they are turning against us. Today, they do not even respect us. We know many of our brothers died during the time of the struggle and they left behind some people. Let it be known to those concerned—and there are quite a few of them—that there will come a time when the children of those who died during the struggle will probably try to seek revenge.

The public must know that in this House we are elected to speak for them, in this House we are elected to legislate or vote money for their progress but it so happens that if you look at some of the Ministries, you will find that the money has not been spent but rather has been returned to the Treasury. Why is this so? It is because some of our civil servants are so busy with their own businesses, that they have no time to implement what this House passes. The other thing is that those very civil servants say, "You

are politicians and you are making noise in Parliament. What have you done?" They say this when they have sat on the money we have voted to help the people in order that one day they may be in a position to come to this Parliament. The public must know that it is the Civil Service that is returning the money, and that is what is retarding the progress of this country, for the simple reason that the money voted by this House is being returned to the Treasury. It is not—

Mr. Araru On a point of order, Mr. Deputy Speaker, this is a serious allegation made by the Assistant Minister against the civil servants. Could he name any one of them in view of the fact that he is making allegations against the civil servants?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, if the hon. Member cares to listen he will realize that my substantiation is not necessary. He can look at the Estimates and he will see that so much money is being returned to the Treasury. Let him do some homework.

Sir, this money could be used to help our people but the thing is that the civil servants are creating friction between the public and Members of this House, and between the Government. I have heard some of them even mistreating the electors here. They say, "*Hii shauri ya Government. Hii ni maneno Wabunge, walipitisha. Shauri ya serikali Harambee.*" They are not implementing the policy of the *serikali*, they are frustrating the people so that they can be against this House. Let the public know that the killer, the ones who are killing them are the civil servants, not the Members of this House. This is done, it is done purposely so that there will come a time when the public will be fed up with this Government, meaning the politicians, and they will turn against us. You know that the civil servants are prepared to serve anybody in power. When we shall hang, when we shall be in the cold they will side with the Government of the time. Therefore, Sir, we must make it known to the public that this is the intended move by some of the civil servants.

Some of them are so cheeky. Can you imagine a civil servant lifting a telephone, talking to a Minister and telling him what his own views are without even listening to what the Minister has to say with regard to his own views! Do you know that they are becoming so powerful that the Government is almost a civil servant Government! We fought for independence and we are all out to fight against all these civil servants. We shall fight as we fought the imperialists.

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

May I now come to the policy speech. The first point I want to deal with here is in connexion with tourism. Sir, I am terribly disgusted and completely frustrated when I hear about the booming of this industry in our country. It is all nonsense in my opinion. Why do I say so? You will find the so-called tourists come here in their own planes; in other words, the tickets are booked in the country from which they come and the money remains with the airline in the country they come from. They do not even travel by our most comfortable East African Airways, Super VC 10. The money remains back there. They also book the hotel accommodation from that country because there are some international hotels here that have links there. So the money is left there. The only thing they bring here is themselves, fat, lean, short and so on. That is all we see, their faces here. The only thing they buy from us are cigarettes, fruit and films for their cameras. Apart from that they do not give us anything. Our brother who is in this House should come and tell us exactly where the African is profiting from all this tourism. When it comes to the question of hotel accommodation for the tourists the African is nowhere. When it comes to the question of lodges the African is nowhere. If there is anybody here who is called an African or a citizen it is the paper citizens who enjoyed during the colonial times and because of the paper they hold they continue to enjoy and exploit this country. I have no other place where I can speak my mind, Mr. Deputy Speaker, and I must do so here. I speak for this country and I am completely frustrated when I find that the very people who went against us are the people who are enjoying much more than the people of this country. We know people who are not citizens and yet they are enjoying the best and highest life in this country. I feel the time will come when the people who enjoyed during the colonial times and are still enjoying now because of their paper citizenships will have another small *Mau Mau* to remove them, so that we can get the complete independence of this country.

Sir, may I tell you that we who are here are here because of our right, we are here not to be flattered but to know who are our enemies. We have forgiven them their sins but we have not forgotten. This is the important thing. Today the Europeans in this country, some of them are so cheeky! The Indians in this country and the Asians can speak up to you today. Why? It is simple because they have money. Why? It is because they have direct links with some of our

leaders who lick their boots. When you want to put them right they even address some of the leaders by their names. The African is not being helped at all because they have direct links with the big boys and everything goes down. One day the African, the small man will get tired and then we shall have a situation like the one we had in 1959 when the Asians and Europeans used to overrun the Africans with their cars. We decided to give them a beating and since that day we do not see any Asian or European running over the Africans with their cars. However, this time it may be different, it will be for the Africans, for the Asians and the Europeans, the cheeky ones plus the top men in this very Government.

May I come now to the last point, and that is this. I must congratulate the hon. Mzee Jomo Kenyatta for the Speech he made. However, Mzee must have people to support him. He has withstood these problems for many years and we must pull up our socks and be like him so that we can give the fruits of independence to the people of this country.

As far as our foreign policy is concerned, Mzee is to be commended for the stand he has taken. I feel that if the Organization for African Unity is to have any meaning at all, then it must abide by the principles of that very Organization. In their constitution they made it quite clear that they are not supposed to interfere with other people's internal affairs. How come today they are discussing these *coups*? Yet there are so many Governments which are in power as a result of *coups d'etat*. They are the biggest hypocrites and they are wasting the money of the people and the countries which are represented at their meetings. It is no use if they have no principles at all.

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

The Assistant Minister for Housing (Mr. Khalif): Thank you very much Mr. Deputy Speaker. First of all, Sir, I would like to join the last two speakers who spoke dynamically and of the will of the people on various methods. Sir, in supporting the Motion I would like to join the ranks of my colleagues who thanked and congratulated the President Mzee Jomo Kenyatta for his Speech. However, Mr. Deputy Speaker, I would like to say that I was particularly impressed that His Excellency the President, unlike previous years, outlined in broad terms the business the Government intends to introduce to Parliament this year. In his Speech Sir, the President stressed and emphasized the need for hon. Members to be seriously constructive and execute well the job

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they are paid for. I entirely concur with this Mr. Deputy Speaker. However, I would like to say that to execute our jobs seriously and constructively, Sir, we will have to speak the truth; the truth in capital words. The truth, Sir, can at times be bitter and can at times be completely untakeable. But as it is human to err, the Government must accept its past mistakes. Who else is vested more with the duties of speaking the truth in capital words than each hon. Member of this hon. House who has been elected and has the mandate of the *wananchi*?

Sir, it is true that much has been achieved since independence. It is also true that much that could have been achieved has yet to be achieved. However, Mr. Deputy Speaker, I would like to say that there are a number of things that the Government has to conform with. There are a number of things that must be looked at in order to continue being a Government. In saying so, Sir, I am speaking not only in my capacity as the Member for Wajir East but also as an Assistant Minister. Let us face the realities.

Take for instance the question of the drought, Mr. Deputy Speaker, Sir, we have in our country *wananchi* Kenya citizens, dying in tens and hundreds—I am saying this from a first hand knowledge, as a Member for Wajir East—and the best the Government has done apart from sending in inadequate amounts of relief food to the North-Eastern Province is to console itself—

An hon. Member: How much have you sent there?

The Assistant Minister for Housing (Mr. Khalif): I have sent—apart from my energy, my time in Wajir East Constituency—all I could afford in terms of money, cattle and food.

Mr. Deputy Speaker, Sir, coming back to what I was saying, apart from sending in inadequate amounts of relief foods, all the Government did was to console itself by misleading statements made by some civil servants that all was all right in the area. I remember, when I made a Press statement, both as a Member for Wajir East and as an Assistant Minister, a junior civil servant in the President's Office by the name of Mr. Mathenge came out and said that the Government did not accept it. Which Government? I thought this was a political Government. I never was told that this is a civil servant Government. He had the audacity to go to the Press and tell them that the Government of Kenya does not accept the statement made by a Minister of the Kenya Government. Where is the reconciliation? This is outright contradiction. If this Government

is a Government of civil servants, let us be told. We have reached a stage, in Kenya, whereby we can no longer—I mean there is so much inconsistency, there is so much contradiction, there is so much irreconciliation in everything that some of us doubt as to where we are heading to or whether the path we are following is the right one.

Mr. Deputy Speaker, Sir, many times have we been told about Ministers, Members of Parliament and Assistant Ministers being ridiculed by provincial commissioners, by district commissioners and by district officers. This is, for example, why I say, Mr. Deputy Speaker, that they are there at the pleasure of the head of this Government which happens to be a political Government. Some of us do not know, but we are trying to take time to know what is really going on behind the doors—I for one, Sir, speaking honestly, because it is only here where I can speak sincerely because I am immune, some of us think that these people have the backing of the President. How can the provincial commissioner in Embu—this man who is renowned for ridiculing politicians in Embu—ridicule a Minister a Member of this House, or an Assistant Minister when he does not have the backing of the President let us be told. I beg the President tells us in many words whether civil servants, who ridicule the rulers of this country—because this is a political government—have his own backing.

Sir, at least 20 Kenya citizens died on account of the drought in Wajir District alone. When I appealed to the Speaker, of this hon. House to recall Parliament immediately to discuss this great issue the same man, Mr. Mathenge, in the President's Office went to the Press and said that nothing had happened. When he was saying that, Sir, he was hundreds of miles away from Wajir; as a matter of fact Wajir is 610 miles away from Nairobi. He had the audacity to sit behind his desk—which is very comfortable compared to the dry land where the drought victims are dying—and telephoned to the *Daily Nation*, the *East African Standard* and Kenya News Agency and said that the Kenya Government did not accept the statement I had made. I say and I still maintain that 20 people have died in Wajir, my constituency alone. I have given the names of the people who have died, those of their fathers, those of their mothers and those of the fathers of their mothers to the Press just to be sure that I really was right and so that if the Government wanted to check—Before this man had checked or sent a signal, he just told the Press that the information was not correct.

Mr. Deputy Speaker, Sir, disasters come and go and we need to have better ways to deal with

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them. My opinion is that there should be a Ministry responsible of dealing with all affairs regarding disasters. Now, Sir, the situation is that we have the Ministry of Agriculture dealing with this from one side and that of the Presidents Office dealing with this out of nowhere.

Mr. Deputy Speaker, Sir, while on the question of drought, we have been told more than once that Kenya has millions of pounds in reserve saving, but when are these millions of pounds going to help us, which are now in our reserve saving, when Kenya citizens, *wananchi wa Kenya, niseme Kiswahili*, are dying in Wajir, in Mandera and perhaps in Kitui, because of drought? We must be realistic about things.

The Assistant Minister for Housing (Mr. Bomett): Mr. Deputy Speaker, Sir, I arise to thank the President for the exposition of the policy matters of this Government. However, while doing that, I would like to point out a few things which I feel are of great importance to this country.

We are living in a century, which I believe is very difficult in Africa, a transition which we must watch very carefully, if we are to survive. This country will only survive, Mr. Deputy Speaker, Sir, if we are fair to the principle that brought us to power, and that is the fight for the common man, a fight for the people who have voted us to come to this Parliament. Mr. Deputy Speaker, Sir, I wonder at times because when we say that the Government is the people of this country and on the other hand the machinery of making the decision of day-to-day affairs of the country is being taken away from the people and being entrenched on servants who are employed by the masses. After all, a civil servant is being paid by the people of this country, by my mother, by your father, by your grandmother and by everybody else. The difference between a civil servant and myself is that I am an elected representative of the people. I have come with the mandate of the people and what we demand in this country is a complete reshuffle or a revitalization of the machine of the people which is Kanu. When we say these things, every now and then, we are told that Kanu is there, Kanu is strong, Kanu is alive. We know we are Kanu members, I know I am Kanu, but am I satisfied that Kanu is running well? Am I satisfied today that if something happens and a tragedy takes place in this House and these faces here are wiped out by a bomb, that there will be people who will run the country from villages and who are organized? The answer is no. There is not a single committee of Kanu in any sub-branch, which is organized

according to the Constitution of this country. There is none. All that we know is that there are a few chairmen here and there, who are strong, who are power-hungry fellows and who want to remain in the seat, as long as the public keeps quiet. That is all.

However, I demand, Mr. Deputy Speaker, Sir, that if we are to save this country and make this country progress according to the wishes of the people, and not only a few, we must go back to the villages, have fair elections, based on nothing else but the wishes of the people of a given sub-branch and then go out and organize constituencies.

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

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

Mr. Speaker, Sir, what is the use of basing Kanu on district basis when we are told in our Constitution, to base it on constituencies. I wish to say, Mr. Speaker, Sir, that our beloved President, who has taken us from the slavery of the British people, can do us a great service by giving us the report on the reorganization of the party immediately, even next week if possible, so that the country may know how to reorganize Kanu and give the power to the hands of the people.

Mr. Speaker, Sir, I would like to touch on something which I consider to be of great importance. I do not want to dwell on the power and the abuse of power by civil servants because I think certain friends of mine have mentioned this. However, I would like to thank the President and the Government for having accepted the question of basing local government on locational basis because that is the lowest base in which the people will say what they want and will spend the money which they collect on tangible projects, on projects that they see and on projects such as schools which they use.

Mr. Speaker, Sir, when talking on the question of schools, I would once again wish to appeal to the Government to think very seriously how to salvage the areas that were forgotten by the Colonial Government. I have said this, in the previous years about the same subject and I will still repeat it. It is wrong for anybody to say that in Nyanza or Central Province or, for that matter, any other district that we developed, because the people are well educated, that everything is sweet. If you do not look after the Turkana people, you will still have it. If you do not look after the Masai people, you will still have it because there will be people who are discontented amongst themselves. It is good to drive big cars in Nairobi — But unless the Turkana people can be able

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to do the same, it will be difficult. The only way to do it, Mr. Speaker, Sir, instead of talking about compulsory education or free education, let us start it in these areas like Turkana. Let us mobilize the children there. Let us vote the money in this House and have primary education compulsory and free, where we must send the children and say that the children will go to school by force. If we do that, Mr. Speaker, Sir, in ten years time, we will have achieved what the Colonial Government failed to achieve in many years when they were in this country. I also want to appeal to my colleague, the Minister for Finance and Economic Planning to think seriously of establishing compulsory free primary boarding schools in areas which were neglected, which I cannot mention one by one, like the North-Eastern and so forth.

Mr. Speaker, Sir, I would like to see that there is a correction urgently of the policy of water in this country. We have seen that the county councils could not have money to run roads, to run education and we have removed those responsibilities from the county councils. As a result of this, and I speak about my constituency, which I know very well, the roads there have improved tremendously; however, the water is still on the hands of the county council. The county councils are told: "You can dig boreholes, you can do this and that" and yet the graduated personal tax has been taken away from the county councils. That is fallacy. We must also take the responsibility of water from the county councils and give it to the Central Government, at least, because this is a very serious matter in this country. There are areas that have no water and the people are suffering quite a lot. They take their cattle about ten or 20 miles away to water. School children go to school without water for washing every day and I want to say that there should be a Ministry charged with water and rural development because this is a very vital issue. If this should go to the Ministry of Works, because, after all, the technicians who work on water are in the Ministry of Works, I think, Mr. Speaker, Sir, whoever plans these things, should see the water department is strengthened so that rural areas, especially areas that depend on pastoral livestock, should be able to take their cattle for water conveniently. These should be the Turkana, North-Eastern Province, Baringo and other areas which are suffering as far as water is concerned.

Mr. Speaker, Sir, I want to end by calling upon our Government to consider the question of take-over of shops, which have been served with quit notices and which were being run by foreigners. The Parliament has passed a law that alien

persons should not work in certain areas and because the people use the Government machinery, it is only justice that the shops which have been closed down by the Government, should be advertised so that if there are premises in Nairobi, people from all areas of Kenya will have a chance to apply for them. Otherwise, the trade officers will only distribute these premises to their friends. Therefore, these shops which have been taken from the aliens, should be given to all the people of Kenya and not to certain friends or a certain type of people from certain districts.

With these few remarks, I beg to support.

Mr. Lentaya: Thank you very much Mr. Speaker. I rise up to join up my colleagues who have already spoken on the Presidential Address which was delivered by His Excellency the President. While thanking His Excellency the President for his Speech I would like to comment on some points.

I cannot avoid mentioning the word, "Unity"—among the civil servants and the politicians. I do not see any difference between a politician and a civil servant because we are all working for the people and we are their servants. These people elected us and they also employ us as well as the civil servants. I do not see why we cannot sit down together with the civil servants and like brothers and friends, plan and think of all possible ways in which we can develop our young country. I am surprised as to why we cannot sit down and talk like brothers, plan and think of the ways in which we can develop our country. Most of the people are talking of, "Unity". It seems as if unity is only a glimpse because most of us do not show it in actions because words without actions mean nothing. It is really a wonderful thing to see that civil servants are not agreeing with the politicians; and it seems that they are competing. When a politician tells a civil servant about a report which he has received from his own people and of which he has witnessed—because we as politicians visit the people, and most of the civil servants do not go out to the people but are always seated on their chairs in the offices—he says that it is not right adding, "That is what the politician says!" despite the fact that he does not go out of the office to go and see the difficulty which the people are facing especially in the areas where I come from.

An hon. Member: Where?

Mr. Lentaya: Samburu District if you do not know. It is a vast and dry district where there is no water in most of the places. If you tell the Press people about the area you will see somebody opposing claiming that is not right. This

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is really surprising! He says so in spite of the fact that he has never gone there and seen what is happening.

If people hear the word “Unity” they like it. However, how are we going to achieve the real unity? God knows!

I cannot help mentioning about education in the areas which were left behind in development by the colonial people. Very many areas were left behind by the colonial people; and they made them like zoos for their own people: to come and take pictures and to come to see how “backward” people look like; how they dress themselves; how they put on beads how they wear skins how they sing and so forth. I cannot fail to speak about these areas. They were then called closed areas for any aspect of development: education and any other development which is worthwhile to be developed in the country. Now it is high time that our Government does something in these areas. It is really high time for our Government, the Government of the people of Kenya and the Government which is led by our brothers, to do something for those areas which were left behind, in development, by the colonial people. How do we expect those areas to develop if we do not give them enough education? If we do not develop water resources in those areas how can we expect them to settle without water and when they have to walk about 40 or 50 miles in order to get water for their own consumption.

To make it worse, Mr. Speaker, Sir, during the colonial times there were some boreholes which were drilled. These boreholes contain thousands and thousands of gallons of water; but they are of no use. They have been covered with plastered cement despite the fact that there is water. In fact, the only things that are lacking are machines which can be used to pump the water for the people to use together with their own animals. However, nobody is caring about this or giving the people education. It is high time the Government of Kenya thought about these backward areas especially with regard to education because nothing can be done without education. What is the use of us telling them to educate their children while there is no help from the Government. These people do not know the meaning of education. They should be told; but who is going to tell them? It is the Government of Kenya, the people who are leading the Government of Kenya who are going to tell these people the meaning of education so that they can cope with the other brothers of Kenya.

In the Kanu Manifesto it is stipulated that those areas will be given the first priority. If you visit those areas now you will wonder. You will ask yourself, “What have those areas achieved during those seven years that our Government has been in power?” It seems as if our Government is only waiting for a long drought like this one and then they bring in little posho—just some bags of posho—and then they say that they are helping those people. The people from those areas say that they wanted to see their Government giving first priority to their areas as is stipulated in the Kanu Manifesto.

An hon. Member: Who said so?

Mr. Lentaya: I think you are one of them, if you are a Kanu member.

An hon. Member: Are you not a Kanu member?

Mr. Lentaya: Yes, I am a Kanu member. Do not interrupt.

There is one thing: I do not think it is a very hard task for the Government to give those areas free education so that they can also share the fruits of independence. I do not think the Government can fail to get money to educate freely the children of those areas which were left behind so that they can share the same fruits which have been achieved since independence.

My last point is about the boreholes I mentioned which have been dug, but there is nobody who is using them. I am appealing to the Minister concerned to seek ways or possibilities of opening those boreholes for the people to use them.

Thank you, Mr. Speaker, Sir.

Mr. Mwavumo: I stand to support my colleagues who congratulated the President.

To begin with, Mr. Speaker, Sir, I will refer to the previous Government in connexion with the shop licences which used to be sold at Sh. 25, but at the moment the citizens are paying Sh. 400. I wonder how Africans are going to come up Mr. Speaker, Sir, in the business world if at all they are being charged very high fees whilst under the previous Government they used to pay only Sh. 25. I feel very strongly that the Ministry of Commerce and Industry should reconsider the raising of the fees. The other point, Mr. Speaker, Sir, which I would like to make is about the development of Mombasa South. We have two ferries; one running on the Likoni side and the other is running on Mtongwe side. There is no development and the ferries are not running smoothly. The Kenya Bus Company is giving poor service. In fact, at night the ferries do not operate. Those people going to work or people

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who are going to the hospital at night, are unable to do so because the ferries do not operate at night. I call upon the Minister for Works and the Minister for Power and Communication to appeal to the Kenya Bus Company to allow the ferries to operate at night.

The other point, Mr. Speaker, Sir, which I would like to make is about labourers. Labourers in this country have contributed much; they have contributed in building maternity hospitals; and labourers have contributed in building clinics. However, the Minister of Labour has done nothing for the workers of this country. There is nothing actually, Mr. Speaker, Sir, which has been done so that the workers of this country can enjoy themselves. In return whenever the workers of this country want their rights and they want to use their weapon—the strike—the Ministry of Labour comes out to say that the strike is illegal. It is only when you see the Ministry of Labour coming out to declare that such strikes are illegal—If at all we are going to treat workers in this manner, Mr. Speaker, the country will have no stability because we are depending on workers. Workers do pay graduated personal tax; and workers are contributing towards development projects in this country, and I feel the time has come when the Ministry of Labour considered seriously this point.

The other point, Mr. Speaker, Sir, I would like to make very clear is about paying graduated personal tax. Every month people are being asked to pay graduated personal tax, but if the assessment committee has assessed that I should say, pay Sh. 600, why should I not pay that sum in two instalments so that I can be able to raise the sum in seven months time. There is no point for us paying every month Sh. 50 and the other Sh. 50. Mr. Speaker, Sir, we really need a rest from this problem. We should pay the sum in two or three instalments so that we have a rest, but we cannot go on paying this sum every month. Workers are very tired of this. If at all I am supposed to pay Sh. 200, let me pay Sh. 100 this month and in the next month the other Sh. 100 so that in the remaining period I can be able to do other things.

The other point, Mr. Speaker, I would like to make is about the National Social Security Fund. These contributions to the National Social Security Fund, Mr. Speaker, have proved to be hopeless. This is because people have been contributing and at the end they do not get their share. Some have resigned and died without having been paid what was due to them. If at all you want to see the records, you cannot get them. If the situation is to go on like this the workers are going to get tired of this and we will have to

find other ways of helping the workers but not through the National Social Security Fund. This is because I have heard of very many cases whereby workers have appealed to the Ministry to be given their refunds back, but up to this moment they have not been paid what is due to them.

The other point, Mr. Speaker, I would like to raise is connected with the Ministry of Labour. In my area there have been very many cases of wrongful dismissal, and I refer this, particularly, in connexion with the African Marine Company. The African Marine Company is dismissing people wrongfully. If at all I refer such cases to the Ministry of Labour the Ministry does not act promptly. The Labour Officers do not check to find out the truth in the matter. Africans working in that company are paid less in comparison with the Asians, even if they are doing the same job. An Asian is paid more than an African. I appeal to the Minister to investigate these cases. In the same company Asians have been given work permits or have extended their permits' time so that there are posts for these people. Therefore, I appeal to the Ministry to contact this company so that it stops creating unnecessary posts for non-citizens.

The other point, Mr. Speaker, Sir, I would like to mention is about drought in the entire Kenya. At the moment we have a big famine in our country and I appeal to this hon. House to set aside a certain amount of money which can be used to help our brothers who are dying in the North-Eastern Province. There is no point for hon. Members to continue sitting here and having nice meals in Parliament Buildings and having a nice time drinking whiskies forgetting that we have brothers who are dying. This morning we had a Parliamentary Group Meeting and no one dared to ask the President to do something about our brothers. We just kept quiet, and we continue to sit in this House just shouting. We are not serious about this situation. It has been stated clearly by the hon. Khalif when he said that 20 people from his area have died and we just laughed when we heard that. This is a very serious situation and I feel the Government should do something about it. We, the hon. Members, should set an example by donating something to remedy the problem brought by drought into this country.

The other point, Mr. Speaker, Sir, is about school-leavers. The country is facing a very serious situation. Every year we have between 170,000 to 200,000 students coming out of school. All those who have no fathers or a member of their family who happens to be big and influential do not usually get employed. As a result of this a large number is not employed, and they are just

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left to float about in the country; they just roam about the streets. I feel the time has come when this House found a solution of helping these unfortunate children. Mr. Speaker, Sir, time will come when the number will become bigger and we shall not have anything to tell them. It will be shameful to this country having so many people who are unemployed or so many children roaming the streets just begging. It will be a very big shame to this country.

The other point, Mr. Speaker, Sir, I would like to raise is about tourism. Tourism, Mr. Speaker, Sir, is just bringing in nothing into this country. I would support the hon. Shikuku for saying that these people are bringing nothing into this country. As a result some of them are even abusing the President. They are going on doing so many evil things in this country. Some of them even bring diseases. If at all we could stop these people from coming into this country, it would be better, because they are hopeless. In fact, they pay everything while they are in their country. What we have is only Sh. 5 which is paid at the gate. The Kenya Government is just getting about Sh. 5 from one person. That is all. The whole sum of money is left back at home. Therefore, in return we do not get anything. However, instead we get these stupid people coming into this country bringing in all sort of temptations into this country.

Mr. Speaker, Sir, the other point I would like to speak on is the Uganda Government. The Uganda Government, Mr. Speaker—

The Assistant Minister for Information and Broadcasting (Mr. Makone): On a point of order, Mr. Speaker. Mr. Speaker, Sir, would the Member substantiate what he is alleging that the tourists bring disease because he is not qualified and he is not a doctor himself?

I hope there are some regulations before you enter a country.

Mr. Mwavumo: Thank you, Mr. Speaker, I would like to speak about the Uganda Government. The Uganda Government—

The Speaker (Mr. Mati): Your time is up, Mr. Mwavumo.

Mrs. Onyango, have you spoken?

Mrs. Onyango: Yes.

The Speaker (Mr. Mati): All right. Mr. Makone.

The Assistant Minister for Information and Broadcasting (Mr. Makone): Mr. Speaker, Sir, I would like to join my colleagues in the sentiments they are expressing here regarding the

statement of policy by His Excellency the President of the Republic.

Mr. Speaker, Sir, I do not want to go very far before I refer back to what my hon. friend has just said that the tourists from any country bring diseases into this country. Mr. Speaker, Sir, we do not want to be unreasonable and we do not want to allege criticisms where criticisms do not hold any water. I am sure my friend, the hon. Shikuku, knows the regulations governing entry of any person coming from any part of the world. For example, one has to satisfy the health authorities that he is medically fit and does not carry any contagious disease with him: as the hon. Member alleges. Therefore, Mr. Speaker, Sir, this is an unfortunate allegation and we would like it to be given the least coverage by the Press because such statements might harm our international trade. I am sure, Mr. Speaker, Sir, that we are earning a lot of money from the international trade and we would like to protect it.

Now, Mr. Speaker, Sir, I would like to take this opportunity to say one or two things— And, incidentally, the hon. lady, has gone out and I wanted her to listen to this point. Therefore, Mr. Speaker, Sir, I would like to take this opportunity to warn the foreign and even the local manufacturers who use the cinema screens to embark or attempt to discredit the African colour against the other colours. Mr. Speaker, Sir, I have time and again been very much angered seeing these foreigners using the media of cinemas to wage war on the African black colour by imputing that this colour is in some way inferior to others. Mr. Speaker, Sir, what I am trying to bring home is that from time to time you see on the cinema the advertisement “*Kuwa Mwafrika wa Kisasa*”; and by “*kuwa Mwafrika wa kisasa*” it means to apply the cosmetics of *Ambi*. That is, if you are light-looking, unlike Mr. Shikuku, and that means that you are not *Mwafrika wa kisasa*, you apply *Ambi*. Therefore, Mr. Speaker, Sir, I would like to take this opportunity as the Assistant Minister, in charge of this media, although I do not take the complete responsibility of this media and warn the foreign and local manufacturers that if this is what these foreign manufacturers are showing our people that by being *Mwafrika wa kisasa* is to apply *Ambi*, then, I call upon the Government to make it very clear that our colour is black and we are proud of it. Therefore, there should be no person who tries to show that one must be *Mwafrika wa kisasa* by becoming light-skinned.

Hon. Members: Ban them! Ban it!

The Assistant Minister for Information and Broadcasting (Mr. Makone): Mr. Speaker, Sir, I give this warning because *Ambi* is a notorious example of immoral exercises. Mr. Speaker, Sir, we know that we are black-skinned and I challenge the "*Maendeleo ya Wanawake*" and any ladies in this House that they must come out and make themselves understood that we would like to see their African look as it naturally is and not with coloured sort of lips and different kind of noses; eyes which look funny—like those of monkeys.

An hon. Member: And wigs!

The Assistant Minister for Information and Broadcasting (Mr. Makone): Mr. Speaker, Sir, we want to see them as they are! I, therefore, warn the foreign advertisers and the local advertisers that if they continue doing this sort of thing because we do not mind if anybody buys *Ambi* like a cigarette from a shop but, to wage psychological thinking into the minds of our people; that your colour is not what you are but the best thing is to apply *Ambi*. Mr. Speaker, I am sure that I would not be out of order if I said that the Government must come out to ban this immediately.

Mr. Speaker, Sir, one other thing I would like to say is about the regulations governing the civil servants as we know that our contract here is five years, and no more. Mr. Speaker, the civil servants, it is my thinking that the civil servants should be transferred anywhere in the Republic. I call upon the Government, Mr. Speaker, that the general public, and I am now advising the Government which I am part of, is beginning to think whether the provincial commissioners are kept permanently in each province. Mr. Speaker, for reasons such as the monotony of the area, and hatred of some people might prejudice the general exercise of administration and, therefore, we would like, for example, the Nyanza Provincial Commissioner who is a good man should go to Coast and the Coast man should go to Rift Valley and the Rift Valley man taken to somewhere else. What I mean in general terms is that we should like to have our provincial commissioners to serve in each province for a specified number of years or time and then be transferred to somewhere else accordingly. Now, they are becoming little kings in their own places.

Mr. Speaker, Sir, the other thing which I would like to be considered in this House is that I would not like to see the provincial commissioner arguing with a Minister because a Minister is above the provincial commissioner. In my view, a Minister is above the provincial commissioner

because it is the Minister who employs the provincial commissioner and the Minister who employs the provincial commissioners is already here and, therefore, he is above the provincial commissioners. He is definitely above the provincial commissioners and he knows this and, therefore, his colleagues, too, are above the provincial commissioners. They must understand this, too.

Mr. Speaker, Sir, I would like the hon. Members and the Cabinet Members to have priority in its working. Mr. Speaker, Sir, any Government, like ours, must have certain definite priorities in its working. Mr. Speaker, Sir, the question of unemployment must be taken seriously. Mr. Speaker, Sir, seriously, in the sense that our educational system must be geared to eradicate unemployment. Mr. Speaker, Sir, we are wasting a lot of good brains, clever chaps, because our educational system does not serve our interests now. We are following the kind of educational system which was there before, a colonial one, and it is high time, Sir, we placed unemployment at the top of our list, so that we can examine all other Ministries, to alleviate this situation. Mr. Speaker, this Chamber in which we are, this beautiful Chamber, was put up by other people in the city community—Asians—people who have never been educated, Sir; people who never even went to school apart from knowing their names. Mr. Speaker, just look at this building; it was put up by those people, and the amount of money we paid for this was fantastic, a colossal amount of money, which we paid for this Parliament.

Now, if our educational system was geared in a better way and you gave us this opportunity, we can train our chaps to do the jobs being done by the Asians in the country.

I beg to support.

Mr. Mbori: Mr. Speaker, Sir, thank you very much for having given me the chance to accord my thanks to His Excellency the President for his Speech, which was on the wide policy of this life of the Parliament.

Mr. Speaker, Sir, I beg to point out the three things that will bring peace in this country, that is: the position of the Public Service Commission, the distribution of wealth of this country among all Kenyans and the general attitude towards one another.

I would like to dwell a little on the Public Service Commission. The Public Service Commission was established under a Parliamentary Act, and it was meant to deal with appointments and promotions of civil servants, whether junior

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or otherwise, and of course, including the dismissal of such staff. Now, unfortunately, there has been instituted a body within the Public Service Commission, called the Central Posting Committee. Now, what purpose is this body serving? What is it serving; who is it serving; why is it being established without an Act of Parliament? It is this particular Central Government Posting Committee which brings confusion in the Public Service Commission, which eventually ends up in tribalism. Who heads the Central Posting Committee? There are particular characters in the Central Government Posting Committee who have interests to display, and instead of the Public Service Commission doing the work of appointments, promotions or dismissals, the Central Government Posting Committee, headed by, I think, the Director of Personnel, this body now uses the power of the Public Service Commission. Why should these two bodies really do the same job, and why should one be stronger than the other, when actually the Central Government Posting Committee is not a legally instituted body?

I call upon the Government to abolish this one. I am interested to see the Minister— I think the Minister of State in the President's Office is here. He should make note that I charge, right now, that the Central Posting Committee should be abolished with immediate effect, if we want unity, because this particular body brings about confusion; this particular body is the central root of tribalism. Of course, we are not the only country in Africa with tribes. We should be proud that we have tribes scattered all over Kenya; we should be proud that these tribes compose Kenya, and we should be proud that these tribes should serve Kenya. However, the services they should render to Kenya should be evenly distributed, and that the same services that the Government gives to them should be evenly distributed to them, regardless of ethnic origin because in Kenya, what matters is where you come from. If you happen to come from a particular place, which the Government is not in favour of, you will find that you are never given consideration on your merits. The usual merit is if you happen to come from Central Province. This particular merit comes from Central Province. Now, which God of justice made it that it is only people from Central Province that will have the merits, and the other places will have demerits? Where is it written in the book of law, that we can find this, and where is it written in the book of life that we should find this sort of thing?

Now, this should be abolished immediately and

we should then talk of Kenya as a body. Kenya has— —

Mr. Mwicigi: On a point of order, Sir. Mr. Speaker, Sir, is the present speaker not trying to propagate tribalism by pretending that he is condemning it; he keeps on repeating attacks on Central Province; why is he doing it— Could he substantiate?

Mr. Mbori: Mr. Speaker, Sir, I will, in short, do that right now. In the region of Ministries, let us find out how many Ministers have come from Central Province: they run between six and seven, out of 22 Ministers: Mr. Speaker, Sir, out of the 22 Permanent Secretaries, nine come from Central Province. Mr. Speaker, Sir, I would like to go on, and point out that right now, of the provincial commissioners, four or five out of seven come from Central Province. Now, is this not, out of my friend's position, is this not encouraging tribalism? I am not being a tribalist; all I am trying to point out is that we should look at Kenya as a prey which has fallen to be distributed evenly among the daughters and sons of Kenya, all over the country. This is what I am trying to say: I am not trying to quarrel with anybody. I am not calling anybody a tribalist; I am merely pointing out that this is an existing situation, and this situation, we would like to eradicate for the benefit of the whole country, and for the benefit particularly, of the common men who elected us, to this Floor, and who require careful, justified service, without consideration of ethnic origin, geographical origin or religious affinity: this one should be looked into, Mr. Speaker.

Now, to go on, Mr. Speaker, I would like to point out that when we have an educational system, centrally situated in Nairobi— Mr. Speaker, I have been a teacher for over 15 years, and I would like to point out that when the educational system is centrally situated in Nairobi, you may have an officer, well qualified to run this, but he would naturally have an interest in the place he has come from. When it comes to the distribution of pupils into Forms I, V, university and training colleges, very definitely, his interest would be displayed. This has been displayed in Kenya, and I would like to appeal to the Ministries particularly the Ministry of Education, that instead of doing this sort of thing, the services should be spread out in such a manner that the provinces, the headquarters of the provinces, serve their own areas, where we have educational representatives, particularly senior education officers instead of one particular place doing things for the whole country, which is too vast for it already. In some cases, the services of education, for

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example, placing of pupils into Forms I, V, university and training colleges, are now computerized. Now, what is the use of the heads of schools; what is the use of training colleges having principals? Why do we have them in those places; why do we not give them a chance to exercise their educational knowledge; why do we not give them a chance to exercise their academic achievements and why do we not give them a chance to exercise their responsibility, for which they have been appointed in those schools, Mr. Speaker? It is wrong, no doubt.

Why computerize, for example, the intake of pupils into Form I? Why should we not give the heads of schools— Incidentally, I should like to be parochial a bit, South Nyanza in this particular case, Sir, is very disadvantageously placed. You find they have nobody who serves in Nairobi, you find nobody from there who serves in the Teachers' Service Commission, you find that there is nobody who serves them at Kisumu, and as a result, my hon. Member for Kuria has pointed out that we have nobody to whom we can go for help. How are they going to remain like this? If you want that to come to me and if you want me to do it for you, surely it is a question of give and take. We have to get a gentleman's compromise, of give and take. It is only fair that we should compromise and especially when I consider that you and I are tax-payers.

Mr. Speaker, Sir, I would also like to point out another thing on the question of tourism and on this one the western Kenya and Nyanza have been very badly served. I hope the Minister for Tourism and Wildlife will see it fit to place tourist centres in western Kenya. Above all, Mr. Speaker, Sir, let us look at State visits into Kenya. Visitors all the time tend to go to particular places. In certain parts of Kenya the State visitors are never taken there. Mr. Speaker, this is really indicating that Kenya is divided into two; one part is favoured and the other part is not. This sort of thing does not bring any unity and does not help us at all.

Finally, Mr. Speaker, Sir, I would like to appeal to the Minister for Agriculture—

An hon. Member: He is not here.

Mr. Mbori: If he is not here I think at least there is a Minister who will take note.

The Minister for Agriculture (Mr. Nyagah): I am here.

Mr. Mbori: Thank you very much, Sir.

— To supply water especially in the rural areas. For instance, Oyugis, is where I come from.

The area is quickly developing institutionally, I mean schools and such like organizations—the area is quickly developing businesswise and in the absence of water the people who live in this area will suffer very much. Therefore, I appeal to the Minister for Agriculture to supply us with immediate effect a water system as good as can be found in Mombasa or Kisumu.

Finally, the Minister for Power and Communications, should remember that these days when you have no telephone or—

The Minister for Power and Communications (Mr. Ngala): I am here.

Mr. Mbori: Oh! He is here.

My hon. friend, I hope that you will take care that Oyugis area is served with a proper system of postal services, telephones so that the people there are not cut out of Kenya and world affairs.

With these few remarks, Mr. Speaker, Sir, I beg to support the Presidential Address.

Mr. Lotodo: Mr. Speaker, Sir, thank you very much for giving me this chance.

While appreciating what the President said on the 23rd of last month, I would like to start with school fees. Mr. Speaker, Sir, school fees has become a very heavy burden on the parents. Last year in some county councils, school children attending primary, were paying less than Sh. 50. However, this year, they are supposed to pay Sh. 72. Mr. Speaker, Sir, this is very ridiculous because Kanu, in its Manifesto, said that school fees were to be waived. Instead the fees are going up and up. Now, the question we meet, the question that is put to us when we go home is, "Was that just a mere way of having votes or what?"

I think the Minister for Education should at least do something so that fees are either reduced or got rid of completely. The Minister for Education is the one who is giving us a lot of trouble.

An hon. Member: Who is giving you trouble?

Mr. Lotodo: Mr. Kibaki.

Mr. Speaker, Sir, the President himself announced last year that those who were paying Sh. 24 for graduated personal tax would no longer pay. But now they are paying from Sh. 48 and over. Again it was last year when the "three big ones" were appointed and I think these were, Mr. Koinange, Mr. arap Moi and Mr. Kibaki to look into this but nothing materialized. I do not know where we are heading to.

Mr. Speaker, Sir, going to a place which is called Kara Pokot, we call it "Kenya Mpya". This was under the Uganda administration until

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July, last year. This "territory" is a semi-desert, just more or less like Turkana. It has seven schools which were boarding, when the Uganda administration was running it. But as soon as Kenya Government took it over these boarding schools were closed. The children who were in these schools had to go back to Uganda. Everybody moved from there to Uganda. Mr. Speaker, Sir, I do not know whether we want land or people. Sir, I happened to go there some time in December about two months ago. The administrator assigned to that area called Mr. Kambukie told me that I had no licence to go to the place which geographically speaking is in Turkana District, and the Member who is supposed to represent that area is me. I do not know how an hon. Member can represent an area, partly in one district and partly in another district.

Now, Mr. Speaker, there are also boreholes in the same territory all of which have ceased functioning. There is a man at Nakuru who is supposed to maintain these boreholes. I have called upon this man several times, but he does not want to do this. I have reported this to the Minister concerned. Mr. Wanjigi, who, of course, has taken the same trouble to tell this Nakuru man to go there and work on the boreholes, but the man does not want to go. I do not know what to do then. They are supposed to do these things but they do not want to do them and therefore, I do not know what to do. I think Government should either return this territory to Uganda or do what the people want because the people have no water, they have no schools, they have nothing! Mr. Speaker—

An hon. Member: What do you call this area?

Mr. Lotodo: It is called Kara Pokot. Another point, Mr. Speaker, Sir, is about provincial administration. You have heard a great deal from the previous speakers and I think the hon. Minister who is in charge of provincial administration and who is here should take this case seriously. These people do not take action when they are told something is wrong somewhere, neither are they ready to listen. Mr. Speaker, it was during our recess when the hon. Khalif appealed to the Speaker to call Parliament back and somebody refuted that the situation is under control. I wonder whether the hon. Khalif was merely claiming that his people had died when nobody had died at all. Mr. Speaker, I think the hon. Minister in charge of provincial administration should make the district commissioners stay in one station for about a year only and then after that change stations. I know of a district commissioner who has been in one station since 1965. This is too long for a district commissioner to be

in one station. He is not working now. He does not do administration work but only trades, building a very big building and going to Kitale all the time. This is very serious.

An hon. Member: Who is he?

Mr. Lotodo: He is Mr. Dash-Dash. I think the Minister knows him.

Finally, Mr. Speaker, Sir, I would like to appeal to the Minister for Education—

The Minister for Education (Mr. Towett): I am here.

Mr. Lotodo: Yes, I know you are there. Kara Pokot is a new place to us and as such he should put in more effort to see that the schools in that area function properly. The district commissioner there and the District education officer in West Pokot who is in charge of the area have written a report to the provincial education officer at Nakuru who is very stubborn and does not want to do anything about it.

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

MOTION FOR THE ADJOURNMENT

HOUSING FOR RESIDENTS OF PARKLANDS
CONSTITUENCY

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn. Mr. Kivuitu is going to raise a matter of a question which was not replied satisfactorily.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I beg to move that the House do now adjourn.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

Mr. Kivuitu: Mr. Speaker, I beg to move a Motion for the Adjournment on a reply which was given by the Minister for Housing to a question which I asked the other day and which appeared on the Order Paper. This was in regard to the housing problems in Parklands.

My Seconder will be hon. Karungaru and if there were a third, hon. Araru is there.

Mr. Speaker, Sir, the Ministry of Housing along with the Local Government—and since they are collectively responsible I do not differentiate between the two—have, I do not know whether deliberately but I intend to establish that it is by deliberate planning, left out the ordinary citizens of this country who live in Parklands with regard to their housing—problems. These problems are the fact that a servant in Parklands is supposed to be housed by his employer. His employer, according to a City Council by-law, is

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supposed to provide one room for his servant. As a result, because no employer in that area—because it is supposed to be the area for the wealthy—would be having one servant, they would normally have more than two servants. The consequence is that that particular room is supposed to be shared by two servants. Most of them are married and so you would expect to find two servants with two wives there. What privacy is there? These people are supposed to be indigenous citizens of this country. How are they going to get children if they live in such circumstances?

That is, really, the problem which is there. I notice that—

An hon. Member: Are you married?

Mr. Kivuitu: I am more married than you yourself.

Mr. Speaker, Sir, the next problem is that the reason why this Ministry has not provided these houses has never been clear. However, one of the problems which has been raised is that there is no Government land in that area. It is only in the Official Gazette dated 28th February 1971 where it is advertised that certain plots will be sold, in Parklands, to private individuals to build their own houses. They are getting these plots at the highest price of about Sh. 9,000. Why cannot the Ministry of Housing, through its corporations buy these plots and establish an estate there for these poor people so that they can live there? Why should these plots be sold while we know that they will be bought by those people who are rich? Why are they being advertised so that they may be bought by the rich people? Why cannot they provide houses for the ordinary person who is living there?

These people are supposed to be living in Embakasi, Kibera and Pumwani while their *bwana mkubwa* some of them who are rich people, some of them are, probably, Ministers and Assistant Ministers, expect them to be on duty at seven o'clock so that they can prepare their coffee, their tea and their heavy breakfast before they come to do their duties. How are these people supposed to come from Embakasi and arrive at their employers before Seven o'clock and prepare their fat breakfast? They are supposed to work until nine o'clock in the night. How are they supposed to travel from there at nine o'clock and go to Makadara? Do they have their own cars?

This is the problem. You have land there but you cannot build an estate for the people.

In 1970, on the 22nd of June, I wrote to the Minister for Housing giving him my proposals

for dealing with this problem. I said that one of the methods the Ministry could use was to insist, and have a law passed by this great Parliament of our country, that every person who builds residential houses there must make sure that he provides adequate facilities for the servant, by having two rooms. The building plan has to be approved by the City Council and the Ministry. I noted recently the Minister issued a statement that he is also going to approve them. In the building plan, there should be included a proviso that there must be adequate quarters for the servants.

However, the Ministry, after this long period, since the 22nd June, has never even had the courtesy to reply to my letter. I do not know whether I am supposed to go and kiss the Minister or somebody so that I may get these things for my people or what I am to do.

Mr. Speaker, these are problems which are obvious. While the Ministry is not building anything there for these people, they have estates in Kibera, Pumwani, Embakasi and all over. The reason why they have estates in those areas is because they are supposed to be areas for the poor and they want to reserve Parklands for the rich people. Why should we have this in a socialist country if we claim this is a socialist country? Why should we have that area provided exclusively for the people who are rich? The reason why they do not want these people, probably, is because they think they are carrying bugs with them and they think that if they live there they will spread mice and rats and everything else around there.

Mr. Speaker, Sir, these are problems which one day the Ministry will regret if they do not improve them now and this is the time. Instead of improving them they rushed about and kicked about the shanty dwellers as if they have somewhere else to live.

Mr. Speaker, Sir, my reason for raising this matter is first because the Ministry has never reacted to my letter which I wrote to them on 22nd June 1970. Secondly, Mr. Speaker, is because when they come to reply to questions here they just reply as if they think that we are living in their own country and as if we are not living in the country of the *wananchi*. They are no more *wananchi* than others.

With these few remarks, Mr. Speaker, I beg to Move and Mr. Karungaru is seconding it.

Mr. Karungaru: Mr. Speaker, Sir, we are now discussing a very sensitive problem in that, Mr. Speaker, we have already come to know that our own Minister who has been known in this country as a very famous Minister— There

[Mr. Karunguru]

was a time when we used to call him *Bwana Mashamba* and now he is losing his title because he has hopelessly failed to take care of the people who were singing for him. These are the same people who after having sung *hallelujah* to our Minister, will change the chorus and they will sing another song which will be for his downfall. Mr. Speaker, Sir, when we face the truth we are told that "these people are controversial this way or the other". We are never controversial but we are being provoked by the people who are supposed to take care of *wananchi* when we advised them. Surely, nobody can fail to know that from Parklands to Eastlands is a distance of more than six miles. Surely, you cannot expect a person whose salary is—call it wage—whose wage is below Sh. 200 per month to leave Makadara or leave Maringo by bus everyday, and I am sure they are not provided with bus fares from Parklands to and fro to make it a double journey. This is completely a thing which we cannot excuse the Minister in charge of Housing for.

Mr. Speaker, Sir, we are told that there is no land in Parklands. Where did those people who are now living there get land from? Did they come with land? When they landed in this country, did they also land with land? The answer is "No", with capital letters. Now, to make the matter worse the Minister who is well familiar with the usual problems of accommodation in Nairobi and who pretty well knows the problem which is now facing the country goes on to say that we are going to demolish all the slums because of the tourists. After all, who are the tourists? Did they vote for us? Did they, Mr. Speaker? If they did not, then I fail to see the logical argument the Minister has.

Mr. Speaker, Sir, there is what we call a sewage treatment plant at Kariobangi. People who are living at Outer Ring Road Estate—perhaps that is the reason why people cannot get a place for houses in Parklands—today they cannot eat their dinner because the place smells like what I do not know. Water treatment which is not covered is near them and at night, surely they cannot sleep unless they cover the whole body and probably even mouth. This could be one of the reasons why a plot or an area cannot be allocated for African houses in Parklands where foreigners are living—including black capitalists.

Mr. Speaker, Sir, we are now beginning to see that our people can fail to provide services for our own people and that they can very much take care of the foreigners. This is a great shame

on our side if this is the case and this is a challenge. Mr. Speaker, Sir, how is it that it is only the Africans who are the victims of everything. Africans are the victims of accommodation, Africans are victims of employment, Africans are victims of business; Africans are victims of almost everything. Did they wrong God, Mr. Speaker, Sir? That is the question. That is why even foreigners are telling them to apply *Ambi* chemicals on their skins so that they may look more white and be considered by God. Perhaps God made a mistake, Mr. Speaker. This is the question, Mr. Speaker. Surely, when we speak the truth we are told that we are controversial; controversial in what sense? One day the same people will say, "Now gentlemen, we are getting tired because our case cannot be given any hearing." Now, we are telling the Minister for Housing to adjust his own position because we know him as a famous politician and a good man. But, gentleman, do not cover the gun of those people who would like your name to disappear by saying, "Well, the Minister for Housing cannot provide houses for our indigenous people." Instead, now you hear that the plots are being sold. Those plots are more likely going to be bought by non-citizens. This is more likely Mr. Speaker. If they are not going to be bought by non-citizens, they will be bought by black Africans who are also taking the positions of the foreigners who have been milking this country. Mr. Speaker, Sir, I do not wish to quarrel with the Minister whom I respect very highly but I have been charged with a responsibility and if I do not quarrel with this Minister while on the Floor of the House, then it is very likely that my constituents will come out and say, "We gave you the mandate to go and argue our cases. What have you done?" They will further ask me, "Did you really argue our cases?" That is why I want to argue their cases so that if the Minister does not give consideration to our views, then one day he will be on the carpet, not the Member for Embakasi.

Since I would like to give other Members an opportunity to contribute to this debate I will stop here. With these few remarks, Mr. Speaker, I hope the Minister will take note of what we have said and look into the matter.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I rise to say that the Motion by the Member for Parklands which arose as a result of a reply by my Assistant Minister is in order. I have no quarrel with that at all. He intends to see that the people he represents get a fair deal as far as housing is concerned. I wish the hon. Member for Parklands could take the line

[The Minister for Housing]

problem he came to see me. Actually he came to see me today and I told him to come and see me tomorrow in the company of his elders. This is a very simple question.

We do not have to talk about tourists, which I never spoke about. I spoke about cleanliness which is very important and which the hon. Members of this House want to see done as far as housing is concerned. The hon. Member for Embakasi has just been talking about smells. He knows only too well that in 1969 I was trying to move that village from the vicinity of the treatment works but it was the councillors—one or several of his colleagues in the City Council—who refused that this should be done. They said once the people stayed there for a week they got used to the smells. In other words the smell became like scent, like *marashi*.

Therefore, it is very difficult to decide what to do. One has good intentions to do something in 1971 and he is denied the right to do so, he is denied the right to proceed, and then in 1975 an hon. Member who was a councillor happens to become a Member of Parliament and shouts about the very same thing I could not do in 1971. However, I have no quarrel right now, I am only waiting to see what the hon. Member for Embakasi will say when 5,000 units will go up in his constituency in the very near future. In a few months' time he is going to have 5,000 units of well designed houses in his constituency and I will then wait and watch to see what his reactions will be at that time.

Coming back to the hon. Member for Parklands, the hon. Kivuitu. I would like to think that perhaps he did not understand the intention of the Assistant Minister who gave the reply. However, there are two fundamental facts that the hon. Kivuitu must understand, especially since he is a lawyer. The first one is part and parcel of cherishing Kenya's Constitution, where private property is respected. He is also very well versed with the Rent Act which says that if anybody who is residing in a dwelling house has the following conditions to complain about, then he should file a notice of complaint with the Rent Tribunal. I do not want to say anything but I am surprised that a lawyer should really have overlooked such a simple matter as this one.

Mr. Kivuitu: On a point of order, Mr. Speaker, I think the Minister is getting out of the relevant issue and I would like your guidance in this since there is nothing about landlord/tenant relations in this matter.

The Speaker (Mr. Mati): It is only a question of building houses, really, Mr. Ngei.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I think I am right because the hon. Member raised the question of two people staying in a one-bedroom house and he said that if such position arises, then he can complain to the Minister. This is what I am referring to. I think I am right.

Mr. Kivuitu: No, you are not.

The Minister for Housing (Mr. Ngei): Mr. Speaker, if the hon. Member who is supposed to be the right voice of his people could go to his constituents and say, "Well, if somebody tells you that two families should live in one room, come and report to me and I will take the matter up", things will be done swiftly because that is provided for in the law.

On the question of putting up houses, we have a problem. The hon. Member quoted from a gazette which sells plots. It may be one from the Ministry of Lands, I do not know. Why did the Member not go to the Minister and say, "Mr. Minister, I have this land which is being advertised. Can I not have it for my people so that I can see that houses are built for them?" That will be easy because the answer will most probably be, "Yes". I cannot in the modern, architectural standards start putting up those little roofed houses they have in England for servants. I cannot do that because that is not right. There must be provision for primary schools, for nurseries, for playgrounds, for beautiful trees in the estates that are being developed today. Of course, he cannot have everything in the way he wants it done as for his house, the new house which perhaps he is thinking about. I will not mention where this house is to be because he knows where it is. Therefore, the boulevards should not really come in. I am wondering why the hon. Member is trying to build a house in a privileged place rather than near his *wananchi*.
Sir—

Mr. Kivuitu: On a point of order, Mr. Speaker, the Minister is trying to run away from the Motion. He is just keeping on talking of things which have no relevance to this matter. Does he want us to go into his private affairs? We can do so because we have a lot of information there.

The Speaker (Mr. Mati): Mr. Ngei, there is no need for you to introduce irrelevant matters like Mr. Kivuitu's house; that has nothing to do with what we are talking about.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I adhere to your ruling. I want to be a

[The Minister for Housing]

gentleman Minister and I want the hon. Member also to be a gentleman lawyer as he is supposed to be.

Coming back to his Motion, I have no quarrel with it at all. All I can say is that the Government and the Ministry will do everything possible to see that he acquires land as near to Parklands as possible. However, at the moment we cannot do that because the property rights have to be defended. Everyone has his own individual plot and I cannot go and build houses there.

If the hon. Member will remember, I made a statement that I was very much concerned for the people who were on the lower-wage group, working at Kenyatta Hospital and having to travel all the way to Eastlands, paying at least Sh. 2 per day when their salaries were very low indeed. I said I was going to start a scheme near the Kenyatta Hospital for these people so that they could live there. Government was very much concerned about those people who had very little money to spend on travelling right up to Eastlands. That is why now there are estates in Langata, Kibera near the golf course where I have taken some part of the golf course to build houses. I am going to build houses on the land that I have cut off from the golf course. You have seen the mushrooming of houses for the *wananchi* in the lower-wage group, who have to travel all the way down to Eastlands at the end of their day's work, paying Sh. 2. Yet the richer people like the hon. Kivuitu—unless he can prove he is poor—live in Muthaiga and pay only 10 cents when they derive all the benefit.

Sir, the matter is under control and I can assure the hon. Member that I share his sentiments, that we should really cater for the *wananchi* who are less fortunate. However, circumstances being what they are in Parklands, it is impossible for me to encroach on private land and start putting up houses just like that.

There is also another scheme scheduled for Parklands. I can assure the hon. Member that I will take this matter seriously and see whether I can get some land around Parklands, but not inside Parklands to put up some decent houses there for the *wananchi*.

I am very grateful for the remarks which have been made by the hon. Karungaru and I would like to assure the House that we shall give service where it is needed. We serve not for the sake of name but for the sake of providing a service to our brothers and sisters, the *wananchi*. Very soon the Government will be putting up a lot of projects which are being processed at the moment. As the hon. Karungaru knows—he is nodding his head which means, I suppose, that he does

know—we are really dealing in major housing programmes which will come out very soon.

I would like to assure the House that the Government will not tolerate any haphazard building and we must see that the *wananchi* get a fair deal.

With these few remarks, Mr. Speaker, I assure the House that I will do my best to live up to the expectations of the hon. Member for Parklands.

Mr. Araru: Mr. Speaker, the question as stated by the Mover of this Motion is very clear. We know what the people of Parklands need. If the question was replied to in the way it was by the Assistant Minister—as we have just been informed by the Minister—perhaps it was not very satisfactory. So it is easy matter for us to accept that the Minister will put up some houses in Parklands.

We are representatives of the people of this country. If every hon. Member brought his difficulties to this House and these were not heeded by our Ministers—people who have been elected—then what would be the use of the whole thing? The Minister knows what he does for his own constituency after he has been approached by his people. I know he has done several things in Kangundo. He does these things for the people who have asked for them as he is the Member of Parliament for that area.

We do not want to challenge other people and discriminate. Those people in this country who ruled us by force did this. They built houses for our people in the African locations, down in Doonholm Road. Up to now the majority of our people live there. We are now independent. Many of our people stay down there although a few stay in Kilimani area. Those few have come from the other areas, they have left those areas and come to these better places. I was in Kariobangi and I could see people coming out of their houses at about three o'clock at night because they had to start for work then. If any hon. Member comes to that area at two o'clock—in this African location—he will see human beings travelling at that time. Some go by bicycle and others walk. In some cases they use the *Mataiu* cars. These people are travelling at three o'clock when some of us are having a good sleep. This is a serious case, Sir.

The Government knows clearly that there are no houses in Nairobi, even shanties which are put up by the poor people are pulled down as soon as they go up. The poor people have to walk great distances while the rich do not. Yet the rich people cannot provide houses for the poor.

[Mr. Araru]

I heard the Minister ask the Mover why he did not take the matter to the Tribunal. It is not a question of the Rent Tribunal, it is a question of providing houses for the poor people. It is for the City Council and the Ministry of Housing to put up houses for the people so that all the employees can live in houses which are comprised of two rooms, a kitchen, a bathroom, a toilet. This will be a good idea. That is far better than asking the Members to come and see the Minister in his office.

Mr. Speaker, this is a serious case, particularly in regard to the City of Nairobi. Every-

where the *wananchi* are struggling because they do not have houses. We are here to give the Ministry of Housing the power to build houses for the *wananchi*.

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

ADJOURNMENT

The Speaker (Mr. Mati): It is time for interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 3rd March, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 3rd March 1971

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 60 (1284)

ESTABLISHMENT OF POLICE STATIONS—MUTITO AND ENDAU

Mr. Kitonga asked the Vice-President and Minister for Home Affairs if he would tell the House what action the Ministry had taken for the proposed establishment of police stations at Mutito Divisional Centre and Endau border of the Garissa and Galole districts.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. It is not correct for the hon. Member to state that there are proposals for establishment of the police stations at Mutito Divisional Centre and Endau border of the Garissa and Galole districts, but it is correct to say that proposals are in existence for the establishment of police posts in the areas in question. However, as the hon. Member may be aware, our action is dictated by the number of much higher priorities there are in the Republic and the funds made available to the Ministry. May I assure the hon. Member that when these proposals rank with other top priorities, immediate action will be taken with a view to seeing their construction work commenced.

Mr. Kitonga: Mr. Speaker, Sir, according to the Assistant Minister's reply, I think he did not get the proper reply to my question. Sir, it is well known land has been given at Mutito Divisional Centre—it was given two years ago—for the police station; it was given to the Government. Now, if there were no such proposals that land would not have been given. I would like, Sir, the Assistant Minister and the Government as a whole to know that—

The Speaker (Mr. Mati): Order! Order! If you have no question, will you sit down please?

Mr. Kitonga: If you will excuse me, Mr. Speaker, Sir, I will try to shorten my question. Mr. Speaker, Sir, would the Assistant Minister tell, or guarantee to the people of Kitui East that the question of security will be looked into since there is no near police station and, as we know, fights occur every now and then between us and the neighbouring tribes? Also, Mr. Speaker, Sir, it has been stated in this hon. House—

The Speaker (Mr. Mati): Order! Order! Mr. Kitonga, will you sit down please? You have already asked your question.

Mr. Kitonga: May I, finish Sir?

The Speaker (Mr. Mati): No, that is sufficient.

Mr. Matano: Mr. Speaker, Sir, we have not denied there is need for a police station in this area; there is a need. However, like everything else, it has to be looked at and compared with other needs in the Republic. This, also, is conditioned by the fact that there is or there is no money to build the police station. However, as I have said, the need is there and we know there is a piece of land there. As soon as we have enough funds, then we shall, certainly go ahead with the building of the police station.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House the qualifications which warrant a particular place to get the top priority?

An hon. Member: Hear! Hear!

Mr. Matano: Well, the conditions are easy to know; one only needs to use common sense. There must be a need, there must be a demand for it, and if we feel that the demand is great enough, compared with other places, and it warrants a police station, then that is the time we build it. However, Mr. Speaker, Sir, the conditions can be understood through use of sheer common sense.

Mr. Nthenge: Mr. Speaker, Sir, can we know the distance between the police stations which now exist in Kitui and Garissa and Galole districts? Can we know the distances between the nearest police stations in these districts?

Mr. Matano: Mr. Speaker, Sir, I do not have the figures, but when we make up our minds to build police stations, we do not go to the areas concerned and measure distances. First of all, there must be a demand. If there is a demand for a police station, then a police station is put there. It may be a short distance or a long distance. It all depends on whether there is a need for a police station.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Assistant Minister says, that it depends on demand, may we know from him whether when there is a demand for administration, there is no demand for police? That is, Sir, having a district officer somewhere and yet there are no police.

An hon. Member: Tell us why?

Mr. Matano: Mr. Speaker, Sir, there are lots and lots of places (Inaudible.)

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

bomas. For instance, I can recall one or two where a district officer is stationed and yet there is no police station. A police station has a job to do. We do not just build police stations for the sake of building them! There must be a demand and need for a police station. Also the police—

Mr. Kitonga: On a point of order—

The Speaker (Mr. Mati): Order! Will you sit down, Mr. Kitonga?

Mr. Kitonga: Mr. Speaker, Sir—

The Speaker (Mr. Mati): Will you sit down?

Mr. Matano: We all know the work of a policeman. We all know the work of a police station, and unless there is a need—not only that; also money available—for building of a police station, we cannot build one. So there are many conditions which must be taken into account before a police station is built.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply that there must be a demand, can he deny that one of the demands is frequent killings? Therefore, Sir, does Mutito not qualify because there are a lot of murders at the moment? Would he deny this?

Mr. Kitonga: There are many murders!

Mr. Matano: Mr. Speaker, Sir, I would like to repeat what I said earlier. I said that we know there is a demand there, we also know that land has been set aside for the building of a police station. We realize and accept that fact. Now, what is holding up the building of that police station is the availability of funds.

Question No. 83 (1336)

APPOINTMENT OF KENYA ENVOYS

Mr. Nthenge asked the Minister for Foreign Affairs if he would tell the House—

(a) the special qualifications one must have to be appointed to the top post of a Kenya envoy, such as the High Commission in London; and

(b) why the civil servants are getting political appointments while the outstanding politicians are unemployed.

The Minister for Foreign Affairs (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. (a) The appointment of Kenya envoys overseas, just like the appointment of Ministers and Assistant Ministers of the Government of the Republic of Kenya, is the prerogative of His Excellency the President.

In his considered opinion, I am sure he

appoints the people who are loyal, dedicated, competent, hard-working, knowledgeable and able to represent Kenya's interest overseas.

(b) On the second part, the appointments are offered to Kenyans, not necessarily to the politicians or civil servants.

It is my humble submission that the hon. Member should accept that we are all one, and whoever is competent to represent Kenya's interest abroad should be given the opportunity to do so, and the country should be given the opportunity to enjoy the services of such officers.

To divide Kenya's representation abroad between the civil servants and politicians is to deny the country the services that a competent man can give to Kenya.

If there are politicians who are unemployed they should look for jobs. They must not, for one moment, think that becoming ambassadors overseas is necessarily the only way of serving their country when they have failed to serve it in other ways.

Mr. Speaker, Sir, the prominent politicians are in this House; and I did not know that there are any prominent and successful politicians who want to become ambassadors overseas. If there are any, Mr. Speaker, let them inform me and we shall do something about it. Otherwise there are other politicians who fail to get into this House and, to my mind, those are not successful or prominent politicians. Those are the politicians who fail and the Ministry of Foreign Affairs is not a depository for failing politicians.

However, Mr. Speaker, Sir, there may be a few politicians who did not enter this House and His Excellency the President thinks broadly about these things; he uses his wisdom and he is quite free to appoint any politician who is not necessarily in this House but who is very capable of representing this country abroad.

At the same time we have career diplomats, who are very highly trained as diplomats to represent Kenya, and these days we appoint very few politicians. We are moving towards the policy of career diplomats.

Thank you, Mr. Speaker.

Mr. Nthenge: Mr. Speaker, Sir, is it not true that the President is quite open to the advice by his own Ministers, particularly the one who is responsible for this particular Ministry, and it is very probable that he got a piece of advice, for example, on the London appointment, as we know the Minister for Foreign Affairs happens to be a brother to the person appointed?

Dr. Mungai: Mr. Speaker, Sir, I do not think the President has such a weak mind that he can be manipulated by the Minister for Foreign Affairs or any other Minister for personal benefits.

The President of the Republic of Kenya is a man who is trusted by you people in this House and by the people outside. I take it that his decisions have to be respected and we have to support whatever he decides to do.

The President of the Republic of Kenya is not only advised by the Minister for Foreign Affairs, but is also advised by many other Ministers. In fact, the groups in here have been to the President to ask him to appoint certain people, whether they are brothers or not. Anybody can advise the President of the Republic of Kenya, but I assure you that, finally, the wisdom and strength of mind of the President of the Republic of Kenya will stand.

Mr. Migure: In his reply, would the Minister for Foreign Affairs be specific and tell this House how His Excellency the President of the Republic of Kenya will know that Mr. "X" is competent? There are so many civil servants and we want to know the procedure he follows. Do these people apply to the President, or who gives the recommendation to the President that So-and-so is competent?

Dr. Mungai: First of all you have the career diplomats who are already working in Government. It is very easy to know who is competent among those who are working for Government in the Ministry of Foreign Affairs or any other Ministry. It is very easy.

Secondly, I believe right now we have only two political appointments in embassies overseas. Those are known quite well by all of you. One of them has been a Minister of this Government and he has been a Minister of the Community, and his competence cannot be questioned by anybody. The other one has been very competent and has done very well. His competence can also not be questioned by anybody. The President has many ways of knowing who is capable, competent, loyal, dedicated and hard-working in Kenya. He does not have to be told by one particular individual.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, is the Minister not contradicting himself and, in fact, misleading the House since he said earlier on that the Government does not take on failures—or rather those who have been rejected by the country—to be posted overseas as envoys, whereas he has just referred to a particular gentle-

man who tried twice and failed as a politician? Is he not contradicting himself?

Dr. Mungai: Mr. Speaker, Sir, I said that as a general case the Ministry of Foreign Affairs is not a depository for failing politicians. However, I qualified that by saying that there are some people who were in this House who are very capable and competent, and this nation should not be denied the services of those people just because there was one better than many who got into this House. The other one is just as good. He may not be as good as the one who is in this House, but he is quite good and he should serve the nation. Since he served the Community before, and the East African Community found him very efficient, and also served the Kenya Government and was found to be very efficient and good, I am sure he will also make his mark overseas.

The Speaker (Mr. Mati): Next question.

I understand the Minister who is going to reply to this question has not yet arrived. So we move on to the next question. Mr. Mulwa?

Question No. 57 (1281)

UTILIZATION OF ATHI RIVER WATER FOR IRRIGATION

Mr. Mulwa asked the Minister for Agriculture if he would tell the House whether he had any plans for starting a scheme designed to utilize the water in Athi River for irrigation purposes in Ukambani.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The Ministry has no plans for starting an Athi River irrigation scheme as referred to by the hon. Member because the valley is quite unsuitable to any large-scale irrigation. There are, however, small patches of land which could be irrigated by pumping. This type of irrigation can only be done on an individual basis, and should there be any individuals who would like to undertake irrigation of this type our officers in the Ministry will only be too glad to provide the technical advice needed; and if need be, perhaps, the Agricultural Finance Corporation Loan Fund may be made available.

Mr. Mulwa: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that Ukambani, as a whole, where this river passes through is a very dry area, does this Assistant Minister not feel that it is Government responsibility to see that this water is utilized—instead of letting it pass all the way to the Indian Ocean—by encouraging large-scale irrigation? They could help instead of merely saying that

[Mr. Mulwa]

they are going to leave it to the individual farmers.

Mr. Wanjigi: It is one thing to have the water and the other to have the kind of irrigable land, and these two must be available before one engages on large-scale irrigation. As I have said, the findings that we got for the entire valley do not justify investment into a large-scale irrigation.

Nevertheless, if there should be a small-scale irrigation attempt or proposal we will only be too glad to look into that.

Mr. Mutiso: Mr. Speaker, Sir, is the Assistant Minister not aware that the valley he has referred to is only high as you go down further along the Athi River, but it is very much lower at the upper course, say from Donyo Sabuk, where Government can take water from and irrigate the low land in Ukambani rather than saying that the valley is too high and that it will not be economical?

Mr. Wanjigi: Mr. Speaker, Sir, I did not say that the valley was too high; I think the hon. Member must have misheard me. I said it is unsuitable for large-scale irrigation.

Mr. Munyasia: Mr. Speaker, Sir, may we know from the Assistant Minister what he means by unsuitable? The main question, Sir, is this: Who took a keen interest to investigate how the river flows as far as Kibwezi—who, actually, took the initiative to investigate the source of the river?

Mr. Wanjigi: Mr. Speaker, Sir, I am sure the hon. Members who are asking these questions know only too well that there is very extensive agriculture and farming along the whole of that valley, and the soil types and profile is very well known around the entire basin.

Mr. Muturia: Mr. Speaker, arising from what the Assistant Minister is telling the House, may we know the results of the soil analysis taken along the Athi River, as a result of which it was decided that irrigation is not possible?

An hon. Member: Yes, tell us.

Wanjigi: I think, generally, Mr. Speaker, there is no depth of soil to justify large-scale irrigation. You will find pockets of land where the sub-soil would admit irrigation, but there is a general underlying of rock and, therefore, any large-scale irrigation is not possible.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would the Government be in a position to help some individuals who would be ready to take up the question of irrigation, as per his reply?

Mr. Wanjigi: Yes, we would be very glad to help.

The Speaker (Mr. Mati): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 57: UTILIZATION OF ATHI RIVER WATER FOR IRRIGATION

Mr. Mutiso: On a point of order, Mr. Speaker, if the hon. Member would allow me, I would like to pursue this question on a Motion for the Adjournment.

The Speaker (Mr. Mati): No objection, Mr. Mulwa?

Mr. Mulwa: I have no objection, Mr. Speaker.

Question No. 69 (1311)

POOR PRICES PAID BY KENYA CO-OPERATIVE CREAMERIES

Mr. Marete asked the Minister for Agriculture if he would tell the House whether he was aware that the people of Meru were disappointed with the Kenya Co-operative Creameries, Kiganjo, for the poor price which the Kenya Co-operative Creameries paid to the farmers at 15 cents per pint of milk.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The current price of milk paid to producers by the Kenya Co-operative Creameries is the same throughout the Republic; at present, it stands at Sh. 2/80 per gallon. The price per pint on that basis, would, therefore, be nearer 35 cents and not 15 cents as the hon. Member alleges. If the Meru farmers get less than that, the reason can only be due to the various deductions made by their co-operative societies, and this is not a matter of the Kenya Co-operative Creameries.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, when I brought this question, Sir, the price of milk in Meru, which, of course, has to be transported to Kiganjo to the Kenya Co-operative Creameries' factory, was 15 cents. Now, because the price has already been raised, who will pay the loss which the people of Meru suffered during those months before the price was raised?

Mr. Wanjigi: I do not think there is any question of a loss, Mr. Speaker. The price that was offered was the price we could pay at that time and I remember very well, Mr. Speaker, that this was why Government was very determined to rationalize the marketing system in Meru so that farmers in the rural areas can benefit from the industry.

Mr. Mwithaga: Would the Assistant Minister tell the House whether there are plans by Government, or intentions, for that matter, to move closer to the Meru people by establishing a Kenya Co-operative Creameries factory in Meru Township, an additional one since the one at Kiganjo, is a long way away?

Mr. Wanjigi: The question of Kenya Co-operative Creameries' factories, Mr. Speaker, is constantly under review, and is entirely based on the availability of milk for processing; it is not based on one's own geographical distance from or to a particular part.

Mr. Muturia: Mr. Speaker, I wonder whether the Assistant Minister is aware that this price confusion is caused by the Kenya Co-operative Creameries trying to close down the factory which used to process and sell the milk locally, so that the surplus is taken to Kiganjo; is he aware of this?

Mr. Wanjigi: No; I think, Mr. Speaker, the hon. Marete was referring to the price that was being paid before the rationalization of the Kenya Co-operative Creameries' distributing system. As far as I am aware, since then there is no confusion.

Mr. Mwithaga: On a point of order, Sir. When the Assistant Minister was replying to my supplementary question, he referred to distance and the availability of milk in Meru. Now he is comparing the geographical situation; now, would I be in order to ask whether by that statement, he means there are no cattle in Meru?

The Speaker (Mr. Mati): No, Mr. Mwithaga. He said this whole question is constantly under review, and so that includes Meru.

Next question; Mr. Okudo.

Question No. 77 (1320)

ALLOCATION OF PLOTS IN SIAYA DISTRICT

Mr. Okudo asked the Minister for Local Government if he would tell the House—

(a) since the inception of the Siaya District, about four years ago, and the dissolution of the former Kisumu County Council, what system he has employed in allocating new plots in the markets in Siaya District, with special reference to Boro Division; and

(b) how many plots have been allocated in Siaya Township and how many in Boro Division markets.

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

(a) The system of allocation of plots in Siaya

District has not been changed. This has always been the responsibility of the allocation committee, which consists of the district officer of the division as chairman, and members include the chief of the respective location, an officer representing the clerk of the county commission, the county marketing inspector and the secretary of the respective local commission.

The preparatory commission confirms the deliberations of the plot allocation committee.

(b) Siaya has not been declared a township, and the Commissioner of Lands has not approved the development plan for the township. Siaya has existed as an unsurveyed county council market and the council demarcated 41 plots for allocation and 40 of these have already been allocated to traders.

There are 34 markets in Boro Division and 455 plots have been allocated in all these markets.

Mr. Okudo: Mr. Speaker, Sir, arising from the answer from the Assistant Minister, could he tell us who are those people who have been allocated the 40 plots in Siaya District, because we are not aware of this, and also whether these plots have been allocated or they have been taken by the chairman—the so-called chairman—and the representatives of the Commission in the area?

Mr. Munoko: Mr. Speaker, Sir, the hon. Member can get all the details he wants from the register which is kept by the county council.

As to the second part, Sir, the chairman of the allocation committee is the divisional district officer and I doubt that he could have taken all the plots.

Question No. 65 (1291)

LAND REGISTRATION IN CHANGARA SUB-LOCATION

Mr. Ebu: Mr. Speaker, Sir, before I ask my question I would like to point out that there is a typographical error which needs to be corrected. In the second line the word "areas" should read "area".

Mr. Ebu asked the Minister for Lands and Settlement if he would tell the House, in view of the fact that the only security a poor man in the rural area could offer to get a loan was a land title-deed, why land registration has not been effected in Changara Sub-location.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. Changara Sub-location in North Malakisi Location of Bungoma District is one of the 16 sub-locations in Bungoma District in which land adjudication and registration work is scheduled to be in progress now. Despite the fact

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that the sub-location was declared an Adjudication Section on 25th September 1969, work has not yet started there because, although the majority of the people in the area are Balago, Teso and Bukusu are willing to have their land adjudicated and registered, there are certain administrative problems. It is hoped that these difficulties will soon be overcome.

Mr. Ebu: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that Changara Sub-location is inhabited by the Teso, Bukusu and Balago, in that numerical order of superiority, and that some politicians from the Balago minority have gone around telling people not to register their land until such time as a new divisional headquarters is established in which they hope to have a controlling say in all matters, particularly those concerning land?

Mr. G. G. Kariuki: Mr. Speaker, we are aware of that and that is why I said there are administrative problems. These are the difficulties I have just mentioned.

An hon. Member: How are you going to overcome them?

Mr. Muturia: Arising from what the Assistant Minister said, is he aware that the administrative problems emanate from the fact that he does not have enough surveyors for demarcation and that is why there is delay in land registration all over the country?

Mr. G. G. Kariuki: Mr. Speaker, that is not the case. The position is what has just been mentioned by my friend; it is not the question of surveyors but there are certain politicians who are trying to confuse the people there.

Question No. 81 (1326)

HOT DRINKS FROM POTATOES

Mr. Muturia asked the Minister for Commerce and Industry if he would consider inviting outside investors to build a factory for hot drinks, for example, whiskies, from potatoes in Kenya.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Speaker, Sir, I beg to reply. The Ministry is already holding discussions with some of the foreign investors trying to interest them to consider the establishment of a project in Kenya for the manufacture of alcohol and other chemical extracts from molasses but not from potatoes.

Mr. Muturia: Mr. Speaker, Sir, arising from that semi-satisfactory answer, that there are some

foreign investors at present in the country trying to manufacture hot drinks here, is the Assistant Minister trying to tell the House that potatoes cannot produce hot drinks when we know there are other countries doing this?

Mr. Wood: Admittedly, Sir, potatoes can produce hot drinks as the hon. Member says, but as I have already answered, our Ministry is trying to find ways how to utilize molasses.

Mr. Wachira: Mr. Speaker, Sir, would the Assistant Minister assure this House that when these investors are interested he will ask them also to consider bananas because bananas are available all over the country?

Mr. Wood: The answer to that is, perhaps, "No".

Mr. Ogalo: Arising from the Assistant Minister's reply when he says that they are considering bringing in some investors to make hot drinks like whisky and others, what about *chang'aa*? Would they also consider manufacturing *chang'aa* here?

Mr. Wood: Mr. Speaker, Sir, everything is possible when the due time for it comes round. Perhaps everything that the hon. Member asks may be possible in good time.

Question No. 80 (1325)

SECURITY AT MALINDI AIRPORT

Mr. Tuva asked the Minister for Power and Communications if he would tell the House why there was no security at the Malindi Airport and yet any foreign chartered planes could land there.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. I wish to inform the hon. Member that it is not correct to say that there is no security at Malindi Airport.

The Airport itself is policed by Malindi Police Station and special precautions by the police, Immigration and Customs Departments are taken when any foreign chartered aircraft lands there.

Advance notification of a foreign aircraft landing is given through the Area Control Centre of the Directorate of Civil Aviation and the Duty Air Traffic Control Officer in the tower at the Airport.

Mr. Tuva: Mr. Speaker, Sir, is the Assistant Minister aware that on 3rd July 1970 Dr. Kach Kruger landed at Malindi Airport and he had to go to town to look for the Immigration and Customs people and some person who would receive the landing fees?

Mr. Onamu: I am not aware, Sir.

Mr. Tuva: If the Assistant Minister is not aware, what is he going to do to get the landing fees from Dr. Kach Kruger who is in Germany today?

Mr. Onamu: May I, Mr. Speaker, add this to what I have said. If a foreign aircraft is registered in a friendly state, a state which has been registered by the International Civil Aviation, no special permission is required for entry into Kenya providing that no traffic rights are involved.

Charter aircraft carrying passengers would normally involve traffic rights.

Generally, aircraft from abroad cannot land at Malindi for customs purposes, but charter aircraft going to land in Somalia are permitted to land at Malindi for customs purposes, provided they have given a 24 hour notice of departure and a 2 hour notice of arrival.

It is possible that foreign-registered chartered aircraft may land at Malindi having cleared customs and immigration at an international airport, for example, Nairobi and Mombasa.

Special precautions means that the police service is made available, and if necessary police processes the immigration formalities.

Mr. O'Washika: Mr. Speaker, Sir, although the Assistant Minister tried to give a lengthy answer, which I was not interested in, the question asked by hon. Tuva was to the effect that the Doctor who had landed at Malindi Airport has now gone to Germany, and he is supposed to pay a landing fee. How is that particular Ministry going to recover that money from this man who has gone to Germany?

We do not want your lengthy reply.

Mr. Onamu: Mr. Speaker, Sir, I have said that my Ministry was not aware of this. We will look into this matter.

Mr. Kadir: Mr. Speaker, Sir, now that you have heard the Assistant Minister say that no aircraft will land in Malindi before it gets landing clearance, before it clears everything elsewhere, and we have also heard that the gentleman in question has not paid landing fees, what arrangements is the Ministry going to make so that they can recover the money from that man?

Mr. Onamu: I said we will have to investigate this matter to find out whether what the Member said is true or not.

Question No. 34 (1251)

PUBLICITY FOR WESTERN PROVINCE AFFAIRS

Mr. O'Washika asked the Minister for Information and Broadcasting if he could tell the House why political and administrative activities in the Western Province were not given publicity by the Voice of Kenya.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I beg to reply. As far as I know, all newsworthy activities, be they political, administrative or otherwise in the Western Province have been publicized by the Voice of Kenya.

Mr. O'Washika: Mr. Speaker, Sir, in view of the reply given by the Assistant Minister, does he agree that last year the hon. Makone came to Kakamega on a tour and when he made a visit of that particular province he also admitted that Western Province was not given its due publicity as far as political and administrative activities in the province were concerned? He said that Eastern Province, Coast Province and Nyanza Province were given more publicity than we, in Western Province, get.

Mr. Kase: Mr. Speaker, I am aware of complaints from every province in Kenya saying they do not get enough publicity over the Voice of Kenya. Now, if this is a complaint from every province, I do not know what we are going to do!

Mr. Araru: Close down!

Mr. Kanja: Mr. Speaker, Sir, would the hon. Assistant Minister agree with me that they have to be more dedicated in the Ministry rather than saying he does not know what he is going to do?

Mr. Kase: Mr. Speaker, Sir, I think I shall have to explain the position to the hon. Member. Our staff have gone all out and we have decided to send the men we have to a number of districts. However, there is a maximum these people can do. One man has to do three to four districts. Mr. Speaker, you will agree with me that that is quite a lot of work.

Every hon. Member here, every politician, every administrative officer wants publicity and it is not very easy to give every hon. Member and every politician all the publicity he wants. The material has to be newsworthy before it can be publicized. If somebody speaks for an hour or three hours and he has not been given publicity it means his material is not newsworthy.

Mr. ole Leken: Mr. Speaker, arising from the Assistant Minister's reply, in view of the fact that he actually accepts defeat, is it not proper that he should resign and give way to somebody who can plan what has to be done?

Mr. Kase: Mr. Speaker, I would like to inform the hon. Member that I shall never resign.

I am trying to make it clear to the hon. Members that we have these complaints from every province. This means that the complaints are uniform. All the provinces, even those quoted

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by the hon. Member for Mumias, claim that they do not receive enough publicity.

I was in Embu, in Nyeri, in Mombasa and each one of these places complained that they were not getting enough publicity. There is not anybody who is not complaining.

Mr. Ayah: Mr. Speaker, Sir, I wonder whether the Assistant Minister will agree with me that both politicians and administrators can work and develop their areas without publicity?

Mr. Kase: Mr. Speaker, I think that is correct. You can develop without being known in this country, just as you can have children without that fact being known.

Dr. Munene: Mr. Speaker Sir, arising from the Assistant Minister's reply, he seems to accept that there are complaints everywhere in the Republic. If there are complaints, what is the Assistant Minister doing to improve the situation, at least to see that there is no cause for complaint, because otherwise he is almost admitting failure in his Ministry?

Mr. Kase: Mr. Speaker, Sir, I am told by certain experts that complaints will never end, just as patients will never cease going to the hon. Member who is their doctor.

Question No. 84 (1338)

GOVERNMENT DISPENSARY IN MWIMBI LOCATION

Mr. Mutua asked the Minister for Health if he would tell the House if he was aware that there is no Government dispensary in Mwimbi Location, Nithi Division, which is densely populated.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. We are very much aware what the hon. Member is talking about but we do not have a Government health centre in Nithi Division. We are also aware that there is one missionary dispensary in this area.

The Ministry of Health is not in favour of increasing the number of dispensaries until staff is available for the health centres and dispensaries that cannot be opened at present due to lack of staff.

Mr. Mutua: Arising from the Assistant Minister's reply, is he aware that the particular location I am referring to—Mwimbi—which is a vast location, has also the most tax-payers but there is not a single Government health centre and the tax-payers are paying their money to the mission hospitals instead of enjoying free medical treatment?

Mr. Jahazi: Mr. Speaker, Sir, I said that I was aware that we do not have a Government health

centre in that area and that if there is a mission hospital people are paying to be treated there. However, that is not the only area where this situation exists at the moment. We are doing our best, first of all, to make sure that those buildings, that many hon. Members here complain about that they are standing empty, are filled up with personnel and are offering services and then we will move to the areas where there is nothing at all. I assure the hon. Member that we will consider his area very, very favourably when we come to consider places where we do not have anything existing at all.

Mr. Karungaru: Arising from that reply, would the Assistant Minister admit that there is a need for Government to take over the mission hospitals with a view to helping the residents of the area in question, because it appears that the Ministry of Health is discriminating against the people in that area since they are not getting free medical treatment as in other places?

Mr. Jahazi: Mr. Speaker, Sir, on the question of taking over mission hospitals, I think my Ministry is considering it, but, as you know, the missionaries had good reasons for putting up hospitals all over the place. We encouraged this and we are not going to nationalize them as you would nationalize a business of some sort. We have been talking with the missionaries over this and when the Government and missionaries agree on how the take-over could be effectively implemented, then, Sir, we will report to this House. However, at the moment I cannot promise this hon. House the day when the Government will take over all mission hospitals. That will be one policy for the whole country and not for this particular health centre only.

Mr. Koigi: Mr. Speaker, will the Assistant Minister agree with me that the Government ought to do something to reduce the exorbitant prices which are charged by the mission hospitals in various places in this country?

Mr. Jahazi: Mr. Speaker, Sir, I do not think most of the charges could be described as being exorbitant. As the House is aware, mission hospitals are not left on their own; the Government is contributing a lot of money every year to help them run their services. So, if there is any particular mission hospital that appears to be really missionary and is charging an exorbitant fee, Sir, any Member can report to us and we shall talk to the missionaries concerned and let them know that theirs is God's service and not a profit-making service and I am sure they will understand.

Mr. Koigi: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No. I know you are going to make a speech.

Mr. Barmalel: Does the Assistant Minister realize that the present treatment given in hospitals is worse than before when the county councils were carrying out the duties of running hospitals?

Mr. Jahazi: Mr. Speaker, if the hon. Member was claiming that he is not healthier than he was before, then I would listen to him; but he looks to be healthier than when he came to this House, which means the Ministry is doing the job better.

The Speaker (Mr. Mati): Next question.

Question No. 13 (1203)

NUMBER OF FLAMINGOES IN SOME
KENYA LAKES

Mr. Cheboiwo asked the Minister for Tourism and Wildlife if he would tell the House (a) The total number of flamingoes in the following lakes:—

(i) Baringo, (ii) Hannington, (iii) Nakuru, and
(iv) Naivasha.

(b) How many types of these birds there were.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to reply. (i) Flamingoes are distributed in those lakes as follows:—

(a) Lake Baringo—about 100,000 birds.

(b) Lake Hannington—about 750,000 birds.

(c) Lake Nakuru—about 2 million birds.

(d) Lake Naivasha—about 100,000 birds.

(ii) There are two types of these birds found in our lakes, namely, the greater and the lesser Flamingoes.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, would the Minister tell this House what method he used to count those birds?

Mr. Shako: Mr. Speaker, the hon. Member will have heard that I said, "about so many in each lake". It is not possible to carry out the precise counting of these birds; the census is approximate.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Minister's reply does he not agree with me that part (ii) asked for the number of those birds that are there in the world because that is the only interpretation I can get out of it and, therefore, if he knows he should tell us?

Mr. Shako: Mr. Speaker, I would like the hon. Member to repeat his question. I did not get it.

The Speaker (Mr. Mati): It is not necessary.

In the question, this part refers to the previous parts definitely.

Mr. arap Saina: Mr. Speaker, Sir, in view of the fact that the flamingo is one of our important flora and fauna which play a big part in tourist attractions, and in view of the fact that recently Lake Nakuru's water has been reported to have been terribly polluted, and since this affects the flourishing population of flamingoes, would the Minister tell this House what steps he has taken to stop this water pollution?

Mr. Shako: Mr. Speaker, Sir, it is true that there is some amount of water pollution in Lake Nakuru and our research organization is going into the problem.

The Speaker (Mr. Mati): Next question.

Question No. 58 (1282)

ESTABLISHMENT OF ARTIFICIAL AFRICAN
VILLAGES

Mr. Mulwa asked the Minister for Tourism and Wildlife if he would tell the House why it is thought necessary to spend public funds in establishing an artificial African village, whereas whatever is going to be available in the said village can be seen in the rural areas.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to reply. The reason behind the establishment of what the hon. Member terms as an artificial African village is in fact to concentrate in one small place the rich and varied cultural heritage of our people found scattered all over the country. The village has been located in Nairobi so as to be accessible to the majority of our visitors.

Mr. Mulwa: Arising from the Minister's reply, can he tell us in detail what he has in mind with regard to this artificial village because we are at a loss in finding out whether it will, for example, depict Masai's customs and cultures, Kamba's customs and cultures, Taita's customs and cultures and so forth?

Mr. Shako: Mr. Speaker, the hon. Member understands the meaning of the word "Culture", and so when I say that this will be the centre of our culture, that is exactly what I mean.

Mr. Mutiso: Mr. Speaker, Sir, can the Minister tell the House how many tribes' cultures are represented in this village, since each tribe has a different culture from others?

Mrs. Onyango: Yes, ours is not like Kamba's culture!

Mr. Shako: Mr. Speaker, Sir, we have at this village, or we shall have, an arena where our cultures in the whole of our Republic will be demonstrated. Therefore, I cannot say at this

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stage what tribe is represented and what tribe is not represented. It is meant to demonstrate the culture of this Republic at the centre.

Mr. Omuro: Mr. Speaker, Sir, can the Minister tell this House whether this artificial African village which is going to be used to depict the culture of this Republic will represent the culture of all the tribes of Kenya?

Mr. Shako: Mr. Speaker, Sir, every district will be invited to bring dancing troops, by rotation, so that the cultures of the whole country will be enjoyed by our visitors who will be visiting this village.

The Speaker (Mr. Mati): Let us go back to Mr. arap Cheboiwo's question.

Question No. 9 (1185)

QUALIFICATION FOR GUARANTEED MINIMUM RETURN

Mr. arap Cheboiwo asked the Minister for Agriculture if he would tell the House, in view of the fact that farmers are given Guaranteed Minimum Return when they have many acres of land, the Ministry could consider reducing the acreage to 5 or 10 to enable more *wananchi* to get a Guaranteed Minimum Return without difficulties.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. I would like to apologize for not being here in time to reply to this question.

Yes, Sir, my Ministry has examined the possibilities of lowering the acreage. However, the hon. Member will appreciate that lending money to those who may not be able to afford to repay it is not only a wastage of such resources but also would create untold hardship to the loanee.

Mr. Koigi: Is the Minister aware that what we are asking Government to do would allow the Guaranteed Minimum Return system to be extended to the rural areas, since it has up to now, only been enjoyed in the settled areas and we also know that it can operate in the rural areas?

Mr. Nyagah: Yes, Sir, I understand that.

QUESTIONS BY PRIVATE NOTICE

KENYA MEAT COMMISSION/SWIFT COMPANY AGREEMENT

The Speaker (Mr. Mati): Mr. Magugu's Question by Private Notice.

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

- (a) Will the Minister assure this House that the Kenya Meat Commission, which is a statutory board of this Government, will not be subjected or be a party to payment for and use of written-off machinery and equipment after use by Swift and Company in other parts of the world, which machinery and equipment are now being shipped to Kenya for installation?
- (b) Will the Minister also give the implications with particular emphasis on the benefits or otherwise of the Swift Company Agreement with the Kenya Meat Commission now that the contract has been in operation for the last two years?
- (c) Since it is stipulated in the agreement that the Kenya Meat Commission will be under obligation to sell certain quantities of canned beef to the Swift Company, who determines what prices the company will pay since the management of the Kenya Meat Commission is manned by employees of the Swift Company?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. (a) The answer to part (a) of the question is, "Yes".

(b) The agreement between the Swift Company and the Kenya Meat Commission came into force when the Government invited that company to assist the Kenya Meat Commission to re-organize itself after the Kenya Meat Commission had incurred a loss of £350,000 in 1967. Briefly, what the Government wanted was the professional and technical know-how of Swift Company in managing a business like that of the Kenya Meat Commission. There is no doubt in the mind of the Government that Swift Company personnel loaned to the Kenya Meat Commission under the resulting agreement have done a great deal of good to the Kenya Meat Commission. To prove this, in 1968, just two years later, the Kenya Meat Commission realized a total profit of £71,000; and in 1969 it realized a total profit of £105,000; and in 1970 it realized approximately a total profit of £200,000. Therefore, it goes without saying that the agreement has been beneficial to the Kenya Meat Commission, and therefore it was a very enlightened move by the Kenya Government to invite the said company.

(c) I would like to dispel any confusion that may be contained in the suggestion that the Kenya Meat Commission is run by Swift and Company and, therefore, there is a likelihood of Kenya Meat Commission being cheated by Swift and Company in implementing the agreement between them and the Government. There are only three

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employees who are loaned to the Kenya Meat Commission by Swift and Company and they are all loaned because of their very high standard of integrity; and their job is to give advisory services to the Kenya Meat Commission without interfering with the commercial activities of the commission.

Mr. Magugu: Mr. Speaker, Sir, I am satisfied with the reply to part (a) of the question. However, will the Assistant Minister tell the House what tangible benefits—I am not talking about profits and I do not want the figures—have come about as a result of the agreement, particularly the management agreement for the last two years? Also, arising from part (c) of the question, will the Assistant Minister agree with me that the executive officer of the Kenya Meat Commission, the marketing manager, production manager; and may I add the canning manager because you have spoken of three of them, are the people who make the policies and not the Ministry?

Mr. Wanjigi: Mr. Speaker, Sir, I do not agree at all, that these three people are the ones who make policy for the Kenya Meat Commission. There is a very able board of the Kenya Meat Commission whose members have the highest regard both in this House and the Kenya Government. I would like to say that the fourth member referred to by the hon. Magugu is, in fact, not from Swift and Company but was taken over by us from the Leibig Company which was managing the Kenya Meat Commission before Swift and Company came over.

As far as the tangible benefits are concerned, if the hon. Member says that he is not interested in profits I do not see what else would be more tangible than profits for a commission like this one.

Mr. ole Leken: Thank you, Mr. Speaker. Since the Assistant Minister agrees that in this agreement between Swift and Company and the Kenya Meat Commission there is a likelihood of Kenya Meat Commission being cheated by Swift and Company, what action is he taking to see that the agreement on both sides is water-tight?

Mr. Wanjigi: Mr. Speaker, Sir, I want to dis-
pel any misquotation here. I do not agree that there is any likelihood of Swift and Company cheating the Kenya Meat Commission.

Mr. D. M. Kioko: Will the Assistant Minister tell us how long he anticipates this agreement between the Kenya Meat Commission and Swift and Company will stand; and whether he thinks the Kenya Meat Commission can go it alone in the near future?

Mr. Wanjigi: I think that is a good question. The agreement, I think, was supposed to run for four years, and since that time I think I have answered another question in this House to the effect that we have quite a few people in the pipeline, including an assistant managing commissioner, an accountant and also some in the production line. I think that when it comes up for review we might, perhaps, have to look at the entire question.

CURB ON SPREAD OF ARMY WORM

The Speaker (Mr. Mati): Next question.

Mr. Muthua's Question by Private Notice.

Mr. Kanja: Mr. Speaker, Sir, on behalf of Mr. Muthua I beg to ask the following Question by Private Notice:—

Is the Minister aware that the presence of the army worm in some pastoral areas of the country, coupled with the continuing drought, are causing disastrous damage to dairy and ranching industries? If the answer is in the affirmative, what urgent control measures is the Ministry taking to curb the spread of army worm?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. I am aware of the hazards which we are facing now in certain parts of the country, including pastoral areas, because of the army worm. As a matter of clarification, I would like to suggest to the hon. Member that army worm and drought are separate problems—the only thing in common between them being that they are both natural hazards. In natural realities, however, they are opponents because if the drought continues the army worm will die because they cannot resist drought.

However, to answer the main question, I would like to say that my Ministry is working very closely with the East African Agricultural and Forestry Research Organization of Muguga in the operation of forecasting traps at Kitale, Kibos, Kisii, Nakuru, Nairobi, Ruiru, Nanyuki, Embu, Mandera and Voi through which advance information is collected by Muguga station and then transmitted to all the farmers in the Republic through the Press and the radio.

My Ministry also operates an advisory service which tells farmers what chemicals to use against the army worm and where to get them.

Mr. Kanja: Mr. Speaker, Sir, would the Assistant Minister agree with me that his Ministry advises the farmers what chemicals to use and those chemicals are too expensive for an ordinary farmer to afford? Taking into consideration that

[Mr. Kanja]

this is a national hazard, what is the Government going to do to subsidize the small farmer who cannot buy such highly expensive chemicals?

Mr. Khaoya: Last year, when we had a similar hazard in Machakos, Government came out and had an operation which the Ministry paid for from its funds costing something like £53,000. However, we realized that we could not go on doing this year after year. Therefore, we are working on a paper which is designed, say, to look into the question of carrier birds, rats, worms, diseases and a kind of weed that we find in particular areas, so that when Government has discussed this, perhaps, we might produce it here at the Budget time.

We also think that it is not as expensive as the hon. Member puts it to the House. Our calculation works out at about Sh. 10 per acre of chemicals: say, if one is to use the spraying facilities, either by D.D.T. or B.H.C. Of course the most economical method is to use aircraft spraying, in which case, therefore, one will require a large area to be sprayed from the air. However, I think if the farmers in Kenya can take the advantage of the chemicals that we advise them to use at the moment they might reduce these unwelcome visitors.

Mr. Kanja: Mr. Speaker, Sir, is the Assistant Minister, by implication telling this House that spraying by an aircraft is not an expensive exercise for an African farmer who has, probably, only ten acres of land to spray?

Mr. Khaoya: Mr. Speaker, Sir, I agree that it would be very expensive for a smallholding of, say, 50 to 100 acres. However, as we know, when the army worms come to an area, they take an area of, perhaps, 1 million acres, 2,000 acres, all at one go. Therefore, the operation we are thinking of is a spray from the air of a certain area so that when you calculate the actual cost per acre, it will not be as expensive as the hon. Member first thought. However, I would also ask the hon. Member to pay heed to what I advised him—that he can use D.D.T. or B.H.C., which are some of the chemicals that one can use on a small-scale operation, which might not be as expensive as the hon. Member thought.

Mr. Magugu: Mr. Speaker, Sir, will the Assistant Minister tell the House whether or not the Government is willing to subsidize the farmers—that is the question which was asked before—particularly the small-scale farmers?

Mr. Khaoya: Mr. Speaker, Sir, I would say yes; but in a round about manner, since I said, earlier, that we are working on a paper whose

cost would be in the region of about £100,000. If we are all agreed, and eventually this is passed by this House, at the Estimate time, then we will have done so.

POINT OF ORDER

MISREPORT BY VOICE OF KENYA—REMEDY

Mr. arap Cheboiwo: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance in this problem. Yesterday, during the Question Time, I did ask a Question No. 7, to the Ministry of Health. When it was reported this morning in the papers, it was correct, but over the Voice of Kenya it was said that this question was asked by the Member for Mumias, hon. O'Washika, and I do not understand why this happened. Could you, therefore, guide me what to do in this matter?

The Speaker (Mr. Mati): I think I have already explained what a Member could do. The only thing is to get in touch with the Voice of Kenya and ask them to correct their mistake, but at this stage there is nothing else you can do. If they refuse to correct their mistake, then, you might think of something else.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(Third Day)

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 23rd February 1971.

(The Vice-President and Minister for Home Affairs on 24th February 1971)

(Resumption of Debate interrupted on 2nd March 1971)

Mr. Abubakar-Madhubi: Mr. Speaker, Sir, thank you very much for giving me this opportunity to air my views on the Presidential Address.

Mr. Speaker, Sir, I wish to say that the Address was very good, but I would have thought the President would have mentioned something about the drought which is now affecting the country. I would also have liked the President to touch on the question of school fees, which is also a very burning issue in our country.

Mr. Speaker, Sir, as regards this serious drought in the country, I have, myself, tried to explain the situation to the Provincial Commissioner, Coast Province, and I have also visited some of the associations in Nairobi, for example, Oxfam, and persuaded them to supply food to these areas which are seriously affected by the drought. These

[Mr. Abubakar-Madhbuti]

associations are very willing to help our people in those areas which are seriously hit by the drought, such as the North-Eastern Province and Lamu. However, they say that they can do nothing unless the President's Office or the Administration comes to distribute this food. I have tried to explain this problem to the Provincial Commissioner, Coast Province, but it seems as if the machinery of Government is very slow in connexion with the distribution of this type of food.

The other problem, Mr. Speaker, is the question of water; some people have to travel from island to island in search of water. However, the sun has dried up everything there and so you find that all the wells have dried up and people are sailing on dhows for about 30 miles to go to the hinterland and get water. These people who sail on these dhows return to the island at midnight. This water, which they fetch, is being sold at Sh. 2 per tin. I have also tried to explain this same issue to the provincial commissioner and told him that the situation is getting worse. Why do we not use our two ships which are lying idle at Kilindini Harbour to transport water from Mombasa to Lamu so that people could be saved from this situation? The answer I always get is the same, "We are going to see, we are going to see"—I do not understand why we have to wait until somebody dies of thirst and then the Government comes to help.

Mr. Speaker, Sir, I have noticed that the people in the North-Eastern Province are being helped. Army lorries are taking water there and giving it to the people. People of Lamu are as good citizens as they are. However, nobody seems to care about the Lamu people. I do not understand why this is happening. We are behind the Government, not only by mere words but by actions. Mr. Speaker, you remember very well when Members of this House crossed the Floor. I went there and they have returned me with a majority vote. Is that not a sign to show that the people of Lamu are behind the Government? Secondly, Mr. Speaker, Sir, when we had the Local Government elections, the whole country refused to go to the elections except Lamu. I, as the Chairman of Kanu, said, "Okay, let us face these people"—the K.P.U.—and the Kanu people were returned. Therefore, what else does the Government want us to do? We are behind the Government and it is not good for the people to suffer, especially during this time. Mr. Speaker, Sir, you will find that the Government is turning a deaf ear towards our requests.

Mr. Speaker, Sir, you will be sad to note that we do not even have drums to carry water. I

have approached the district commissioner and he has said, "I am sorry, Mr. Madhbuti, we do not have money for that type of service." I have approached the county council and they have said the same thing—they do not have money. I have approached the provincial commissioner and he has said the same thing, "We do not have money." Mr. Speaker, Sir, I had to pay about Sh. 5,000 from my own pocket to buy drums from Nairobi. At the end of the year these same people come and say, "*Lete kodi, lete kodi*; where is the *kodi*?" What type of Government is this, Mr. Speaker, if they cannot even provide empty drums. We are prepared to provide our own labour to go and collect water from the mainland. If Government cannot provide drums, my God, God help Kenya!

Mr. Speaker, Sir, I will now touch on the question of school fees. I have explained to you that we cannot get water or food. Now, you will find that school fees have been raised from Sh. 24 to Sh. 72. Mr. Speaker, Sir, when I was elected to this Parliament, we had only two schools in the whole of Lamu District. I have put up nine more schools, and nobody can deny that. But, Mr. Speaker, Sir, my efforts are now being thwarted by Government in its raising school fees to Sh. 72. We were told in this House that Government is going to see to it that those areas which were neglected by the Colonial Government are going to be given first priorities. On the contrary, Mr. Speaker, we find that everything is going on as if we are all equal to Nairobi, Mombasa and other big towns. Mr. Speaker, Sir, I would like to urge the Government straightaway to provide these two ships which are now idle in Kilindini Harbour to provide water for my people. Also, the Office of the President should take the food from Oxfam and distribute it to my people in Lamu. The parents in Lamu should also be told that the school fees will be reduced otherwise, Mr. Speaker, there will be no children in Lamu schools at all.

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

Mr. Mulwa: Thank you very much, Mr. Speaker. I have few points ranging from constituency affairs to foreign affairs which I would like to make in this debate. First of all I would like to congratulate His Excellency the President for the very good Speech which he gave in this House. Following that I would say that it is expedient now for the civil servants particularly to follow the Presidents Speech and implement the Government policy accordingly.

To start with, and I said I would start with my constituency, we have the problem of school fees. As the hon. Member who spoke earlier has

[Mr. Mulwa]

just said this problem is acute. In my area it is becoming very serious because the people have no food and because of the fact that we have quarantine, making it impossible for the farmers to sell their cattle, and therefore they cannot raise the school fees. Therefore, Mr. Speaker, Sir, we, being loyal citizens of this country, feel it is the duty of Government to work hard and find ways and means of how children are going to be educated this year during the drought period. We have not bothered Government before, particularly with the school fees, because we had food and we could sell our cattle. Therefore, when we are in hardships like these, we have to appeal to Government and see what they can do, Mr. Speaker, Sir.

On the side of the Civil Service, Mr. Speaker, I think it is high time the Ndegwa Commission was published and the civil servants given an increment because it is a long time since this Commission was instituted to look into the possibilities of reviewing the civil servants' salaries. Therefore, Mr. Speaker, Sir, I would like to appeal to the Minister concerned to expedite the report of this Commission so that our civil servants can have their salaries reviewed.

While on that issue, Mr. Speaker, Sir, I have another point to say about the Civil Service as a whole. Following Africanization, it seems that the standard of efficiency has gone down tremendously. Mr. Speaker, Sir, this is common, particularly within the Government offices. If you write a letter you will find that unless you follow that letter you will never get a reply. Not only that, when you go there you will find that a small piece of paper written "urgent" is attached to your letter if the letter was urgent, and yet it will stay there for another one month or so. Mr. Speaker, Sir, I think this is very bad. It is reflecting very badly on our African Government. This is because it will be said that we cannot run our affairs. I think this must be taken very seriously indeed. It is reflecting very badly on the Ministers themselves because, ultimately, it is the Ministers we are going to blame if their officers cannot work efficiently. I think this is why they have taken it upon themselves to barricade their offices with spiked iron railings all around and people at the gate make sure that the *wananchi* do not go to see them. The same *wananchi* they are supposed to serve they barricade them outside there and it is absolutely impossible for a *mwananchi* to go and see them. Even for a Member of Parliament—how many times have I found it impossible to get through the Old Jogoo House over there? You cannot go through, Mr. Speaker. I do not know whether they expect us

to go carrying a placard on our chests or what. This is because immediately you say "Yes, you know I am a Member of Parliament" then you will be told, "Okay, you pass". So, unless you are a Member of Parliament you cannot be allowed to pass. Not only that, Mr. Speaker, Sir, those soldiers there—I do not know whether they are soldiers or guards—have the audacity to ask for a card when some of them cannot read. They say they have been given instructions to that effect. It is clear a person who cannot read yet he wants to prove that you are a Member of Parliament. What sort of proof is that? I think this is very bad, Mr. Speaker. These are civil servants—all those people in Jogoo House are civil servants and are there to serve the public beginning with the Minister himself to the last man there. He has to serve the *mwananchi*; yet, Mr. Speaker, Sir, they go and barricade themselves in there so that nobody goes through. How are you going to serve the *wananchi* like that? Is this how you are going to serve the *wananchi*, and yet you call yourselves civil servants? I think it is a shame. You would expect them to work efficiently because, of course, nobody comes to bother them; nobody goes there to bother them at all. They are there with their big offices and their number of secretaries. You would expect them to work quickly but they do not. Unless you go and chase them yourself, they cannot work quickly. Some of them put notices there giving dates when you can go to see their secretaries so that you can make an appointment with their secretaries when you want to see them. What sort of work is this? I think this must be taken seriously, Mr. Speaker, Sir, because it appears—and I am sorry to say it—that, in fact, the same Africans, during the colonial time, had a sense of responsibility. They could work and had a sense of duty. But immediately he gets a bigger office he spends most of his time trying to put his slides on the table or taking coffee outside. I think this reflects very badly on the African Government. The Ministers, themselves, should take it upon themselves to see that the people in their Ministries really work and do their duties instead of harrasing the *wananchi* for nothing.

An hon. Member: Your time is up.

Mr. Mulwa: I think the light is on.

Mr. Speaker, Sir, hurriedly, the other thing I would like to say is on the Ministry of Commerce and Industry. We have a number of Africans here who have been given loans by Government to establish industries in the industrial estates and these people—a number of them have come to see me and I have visited their industries—have laid off their employees. Why?

[Mr. Mulwa]

Because even if they are, legally, supposed to be protected there is no protection. Licences are still coming from the Ministry of Commerce and Industry and, somehow, are going to these rich Asians, and they are already—I know a number of ships docked at Kilindini bringing hinges here, millions and millions of them. The other day, Mr. Speaker, you remember I raised this question here. As a result of the question I raised here, it is true a number of them were returned to Japan, but now there are some already in Kilindini waiting to be brought here. These people have had loans given to them by Government to establish these industries and yet there is no protection! As a result, they have nowhere to sell their articles. The same thing is happening to the Shoe Laces Company which was given money, through the Industrial and Commercial Development Corporation, by the Government to establish it here. Yet there is no protection, the Minister does not care, the other Ministers do not care and, there are Asians who are selling these same articles at half price.

Mr. Speaker, Sir, if we are really serious about promoting African industrialists let us give them proper protection. Let the Ministry of Commerce make sure that no more import licences are going out, whether legally or otherwise. I do not know how they go out, but I know they go out and in most cases to very prominent people in this country who are given licences and then sell them to the Asians so that they are given 5 per cent out of this. They then import the articles from China and Japan and they come and sell the articles at half price. They bring so many of the articles that they flood the market for the next three to five years. Where are our African fellows going to sell their things and why are we cheating ourselves that we are promoting African industrialists? I think we are cheating ourselves—so long as we do not seal these loop holes—that we are really protecting them. Why does the Minister for Finance and Economic Planning not raise the duty on these articles which are being manufactured outside Kenya Mr. Speaker, so that we can discourage the importation of these articles? Why does the Minister for Commerce not take it upon himself the responsibility of making sure that no more import licences will be going out? And if he finds himself unable to control his staff I think I got that impression from the letters I received from him after writing him on this matter—then I would advise him to resign, Mr. Speaker, because, eventually, it is him we are going to condemn. It is him, eventually, who is going to answer for this.

Mr. Speaker, Sir, it is not a nice thing when

people are asked to contribute about 10 per cent—people who have no money—and then they are given the rest of the money by Government to put it in an industry like that and after four months they close. These industries are definitely going to close down if the situation does not improve.

If the Minister, himself, gives the impression that he cannot control his staff, what is he supposed to do as a Minister of the Government? We do not know the staff under him and it is no good for him to say that he does not know how the licences are going out. It is the Minister we are going to question; it is him we are going to place the blame upon if these industries close down as they are likely to because he has the responsibility of looking after his Ministry and it is upon him to see that where the articles are legally protected, no more import licences are issued. Now they are floating all over particularly, with some very prominent people, Mr. Speaker. I think this is a shame; it is really a great shame that we should—I do not say that the Minister himself is concerned but I think he should do something about it.

On foreign affairs, Mr. Speaker, Sir, I am very pleased with the statement which was issued yesterday by the Attorney-General expelling the rumours which have been worrying the country. For that I am very grateful. The only comment I would make, Mr. Speaker, Sir, is that I think it is unfortunate that every time there is something like that, something which is usually known even in Government circles by the Ministers themselves, they let it go on and on until it is widely spread, thereby causing alarm and despondency in the country. Why do they not take care of it immediately they know about it? Why do they not make a statement? They could have expelled this straightaway when it was heard, but then they sat, and sat—wait and watch. I think this is bad. The same thing is happening with our Uganda policy here. We are politicians and we are proud of our Government and we would like to know what the Government policy is on some of these things. I might go there—what am I supposed to say if I go there? I do not know Government policy and yet if I say something they will obviously say that I am embarrassing Government. I think it is high time we had a policy of making sure that we state whatever our policy is.

Mr. Speaker, Sir, I beg to support.

Mr. Ogalo: Thank you very much, Mr. Speaker, for giving me this time to join my colleagues in thanking the President on what he said here during the State Opening Ceremony of Parliament.

[Mr. Ogallo]

Mr. Speaker, Sir, I have a few points to make and the first one is about employment in this country and the promotion of our people. We speak of unity but, how are we going to unite in Kenya while some people are being retired at a very early age? We are always being told that we do not have the manpower, but at the same time you will find that a trained person, who has joined Government, works for only one year or two and then he is retired? Most of the people who are now being retired, Mr. Speaker, come from my tribe, the Luo. I do not know what wrong the Luo did to this country. When we go back in history, Mr. Speaker, Sir, you will find—

Mr. Munyasia: On a point of order, Mr. Speaker. Following exactly what the hon. Member has said, that some young fellows who join employment are retired after working for one year, could he substantiate and say who have worked for only one year and then have been retired?

Mr. Ogallo: Mr. Speaker, Sir, I do not know whether I can be allowed to go on and finish my speech and then later I am allowed to substantiate. I have the list of the names, and some of the people come from his tribe and some from—

The Speaker (Mr. Mati): Now, you cannot do it that way, Mr. Ogallo. Once you make definite statements like that—an allegation of that kind—and you are challenged to substantiate, you have to do it straightaway. You cannot wait.

Mr. Ogallo: So I must do it now, Mr. Speaker?

Mr. Speaker, Sir, I have a very young person called Amos Owori Ongeche, who was sent to India to take a course and then to come back and work with the Kenya Exchange Control Department, but on his return from India he was retired.

Secondly, Mr. Speaker, I have Superintendent Vincent Odigo, a Luo by tribe, who is a young person but already retired. Superintendent Pius Ogallo, Songoro Tangobo, a person whom I taught, who has also been retired. I have Wilfred Were a Mluhya. I want to mention another one who comes from the hon. Member's area who wants me to substantiate.

Hon. Members: You are all right now.

Mr. Ogallo: If it is all right, Mr. Speaker I can leave it that way but I have quite a number of them. If that is enough I will leave it that way and continue with my speech.

Mr. Karungaru: On a point of order, Mr. Speaker. Did I hear correctly, Sir, that the hon. Member's allegation was that after one year's

service a person is made to retire? And if I did understand him correctly, am I now not entitled to say that what he has said is not at all corresponding with what he said earlier on and therefore he has not yet substantiated that a person, having only worked with Government for one year, can be retired?

The Speaker (Mr. Mati): No; it is true he did talk about somebody being retired after one year's service; but the main point, as I understood it, was that people were being prematurely retired. This is what he was trying to show. Of course if he has a definite case where after one year somebody was retired, then he could tell the House, but I understood him to mean that people were being retired prematurely.

Mr. Ogallo: Thank you very much, Mr. Speaker. I appeal to my hon. colleague that he please, lets me go on and waits for his time.

The other point I want to raise is about the running of Government. Most of the Ministers come here and cry that there are some civil servants who have stiff necks or heads and do not listen to their orders. These people are put there to discipline the civil servants. If they cannot discipline them, what is the use of coming here and crying to us? We are just Members. Who do they want to go and discipline these people? We were all elected, but some were appointed Ministers, others Assistant Ministers and we were left just as Members of Parliament. These Ministers must discipline their civil servants. They are under you and, if you cannot discipline them, resign and let us take over the offices. We should discipline them so that the public would realize that we are directing Kenya to a better future. If you are not able to discipline them, leave the offices tomorrow and let us take over. Mr. Speaker, I can see them shaking their heads and I think they are also going to realize the truth.

The other point I want to raise is about our detainees. We have our friend, Jaramogi Oginga Odinga, who is a father of this House, is still rotting in detention. Odinga, who fought for the release of our beloved leader—Everybody in this country denied him, but Odinga stood up in this House and said that the right leader in the heart of the heart of Africans was Jomo Kenyatta. However, where is Odinga now? I know that one might make a mistake some time but what about the good things which Odinga did for this country? Can the good things not cover the few bad ones which he has done?

Mr. Speaker, I am appealing to those people who worked with Odinga, like the hon. Ngei,

[Mr. Ogallo]

hon. Moi, hon. Ngala here, and the hon. Muliro— Mr. Speaker, I knew these people through Odinga. Why cannot they remember Odinga now? I know that one time, even I, myself, will be in trouble. However, the people outside and my colleagues here will be the right people to remember me. Mr. Speaker, I am appealing again to those who were detained during the colonial time— We had a very harsh Government at that time but Odinga could stand up and say, "Fred Kubai must be released." What about now? What do you think about the release of Odinga? Why can you not also request the person in authority to release him? The country wants Odinga to come and be at home. Odinga is going to die outside his home as he is now an old man.

I am just appealing, Mr. Speaker, to the hon. Members to do something. There is a time when one must make a mistake but he can still be corrected. That is the point I wanted to raise and put before the Members.

The other thing is about school fees. At the moment you find that only one child can afford to pay Sh. 72 to go to school while, in the same area, you find about 20 children who cannot pay school fees. Why can we not lower the amount to Sh. 10 and instead of getting only Sh. 72 from one child we will get Sh. 100 from 10 children? I, therefore, appeal to the Ministry of Education to consider this and see whether we can reduce the school fees. The enrolment in some of our schools is very low, not because we have no children but because the fees they are supposed to pay are very high and they cannot afford them.

The other thing is about rural development which the President mentioned and we support him on that.

Thank you very much.

The Speaker (Mr. Mati): Before I call upon the next speaker, may I remind the House that we have a rule that we should not be repetitive. There is a tendency for Members speaking to keep on hammering on one point which has been hammered on so much now. For instance, this question of school fees. It has been touched hundreds of times and I am sure if there was any intention of taking action that is sufficient. So, please try to avoid points which have been raised by other Members. If you finish your points, let another Member bring up new points.

Mrs. Onyango: Thank you very much, Mr. Speaker, for allowing me to air my views.

Before I speak, I would like to take this opportunity to thank the President of the Re-

public of Kenya for the Speech he delivered to this House on the opening day. It was well delivered.

In his Speech, the President mentioned something about land. However, there is, now, something which is worrying everybody in the country—the expensive land rents, site value and the insurance of the land. I think I would be in order to ask the Minister for Lands to find a way of dealing with these land rents, land value and so on which are becoming excessive and a big burden to whoever buys land for either erecting buildings to live in or to trade in.

Mr. Speaker, I want to mention something about education, though you have said that it is not good to repeat it. I want to suggest that the Government should take over all nursery schools so that the basic standard of education is well established. This is because you cannot run a country well without having highly educated people. However, if we are going to leave the nursery schools to the private persons, then, it means that the children are going to be taught either Hindu language or English language and then when they come back to learn what is helpful to the country, they will still be thinking in terms of India, England, or other places. I think this will not really benefit our country. Therefore, I suggest that Government takes over the nursery schools throughout the country for the benefit of all the people living in this country.

Mr. Speaker, time and again, I have heard many people saying that Kisumu is a place for rumours and that industries for rumours are built in Kisumu. I am, therefore, appealing to whoever might be responsible for industries to build proper industries if they do not want these rumours to be manufactured in Kisumu. We want industries which can help the young people to get employment. We have not got enough industries and if we take, for instance, the 1970/74 Development Plan, there is nothing about the industries put down for Kisumu.

An hon. Member: Question!

Mrs. Onyango: Question on what?

This is why I say that we should have industries which are necessary for *wananchi* in that area known as Kisumu.

However, Mr. Speaker, people of Kisumu apply for loans. Time and again we have been asked to tell our people to come forward for loans. We go to the people, help them to fill in forms, and we take them even to advocates or places where these forms are delivered. Now, even to people

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

[Mrs. Onyango]

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

with title-deeds, getting these loans is a problem. Despite the fact that many people have filled in these same forms, no loans have been secured. So, I am appealing to the Minister concerned to see that the people of Kisumu, if not Nyanza as a whole, are helped to get loans for trading and developing their land.

Mr. Deputy Speaker, I think we have too many — I do not know whether to call them Special Branch or Criminal Investigation Department officers. I think they are Special Branch officers— security officers in this country. They are too many for Kenya to afford. You will find many — The men they have in the Kenya Special Branch are so many that the reports are now contradictory. You will find that they go out here and there and try to put words into the mouths of innocent people. If you go somewhere, they will follow you. There is no freedom now, even of sitting! If they see you sitting down somewhere, they flock there and whatever they have in mind is what they will report you as having said.

Therefore, I am appealing to the Minister dealing with this branch that the number of Special Branch officers should be reduced to cope up with the work.

Mr. Deputy Speaker, Sir, I am again appealing to the Government that there are times when you find some people who have been rejected by the *wananchi* during the elections and these are the people to whom the Government is paying attention; listening to whatever they say so that even if any publication is caught it is taken in. This is why you will find that the country is wondering what sort of Government this is. This is because you may find that somebody who was rejected by the *wananchi* is now being listened to by the Government. I do not know whether this is happening in other parts of Kenya but, in Nyanza, the Luoland, you find some people who are only there to give reports—false reports. Therefore, I would appeal to Government to follow up their men who are employed for this job and try to find out exactly what is taking place in those places.

Mr. Deputy Speaker, Sir, the next point I would like to talk about is unemployment. There was a report on unemployment which was presented to Parliament and its recommendations adopted by the House. I would request the Minister for Labour to try and put some of the recommendations into practice so that some of the people who

are walking on the streets jobless could have some employment.

Mr. Deputy Speaker, Sir, my last comment is about detention. It is said in some places that when you have someone either in the cell or detention, you have to pay for it, or give some food which that particular person is going to eat when he is there. However, in some respects the detainees are very expensive to the country because the food they are taking, the places they are occupying and other things are being paid for by the Government. Therefore, I am appealing to the Government that these people should be taken before a judge so that they are told what wrong they have done.

Mr. Deputy Speaker, Sir, before I finish, I would like to point out that time and again it has been mentioned here— I am sorry to say that it has been mentioned here in the House, and also somewhere outside this House, that the detained person, called Mr. Oginga Odinga, will not be released because there is somebody who is ready to stand down for him. When you go into details you will find that I have been connected with this, that I am the only person who is prepared to stand down for Mr. Oginga Odinga. Mr. Deputy Speaker, Sir, there are some rules which were set by Kanu, which is the ruling party, one of them being that whosoever is not a member of the party will have to join it and remain a member for six months before participating in an election as Kanu member. Therefore, I hope that even if Mr. Oginga Odinga was released tomorrow, he would have to stay out for six months before anybody sees him here in the House. If it is only a question of whosoever is going to stand down for him, I am not going to stand down for him. And if it was because I was going to stand down for him that he is still in detention, then release him tomorrow and I will not stand down for him.

Mr. Deputy Speaker, Sir, it is no good leaving Mr. Odinga in detention for such a long time. Many people with whom he was detained have been released and they are proving to the Government and the people around their areas that they are good citizens. Therefore, those who are still in detention should be released so that they can join their families and help us to build the country.

Finally, you will find, as I mentioned earlier, that some people, the Special Branch are talking to other people concerning the detainees. However, if we release these detainees, then we will find out what else they will have as their object.

[Mrs. Onyango]

Mr. Deputy Speaker, Sir, with these few remarks, I beg to support the Presidential Address.

Mr. Kivuitu: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak. I must say that His Excellency the President's Speech was very good and it contained a lot of material on which each of us could speak for a longer period than 10 minutes. However, since it is the will of the House that we debate for only 10 minutes per Member, I will restrict myself to that.

Mr. Deputy Speaker, Sir, my first point is about a problem which is facing the country right now, and this is the shortage of maize. I believe nobody has touched on this and I am very surprised because I think this is one of the most important crops in this country. Mr. Deputy Speaker, Sir, you will find that in Nairobi, now there is such a great shortage of maize meal that a lot of families are going without food and if they are to have any food, then they will have to take some wheat-bread. It is not clear as to why this should happen. No explanation has been given and I noticed in the Press today that the millers are saying they do not know anything about it.

Mr. Deputy Speaker, Sir, I think this is a field in which our Government should take a very keen interest. This is because if there is anybody who consumes the maize meal here, it is the African. It is the African who plants the maize and it is the African who eats maize. It is therefore such an important crop that Government should consider seriously taking it over—not only having a board. It should actually take over the milling of maize so that it could be equitably distributed and, in fact, adequately stored for the population of this country.

Mr. Deputy Speaker, Sir, there are a lot of things going on about this particular crop. Recently, Government lowered the price of maize in Nairobi and other areas. I understand the price is higher in Mombasa than it is here. I also understand that these wholesale traders and millers are taking this maize to Mombasa because it is cheaper to transport it to Mombasa and sell it at a higher price and so make a profit. That is why in Nairobi there is no maize. This is something which is happening now and Government should investigate. They should not just shout; they should investigate these things.

There are a lot of other things which are being said about maize and it is time our Government looked into this matter once again with a view to finding out what the truth is. This is because if the whole country were to be annoyed about

maize, I think this Parliament would not sit here. We would be thrown out. Mr. Deputy Speaker, Sir, that was my first point. The other point I want to mention is about these Asians.

For a long time the Asian population, who are non-citizens and who are British, have been denied their right to go back to their own country. This is the first time I have heard, in history, as far as my history goes, Sir—I am not claiming to be very learned on it—of citizens of a country having been denied the right to go back to their own country, and yet Britain claims to be one of the most civilized countries. How can it reject its own citizens and call them “British passport holders”. They are British citizens and should be received in Britain. Why should they be sitting in our streets here, lining up and taking the time of our police. Instead of the police going to look for criminals and other things, or attending to their normal duties, they keep watching these Asians and seeing whether they are going to break the law or not. This is not our responsibility. It is a matter which the British Government should take up. I think our Government should be firmer at present even if we have borrowed up to the neck from the British Government. We should tell them their responsibility.

An hon. Member: Hear! Hear!

Mr. Kivuitu: Mr. Deputy Speaker, Sir, the other thing which I wanted to mention is that a lot of industries have been taken over by the Government, or at least the Government has indicated its intention to help many Africans to participate in various fields. However, Mr. Deputy Speaker, Sir, I have never heard what Government is doing about our African musicians, except, of course, these dancers who dance before politicians, which makes the latter feel that they are loved by the people. We have not heard much about the musicians who play the guitars, drums, etc. What is Government doing to help them so that we have a viable musical industry? At present the musicians have to strike or do something to that effect so that their rights are recognized. This is same with the African writers. The African writers have to go and beg the publishers before their books are published. How are we going to build a country which will be literate when we are at the mercy of the rich and foreign companies? For how long are we going to wait for the African publishers to be helped by foreigners? It is time our Government took action to help the African writers.

Mr. Deputy Speaker, Sir, it is high time our Government took action to help our African writers. We have a good number of them now. They take their manuscripts to the publishers and

[Mr. Kivuitu]

they are not published. They are only kept there. They are told, "You take Sh. 2,000 in advance and come tomorrow. We will publish your book later on." He takes the Sh. 2,000 and finds that according to the contract he made, once he takes the advance payment, he cannot get anything else thereafter; nor can he publish the book. He must wait until it is published and it is never published. What is the African writer going to do? How are we going to get African writers? Must our books also be approved by these foreign publishers? Can the Government do something about it?

An hon. Member: It is a sleepy Government.

Mr. Kivuitu: Mr. Deputy Speaker, Sir, there is also the question of education. I think on this question of education I have said many times that I find it very ridiculous because we claim to be creating a socialist society or so; we bluff the public. However, at the same time when we are trying to do that, we find schools demanding different school fees. You will also find that schools give different kinds of education; you will find schools with swimming pools, with better facilities like laboratories and better facilities in all fields. You will find schools with better book supplies and many other amenities which are necessary for proper education. You will find that other schools, for example, the Harambee schools, are being taught by people who have just left school and who are waiting for their results. These teachers teach people in Forms III and IV. What sort of education are you giving to these pupils? Why should it be different from what others get? Why does the Ministry not try to send teachers of the same qualifications and materials of the same kind to all schools so that pupils get an education which is uniform? What are we trying to do? The reason is that the rich, the Ministers, the Members of Parliament and the big civil servants are able to take their children to these schools, the better schools and, therefore, they do not mind about the other people—but one day they will mind! They will be there with me, of course.

An hon. Member: When will that be?

Mr. Mutiso: When time comes.

Mr. Kivuitu: The other point about education, Mr. Deputy Speaker, Sir, is on technical education. This is the field where the Ministry of Education is in a mess. Some pupils take their education up to Form IV and then take an examination called "G. 2". After that examination they are absorbed into industries to become apprentices and in those apprenticeship courses they are taken together with even Form II

students. How can you really have an education where you have two people who have different standards classed together, study together and accomplish some kind of education in such a position? It is quite clear that the result will be that you will get a man who is only half fit coming out and being employed in the industries. How can you surrender, to the mercy of the industrialists, the responsibility for training your own manpower? You tell them, "Here is the man, train him so that he may take over your work." Do you expect any foreign industry to do that? The whole thing is really in a mess and the whole country has only one technical school which has Form V; and that is Nakuru. Let anybody challenge me on that. There is no other one—and yet we say that we want technically educated people! However, when graduates come from the Eastern countries, which are the so-called socialist countries, they cannot even be taken into employment even if they have this technical education. They are told that they have communistic ideas—as if technical work has any communism in it. Can the Government not employ them and, if after employment you find that their standards are low, can the Government not take them to the proper places for further training? Can the Government not do something about this or must it wait until the British tell them what to do?

Mr. Mutiso: This is very serious!

Mr. Kivuitu: Mr. Deputy Speaker, Sir, on the question of economy, I think we are going in the wrong direction when we raise our standards beyond our means. We keep on talking about standards and we are told that hawkers should not be seen around. Therefore, I do not know what those who are hawking are expected to be doing. Of course, if you do not want them to hawk, then they will rob you. That is the next thing they will do.

Mr. Deputy Speaker, Sir, there is also the question of the shanties. You will hear that people should not live in the shanties because they are dirty and because they are like this and that. Can the Government not provide the health facilities and let them live there without giving you any bother? However, we are told that if the tourists see those shanties they will run away. Let them run away. We must first of all care for these people and not to talk about industries at the expense of our own people. I think we are really basing our standards on things which do not exist here and that is an utopian sort of attitude.

Mr. Deputy Speaker, Sir, because I notice that the time is flying fast, I would only comment that the state of the security of our country seems

[Mr. Kivuitu]

also to be causing a lot of alarm because of these speculations, and therefore it is time our Government took a very positive step to make sure that this is never done; not simply by employing more Special Branch people but, really, by providing information to the people. We do not want to hear rumours of people being trained in the forests.

With those few remarks, I beg to support.

Mr. Boy: Thank you, Mr. Deputy Speaker, to have given me this time.

First of all, I would like to associate myself with my other friends who have spoken on the Presidential Address Speech. However, I have some observations also to make on this very important issue which is the Presidential Address. I think, Mr. Deputy Speaker, Sir, we must be quite open to the Government. We should mention everything here, although the Speaker has also mentioned here that the things which have already been spoken on should not be repeated once more. I think, Mr. Deputy Speaker, repetition of the same things shows how the Members of this House feel about a particular issue. That is why, Mr. Deputy Speaker, Sir, some things have to be repeated every now and then.

I would like to emphasize, again, the issue of the civil servants. The civil servants, Mr. Deputy Speaker, Sir, do think in this Government, or in this country, they are the most important people; they think they are running this country and that the politicians and other people are useless people. They have also the feeling that they are the only people who are capable of running this country. However, again, Mr. Deputy Speaker, I would like to make it quite clear that these so-called "civil servants" are trying to plunge or put the country into disaster. Mr. Deputy Speaker, Sir, we have seen several governments which have collapsed because of mistakes or certain ambitions of some civil servants who have more or less nothing in their hearts for the country other than their own interests. We have seen recently; in Pakistan, where the civil servants have their own personal interests, there have been several disputes. As a result of this the Government had to surrender, giving the whole power to the army. We have seen these things happen in Pakistan. I am surprised, Mr. Deputy Speaker, Sir, because I understand that there are a number of Special Branch people in the country. I think these people, or these personnel, do not, in fact, advise the Government on what the public opinion is in the country as far as the civil servants are concerned.

Mr. Deputy Speaker, Sir, I must say this quite openly because it has been said in this House

several times and it has been repeated now and then, and even two days ago one of the Assistant Ministers made it quite clear that some civil servants in the country, particularly the senior ones, have no interest in the country other than their own businesses. They do not work in their offices at all. They are all the time out doing their own personal work and all sorts of businesses. This is the time when the Government should come forward and set up a commission of inquiry to investigate how these civil servants get so rich within such a short time and whether they are doing their job properly or not.

Mr. Deputy Speaker, Sir, I was very surprised to see that some civil servants in the regions think that they are the kings of the provinces and they think that they are the people who control everything. Therefore, sometimes they even take the opportunity of making statements on behalf of the Government; duties which should be performed by the Ministers are performed by the top civil servants! Mr. Deputy Speaker, Sir, after saying so, I would like to give an example. When they go to perform a certain public function or on a public ceremony, they are accompanied by various security officers. They are covered by the television, they are covered by the Press and all the rest. However, a Minister or a politician is not covered when he is attending such functions at all. In most cases he is not attended by security and the Press does not cover him. I have experienced such cases. Recently, Mr. Deputy Speaker, Sir, there was a tremendous riot in Mombasa where two Ministers were attending a certain function. One Minister was beaten. There was no security at all. The police only came after 15 to 20 minutes. In the long run, the Minister was asked to go and identify the person who beat him. This, Sir, is ridiculous. There was no security at all! Mr. Deputy Speaker, Sir, if the Minister could not have identified the man who beat him, what would have been the position? The position would have been that they would have said, "We are sorry, we do not know the person who beat you." This would have been so because there was no security at all. The time has come when we must know whether the civil servants are undermining the politicians or other people in this country. We have to be told. The Ministers should know that some civil servants undermine even Ministers! The Ministers, themselves do not take care of this situation. If a civil servant can be given more security than a Minister, then it appears that the civil servant is more important than the Minister himself!

Mr. Deputy Speaker, Sir, I would like to touch on one thing here. There is a law in this country which says that when *Id-ul-Fitr* falls, say, on a

[Mr. Boy]

Sunday, then the following Monday becomes a holiday for Muslims. However, during the last *Id-ul-Fitr*, the Government instructed Muslims to come and work on Monday while employers in the private sector gave the Muslims a holiday. I think the Government is doing wrong here. The Government should not discriminate against some religions. It should put this wrong right. We have seen religions causing a lot of confusion in other countries. We have seen the confusion in Ireland and even in India. I, being a Muslim, would like when there is a public holiday to invite my colleagues who are Muslims to come and enjoy it with me. In the same way, they would like to invite me when there is such a holiday. However, Sir, it appears that when there is *Id-ul-Haj*, it is only Muslims who are permitted to go and enjoy themselves. This brings conflict among the workers, the nation as a whole, and even between friends. It appears, Sir, that because of political stability in our country, there are Muslims who marry Christians and vice versa. On such an occasion, everybody would like to invite his friend or his darling to enjoy himself. However, because of the law my own wife or a friend cannot come and enjoy that day with him simply because he is a Christian. At the same time, Sir, when Christmas comes, I as a Muslim, am given time off to go and enjoy myself. Is that not discrimination, Mr. Deputy Speaker, Sir? You will be surprised, Sir, that in a small country like Uganda which has a small percentage of Muslims, a Muslim holiday is a public holiday for all. Whether it be a Christmas Holiday or a holiday for Muslims, it is a public holiday for all. However, Sir, here in Kenya it is not the same. Even in Tanzania, Mr. Deputy Speaker, Sir, a holiday for either religion is a public holiday for all people. I was expecting the President, in his Speech, to say something about this issue. If things go on like that, Sir, it shows that we are discriminating against some of our people. It is a long time now since the foreigners came here. These foreigners, namely, the Europeans and the Arabs, who introduced these religions could not allow Muslims to talk to Christians because they thought among themselves as Christians and Muslims. That is not the case now because we have our own Government. Why is our own Government discriminating against us. This, I think, is wrong. I would like to appeal to the hon. Members of this House that we should not discriminate against ourselves. I would like, when Christmas Holiday comes, to go and enjoy it with hon. Karungaru, and also when a Muslims holiday comes, I would like to invite Mr. Karungaru to come to the Coast and we enjoy ourselves there.

The other thing I would like to touch on is

the visiting of Ministers. Mr. Deputy Speaker, Sir, I think that some Ministers here visit some constituencies without informing some hon. Members from those constituencies. This is very wrong. I would like to say, Sir, that the Minister for Works recently visited our area and he, himself, says that he sent a circular to us about the visit. Mr. Deputy Speaker, Sir, neither I, hon. Mwamzandi, hon. Matano, nor anyone else received the circular. However, if he sent the circular and if the circular—

Mr. Somo: On a point of order—

Mr. Boy: You are wasting my time and yet I have little—

Mr. Somo: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to allege that the Minister for Works visited his constituency in Kwale District without informing him and yet, Sir, I received a circular which covered the whole district? It was circulated in his own district!

The Deputy Speaker (Dr. Waiyaki): It is over, anyway.

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, thank you for the time you have given me to make some observations on His Excellency's Speech. I think, Sir, the statement that was given by His Excellency was a very good statement. It was a statement which really projected what the Government had done and what the Government is thinking. It also reflected what Government is planning.

Mr. Deputy Speaker, Sir, we must first give credit to Government for the political stability that the Government is giving to this country. Many countries in the world today are in difficulties; when you listen to the radio in the morning or evening, you hear there is turmoil almost everywhere, but there is silence, calmness and wisdom prevailing in Kenya. I think the country should be very grateful for the leadership of His Excellency the President, Mzee Jomo Kenyatta for the general stability in the country. Mr. Deputy Speaker, Sir, some Members think that it is a joke to say something about stability. However, we saw about two years ago the number of people who ran to hide themselves in Somalia and Dar es Salaam when there was a very slight trouble here. Some of these people are in the House today. Therefore, when the Government is capable of keeping peace and stability and making everybody enjoy whatever prosperity he has to any extent, then we should be very thankful to the leadership that provides that stability and to the leadership that provides

[The Minister for Power and Communications] that safety and security. This is why I feel it is very important. Perhaps you cannot appreciate when you have your father until your father dies, and when you look back you realize that your father was important. You realize after he has died but when he is alive you do not appreciate that he is important. This question of stability is due to the wise leadership of Mzee Jomo Kenyatta and the very capable leadership by the Government and the ruling party, Kanu, as a whole. Therefore, we must give credit where it is due.

Mr. Deputy Speaker, Sir, my second point is the question of money; how the Government is spending money. Now, the money which is voted by this House is spent by the Government according to the decisions of this House. This House allocates money for education. This House allocates money for the Ministry of Power and Communications, this House allocates money for the Ministry of Works, and it also gives money to all departments and Ministries of Government. We spend it according to what is decided by this House. Therefore, it is very funny for an hon. Member to get up and say that Government should have given free education. Why did you not plan for it in the House when we were deciding the Budget here? Mr. Deputy Speaker, if these Members would like to give us free education this year I challenge them. June is coming when we shall have the next Budget. They should give the people free education according to the decisions in the Budget. If it is made available by Members then the Ministers will also make it available because it has been made available by this House. It is quite useless to get up and blame the Ministers for nothing when the House, itself, is not giving the free education in the Budget.

An hon. Member: Are you serious?

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, I am very serious.

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, Sir, is the Minister not misleading the country by saying that the Back-benchers are responsible for putting free education into the Estimates of Expenditure—the money to be spent during the year whereas we know that it is the Minister for Finance who, when he hears of what we are talking about in this House, should plan for that?

The Deputy Speaker (Dr. Waiyaki): He did not say that. He said the “House”, which includes the Ministers too.

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, I have been in this House long enough to understand what I am talking about. It is the House which gives the whole country the Budget, what items and how much should be spent and so on. If the House, therefore, wants free education, it must make available the millions of shillings that go with free education. It is quite unfair for the Members of this House not to give education—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, I am sure you will agree with me that the hon. Minister is really misrepresenting the position of the House to the country when he says that it is this House that has to plan for free education, when it is, in fact, for Government to plan and bring the plan here for the House to approve or to disapprove. Have they brought any of these? Why is he misrepresenting the House?

The Deputy Speaker (Dr. Waiyaki): Now you have said the right thing. The hon. Mwamzandi had said quite a different thing. Obviously the House cannot provide the millions unless these are brought in a Budget by the Minister for Finance. This requires planning by the various Ministries, especially, of course, the Ministry of Education.

Mr. Migure: Can you apologize?

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, there is nothing for me to apologize about because this House apportions the money and it is free to give us ideas from where the extra money should be obtained. This House can legislate and make regulations. Therefore, if the Members want to be responsible they should say that the responsibility lies on all of us here, but not to put it over the Ministers, that the Ministers are not doing this or that. The Ministers have not spent the money of the Budget on wrong things but they have spent it as allocated by this House. Therefore, you cannot blame them.

Mr. Deputy Speaker, Sir, of course, I sympathize with the rise of the fees. But if we want to do something else, then Members should suggest what they want to do. If the Member for Kitui East thinks there is something better that we should do, he should tell us instead of just criticizing without any constructive ideas. Mr. Deputy Speaker—

Mr. Migure: On a point of order, Mr. Deputy Speaker, is the Minister in order to mislead the nation through this House that the Members of Parliament have not suggested the ways they can work out the educational programme at the time

[Mr. Migure]

when we have given several suggestions in this House that we want Government to bring a programme to us and then we may tell them what to do? Is he in order to mislead the House?

The Deputy Speaker (Dr. Waiyaki): No, I do not think it is quite true. Mr. Ngala has not attempted to mislead the House. What I think the Back-benchers should demand from the Minister is that a programme should be produced for the next Budget giving free education. Unless this is done I cannot accuse the Minister of having misled the House. He has not seemed yet to do so.

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, what I am saying is that we have not failed as the Members say. We are given the money and all the money that is given we spend it according to what has been decided by this House. Therefore, there is no question of failing, Mr. Deputy Speaker. What you give us we give back to the people. We should not be blamed if we have not given more. If the country's economic level has risen, of course, we would act accordingly. We want to know from the Members where there is money. Have you seen the money? Have you got it? It is quite useless to say— Even in the Kanu Manifesto it was a target. The Manifesto never mentioned that 1971 would be a year of free education, but it was just a target that we have to work towards. Read your Manifesto. There was no year that was mentioned for free education but this Government is working and moving towards that target. We cannot say when this will be done until the economic standard has improved.

Therefore, Mr. Deputy Speaker, Sir, for any people who are saying that it is Kanu idea that 1971 will realize free education are misleading the country. The target is something towards which you work. We are working towards that very seriously as a Government, and you should understand it.

Mr. Komen: Thank you very much, Mr. Deputy Speaker, for giving me this time to air my views. First of all I am congratulating the President for his excellent Speech which he made here on 23rd February 1971.

Mr. Deputy Speaker, I think there is too much noise here.

In congratulating His Excellency for his opening Speech I have some observations to make here, Mr. Deputy Speaker.

First, it is about the ladies who have been employed in the police force. Mr. Deputy Speaker,

the behaviour of these ladies is beyond that of human beings. When you approach one of them, say, those who are stationed in the traffic section, when you are driving they stop you. We always appreciate being stopped, but the badness here is the way they stop traffic. If somebody calls a lady police officer *mama* she says, "*Mimi hapana mama yako!*" When you call her *msichana* she says, I am not your *msichana*! Then you find that everything in that bloody Ministry—

The Deputy Speaker (Dr. Waiyaki): I think there you are wrong.

Mr. Komen: So, Mr. Deputy Speaker—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, would you ask the hon. Member to withdraw this unparliamentary language?

The Deputy Speaker (Dr. Waiyaki): I do not want him to speak them again because I do not want them in HANSARD. Once said, once forgotten.

Mr. Komen: What I should suggest to this Ministry, as far as the Ministry of Home Affairs is concerned is that they should get rid of all these ladies in the traffic branch and send them into offices to serve the big men who have *nyota* so that they can be typing and receiving people and everything. But to be on the traffic branch and abuse a gentleman like me, a moran—I cannot be abused by a woman.

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order, Mr. Deputy Speaker, is it in order for an hon. Member to bring into disrepute officers of Government when they are doing their duties, that they should not do so? That is what he is trying to imply.

The Deputy Speaker (Dr. Waiyaki): It is a very dishonourable thing for the hon. Member to attempt to classify officers of Government according to sex. It is quite irrelevant. The officer who happens to be in uniform at that time is an officer of this Government of which you are a part of.

Mr. Komen: Thank you very much, Mr. Deputy Speaker. What I was suggesting to the Ministry is actually that it is not good to keep ladies in the sun with their beautiful hair. That is not good because you will find that they want to show a man that they are better than men nowadays because you actually find that—

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, is the hon. Member in order to say that the ladies are now showing men that they are able to do the work better or is it because he calls them *mama*, as if they were not *mama* of himself?

The Deputy Speaker (Dr. Waiyaki): The ladies are a new element in the police force. If they are trying to show that they can do as good a job or better, there is nothing wrong with that at all. They are just trying to do their best.

Mr. Komen: Thank you, Mr. Deputy Speaker, for rescuing me because the hon. lady— What I was suggesting actually is that we should keep—

An hon. Member: Do not mind about that!

Mr. Komen: Let me then go to another thing.

The second point, Sir, is that we have a problem here with the recruitment of officers into the army and the navy; it happened recently that it was announced over the radio, that recruitment for Nakuru would be done in Naivasha. This is something new that we have not had in the past because we have the provincial headquarters in Nakuru. I wonder why it occurred that the recruitment was to be done in Naivasha and not in Nakuru, where it has usually been done for some time. Therefore, I think the—

An hon. Member: It is because Ndorobos are in Nakuru!

Mr. Komen: Yes, I think that is the reason. They think that the Ndorobos cannot walk up to Naivasha, but they can reach there.

Mr. Deputy Speaker, Sir, I think the Ministry of Defence should correct this and have Nakuru as the place where interviews should be held, because we have people from places like Mau Narok, we have places like Mau Summit they cannot travel 40 miles to Nakuru and then another 40 miles to Naivasha. At least people from Naivasha should go to Nakuru, so that those from Mau Narok, Mau Summit, Bahati and, Solai can also come to Nakuru for the interviews. I hope that this will be corrected.

Supporting the hon. lady, when she talked about the Special Branch, Mr. Deputy Speaker, I had this problem during the prorogation of the House. I had a meeting, and what happened is that a Special Branch officer misreported me, and when I came to the district commissioner's office for permission to hold my next meeting, I was told I could not hold the meeting; because of what— It was because of what Mrs. Grace Onyango said, that these officers are too many in the country, that now because they have nothing to report, and they want to be there, so that they can be earning, they have decided to mis-report Members of Parliament. Some of them are following us up to Parliament. I do not know how they pass through these gates, I can see sometimes, that nearly half of those people sitting here in the galleries, are from the Special

Branch. I do not know whether— Should we be followed up to this House, where we get answers and everything? This is what we actually want to know from the Clerk of this Assembly, to tell us whether—

An hon. Member: The Clerk?

Mr. Komen: It is because we do not actually introduce them; I do not know how they come here, they come to the Speaker's Gallery and they have everything.

The third thing, Mr. Deputy Speaker— Oh, yes, Sir; sorry, Sir. The third thing is about the Ndorobos. Mr. Deputy Speaker, when the President came, I thought he had remembered the Ndorobos; that there are people existing, of that nature. I thought he was going to mention something about the Ndorobos when he came here to deliver his Speech, about the land to be given to the Ndorobos. However, there was nothing of that nature. I wonder why this was so, because most of the Ministers have been urging us to ask the Ndorobos to come out of the forest. Now, when these people want to come out— Are we going to settle them on their farms, which they have bought, or what? They want us to settle these people on their land, and if— I think we will go and settle them on 30,000 acres soon, and then you will—

The fourth thing, Mr. Deputy Speaker, Sir, is about the Ministers. The Ministers, nowadays, are just too much, and I know of an incident which occurred in Nakuru recently, when I was in the Central Rift County Council office. When I stopped, a car belonging to a Minister drove by. When he stopped, he had very many women in his car, because he carries women; we do not carry women—

Mr. Kanja: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to try and bring in personalities in this Chamber, instead of presenting his facts, as the matter is concerned?

The Deputy Speaker (Dr. Waiyaki): The hon. Member has declared his attitude towards women; I do not know what he is going to say yet.

Mr. Komen: Let me go on; this man was campaigning with his wife. This is a fact; he was campaigning because he wanted his wife to be the head of the women. Therefore, he came with a lot of women in his car; this is what happened. Then when he saw me, I greeted him. After greeting him, he then asked me, "Please, could you call me the chairman", because I was going to the council hall— Do not waste my time!

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Sir. Is it really in order for the House to be

[The Assistant Minister for Information and Broadcasting]

treated to the language we are being treated to by the hon. Member, when we are supposed to be talking something more intelligent, from the President's Speech?

The Deputy Speaker (Dr. Waiyaki): He is trying to make a point about women.

Mr. Komen: I went in, and actually called the man, after which I went on to where I was going. Later on, he went round telling those women—some of them came from my constituency because they were prominent women, whom he was actually organizing—"Oh, that man— Do you not see I can send even hon. Members." If that is the behaviour of Ministers, we challenge you, because nowadays, you are trying to be young, putting airs—

The Deputy Speaker (Dr. Waiyaki): Order! Your Time is up!

Mr. Koigi: Mr. Deputy Speaker, I rise to congratulate His Excellency the President for his able Speech.

An hon. Member: He is the Minister for Back-benchers!

Mr. Koigi: What I would like to say, Mr. Deputy Speaker, is this: We—in the Presidential Speech—have seen a phrase, that we are inviting investors to come into this country. When this Government, and you, hon. Members, invite investors to come here, you must know that they are bringing a danger. The danger they are bringing is this: that they shall recognize our African states and dominate our whole economy.

An hon. Member: Watch my feet.

Mr. Koigi: When they come here, they come with their people. Every investor has a team of spies behind him.

Mr. Deputy Speaker, every African country feels happy when they borrow— When they invite a foreigner to come and erect a factory there. However, in future, all this investment will mean recolonizing our country, and I fear; I want to point out and advise the Government, that whatever we do, if we invite investors, we are inviting a danger in this country, and in every other African state. We are like children; when trouble occurred in Nigeria, what did we find? We found outside interest in fighting—"I am going to supply Biafrans with arms", others said, "We are going to supply the big portion of Nigeria with arms", because they wanted the gold in that country, they wanted the minerals and so on. What they are coming here for is to create a critical situation on our economic undertaking.

Mr. Kitonga: Who told you?

Mr. Koigi: Mr. Deputy Speaker, I was in London when these things were being organized in East Africa House and I know the stooges of those African countries, what they do. They are combined with these big interests in the world and they crush the countries from where they come. They are called investors here. That is another language. I call them "interests". The people who come here do so to suppress our undertakings. Tomorrow, let the Minister for Economic Planning suggest a manufacturing undertaking in this country and you will see these people advising the Government where they want to put their money. As much as we call them in, they come here to undermine us. That, I know.

My second point is this. I would like to talk about the civil servants in this country. The other day—I want hon. Members to listen to this—we received Sh. 5,000 from the hon. Assistant Minister for Lands, Mr. G. G. Kariuki. When I called people to attend a ceremony, the District Commissioner, Mr. Chomba, called an ex-Member of Parliament from my constituency and a doctor to come and cause a showdown. They said I should not receive charity, I should not receive it as a representative of my people. The district commissioner, the doctor and ex-Member of Parliament wanted to show that I am a small Member of Parliament. That is how they can treat a Member of Parliament. Yet the Minister says we should go before these civil servants on bended knees. As our hon. lady said here, the Government is prepared to listen to those who failed in politics and were not able to come to this House more than it is prepared to listen to the representatives of the people who were elected democratically.

The provincial commissioner, the district commissioner, the district officers have not changed. What is being built in this country is a kingdom, a kingdom of civil servants which is to exclude the so-called Members of Parliament.

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order, Mr. Deputy Speaker, is the hon. Member in order to refer to the hon. Members of this House as "so-called Members of Parliament"? Or did he mean to put it in inverted commas?

The Deputy Speaker (Dr. Waiyaki): He was representing the attitude of the civil servants.

Hon. Members: Hear! Hear! Hear! Hear!

Mr. Koigi: Sir, the Civil Servants' Salary Commission has been delayed too much. The Government should bring it forward and allow these people to earn whatever they can earn. Probably they will then cool down.

[Mr. Koigi]

I would now ask the Government and this House to release Mr. Silas Wanjohi Jamaita and all the detainees.

An hon. Member: Where is he?

Mr. Koigi: I do not know where he is detained and why he has been detained.

However, I am pleading with the Government to release this Kikuyu.

Mr. Deputy Speaker, when some Members speak in this House they think that when other hon. Members speak in this House— No Kikuyus are detained.

Hon. Members: Address the Chair. Address the Chair.

Mr. Koigi: When some hon. Members speak in this House they think they are angels, they formulate whatever happens in this country. No. We are not responsible for this. There is an individual or some individuals who are responsible.

An hon. Member: Who are these individuals?

Mr. Koigi: I do not know.

I would like to say something about manufacturers. I feel it is high time that our people started an assembly plant here, especially for cars and other motor vehicles. We should also start, not with heavy industries but rather with small industries. We must enter into the field of industry.

We asked the Minister for Economic Planning—I do not know what they are planning—to start these things. I always question their planning.

Sir, I want now to say something about unity. Unity without comprehensive Kanu organization is impossible in this country. We can have groupings. I do not think groupings are immoral. They are there in Britain. The Scottish people have their groupings, the Welsh, the Irish and English have their groupings so that they can run their country. If groupings do not fight one another, and if they are social, they are all right. That is my view.

I would ask the Government to give loans to our small farmers. We always repeat this. I dare say that when the civil servants return money to the Treasury they should know that there are people suffering, who want loans from the Government and we should give them these loans.

On the subject of schools I have this to say. In this country, especially in Nyeri, the civil servants, the Members of Parliament, the Ministers want to build a school and that school will be a discriminatory school where they will send their children. I advise the Minister for Education not to allow these dirty things to take place.

What we are trying to do, and what many Members are saying in this House is that we want free education in Kenya. Who is going to provide free education? We shall provide free education and the Cabinet ought to initiate a Bill to start free education. They should not say they do not have money. We know how much is spent in London, at the Hilton Hotel. We know this. It is spent by you people, by we people. Instead of spending money in the London Hilton Hotel we should build more schools in this country.

Thank you, Sir.

Mr. Mulli: I would like to start by congratulating the President for the exposition of Government policy and I would also like to congratulate the Speaker of this Parliament. We have had one of the most welcome speeches ever made by a Speaker for this Parliament for 1971, by an African Speaker. In his speech he outlined the basic democratic rights and principles that have to be observed by Members of this House and I felt that it was one of the best speeches so far heard from a Speaker of an African House.

I would like now to start with one point here which was mentioned by the President in his Speech: the amalgamation of the national parks and game departments. That, I think, is one of the things we have been waiting to hear from the Ministry of Natural Resources and the Ministry of Tourism. Our people have lost a lot. They have lost compensation because these two departments have always not been able to agree on Government policies. Every time our people ask for compensation for crops or damage by animals we are referred to the game department. The game department refers us to the national parks. The national parks refer us back again to the game department. There has been no co-ordination in the policy on this matter. I think through this amalgamation we might be able to get some compensation for the crops and other damage made by animals.

We have also seen these national parks spending huge amounts of money on tourism. I repeat saying that tourism must not be conducted at the expense of the African or the ordinary person. We have seen roads being constructed, properly graded and staff being employed to look after the tourists' line. We have seen tourist centres down at the Coast and other places. Our people are going without water, our people are going without light, our people are going in the country without good roads. They grow crops and they cannot send these very crops to the markets because there are no roads. All the money we have in this country is being devoted to the tourist industry only. I feel, Sir, this is cheating the

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public because our people are seeing these things happening.

If I may go further, the land policy in this country causes a crisis. We must not forget this. There is a crisis. I feel there is a crisis on land policy in this country. The land tenure in this country is wrong. There is still so much land in this country held by non-citizens, by the letters they obtained 20, 30, 50 or 70 years ago. This policy of allowing these people to own the land which they do not even make use of, is wrong. I know of one foreigner down at Athi River, Kilima Kiu, Ulu, Konza, he is a man owning well over 35,000 acres, and much more than that. He has had all the cattle transferred to Kilifi area. He is Mr. F. O. B. Wilson. He has all that land here while the Kamba are dying on that bare rocky land over the hills. They cannot be allowed to live on the land down below. You see the place from Athi River to Mtito Andei, 200 miles, that land is left idle, it is not inhabited, it is not being used while 500,000, half million people on rocky hills are doing nothing and they are told to go back to the land. What do they do on the land which is barren, the land on the hills? What do they get from such land? How do they live? How do they grow their crops? How do they rear their children? How do they educate them on this rocky land, these rocky hills? They will die there. Mr. Deputy Speaker, I suggest that this Chapter 75 of the Constitution should be changed altogether. There must be changes introduced by the Minister for Lands. We have said over and over again that the land tenure policy of this country is wrong. It is based on those who had it since years ago. We do not have to wait until our people come with *pangas* and *rungus* and occupy any land they see in this country. They will do so some day. Sir, we have to be realistic.

Let me come to No. 3 or 4. Radio programmes in this country—

The Deputy Speaker (Dr. Waiyaki): I would like to make a small correction. It is not "chapter", it is "section", section 75 of the Constitution.

Mr. Mulli: Thank you, Sir.

On the subject of radio programmes, I see the Minister for Information and Broadcasting and he is responsible for all information, on the radio and what-have-you. Is it not a shame that our people have to tune to Tanzania and South Africa for news every time they want to listen to good material from their own land? Why must we allow our people to wait until Tanzania tunes up, why should we wait for South Africa or other areas so that we can listen to something

from our own African broadcasters? In Kenya you hear people talking of having been to Nigeria and yet he tells you nothing. Why can we not explain that other people, in other countries, in Tanzania—I am not saying that Tanzania has all the good programmes. However, at least after the news you hear about every region, every corner of the country, what has been done during the week, during the day, what people are doing, about irrigation, what is drought and all such things. Why can we not tell our people what the Ministers are doing, what everybody is doing in this country? Why must we talk nonsense on the radio? This must be changed.

Papers or news in this country, or any other media must not be left in the hands of foreigners. Why can this Government, not at least own one single paper to inform the public of this country what is going on here? For example, Sir, the other day we were dealing with this question of amalgamation of our salaries, consolidation really. The Press did not write anything the following day. Maybe they did not understand it. But, then, you found that later, after this thing has been consolidated, some people started to mislead our people completely. They said we had increased our salaries when it is only a consolidation of our allowances. The public have been misled *kabisa*. We have been told we are earning a lot of money here. Where is the money? It is just consolidation of our allowances which we are now getting monthly. Our monthly allowances, our monthly salaries are being called big salaries, say, Sh. 5,000 or Sh. 4,000. Where is the money, Mr. Deputy Speaker? These statements are misleading. Why can we not have our own services, our own newspaper where our people can understand exactly what is taking place?

When you come to No. 5 Mr. Deputy Speaker, Sir—I am hurrying up—I was sitting in this Chamber last week, or this week probably, and I heard the Assistant Minister, Vice-President's Office and Ministry of Home Affairs replying to a question carelessly, hopelessly and not even bothering to listen to the wishes of the public or show that he was interested in the people. There was a question from hon. Mutua from that end and it was about health centres. Sir, the point was, "Is it not the duty of the Government to push the people ahead once they have shown the initiative and have started something? Is it not the duty of the Government to push these people forward and show them that it can come behind them and push them forward and especially the backward areas?"

Sir, we know very well that it is difficult for small areas to shoulder a secondary school for one, two, three, four, five years before the

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Government takes it over. What does the Government expect these people to do? To start another project? With what? If the Government does not take over the secondary school in order to allow them to start another thing what does it expect these people to do, and yet they are told to do this and that and the rest of it? Is it not the responsibility of Government to push them forward and show them that it is behind them? What else is the Government supposed to do if people start health centres and the rest and they are then told that the Government did not know whether they had started a project or that when they started it did not tell them to start. What an answer from a Minister! "The Government did not know what time they started; whether they started; or who told them to start?" What is that; and yet we have the policy from the Government where we are told to initiate projects? Mr. Deputy Speaker, our people are not all that foolish.

Mr. Deputy Speaker, when I come to No. 7—Foreign Policy—I am disturbed by the expenditure that we are incurring. The money that we spend on sending people outside— For example, recently the Minister for Foreign Affairs, last year, spent half the year travelling to overseas countries telling the world that we are protesting at the sale of arms to South Africa by Britain. Today, they are selling the arms but we have had no definite statement here that we stand on this, that or the other, yet we had the Minister outside for half a year telling the world Kenya's stand on the sale of arms; "We do not want Britain to sell arms." What have we heard today after the sale of arms to South Africa? Why did we spend so much money last year and yet today we say, "Wait and see." Why, then, did we not wait last year?

Mr. Deputy Speaker, arms to South Africa is a business of Britain and South Africa. We know and everybody knows what our feelings are. But, then, why have we not heard anything from the Government now that the arms are being sold to South Africa? We are told since that Study Committee has not had any meeting, then, there is no question of Kenya, as a Member of the committee, paying attention to anything happening. Mr. Deputy Speaker, Sir, I feel we should have a definite policy.

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

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to say a few words on His Excellency the President's Speech. Sir, I will start by congratulating the President, like many other hon. Members have done, for his most excellent and

educative Speech to this House. I deplore, actually, that hon. Members have not even taken heed of what the President said. This House is an hon. House, this House is for transacting national business but not for the narrow parochialism or narrow sectionalism of some hon. Members.

Mr. Deputy Speaker, I have been shocked to hear the speech from the hon. Member for Nakuru West, Mr. Komen. This hon. Member, up to this second, has not even accepted the equality of his voters. He was elected into this House, Sir, by the majority of women votes.

Mr. arap Saina: On a point of order, Sir, is it in order for the hon. Minister, who has a lot of experience in this House, to provoke an hon. Member of this House who holds a total mandate of his constituency when he made a speech and cleared some of the mistakes which are made by some Government officials?

The Deputy Speaker (Dr. Waiyaki): No, it is quite in order. The hon. Minister is trying to express an opinion on the speech made by another hon. Member. That is part of our daily debating process.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, the hon. Members should learn more of their note books on the points of order. Sir, I was saying that this House is a respectable House. I refer particularly to the treatment given to this House today by the hon. Member for Nakuru West; it was not up to the standard of this hon. House. I have said, Sir, and I repeat; up to now, he has not got the confidence in the majority of his voters who were women because he said jobs in Kenya should be given according to sex. He said, these African women who have been educated, their parents have paid the fees, and have stayed for many years in school, that they cannot join the police force.

The Deputy Speaker (Dr. Waiyaki): He did not say that. He said that if they are employed as police officers, they should not be employed on the roads as traffic officers so that rather they should be in the offices.

The Minister for Co-operatives and Social Services (Mr. Muliro): What he wants, Sir—I could understand him very well—is that they should rather be stenographers, or typists in the offices than being police officers. A police officer is a police officer and can carry out any duties assigned to him or her by senior officers.

The other point I would like to say, Sir, is that as hon. Members of this House, the responsibility of the future of this country lies completely in our hands and the less we provoke each other, the less

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we provoke sectional or tribal animosities the better it is for this country. Sir, some people might condemn a given tribe. If a member or a given individual is wrong definitely then not the whole tribe should be condemned. Mr. Deputy Speaker, whoever has the responsibility of governing this country, today or in future, will have to govern everybody in this country. When we were fighting constitutionally for independence in this House, we were fighting for the independence of this country in totality for everyone in the country, not one tribe, two tribes or three tribes. Mr. Deputy Speaker, I therefore think that the future of Kenya depends very much more on the cool-headedness of the Members of this House, either here or outside, because, in fact what is louder is what we speak in the bars, in the night clubs at night, rather than what we speak here. Some hon. Members might be afraid of saying something here but when they go into the corner nooks of Nairobi, Nakuru or Eldoret, they will engineer much more vicious politics than they are capable of saying here.

The other point I would like to say, Sir, is the question of what one hon. Member said; that the investors who bring into Kenya any investments are another colonizers. We are saying that we should accept one dictum that if we want development, if we want investments here we must lay down certain conditions. Without money we can never develop this country; and without generating wealth in our country we shall not get the much talked about universal education for the children because once we are poor we will remain poor. We must develop every method and every technique of attracting investment in this country so that we can develop our country and hence be able to educate our people and create opportunities of employment for the majority of our citizens. Therefore, these people who are afraid of the investors, claiming that these investors are going to ruin us, must have their minds decolonized so that they can think on the brighter side of investment rather than the darker side of investment. The hon. Member, Mr. Koigi is the one who raised this question.

The other point is about hoping on free education. There is nothing in the world which is free and as such there is nothing in the world as free education! A child might think that when it sees food placed on the table by the parents it is free—for all purposes. However, the father has worked for it. In other words, the tax-payers in this country must pay money in order to provide free services. Without the workers in this country

we cannot provide free services. There is however, a capacity limit for taxation—the tax capacity of every individual is limited. You can, for example milk a *ng'ombe* to a certain degree but you cannot over-milk it because it will die and in fact it will not give you any milk. If for example, in a drought like this, you milk it in the evening, in the morning, you will not be able to milk the same *ng'ombe*. So, these hon. Members who, on one hand, say that they want free education and on the other hand say that they do not want investment that would generate more wealth in this country make me fail to understand their logic despite the fact that I am a student of logic and metaphysics.

An hon. Member: What about *majimbo*?

The Minister for Co-operatives and Social Services (Mr. Muliro): The hon. Member talks about *majimbo*. Well, when I wanted *majimbo* in this country the hon. Member did not want it and, therefore, I surrendered *majimbo* for ever and ever *amen*.

Another point which I would like to mention here now is that we here, as hon. Members of this House, should be more mobile—we should visit each other—for example people from Nyanza Province should visit Eastern Province, in Central Province, in Coast Province and so forth. Once we do that we shall be knowing that we are creating one Kenya. However, if we come here and say that we want one Kenya and then we go to our small cells—our own tribal homes—we shall be generating greater fear to ourselves and we shall undermine the integrity and unity of this country.

Mr. Kitonga: Thank you very much, Mr. Deputy Speaker, Sir. First of all I ought to support the Speech of His Excellency the President and congratulate him for the good work that he has done in the country. I have a few points which I would like to mention in this hon. House. One of these points is that I would like to remind the Government that in Ukambani we do not have national projects like the one at Kano Irrigation Scheme, Mzima Springs Water Project, Kindaruma Power Scheme and so forth—I do not want to mention them all. Mr. Deputy Speaker, Sir, we would like the Tana River to be connected with Thunguthu River, and Nzio River. This would enable half of the Kitui District to be provided with water which is a problem in our district.

An hon. Member: That is a good point.

Mr. Kitonga: I would like also to give some advice to the Kenya Armed Forces. During the recruitment of people to the Armed Forces, the

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police and others, members of the Kenya Armed Forces travel long distances, for example, to Nakuru, Ukambani and so forth. However, you will find that they recruit, for example, just one person. If on the other hand you examine the expenses which have been incurred you will find that they have been going there for nothing. I would like to appeal to the Government to consider this case. If they want to recruit people they had better stay at the headquarters and invite people through the normal channels as is done in other forms of employment.

In my third point I would like to appeal to the Government to review the salaries of the civil servants but not the salaries of the super scale grade. The review should start from the bottom up to near the super scale grade but not including the super scale grade. I appeal for this strongly that the civil servants should be considered because they are in a bad position and corruption is bound to continue or will be introduced if we do not consider their cases.

I would like to mention something also about the Electoral Commission. This Electoral Commission is doing nothing although I understand it was formed. If this Electoral Commission is still alive I would like to appeal to the Government to consider directing this Electoral Commission to sit and consider where necessary increasing some Parliamentary seats, particularly in Kitui East, because the area is big and there communication is difficult. Where communication is easy the Electoral Commission could reduce the Parliamentary seats.

I would like to mention that during the colonial times we had no Harambee schools; but now we have already built so many Harambee schools some of which are built in the bush. I would like to appeal to the Government and particularly to the Ministry of Works to make small roads to enable officers of the Government to go and inspect the schools. You will find that the officers or the teachers who are working there do not care because no school inspectors can reach there because of lack of roads.

Mr. Deputy Speaker, Sir, I would like to challenge the City Council of Nairobi which is still maintaining the colonial mentality. They should wake up because you find that when a person applies for a house he is told that he will be put on the waiting list where he will wait, perhaps for ten years. Now, do you expect a Member of Parliament like me whose term of office is five years to wait for ten years? What is this? This is very bad. You will also find that the City Council of Nairobi has introduced a

method of building houses for the local people who are wage earners very far away. They have built these houses as far away as Jericho and they are now about to reach Thika. You will find that some of these people are working as far away as Kenyatta National Hospital and some are working near this place; and some of them are even working for the Ministers. What time do you think they will come to report for duty? The City Council had better wake up!

I would like to come to the Minister for Education. When I asked a question some time back I was told that there is a board which deals with scholarships. When we asked him to mention the names of the members of the board we were told the names of some people who died long ago and some who left the House long ago. These members do not exist. If they exist, can we be told the people who were given scholarships from 1969 up to now? Does that board meet during the night? The Minister for Education should wake up!

I must hurry up and comment on the Attorney-General's Office. I wonder and am surprised because we have so many district magistrates and none of the Africans has been promoted to the post of first class district magistrate. Why is this? Are they not fit? Just tell the Attorney-General to wake up! This is very bad. He had better consider our people.

Mr. Deputy Speaker, I would like to come to the Voice of Kenya. You will find that most of the time of the Voice of Kenya is spent on dance and music programmes. People should be provided with proper news, especially news of this House of which they expect to hear so that they may understand what is going on. The Voice of Kenya people should wake up!

Kanu organization: you will find that in Uganda as well as Tanzania there are party newspapers which are nationalistic. However, here we depend on foreign newspapers. What are we really doing? Mr. Deputy Speaker, Sir, we have always said that Kanu is alive. It is alive but I want it to be more alive. We want our own paper in this important nation.

*[The Deputy Speaker (Dr. Waiyaki)
left the Chair]*

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

Mr. Speaker, Sir, I want now to talk about free education in this country. The Government has promised the people of this country that there will be free education for their children and the Government must keep its promise. We have this promise in our Kanu Manifesto. If we say that Kanu is existing, why do we not follow the Kanu policy. We pledged to the people to

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give them free education but up to now the Government has done nothing to that effect. If the Government asks for more money to give free education in this country, I am ready to support them. Let us plan for free education now.

I would like to see such Ministries as Cooperatives and Social Services, Agriculture, Natural Resources and Lands and Settlement to be made into one Ministry. The Ministry of Housing and the Ministry of Local Government should be made into one Ministry. In the case of adult education, we do not want adult education because there is no adult who does not understand the value of education. This money which is spent on this adult education should be utilized in providing free education to our children. Any adult who wants to be educated can go to school if he has money. This is what I did myself. I never went to school. Am I not educated?

Mr. Speaker, Sir, I also want to appeal to the big powers not to interfere with our country. "You, big powers, big powers, come slow, do not circulate rumours everywhere. I know this country has no rumours. All rumours come from outside this country. My dear big powers, you have many tactics, you have some people loitering here every now and then. We are happy in our Government and we do not want any interference from outside. The time will come one day, but not at this moment, when you can start bothering us. At the moment, we are quite satisfied and we should not worry." I know the big powers are the United States, Britain, Russia and China but I am asking them to come slowly. I am warning them to let us do our small business here peacefully.

Mr. Speaker, Sir, the person who married my mother is my father and therefore, to any future leader of this country, you can come and talk to him and he can trade with you. To this, I have no objection but as for now, we do not like your nonsense. When you bring beer here, it is poison and when we drink it we start talking nonsense and spread unfounded rumours.

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

Mr. Njiru: Mr. Speaker, Sir, I want to start by congratulating His Excellency the President for having given us a very good Presidential Address when we opened this Parliament.

On top of that, Mr. Speaker, I would like to speak about the raising of school fees. This issue has become very sensitive in the country and it is high time Government tried to see what to do. It is about eight years ago, when we, as a Kanu

Government, did promise free education to our people. It is a shame on us, Mr. Speaker, that up-to-date we have not fulfilled our promise. It is a real shame because instead of providing free education to our people, we are raising the school fees. Every Member of this House, be he a Minister or an ordinary Member, is being fired by the members of the public, by his constituents and he is not in a position to tell the *wananchi* the reason why the school fees is increased instead of providing free education, as promised in our Kanu Manifesto. Therefore, I would like this to be noted very seriously.

An hon. Member: There is no money.

Mr. Njiru: It does not matter. If we made the promise, it is up to us to know exactly what the Government should do to provide free education to our people. I challenge you, hon. Member.

Mr. Speaker, Sir, the other point that I would like to make in this House is about the landless people. This is a very serious issue, that, today, you find there are people in this country who do not have anywhere to build a single house of their own to put their children. What are these people eating and where are their children sleeping? I think this is a very serious point and our Government should look into this matter with all seriousness. In my own district, Mr. Speaker, I have an average of about 100 people everyday coming to me to talk about land. Where is Njiru going to get them land? Therefore, now that we are independent, we should try to make sure that people will exist instead of our people dying in villages like that. At the same time, Mr. Speaker, you find an individual like me owning about 5,000 or 2,000 acres of land. What is it for when other people are dying? It is high time we tried to go a little bit slower and in that way, I am sure, we can help our people.

The other point I want to mention is about the civil servants. There are those old civil servants who served during the Colonial Government and when we achieved our independence, these people took over and up to today they have not changed their mentality. They are treating the *wananchi* in the same manner as they used to do in those days. Some of these people are not highly educated and are trying to suppress the young men, the graduates who are coming from the universities, because they do not want them to rise up and take up their jobs. Some of them have attained the retiring age but have not retired yet. I would submit to this House that those people should be retired with immediate effect. I have also been very surprised to see civil servants hoisting flags in their cars. These people are not politicians.

[Mr. Njiru]

How can a provincial commissioner put a flag on his car while a Permanent Secretary does not put a flag on his car? This is an indication that these people are a kind of governor or a king in the areas they serve. If a Minister comes from a certain area, the provincial commissioner of that particular area does not recognize such a Minister. This is very serious, Mr. Speaker. A provincial commissioner is a civil servant, let us not forget, who is supposed to serve his people and instead of executing what has been decided in this House, they have become too ceremonial, opening cattle dips, opening this and that. I think, it is high time our civil servants were told what to do and then I think things will move smoothly.

Another point I would also like to talk about is about Kanu. We have Kanu and we would like this party to be reorganized. It is the ruling party. We do not have another party, so how can we have Kanu only by name. Let us get the party moving. We should have a political party because we have a political Government. We have a Government belonging to Kanu. Mr. Speaker, and therefore, I think something must be done.

Mr. Speaker, Sir, on tribalism I want to say this. Tribalism, since we attained independence, if we were to be honest with ourselves, has been booming in the country so much. If, today, a Kirinyaga person, like me, is employed somewhere as an official, I cannot employ anybody from elsewhere. Anybody that I employ must be from Kirinyaga. It is so serious when our Government has been aware of this that nothing has been done. That is why Members have been so touchy. Some have been talking about Kikuyunizing, Kambanizing, Luonizing and the like. This is because Members have not been in a position to help it because some of these things have been happening. Mr. Speaker, I think it is high time when Government should take strict measures against those who are trying to practise nepotism, trying to practise tribalism and so on. It is no use keeping quiet when Members are charging this and that while the fact is there. We know that tribalism has been really practised, and it is only possibly Luo and Kikuyu people—the major tribes—who have assisted themselves very much through practising tribalism, but not Coastal people or Kamba people or any other smaller tribe. Let us be honest, Mr. Speaker.

Mr. Speaker, Sir, lastly I would like to speak about unity. In this country we want unity but this unity cannot come about when there are people who are trying to spoil things. For example, Mr. Speaker, if this Government was not there today, a civil servant would be prepared to serve

any kind of government just as they did during the colonial times. Mr. Speaker, Sir, I used to be a politician even during the colonial days and I remember the people I used to meet in the offices. They were very good servants of the Colonial Government who would refuse to see me in their offices. Today, he is the same person I go to see and now he is serving in a higher capacity than he used to do during that time, Mr. Speaker. Therefore, these people can even spoil the Government waiting for any other kind of government to come whereby— You know they are experts and champions. If it comes to another government the following day he would be the first man to speak against the leaders who are in this House today, being on the other side. Therefore, we should not let these people spoil this country. We should not give them even the slightest chance to spoil this country. They had enough during the colonial days and today, Mr. Speaker.

Mr. Speaker, Sir, I would like to conclude my speech by touching on the prices of plots in Nairobi. Mr. Speaker, Sir, you will find that colonizers or imperialists came here and bought pieces of land within Nairobi and paid very little money for these plots. Today, Mr. Speaker, what they were buying at ten cents they are selling at about half a million shillings. Is this fair in a free country like this one with members of the Civil Service feeling free? This is most unfair. Mr. Speaker, and I appeal to this Government to look into this matter seriously. Mr. Speaker, Sir, when these people sell these plots, they go away with this money and therefore, it is not benefiting this country.

Thank you very much, Mr. Speaker.

Mr. Kadir: Thank you very much, Mr. Speaker, for giving me this chance to say a few words on this Motion. Mr. Speaker, Sir, while siding with my fellow friends who have spoken on this Presidential Speech, I would like to speak about the taking over of some of the services of the local authorities by the Central Government.

Mr. Speaker, Sir, it is very unfortunate that when the Government took over certain services from the local authorities it did not consider that there are some local authorities, like the county councils in the North-Eastern Province which are so small that when these services were taken away from them they were left with no other services to run. In fact it is very unfortunate because the Minister concerned has never given the county councils from our area the chance to run any other services since the Central Government took over certain services. Those county councils have never been given any directive as to whether they are going to have any other job to do,

[Mr. Kadir]

Mr. Speaker. Since the major services of these county councils—that is: roads, health and education—were taken over by the Central Government, the Government should now direct our county councils to run other services. For example, now that our area has been affected by a severe drought Government should allow the county councils to give bursaries to the children from the areas which have been affected by the drought. It is no use employing people in those county councils just to be liabilities to the *wana-nchi* there. Mr. Speaker, Sir, half of our local authorities in our area today are liabilities to our country. They do not have anything to do other than staying there and just paying salaries.

Mr. Speaker, Sir, our country has, in fact, been affected very badly by the drought and the people who are supposed to pay fees are the people who are depending on famine relief. These are the people who are today being asked to pay school fees. Where are they going to get the school fees, Mr. Speaker. It is the responsibility of our county councils, with directives from the Minister concerned, to give bursaries to these areas, Mr. Speaker. I would like to elaborate further about the school fees although I am not going to repeat it as you ruled it out.

I would like to question the Minister for Education about these school fees. Mr. Speaker, Sir, when the people from the North-Eastern Province are depending on famine relief how can Government again increase the school fees? How can Government expect these people to pay school fees really? It is high time Government looked into this problem to see that people from that area are exempted from paying school fees. If total exemption is not possible, they should be given 80 per cent remission on school fees. This is because the people are so desperate that they cannot afford to pay anything. These people are today depending on famine relief. They are no longer people but a collection of skeletons. These people have been depending on their livestock but their livestock is also nothing but a collection of skeletons and bones. Where are these people going to get money from to pay for the school fees as required by the Government. It is high time the Government considered giving 80 or 90 per cent remission on school fees to the people of North-Eastern Province and a part of the Eastern Province.

The other point, Mr. Speaker, Sir, is that every now and then we have been trying to say that we must get equal treatment or equal development in all areas. Mr. Speaker, Sir, you will find that our area is just like it was when the Colonial Government left it. Nothing has been done at all.

It is high time the Government or the hon. Members in this House tried to see that legislation was brought in this House to create or establish a Parliamentary Constituency Fund so that each constituency can get its share instead of centralizing everything and by so doing forgetting other areas as is happening now. You can find that nothing has been done in our area. In fact, when we speak about development, we are just barking like dogs and we do not get anything—there is no outcome. It is high time Government and the Members of this House tried to see that all districts got equal development funds instead of barking here and getting nothing.

The other point is that Assistant Ministers were appointed as Assistant Ministers. It is high time we saw that when a Minister goes abroad or goes for a tour, the Assistant Ministers are given the responsibility to act on their behalf, instead of Ministers from other ministries being brought to act in a particular Ministry. Why are they not given the responsibility to act in the place of their Ministers when they have been appointed Assistant Ministers? Instead of calling them Assistant Ministers, let them be called Deputy Ministers so that when the Ministers are not there they can act and be in charge of that Ministry instead of getting a Minister from another Ministry who does not, perhaps, know much about that Ministry.

Mr. Speaker, Sir, another point which I want to talk about is the way in which the Cabinet Ministers are appointed. Mr. Speaker, Sir, how shall we really say that we are getting equal treatment in Kenya when three districts have never had—have never been given, even, one Assistant Minister let alone a Cabinet Minister? The position which was held by the former Member of Parliament, Mr. Gallgalo has been taken over and we do not know to whom it was given. Why should we not be given that post which is, in fact, very minor? How can we say that we are sharing equal treatment when we are not even given an Assistant Minister in the three districts. It is high time that Government either told us—we are not—when they fought against the *shifita* I did not know whether they wanted the country or the people. Why they fought the *shifita*, I do not know whether they regarded the people of that area as part and parcel of this country; for they should get equal treatment like any other tribe in Kenya.

Mr. Speaker, Sir, it is high time we were given our right—this is our right, Mr. Speaker, whether we are from here or there, we are today part and parcel of this country and we should get equal treatment with any other tribe in Kenya. Why should we not be given, even, one Minister or Assistant Minister?

[Mr. Kadir]

Mr. Speaker, Sir, today our famine relief—look, Mr. Speaker, what is today regarded as our famine relief food? Our chief food, in Eastern Province, especially, Isiolo District where there is not an Assistant Minister, where there is not any responsible person except me or another hon. Member, is maize. Mr. Speaker, Sir, is there a human being who can live on maize alone? Look, Mr. Speaker, at North-Eastern Province where there are two Assistant Ministers—all the time we hear that milk is being taken there and other types of food-stuffs because of the influence of the Assistant Minister. Our people are given maize as the only food. We are not donkeys to eat maize. Our people had better die instead of being regarded as donkeys to eat maize only. When they are suffering, they should be helped. Let Government help them and give them all the human requirements and not maize alone. This application will go to the Christian Council of Kenya who will give us help but not our Government which has never dared even to post anything to help the people of North-Eastern Province who are suffering today and the people are regarding us as people with a shifta mentality. We are not creating the shifta mentality. We have been fighting for our rights and these people have never listened to us. Government must really vote some money to develop the Northern Frontier District, Mr. Speaker. The part of the country was neglected by the Colonial Government and if we are not helped, Mr. Speaker, why should we regard ourselves as part and parcel of this country? Why should we? We are useless people in Kenya. When we are regarded as useless and third-class citizens in Kenya why should we just — Why should we regard ourselves as people of Kenya. It is high time that Government came out in full force and helped the people from that area.

Mr. Speaker, Sir, it is really embarrassing to see that our people are being regarded as donkeys to live on maize only.

With these few remarks, I beg to support.

Mr. Muregi: Thank you very much, Mr. Speaker, for giving me this opportunity to air my views on this Presidential Speech and I thank the President for the wonderful Speech in which he gave in this House when he said that it has become more or less businesslike, and that is a very commendable statement to the public and hon. Members of this House.

Mr. Speaker, Sir, I do not want to dwell very much on this subject but let me speak on the sacking of employees by some statutory boards that are manned by Government, elected people, and by chairmen, nominated by Government.

It has reached a critical position whereby useful brains are being sacked for no reason, just because of disagreeing with the chairman or disagreeing with the general manager of such a statutory board, a very useful brain loses his job and stops serving Government due to very unscrupulous reasons.

Mr. Speaker, Sir, I feel that Government should go into this problem and see that such brains are not mishandled by a mere chairman who has been nominated to look after such a board with the help of the other hon. Member elected to that board. Mr. Speaker, Sir, it is the brain that is very useful and very educated people are being frustrated from working in such statutory boards because of these conditions. Mr. Speaker, Sir, if Government does not look into this affair, I know that what we shall choose are very useless brains working in these statutory boards and they will end up failing.

Mr. Speaker, Sir, I now move on to the 110,000 acres that were promised by the President some time last year or last year but one. The public in the field or in the country-side are still waiting for the outcome of the settlement acreage farms that were promised by the President and until the President clears up this position or makes a statement as to whether these farms will be available or will not be available it will remain a big doubt to the public because they are still waiting to see this settlement. The demand of land in the rural areas by the landless people is so high that something like this ought to have been included in the President's Speech so that people are satisfied in the rural areas as well as those in the towns who are eagerly waiting for a place to live.

Mr. Speaker, Sir, while I agree that some problems have arisen due to the mismanaged farms that had been recommended by Agricultural Boards that they are mismanaged, the Central Agricultural Board has never sat to pass these farms as mismanaged. Today, the farms have been returned to the owners. It is a situation that should be made clear. If the problem lies in the lack of a Bill, the Attorney-General should speed up bringing such a Bill in this House so that the Central Agricultural Board or Government will be empowered to take over these farms. These farms could be turned into settlement schemes rather than—again if they become mismanaged and taken over by Government, they should not be handed over to the Agricultural Development Corporation. The present experience is that after the Agricultural Development Corporation has managed these farms, they sell them to individuals while I understand that the Ministry of Lands and Settlement is prepared to buy these farms

[Mr. Muregi]

but cannot get access to them because the Agricultural Development Corporation is selling these farms to individual owners. This also creates a problem on the President's promise because it can never be fulfilled if a subsidiary body sits there with its own rules that they can sell the farms in any way they want.

As such, Mr. Speaker, Sir, I hope the Attorney-General will speed up his Bill, so that this House will pass it immediately and see that these farms are taken over by Government and turned into settlement schemes.

Mr. Speaker, Sir, last year, the Minister for Lands and Settlement stated here that negotiations were in hand for writing off loans which were borrowed from the British Government—£8 million. In the Presidential Speech, the public expected to hear something on this issue; the **advancement or the failure** towards such negotiations. The loan repayment has become a big burden and we have said time and again that instead of these loans earning 6½ per cent interest, they are more or less earning 50 per cent interest. This creates a problem to loan payers. With the taxes, which are now being imposed, rates and other commitments like the increase on school fees, a small farmer who is running a seven acre farm with a poor market of potatoes and vegetables finds it very difficult to meet these loans.

We have said now and again that some of the properties that were bought by the Ministry of Lands and Settlement during the initial settlement period had old fences and old houses which were built in 1914 but they were sold at the prices of those built in 1960/61 or 1962. Immediately they were bought, they became useless and they could not be used any more. With that in mind these are reasons why these loans should be written off. I should emphasize that the Government should expedite this matter and negotiate with the British Government so that these loans are written off.

At the same time, Mr. Speaker, Sir, the Minister promised this House that farms would be valued at the prices of 1930. Up to now, that valuation has never worked. The members of the public are very keen and every evening they listen to the radio and read the papers in the mornings because they expect all these things to happen immediately after they have been announced. At the moment, the value of farms is high and it is still going higher and higher. Mr. Speaker, the members of the public are eagerly waiting to see that the value of farms is put back to what it was in 1930, as the Minister for Lands

and Settlement stated here last year during his policy speech.

Mr. Speaker, Sir, I will move on to the question of illegal arrests by police. Mr. Speaker, this is a serious situation that has arisen in many parts of this country. I will refer to my place—Nyandarua—where I know of a police officer who arrested some members of the public, and locked them in the cell for three to four days because of minor offences such as drunkenness and disorderliness of which “disorderly” has never been defined as to what it is. You find a man locked in the cell for three or four days. Maybe the person arrested has a *shamba*, he can easily be identified, he can never run away because he has property within the area but he is locked in the cell for three days.

It is understood by many of us that it is illegal to lock up anyone for over 24 hours or 48 hours—I do not know which is which. However, for such minor offences there is no need, if we have to treat our poor fellows in the rural areas kindly, to lock them in for three or four days. Therefore, I would ask the Attorney-General to intervene in this situation because, probably, one has an idea of creating a problem to the public so that they lose confidence in this Government.

Mr. Speaker, I have seen these cases and the members of public are becoming restless and they are very disturbed by this situation.

It is also unfair, as I stated here last year, for a mere district officer to be given powers of beating people when demanding the graduated personal tax from them. The district officer can never be moved. He is more senior and bigger than 100,000 people in a constituency or in a division. He remains there and exercises his **powers**.

With these few remarks, I beg to thank the President.

Mr. Ebu: Thank you, Mr. Speaker, for giving me this opportunity to say a few words.

Firstly I would like to congratulate His Excellency for the comprehensive Speech which he delivered to this House last week.

I have, however, a few comments to make in connexion with some of the things which were stated in that Speech. Firstly, there is the question of graduated personal tax. What I have in mind, particularly, is the assessment and remission. I feel that the way the graduated personal tax is being assessed right now is not good. There is room for a lot of injustice to people. I feel that those who are responsible—the provincial administration has not taken time to explain to the people what should be done in case the

[Mr. Ebu]

assessed tax they are supposed to pay is too heavy—what course they should take. Unless they do this, I think they are doing so much injustice to *wananchi*. The law says that if one finds that the tax he is supposed to pay is too heavy for him and he just cannot pay it, he should lodge an appeal within 30 days with his district commissioner. However, when you go to the country-side, you find that the majority of people have no idea as to what they should do in a case like this one. I think this is done purposely to frustrate *wananchi* unnecessarily.

Secondly, the constitution of the assessment committee is not quite representative. You find that one councillor is elected—I think he is nominated—by the district commissioner. You also find one trader and several other people who are merely nominated. These people may not be in a position to know how poor an individual is at his home. So, I feel that instead of the district commissioner nominating these members of the committee, the people themselves should be given an opportunity to elect the people who they know understand their problems.

The other thing I want to mention is about the development fund. In Western Province, there is a scheme where all tax-payers are asked to pay a certain amount of money towards what we call Western Province Development Fund. We were told, that this money is supposed to be kept by the Provincial Administration jointly with Provincial Community Development Office. The purpose of taking this money there is merely to keep it. However, I feel that there is a little fear that the money may not be equitably distributed to those areas which helped to raise it.

Although people would like to contribute money towards development in their respective areas, there is a possibility of some people, for example the provincial administration, taking and using this money for some other projects, probably outside the province, leaving their province without any money for development at all. I say this because I have seen of late a number of provincial commissioners going to see his Excellency the President—I am not against the idea of going to see him, Mr. Speaker, but the money that they take there—I do not know whether this is part of the self-help money that they collect on the pretext that it is going to help the individual area or perhaps this money comes from somewhere else. I am not in a clear position to know this one.

An hon. Member: Can the hon. Member substantiate that?

The Speaker (Mr. Mati): Mr. Ebu, if you do not know, what happens, you had better not talk about it because what you are saying is quite a serious allegation suggesting that somebody collects money for some development and then takes it somewhere else.

Mr. Ebu: Thank you, Mr. Speaker, Sir. The reason why I raised this one is that recently in our own province there was a move to collect some money unchecked. That is why I raised it. It is not that I am making a mere allegation.

Mr. Speaker, Sir, I am all for the collection of money. However, the techniques used are not good. I have seen some people complaining, and I think it is true, that you find a *Liguru* approaching an ordinary man and asking him for money. When he is given the money he just pockets it and does not give the receipt. I feel that a lot of explanation, a lot of trouble should be taken to explain exactly how the money should be collected and what the money is going to be used for. There are receipts but rarely do you find people who have paid the money given receipts.

Mr. Speaker, Sir, another thing I would like to talk about is the boundaries. There has been a lot of friction, especially, in places where two tribes border each other. I feel that a commission should be appointed with a view to adjusting some of the boundaries where friction exist so that we do not have people wasting time quarrelling over the boundary issues and so forth. I also feel that the provincial boundaries should be adjusted. Being a person from Western Province, which is one of the smallest provinces, I feel that Western Province, as it exists today, is too small compared to the others. Probably, an adjustment of the provincial boundaries would do that province justice.

Mr. Speaker, Sir, another idea which I would like to bring here is about the question of equitable distribution of wealth. I mentioned this particularly in connexion with health services. Three or four years ago, in Busia District, Government started putting up a district hospital. This district hospital is almost ready, in fact, it is complete. However, the opening of this hospital has been delayed. I do not know whether this is being done purposely. When we ask the authority what is keeping the hospital unopened, we are told that the designer forgot to include the sewage system. I do not know whether that is a valid argument that somebody could actually advance. However, I think probably, somebody did this purposely. Maybe, it is due to shortage of staff or shortage of drugs but the people concerned are not willing to tell us the truth.

[Mr. Ebu]

Mr. Speaker, Sir, the other day His Excellency the President told us that Kenyatta College had been made one of the constituent colleges of the University of Nairobi. Mr. Speaker, Sir, I feel that Siriba too, in the Western Province should be taken as a constituent college; they should also do the same with Shanzu College at the Coast Province. These are colleges which are old, if not older than Kenyatta College, itself. Also to ensure that the selection of students into these colleges is uniform and on a national level, I think these colleges should be promoted to that status as well.

Mr. Speaker, Sir, another thing I would like to mention is about the idea of splitting up the local authorities. I hear there are proposals to split one or two local authorities into more local authorities. While the idea itself is good, I feel the splitting of these local authorities by itself is not going to help the situation at all. Right now we have a lot of local authorities but they do not have any money. Therefore, if Government could think of ways and means of, probably, giving these people a shot in the arm, giving them money to run the services they are left with. Perhaps that is going to be more helpful than merely splitting them into more local authorities.

Mr. Speaker, Sir, I would like to mention something about our foreign policy. According to what we see and according to what was said here by the Minister for Foreign Affairs, we are not supposed to interfere with the internal affairs of another nation; this is a welcome idea. However, Mr. Speaker, Sir, when there is an international problem, when there is an international issue to be decided, I feel as a measure of maturity, a nation should come out and say, "This is where we stand", instead of just keeping quiet and saying, "Okay, we will wait for the situation to sort itself out."

We are all the time accused of sitting on the fence while other people make decisions. I do not know whether this is a fair thing to do. To me this seems that we are suffering from indecision and this is not a good thing in an international community.

Now, the last thing I would like to mention, Mr. Speaker, Sir, is about employment.

The Speaker (Mr. Mati): Your time is up, Mr. Ebu.

Mr. Ebu: Thank you, Sir.

Mr. D. M. Kioko: Thank you, Mr. Speaker, Sir. I would like also to join hands with my friends on this Presidential Speech because there are a few things which I would like to mention.

One of the things is that we have an Act which is giving some people in this country some privileges while leaving the other people not enjoying those facilities given by the Government. That is: this National Hospital Fund, when we have a few people who are earning about £50 a month—that is Sh. 1,000—getting the privilege of paying for this National Hospital Fund whereby they are able to attend hospitals and get these facilities and, yet all the other people, who are in the majority and are the working class, who are also able to contribute the Sh. 20 just like the other people, do not have the privilege, and I feel, Mr. Speaker, Sir, that this one should be looked into. If we are one in one Government, all those facilities given over in the country should be given equally without any discrimination. This is where I feel that we should not have a privileged class, if at all the other people are able to contribute this money to the National Hospital Fund, they should also be given the chance. So, they can also enjoy the same facilities.

Now, the other thing which I would like to come to is the question of how the public companies are giving or selling their shares to the *wananchi*. Mr. Speaker, Sir, it looks as if we are making a mistake here because these public companies which are selling shares are only selling to the few people who have the money. Therefore, I wonder, Mr. Speaker, Sir, because when shall we have a low-income group get the chance of getting into these public companies because they would also like to enjoy the fruits of this country—the fruits of independence? It is only because of their incomes that we do not give them a chance. I think we should lay out a policy whereby even when the public company is offering shares, we divide the shares and specify which shares to go to the lower-income group who are earning such minimum salaries. This is because if we go on this way, for example, I have found some people who have even joined nearly all the public companies which have sold shares in the country. One individual because he has been able to do it. Mr. Speaker, Sir, I think this one is not a correct policy and we shall reach a time when the people will come behind our backs because we have not been able to stipulate a policy for the low-income group so that they can also enjoy the fruits of independence that they have fought for just like the other people who have more money in this country. I feel that these people should be given the chance of joining these public companies just like the other people who are earning more money. Mr. Speaker, Sir, I feel that this one is something which should be looked into very soon by the Government.

[Mr. D. M. Kioko]

Now, another thing, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Your time is up Mr. Kioko. You will continue next time.

MOTION FOR THE ADJOURNMENT

CORPORATION LOANS TO FARMERS

The Speaker (Mr. Mati): Will a Minister move that the House do now adjourn?

The Assistant Minister for Labour (Mr Kibisu): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Foreign Affairs (Mr. Nabwera) seconded.

(Question proposed)

Mr. Mwangale: Mr. Speaker, Sir, I am discussing this question which was raised by hon. arap Saina on the Agricultural Finance Corporation, and perhaps it is appropriate for me to remind hon. Members that the Agricultural Finance Corporation, like most farm credit institutions, is supposed to give credit facilities to farmers.

As a Government statutory body, it is supposed to give these credit facilities on better terms than commercial banks as follows: one reason is to give loans at a reasonable interest. Secondly, Sir, it should give longer terms for the money in terms of repayment and in some cases to issue or to give advisory services to ensure that the farmers actually get established on the farms for which these credit facilities have been advanced. To summarize, this means, the purpose of an institution like the Agricultural Finance Corporation is to ensure that it gives a chance to a farmer to get established better than he would if the commercial banks were to give these loans.

I would also like to remind hon. Members that at the moment, the Agricultural Finance Corporation borrows money from the Treasury at an average interest rate of 5.1 per cent. They then loan it to farmers at 7½ per cent rate of interest which means that 2.4 per cent is either their profit or partly profit and administrative costs or losses. I am also aware, and the Minister should be aware, that at the moment the Agricultural Development Corporation, which is also another statutory body, is holding more than K£150,000 belonging to farmers because the Government has refused the Agricultural Development Corporation's Land Limited and Agricultural Settlement Trustee—they have refused to allow these statutory bodies—to transfer or lease the land to the *wananchi*.

I am also told, Mr. Speaker, Sir, that the

Agricultural Finance Corporation, as a statutory body, lost K£250,000 on the so-called Masai Scheme and this could be one contributory factor to the present financial situation existing in that statutory body. I am also told, Sir, that the Agricultural Finance Corporation as a Government agent in processing the Guaranteed Minimum Returns is given 3 per cent as handling charges. The Government in return charges the ordinary farmer, the poor farmer, 8 per cent interest rate on Guaranteed Minimum Return which means that this represents approximately 5 per cent interest from the Government and assuming that in actual fact handling charges of an institution like the one we have is about ½ per cent, I am prepared to bet that the Government is getting a net profit of over 4 per cent.

I want also, as a matter of statistics, to show that the total volume of loans so far advanced by the Agricultural Finance Corporation under this scheme is K£12 million and only last year, they handled K£863,000 worth of loans. I want also to remind hon. Members here that the British Government, under the so-called the Transfer Programme for land charges very low interest to our Kenya Government, which in turn charges very high interest to the Agricultural Finance Corporation. I have already mentioned the figure here.

I also want to point out, Mr. Speaker, that the Kenya Government Treasury Bills are usually charged at an interest rate of about 2 per cent or less. These same bills are then charged to *wananchi*, that is, the public, at an interest rate of more than 5 per cent.

Furthermore, Mr. Speaker, I want to point out that arising from the answer given by the Minister that the money deposited by these farmers to Agricultural Finance Corporation does not yield any interest at all, the Minister was misleading the House because the money which is given to the Agricultural Finance Corporation or the Agricultural Development Corporation for that matter by *wananchi* is deposited in banks and it makes an average profit of 3.5 per cent.

My conclusion from this is as follows, that first of all, the commercial and statutory financial institutions in this country including the Agricultural Finance Corporation, are charging 3 per cent administrative costs as well as losses or what they call money to absorb the expenses, which is comparable to the money which is charged in the United States of America and the United Kingdom institutions. Is this really fair? When you look at the costings of our banking institutions and the cost of living you will see this is not true. This means that instead

[Mr. Mwangale]

of charging 2½ per cent, which the Agricultural Finance Corporation is charging as the administrative cost and so forth, they could easily charge 1½ per cent or 2 per cent and actually transfer the difference to the farmer.

I am also querying, and I want to appeal to the Minister, that in fact our Kenya Government should look into the whole credit and funding system of agricultural institutions in this country with a view to examining as clearly as possible whether indeed whatever money they charge as costs is the right cost for the farmer. My own view, Mr. Speaker, is that our Government has been protecting certain financial institutions with or without their—Government—knowledge, and these in turn are exploiting the poor farmers.

The farm credit system in this country is the worst in the whole world—and I am right. First of all, usually when money is loaned to a farmer, as I pointed out before, you loan out that money because you want the farmer to establish himself. Usually you give out long-term loans. In this particular case our Government usually charges high interest rates, but at the same time the period of repayment is very long.

I want to give an example of loans which are given to farmers in the United States of America and the United Kingdom, for instance. You find that a loan is given for 30 years at very low interest, usually about 4 per cent. Sometimes in the beginning in what they call New Development Loans they give as much as a five years' moratorium period, that is, within the first five years the farmer is not asked to repay the loan until such time that he is fully established.

In this country, Mr. Speaker, we have a terrible system. First of all, a farmer is given a loan, and within the same year he is asked to repay the money, and most of these financial institutions expect their money back in less than five years. I think this is asking too much for a new farmer, and especially so in a developing nation like ours.

I would, therefore, ask the Minister to re-examine totally the whole funding system as I said before. Secondly, I would like him to consider that in the initial stages of giving loans to these farmers a moratorium of two years is absolutely necessary.

Now, the other point which I want to mention here is that the failure of most of these farmers, either in the schemes or in the other areas, in repaying the Agricultural Finance Corporation loans, is basically the mistake of the Government and the Corporation. Some of these loans were given out, that is the Agricultural Finance

Corporation's policy at that time was simply: you come to me, you ask for a certain amount of money, I give you that amount of money, and I expect that money back within a year or two or even three years. There was no provision for services, no provision for moratorium, and in some places, no management advisory services at all. Therefore, I think Government was fully responsible for the failure, and they should look into the whole thing.

I want also to ask the commercial banks, Mr. Speaker, to assume much more responsibility in financing agricultural institutions in this country, and that they should, in fact, ensure that they give more money in rural areas.

Thank you, Mr. Speaker.

The Speaker (Mr. Mati): Who is seconding or supporting you.

Mr. Mwangale: Mr. arap Saina, Sir.

Mr. arap Saina: Mr. Speaker, Sir, this Motion is so important to the farming public of this Republic, and I wish the Government to give it great attention and priority because it does not affect only one tribe but affects all the tribes, and all races of this country.

Mr. Speaker, Sir, the question, as it was put by the Member for Eldoret, who is myself, is so clear and urgent— It was, in fact, brought up as a question, and as far as I remember, it read like this:

“In view of the fact that the Agricultural Finance Corporation Development Loan Funds are not available at the moment, and that some farmers who have applied for these development loans have deposited 40 per cent of the money, as required by the Agricultural Finance Corporation before any loan can be granted—

- (a) could the Minister tell this House when the Agricultural Finance Corporation loans would be available,
- (b) that the 40 per cent deposit from the farmers is earning interest, and
- (c) that the interest earned by the farmers' money is the same as that Agricultural Finance Corporation money earns from the farmers.

Mr. Speaker, Sir, we realize that the Agricultural Finance Corporation is facing financial problems; whether this is true or not, Sir, I think it is high time the Kenya Government, particularly the Treasury should come out in the open and clarify the position of finances as regards the loans which should finance the farming in this country. I remember, Mr. Speaker, Sir, that early in 1962, land purchase loans were available, maybe, because there was very little

[Mr. arap Saina]

demand for land, because people did not realize the future of farming. Kenya Government gets up to 90 per cent development loans, both long-term and short-term loans. As time went on, by 1965 the amount of money which a farmer was required to deposit rose from 10 per cent to 40 per cent and as from last year it has gone up to 60 per cent. Yet, up to now the pattern of land transaction in this country is, walk in, walk out. I feel this is terribly wrong. We have been befooled into what I would call a Western mortgage in which the land is not ours, and because those who were granting these loans, either with interest or free grants, have seen that the Africans are capable of buying land, particularly the former European land, and developing it even better than the Europeans who used to farm in this country. These people have now turned to put some complications in the transaction of agricultural land in this country. I, therefore, call upon the Government to devise a new system of purchasing land.

Here, Mr. Speaker, Sir, I would suggest to the Kenya Government only to buy development. If there is a house, if there is fencing, if there is a dip, if there is water, these are the things on the farm which a farmer must buy and the land must be free.

Now, that the system of buying land in this country is on a walk-in, walk-out basis, a willing-buyer, willing-seller basis, most African farmers cannot buy.

As far as loans are concerned, I would like to mention one notorious system of loan-granting in this country, particularly the Guaranteed Minimum Return. This short-term loan, which most of the farmers know as the B Form, has some complications. First, it is only given to two crops, wheat and maize, and this is a relic of the last war. I call upon the Minister completely to eradicate this system of loans and introduce a new system whereby this Guaranteed Minimum Return will be available for all crops in Kenya. The B Form should be available, for instance, to grow cotton, cashew-nuts, barley, vegetables, fruits and even grass. The system of granting B Forms for only wheat and maize should be got rid of as soon as possible.

The system of buying land in this country, as I said earlier, has only been created to cater for somebody who can afford, because the demand for land has gone up. It is because of this that the price of land has also gone up and there are these new manoeuvres of selling Kenya agricultural land by the British to Kenya citizens with some implications. The so-called Agricultural Development Corporation is a set-up which

is very complicated. Sir, I do not see any reason why the British Government, if they so wish, to lend Kenyans money to purchase land, should transact land on paper and keep the money in Britain. This is a wrong system. Legislation must be enacted by this House to amend the Act providing powers to the Agricultural Development Corporation to sell land in the manner they are doing now.

I would also suggest to the Minister to look into the position of the farmers who have put 40 per cent of their money into the Agricultural Finance Corporation, and do something about it.

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

The Speaker (Mr. Mati): We have only ten minutes left. Will you require all the ten minutes, Mr. Wanjigi?

The Assistant Minister for Agriculture (Mr. Wanjigi): No, Mr. Speaker, I think five minutes will do for me.

The Speaker (Mr. Mati): All right. In that case, Mr. Wabuge, you can have five minutes.

Mr. Wabuge: Mr. Speaker, I do not have much time in which to put forward my views.

In the first place I want to say that the Agricultural Finance Corporation was a creation of the British who were the rulers of this country. It was a body which was created so that it went on systematically to destroy the agricultural industry in this country. I have said this time and again, that it is high time we did away with the Agricultural Finance Corporation including the Agricultural Development Corporation. If the Government still persists that we retain these bodies, then the whole policy must be overhauled. Otherwise, the way it is now, Sir, it is very wrong. I remember during 1962 and 1963 the Agricultural Finance Corporation used to give money to *wananchi* to buy farms. At that time money for land was only 20 per cent and for development a farmer was not required to put in anything at all. That was a well known fact. Now, however, the position is not the same. To make it worse, Sir, in fact, the Agricultural Finance Corporation is becoming a robber. They are robbing the *wananchi* who are poor. A person has to suffer to collect money and he is told to put down 50 per cent. He puts down 50 per cent and then the Agricultural Finance Corporation tells the farmer—or the would-be farmer—that they have no funds. Instead of refunding the money they keep this money, the money earns interest, the interest is kept by the Agricultural Finance Corporation; the money which the principal deposited by the farmer is kept by the

[Mr. Wabuge]

Agricultural Finance Corporation which is using it. Yet the Assistant Minister who replied to this question said that the money was deposited with the Agricultural Finance Corporation, it was just there sitting idle. Is Kenya in a position to keep money in a place where it is doing nothing when we know we want money for everything in this country? It is earning something but for the benefit of the Agricultural Finance Corporation, an organization which is already rich. This organization is not one of our creation, it is a British creation. In fact, Mr. Speaker, the former Minister for Agriculture who was the author of this Agricultural Finance Corporation saw fit, when it was running bankrupt, to run away. He is no longer a Minister in this Government. Therefore, Sir, it is high time that we decided that the day the former Minister for Agriculture left we should have disbanded the Agricultural Finance Corporation. If the Government wants to establish a body to finance the farmers in this country, it should have another body with a policy which is palatable to this country rather than having a colonial policy despite the fact that we are independent.

I feel, Sir, that when the Assistant Minister is replying he will have to tell us why he feels the money deposited in the Agricultural Finance Corporation is earning interest. If that interest is being earned, when is the farmer going to get that? Is the owner of that money going to be given that interest? If the Government supports this, then I would say the Government is robbing the *wananchi* in broad daylight, and that is very bad.

It is my contention that the Agricultural Finance Corporation should be reorganized. In fact, my information is that the Agricultural Finance Corporation was created in order to look after the interests of the Europeans who were here, who are the British. Now the time has come when we are independent—after eight years—and we are not interested in the so-called British who were here. They can pack up and go, those who are still here, and if they want they can stay in this country. We are not going to accommodate them here if they do not support our policies.

I see my time is up. With these few words, I beg to support.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, I said I would only need about five minutes because from what has been said by the three speakers who have spoken, it obviously means that what they have said they could not possibly mean.

In the first place, the hon. Wabuge could not

have been as good a farmer as he is without an Agricultural Finance Corporation loan.

Mr. Wabuge: Do you know what I am getting?

The Assistant Minister for Agriculture (Mr. Wanjigi): I also want to suggest that hon. arap Saina knows far more, having been an agriculturalist himself, that the Agricultural Finance Corporation is a terribly important institution in the development of agriculture.

Hon. Mwangale, Mr. Speaker, is in an even worse situation to have suggested, as if we would take him seriously, that the Agricultural Finance Corporation, or the farm credit system in this country is the worst in the world. Somebody who was a lecturer in an important college like Egerton, to make such a general statement is, in fact, a great shame to his own profession. This must be said, Mr. Speaker, because it is misleading the whole country and this hon. House for Mr. Mwangale to come here and quote a few general statements about how British is operating its own farm credit system, about how the United States of America are operating their own credit system. These, Sir, are book generalization.

The truth is that the Agricultural Finance Corporation and the farm credit system in this country is, perhaps, the one credit system that is actually worth something in the entire developing world. We are acclaimed by all the lending institutions, including the World Bank, for our system of farm credit. I think this must be told, and told very firmly to those people who intend to mislead the country.

I am not suggesting, Mr. Speaker, that we cannot improve, and we will improve and we will continue to improve. I am not suggesting that we are in any way perfect, I wish we were. However, to suggest that we are the worst lending organization in the world. I think this is uncalled for from an educated hon. Member like Mr. Mwangale.

I did say, when I was answering the question that the Agricultural Finance Corporation does hold deposits which are held in trust by the Agricultural Finance Corporation for the people who have applied for loans. I also suggested that should any loanee, or prospective loanee wish to have that money back to do some other more useful or more urgent work, he is at liberty to withdraw his deposit. I also said, Sir, that if he prefers to have that deposit with the Agricultural Finance Corporation he realizes an interest rate of 3 per cent. So it is not true to suggest that the money does not yield anything as hon. Mwangale suggested. I said also that we wished we could pay more money than 3 per cent.

[The Assistant Minister for Agriculture]

In fact, it is realizing 3½ per cent where we put it, but we cannot afford to run this deposit without the ½ per cent that we retain to administer these deposits. However, to suggest that the money does not yield a profit at all to the depositor is, in fact, a misquotation which we can say was deliberate.

Mr. Speaker, I think the truth is that what we need for the Agricultural Finance Corporation and the farm credit system in this country are four main aspects to look into. I wish the hon. Member had suggested that we do require a great deal more decentralization so that the Agricultural Finance Corporation can get nearer the farms. This is an important aspect which we have looked into and which we will be implementing in the very near future so that you will have farm branches, more executive and more functional in Eldoret, in Nyeri and in other places nearer the farms, more or less like the branches of trees.

May I also suggest, Mr. Speaker, that how to bail out a farmer is also to give him better prices

for his own products. This House is witness to a lot of action in that direction as concerns milk, meat, maize, beef and even other crops which are in the pipeline for a review.

If I can use the minute that is left I would like to say this. We do very much appreciate the importance of training, training the farmer for management. It is well and good to come here and shout about money and more money, but if you give somebody who is not well trained some money, that will not help him. To give this money some useful investment, we must have training. Otherwise this money will be lost in the drain and this particular House will be asking the Auditor-General and the Ministry of Finance to explain where that money has gone.

Thank you very much, Mr. Speaker.

ADJOURNMENT

The Speaker (Mr. Mati): It is time now for interruption of business. The House is therefore adjourned until tomorrow, Thursday, 4th March, at 2. 30 p.m.

The House rose at Seven o'clock.

Thursday, 4th March 1971

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

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

PRAYERS**PAPER LAID**

The following Paper was laid on the Table:—

Supplementary information to Question No. 39 by the Member for Parklands, Mr. Kivuitu (which appeared on the Order Paper on Tuesday, 2nd March 1971 and was promised by his colleague, Mr. Ogotu).

(By the Assistant Minister for Local Government (Mr. Munoko) on behalf of the Assistant Minister for Local Government (Mr. Ogotu))

ORAL ANSWERS TO QUESTIONS

Question No. 61 (1285)

MINISTERS' VISITS TO CONSTITUENCIES

Mr. Kitonga: Thank you, Mr Speaker, Sir. Mr. Speaker, Sir, I beg to ask Question No. 61 from the Minister of State, President's Office.

Mr. Kitonga asked the Minister of State, President's Office if he would tell the House what was the proper Government channel which must be followed when a Minister wanted to visit a province or a constituency at any time.

The Speaker (Mr. Mati): No. I do not think so many words are necessary. All that an hon. Member has to do is to stand up and call the number of the question and then sit down.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of my colleague, the Minister of State, President's Office, I beg to reply. The procedure to be followed wherever a Minister wishes to make an official visit to any area in a province is for his Permanent Secretary to get his field officers of the Ministry to liaise with the provincial administration and have a suitable programme drawn up and submitted to the Minister for approval. The approved programme is then transmitted to the Office of the President in sufficient time so that the provincial commissioner of the province involved is informed so as to co-ordinate the necessary administrative details of the programme. If, however, a Minister wishes to make a private visit to an area in a province and to address a public meeting, then the party machinery should apply for a licence to hold a public meeting in the normal way.

Mr. Kitonga: Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, would the Minister say, when

we invite a Minister and he agrees to come, who ought to start and follow through these channels the Minister has mentioned? Is it for an hon. Member to arrange the visit or is it for the Government to do so?

Mr. Ngei: Mr. Speaker, Sir, I have stated categorically and very clearly that if an individual Member of Parliament wishes to invite a Minister it all depends on the sort of function that particular Member wants to hold. If it is a public meeting in connexion with political activities the usual procedure is followed; in other words, through the party machinery, or the hon. Member applies for a public licence to hold a public meeting and then the Minister comes along. If an hon. Member wants a Minister to come officially, then that Member informs the Minister concerned and that Minister consents to visit that hon. Member of Parliament. The officials of his Ministry liaise with the provincial administration to make a programme for that particular visit, then the provincial commissioner is informed so that the occasion is administered well for the purpose of the visit of the Minister who has been invited by that particular hon. Member.

Mr. Kanja: Mr. Speaker, Sir, will the hon. Minister agree with me that on many occasions hon. Members of this House, who are duly elected to represent the wishes of the people, are not communicated with or consulted by the administration and that it becomes very embarrassing to the hon. Member of Parliament to hear that a particular Minister has been to his constituency and the Member was not there because he was not notified?

Mr. Ngei: Mr. Speaker, Sir, if that is the case, it is rather unfortunate and it should not be done in that way. The hon. Member for the area must be informed if it is an official visit and he must participate in the programming of the visit of that Minister. It is very wrong for anyone—and I repeat it is wrong for anyone to ignore this procedure because the President of this Republic has made it very clear that it is always to be followed.

Mr. Wanjagi: On a point of order, Mr. Speaker, Sir, is it not true that the Minister speaking has visited my constituency without my knowledge?

Mr. Ngei: Mr. Speaker, Sir, although perhaps, he wanted the information, there is nothing wrong if Ngei went to hunt in your area because there is quite a lot of things to tap in your area. Therefore, if I come there, Mr. Speaker, Sir, privately, then, that is a different case, and maybe I would be looking for bananas and so on.

[The Minister for Housing]

Mr. Speaker, Sir, coming back to the original thing, it is proper and the President has made it very clear indeed that whenever an official visit of a Minister is involved the hon. Members of Parliament, who are part and parcel of this Government, must be informed. If there is anybody who is saying that they are not going to be informed, then he is following his own administrative arrangements which do not fall in line with the programming and co-ordination required by the Office of the President.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, will the Minister tell this House why when a Minister or a group of Members of Parliament holding a meeting or paying visits to an area, although it might not be official, the district commissioners, district officers and sub-chiefs boycott such meetings although they might not have been informed officially by the provincial commissioner or the district commissioner but they know, because it is always announced over the radio that there is going to be a Minister visiting such an area either opening a dip or anything of that kind but they do not turn up? Why do they boycott such occasions?

Mr. Ngei: If Members of Parliament, Mr. Speaker, Sir, shun their responsibilities and do not report such cases to the Minister in charge of administration so that that particular case may be dealt with firmly, then the Government or the Office of the President is not going to be blamed. The responsibility of each hon. Member of Parliament is to bring to the notice of the Minister in charge of administration any such incidents which may appear to lack co-ordination of governmental activities even if it may be only a Member of Parliament who is holding a function.

Mr. Araru: Arising from the Minister's first reply, when he said that when an hon. Member wishes to invite a Minister he should apply for a licence to hold a public meeting, can he tell us why provincial commissioners or district commissioners do not apply for the same things and why it is left only to the hon. Members to apply even for a Minister although they are in the same Government?

Mr. Ngei: Mr. Speaker, Sir, my answer was very clear. This is where a party machinery is involved, when you want a licence. However, when you have a governmental or a ministerial visit you do not need such licences at all.

Mr. Kitonga: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No. Mr. Kitonga, I have given you several opportunities of raising

points of order and you have always not followed our rules.

Mr. Gatuguta: Mr. Speaker, Sir, since the Minister has given us an assurance that no district commissioner or district officer or even provincial commissioner should call upon Ministers officially without informing Members of Parliament, could he then assure us that if such a case happens and is reported by a Member of Parliament, that a district commissioner has done so, disciplinary action will be taken against such person?

Mr. Ngei: Well, this is what my answer has led to. If the Members of Parliament are shunning their responsibilities, then it is up to them. If, for example, I want to visit a certain constituency, I normally send notices but through my Ministry, through my Permanent Secretary informing members of that particular province that I shall be visiting their area and they should be there to co-ordinate their activities of politics and administration. Mr. Speaker, all I am saying is, if such cases are brought to us and proved to be true—and I have no doubt that Members of Parliament do bring truthful reports—that particular administrator will be dealt with.

*Question No. 100 (1380)*ADMINISTRATION OF NDALAT SETTLEMENT
SCHEME

Mr. arap Saina asked the Minister of State, President's Office if he would tell the House why the people of Ndalat Settlement Scheme are not administered from Uasin Gishu District Office which is only ten miles from Ndalat, instead of being administered from Kapsabet which is 40 miles from Ndalat.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply. Mr. Speaker, Sir, the people of Ndalat Settlement Scheme are administered from Kapsabet and not Eldoret because Kapsabet is in Nandi District while Eldoret is not in Nandi District. However, if for administration purposes it proves that we need to take in another administrative centre to serve the people at Ndalat Settlement Scheme, then when such case arises, it will be looked into.

Mr. arap Saina: Mr. Speaker, Sir, arising from that answer given by the Minister could he tell this House the reason why the people of Ndalat Settlement Scheme are given other Government services from the Ministry of Lands and Settlement, Ministry of Co-operatives and Social Services and Ministry of Education from Eldoret District, knowing very well that the officials come under the District Commissioner for Uasin Gishu District and not Kapsabet? Why should these

[Mr. arap Saina]

services be given from Eldoret and not from Kapsabet and only the district commissioner—

The Speaker (Mr. Mati): Order! Mr. arap Saina. You are taking far too long. Will you wait for the reply now?

Mr. Ngei: Mr. Speaker, the hon. questioner—the hon. Member for Eldoret—knows only too well about this because he has been a very able agriculturalist. He knows that for the purpose of co-ordinating facts, agricultural purposes do not always go parallel with those of administration. Therefore, sometimes we have for example, in Eastern Province and Northern Province, one provincial engineer, or for that matter Nairobi and Eastern Province may be administered by one provincial engineer, taking also in account Member, the questioner, has asked about, can be divided in any convenient way although they are not the same.

Mr. D. M. Kioko: Will the Minister not agree with me that we should think of devising a method of arranging our provincial administration centres in this country because some of them seem to have been put too far away from where the people are living and sometimes they are even mixed.

Mr. Ngei: Mr. Speaker, Sir, I do not see why we should quarrel over this. If the hon. Member for Eldoret, or even the hon. Member for Mombasa West, has some suggestions to put to the Minister in charge of administration, please let him not fail to do so, and it will be looked into.

Mr. Cheserek: Mr. Speaker, Sir, could the hon. Minister tell the House where the Senior Settlement Officer, who looks after the people in Ndalat Settlement Scheme, lives at the moment, instead of telling us about the administration in the area? If these people are getting their services within their headquarters in the Settlement Scheme, why should they need to go to Kapsabet?

Mr. Ngei: Mr. Speaker, Sir, I really doubt whether I should answer that. However, it follows, completely, the method of administration.

Question No. 42 (1259)

**PROTECTION OF FARM WORKERS FROM
EVICTON**

Mr. Kivuitu asked the Minister for Lands and Settlement if he would tell the House whether he would consider seeking from the House the necessary legal authority which would vest in residents in farms, whether they be squatters or not, who had resided continuously

in a farm for a considerable period, the absolute rights of ownership to avoid the current unacceptable situation where after residing on a farm for many years with the active support of the farm owner, such residents had on many occasions been mercilessly and forcibly ejected from the farm by subsequent buyers of the farms or the same owners.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I am sure the hon. Member is aware of the existence of a gentleman's agreement between the Government and the landowners who have squatters on their farms not to evict or maltreat them until such time as the Government is able to provide alternative accommodation for them. This arrangement has so far worked satisfactorily, and until the situation suggests otherwise it should be allowed to continue. Mr. Speaker, Sir, I find it extremely difficult to envisage how the length of stay on a farm can confer, upon a squatter, absolute rights to that property. If such was the normal trend of affairs, we would then be faced with, for instance, a situation where a house boy who has been in one's employment for many years could claim right of ownership, at the end of his service, to the house he has been living in. Moreover, the hon. Member's suggestion ignores the fact that private land can only be taken from the legal owner in terms of the Land Acquisition Act, and this requires the payment of full compensation. The Government, as we are all aware, is actively pursuing a farm purchase policy with a view to placing increasing areas of high potential agricultural land in the ownership of Kenya citizens instead of expatriate ownership, but it seems unlikely that this progressive policy would be assisted by diverting funds to the purchase of land solely on the petition of farm labourers who would like to possess it.

Mr. Kivuitu: Arising from the Assistant Ministers reply, in which he ignores the first part of my question which asks him to seek the necessary legal authority but not to quote the existing law, would he not consider it the proper method of dealing with this situation, having a situation like the one we had in Kiu Ranching Farm where the seller, the former owner of that farm, put aside a part of his land before he sold it and gave it to the squatters and then sold the rest of the farm to the new buyer? Would that not solve the problem?

Mr. G. G. Kariuki: Mr. Speaker, that would solve the problem if the owner of the land wants to do as the hon. Member has suggested. However, the Government cannot compel the owner of land to give a portion of it to people, if he is not interested in doing that.

Mr. Y. Ali: Mr. Speaker, Sir, following the Assistant Minister's reply, would he tell this House and the entire nation whether it is the policy of this Government to retain this colonial system of squatters? If that is not so, would he not agree with this House that the time has come for this Government to take immediate action with a view to abolishing the system of squatters in this country?

Mr. G. G. Kariuki: Mr. Speaker, I did not exactly follow the hon. Member's question because he mentions existing colonial system of squatters. If he has new ideas about this problem, we will be glad to consider them.

Mr. Kahengeri: Thank you, Mr. Speaker, Sir. Since we have automatic citizenship in this country given to people who did not have the right to be here, why is it not possible for people who are born on a particular farm in any part of our country to become automatic owners of that farm whether the previous owner wants to sell it or to retain it? Why do we not have automatic ownership on our side if we can accommodate other people by making them automatic owners of our land when they did not have the right of ownership?

Mr. G. G. Kariuki: Mr. Speaker, there is no automatic ownership of something if one has not bought it. How can he be an automatic owner? I think the hon. Member has forgotten the fact that the Government is doing very well in pursuing its policy of helping landless people and squatters. This has been done. How can one consider— For example, several Members here, Mr. Speaker, have their own land. If they can give it to the squatters as an example to us, then we would ask the other people to do the same.

Mr. Kivuitu: Arising from the Assistant Minister's reply, and considering a recent statement by his Minister about buying land from private persons and giving it or selling it to the Africans, or to the citizens of this country, is his answer not in contradiction to that statement when he says that they cannot do anything about it unless somebody offers his land?

Mr. G. G. Kariuki: Mr. Speaker, that is a different issue. We are talking about squatters, not about plots in Nairobi. Nairobi plots are a different issue.

Mr. Seroney: Mr. Speaker, Sir, since the Assistant Minister is relying on the concept of "willing buyer, willing seller", and since it has been made quite clear in this House, both in this Parliament and in the last Parliament, that this House wishes to see the Constitution amended to qualify that "willing buyer, willing seller business", will the Assistant Minister introduce the necessary constitutional amendments?

Mr. G. G. Kariuki: Mr. Speaker, Sir, it is not something that only the Minister can do. The hon. Member is a lawyer himself and can introduce a different thing because we— Mr. Speaker, what my friend probably wants us to amend is section 75 of the Constitution which guarantees individual right of ownership and it can be done by this Parliament.

Mr. Magugu: Mr. Speaker, Sir, referring to the gentleman's agreement between the Government and the landowners mentioned by the Assistant Minister, will the Assistant Minister agree with me that this agreement was made in order to pacify the squatters—and he, himself, has been at one time a squatter—and the so-called legal labour, until such time when the landowners or the foreign landowners have had enough time to get buyers for their land and thereby throwing out the squatters altogether from the farm?

Mr. G. G. Kariuki: Mr. Speaker, the hon. gentleman over there, who has been in our Ministry doing the same job, knows why this gentleman's agreement was made. This gentleman's agreement has been operating very well and we as a Government, are trying to make sure that the owners of the property will not disturb squatters. This is going on very well.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 42:
PROTECTION OF FARM WORKERS FROM EVICTION

Mr. Seroney: On a point of order, Mr. Speaker, if the hon. Member who asked this question has no objection, I would like to raise it on the Adjournment.

Mr. Kivuitu: No objection.

Question No. 87 (1345)

MAIANI/NUNGUNI ROAD—BITUMENIZATION

Mr. Mutiso-Muyu: Mr. Speaker, before I ask the question, I wish to make a small correction.

The first line in part (a) of the question should read, "what will be the tarmacked width of Maiani" and not "maiani".

Mr. Mutiso-Muyu asked the Minister for Works if he would tell the House—

(a) what would be the tarmacked width of Maiani/Nunguni Road, via Kilome, now being reconstructed by Mauladad and Rose Company; and

(b) whether the Ministry was prepared to extend the reconstruction of the same road to Kikoko, which is only three miles from Nunguni; so that secondary schools (Thome Andu Boys Secondary School and Precious Blood Girls' School) be better served.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply. (a) The width of the tarmac road is 18 feet.

(b) There is a question of extending the construction of this road and the answer to it is "No". We cannot extend the construction because the three miles road is not included in the programme.

Thank you, Mr. Speaker.

Mr. Mutiso-Muyu: Arising from the Assistant Minister's reply, and in view of the fact that in recent times there has been an increase in motor accidents, does the Ministry consider an 18 ft. road wide enough to avoid these unnecessary accidents?

Mr. Kuguru: Mr. Speaker, a statement was made in this House that "Our Policy remains our policy until it is changed." The policy in the construction of such roads is 18 feet in width. I am not in a position to change the specification in the construction because our drawings show categorically that the construction will be 18 feet wide.

Mr. Mutiso-Muyu: I think the Assistant Minister has not answered my question. I asked him whether he considers 18 feet good enough to avoid the increasing unnecessary accidents, and whether this is the standard width for all roads like Mombasa or Nakuru Road, or whether it is specifically for this particular road.

Mr. Kuguru: Mr. Speaker, for the time being, I consider this sufficient because in the design which has been drawn by technicians, they have measured that a car is about six feet wide, and if the width is six feet, you can easily see that two cars can pass one another. So, the road is sufficient—18 feet for the time being.

Mr. Kurgat: Mr. Speaker, Sir, does the Assistant Minister want to tell the House that they are going to do up the road once again because they are doing it half-way now? If the width of the road is now 18 feet, will they carry out the rest of the works in future, since this is to be a tarmac road? Is he telling us now that they are doing part of the road for the time being and they will undertake the rest of the work later?

Mr. Kuguru: Mr. Speaker, Sir, I feel the hon. Member must understand that 18 feet is the standard size of the roads today in Kenya. It does not mean that we are going to make roads 36 feet wide. All roads are 18 feet wide.

18 feet is what we tarmac and there might be placed on the side of the road, another 18 feet, along which cars can travel when there is more than one car passing along that road.

However, what we tarmac is only 18 feet.

Mr. Mutiso-Muyu: Arising from the Assistant Minister's reply to part (b) of the question, I would like to know why the Ministry does not consider it proper to extend this road to this particular place, Kikoko, which is three miles from the last point where they wish to stop since it is most important in the area as we have two secondary schools there and it is also important for commercial business? Why do they not consider it proper to do the extra tarmacking?

Mr. Kuguru: Mr. Speaker, Sir, it is not a question of why we do not consider it proper. The programme was drawn up some time ago and we obtained money from outside for constructing sufficient mileage, excluding that three miles the hon. Member is talking about. If the question of these three miles is to be considered, it will be considered in the next Development Plan, not this one.

Question No. 14 (1204)

PROMOTION OF FISH INDUSTRY: LAKES BARINGO AND RUDOLF

Mr. arap Cheboiwo asked the Minister for Tourism and Wildlife if he could tell the House—

- (a) what he was doing to promote the Fish Industry in Lake Baringo and Lake Rudolf;
- (b) if there were any loans set aside to help the *wananchi* in these lakes to buy motor boats and other facilities.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Since fish is under my Ministry I, therefore, beg to reply. (a) The Fisheries Department of my Ministry has established stations in both lakes. The officers stationed there introduce the fishermen to new and better methods of fishing in order to increase the quality and quantity of fish landed. Improved methods of fish handling and processing are also taught to the fishermen in order to save the increased catch.

(b) Yes. There is a Fishermen's Loan Scheme which is available to all approved applicants throughout the country. *Wananchi* in those lake areas are, therefore, at liberty to apply for these loans.

Mr. arap Cheboiwo: Mr. Speaker, arising from the answer given by the Assistant Minister, that there is this Fishermen's Loan Scheme, would he tell the House what will be the security required by these people since they do not have land? What will be the security that will have to be provided by the people of Lake Baringo or Lake Rudolf if they wish to apply for these Fishermen's loans?

Mr. Jan Mohamed: Mr. Speaker, Sir, no security is required. The loan is given to approved fishermen, the loan is given in kind, not necessarily in cash. For instance, the fishermen are given proper boats and fishing nets in lieu of cash which they utilize for their fish catch.

Mr. O'Washika: Mr. Speaker, arising out of the reply by the Assistant Minister, does he not agree with me that the only lake which should be given preference in the fish industry is Lake Victoria forgetting Lake Rudolf?

Mr. Jan Mohamed: Sir, the Fishermen's Loan Scheme is for the whole country and not for a particular lake.

The Speaker (Mr. Mati): Next question Mr. Mutua.

Question No. 88 (1346)

TELEPHONE SERVICES IN NITHI DIVISION

Mr. Muturia, on behalf of Mr. Mutua, asked the Minister for Power and Communications if he would tell the House if he was aware that there was no telephone and no electricity in Nithi Division which was about sixty miles away from Meru and forty miles from Embu Town.

The Speaker (Mr. Mati): You cannot do that just now if there is a likelihood of his appearing any time now. We have not heard anything from him.

We will move on to the next question. Mr. Muturia, you ask your own question now.

An hon. Member: On a point of order, Mr. Speaker, hon. Mutua requested me to ask his question on his behalf, Question No. 88 and I note that hon. Muturia stood up to ask the same question.

The Speaker (Mr. Mati): That is all right now because we have moved on.

Question No. 91 (1362)

DISCRIMINATION IN MATHARI HOSPITAL

Mr. Muturia asked the Minister for Health if he would tell the House why there was discrimination in Mathari Hospital by separating Asians, Europeans and African mental patients.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. The Ministry of Health has checked on the allegations made by the hon. Member and it has been found that they are not correct. The position is that Mathari Hospital has Amenity Wards and General Wards. The charge in the First Class Amenity Ward is Sh. 30 per day and in the Second Class Amenity Ward (for female patients

only) the charge is Sh. 12/50 per day. For patients who cannot afford these charges, there are the General Wards for which no charge is made. All patients are given the option to choose whether they enter an Amenity Ward or a General Ward.

Mr. Muturia: Mr. Speaker, is the Assistant Minister not misleading the House because my brother was in that very hospital and I am qualified to pay any fee for that matter. It was then that I learnt there are three classes in Mathari Hospital: for Europeans, Asians and Africans.

Mr. ole Oloitipitip: Mr. Speaker, Sir, I am not misleading the House. The information I have given the House is correct and I think the hon. questioner is the one who is trying to mislead the House.

Mr. Jilo: Arising from the Assistant Minister's reply, could he tell this House why it is necessary for the Ministry to have three different types of wards?

Mr. ole Oloitipitip: This is very simple. There are people who have funds and they would like to have better facilities because of the money they have. There are other people, at the same time, who do not have anything. Care has been taken to provide for all types.

If any member of the public wishes to be kept in an Amenity Ward, he is at liberty to be there.

Mr. Amayo: Arising from the Assistant Minister's reply, could he tell the House how a patient with a mental defect is able to choose the type of ward he wants to go into?

Mr. ole Oloitipitip: Sir, a person who suffers from mental disease has members of his family who have the right to choose where they want to put this patient.

Mr. Mutiso: Mr. Speaker, Sir, would the Assistant Minister agree with me that the three races, namely, Africans, Europeans and Asians resent mixing with people who are not normal mentally? Therefore, it would be advisable to separate them—those who are mentally disturbed—for the sake of security in the hospital?

Mr. ole Oloitipitip: That is not the case with us, Sir.

Question No. 95 (1366)

ACREAGE OF KANGURE, KIAMUTI AND KIAMBICHO FORESTS

Mr. Wachira asked the Minister for Natural Resources if he would tell the House—

(a) what the acreage was of the following forest areas in Murang'a District:—

(i) Kangure Forest

[Mr. Wachira]

- (ii) Kiamuti (Kirima) Forest
- (iii) Kiambicho Forest;

(b) how many rightful landowners had been displaced by the take-over of the lands involved and if, had they been compensated.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I beg to give the following reply. (a) The acreages for the forests in question are as follows:—

- (i) Kangure Forest—465 acres
- (ii) Kiamuti (Kirima) Forest—450 acres
- (iii) Kiambicho Forest—930 acres.

(b) There were no rightful landowners that were displaced by the take-over of the lands involved known to my Ministry. Consequently, the question of compensation did not arise at the time of take-over.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that I was born at Kangure Forest and the fact that my father measured these pieces of land in the first gathering and that he was denied the right of gathering these pieces of land in the second gathering, why should the Minister confuse the House by saying that there were no rightful landowners?

Mr. Omamo: Mr. Speaker, Sir, the fact that an hon. Member of this House was born in a particular place does not necessarily mean that he is the rightful owner of that particular piece of land. Mr. Speaker, Sir, the procedure followed, and the one which makes me assure this House that there were no rightful holders applying, is this: In 1959, the then Fort Hall Land Board decided in their minutes—I would like the hon. Member to note this—minute number L.L.B/9/59—to hand over these forests to the Central Government. The Central Government later, in a Gazette Notice No. 185 of 11th April 1961, did acquire the land, having given the necessary notice to the general public to raise objections. No objection was raised.

Mr. Kurgat: Mr. Speaker, Sir, the Minister has mentioned that these forests were handed over in 1959, that was during the colonial time. Could the Minister inform this House who brought up the agenda on the forests being handed over to the Central Government?

Mr. Omamo: The then A.D.C., African District Council.

Mr. Wanjagi: Mr. Speaker, Sir, the Minister used the word “take-over” from whom was this land taken over?

Mr. Omamo: The land was transferred from the African District Council to the Central Government and when land is transferred under such circumstances, somebody receives, and that is why I used the words “take-over”.

Mr. Wanjagi: Mr. Speaker, Sir, the Minister used the word “take-over” with reference to when the land was taken originally. From whom did the African District Council or whoever was concerned take over if the land was not owned?

Mr. Omamo: Mr. Speaker, Sir, every hon. Member should know that the Trust Land Unit belonged to the African District Councils and not to individuals and this was the case until there was land consolidation and registration.

Question No. 41 (1258)

TELEVISION PROGRAMMES AND
FOREIGN DANCES

Mr. Kivuitu asked the Minister for Information and Broadcasting if he would assure the House that—

- (a) the exhibition of foreign dances on television programmes would be reduced drastically so as to minimize the possibility of our people opting for foreign cultures;
- (b) the exhibition of African Traditional dances in the television programmes will represent the cross section of the culture of this country and not the culture of any one tribe or province.

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Speaker, Sir, I beg to reply. First of all I would like to inform the hon. Member that my Ministry appreciates the fact that it is true there is a preponderance of foreign programmes and everything possible is being done to alleviate the situation. It is, however, important for me to further elaborate on this point that it would not be possible for us to substitute local programmes for foreign programmes due to lack of manpower and other resources. However, it is my hope that with the recent introduction of Film Documentary Units, it will now be possible for us to undertake the filming of local programmes right from the Coast to Lake Victoria which will render it increasingly possible for us to substitute local programmes for foreign programmes. I do not want to give the hon. Members the false impression that it is going to take just a few weeks or months to rectify the situation. It will take time, but I definitely agree with the suggestion that there is need for a change.

With respect to the second part of the question, I would like to point out that in this exercise we shall try, as much as possible, to include every

[**The Minister for Information and Broadcasting**] section of the country if resources permit—at least every district, and I think this will give us a good cross section of the various cultural aspects of the community.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the very good reply given by the hon. Minister, could I also be assured whether the resources are adequate or not—whether the resources will not only be adequate for one province but will be adequate for as many provinces as possible?

Dr. Onyonka: Mr. Speaker, Sir, I do not quite know what the hon. Member has in mind when he refers to one province. Now, as far as I am concerned the various programmes that we have normally had on the television do not so much reflect one province. If you are referring to the coverage given to His Excellency the President, who by sheer circumstances of history happens to be in a particular province, I think that is irrelevant. We are now trying to extend our coverage as far as possible. Maybe it is important to add that one reason why it was somewhat difficult, especially as far as television is concerned, to cover the whole country, is that we had no television cameras in each of the provinces. I am happy to report that now there is at least one television camera in each province and this should provide good coverage for the country.

Mr. Ayah: Mr. Speaker, Sir, arising from the Minister's reply, if we have to have these foreign dances or foreign programmes, why is it necessary that we always have these German dances? Why German dances all the time? Can we have dances from other countries such as from Russia, or China for instance?

Dr. Onyonka: Mr. Speaker, Sir, it is just a matter of taste. In some cases I hear the hon. Members complaining of having German dances, but I think this is not, factually, correct. He should have even referred to Israeli dancers—Yes, if you do not watch your television, then it is not my business. It is a fact that we have had dancers from other countries as well. At the same time it is important to note that not every country is willing to provide either live programmes or television shows for this purpose and so we can only use what is available to us. Furthermore, I would like to emphasize the fact that the availability of these shows is not at our discretion. We use what becomes available to fill in the time. Now, only with the development of our own films would we be able to fill this programme with films that show what the *wananchi* and this particular House would like to see and hear.

Question No. 28 (1245)

BARINGO PRIMARY SCHOOLS: PARTICIPATION IN SPORT IN NAKURU

Mr. arap Cheboiwo asked the Minister for Education to tell the House—

(a) whether he was aware that the Baringo Primary Schools Team was refused permission to take part when the Rift Valley primary schools' sports took place at Nakuru on 5th August 1970; and,

(b) the reasons why Baringo District had been refused permission to take part.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to reply. (a) I am aware that the Primary Schools in Baringo District did not participate in the Rift Valley Province Primary Schools Championships held at Nakuru on 5th August 1970.

(b) Since the Baringo team had not participated in the elimination contest of 17th July, they could not take part in the final championships of 5th August 1970, without disrupting the organization of the whole event.

Mr. arap Cheboiwo: Mr. Speaker, Sir, does the Assistant Minister agree with me that this was very unfair for whoever was organizing these sports in Nakuru to invite this team, knowing very well that they did not participate in this elimination contest of 17th July, and this team went to Eldama Ravine and practised for a whole week, spending a lot of money, only to find, on arriving at Nakuru, that they would not be allowed to participate in the final championships?

Mr. Mbai: Mr. Speaker, Sir, I am not aware that the organization which was in charge of these sports did invite this team from Baringo. What I am aware of is that the Baringo Team, which was supposed to hold an elimination contest with Nakuru schools did not turn up and take part in the elimination contest and, therefore, they could not be allowed to take part in the final championship. That was the reason.

Question No. 94 (1365)

OVERSEAS SCHOLARSHIPS FOR NYAMBENE NORTH

Mr. Muturia asked the Minister for Education to tell the House—

(a) the number of girls and boys who have been offered overseas scholarships from Nyambene North since 1963; and,

(b) if any, to state their names.

The Minister for Education (Mr. Towett) Mr. Speaker, Sir, I beg to reply. As I have said in this House on several occasions, selection for scholarships is made purely on academic qualifications

[The Minister for Education]

and not on district, province or constituency basis. It is, therefore, not possible for me to say how many students have been selected from any particular constituency during any particular period.

Names of Kenya students selected for all the overseas scholarships are available in my Ministry and any hon. Member of the House who is interested to know them can come to the Ministry and have a look at the list.

Mr. Muturia: Mr. Speaker, Sir, arising out of the reply by the Minister, is the Minister aware that this is the same trick which he and other Ministers are using, saying that selection is not done on constituency, district or provincial basis, while we know that we have boys and girls who are qualified for overseas scholarships and many other things, and yet the Minister is hiding that fact?

Mr. Towett: Mr. Speaker, Sir, I am not using any tricks. I wish I knew how to use them. What I am saying is that I have a very big list and I am inviting the hon. Member to come and go through that huge list and tell me how many of them come from his constituency and how many come from elsewhere.

Mr. Ziro: Mr. Speaker, Sir, it is rather unfortunate to find that since we achieved our independence, not even one student from the Coast has gone overseas. Could the Minister tell us the reason why this is happening?

The Speaker (Mr. Mati): This question is specifically dealing with Nyambene North and nowhere else. Next question.

Mr. Muturia: On a point of order—

The Speaker (Mr. Mati): No. Mr. Muturia. If you want to raise it on a Motion for the Adjournment, you do not have to tell me.

Mr. Muturia: Mr. Speaker, Sir, I want—

The Speaker (Mr. Mati): Will you sit down, please? I have told you that it is not necessary to tell me that.

Question No. 90 (1358)

LOWERING OF QUALIFICATION FOR ADMISSION TO TRAINING INSTITUTIONS

The Speaker (Mr. Mati): Mr. Nthenge, not here. Next question.

Question No. 101 (1381)

GOVERNMENT TEACHER FOR MATUNDA GIRLS' HIGH SCHOOL

Mr. arap Saina asked the Minister for Education to tell the House, since Matunda Girls High School had been built by the Roman Catholic Missionaries on Harambee basis and

since the Minister had visited this school in March 1970 and had promised to provide the school with a Government teacher, the reason for the delay in fulfilling his promise.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. I did promise that Matunda School would be considered for assistance with a Government-paid teacher along with other Harambee schools. However, I did not specifically say when a teacher would be made available, as this depended on availability of funds. I am still aware of this promise and I hope to implement it when funds make it possible for me to do so. I have been corresponding with the manager of Matunda Girls High School recently.

Mr. arap Saina: Mr. Speaker, Sir, arising from that answer given by the Minister, and realizing that Uasin Gishu is one of the formerly neglected districts, as far as education is concerned, will the Minister, now, as soon as the funds are available, give Matunda a priority and send a teacher there as soon as possible?

Mr. Towett: Mr. Speaker, Sir, at the beginning of the year I sent a teacher to Matunda, but due to something—I do not know what happened there—she left the place, but as soon as I have funds available I will consider Matunda along with other schools which require the same attention.

Mr. arap Saina: Mr. Speaker, Sir, arising from that answer—

The Speaker (Mr. Mati): You stood on a point of order, not to ask a question.

Mr. arap Saina: On a point of order, Mr. Speaker, Sir, is the Minister in order to say that he sent a teacher to Matunda at the beginning of last year whereas even the school is not aware of the teacher he is talking about?

The Speaker (Mr. Mati): That is a question. Next question. We now go back to Mr. Mutua's question.

Question No. 88 (1346)

TELEPHONE SERVICES IN NITHI DIVISION

Mr. Marete, on behalf of Mr. Mutua, asked the Minister for Power and Communications to tell the House whether he was aware that there is no telephone and no electricity in Nithi (Chuka) Division which is about sixty miles away from Meru and forty miles from Embu Town.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. I wish to inform the hon. Member that I am aware there is no telephone or electricity supply in Nithi Division.

[The Assistant Minister for Power and Communications]

The provision of electricity supplies to the more remote areas of the country will take some time unless there is some major development in such an area requiring an electricity supply. The magnitude of development in Nithi would have to be of such a scale as to produce a Revenue sum of about Sh. 80,000 per annum. In the case of Nithi, however, the supply may be afforded in 1971 if the development of the Chogoria Hospital is financially viable to the extent that the recurring charges of an electricity supply could be made. Subject, therefore, to this proviso, the area might receive an electricity supply next year.

As far as the telephone service is concerned, I would like to inform the hon. Member that plans are well advanced to provide telephone facilities at Chogoria, and the opening date is expected to be this year. Plans to extend this service to Chuka (which is the largest town in Nithi Division) are in hand now and the opening date will be during the 1971/72 Financial Year.

Mr. Muturia: Mr. Speaker, Sir, arising from that satisfactory answer from the Assistant Minister, and Chogoria (Chuka) being a part of Nithi Division, would the Assistant Minister assure this House that all the parts of Nithi Division, which is between Chuka and Meru Town are going to be supplied with both electricity and telephone facilities?

Mr. Onamu: I did not say that. I have only assured you of Chogoria and Chuka.

The Speaker (Mr. Mati): Mr. Nthenge's question.

Question No. 90 (1358)

LOWERING OF QUALIFICATIONS FOR ADMISSION TO TRAINING INSTITUTIONS

Mr. Mutiso, on behalf of Mr. Nthenge, asked the Minister for Education if he would tell the House what special arrangements existed in Kenya to reduce the required standard of qualification for students from less developed areas such as Turkana, Baringo and Moyale, etc., to enter courses such as medical courses, agricultural courses etc.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. No arrangements exist for reduction of standards of qualifications for anybody who intends to enter a professional course such as medicine.

However, the best pupils from the areas the hon. Member has in mind are given opportunities to enter the more established secondary schools.

Mr. Jilo: Mr. Speaker, Sir, arising from that reply, does the Assistant Minister agree with me

that it is his Ministry which two years ago exempted candidates for parliamentary seats from those areas from sitting an English test?

The Speaker (Mr. Mati): It is outside the question.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from the Assistant Minister's reply, can he tell us what he is trying to do with regard to building schools near the places which are mentioned in the question?

Mr. Rubia: Mr. Speaker, Sir, I said that we will give some consideration to students from the areas referred to in the question; for example, Turkana, Baringo and Moyale to enter secondary schools that are more established—secondary schools with better teaching facilities. However, as far as professional qualifications are concerned, the student or the candidate must qualify before he or she can be allowed to enter the medical profession. However, we help secondary schools in the remote areas to enter students in the better established schools.

QUESTIONS BY PRIVATE NOTICE

LEGAL NOTICE NO. 241 ON INCREASE OF MAIZE PRICE

The Speaker (Mr. Mati): Questions by Private Notice.

Mr. Wabuge's Question by Private Notice.

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

In view of the fact that the present price of maize was increased to Sh. 30 per bag of 200 pounds, with effect from 18th December for maize planted in the calendar year beginning 1st January 1970, and in view of the fact that when the increase was effected there were some producers who had already delivered some of their maize to the Maize and Produce Board, would the Minister revoke the schedule of the Legal Notice No. 241 of 31st December 1970 so that producers whose records of deliveries are known to the Board could be paid for their maize at the increased prices?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. Actually, the farmers have been treated with considerable sympathy in the Legal Notice 241 which takes effect retrospectively from 18th December 1970 because in normal circumstances such notice would only consider the 1971 planted maize crop. Therefore, though unfortunate, the answer is, "No".

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that the Ministry, and for that matter the Government, always urges the farmers to make early delivery of maize, which advice the farmers followed last year, and in view of the fact that the Legal Notice No. 241 states that the price which came into effect on 18th December 1970 was for the crop planted in 1971, is the Assistant Minister not aware of the fact that Government is robbing the farmers who had delivered their maize before 18th December 1970 and that the Government is becoming dishonest with the farmers of this country?

Mr. Khaoya: Mr. Speaker, Sir, normally the price of maize is announced one year in advance so that the price of 1970 planted maize crop was announced some time in October 1969. It was only last year, under special circumstances, that you hon. Members raised this question and the Government decided that we should encourage farmers to plant more maize for the year 1971, and to do this it necessitated making a decision in the middle of December to increase the price of maize by Sh. 5 per bag.

I think the farmers should be grateful in that the Government did not only provide new price for 1971 produce but also allowed the new price to take effect from 18th December 1970. I am sure there are a number of farmers who might have been unlucky in that they had delivered their maize before. However, all that I can say is that the price is there for this year, if only they can plant more maize so that we can achieve the purpose for which the price was set.

The Speaker (Mr. Mati): Next Question by Private Notice.

SHORTAGE OF MAIZE IN THE COAST PROVINCE

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

- (a) What are the causes of the current maize shortage throughout the Coast Province?
- (b) What plans has the Minister to save the Coast people from this unfortunate situation?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. I am not aware of any maize shortage in the Coast Province.

An hon. Member: Shame!

The Assistant Minister for Agriculture (Mr. Khaoya): We have enough maize in the store for the Coast Province at Mombasa and Voi from where maize for that province is distributed. We have 15,000 bags for this purpose stored in these

places which I have mentioned. The weekly consumption is estimated at 4,000 bags only; and that is why I have said that we have sufficient maize.

Mr. Mwamzandi: Arising from the Assistant Minister's reply that he is not aware of the maize shortage at the Coast Province, and realizing the fact that we are now telling him that there is a maize shortage at the Coast Province, will he not agree with me that millers are sabotaging the production of maize flour simply because they do not agree with the decision which has been made by the Minister: the increase in the price of maize?

Mr. Khaoya: Mr. Speaker, Sir, let us come to the crux of the matter. I said that there is no shortage of maize. However, the hon. Member tells us very correctly that we do not have maize in the mills because the maize millers are not grinding the maize and then selling it to the consumers. All that I can say is that if there are any such millers they should take note that if such conditions continue they may find themselves out of a job because we decided that in the interest of the country we should raise the price payable to the producer and so we increased it by Sh. 5. We also decided that the consumer should be cared for and, therefore, reduced the price of maize meal by 15 cents per kilogram. I know that there have been a number of discussions by the Maize and Produce Board on one side and the millers on the other. All the time we tell the millers that they have to co-operate with the Government. I would like to repeat, again, so that they may not complain later on because Government is determined to safeguard the interests of the consumer.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's reply, when he said that the millers are required to produce more maize meal, has his Ministry gone and investigated how maize millers are producing maize meal because as far as I am concerned I went to one of the maize millers in Nairobi and he told me that despite the fact that the population had increased they are producing the same quantity of maize meal as they did when they established the factory in 1960?

Mr. Khaoya: Mr. Speaker, Sir, personally I have not visited these millers. As the hon. Member asks, I hope to do so soon if this situation continues.

I had better also remind him that the problem is not as he states, but rather it is as hon. Mwamzandi puts it. That is, there is sufficient maize but the millers, perhaps because they do not want to co-operate, are sitting on the maize and, therefore, *wananchi* are not getting the maize flour.

Rev. Kalume: Arising from the Assistant Minister's reply, is he aware that some shopkeepers in the Republic have not reduced the prices in their shops? If he is aware, can he tell the nation the price of maize meal per kilogram so that the people may know?

Mr. Khaoya: Mr. Speaker, Sir, I am not aware that some people are not following Government regulations. All I can say is that once a law is made it is up to us, *wananchi*, to follow it because if we are found not following it we will be prosecuted just like anybody else. Therefore, I am now warning that for those who are not taking heed of the new prices, if they are found out, they will be prosecuted.

Mr. D. M. Kioko: Mr. Speaker, Sir, since we understand from the millers that they are doing maximum milling in the country, and since there is no definite indications showing that they are refusing to do their milling because of the price, would the Ministry consider it possible that it is because the demand is high, due to the drought, and therefore license more millers in the country to cope with the demand? If it is not because of the shortage of maize, would he assure us that we are not being led into the last situation whereby we were told that there was a surplus of maize in the country while there was nothing in the country since all our maize had been sold to our neighbouring countries?

Mr. Khaoya: Mr. Speaker, Sir, I am grateful for the suggestion given by my hon. colleague. All I can say is that due to the measures we took, that is, the increase in the price, we were able to attract more maize into the stores, so much so that at the moment, for instance, we have had 2.1 million bags received by the stores as compared to last year's 0.75 million bags.

Right at the moment we have, in our stores, 1.5 million bags and we think this is sufficient for the time being. But we are trying all the time to get as much maize as possible from the producing areas, namely, Kitale and most of the Western Province areas. For this reason we have arranged for more rolling stock to get as much maize as possible. In fact, the delivery has been such that now our main problem is to get sufficient rolling stock to get maize from Kitale to Nairobi and to the area of my friend in Kitui.

Mr. Kanja: Thank you very much, Mr. Speaker, Sir. The hon. Assistant Minister has revealed what I would call a phenomenon, in view of the fact that he admits that we have so much maize in our fields and stores, yet in some parts of our country some of our people are dying of hunger. Are we going to sit and stock this maize when our own brothers and sisters are dying, or we

are going to give them some of that maize? Are you, probably, waiting for some benefits?

Mr. Khaoya: Mr. Speaker, Sir, the hon. Member has raised a vital question which touches every nationalist in the country, and I am one of them. We had one hurdle which we have now got over. We are at the next one, which is how to get this maize milled and distributed. I have already demonstrated the difficulties we are running into, and I have also said already that we are taking some measures. All I can say is that this House should back us up in our endeavour so that we can break this last hurdle.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(Fourth Day)

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 23rd February 1971.

(The Vice-President and Minister for Home Affairs on 25th February 1971)

(Resumption of Debate interrupted on 3rd March 1971)

The Speaker (Mr. Mati): Mr. Kioko, you still have five minutes.

Mr. D. M. Kioko: Thank you, Mr. Speaker. I will be very brief during my five minutes' period.

Mr. Speaker, you will remember that yesterday I said I do not believe in the policies we have in the country whereby we deny the low-income group of many facilities in this country. It is a fact that they are not entitled to enjoy the facilities of the National Hospital Insurance Fund which only costs Sh. 20 every month yet they are ready to pay for it monthly. Secondly, they have not been given the chances of buying shares in the public services. I think the Ministries should take consideration of this matter because most of the people who belong to the low-income group are more than those who are privileged to receive the high salaries in this country.

The other thing Mr. Speaker, is that I do differ slightly with the Members who have been generalizing the situation of the civil servants in this country. Sir, I feel that there are some civil servants in this country who are to be commended for the services they have been rendering for the Republic, and they are still rendering these services, but it is not the earnings that they are looking for. It is very wrong if a Member will come up with no specific cases and generalize the issue of all the civil servants in the country who are working for the Republic.

[Mr. D. M. Kioko]

Mr. Speaker, Sir, I would say that even today there might be some Members who have visited some Ministries. After seeing the people who work in those Ministries they thank them for what they might have done for them this morning. I think it is wrong, Mr. Speaker, if we go on generalizing issues without being specific. We cannot run the country in that manner if we are here to be the leaders of the country at all. For this reason, Mr. Speaker, I differ with some people who might be generalizing on this issue.

The other thing I would like to say, Mr. Speaker, is that we have been talking, as Members of this House, of the situation that is facing our people in the North-Eastern Province. Today, Mr. Speaker, I would say that as we are 170 Members in this House, the Ministers, the Assistant Ministers and the Back-benchers, I am ready to initiate a fund-raising appeal of Sh. 200 per Member from tomorrow. I am giving mine to the cashier tomorrow so that we can contribute for the people who are suffering in the North-Eastern Province. It is not good to talk and talk without good deeds. Talking without any actions, Mr. Speaker—I feel that if all Members sympathize with the situation in the North-Eastern Province, then we should contribute Sh. 200 each tomorrow—that will total to Sh. 34,000—and take it to the North-Eastern Province tomorrow. Sir, I am going to hand over mine tomorrow. It is no good talking with no deeds. I wish all the Members would come forward and help these people to come out of this situation.

Mr. Speaker, I believe in actions because it is no good talking only without showing the public that we are doing the things which are going to benefit them. We have been here for long, Mr. Speaker, and as I can see Members come here just to talk. Some of them propose but when it comes to deeds and actions we become embarrassed when we meet our people outside asking, "What are you doing after talking so much in that House?" Mr. Speaker, I feel I will differ from some of the things that we do as the leaders of the country because we shall be confusing the masses of this Republic if we do not show them the right way of running our Government.

Sir, I would also point out that it has become a practice of some of the employers in this country to have an attitude of exploiting their employees simply because they know Government is faced with the situation of acute unemployment. I think these employers should come forward and help the Government rather than, after knowing that we have an acute situation of unemployment in this country, just exploiting their employees simply because they know they

will get Tom, Dick and Hurry the next day. I think employers in this country should have the sympathy and heart to help our Government to rescue the situation by co-operating with the Government, which is looking into ways and means of getting our people employment so as to enable them earn their daily bread.

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

The Minister for Health (Mr. Okero): Mr. Speaker, thank you very much for giving me this opportunity to make a few observations upon the Presidential Speech which was both short and vigorous. I do hope that my speech will also be short and vigorous.

Mr. Speaker, Sir, I do want, firstly, to comment on paragraph five which is to be found on page six of His Excellency the President's Speech in which he drew the attention of this House and the attention of the nation to the dangers of pollution. Pollution has a great bearing on health and I have gone around the country a little bit and I have been able to see what happens in our rural areas where 90 per cent of our people live. I am more and more convinced that unless we do something pretty rapidly, to alter the pattern of living of our people in those rural areas, it may well be that the number of hospitals we are building will not be in a position to cope with the serious problems that are going to develop there. In particular, Sir, with regard to pollution, I want to illustrate what I am talking about by a concrete example.

Soon after independence, in an area where we used to have only one sugar mill we do now have two other plants that have been established there to process our sugar. The whole of the sugar settlement area in the Muhoroni, Miwani, Kibigori and Chemelil Complex is where you have a large number of people who have come there to settle and have small plots and are there as workers employed in these industries. I am sorry to have to bring to the notice of the House that up to the time I am speaking now, there is nothing that one could call a proper water system in the whole of this area. This is a serious omission, Mr. Speaker, Sir, and it is pregnant with great dangers. Equally well, in the whole area, there is nothing that one could call a properly organized system of sanitation. Also, Sir, equally well, there are great problems of pollution taking place in this area. There are many little rivers that flow in this area and on which the people who live in this area depend for their water supply. Apart from Nyando River, which is being polluted, literally every second, all these small rivers are being polluted in the same manner. I

[The Minister for Health]

do want steps to be taken pretty rapidly to correct this situation. Now, how can the situation be corrected? I suggest, myself, pretty humbly, that it is not difficult to establish some authority to be in charge of the whole of this sugar complex in this area. I see no difficulty in establishing, for instance, a sugar authority to take charge of all the problems that are in this area. I would urge, very strongly, that this action be taken to contain what is otherwise going to be a serious situation.

Secondly, Sir, I want to touch briefly on the tourist industry. We in our country pride ourselves, and rightly too, on our tourist industry. It earns us a great deal of money. We are lucky that we have the animals, the game and the wide parks which attract a large number of people from outside our Republic to come and visit us. However, in the course of the last couple of years, I have come to realize that there are a number of tourists who have come to our Republic on more than one or two occasions. They have seen our elephants, they have seen our giraffes, they have seen our zebras and have seen our antelopes. They have also had the benefit of basking in the sun and swimming in our ocean. However, they seem to feel that time has come, now, for them to see the people of Kenya. In other words they want to know the people who make Kenya. Therefore, I am going to suggest that time has now come for more of the hotels to be built in areas which have a greater concentration of the population to enable the tourists to see the higher type of animals. Mr. Speaker, Sir, this is not an unreasonable suggestion. The other day when I was down at the Coast, I met a number of tourists who were wondering whether it is possible to visit the more population areas in our Republic. They would like to do so. The reason why they have not been able to do so is the shortage of hotel accommodation. I do remember, when I was down there, I had the occasion to whisper into the ears of my hon. friend, the Minister for Tourism and Wildlife, and I found out that the remarks I am making now, he said, are not unreasonable remarks.

Mr. Speaker, Sir, I would like to touch on the problem of education. If there is one thing, Mr. Speaker, Sir, that has made Kenya a modern country, as it is, it is education. I, therefore, want the 11 million Kenyans that are in this country to be able to feel the impact of education. I do want to say that it is desirable that the facilities for education should be made available to the 11 million Kenyans in an as equitable manner as is humanly possible. I do want to urge my colleague and hon. friend in the Ministry of

Education to go out of his way to deliberately promote an equitable distribution of the educational facilities. This is the only way in which we are going to make sure that the 11 million people we have in Kenya are in a position to make a contribution to the nation building. I want to appeal to hon. Members that they can assist us in this task because, ultimately, in the Ministry of Health where I am a Minister, if you want somebody to train as a doctor, he has to have some education. If you want a girl to train as a nurse, she has to have some education. I know, in this House, there are some hon. Members who still think that a certain section of our community should not be educated. I urge them not to do so. I want all the hon. Members to go out of their way to try to encourage all our people, men and women, girls and boys, to go to school equally. Those who are prejudiced are doing a disservice to our Republic.

Finally, Sir, I do want to say that it is desirable for us to try and make the 90 per cent of our people who live in rural areas to benefit from education, and this requires that our attitude to education must be much broader than it has been hitherto. Education is not necessarily a means of getting a job in town. Education should be a means of being able to explain to the chap in the rural areas the mysteries of the physical world around him. Therefore, I do want both hon. Members and the rest of the nation to assist me in my Ministry to go out to the rural areas and let them talk about health centres, let them talk about hospitals, let them talk about a dispensary and let them, equally well, talk about personal hygiene. Let them equally well talk about the need for using clean water and also of using *choo* instead of going to the bush because if they do this they are going to make my work rather easier than it is now. I think, Mr. Speaker, Sir, these are not unreasonable suggestions. I think, Sir, I have made these remarks with all sincerity and I do **not want to take more time** simply because the red light has not come on.

Mr. Speaker, Sir, thank you.

Mrs. Gecaga: Mr. Speaker, Sir, I would like to congratulate His Excellency the President of the Republic of Kenya for the useful Speech he delivered in this House at the opening of Parliament on 23rd February 1971.

The President in his Speech referred to the National Assembly, like a public service, as an instrument of our State. We should ask ourselves what useful work this instrument of our State—our Parliament—could do for the betterment of our people and our State. I believe that if we interpreted this main instrument properly and tried to make it a useful instrument the hon.

[Mrs. Gecaga]

Members of this House would be creating a state of co-operation, unity, peace and progress. These are the four pillars of our hard-won independence, which all of us must defend. To achieve political independence is good but the progress of our people will never be seen until such time that the people of this Republic will work hard for unity and work harder for peace and co-operation so as to achieve economic independence. Therefore until then there will be no progress for our people.

Mr. Speaker, Sir, if the hon. Members of this Parliament could, through their speeches, teach the young generation of this country, that would help because they are the people who will change the economy of our country and transfer to the hands of our people. Members should make sure, instead of making mere speeches in this House, that there will be unity in Kenya. Lack of unity is hindering progress and therefore we should be working harder for the unity.

Mr. Kitonga: Address the Chair, Madam!

Mrs. Gecaga: Thank you very much, chief.

Mr. Speaker, Sir, we know that we need a lot of preparation to enable us to fulfil what we should do. We know that education is the key to many things but, we know that there are many people in our country who have not been well educated enough to overcome the present indifference among our people towards development which could be introduced in their areas. It is the duty of individual groups and the Government to join together and explain to these people that they have to accept education, whether it is new or not in their area, so that they may be able to keep up with the other people of the Republic.

Mr. Speaker, Sir, I would like to take some of those words, like "co-operation" and ask, "Why should we work for co-operation?" We need to defend our nation in many ways. We should be prepared for any disaster which might come to frustrate our nation. Today, in Kenya, we know that there is a threat of famine in some areas of this country. However, through the co-operation of the people of this Republic, and the fact that we have responsible people, we are able to overcome such a disaster; but if we had no co-operation the people of the areas which are not affected by famine would not feel concerned about what is happening in for example, Garissa, Kitui and the other areas which are affected by famine.

Mr. Speaker, Sir, as leaders of this Republic, the Members of this House should ask Government or request the Government to form a famine relief fund where individuals, groups and volun-

tary organizations could send some donations. The Government could divide the money, goods or food-stuff according to the needs of the people who are suffering from famine.

Mr. Speaker, Sir, I would like to stress more on education. I have said here, earlier, that education is the key to many things. Kenya Government has been trying all it can to give education to the people of our State. However, I would mention that there have been statements in this House accusing some areas of the Republic of getting more of everything than some areas of the Republic.

Hon. Members: That is very true!

Mrs. Gecaga: Mr. Speaker, Sir, I would like to prove beyond any doubts that this is not true. I have said that education is the key to everything. For example, if we had some people in this country who were in a position and did start schools on self-help basis as far back as in 1950's, surely these people should have helped their areas a lot. Why did the others not do it? It is because they did not actually know the value of education. Therefore, why attack the people who knew the value of education and put in efforts so as to educate their children? Some of those schools were closed by the British Government, but not all doors to education were closed. The far-sightedness of the parents, and the students who were in these schools enabled them find their ways to other schools. This is what the people in this Republic should be doing. Instead of accusing an individual because he is capable of doing a job—and moreover he is a citizen of this country—why not work hard and take over all those jobs which are in the hands of the foreigners? Why not try harder and co-operate with the people who could help to organize the people in the areas where people are not in a position to organize themselves? Certainly, unless we do this there will be no progress in the Republic. We do need one another and the people who have the know-how should be telling the other people what to do. Members could be helping by making helpful statements and passing on information to as many people as they can.

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

Mr. Kholkholle: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to make a few observations on the Presidential Address. I would like to co-operate with my colleagues who spoke before me and to congratulate the President for his short and educative speech.

Mr. Speaker, Sir, before the President concluded his speech, he said that we should not act only

[Mr. Kholkholle]

as an instrument but as a bridge between the Government and the public. If we are to act as a bridge between the Government and the people who elected us to this House, then whatever we say or bring here should be taken as very important. This is because we have been given the responsibility to represent the people. Sir, I would like to speak on a very serious issue which has affected some parts of the Republic; this is drought.

Before we went on adjournment last year, I gave a statement informing the Government that drought was just around the corner, coming, and that Government should take a very serious view of this point. However, what happened, Mr. Speaker, Sir? Somebody who is sitting in the President's Office said that there was nothing unusual, while we know what we have never seen such a drought for the last 50 years or more than that. I am not exaggerating the situation, nor am I blaming the Government for anything because this is my own Government. The situation is very serious, and as a result two people have died in my constituency due to starvation. A woman and a man have died, and when we inform Government, somebody who is sitting in the President's Office says that there is nothing unusual. The situation is very unusual and therefore, Government, Mr. Speaker, Sir, should send more food to the drought stricken areas. The supply which is being sent there is not enough. And when the little supply is sent there, and we ask the District Commissioner, Marsabit, why he is not sending or supplying the food to the people, the reply is: "There is no transport." There is no transport to send the food to the people. What is Government doing? Why can they not use the Army transport, the Kenya Air Force transport and all Government vehicles? Why should we wait until the people die? I think prevention is better than cure. There is no use sending food when the people have died. Therefore, Mr. Speaker, Sir, I urge the Government to take this matter urgently or make a very urgent transportation of the supplies to the drought stricken areas.

Mr. Speaker, Sir, another thing which made this situation very serious is lack of water. In some places all the wells have dried up because of the long dry season. The Government is intending to allocate one tanker to Marsabit District, but to expect one tanker to supply water to an area which is 42,000 square miles, Mr. Speaker, I think is ridiculous. It is better not to have anything than having one tanker to supply water for an area which is 42,000 square miles. This is because it will not be of any use. What is the use,

when some people are dying due to lack of water? Therefore, Mr. Speaker, I urge our Government to take a very serious view also on this point of water. The Government should try to send more tankers so that the people can be supplied with water easily.

Another point I would like to touch on, Mr. Speaker, Sir, is about education. Missionaries have built so many schools in Marsabit and all these schools are boarding schools; from Std. I to Std. VII. This is because our people are nomads and so they move from one place to place. They cannot move with their children; they must be left in the school to study. Therefore, I would like to urge the Minister for Education to take over these schools from the missionaries so that the children can be given better education and better facilities.

Mr. Speaker, Sir another point is about security. There have often been attacks from Ethiopia. People have been killed, livestock has been raided. I know, Kenya and Ethiopia are friends. There is good relationship between them. However, Sir, one-way traffic, one-way relationship, one-way friendship— We have been suffering from this and we would like to ask Government to try and arrange discussions with the Ethiopian Government so that these tribes, Galubar and Hamartokar, who cross the border to come and kill our Kenya citizens and raid their stock could be stopped. I know our Kenya security forces are doing a very good job there. They have recovered so many stock, but, Mr. Speaker, the lives which have been lost cannot be recovered. The stock can be followed and recovered but the lives of

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

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

people can never be recovered. Therefore, I would like to urge the Government to have discussions with the Ethiopian Government so that the lives of these innocent people can be saved.

Mr. Deputy Speaker, Sir, another point is that we are very disappointed to see that since we were elected to this House there have been no Ministers visiting some of the districts. It is over one year since we were elected to this House and with the exception of the Minister for Co-operatives and Social Services, there has never been another Minister who has visited Marsabit. Why? What is wrong and yet we always hear Ministers visiting some other districts and provinces? Who is responsible for arranging the Ministers' visits?

An hon. Member: It is for you to approach him.

Mr. Kholkholle: We would like the Ministers to visit all the districts equally. This is because if they do not visit the area they cannot know what is going on.

Mr. Deputy Speaker, Sir, my last point is about the Industrial and Commercial Development Corporation loans. It was last year before we went on recess when I raised a question here asking how many people from Marsabit had been given loans by the Industrial and Commercial Development Corporation since 1963. It was said that there were only 12 and that Government would not go and ask the people to apply for the loans. But, Mr. Deputy Speaker, Sir, when these people apply they are being refused. I would therefore, appeal to the Government to give my people loans when they apply for them.

Mr. Murgor: Mr. Deputy Speaker, Sir, first of all, I would like to congratulate His Excellency the President for his Speech and wise leadership which has led Kenya into rapid development and stability and which has also earned Kenya a good name overseas. Sir, there has been a lot of development work carried out with good results. Roads, in general, sugar roads, tea roads, and some other development projects have been established. Some landless people have been given land although there are still many of them who have not yet been settled. The sugar, tea and dairy industries have been improved and there has been, since independence, a lot of development so far which has been caused by the Harambee spirit in response to the call by His Excellency the President.

However, Mr. Deputy Speaker, Sir, with all these development projects that have been going on and, leaving alone the northern area of the Republic and some development projects in western Kenya, it seems as if this country has been divided into two parts: western and eastern Kenya as far as development is concerned and the border seems to be at Nakuru. You see therefore, western Kenya starting from Nakuru and eastern Kenya starting from Nakuru. It also appears, Sir, that some Ministries have only been concerned with one section of the Republic. For example, Mr. Deputy Speaker, the Ministry of Tourism and Wildlife which appears to have been entirely belonging to eastern Kenya. Western Kenya seems to be a place that has been closed to tourists. Heads of States and even the majority of our leaders here who do not seem to tour western Kenya. When I say this, Sir, His Excellency the Vice-President must be congratulated for his efforts which he makes every now and then to go out there.

Mr. Deputy Speaker, Sir, as far as tourism and

wildlife is concerned, are there no areas of tourist attraction in western Kenya? Are there no wild animals there? What is the difference, Sir, between the leopards, the elephants, buffaloes, antelopes, the lions, the rhinoceros and all those animals which are in western Kenya and those animals which are in eastern Kenya? Kerio Valley is full of all these animals and there are so many areas of more and better attraction to tourists than there are, say, in eastern Kenya. So, Mr. Deputy Speaker, Sir, the sooner the Ministry of Tourism and Wildlife moves into western Kenya and carries on development there the better. If it does not do that, the Ministry and the Government will later on regret it when all these animals have been eliminated.

Mr. Deputy Speaker, Sir, it is very encouraging, as His Excellency the President said, to see that *wananchi* can now play a fuller part within the mining industry. I hope what has been going on will now stop. Sir, there have been local *wananchi* companies which have spent a lot of their time and money doing some prospecting of minerals and other things. When they have discovered the minerals someone steps in and says, "You will no longer do any prospecting here. You will no longer do any mining here, the Government with its own company will come in." A foreign company will then come in and the local company will be eliminated. The *wananchi* then go on prospecting outside that area and once they discover something, the Government come in. Which is better; to encourage local *wananchi* companies to invest their money in these mining industries or to bring in a foreign company? Sir, we hope these things will be corrected.

Together with these things and when things of this nature come about, then, there is also corruption coming in. Sir, one wonders as to where some people get money to purchase Mercedes Benz cars, to buy properties when one knows that not long before they did not own those things and they did not have the money. Where did they get the money from? This is something which some of our friends here have to watch because if they do not do so, then, I do not know what is going to happen.

Another thing, Sir, is about local industries. We manufacture certain goods in this country and these are manufactured by our own people. But these people, with their industries, are not protected. Foreign goods are allowed in to come and flood the markets and our poor people who have been trying their best have their goods remaining in the shops unsold. You may also, sometimes, find a small industry springing up in a place which may be in any rural area and while it is still going on bigger industries go in and

[Mr. Murgor]

kill that small industry. For example, bakeries; when an industry is going on, say, somebody is doing some baking somewhere, then, the big giants like Elliots Bakery, here in Nairobi, goes out to sell its bread and so on and then these other smaller bakeries whose owners got some loans from the Government will not be able to pay those loans because they cannot sell their bread.

I would also like to say something which I know I am always accused of. Sir, there has been—and even during this Session also—a lot of attacks on civil servants. I do not know when these attacks will stop. Sir, as I have said before, of course, there are some civil servants who are bad but the majority of them are not bad. Mr. Deputy Speaker, Sir, I wanted to hear something about that. There are some dedicated civil servants who do their work well but there are some who are bad. You cannot generalize and say that they are all bad. I know, Mr. Deputy Speaker, Sir, that even some senior civil servants do not follow the Code of Regulations especially the regulations which state that you cannot own property or businesses or anything of that kind, because you will find that some of the senior civil servants own a lot of property all over the country. I do not say that they are doing that, but the poor junior civil servants are the ones who suffer especially those who adhere to the regulations of the Government.

Mr. Deputy Speaker, Sir, with these few words, I beg to support.

Mr. Y. Ali: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make my observations on the Presidential Speech.

As usual, Mr. Deputy Speaker, Sir, I would like to take this opportunity also to associate myself fully with my colleagues who have previously spoken on the Presidential Speech. On the Speech itself I would only pick up one point and that is in connexion with what His Excellency said here—and for the second time—that this House or this Parliament must serve as a bridge between the people of this country and the Government of this country. I wish and pray that this important message from the President will reach home. That is to say, Mr. Deputy Speaker, Sir, as soon as possible those people in this country who are holding important positions will take heed and digest this message from the President. Before I go further, Mr. Deputy Speaker, Sir, I would like particularly to talk about Kanu as the ruling party, in this country.

Mr. Deputy Speaker, Sir, it is obvious that Kanu does exist and that is why we exist here,

that is why the Government is in this country and that is why our Flag is flying. However, if one is to be frank, I think the party needs reorganization. Those who were appointed to do the post-mortem as far as Kanu, the ruling party, is concerned should come forward now and tell us the outcome of their post-mortem, by that, Mr. Deputy Speaker, Sir, I am referring to the reorganization report. Mr. Deputy Speaker, we must not under any circumstance forget that the freedom of this country was achieved through political means or through political movements, but not through the civil service. I know some civil servants—I am a freedom fighter and have every right because I participated fully—at that time there were some civil servants who were telling us that we were crazy people or hungry. They also used to ask us whether Africans were capable of ruling themselves. Some of these civil servants are still here. Some of them are occupying big posts in this Government. Mr. Deputy Speaker, Sir, I do not want to deviate from the point, but Kanu as the ruling party must be reorganized, must be revived and be revitalized because if this Government wants to continue or to exist then the foundations of this Government is Kanu as a political movement and it must be effective and functioning properly. I think there are some people for the sake of their positions and perhaps because they want to protect their positions, they have paralysed the party deliberately for the sake of protecting their positions at the expense of the *wananchi* of this country. We have discovered this and we shall not accept it. We shall oppose it either in or out of this House. I would like to go further, Mr. Deputy Speaker, Sir, by saying that this Government belongs to *wananchi* because without the *wananchi* there would be no Government. This is obvious all over the world. We would like to see the *wananchi* having rights, having freedom over their affairs. We should not be left alone as Members of Parliament to be the political spokesmen in this country. Every son and every daughter of this country has every right to express their political views because this is why we value freedom more than anything else and I do not see how *wananchi* of this country would have the right to tell the Government or anybody in this country their political views if the party is not functioning properly. Mr. Deputy Speaker, I think I have driven this point home because it is an important point. If it will be taken as though a demagogue was standing up in Parliament trying to seek publicity in the newspapers, then time will sought out things.

Mr. Deputy Speaker, Sir, my second point is about the supremacy of this House. Even school

[Mr. Y. Ali]

children in this country know that this is a supreme body as far as this society is concerned. Nobody anywhere in this country can come up or try in any way to undermine this House. Of late, Mr. Deputy Speaker, Sir, there has been an attempt to ridicule and to reduce this House to nothing. These people are trying to tamper with our freedom. As we fought *wabeberu* and we achieved our freedom we will fight anybody in this country who will try to play about with our freedom. I say this, Mr. Deputy Speaker, Sir, because we have had so many resolutions in this House, but so far almost every Member is complaining about the implementation of these resolutions. Why? This is so because there are some destructive forces in this country who are all out to see that whatever is passed by this House is treated as null and void. Are we really, as parliamentarians, going to sit idle and see these people sabotage this bridge which Mzee has rightly said when he said that this House is a bridge between the people and the Government? I think my friends will not agree to this. We are determined to expose them every now and then, every minute, every second, every day and every year.

Mr. Deputy Speaker, Sir, turning to my constituency of Langata, I would like to talk about the housing problem which is confined to the people who are eating *sukuma wiki*—the popular vegetable in this country—or in other words the poor *wananchi*. I will start with the Kenyatta National Hospital. If you go around you will see that the Hospital is being extended. You will also hear that we have a medical school in this country. A fine building is going up, but if you go behind it you will see that *wananchi* are still housed in a colonial type of houses. During the day, these houses are very hot and even a baby can get fried. During the night it is the coldest place ever for a person to live in. I do ask myself, and also my constituents are asking themselves, what is the point of putting up such huge building to serve *wananchi* if you cannot consider, think about or take into consideration, those people who will be manning these huge houses. I think the Minister for Health has already left the House. He spoke something about the health of the nation. I think he should have been here to listen to what I am saying. This is because it is his task or a challenge to him. Before building small or big hospitals, I think *wananchi* at Kenyatta Hospital should be housed properly.

Mr. Deputy Speaker, Sir, if you go around my constituency of Langata you see the Ministry of Works Machakos Camp. The other day I held a big rally there. I learnt that the Government is

destroying shanties in this City. The Government has left *wananchi* in the open to sleep in the cold after having demolished these shanties. Shame on the Government! At the same time Government is still harbouring shanties somewhere in the industrial area. If you go to Machakos Camp you will find some *wananchi* living in shanties. These are Government shanties. We would like to see the Government cleaning its house first before going out to trouble *wananchi*. Machakos Camp belongs to Government. It is a shame for this Government to house *wananchi* in that way when we claim that we, as the Government, are responsible for the welfare of *wananchi* of this country. Mr. Deputy Speaker, Sir, I would also go further and expose the housing conditions for the *wananchi* who are employed by the City Council as settlement camps.

Mr. Somo: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to imply that it is the Government that demolishes these shanties while we know very well that the City Council is responsible for this and he himself used to be a Member of the City Council.

Mr. Y. Ali: Mr. Deputy Speaker, Sir, I do not think that is a point of order whatsoever and I must say that the hon. Member is one of the most cruel Members I have seen in this House because he has reduced my valuable minutes.

Mr. Deputy Speaker, Sir, I would also like to appeal to Government to look into the question of health centres. Mr. Deputy Speaker, as far as Nairobi is concerned, the majority of the population are workers. Mr. Deputy Speaker, Sir, the workers are suffering because the health centres are run during the day only and in the evenings or at night when the workers go home, they find all health centres closed. I think Government has now returned the 50 per cent graduated personal tax which they took from the City Council and therefore, the City Council has in its kitty more than Sh. 10 million and I am appealing to the City Council through Government to ensure all health centres are kept open during the night as well. Mr. Deputy Speaker, I am saying so because the poor and simple workers, who go to work early in the morning and come back late in the evening, have to go to the Kenyatta National Hospital and sleep on the floor waiting for their children to be treated by the few doctors we have at Kenyatta National Hospital. This is very serious. Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I would also like to raise the question of the National Social Security Fund. We now have about £17 million contributed by the workers in this country to the National Social Security Fund. I am urging Government now to see to it that—

[Mr. Y. Ali]

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

Mr. Seroney: Thank you very much, Mr. Deputy Speaker. It is always a pleasure to have His Excellency, the Member for Gatundu, with us in this House. He is particularly welcome because his appearance in this House is very rare and I join the Mover of this Motion in thanking His Excellency for the exposition of public policy contained in his Speech on Tuesday, last week.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, while I am aware that the hon. Member who has been speaking is professed man of law and understands the reference in the terminology, is it fair to refer to the President, when he delivered his Speech, as Head of State, as His Excellency, Member for Gatundu?

The Deputy Speaker (Dr. Waiyaki): No, Mr. Seroney obviously said the correct thing, "His Excellency" does not refer to any of us Members of this House. It only refers to one man.

Mr. Seroney: Mr. Deputy Speaker, the hon. Member is only wasting my time.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, while I am not disputing your ruling, do we not have "His Excellencies" of various types, and in this case, the hon. Member should have actually have referred to the President so that we may know which "Excellency" he means.

The Deputy Speaker (Dr. Waiyaki): I think there are two "His Excellencies" in Government—His Excellency the Vice-President and His Excellency the President. Mr. Seroney said His Excellency, Member for Gatundu and obviously there is only one Member for Gatundu.

Mr. Seroney: Mr. Deputy Speaker, Sir, I used, that particular description for a particular purpose because I was not happy about the way this Parliament was turned into a circus by some over-eager civil servants on that day. Mr. Deputy Speaker, His Excellency the President is a Member of this House, and like all of us, he is bound by the Standing Orders of this House. Now, under the Constitution, this House has the exclusive prerogative to organize its own business. Yet, on Tuesday last week some Government officials who are strangers in this House, however high they may be, invaded and occupied this House for an entire afternoon. I am saying this, Mr. Deputy Speaker, because all that we require is that the Session is proclaimed open by notice in the Official Gazette and if it is not possible to have the Head of State or His Excellency the President for that matter to come to this House, as one of us and deliver his Speech, without civil

servants monopolizing the prerogative of this House to arrange its own business, then, we might just as well not have a State Opening of Parliament because, in my view, it is unnecessary if it is going to mean this House being invaded by a lot of plain clothed Special Branch men with fire-arms contrary to the Standing Orders of this House. Therefore, Mr. Deputy Speaker, I would like to point out to these over-eager civil servants that—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I think the statement the hon. Member is making is very serious really. Could he tell the House who, other than hon. Members, entered this Chamber because he did talk about the Special Branch men coming in this Chamber being armed on Tuesday last.

The Deputy Speaker (Dr. Waiyaki): Could you substantiate that there were people armed in the Chamber.

Mr. Seroney: Mr. Deputy Speaker, Sir, we all have eyes and we did witness it ourselves. When I talk about this building, I am not referring to this particular Chamber here. Obviously no Special Branch men could have come into this Particular Chamber. However the passages around here were filled with these people on that day, and I do not know why the hon. Member for Butere should dispute something which is common knowledge to anybody who cared to use his eyes on that day.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to refer to the House the way he is doing? When we talk of the "House" here, we mean this House and not the Parliamentary Buildings.

The Deputy Speaker (Dr. Waiyaki): We will check in the HANSARD tomorrow. I think the hon. Member actually said, "In this Chamber with fire-arms." However, we will check in the HANSARD tomorrow. In any case, I do not think there were any people here whom you could describe as strangers who— They were obviously strangers—leaders of the Church and leaders of the High Court—but all the same, I do not think they were carrying fire-arms.

Mr. Seroney: Mr. Deputy Speaker, Sir, I meant—

The Deputy Speaker (Dr. Waiyaki): You meant upstairs which we could not see ourselves.

Mr. Seroney: Mr. Deputy Speaker, Sir, what I was referring to is that on important occasions,

[Mr. Seroney]

visitors are welcome to this House according to the procedure laid by this House and it is not for any section of the Civil Service to pack this House with their own people when we have friends, relatives and, families who also would like to come to this Parliament. Anyway, Mr. Deputy Speaker, I sincerely hope that what happened on that day will not be regarded as a precedent and that in future our enthusiastic civil servants will keep to their side of the fence and leave us alone to organize our own affairs.

Mr. Deputy Speaker, we have been in this Parliament just over a year and the *wananchi* have the greatest expectations from us as a reforming Parliament. So far, we have not done very much. For instance, it is a great shame that our popularly elected Government has revived and is relying on some tyrannical laws enacted during the colonial era. Mr. Deputy Speaker, I am referring to the Public Order Act, 1960 which infringes the right of free assembly and under which hon. Members of this House are refused permission to address those who elected them to this House. I also refer to the Preservation of Public Security Act, 1960 and the Detention without Trial Act which was also passed in 1960. I also refer to the Societies Act 1952 which infringes freedom of association. I also refer to the Books and Newspapers Act 1960 which was condemned by a Motion in this House and which has not yet been repealed. All these Acts, Mr. Deputy Speaker, should be repealed without any further delay. If the Government is not going to take the initiative, I think we, in the Back Bench, are going to take the initiative to introduce the necessary repeal, to be enacted.

I would like to refer to the provincial administration. This provincial administration which is headed by the Permanent Secretary in the President's Office has been allowed to grow into an unmanageable proportion and it is now rivaling Parliament in their own estimation of themselves. The provincial administration is now a Government within a Government. I do not believe that this provincial administration can coexist with Parliament because, if we are a Parliamentary Government, then there is no place for another Government like the provincial administration. Therefore, I urge very strongly that this system be scrapped and the power and functions of the Government be decentralized through local authorities. However, if the Minister of State to the President's Office and the Minister for Local Government do not get together and bring something sensible soon to this House, we will be forced to appoint a select committee of this House to go into that matter

and we will take the initiative ourselves in this House.

I would like to refer—I see my time is running out—to the graduated personal tax. This graduated personal tax is an oppressive, inequitable and unconscionable tax and it is high time it was repealed. I, therefore, hereby serve a notice to the Minister for Finance that he should begin looking for alternative sources of revenue because within this year, we are going to introduce measures to repeal this particular Act.

I will also refer to free primary education. We have only but four years to go before we face the *wananchi* again and I do not know what we will tell them this time when our own Minister has not come out with a definite plan to achieve the goal we have promised *wananchi*. Are we going to be in a better position four years from now than we are today or what are we going to do about it? I believe that if we really wage war against ignorance which ought to be led by the commander-in-chief, namely the Minister for Education, this thing should be done properly.

With these few remarks, I beg to support.

Mr. Kahengeri: Thank you, Mr. Deputy Speaker, Sir.

Firstly, I would like to start by congratulating the President for his Speech which he delivered on the 23rd February 1971.

Having achieved our independence through armed struggle, our day-to-day job as from now is to try to bring about social justice to our people through this achievement. It is correct that the President, when he delivered his Speech, said that far-reaching debate should be directed to the improving of our people's material welfare. It is for this reason that we, the parliamentarians, were elected by the people. So many things within our laws are hindering these day-to-day deliberations of the Parliament that we cannot possibly improve our people's material welfare.

Quoting an instance, section 75 of our Constitution is a great hindrance so that we cannot effectively bring about the well-being of our people in all parts of our country because of that particular section. It has been discussed in this Parliament that this section 75 of the Constitution should be amended so that we can reach the target for which we have set in this House—to provide land for our people. However, nothing from the side of the Government has ever come about to tell us whether we have a contract that we cannot break and whether this section 75 of the Constitution cannot be possibly amended. By this I demand a statement from the Government saying where they stand in connexion with this section 75 because the whole of our population

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demands that this section be amended so that the people who are foreigners will not have the right to own the soil of our land. Why are we ashamed to bring an amendment of this kind while we know and we believe that we were sent here by the people of Kenya? We were never sent here by the foreigners. We were sent here by the people who have the right to demand from us that we should do everything to improve their way of living.

The other thing I would like to mention is about prices of food or whatever is served in hotels. It is impossible for the Africans of this country to enter into all the hotels which are run by non-Africans. This is because the prices have been put up just to exclude the Africans from using these hotels. It is high time that the Ministry concerned saw this and considered that the laws governing hotels are brought within the reach of the *wananchi*.

The third thing I would like to mention is about education system. The education system in our country is put in such a way that the children in schools, whether in primary schools or in high schools, believe that everything European is good. It is high time that we came to think that everything African is something worthwhile. I, therefore, call upon the Minister for Education to abolish what they call the New Primary Approach that is the English media classes and instead introduce Swahili media classes, so that our education system can cope with our demands.

Having said that, Mr. Deputy Speaker, Sir, I have suggestions to make. Suggestion No. 1 goes to the Minister for Lands: that with immediate effect, section 75 of the Constitution be amended to cope with the demand of the people and to satisfy the needs of the people as far as land is concerned.

The second suggestion goes to the Minister for Commerce and Industry: all investors should be barred from deciding who is going to take premises in our towns and in all our trading centres whether or not they have built and own the buildings. This should be the position so that the Government can give the premises to the *wananchi* who are wandering about the city looking for business premises which they cannot get. This is because the foreigners who perhaps happen to be better economically and have buildings all over the place, tend to give premises to their brothers and to exclude our people from commercial activity.

Then I come to tourism. The prices of food in the hotels are so high that the people cannot get into these hotels. The hotels in the town look like

hotels in London, in America or in some places like Bombay and Calcutta. If these prices are controlled, we know that many of our people will be able to go to these hotels and then the hotels here will look like Kenya hotels.

My next point deals with immigration. Asian and European citizenships should be reviewed, and I am happy that I can see the Assistant Minister here. We smell a rat, that at some time before many years go by, these people who you think are good citizens, are living with us, will demand their rights as the people who have the economy of the country in their hands. They have bred to a certain extent, and perhaps one day they will say, "We will not be able now to tolerate being controlled by the African people who presumably, do not control the economy of our country." Therefore, I urge the Government to review this citizenship issue. If necessary, some of these "paper citizens" should be withdrawn. This is a privilege as we have been told in this House many times. If we continue having these people who do not regard the well-being of our people in this country, then we will, at one stage, cry, we will at one stage, feel very sad. Look at the cases down at Guinea where people want to come back—with all their might—and they are being helped by their brothers inside Guinea. The same thing will happen in Kenya. Therefore, Sir, the Immigration Department must take great care on this issue. I do not believe that Asians and Europeans—and I repeat, Asians and Europeans—who have been the enemies of this country for many years will one day not be the sons of Kenya. They will be here just because they own buildings in Government Road, because they are exploiting our people down along River Road, and because they own the big farms while the sons and daughters of this country do not have even one acre of land.

The next point I want to deal with is about labour. It has been agreed that in our country it should be, "One man, one job"—

The Deputy Speaker (Dr. Waiyaki): Order! Your time is up.

Mr. Mutiso: I rise to air my views on the exposition of public policy by His Excellency the President at the State Opening of Parliament.

I listened very carefully to the Speech and I learnt that the President does cast his eyes right across the country and he is willing to steer this ship to the harbour. However, there are some difficulties along the way and these are difficulties which the President cannot be expected to solve alone. For example, we have security forces, we have a Cabinet where the President has appointed a team of Cabinet Ministers and also

[Mr. Mutiso]

a team of Assistant Ministers who are actually the custodians of the Government. In other words, Sir, these are the people known as "The Government". I would like to make one point very clear where people tend to confuse the issue. Yesterday I listened to the Minister for Power and Communications trying to mislead the House by suggesting that the failures of Government are also the failures of this House, of this Parliament. This is not true, Mr. Deputy Speaker, because if the Government has failed to produce some policies and bring them before this House for the House to approve, then they have no cause to blame anybody other than themselves. What the House can do is only to approve or reject.

Of late we have seen what has been happening in Nairobi and other places. There have been robberies with violence. In particular there was one serious one where the robbers had Sten-guns, very high-powered fire-arms. For months and months, since this trend of robbery started in the City of Nairobi there has not been a single arrest. One wonders, Sir, what is the Ministry of Home Affairs doing in this matter?

An hon. Member: Traffic!

Mr. Mutiso: I am glad, Sir, for that remark by the hon. Member. Yes, all that you see is these people along the roads, stopping lorries and buses, checking—I do not know what they check. This is all that they do. In Nairobi they check whether you are parked along the yellow line or something like that. But when the robberies take place you never see a 999 car until the thieves have got away with the money, they have even transferred from one car to another. It is only then that the 999 car arrives to question people. What is the use of that once the money has gone? We wait to hear that an arrest has been made, but there is no such thing. All we hear is that the car which was used is found deserted in some place.

So, Sir, one wonders where we are going to. Is the Minister for Home Affairs and the Commissioner of Police capable of controlling the security of the country?

Hon. Members: No. No.

Mr. Mutiso: What are they doing?

Hon. Members: Nothing.

Mr. Mutiso: You go to the bank and when you come out you wonder whether you will be all right or whether you will meet some person with a pistol who is trying to grab the little money you have taken out of the bank. This has been the tendency of recent times.

I am afraid to say that the investors in this country have to consider their position. The people who have insured this money in the banks are not prepared to be paying out all the time. When the money is stolen from the bank the insurance company has to meet the damages all the time. Sir, this is a very serious matter and I think it is high time the Government looked into this. It is high time the internal security of this country was reviewed. The Minister for Home Affairs, who is not here, and his Assistants --- I do not know whether they are here. Oh, yes, I see one small one here.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, is it in order for an hon. Member with long experience to refer to another hon. Member as "small"? Is it not a shame, considering the time he has spent in this House, that he does not know the Standing Orders?

The Deputy Speaker (Dr. Waiyaki): It is not worth spending time on that.

Mr. Mutiso: Leaving that issue alone, Sir, I want to come to another very burning issue in this country: the question of unemployment. I have experienced this problem quite often and I am sure the same applies to other Members of this House. This is where the constituents come to ask chits from you for introduction to employers from whom they hope to get employment. Sir, how long are we going to contend with this state of affairs? Why can the Government not introduce a policy of solving unemployment? Why can the Government, especially the Ministry of Labour, not try to find out how this problem can be solved? Will it always be our duty to write these chits and when you write them—

An hon. Member: No reply!

Mr. Mutiso: You get no reply. In fact, you look very small because that man will never trust you. We are tired with this state of things.

The *wananchi* are always loitering about the streets. There are queues of them. Go outside this building and you will find them there. They are everywhere and they come in numbers. Students finish school at Form IV level and find no jobs. It is high time the Government took these things very seriously because sooner or later I do not think we shall be talking in this House in this language.

The other thing I want the Government to explain to the country is the question of political parties in this country. We know we had two parties: K.P.U. and Kanu. K.P.U. was banned, but then, what is our position right now? Have

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we become a one-party State? Is the country really satisfied with having no opposition in this House? I do not believe so. Why can we not get a party registered? I know, Mr. Deputy Speaker—that many people have tried but the registrar will never—the Attorney-General will never allow it under the pretence that under security grounds the name is unacceptable. Mr. Deputy Speaker, this is where people and even Government are thrown out of office because once you deny the people the right to air their views, they have to look for an alternative. I am afraid to say that the alternative in this case will be that if Kanu, as a party, is not prepared to have an opposition party in this country, then the people will have to choose by their own way. Whatever the way might be, it will be of their own choice.

Mr. Deputy Speaker, Sir, there is another point which I would like to point out—I see the time is running very short. This is a very interesting case, Mr. Deputy Speaker, which I have been noticing here when the House is opened. Normally, we see the spiritual leaders who come here. There is one interesting thing, Mr. Deputy Speaker, and I would like to get some clarification from the Minister who comes to reply on this debate. This is the question of the Masai leader who prays here. I would like to know, Mr. Deputy Speaker—because I do not understand that language—what he says and whom he represents.

Hon. Members: On a point of information, Mr. Deputy Speaker.

Mr. Mutiso: I do not want that information, Mr. Deputy Speaker. Whom does he represent, Mr. Deputy Speaker, because we know in the other religious groups there is a Muslim leader, a Christian leader. Whom does this other gentleman represent? Mr. Deputy Speaker, Sir, I will need clarification on this.

With these few words, I beg to support.

Mr. Barmalel: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to speak about this Presidential Speech.

First of all I wish to congratulate His Excellency the President for his Speech on the opening of this Parliament. Mr. Deputy Speaker, Sir, I first of all want to say something about famine. This is something about agriculture in this country. It has been said that we in Kenya rely on agriculture. I would say, if the Minister for Agriculture was here—I hope he is not here—about the question of farming in Kenya. I

would say that farmers in this country are not given enough assistance. For example now when the drought is all around the country, the Ministry has not done anything to help these people to show them how to grow some fodder crops for cattle, they have not done anything about water supply so that people are taught how to look after their animals and also bring water to their farms. So, I will say that the farmers have been neglected. What is the use of giving people farms and grade cattle without assistance. What I have seen them doing only is artificial insemination. That is why they have been running about in the vehicles in the country-side but they do not do anything else other than that. I ask Government to look into this.

The second point, Mr. Deputy Speaker, is about the loans to the farmers and, particularly, for those people who supply milk so that they can buy coolers. This should be done because the farmers are losing a lot of their money due to the fact that the milk is spoiled by the heat of the sun. In this particular case, Mr. Deputy Speaker, I wish to ask the Minister to go into this and try to see whether he can do something about it.

The other thing, Mr. Deputy Speaker, is about detainees. Yesterday when somebody was speaking about the release of Mr. Oginga Odinga somebody said here “ask Moi”. Of course, I do not think that the question of detaining people is solely on the hands of Mr. arap Moi, as the Vice-President and the Minister for Home Affairs. The detaining of people is done by the Government of Kenya as a whole. Mr. arap Moi probably signs on behalf of the President. I do not think that it is necessary—Some people have an opinion that all these people have been detained by Mr. arap Moi at his own discretion. We all want to see that this man who has been detained is released. I say so because Mzee has always been a good man and he does not have grudges against people and I think that he will consider releasing his comrade who had been fighting the colonialists with him during the colonial time. I think this is one of the things he should do.

I would say that the detaining of this man, with his colleagues, was caused by the last Parliament. It was not actually the question of Mzee—He was pressed during the Parliamentary Group Meeting and many of the Members of Parliament in the last Parliament shouted “detain them” and they were detained. So, the new Parliament, of course, I am a part of it, should ask the Government to consider and release this old man, let him go back home and run his life like anybody else.

[Mr. Barmalel]

The other point is about Asian magistrates in Kenya. This is terrible, Mr. Deputy Speaker. This is terrible because— How can you have your enemy to listen to your case. You are getting rid of him in Kenya and how can you allow him to become a magistrate when he is an enemy of Africans? I have seen some of them in my area who just impose exorbitant fines. When a man stands on the dock, he asks him whether he admits the charge and when the man does not answer he tells him that if he does not plead guilty he will be taken to remand. Why can we not have a fair hearing in these court cases? What is going on? I will ask the Attorney-General to look into this. Why can we not get the other African Magistrates from our neighbouring States or even Britain or a man who can execute justice better than the Asians? This is terrible and I would ask the Attorney-General to go into this because it is a terrible thing.

The other point is about civil servants. We all know that they are good friends of ours but the Code of Regulations says that they are transferable. I am afraid there are some who have been in a particular place since independence. Why can you not have these people transferred so that they can learn about other areas too? I mean, what is the use of keeping one man in one place for seven or ten years? Can the Government not think about it? If they are transferable, I think they are breaking the Code of Regulations.

The next point is about squatters. We have in— In my area I have a good number of squatters who apparently have not even a piece of land—the ex-European employees who have been without land for so many years. I hope Government will take steps to see that these people are given a portion of land to settle in. There are still some farms in Rift Valley and I do not know why Government does not get them and think about settling these people.

The other point is about the Local Government. The taking over of the functions of the Local Government— I do not see any use having a Minister. The Minister has nothing to do. What is he doing now? The county councils have no funds at all. What is the Minister doing? I want this Ministry to be abolished and the remnants of it taken to the Ministry of Housing.

Mr. Deputy Speaker, Sir, the other thing I would like to talk about is roads. In my constituency, the roads are so terribly bad—I can see the Assistant Minister for Works here—since the take-over of roads from the county councils,

and up to now, the roads in my area are still as they were. There was only one road that was scraped with graders and this same road has become worse than before. If they do not prepare that road before the long rains set in, I do not know how we are going to pass through it. Why do they not look after these roads when they promised us that they would be better than the county councils? The bridges on these roads are broken, and some of the bridges, of course, will be breaking down during the coming rains. I am, now, asking the Minister to look into the question of these roads. It is very important that these things are put in order.

The last thing I want to say is about my own area, Chepalungu, which, of course, is the area I represent. I asked in this House what could be grown on that land. This area has black cotton soil. Unfortunately I was told that the soil is unsuitable for cotton. I do not know what we are going to do and I do not know what next step the Government is taking to see that the people of this area can have something to grow in order to better their living. If there is nothing that could be done, then, I do not know what the Government is going to do to help these people. This, Mr. Deputy Speaker, is a backward area and needs the assistance from the Government.

I would also like to touch on the question of scholarships in this country. The scholarships in this country seem not to be issued any more. The Minister has been telling us here that there is a big list of these scholarships, but, how they interview these people, how they take them, I do not know. There has been nothing in the Kericho District telling the people that there are some bursaries for going abroad or something like that. I wish the Minister could see to it that next time they inform us.

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

Mr. Gichohi: Mr. Deputy Speaker, Sir, thank you very much for having given me this opportunity to thank His Excellency the President for his Speech in this House.

Many points have been mentioned by other Members, and I have very little to comment on the Speech. I would like, however, this House to take a lot of consideration on the land policy of this country. We have heard very many Members talking about squatters. In my constituency, and in many parts of the Rift Valley, this is one of the pressing problems that we are facing. The problem is caused, mainly, by the land policy of this Government. You find that the farms, which were owned by Europeans, have been

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bought by some African landlords. When they buy these farms, the squatters, who have been living on the farms, are put together in a village and have nowhere to go. The Government has found it fit, however, to appoint a commissioner of these landless people so that they can forward their names to his office. However, when the allocation of land is being done by the Ministry of Lands and Settlement, usually, these people are not considered and, therefore, do not get land. The Government should, therefore, take this matter very, very seriously because everybody would like to benefit from the freedom which we fought for.

Mr. Deputy Speaker, Sir, we can solve this problem, if the Government wants. We have a lot of Agriculture Development Corporation farms in the Rift Valley. Why do we not take over these farms and give them to these people who are landless. These people are not employed and have families—

An hon. Member: Even Kalenjin.

Mr. Gichohi: Even if a Kalenjin is landless and is a squatter, and there are a lot of them he should be settled on one of these farms. In this case I mean anybody who is landless. These people are supposed to educate their children but they do not have money, while these Agriculture Development Corporation farms are run by rich people. I think it would be a good idea if the Minister for Lands and Settlement would help these people. He should give preference to these people who are landless. It is understood that most of the people who get these plots are those people who already have land in the reserves. You sometimes find that some of those selected by the committee are those people who have farms elsewhere and are given preference by the Land Committee. I think what the Minister should do is to take care when he is allocating land to people and I would recommend that priority goes to the squatters.

I would also like to mention something about the workers on the farms. It is very painful to find that even when we are an independent nation, some people are employed on the farms and are paid a salary of Sh. 40 or Sh. 60 per month, when he is in a free Kenya. There is the Ministry of Labour which is supposed to know that the school fees are too high and the parents want to educate their children and maintain their families up to standard. We also know that the school fees' remission is not adequate to cover all these children. It is very painful to find that this sort of salary still exists. What I think is that

there should be a review. A commission should be set to review the salaries of these people who work on farms. This sort of a commission should recommend how much a worker on a farm should earn per month. Everybody would like to see his children go to school, he would also like to have a good life and would also like to raise his standard of living. Therefore, I think, this is another point which the Government should take into consideration.

My other point I would like to make is about the loans, the loans which are being offered by the Government. At the moment, you will find that there are some people who are given five types of loans. He is given a loan to buy 300 acres of land, the following day he gets a loan to buy a tractor, he is given a loan to buy plots in Nairobi and he is also given a loan to build a house for his home. Sometimes you may find that such a person may get about Sh. 500,000, whereas people are trying to get even Sh. 50,000 and they cannot get it. I think there should be only one channel through which one should get a loan so that we can be able to check who has been given a loan and who has not because many people are benefiting from the present methods of granting loans: getting loans from various funds—because one is privileged. This is, I think creating one class of very rich people whereas other people cannot get the loans which they want.

The other point of which many Members have talked about is with regard to the water problem. During the last Session, very many Members talked about the water problem in the dry areas. In my place, we have urged the Government to help the people at Kogondo with water but it does not take heed. I think Government has seen the problem which is created by shortage of water; and I think the Government should take a very serious view of this at this time, and see to it that the water problem is solved in this country. We have a shortage of meat now because of our water problems.

An hon. Member: Graze more cattle!

Mr. Gichohi: How can we graze more cattle without water?

The people are dying because of lack of water. I would like to propose that the Government, with the approval of this House, should allocate a certain amount of money to feed and help these people in such a location instead of depending on foreign associations and the Red Cross. Parliament should vote for a certain amount of money which should be kept in a certain fund whereby when such situations arise, we shall not only depend on foreign aid and the money contributed by the people but we shall be able to

[Mr. Gichohi]

spend that money for a good cause. We shall then see to it that such help is distributed to all parts of the country. I think this fund should be voted by this Government as a subsidiary emergency fund which would be of much help because every year we have such problems in this country.

The other point of which I would like to talk about is "Primary Education". We have already promised our people that they will have free primary education. This was stipulated in the Kanu Manifesto of 1963 and we still do not have it now. I think this is the opportune time the people should be told whether they will get free education or not.

The other point is that in some primary schools, especially in Nairobi, there is discrimination; and you will find that some primary schools in Nairobi cannot accept children unless they are known—children, daughters and sons of Mr. So-and-so—the big people; and unless your status is known your children cannot be accepted in these primary schools. Therefore, I would like the Government to watch and see to it that in every school where the Government is spending its money there should not be any discrimination, and if a school wants to discriminate against certain people, then it should be prepared to pay for its own maintenance. Therefore, the Ministry of Education should look into this question.

The other point is about employment, discrimination, and tribalism. There is a lot of tribalism in employment especially in Nairobi—both in the Government employment and in the private sector. Unless you are known that you are from the appropriate tribe—

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, I rise to speak on His Excellency the President's Speech paying special attention to various points that have been raised by the hon. Members of this House and also to supplement them with some of my own points.

In the course of the last few days a great deal has been said about education with particular attention being focused on the question of high fees and also the question of having schools that were not supported and so forth. The most important point has been on the question of free education. This is not the first time in this House that I rise to speak on the question of free education; but I feel compelled once again to rise and speak about it for the simple reason that it is a highly emotional and at the same time very sentimental question. It is highly attractive to speak about free education; but even if this House or

the country were willing to pay for free education and especially for free primary education there are still serious consequences that we will have to face as a country. It is important for me to raise this point because we have on hand several experiments with free primary education as well as secondary education in the under-developed countries. Mr. Deputy Speaker, Sir, the consequences in most cases have been disastrous. It is true that one is more likely to win more votes in his constituency by preaching the need for free primary education. However, these votes will not last for the simple reason that it is the free education that will give you more school-leavers than you will ever be able to handle in this Republic for the next 10 to 15 years.

Mr. Deputy Speaker, Sir, I must make the **additional point that I am not suggesting** that we should not provide as much education as possible to our people because education does a lot of things to the individual. In fact, you can say that it is above right. With more education you become a more intelligent citizen and, therefore, more responsible in many ways. However, at the same time there is the economic side of education. If we are going to devote our resources to provide more education then, of course, we must be prepared to forego the other items of expenditure such as health and the other facilities. I am not saying that in terms of choice there is anything wrong with this. It is the prerogative of this House working in corroboration with this Government to decide on the question of priorities. If we want to allocate more of our resources to education in terms of our values—if we felt that education should take more money than all the other ten items of expenditure combined, it is not for me to say, because as far as values adjustments are concerned by and large they depend on one's outlook and it is a fact that what may be right for B may be wrong for A. However, as a Government it is something that we can decide on. However, I just wanted to make a very important point that having provided free primary or secondary education it would just be the beginning, because you must then be in a position to provide employment and other opportunities to school-leavers because the consequences are both economic and sociological. We have the situation today whereby most parents expect that their daughters or their sons, having completed primary school education, are entitled to employment not only in clerical jobs but even in senior positions. Now this may not be their mistake but maybe the result of lack of education or maybe as a result of what they have seen over the years. However, only those who are educated have made it.

[The Minister for Information and Broadcasting]
[The Deputy Speaker (Dr. Waiyaki)
left the Chair]

[The Speaker (Mr. Mati) took the Chair]

However, it is very important to note that we will have to face other more serious problems after we have succeeded in providing this free education. My own opinion is, you have that free education tomorrow and I am willing to bet that two-thirds of this House will not be back here after five years.

Mr. Speaker, Sir, there are other important aspects of education that I would like to speak about, one being the question of Harambee schools. Hon. Members, I think it is important that I present to you something that has gone fundamentally wrong. You might say that it is wrong to build a lot of Harambee schools. But what has gone wrong is not so much the question of building the Harambee schools, but the approach to building them and the pricing methods of the Harambee schools. The people have built Harambee schools and all of a sudden decided that the fees must be Sh. 1,000. It is a pity that even knowledgeable citizens have not been able to help here. A Harambee school is a product for which you are going to pay but it has a substitute. If you are going to demand Sh. 1,000 in the form of fees the students will go elsewhere. So we have seen a mushrooming of Harambee schools where the fees are very high but no students are willing to attend.

I want to suggest to hon. Members very simple approach to running your Harambee schools. Have a Harambee school, but it may not be able to provide most of the amenities provided in a Government school but charge something between, say, Sh. 400 and Sh. 600. The question of charging Sh. 1,000 in most Harambee schools is one of the worst examples of wrong pricing I have ever seen anywhere, because if you are going to demand Sh. 1,000 in a Harambee school, even in the most desperate of situations, students are going to go elsewhere. So what do you find? One Harambee school here and another there; a lot of students going to the other school because it charges reasonable fees and also it is able to provide teachers and other facilities. The economic service is very simple. With low fees you are likely to attract more students. With more students you are likely to collect more money in terms of quantity. With more money in the form of quantity you are likely to be able to employ more and better teachers.

However, with higher fees you have five students per class, little money collected and no teachers of quality or otherwise employed and the school fails.

Mr. Speaker, Sir, there is another aspect of the problem which I have learnt first hand. There has always been asked a question whether it is important first to get students in a school and then get a teacher, or get a teacher in a school to get students. My own experiment very clearly shows that with one or two very good teachers in a Harambee school you get more students than you can handle. So get the teachers and the students shall be given to you, perhaps, by God.

Mr. Speaker, Sir, I now turn to the question of land. I have always said before that if you wanted to understand the problems of this country study three major themes: the question of land, taxation and labour.

Sir, I am quite aware that there are a lot of problems that have something to do with land. The solutions are both of a short-term nature and a long-term nature. However, there is a particular land that I would like to discuss and I think it is terribly important from an economic standpoint.

In a lot of areas of this Republic we still have a certain amount of land that could be more usefully utilized by the *wananchi*. However, what we find developing is a craze for land for its own sake. Ownership of land has become a status symbol regardless of what one gets out of it. Perhaps, in the long run it will provide a ground for burial. But I am not worried about that. Even if you do not have to possess that you will still be eaten by the ants and there will be no problem. But, Mr. Speaker, Sir, why have a lot of land and not utilize it? There are some hon. Members here with constituencies having a lot of land but very little of that land is being utilized and there is more demand for more land. This is not to suggest that there are no areas in the Republic where the people are hungry, and with one acre they would make a decent living and, perhaps, not worry too much. Nevertheless, there are a few areas certainly where the people have land—I personally inherited a constituency where, for example, I would say that there is not too much land, but a lot of the little land they had was under jungle. You would find the same people coming and saying, "We want more land." My reply is, "Go back and show me what you are doing with the 10 acres you have. If you cannot manage the 20 acres and you want 250 acres in Kitale, what for?"

Therefore, Mr. Speaker, Sir, from the economic standpoint it is important that we also try to encourage our people to utilize, as efficiently as possible, the limited amount of land at their disposal. It would be to the advantage of this country. But if it is simply the question of speculating in land, that is a different matter and

[**The Minister for Information and Broadcasting**] it is up to the speculators to tell us whether that is in the interest of this Republic.

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

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Thank you very much Mr. Speaker, for allowing me to raise a few points on the Motion on the Presidential Address which was tabled in this House by the Leader of Government Business.

Mr. Speaker, I have much regard to the Address which was made here by His Excellency the President, and the reasons for my high regard are that it was constructive, educative and had a very high opinion of the nation as a whole.

Mr. Speaker, Sir, this is not the first time that His Excellency has made such a wonderful Address. He has been doing it for a long time and this is an indication that he will keep on reminding the whole nation, including the Members of this House as to what we are aiming to do and what we are supposed to do for the nation at large.

Mr. Speaker, I also thank you for the address you made while welcoming His Excellency in this House. Your address was very good and we have appreciated it very much.

Without dwelling very much on that, Mr. Speaker, I wish to make a few observations on some of the matters which I have in connexion with what my colleagues in this House have said. It is true that we have some problems which are very immediate and require first-class attention, that is, the drought which we have presently. It is up to us to decide what we should do to combat the drought in this country. Mr. Speaker, this has been spoken about by Members. It has come about due to lack of rain. I remember some Members have spoken of the areas which are suffering at the moment, and I do support hon. Kioko, who said that we should make donations, as Members of this House, for the affected areas of the country. Sir, while I am on that I would urge the Minister responsible for forestry to encourage the planting of more trees all over the country and to encourage the county councils to set aside some parts of land which should be re-afforested. The reason for that is that if we continue providing dry faces only, by that I mean that we are constructing more roads now and we are building more houses, and by doing so we are providing dry faces, these dry faces will not enable us to have more rain in this country. We should go along planting more trees as we build roads and houses. Presently the speed of building roads and houses is higher than the speed of

planting trees. Therefore, Mr. Speaker, I suggest to this House and Government machinery as a whole to make sure that the speed of planting trees in all the parts of the country is encouraged to make sure that we have sufficient rain in this country.

Mr. Speaker, Sir, another point which I want to point out is on the tourist trade. It is true that we are getting money from the tourist industry; this is not a disputed fact because we get money from this source. However, I would suggest that we find out whether we could get more money from this source than we are getting at present. It is also true that most of the tourists book their hotels in overseas countries. I suggest that the booking is done here so that we retain all the money here.

Another point, Mr. Speaker, Sir, is on indirect businesses which are being done by civil servants. Mr. Speaker, Sir, you know there were several attacks on this, but I think we can check on this and where necessary we can stop this being done. However, we should not always attack the civil servants because, even ourselves, we are sometimes involved in the same situation. We must not always attack people who cannot stand with us on the same platform. Those people who attack others and they cannot share a platform with them are cowards. I say this very bravely because it is my political conviction that I should challenge somebody who is able to stand with me on the same platform so that we can find out where the truth is for the nation to know. That is why I say that those civil servants who might be involved in business or ourselves as Ministers or hon. Members of this House, should be discouraged.

Mr. Migure: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House that Members of this House cannot criticize civil servants because there is nobody to represent them here while there is a Minister of State who is responsible for their affairs? Is he in order to mislead the House?

The Speaker (Mr. Mati): I think there is a difference between an attack and criticism. Mr. Ngureti is talking about attacks.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Thank you very much, Mr. Speaker, Sir, I hope the hon. Member has more light now to understand that it is not good to attack somebody who cannot share a platform with you.

Mr. Speaker, Sir, another point is the question of educational loans. We now have loans given to students. It is very good for our Government

[The Assistant Minister for Co-operatives and Social Services]

to have taken this step and I would like our Government to accelerate more and more so that we can reduce illiteracy in this country. A point on free education has been raised in this House. My comments on this are that, Sir, speaking as a nationalist of this country, I wish to state that the Government is providing free education to a certain extent. The way it is doing this is to give free education at university level, it is well known, and it is also offering free education in higher forms, V and VI. We have a reason for doing this. It is because we want to provide for our own personnel in Government institutions. We, hon. Members of this House, always say that we want to do away with expatriates. Now, if we do away with expatriates and we do not replace them, how shall we get on with Government services? Therefore, Mr. Speaker, Sir, we should educate people in the country-side as to the approaches we are taking to make sure that free education is achieved. To say that free education is not being offered, I think, Mr. Speaker, Sir, is wrong.

Another thing I would like to speak about, Mr. Speaker, Sir, is about unity in this country; oneness. I remember one hon. Member said that one tribe is being allowed to occupy posts in the Government institutions. I came to learn that the tribe which was being referred to was my own tribe, the Kikuyu. Mr. Speaker, Sir, this has been said many times in this House by hon. Members from other tribes that we want unity. We want togetherness. Where there is efficiency, things should go there. If we distribute things either commercial or educational, we do not distribute them on a tribal basis. If we are seeking unity, Mr. Speaker, Sir, we must do away with tribalistic approaches.

I would like to touch on the question of adult education, Mr. Speaker, Sir, I would like to advise my colleagues in this House that in all our meetings, we should emphasize the question of adult education.

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

Mr. Owala-Orwa: Thank you, Mr. Speaker, Sir, for giving me the opportunity of joining my colleagues in commenting on the President's plain, understandable, and simple Speech. I have some observations to make in the form of advice to different Ministries.

I am happy that during Question Time, the Minister for Agriculture agreed that he was going to reduce the acreage for Minimum Financial

Returns. This is going to be felt now, especially, in rural areas, where in the past they have been denied the Minimum Financial Returns. My advice to this Ministry is that their approval comes very late and especially when the rains have already started. The Minimum Financial Return is, therefore, not profitable. Therefore, I would advise that the approval should come early enough for the ploughing to be done in order that they plant in time to reap like others who plant on time.

Now, my next advice to the Ministry of Agriculture is that the forms of the Agricultural Finance Corporation are not in the district offices and therefore it forces people to come to Nairobi to buy these forms. May I request that they see to this very urgently so that people have these forms in districts in order that they may get the loans? I note that the President in his Speech said the Government was going to see to it that the facilities limiting loans are increased. If they are not made available for the *wananchi* in the country-side, the loans are going to benefit only the people in Nairobi and not in the country-side.

My next advice is to the Ministry of Local Government. I agree with hon. Barmalel when he says that the Minister has very little to do because since the take-over of services from the county councils, he has been a Minister for townships and not a Minister for county councils as well. County councils have not been advised on how to get finances to maintain the few services they have been left with. I should, therefore, urge this Ministry to see to it that the care-taker commissions that have been running the services of the location councils that existed, especially in Nyanza, should hand them over—to the location councils as had been stated by the Minister. We had the location councils before and therefore it would not take them long to hand over these services in order that the locations may perform the services that the county councils were carrying out for *wananchi*. I know it will take them time to reorganize location councils where area councils were.

Now, may I appeal to the Ministry of Health together with the Ministry of Works and the Ministry of Local Government to urgently take care of pollution that is taking place in the waters in Homa Bay. At the moment the sewage system from the sewage pipes is polluting the water in Homa Bay near the water supply for the town. Recently people complained of stomachaches and they suspected they were caused as a result of pollution from the refuse that came from the

[Mr. Owala-Orwa]

broken sewage pipes. Now I had requested this in the form of a question and the Minister for Works promised me that they were going to take very urgent steps and up to this time no steps have been taken. Now, if these Ministries have a collective responsibility, they should save the waters of Homa Bay from pollution.

May I hurriedly, Mr. Speaker, Sir, go back to Ministry of Agriculture. This is, as well, in connexion with the Ministry of Co-operatives and Social Services and I am happy the Minister is here: that the co-operative societies are not running very well because the leaders or the members who run them do not know their work. Some of these members have misappropriated co-operatives' funds but they have not been taken to court. They have lost the books and, therefore there is no auditing taking place. Therefore, instead of the co-operative societies increasing in number, they are decreasing. May I request that they look into this matter and train their own Co-operative Officers in order that the societies in my area, for example, in connexion with coffee co-operative societies and cotton co-operative societies may flourish because there are potentialities but, because of mismanagement, they have not flourished yet.

Now, when I come to the Produce and Marketing Board. Mr. Speaker, Sir, there is something funny that is taking place in Homa Bay: that is the price of groundnuts is not steady because within one constituency, you will find that it is Sh. 20 a *debe* in Homa Bay while it is Sh. 19 ten miles from Homa Bay; and it is Sh. 17, 15 miles from Homa Bay. It is Sh. 16, 20 miles from Homa Bay; and it is Sh. 13, 30 miles from Homa Bay. One wonders whether one *debe* is charged Sh. 5 for transport for 30 miles because this is questionable. Therefore, the Produce and Marketing Board should see to this problem that the price of groundnuts should be stable in one district. There should not be this robbery—day-light robbery—in one constituency. In Homa Bay Constituency, the price fluctuates from Sh. 20 to Sh. 13 because of a difference in distance.

Mr. Speaker, Sir, many of the Members who spoke about the increase of school fees in this House only talked about it in connexion with the drought. However, I wanted to request that they should not talk about it in connexion with the drought alone because it is something that took the whole country by surprise because it was not given a pre-advance announcement for the people to get ready for it. Therefore, they were taken by surprise to see that the school fees were increased from Sh. 24 to Sh. 72. Now, whereas in

1970 some of the people failed to pay the full school fees of Sh. 50, very many of them failed, then, this increase is therefore discouraging the enrolment for education. May we, therefore, request this House to see this in this light: that the sudden increase has discouraged education. Therefore, it is upon this House to agree that education must be paid for by this country and, therefore, there is no reason why the Ministry of Finance and the Ministry of Education should not sit together and find a way whereby education tax could come from the pockets of the people indirectly in order that those clever students who cannot go to school because their parents have failed to pay the school fees may benefit from the efforts of the *wananchi*.

There is no reason why we should be afraid of unemployment as the hon. Dr. Onyonka is afraid of it. We should introduce agriculture so that some of these students go back to the land; we should introduce carpentry so that some of these students could make furniture; we should introduce tinsmiths and ranching so that some of these students would go back and take care of their fathers' cattle and make them better than they are. There is no reason why we should cling to one side of syllabus. We should introduce the Kenya type of syllabus. Therefore, I feel that there should be free education right away.

As for the case of robbers from Ethiopia, I feel the Minister should buy a helicopter to follow these robbers and shoot them. If the Government does this, then they will never come back again.

Thank you, Mr. Speaker, Sir.

Mr. Hussein: Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on the Presidential Address. I would like to thank the President for his wise leadership and his Government. My first point is about the drought in the North-Eastern Province.

I would like to appeal to the Government to form a committee to investigate and concentrate on famine relief measures in the North-Eastern Province. It would be better if the Government could do this very quickly so that this committee can go and see how the people live there. In fact, the people in the North-Eastern depend on livestock; there are no *shamba* there, no factories and no other industries. Now, the livestock animals are dying due to drought. So what are they going to depend on? Nothing. The Government wants them to pay school fees, Sh. 72, while they do have nothing to eat; the Government wants them to pay the graduated personal tax and yet they do not even have money to buy clothes. What are they going to pay with?

[Mr. Hussein]

I therefore, appeal to the Government to look into this great problem: it is not a joke, the people are suffering very badly. I would also like to appeal to the Minister for Agriculture that there are some boreholes drilled without engines. I would like them to fix these engines so that the people may probably have some water from these boreholes and become better than they are now. If within this month the Ministry of Agriculture will have not fixed these engines to the already drilled boreholes then the people will suffer more. Again, I would like also the Livestock Marketing Division to go to the North-Eastern Province within the next few days and take those remaining cattle because they are also going to die. There is no market for them. The people are helpless and the cattle are dying.

I would also appeal to the Government to send more food to the North-Eastern Province because the foodstuffs which has been sent there is not enough.

On the side of communication, there is no good road in the North-Eastern Province at all. Therefore, I appeal to the Minister for Works to start working on the roads there. This is because even if Government accepts to send relief food, there they will have no road to use. The vehicles of these people bringing aid would remain on the way for long time because the rocks are so many that a vehicle cannot pass. Therefore, if Government can send relief food from here it will not easily reach there because of bad roads.

Mr. Speaker, the Ministry of Works is not doing anything in the North-Eastern Province because the people they send there just lie there idle.

Also, Mr. Speaker, the Ministry of Power and Communications has done nothing because we do not have a post office in the whole Province. We just send our letters by transporters.

An hon. Member: Forget that.

Mr. Hussein: Why forget? There is nothing we are likely to forget. We have to ask for it because without a post office we cannot even send a letter to our people who are around here and get some money for our needs.

On the employment problem, Sir, we have no employment in the North-Eastern Province. We are employed on this relief maize business. Instead of the Government employing casual labourers there, the people are employed to work for the whole day for two pounds of maize instead of giving the maize to those people who are dying of hunger. They are even going to employ people to build Government buildings there. That bad habit of employing our people

for maize in the province instead of employing them like in other provinces should be stopped. Whenever any Minister visits that province Members of Parliament from that area are not informed. The provincial commissioner or the district commissioner does not inform them. They are just regarded as useless people in that area—the North-Eastern Province. We cannot even give advice to anybody, unless we come to this House and then say whatever we have got to say, because nobody wants to listen to us. I do not know whether it is because we still have emergency.

About loans, Sir, in the North-Eastern Province only a few people are given loans but if you go to some other places, people get loans today and tomorrow they are given other loans. Whenever our people apply for loans, they never get them and I do not know why. The Minister for Commerce and Industry should investigate this. I think we have informed him before.

Also, Mr. Speaker, on the question of scholarships we have had no one from that Province sent outside. In the Ministry of Co-operatives and Social Services, some other people like Community Development Assistants have been sent abroad but nobody from the North-Eastern Province has been abroad to learn something. I do not know why all these Ministries are neglecting that province. We are still in darkness; that is why, probably, we are neglected.

We are also, Mr. Speaker, always complaining to the Ministry of Health. Whenever we say that we want health centres in the North-Eastern Province, in some divisions, we are told by the field officers to build officers' houses or find a place where they can be stationed. We are now dying. How are we going to build the houses? What are we going to contribute in that province? We do not know how to build, we do not have the money, and we do not have food. How does the Ministry expect us to build and yet they cannot provide us with medicine?

Regarding the Ministry of Information, we have no officers in that area that can cover whatever is taking place there. Unless we go to the provincial headquarters, we have only two people at Garissa. In Mandera and Wajir there is nobody. I do not know why the Ministry of Information and Broadcasting cannot send people there. I think the Ministry has neglected the North-Eastern Province as a whole. The same thing applies to the Attorney-General's Chambers. We have no courts in the North-Eastern Province. We are just left like that. We are arrested by the askaris and then we are taken to the court. Just like that.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I also stand up to support the Presidential Address to the nation and at the same time congratulate the President very highly indeed. I will pray very hard in Swahili and also in my own language that God should keep our President alive much longer. I say in Kimasai, "*Ndolo ngoba*". Mr. Speaker, Sir, our President is a remarkable man and everyone respects him in this country. Everybody respects him—I can say—in the whole world. The Kenya nation must be very proud of our old father. Mr. Speaker, Sir, I say this because I know that he is a very wise man. He is a very patient man. He has that broad art of listening to everybody. Mr. Speaker, Sir, he has that broad mind of thinking. He is not being led by anybody. That is why we have a stable Government. It has been so because the President is ruling Kenya. I pray that God should keep him longer and longer because he has been able to bring us to prosperity so that we have a happier nation of Kenya.

Mr. Speaker, Sir, coming to the Speech, as it was, I know that it is very meaningful. I know that it is up to us, as Members of Parliament, to see that whatever was in that Speech is implemented for the benefit of the nation. Mr. Speaker, Sir, but the question is this: are we really serious in supporting what the President has put forward for us? I say this because I see that everybody appears to be supporting this, including my fellow Ministers. I do support that too. This is the main question.

I want to start with a place I visited recently as an Assistant Minister for Health. I was touring Turkana and I visited three stations. I was embarrassed and shocked at the things there. I never knew that the people living there lived like that. There is nothing but rocks and sand, there is no running river. All the rivers are dry and the people are very anaemic; how they live nobody knows. I visited the hospital at Lodwar and I found only two wards there and these two wards had been built during the colonial times. For the information of the House I saw three patients sharing one bed. I know why I say this.

Sir, the Ministry has a plan to extend facilities to the people but somebody somewhere is bringing shame on the whole Government. There is money and if this money is not going to be utilized, then the blame will fall on the Government.

We know that all the Government money is centralized and passes through the Ministry of Works to carry out the construction works. I know the Ministry of Works will find it impossible to carry out all the construction work required in the whole of Kenya because this is

really a problem. If we do not want to fail as a Government, then I would like something to be done.

As a Minister of the Government I went to one place and said, "I want two wards here." "I want an out-patient department there." I went somewhere else and said, "I must have an X-ray department here." I went to Narok and Kajiado and did the same. But during all this time nothing has happened. Why is this? It is because this money which this House voted is channelled through one particular Ministry and that Ministry is too busy to do everything. I would like to appeal to my colleague the Minister for Works to see that the tenders are open to the public contractors who can do the jobs easily for the Government. Let us not deceive ourselves. Sir, let us not deceive ourselves that we are delivering the goods to our people. If we are not going to open the tenders to the public contractors so that the *maendeleo* we want done is done in the country, things will never be done. Five years will pass and hon. Members of this House will be asked, "What have you done?" There is no point in Oloitipitip being called an Assistant Minister if I go somewhere and say I want something to be done and when I go to the same place after two years I find there is nothing done. What shall I tell the people. And I am Kenyatta's Assistant Minister!

I very sincerely appeal to the Minister concerned, or to the President if need be, and the whole Government machinery to see that something is done so that the public contractors can tender and we are able to carry out development for the benefit of our people. If we do not do this I assure this House that by June the money will go back to the Treasury.

Mrs. Onyango: Has the Front Bench heard that?

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, if in the past money has been returned to the Treasury, then let us not repeat the same mistake for future years.

I would like to appeal that every Government Minister concerned should try to direct his efforts towards progress. When I say, every Government Minister, that includes me too, unless somebody does not know what he is talking about.

Let me now come to the question of water. Water scarcity in our country is very acute. This is all over the country, and especially now when we are facing this very big drought. In Kajiado we have over 40 boreholes but these were drilled during the colonial times. They are in a bad state now. I thank the Minister for Local Government because when I went to his office the other

[The Assistant Minister for Health]

day I managed to convince him about the state of affairs in my area. He is now going round to my district on the 19th and 20th. He wants to see for himself how best he can help the people there to get water.

Water is the major problem that faces Kenya today and we cannot do anything without water. You cannot cook, you cannot live without water. If the Government can provide water in the Republic, then we have done a great service to the people.

And now I come to the question of hunger which faces the people of Kenya today. I thank the Government very much for having formed this committee called "Freedom from Hunger". They are doing a lot to help the people but even this is not enough. If we are to do something for the people, then let us form local committees. Every district should have a Freedom from Hunger committee and if the people in the district can raise money locally to help their own people, the better. It will be an advisory body to the central committee and the Government here. In this way the requirements of our people will be dealt with accordingly. I do not think there is anybody here who can tell me that hon. G. G. Kariuki knows much about the people living in Manyarra. If he knows anything, it is very little indeed.

Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Mati): Mr. Kase, you have only two minutes for today.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I would like to join my friends in thanking the President for his hard work and his very good speech. I would also like to thank him for his efforts in visiting our district. That was the first time he ever did since he became President.

All of us who have been praising Mzee for doing a good job should follow in his footsteps.

It is pointless to come and sit here and when we walk out we leave behind the things we have spoken here. It is pointless for anybody in the Civil Service, in the private sector to say Mzee is good and immediately he leaves the office he does not carry out any good work.

I get very annoyed when certain human beings, outside this House, say the drought situation is under control, when they begin to say they are taking care of everybody. Only this afternoon, because of lack of food, six people in my constituency have died. People have telephoned me from my place to tell me this. Yet somebody says the situation is under control. I was speaking to the provincial commissioner three days ago and he said the situation was under control. When people are left to eat anything, do they not die? When people have to eat grass or mangoes or anything, they can get hold of, what is the alternative except to get diarrhoea and die from it? Yet, Sir, some person sits in the office and says, "Everything is under control." This is not what we want in a Government like ours. If we are going to say that Mzee is good, Mzee's methods are good and his speeches are good, then let us implement what he tells us. Let us try to do the work he has told us to do. We should not deceive the country. Mr. Speaker, I want to appeal through you to the Minister of State, that the situation is serious. Let us not deceive ourselves. As a Government we have left the Kenya Red Cross Society to do the job for us, to provide the food, meat and milk; we just sit back and wait for them to do our work.

Mr. Speaker, Sir, I will continue next time.

ADJOURNMENT

The Speaker (Mr. Mati): It is time now for interruption of business. The House is therefore adjourned until tomorrow, Friday, 5th March at 9.00 a.m.

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

Friday, 5th March 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 97 (1370)

DRIVING SCHOOLS IN NAIROBI

The Speaker (Mr. Mati): I understand that that question has been put off for the time being. Let us go on to the next question.

Mr. Marita.

Question No. 107 (1392)

MINIMUM ACREAGE FOR MAIZE-PLANTING LOANS

Mr. Marita asked the Minister for Agriculture if he would tell the House whether, since at the moment there is scarcity of land in most parts of Kenya where maize crop is grown, the Minister would consider doing away with the departmental policy of requiring farmers to plant a minimum of 15 acres of maize so as to qualify for loan money for maize farming and instead reduce the acreage to four acres.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. We, in the Ministry, realize the difficulties which the hon. Member is referring to. Only two days ago my Minister, on a different question which was almost similar to this, one raised by the hon. Cheboiwo, gave a reply but I wish to repeat and emphasize the same reply.

At the moment any farmer growing maize can only qualify for a Guaranteed Minimum Return loan, which is a Government loan, if he has a minimum of 15 acres on which to grow maize. This, in the Ministry, is realized as being a discriminatory sort of exercise in that we have a lot of small-scale farmers in the country. In any case, this is not satisfactory because we realize that with our policy of diversification it does not help only to restrict ourselves to maize and wheat which is the present case. So, we have initiated discussions and study as to how we could reform the whole credit system so that we do not only include crops such as sunflowers, beans, grass etc., but also are able to take into account the necessity of including the small-scale farming industry in the country. But meanwhile if two, three or four farmers come together and form a total of 15 acres of maize, they can still be considered for a loan. One of the difficulties that we get with this one is that of responsibility and reliability of the partners when they come up for this loan, and the question of the repayment; otherwise you can get a loan, say, if three

or four farmers can produce 15 acres. We realize that this is not very satisfactory, Sir, but are considering it.

Mr. Koigi: Mr. Speaker, Sir, is the Assistant Minister aware, or he is not aware, that in the rural areas there are only a few African farmers who have more than five acres, and if they mean they do not want the Guaranteed Minimum Return loan to be enjoyed in the rural areas they can fix that minimum of 15 acres, but if they want us to use the Guaranteed Minimum Return loan they should fix the minimum at five acres only?

Mr. Khaoya: Yes, I am very much aware that, in fact, in some cases even farmers have only one or two acres and all of them require some form of loan. That is why I said we feel that this arrangement is at the moment unsatisfactory and that is why we have initiated discussions as to how we can reform the credit system.

The hon. House will bear with us that when you think about a system of credit it is always a necessity to think about repayment. You very well know, Sir, that last year we embarked on a major exercise on the free movement of maize, for instance, which therefore, made that old method by which we were receiving our repayment through the Maize and Produce Board unworkable and is therefore under consideration since we were going to ease the maize movement. So, we have a number of difficulties which we have to consider but I can assure this House that we are very allied and active on the issue which is being put to this House this morning.

Mr. Koigi: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No, will you sit down please, Mr. Koigi?

Mr. Marita.

Mr. Marita: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, will he agree with me that he is trying to make the rich people richer when he is supplying loans to those who have 15 acres forgetting people with three or five acres?

Mr. Khaoya: Mr. Speaker, Sir, that to some extent, is true and that is why we have started thinking of reforming the credit system.

Mr. Murgor: Mr. Speaker, Sir, the Assistant Minister has said that about three or four farmers can get together to get 15 acres in order to get a loan. Now, in view of the fact that this has been going on, although each of the three or four farmers has been having his own land ploughed separately, and not 15 acres in a block, could this be officially recognized and loans given as

[Mr. Murgor]

such instead of saying only 15 acres when a farmer does not want to work jointly together with other farmers?

Mr. Khaoya: Mr. Speaker, Sir, the hon. Member must have listened to what I said. Right at the moment the law has not been changed. We still have the 15 acres. We are in the process of trying to change this just to conform to what he wants and what I want. But before we do so we still have to get money and that is why I said that in the meantime let us all encourage our farmers to come forward and use this opportunity of coming together—three, four or five farmers—to get a Guaranteed Minimum Return loan. I realize that this is not very satisfactory and that is why we require a change.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House, since the policy was made by a human being, what is stopping them from having the policy amended according to the requirements?

Mr. Khaoya: I can understand, Mr. Speaker, the worry of hon. Members, and the sooner we consider this the better. But, the Government machinery is not a one-man business. We have to discuss this at various stages. For instance, we have the Central Agricultural Board, which advises the Government. This Board has already done so about six or seven months ago, but then we have to consider the financial implications. For instance, the Treasury has to go into it, and also go into quite a number of other aspects. All I can say is to appeal to the hon. House that we are on the right side, give us the time and we shall deliver the fruits.

Question No. 102 (1382)

IMPROVEMENT OF ROADS IN ELDORET SOUTH

The Speaker (Mr. Mati): Mr. arap Saina not here? Next question.

Question No. 103 (1386)

RE-OPENING OF GAKURWE DISPENSARY

Mr. Wachira asked the Minister for Health if he would tell the House whether, since the Gakurwe Dispensary had been closed during the Emergency by the Colonial Government, to stop freedom fighters from getting medicine, he could, as a matter of urgency, re-open this dispensary for the service of *wananchi* in the area.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. There are two dispensaries, Mugega and Kiarini, and a Mission Hospital at Kiarini, within five miles of Gakurwe. There is, therefore, no urgency for a dispensary to be opened at Gakurwe.

Mr. Speaker, Sir, the building of the old dispensary that the hon. Member is referring to, is, anyway, very dilapidated and a new building would need to be built. Mr. Speaker, Sir, the proposal should be made through the district and provincial development committees.

Mr. Wachira: Mr. Speaker, Sir, is the Assistant Minister aware that my people in the area have already built, on Harambee basis, a new and beautiful dispensary to replace the one that was demolished by the Colonial Government?

An hon. Member: What is he doing about it?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I am not aware of this, and the hon. Member has not taken trouble to let me know.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister mean to tell us he is not aware of the new building, yet he knew about this dispensary? He should have taken the trouble to go and find out the truth about the dispensary; why does he not know?

Mr. ole Oloitipitip: Mr. Speaker, Sir, if there is a Harambee dispensary built at this particular place, at all, my Ministry is not aware. I said, Sir, that the Member has not taken trouble to let us know.

Mr. Ogalo: Arising from the Assistant Minister's reply, since it is now known that there is a health centre built already, can he assure us, that he is going to open this health centre soon—on Monday?

Mr. ole Oloitipitip: Mr. Speaker, Sir, the Minister is not going to assure the House that he will take the trouble of opening this dispensary or health centre, right away. However, Sir, if the hon. Member concerned—the questioner—comes to our Ministry, we shall see what we can do.

Mr. Araru: Thank you, very much. Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the hon. Member has not taken the trouble to tell him when this dispensary was ready, is it not true, Sir, that this question was put to him six months ago and therefore the hon. Member has done his duty by informing the Ministry? What trouble has the Ministry taken to know whether this dispensary is ready, and then equip it with the necessary facilities?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I wish the hon. questioner, who has just sat down, read the question before he stood up and asked a supplementary question.

Mr. Speaker, Sir, the question, itself, does not deal, at all, with the new dispensary which has been built on a Harambee basis; this is an old building, which was demolished by the Colonial Government. Please, read your question.

*Question No. 62 (1286)***GOVERNMENT HELP IN SELF-HELP PROJECTS**

Mr. Kitonga asked the Minister for Co-operatives and Social Services if he would tell the House what was the Government policy on self-help projects in the whole country, regarding financial assistance and encouragement.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply. Government policy concerning self-help projects regarding financial assistance is defined as follows:—

- (a) The projects must be planned according to the needs felt by the people.
- (b) The projects must be properly planned within the framework of the National Development Plan.
- (c) Any application for financial assistance must be processed by both the Community Development committees and the district development committees.
- (d) In the case of projects which involve recurrent costs, the people must make provisions for running and maintaining them.

With regard to encouragement of the spirit of self-help, the Government makes sure that:—

- (a) The people themselves are involved in the planning of their projects.
- (b) The Government also organizes the courses and local tours and overseas tours for the leaders of different groups of the self-help projects.
- (c) Financial aid is also given by the Government to the outstanding projects which are selected and processed by the committees.

Mr. ole Marima: Mr. Speaker, Sir, understanding that some time in the last Session we asked a question of this nature to the same Assistant Minister, and knowing that their work is so enormous that it cannot be organized from Nairobi, Sir, could he now, tell us whether, or not, his Ministry considers taking the services to the district level and allocating the money to the districts rather than concentrating everything in Nairobi, and have some districts or provinces missing the benefits?

Mr. Ngureti: Mr. Speaker, Sir, with your permission, I beg to state the same thing I stated here last Session, on the question of how committees are organized in the Republic, regarding self-help projects.

We have locational committees, divisional committees, district committees, provincial committees, and a National Community Development Committee. The Members are allowed to participate

in these committees, and their views will be processed through these committees.

Mr. Ayah: In view of the fact that these self-help schemes or projects are dealing with the very services that Government is supposed to give to the people, has anybody in the Assistant Minister's Ministry ever thought of co-ordinating these efforts so that Government itself, provides these services rather than abdicating their responsibility and leaving the people to carry out the self-help projects, which are supposed to be the responsibility of the Government? Is there anybody trying to co-ordinate this as part of Government policy, rather than having it the other way round?

Mr. Ngureti: As I have just said, Mr. Speaker, we have two committees in the country now: we have the Community Development Projects Committee and we have the Planning Development Committee. The Development Planning Committee is for co-ordination, whereby all the Ministries co-operate and work together, and our Community Development Projects Committee reports to this very committee for co-ordination.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House—since he knows that when we talk of a matter of policy we mean the policy as laid down by the Government, and now he has quoted so many committees which should meet and discuss and consider the applications—how and when Government will lay down the proper procedure in a book or in the law, so that when people are starting a self-help project they have directions to follow, knowing that the self-help projects would be taken over or assisted by the Government when they are off the ground?

Mr. Ngureti: Mr. Speaker, Sir, the Government machinery is being channelled through the Development Plan and we do not handle the matters of self-help projects outside the laid-down policy. We have to follow what has been laid down in the Development Plan. As I have said, Sir, I would ask my colleagues in this House to participate fully in the committees which are set up and if there is any suggestion as to how we can improve the matters affecting the self-help projects, we would like to have these suggestions or proposals as soon as possible.

An hon. Member: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Mati): No points of order for now.

Mr. Munyasia: Arising from the Assistant Minister's reply, and knowing very well that there is no policy—it is totally out of the question because if there was a policy our people would

[Mr. Munyasia]

receive guidance—could he tell us why the Government, with these committees, tells the people to start certain projects saying they will be taken over by Government but when the projects are finished the whole thing is ignored? Is that the policy they have?

Mr. Ngureti: Mr. Speaker, Sir, I know very well that there have been self-help projects, established in the country, some of which are established by hon. Members—I must say this frankly—but the intention of the Government is to make sure that every project which is established is cared for. We do not want to establish projects, all over the country, which are not cared for.

Mr. Kurgat: Mr. Speaker, Sir, could the Assistant Minister inform this House—or rather deny that any project which is sponsored by the Government officials is more recognized than that which is started by a Member of Parliament?

Mr. Ngureti: Mr. Speaker, I have said that because unless we work following the Government's policy we shall find some projects which have not been planned being started and which will in due course fail and create an embarrassment to Government.

Mr. Koigi: Is the Assistant Minister aware that when these committees meet in various divisional headquarters the district officers do not call them when the Members of Parliament in the divisions are present, and therefore when he tells us to participate and give co-operation that co-operation is impossible?

Mr. Ngureti: Mr. Speaker, Sir, I beg to suggest a method of how these things can work. We have already raised these proposals to our officers to make sure that when dates have been fixed for the meetings of these projects the fixed dates are on the days when hon. Members are available in their areas.

The Speaker (Mr. Mati) Next question.

Question No. 29 (1246)

CANDIDATES FOR TEACHING: BARINGO DISTRICT

Mr. arap Cheboiwo asked the Minister for Education if he would tell the House whether it was true that there were candidates for teaching who were interviewed on 24th July 1970, at Kabarnet in Baringo District, but were not taken and yet instead some other candidates were brought from the Teachers' Service Commission Nairobi.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to reply. I am not aware that candidates who were qualified in terms of the Ministerial Circular on the proce-

cedure for implementing the Tripartite Agreement, in Baringo District, were not selected.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that answer given by the Assistant Minister, that there were no qualified candidates in Baringo District, could he tell us what sort of candidates were required and what sort of candidates were sent from Nairobi instead of those in Baringo?

Mr. Mbai: Mr. Speaker, Sir, the District Education Officer in Baringo was given directives from my Ministry that he should recruit candidates who have attained School Certificate and Junior Secondary School Examination. If he could not get enough of those people from Baringo District then the Teachers' Service Commission had to send those who had better qualifications—recruited here—to Baringo District.

Mr. Wachira: Mr. Speaker, Sir, is the Assistant Minister trying to tell this House that his officers could not find any School Certificate boys in the area?

Mr. arap Cheboiwo: There are very many of them there.

Mr. Mbai: Mr. Speaker, Sir, if there were enough School Certificate chaps in Baringo District, surely there was no need sending someone from Nairobi. What I am saying is that I am sure the District Education Officer at Baringo could not get enough of them and, therefore, he had to get additional chaps from the Teachers' Service Commission.

Mr. arap Cheboiwo: Mr. Speaker, Sir, could the Assistant Minister tell this House what happened to those candidates who were interviewed on 24th of July 1970? Those people had the necessary qualifications because they were School Certificate chaps—31 of them—and instead of taking the 31 chaps they brought 70 from other places. Could he tell us why?

Mr. Mbai: Mr. Speaker, Sir, attending an interview does not mean that you are qualified to be employed. There were certain things which were being looked for when these people were being interviewed. It was required of them to have done well in their examinations. For instance, in Junior Cambridge School Certificate, they had to have at least three passes in order to be considered for that employment.

Mr. arap Rono: Mr. Speaker, Sir, the Assistant Minister is contradicting himself. In the first answer he said that his Ministry instructed the District Education Officer in Baringo District to look for School Certificate and Junior School Certificate candidates. Now, after being told that those ones were there, he says that there were

[Mr. arap Rono]

some other things that were also looked for. What are these qualification other than what he says?

Mr. Mbai: Mr. Speaker, Sir, I have nothing to add to what I have already said on this.

Mr. ole Marima: Mr. Speaker, Sir, could the Assistant Minister accept or deny the fact that the implications of taking the so-called better qualified people from other districts means, actually, never training the people from Baringo District because they employ only better teachers and the people of Baringo District will never come to the standard of better teachers?

Mr. Mbai: I do not agree with that, Mr. Speaker, Sir.

The Speaker (Mr. Mati): Next question, Mr. Kivuitu.

Question No. 43 (1260)

ADMISSION TO BRAEBURN PREPARATON SCHOOL

Mr. Mulwa, on behalf of Mr. Kivuitu, asked the Minister for Education if he would tell the House—

(a) why the Minister had authorized the commencement of a primary school at Lavington in Nairobi called Braeburn House Coed Preparatory School whose terms and conditions of admission were such that it would only cater for the children of the rich;

(b) if the establishment of the school was in keeping with our Sessional Paper No. 10 entitled "African Socialism and its Application to Planning".

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. (a) Braeburn House Coed Preparatory School is not registered as required by the Education Act. The management has been warned about the possible consequences of running an illegal school.

(b) I am investigating the affairs of this as yet unregistered school. Before this exercise is completed I cannot be certain if the institution is in keeping with the provisions of Sessional Paper No. 10.

Mr. Mutiso: Arising from that reply by the Minister and since this school has not been registered, can the Minister tell the House what action he is going to take if the school has already started and is running illegally? Is he going to round up these people and put them in jail straightaway?

Mr. Towett: Mr. Speaker, Sir, I have just said that I am investigating the situation and the problem of this unregistered school. If it is there illegally we shall prosecute the management.

Mr. Y. Ali: Mr. Speaker, arising from the Minister's reply and this matter being a serious matter which involves the whole of Nairobi, would he now agree with me that the intention and motive behind the setting up of such a school in Nairobi is to discriminate against the Africans, which is contrary to the policy of racial integration as far as education is concerned?

Mr. Towett: Mr. Speaker, I am not aware of what school the hon. Member is talking about. I do not know of any such school. It does not exist as far as I am concerned, it is not registered.

Mr. Y. Ali: Mr. Speaker, Sir, I think the Minister is trying to avoid the question. I have just handed over to the Minister two pieces of documentary evidence regarding the same kind of issue although it does not affect this very school. It is, however, a similar issue. In following up I would like the Minister to tell this House and the nation why such schools are being opened contrary to the Government's regulations? Why cannot the Minister take drastic action to close such schools?

Mr. Towett: Mr. Speaker, Sir, let me explain to the hon. Members what the situation is. A school that is in existence without registration, for my purposes is not a school at all. So when you start talking of a group of people sitting in a place and call them a school, to me that is not a school. What I want the hon. Member to tell me is whether he is talking of a group of people who are unregistered or whether he is talking of a school that I know about.

Mr. Onyulo: Mr. Speaker, Sir, arising out of the hon. Minister's reply, it is admitted that he is aware of the existence of this illegally run school and that he is investigating the matter. Could the Minister, having noted that this school is in existence stop the school until such time as his investigations are completed?

Mr. Towett: Mr. Speaker, Sir, I said in clear terms that before the exercise of investigation is completed I cannot be certain whether the institution is there in keeping with our terms or not. I have to finish the exercise of investigation before I take any action.

Mrs. Onyango: Mr. Speaker, Sir, will the Minister tell us whether or not this school is the same school where the European children have switched to so that they can continue with education and leave the African children to learn at other schools around this school?

Mr. Towett: Mr. Speaker, for practical purposes we have no enrolment of any children at a school that is not registered.

Mr. Araru: Arising from the Minister's reply when he said he is carrying out investigations, could he tell us how many months he needs for this? As far as I am concerned this question has been there for some time, about four to five months, in his Ministry. Why did he not investigate earlier so that he could have a good reply to tell us today whether this school exists legally or illegally?

Mr. Towett: I need as much time as I require, Sir.

Mr. Mulwa: Mr. Speaker, Sir, arising from that answer from the Minister, will he accept that the hon. Member for Parklands, Mr. Kivuitu, in fact, wrote a letter to the Minister giving all the details and, also, sending a pamphlet about this school? He says now he has had no time to investigate. Why is it that up to now he has not done anything?

Mr. Towett: It is precisely upon the information given by the hon. Member for Parklands that we are now carrying on our investigations.

Mr. Mulwa: Are you going to close it down?

The Speaker (Mr. Mati): We will now go back to Mr. Mulwa's question.

Question No. 97 (1370)

DRIVING SCHOOLS IN NAIROBI

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

(a) if he was aware that some of the driving schools in Nairobi were very unscrupulous in that they were exploiting the illiterate *wananchi* by giving them false promises that if they paid Sh. 375 they would be given driving lessons until they obtained a licence and, at the same time, made them sign a written contract which exempted the said schools from that very undertaking by stipulating that promises given verbally did not bind them;

(b) to avoid this exploitation and in order to make the standard of driving uniform, if the Minister would consider a complete take-over of these driving schools by the Government because such a move would also go a long way towards better driving in our Republic and, therefore, fewer motor accidents.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) Extensive inquiries have been conducted and so far no such allegations have been reported to the police, neither is there any evidence to support them.

If the hon. Member can quote any particular cases the police could then make investigations.

(b) The Government is considering very seriously whether or not it should take over these driving schools.

Mr. Nthenge: Mr. Speaker, Sir, must the police take action only when things are reported to them? What about if the police notice something illegal? Should they not take action straightaway because these driving schools which tend to cheat are doing it in broad daylight?

Mr. Matano: Mr. Speaker, Sir, the police take action as soon as they find crimes are being committed but it is also our duty as good citizens of this Republic to report these things to the police in order that they may help us.

Mr. Mulwa: Mr. Speaker, if the hon. Assistant Minister has made any investigations as he has said did he visit the Sobha Driving School and if he did, did he find that they make their customers sign a small pamphlet whereby they are told that they will be taught how to drive for three months and then they will get a licence and, also at the end of the pamphlet there is a clause saying that verbal promises given do not tie them down? Yet the pupils have to pay Sh. 375.

An hon. Member: It is now Sh. 700.

Mr. Matano: Mr. Speaker, Sir, these are some of the allegations which I would like to have exposed. We like the members of the public to report these matters to the police so as to enable the police to take action. If the members of the public do not report these matters to the police, it makes things very difficult for the police to work on.

However, Sir, I would like to repeat once again that the Government is not satisfied with the way things are at the moment and, as I said earlier, we are considering the matter. The idea of taking over these driving schools is considered very, very seriously. It is however, too early now to say anything.

Mr. Karungaru: Arising from the Assistant Minister's replies, would he now undertake to do things since the House has already disclosed what the police have hopelessly failed to get, and that with this information the police can now act?

Mr. Matano: Sir, not only out of what the Members have said this morning, but I have stated earlier that Government is putting up very extensive investigations. We are now actually doing that. This is because of this question and it is also because of a few—

Mr. Karungaru: On a point of order, Mr. Speaker, do I understand that Minister to say that the Government is going to investigate when

[**Mr. Karungaru**]

we have already told him about this school and we have given him the information he requires? What is the Government going to investigate further?

Mr. Matano: Mr. Speaker, this document which is here is in the form of a question, but that is not enough. Government must have enough facts to work on. We cannot just investigate in any manner. We cannot put the whole machinery of investigation into action because of just one question, the whole thing has to be investigated, and it has been. It is going on now, it is not that we are going to begin from today. Work has been going on up to now, it is still going on. This is the work of investigation and we are going to investigate further and find out the truth and then act accordingly.

Mr. Wabuge: Mr. Speaker, Sir, would the Assistant Minister tell the House when his department started the investigation and how long does he expect this investigation to continue before it comes to an end so that he can report to this House?

Mr. Matano: We started some time ago and we shall finish as soon as possible.

Question No. 102 (1382)

IMPROVEMENT OF ROADS IN ELDORET SOUTH.

The Speaker (Mr. Mati): We come now to Mr. arap Saina's question. Is anybody authorized to ask his question? No.

We move on to Question by Private Notice.

(Ordered to be answered as a Written Reply)

QUESTION BY PRIVATE NOTICE

SHORTAGE OF WATER IN KIKONENI AND
MWANANYAMALA

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

Since there is now no water at Kikoneni and Mwananyamala, and the plans to supply water to these two areas are a long-term process, could the Minister, as a matter of urgency, consider sending water tank lorries to these areas to save the lives of these people?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. First of all I would like to correct the impression conveyed by the hon. Member that Kikoneni and Mwananyamala plans for water schemes are long-term. The two places are already earmarked in our 1971/72 Water Development Programme and I am reasonably hopeful that before the end of 1972 they will have their water supply.

Regarding the prospects concerning the sending of water tank lorries to these areas, we have a very limited number of such lorries which we only use at times and in places of extreme need, where there are no alternative solutions. We consider that there are other areas worse off than Kikoneni and which justify the utilization of such water lorries.

Mr. Mwamzandi: Arising from the Assistant Minister's reply, does he now regard the situation at Kikoneni as not one of extreme need since there is almost no water for the people in that place?

Mr. Wanjigi: Yes, I think that is what I have just said, Sir. We do not consider that place is of such extreme seriousness as the hon. Member says.

Mr. Umuro: Mr. Speaker, since the Assistant Minister said that they have included these two places in the 1971/72 plan, what are they going to do to supply these people with water at the moment because there is no water there?

Mr. Wanjigi: But there is water. I have said there is water there.

Mr. Kanja: Mr. Speaker, what degree of seriousness does the Ministry consider before it can give water to those people if the hon. Member who represents the people of Kikoneni cannot be taken seriously and he is the man on the spot?

Mr. Wanjigi: Mr. Speaker, I am not suggesting that I am not taking the hon. Member seriously, but I am saying that we are not convinced of the extreme seriousness of the water shortage in this place. In fact, he knows I know Kikoneni very well and I know there is water in Kikoneni. I can challenge him even now.

Mr. Mwamzandi: On a point of order, Mr. Speaker, is the Assistant Minister not misleading the House when he has never been to Kikoneni and yet he says he knows Kikoneni?

Mr. Wanjigi: Mr. Speaker, that is a lie. I have been to Kikomeni more than five times.

Mr. Mwamzandi: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! Order! Mr. Mwamzandi, you must first of all be sure that your facts are correct.

Mr. Mwamzandi: Mr. Speaker, Sir, I have been in this Parliament since 1963 and I have never seen the Assistant Minister touring Kikoneni as a Government official or as an Assistant Minister. Is he not misleading the House?

Is he also right to use the word "lie"? Is this word parliamentary?

The Speaker (Mr. Mati): No, we do not use that kind of language.

Mr. Wanjigi: I meant to say that the statement from the hon. Member is not true; whether, in fact, you want to call it a lie or not, or whether it is parliamentary or not, the point I want to make, Mr. Speaker, is that whether the hon. Member saw me in Kikoneni or not does not mean that I was not there. I am sure there are many people who go to Kikoneni and he never sees them.

The Speaker (Mr. Mati): We will move on now. Mr. Shikuku.

MINISTERIAL STATEMENT

DUAL NATIONALITY—ASIANS

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir—

An hon. Member: You are late—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): You over-stayed in bed.

Mr. Speaker, Sir, I wish to make the following statement:

The hon. Members will recall the promise I made in this House on 18th December 1970, when replying to hon. Magugu's Question No. 1228 (a) which read, and I quote:—

“In view of the recent announcement by the Immigration Department that Asians who had acquired automatic citizenships had been discovered to be holding dual nationality for having failed to renounce their citizenships, can the Minister tell the House, (a) how many people are involved in this?”

In my reply I stated that the number of such people was extremely small. I have gone into the question of finding who these people are and I have been able to get three people and they are all women. Their names are as follows: Mrs. C. R. Khosla, Mrs. H. Kruger and Mrs. Zarin A. E. Dhya.

From the above figures it can be seen that such cases are very rare and mostly confined to women who, although automatic Kenya Citizens at the independence, were married to people who continued to be citizens of United Kingdom and Colonies.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 43:

ADMISSION TO BRAEBURN PREPARATORY
SCHOOL

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Mati): What is your point of order, Mr. Ali?

Mr. Y. Ali: Mr. Speaker, Sir, in view of the unsatisfactory answer to Question No. 43, I would like to raise this matter on a Motion for the Adjournment, if the questioner will have no objection.

Mr. Kivuitu: I have no objection.

The Speaker (Mr. Mati): He has no objection. Mr. Omamo.

MINISTERIAL STATEMENT

FOREST FIRES IN THE COUNTRY

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I wish to make a statement regarding the forest fires. It is my unpleasant duty today to report to this House some very shocking details regarding the forest fires which Members have been reading about in the local Press.

Before going into these details, I would like to make it clear that a forest fire is a fact of life, not only here in Kenya, but in almost every country where forests are grown. There is fire, which is considered to be the greatest enemy of forests, and it is only in an exceptional year when we are spared any serious fires in our forest areas. However, it must be clear to all hon. Members of this House that as a result of a drought, such as we are experiencing now, our forest areas are placed in extreme danger and the slightest irresponsibility or carelessness on the part of even a single individual causing a forest fire, can place years of good work in jeopardy.

This year we have been afflicted by a series of fires which have struck at almost all our major forest areas. The fires have brought, in their wake, devastation and great losses to Kenya—financial loss, water catchment loss and loss of scenic attractions. Mr. Speaker, Sir, let me now give some of the details of our own losses as they stand at present. The figures I am giving are immediate estimates made on the spot and are, of course, subject to some revision when the final data is received. The values which have been placed on softwood plantations and indigenous forest depend on their relative age and composition at the time of burning.

(a) During January and early February, this year, we lost 120 acres of plantation at various sites valued at K£2,800; (b) Last week we lost 570 acres of plantation at Kodera, Kamatera, Wire, Timbora and Baragat, all valued at K£15,300; (c) This past week, up to yesterday, we lost 2,500 acres of plantations at Kakamega, Menengai, Marmanet, Mount Kenya and Kaptagat, valued at K£135,000; and also 16,000 acres of indigenous forest at Mount Kenya, Marmanet and Eburu valued at K£435,000.

[The Minister for Natural Resources]

These figures do not include, Mr. Speaker, any costs which are involved in extinguishing these fires. I hope, Sir, that the House will be sympathetic when my Ministry request any supplementary funds for enabling the Forestry Department to run as a result of these unexpected expenditures. The total losses to Kenya, purely in terms of timber, therefore, stand at about K£590,000. This is a figure which I am sure all hon. Members of this House will agree is staggering, and one which unfortunately reflects, to some degree, the lack of recognition and appreciation which the nation's forest estate receives from public.

Many of these fires have been started through the carelessness of farmers on neighbouring farms; through illegal honey-hunters or graziers and in some cases, by deliberate arsonists who do not care what happens to their country or its natural resources.

One positive aspect of an otherwise very gloomy picture is the readiness of many different organizations who come to our help when the forest fires are on. I must pay tribute. Mr. Speaker, Sir, to the members of the provincial administration, the Kenya Police, the Kenya Army, the Administration Police, and the National Youth Service together with the National Parks, the general public and farmers who have been and are still fighting these fires even now, as I speak. They have done this for days on end under very trying and often dangerous conditions. They have backed up our own men of the Forest Department who have borne the main burden of these emergencies and whose devotion to duty should receive a special commendation of this House.

Mr. Speaker, Sir, every year, preparations for the fire season are made well in advance by our staff, ensuring that fire-towers are manned, 24-hour patrols set up and fire-fighting teams are put on stand-by. Good radio and telephone communications are, of course, essential—and these we have. The preparation of fire-lines is also, of course, an essential part of our defences, and these we have. However, in spite of all these precautions it is impossible to halt every fire when it gets out of hand. Appeals to the public are being made daily on both the Voice of Kenya radio and television, but I would like to appeal to the hon. Members present here today, Sir, to pass on to their constituents a very special appeal that the drought is by no means over. Please appeal to your constituents not to damage Kenya's economy and her natural resources by causing forest fires through thoughtlessness or carelessness. Please appeal to your constituents to come out in large numbers and fight any fire that

may be reported in any forest areas.

Mr. Speaker Sir, I have made available a copy of this statement to every hon. Member of this House and I trust that each hon. Member will use the facts in it to tell the *wananchi* as strongly and as persuasively as possible, that Kenya cannot afford to lose nearly £600,000 within a few weeks.

Mr. Speaker, Sir, should any hon. Member require more details about this emergency, my officers and myself will be ready to give further information.

Thank you, Mr. Speaker, Sir.

Mr. Karungaru: Mr. Speaker, Sir, I would like to seek some information regarding what has happened of late. I would like the Minister to tell this House whether, as a result of what has happened, his Ministry has really worked hard to make sure that all these people concerned in setting alight the fires are properly punished in accordance with the law of this country?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, before you can punish a culprit, he has to be apprehended first. However, up to now we have not apprehended anyone. The fires, or most of the fires, start in a most peculiar manner: right in the middle of the forest, the fire starts. The wind blows and the fire gets out of control. Is it the honey hunter, who, in the midst of tapping, is bitten by a swarm of bees, and therefore, runs away leaving behind the fire? We do not know. But, should anyone know of anybody who is doing this damage to the Republic, please, let the police and our forest guards know.

Thank you, Mr. Speaker, Sir.

Mr. arap Saina: Mr. Speaker, Sir, in his statement the Minister mentioned some of the causes of fire as carelessness on the part of farmers. Has the Minister made any arrangements with the Ministry of Agriculture in order that the Minister for Agriculture requests farmers through his technical officers in the fields to help in fire-fighting?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, this has been done, and not only with the Ministry of Agriculture but also with the provincial administration, who during this fire season have issued appropriate notices.

Thank you, Mr. Speaker.

Mr. Wabuge: Mr. Speaker, Sir, this statement given by the Minister is very serious, and on looking at the amount of money Kenya has lost through fire outbreaks one realizes that it is a very serious situation. What arrangements is the Minister making, as far as the fire breaks are

[Mr. Wabuge]

concerned, because in my own area, when I go around I do not see anything to do with a fire break at all which can stop the fire, if at all it was started by a farmer from catching the forest? Also, is the Minister aware of the fact that there are some people in the forests who feel that they should be given an area for cultivation and that, possibly, these are the people who might set fire to the forest when they are clearing the forest in order to cultivate and eventually this fire spreads and it becomes very difficult to stop it?

What is the Minister doing, (a) to have the fire breaks and (b), also to have the area excised from the forest so that the forest boundary is better and clearly marked so that it is more closely administered by the Forest Department?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, fire breaks are provided for, and I must say that for any reasonable man, the fire breaks that my Ministry have provided should control fire that is supposed to move from a farm into the forest area.

The other question about those unscrupulous squatters moving into the forest areas as trespassers, I would like to assure this House and, especially now when the nation has lost so much, that those people are going to feel the hand of the Government.

Thank you, Mr. Speaker.

Mr. ole Leken: Mr. Speaker, Sir, due to very understandable circumstances and problems which are faced now by the landless people, on many occasions top politicians have promised land, and said that these people would be settled. The only ways so far left in Kenya today through which to settle people are (1) reduction of the forests so as to give people part of it and, (2) reduction of the national parks to the actual economical size. Now, might this be the cause of fires, because these people are now desperate because of these promises? It could be that these people have now gone to the extent of feeling that they should do some damage, at least to the forests, so that they can show some of their grievances.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I think that some hon. Members merely want to provoke the Minister for Natural Resources and, therefore, I really want to reply to this question as one who has been provoked.

Mr. Speaker, Sir, the Ministry of Natural Resources has been set up by the nation and, therefore, by this House, to protect and to preserve and, if necessary to enlarge, the national forest estates. My Ministry is not there to diminish the forest estates and if there is need for settling

wananchi, and I personally believe that there is need for settling them, I would like to let the House know that proper arrangements can be made with the appropriate Ministry, which is the Ministry of Lands and Settlement. When that settlement is effected, it must be done far and away from the nation's forest area. I would like to assure the House, Mr. Speaker, Sir, that from now onwards my Ministry will make sure that the forest estate which is only 3 per cent instead of being 10 per cent, which is the world average, is going to increase only through not allowing people to settle in the forests but also through chasing away the trespassers.

Thank you, Mr. Speaker, Sir.

Mr. ole Leken: On a point of order, Mr. Speaker, Sir. That sort of misquotation is very wrong indeed, because, Sir, I feel that it is very important that when we speak in this House we should speak the truth. I did not say that we should diminish the forests; the fact is that whether we like it or not, the only way left today, through which you can settle the landless people is either reduction of the forests or the national parks.

NOTICE OF MOTION FOR THE ADJOURNMENT

UTILIZATION OF ATHI RIVER WATER FOR IRRIGATION

The Speaker (Mr. Mati): Hon. Members, we must get moving. I have received a written notice from Mr. Mutiso, Member for Yatta, of his intention to raise on the Adjournment a matter contained in a reply received to Question No. 57 concerning utilization of Athi River water for irrigation purposes in Ukambani. I shall, therefore, call for the Motion for the Adjournment at the time for the interruption of business on Tuesday, the 9th of March.

An hon. Member: Hear! Hear!

MOTION

DISCONTINUATION OF FORMS V AND VI EDUCATION

THAT since there are many families in this country who cannot afford to educate their children due to poverty, and whereas the Government is spending huge sums of public funds in educating and maintaining students in Forms V and VI and the fact that the education provided for these two classes is not absolutely necessary for university studies, this House urges the Government to discontinue Forms V and VI as from the beginning of 1972, and employ the money used in running these classes in setting up funds with each county council for the purpose of helping children whose parents cannot afford to pay for their fees.

[Mr. Mulwa]

(*Mr. Mulwa on 26th February 1971*)

Amendment proposed—

THAT since there are many families in this country who cannot afford to educate their children due to poverty, and whereas the Government is spending huge sums of public funds in educating and maintaining students in Forms V and VI, and the fact that the education provided for these two classes is not absolutely necessary for university studies, this House urges the Government to discontinue forms V and VI as from the beginning of 1972 and employ the money used in running these classes in setting up funds with each local authority for the purpose of helping children whose parents cannot afford to pay their fees.

(*Mr. Mwithaga on 26th February 1971*)

(*Question proposed*)

(*Resumption of Debate on the Motion as amended interrupted on 26th February 1971*)

The Speaker (Mr. Mati): Mr. Mwangale was speaking and had five minutes to go but he is not here. I understand the Minister, himself, is here and wants to say something about this Motion.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I am sorry I was sick last Friday and therefore I was unable to be here when this very interesting Motion was being discussed. I do not want to waste a lot of time, but I just wanted to point out a very few salient and important facts as far as our educational system is concerned.

It is very well and interesting for some to think that probably having Forms V and VI in our higher schools is a waste of time. I may agree that it is a waste of time and at the same time agree that, philosophically, time is wasted all the time. Even now that I am making a useful contribution to this Motion, time is being killed all the time. Mr. Speaker, Sir, we cannot say that we do away with Forms V and VI in Kenya alone. We are now interrelated in the universities, not only of Africa, but of the whole world. As you saw yesterday, Sir, I have 1,109 candidates who have qualified now to go to the university following the results of Higher School Certificate. Now, if I were to get rid of Forms V and VI, Tanzania which, of course, at the University of Dar es Salaam, insists that a student must finish Higher School Certificate before being admitted to university may not accept our students. Makerere University may also insist that a student must have a Higher School Certificate before he is admitted for university studies. Now, if we in

Kenya decided to do away with Forms V and VI say that at Form IV level our students should go to our university whereby we shall have adjusted our university to suit our Form IV students; but in this case, Sir, our students will not be admitted after Form IV studies to the University of Dar es Salaam or the University of Makerere, or for that matter to any university in Africa or outside Africa except, probably, in America.

In the United States of America, Sir, the problem there is different. They call Form V and VI junior colleges. They are not universities. These are junior colleges where students go and after their studies they get credits towards universities to enable them to go to universities eventually. It is exactly what we have here. When our students go to our Forms V and VI, it is the same way in which the American students go to junior colleges. In our system, after they have finished their Forms V and VI successfully, they go to university.

Now, the system has changed from my time and your time, Sir. During our time we used to go to universities after Form IV. This used to be called Matriculation during our time. At that state, there was, in the university, two years which used to be known as intermediate stage of a university. So, after Form IV, you have to go to the university and do two years of study to pass your intermediate before you embark on your finals. Now, universities today, or most of them, have done away with what they used to call intermediate in the university. Therefore, that has been reduced or brought down to high school level. So, what we are doing at Forms V and VI is actually a part of university work. In order to reduce time at the university, a student is required to pass his intermediate at Higher School Certificate level.

So, Sir, I want to appeal to hon. Members of this House, and to the country, that our system is not an isolated system. It is an international sort of understanding today that when we qualify our students at a Higher School Certificate level, they can go to any other university in the Commonwealth countries and can be accepted as eligible for university work. Now, if we in Kenya agree that after Form IV they go to university, it will be very difficult, Sir, when we send them for higher studies elsewhere to be admitted to their universities. They will have to do their Form V and VI work first before they are admitted into other universities. Now, if hon. Members of this House would like us to call Form V and VI junior colleges, I have no objection. However, I would appeal to them that let us not disrupt the system as it is at the moment. I want them to

[The Minister for Education]

allow me to see the repercussions that we might have and then look at the whole system from Std. I right up to Form VI. It is not an isolated item where you can just bring all the work which a student is supposed to do in Form V and VI and cram it in between Form I and Form IV. It is very, difficult to do six years' work in four years. So, I am appealing to the hon. Mover of this Motion—I understand, Sir, he is a European-orientated graduate, possibly in France or Germany. However, we do not follow the syllabus of that type. When we send our students to those countries, they waste one year apart from the years spent in the university doing the languages. I know that he will have the Floor after my speech and may have an opportunity to tear my argument to pieces, but I am appealing to him that if he can give me time to go and work on this I may be able to study the repercussions properly. We are now teaching French in our schools and therefore it will not be necessary for our students, after Form VI, to spend a year learning French when they go to France, or spend a year in Russia learning Russian language, or spend six months in Germany learning German language, before they embark on university work. I know they will have to spend the one year learning the Russian language and the six months learning the German language, and so here, time is also spent.

Mr. Speaker, Sir, I would like to appeal to the hon. Mover of this Motion to let me look into this matter, and if after six months he cannot see anything, it is when he can come back and ask, "Sir, what did the Minister promise?" This is a very grave situation and I would like him to consider the circumstance and give me time to look into the whole issue.

With these observations, I say thank you, Sir.

The Speaker (Mr. Mati): I will call upon the Mover to reply.

Mr. Mulwa: Mr. Speaker, Sir, in reply, I would first like to thank all the Members who contributed to this Motion, including the Assistant Minister, himself, who, in confidence, sympathized with the Motion. It is unfortunate that the Minister, himself, was not there because he would have heard hon. Members and myself showing that what students in Form V and VI are doing is a mere repetition of what they do in Forms I to IV, and it is, therefore, not necessary to do it again.

Secondly, Mr. Speaker, Sir, I think there was a mistake as a result of the Motion because most of the hon. Members who spoke, including the Assistant Minister for Education, emphasized

free education. The Motion is not asking for free education. It, in fact, seeks to abolish Forms V and VI with a view to using the money employed thereon to educate the destitute children whose fathers cannot afford to pay for education. Mr. Speaker, Sir, to correct the impression that might have been given by the Assistant Minister, the money used by our students in Forms V and VI is nearly Sh. 12 million per year—this cannot be challenged—and does not include the money paid to the teachers. So, Mr. Speaker, Sir, you can see there is enough money for the purpose for which I brought this Motion.

I was not saying that the money employed would be enough to provide free education in the country because I am not so blind! So, I am trying to correct what the Assistant Minister said. He said that the money which is used in running these two classes is so little—Sh. 12 million—though I do not consider it to be too little. This does not take into account the money paid to the teachers, most of whom are expatriate teachers. So, as you can see, what I am trying to say is that this money is enough for the purpose for which this Motion was presented.

Mr. Speaker, Sir, we are not going to be guided by Tanzania and Uganda with regard to what they do; and we are not going to allow ourselves to continue thinking that what Britain does is the only correct thing. This is not correct. The majority of the countries of the world, and the Minister knows this, have done away with the system and, therefore, do not have these two extra years. I said that for technical subjects, like engineering, the students are required to do a one-year pre-university studies. This is a fact which cannot be challenged. This is what is done; and if so, why can we not do it?

It is unfortunate that the Minister, himself, was not present when most of the Members talked on this Motion. It was also argued by his Assistant Minister that we have provisions for bursaries for students whose parents cannot afford — Mr. Speaker, Sir, this is not correct, and the Minister knows it. There are so many children at home who cannot even afford their primary school fees simply because their fathers cannot afford it and the Government is doing absolutely nothing on this. I, myself, am paying school fees for five children and there are so many other needy ones; and I only wish I could have as much as Sh. 12 million—I would pay for their school fees. I am paying school fees for five children every year; and in spite of this you dare stand here and say that we have a destitute society but we have provisions! You have nothing. I have already two students from Kabaa Secondary School and I will bring them to your Ministry.

[Mr. Mulwa]

These two have been chased and I cannot do anything. Last year I paid school fees for one of them and I wonder how much longer I am going to pay for them! There is absolutely nothing that the Minister does, and when we apply, we are told, "Well, if your county council cannot give them bursaries—" What can a county council do? I think you know this!

Mr. Speaker, Sir, I think we have to tackle these things rather more seriously because education is so important that we cannot afford to ignore it as we are doing at the moment. We cannot just say that education in Kenya is going to be just for the people who are rich, and hence who can afford to pay the school fees for their children. This is wrong, and indeed I thought the Ministry could thank me profoundly for having brought to their attention one of the suggestions which could go a long way to help them in their problem. However, they decide to oppose. I was just trying to be helpful to the Minister by suggesting that we should do away with this business of Form V and Form VI and employ the money expended there to help children who cannot afford to pay for their education—though this should be just the first stage and then the question of free education should come later. I was just trying to be helpful and I think the hon. Minister, within himself, knows that he should thank me because, as some Members said, he should not forget that we have been promising that we shall see to it whether we can provide free education. The other day the Minister said, "Not until after seven years"; but he did not tell the nation how that will be implemented. I am just trying to suggest how we can do it step by step and I think the Minister should accept this genuinely as the first step to this goal and accept this Motion absolutely. I was expecting the Assistant Minister or the Minister himself to amend this Motion in case they felt that the period stipulated by the Motion is short. However, they did not do it. I could not compose an amendment to the Motion. If you felt that the period given for you to consider overhauling the system was short, you could amend the Motion; but since you did not do that it can only be assumed that you have the means to implement the Motion if it is passed, and I hope it is going to be passed because Members realize that it is high time that we changed our system completely and we cannot continue any longer having this system simply because we have it in Britain.

Before I forget I would like you to look at the plight of Form V and Form VI school-leavers, particularly Form VI school-leavers. If they fail to achieve the required principal passes, what do

they become? They are neither Form IV school-leavers nor Form VI school-leavers, and hence they cannot get jobs like Form VI school-leavers because they have not passed and therefore they are somewhere hanging in the middle. I know a number of them; and I think this is most unfortunate because they are nowhere and they are completely finished despite the fact that they have wasted two years and will be employed like school certificate holders—though they have studied for a further two years. Even the Ministry does not consider these chaps when it employs them although they studied for two more years after Form IV. The Ministry does not consider them but rejects them. We cannot afford to continue wasting man-power like this. Why do we not combine the two classes in the system of Form I to Form IV studies and then draw the teachers who teach there to these classes where they would be more useful and then get children who can go to the university instead of wasting this money? I am sure the Minister is seeing sense in this and there is, therefore, no question of refusing just for the sake of refusing because we have a system. We must admit that at one stage or another we must change our system. I am surprised that the Minister is begging the House to give him more time—six months is not enough, he claims. Since he was elected, and since he is a Kenyan and has been in politics since I was a child—I used to hear the Minister's name mentioned—he should have known that our system is no good—getting out people who cannot get jobs. This should have been the first goal: overhauling the whole system. I would like to suggest now that he should start with Form V and Form VI because they are useless!

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

(Question of the original Motion put and negated)

MOTION**PURCHASE OF PROPERTIES FROM NON-CITIZENS
BY AFRICANS**

Mr. O'Wahika: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that Africans, who are anxious to get into business are finding it extremely difficult to negotiate with non-citizens served with quit notices to purchase their properties with the intention of exploiting the Kenya citizens by demanding goodwill money, this House urges the Government to take appropriate steps to stop the racket forthwith.

[Mr. O'Washika]

Mr. Speaker, Sir, it is unfortunate that last Friday when this Motion appeared on the Order Paper I was not feeling well—I had a very severe nose bleeding.

The Speaker (Mr. Mati): Order!

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, I am seeking your guidance on this matter because when the question was put to the vote—the question of the Motion that has already been resolved on—it was quite clear that that side of the House said “Yes” and this side of the House said, “No”. Are we having an opposition or how can we be divided like that?

The Speaker (Mr. Mati): I am sure that the Assistant Ministers who were sitting on the opposite side did not agree.

Mr. O'Washika: Mr. Speaker, Sir, I started by saying that when this Motion appeared on the Order Paper last Friday—when I was supposed to present it—I was not feeling very well because I had a nose bleeding. This morning, I would like to present the Motion as it is.

Mr. Speaker, Sir, in my view this Motion is important and a very serious one, and which, I think, Government, especially the Minister for Commerce and Industry, Members of Parliament and the *wananchi* will applaud.

This matter does not only worry me as an individual but it worries many of the *wananchi*, especially those who are trying to get into business. It has become apparent that those non-citizens, who have been served with the quit notices to leave the country and rather stay, have entered into some negotiations with the Africans who want to get into business in this country. Mr. Speaker, Sir, arrangements are made between the two parties involved; but what surprises one is that eventually when the agreement is reached between the two parties concerned you will find that the non-citizen who is the owner of the property or the owner of the business is valuing the business in question. Mr. Speaker, Sir, this situation put the Africans who want to get into business into a very awkward position. It is high time, in the independent Kenya, Government took steps to see to it that that type of racket is brought to a standstill.

Mr. Speaker, Sir, we fought for our independence because of one big reason, which was that we wanted to control the affairs of our own country. We wanted to become the masters of our own country. This, Mr. Speaker, has already been achieved. We have the political independence in our hands, because we control the Government and I do not think, at this stage,

we should allow the non-citizens or the foreigners to control us in the way they want. My quarrel is not particularly to those people who are honest; my quarrel is aimed at those people who are unscrupulous, the people who are dishonest and the people who do not keep their promises.

You are all aware that during the colonial régime the Africans were placed in the third place in the affairs of their own country. We were not allowed to trade and every kind of trade was conducted by either the Asians or people of other races. Now that we are independent, we feel that we should occupy the number one place in matters of our own country. We feel that the Government should see to it that this type of manoeuvre does not go on.

Mr. Speaker, Sir, I know it is the business of the two parties concerned, the seller and the buyer, to agree to a particular price which should be negotiated. However, when the agreement has been reached by the two parties, as I have said before, you will find that on top of the agreed amount, what is called goodwill money is demanded by the seller. Now, because the African is anxious to get into business, he does not have an alternative but to pay that money and the seller does not issue a receipt for it. This, according to me, is entirely unfair.

Mr. Speaker, Sir, from time to time His Excellency the President, and even leaders of this particular House, have told the nation that although we have the political independence in our hands we also feel that we do not have the economical independence. Mr. Speaker, I feel that it is not only the duty of the Members of Parliament to tackle this particular affair but I hope Government will certainly do something about it. By so saying, Mr. Speaker, I am not underrating, in any way, the work which has been done by the Minister for Commerce and Industry. He has done quite a lot since he took over that Ministry. We know, now, that in most of our towns Africans are occupying better places in business, and I hope as time goes on all the businesses in our towns will be in the hands of the Africans.

Mr. Speaker, I know some cases where Africans have negotiated with those foreigners who have been served with quit notices and have approached the Industrial and Commercial Development Corporation and were given loans. This was all done after agreement was reached by the two parties. Eventually, when the cheque was sent to the person who was selling the business by the Industrial and Commercial Development Corporation, the person who was

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selling the business raised the value of such property or business premises. Now, these are some of the things I am saying that the Ministry of Commerce and Industry should be alert about. When negotiations of this kind are taking place between the two parties, the deal should be known to the Ministry of Commerce and Industry, in which case an official from the Ministry should be present so that he knows what is going on.

I remember a case of a very distinguished civil servant who was employed by the East African Railways Corporation, by name of Mr. James Kibera—a well known man—who, when he retired, took away his dues and contracted with an Asian businessman in the town to sell his property to him. This man obtained a loan from the Industrial and Commercial Development Corporation. What happened is that when the man was preparing to go and take over the business, the Asian changed his mind and shot up the price to such an extent that my friend could not even afford to buy. Therefore, the deal came to an end. The matter is now pending in a court of law where a suit has been filed by Mr. James Kibera against this particular Asian for a breach of contract.

Mr. Speaker, Sir, that is not the only case of this nature; I am sure some of my colleagues will support me in this particular Motion. They will also produce some facts where a lot of these things have been going on.

Mr. Speaker, Sir, since we are an independent nation and we have the law in our hands, I am not suggesting that the non-citizens who are in this country should be harassed unduly. However, in cases where we feel that there is some evidence of some rackets going on in this country, I am afraid this will not be tolerated. The only body which can warn these people to stop these sort of rackets is the Government. The Government should warn them and tell them that this sort of thing should not go on. We know that the African, having not been in business, has not acquired sufficient money.

One might argue that in my Motion I have used the word "property". Mr. Speaker, the word property might refer to a building or something of that nature. Even if you have to buy a building, eventually you will turn it into business premises. Therefore, this sort of exercise which is going on in the country must stop. I remember, my brother-in-law, was trying to acquire a business in Nairobi—when he had produced all the money that was required, he was in the end told that unless he paid some goodwill money he

could not get the business. This person spent Sh. 20,000 to pay for the goodwill.

Mr. Speaker, we in this country, are we going to keep quiet because when we speak the truth a person from a certain race will be harassed? This, Mr. Speaker, in my view, should not be so. We should speak the truth. In order to encourage our people to get into business we must protect them just as the people of other races have been protected in the past. We must give them the chance which they did not have previously, and Government must take this burden on its shoulders. The Government must make sure that our people stop begging because when these foreigners came to this country they got the businesses they now have for nothing, if I may use the word. They paid very little, if any, for the premises they are now selling so costly that our people find it very difficult to buy them. In some cases, one pays ten times more than what our friends paid for it when they came to this country. Therefore, I feel this should not be left to go that way for ever.

The reason why I know this is going on is that when a chap has been served with a quit notice, and since many of them love to stay in Kenya, he feels that the only thing he can do is rob the African who is remaining here. The African feels, however, that as a *mwanauchi* he must be protected by the law. This is a sort of Motion which the Government should give favourable consideration and allow it to pass without any amendment.

Mr. Speaker, Sir, I have said before that I am aware of the work done by the Ministry of Commerce and Industry. I am not, in any way, underrating them. However, I am sure, since this report has already reached the Ministry of Commerce and Industry, action will always be taken whenever such cases come up. If we do not do this, then our people will never feel the impact of the independence that we fought for. We fought for it and many of our people died because we also wanted to achieve what other people have achieved in this country. Unless this sort of thing is done for *wanauchi* so that they can see, with their own eyes, that the Government is putting things straight, I am sure we shall not have to pay the prices that we have to now.

Mr. Speaker, Sir, I know there are some of those non-citizens, who, when the meetings are addressed by His Excellency the President or by a Member of Parliament and other leading figures in the country, do accept whatever is said by the leaders. However, there are some of them who are rather obstinate to accept these things. If this situation is not rectified in the way we

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think it should be rectified, these people will always think that the African Government we have in Kenya is still in the hands of the non-Africans. Mr. Speaker, Sir, I am convinced that this sort of situation does not only happen in Kenya where I was born. During the time I was a Member of the Central Legislative Assembly we had talks with the Africans from the other East African States, which are Uganda, and Tanzania, and they feel the same sort of thing. The non-Africans, or the non-citizens, were behaving in a way that unless they are controlled by legislation this sort of thing would go on. We cannot allow, Mr. Speaker, Sir, our people to be drained. We cannot allow our people to be milked like cows when we, as a Government, know pretty well that these things are going on and we just keep quiet. Now, unless a case is taken to court against such people when they are found to be robbing the Africans indirectly, the rest will not behave, at all, Mr. Speaker. Therefore, Mr. Speaker, I call upon Government to deal, particularly, with these unscrupulous fellows who think that they have the chance of robbing the Africans. The only way this can be done, Mr. Speaker, is as I said: that is, when a Bill is being discussed, unless you have officially gone around to know what is going on this sort of thing is not likely to stop.

Mr. Speaker, Sir, one might think that I was, particularly, only talking about the non-citizens who have been served with quit notices. Even those citizens in the country, whatever may be—when someone is trying to sell a property, or a business property to another person who wants to buy it he should be treated in a fair manner; it should not be that simply because he is an African with a black skin, you can cheat him in whatever way you want. This, Mr. Speaker, Sir, is the point that I am trying to advance. I hope the Minister for Commerce and Industry is with me when I say this, Mr. Speaker.

We have to protect our people in every respect so that—we are voted here, as hon. Members of Parliament, in fact, to speak the truth and tell the country where we think things are not going in the right way. Mr. Speaker, Sir, I do not, particularly, wish to have any revenge against any particular person whatever race he may be, but when somebody makes a decision to try and swindle the other people because they belong to a particular race, Mr. Speaker, Sir, I do not think we can allow this sort of situation to go on at all.

Therefore, it is my strong submission, Mr. Speaker, that the Minister for Commerce and Industry, who is sitting here this morning, will make a note of what I have already said before

the House hoping that drastic action will be taken against these fellows who are unscrupulous, who swindle the Africans and use unfair means to acquire their property. I know there are a lot of cases which have already been reported and, in fact, I understand my friend who is going to second this Motion has a list of places where this type of swindling has already taken place.

Mr. Speaker, Sir, the Motion, being as plain as it is, and a very straightforward one I cannot waste a lot of time on it. I understand that a lot of hon. Members although some of them are out, would like to speak on this particular Motion.

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

The Speaker (Mr. Mati): You have to read the terms of the Motion

Mr. O'Washika: Mr. Speaker, Sir, I beg to move:

THAT in view of the fact that Africans who are anxious to get into business are finding it extremely difficult to negotiate with non-citizens served with quit notices to purchase their properties, because of raising the value of such properties with the intention of exploiting the Kenya citizens by demanding goodwill money, this House urges Government to take appropriate steps to stop the racket forthwith.

Mr. Munyasia: Mr. Speaker, Sir, I am not going to repeat exactly what the hon. Mover has said, but I would like the Minister to pay attention to what I am going to say. Sir, I will quote an example of myself. Early last year, Sir, I negotiated with one of the Asians and he agreed, in principle, that I could take over his business. This man was a non-citizen, and while I was in the process of getting a loan from the Industrial and Commercial Development Corporation, this gentleman, in a cunning way, went round through the back door and became a citizen, changed the name of his company or his shop so that his brother took over the former shop and he opened another shop next door, on Tom Mboya street. That is one example.

Now, Mr. Speaker, Sir, there are cases that I know right now. There are six shops where a group of Africans wanted to take over the businesses but the gentleman, by the name of Pyarally Popat Walji Rajwani—I will lay the papers on the Table, Sir. The man, known as Pyarally Popat Walji Rajwani, registration No. R. 20268 of 4th April 1964 receipt No. B 17542—tried to trick these Africans and told them to make a company with him and then negotiate for loans. Now, Sir, what happened was this, and what is happening since—I will, first of all, before I say what happened to this, quote

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the shops which are, really, under one person. They are: New Radio House in River Road, which is under the name of this man and he is under the cover of the Africans who are the sole owners of the business. Wananchi Radio Company at River Road. African Radio House at River Road, Supreme Radio Company at Hussein Suleiman Road, Reata Radio House at Reata Road, and Umoja Radio Company at River Road. These businesses are under one Asian, the one I mentioned earlier. Sir, if you go and look at all these shops, you will see the managers are all Africans and you will think that these Africans are the people who own these businesses and yet they are not.

Now, Sir, what is happening is that each employee is told by this gentleman: "I think the best thing, if you want to become a partner, is for you to fill in this form—which I have now—and you will buy shares from National Industrial Credit Finance at Sh. 15,000—and sign as a borrower, and then immediately you get this money I will give you a commission of Sh. 30 and the rest of the money will remain with me." That is how the business is run.

Mr. Speaker, Sir, I have got the form with the total number of shares and the names of the people who own these shops as if they belong to them. They are: Bernard Kimilu, as the Assistant General Manager, Anthony Katheka, Sila Mbindyo, Thomas Mulili, Thomas Mutulili, Julius Kioo, Virginia Wangui, Priscilla, Benjamin Kisomo, Judah Waema—those are not Kambas—Benjamin Mulwa, Daniel Mukumu and Mwamilu Mati. These are the people who have gone to this National Industrial Credit Finance Corporation and have signed as borrowers and they have been given—each one has 1,000 shares, out of the 15,000, but in return they only get Sh. 30 as commission and the rest remains with the unworried Asian; it is a favour here—I will give the names to the Minister.

What is happening, Sir, is that this gentleman—

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker, Sir, I would like to seek your guidance here. I thought the Motion was talking about buying properties and businesses, but the hon. Member speaking gives me the impression that he is trying to talk about Africans being used. This is not what the Motion is talking about. From the examples he has given to us about some Africans being used to get loans, surely that is not the terms of the Motion.

The Speaker (Mr. Mati): I think what Mr. Munyasia is trying to do is to show some of the

tricks which are being employed to circumvent the intention of Government. I do not think it is completely out of the Motion. That is my impression.

Mr. Munyasia: If the hon. Member had listened very carefully, Sir, he would have heard what I had said earlier on that these six gentlemen's plots I have mentioned, this is the way these Africans try to embark, first of all, when negotiating to buy property. After finding it very difficult these gentlemen make sure that they become partners with the Asians. Therefore these are the tricks they are using. Although these people have shares worth Sh. 15,000 each plus the money they borrow from the Kenya National Trading Corporation. However, these are not the people who are running the business. This is because what these men get is only a commission of Sh. 30. Sir, if you look at the list of the names of those people who applied for the licences, the name of the business reads as follows: New African Radio House. When you read such a name you think Africans are advancing very greatly. You will not be able to see any trace of the Asian. However, the whole business is run by that Asian under cover. That is what I said. One man owns the whole business comprising of six plots bought by about 30 Africans. That is the request I am putting forward to the Minister. It is up to him to look into the matter. I thought Sir, that the Minister is going, without interrupting, to listen carefully what I am telling him so that he can do intensive research, investigate to see where the truth lies.

Sir, the terms of work—What is happening now is that this cunning guy is asking each partner or anyone working in that shop to give him his identity card. He then produces two photostat copies of every identity card. I do not know why he does that. He gives back the identity card to the person who is running the shop and keeps the two photostat copies, for reasons, I do not know. He may sell or trick them. I do not know what he does with them, but it is up to the Minister to find out what is happening there in that business. That is one condition of the agreement.

Sir, the names of those people whose identity cards have been taken away are as follows: Algon Matheka, Thomas Muriili, Daniel Mukumu, Benjamin Mulwa. If someone refuses to have his identity card photostated, then he is told that he can leave the company because he is no longer a partner in that company.

Secondly, Sir, this man is the one responsible for collecting the National Social Security Fund and he is also the one who collects graduated personal tax. Since the formation of this company

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now it is about six years. However, for your information, Sir, the people involved have not received their clearance forms or certificates.

Mr. Speaker, Sir, I beg to second.

(Question proposed)

Mr. Ayah: Mr. Speaker, Sir, first of all, I was hoping that this discussion would have come from the Government side in the sense that I have always been hoping that a Minister would introduce the necessary legislation or a Bill in this House so that we can correct what is a glaring unfairness going on between citizens of African origin or as the Minister appropriately calls them *wananchi* and the rest of us. The whole idea, Mr. Speaker, or the reason why we are having all these difficulties with particularly the Asians, both citizens and non-citizens is by the queer reasoning we have embedded in our Constitution this whole idea of protection of property or the so-called private property. Throughout the struggle of independence, Africans in this country were hoping that after we had taken our independence from the Colonial Government we would manage our affairs, particularly our economic affairs. During that struggle, Mr. Speaker, Sir, particularly the Asians were busy amassing wealth using the colonial situation to grab every little opportunity they could get in this country so that all of them—nearly all of them—would become extremely rich. It so happened, Mr. Speaker, Sir, also that immediately we got our independence, we ourselves decided to entrench in the Constitution the protection of that same filthy wealth which these people had received through the Colonial Government. This is the very basis, in my opinion, of the trouble we have now. It is necessary for me to suggest, Mr. Speaker, Sir, that the Minister must seek the Attorney-General's guidance on this so that, if necessary, we must see that we amend the Constitution to such an extent that the Africans of this country will have a way of taking away the wealth or the properties and everything that the Asians had acquired during the colonial period. What is the use, in my opinion, Mr. Speaker, if we are going to cry over and then say that we are now independent when we leave the same fruits of colonialism in the hands of the same Asians who have had it for the last 50 years. I am really against this, and I want to appeal very strongly to the Minister, although I know that his hand is also tied just like all our hands are tied in this matter, because of this queer entrenchment we have in our Constitution. It must be changed. Mr. Speaker, Sir, I want to speak with reference to one particular town in this country and that is Kisumu where we find it very difficult to buy property from the

Asians. I want to speak about the Asians particularly, Mr. Speaker, because in my opinion, we have no bigger problem in this country than the problem of finding how to get our rightful wealth from the Asians in this country. Mr. Speaker, Kisumu is one of the difficult towns in this country as far as this is concerned and in my opinion, Kisumu is a suburb of Bombay and Karachi. At the moment, Mr. Speaker, throughout the country, there are some areas where you still find that the Asian has the courage to stand up and say, "I am going to let my property because Government says I can go to India. I can go to England and the money will be coming to me any time and therefore, I do not want to sell my property to you." Now, any one of you hon. gentlemen can imagine what happens in this area and then multiply it by ten to know what is happening. However, there are some very queer coincidences. Every Asian that has been turned away from any part of Kenya before he goes to England or Bombay, he comes to Kisumu. I do not know what is attractive there because I do not see them eating fish. However, they seem to go there—I am glad the Minister says that we should put them in the lake, but if we do so, the first thing that will happen is that the Minister for Home Affairs will come and say that I am taking the law into my own hands. I would be glad to do it but I cannot.

Now, Mr. Speaker, Sir, I want to inform the Minister that what is happening in Kisumu, to a lesser extent, it is happening in every town in this country. His trade officers have had their hands tied because of the law because of this and that entrenchment in the Constitution. I want to appeal to the Minister again, to particularly take a good and serious look at what is going on in Kisumu. Every person who is chased away, even from Mwanza comes in and says, "I am now helping my uncle to trade in this shop," and the following day you find another shop opened in the next street and he says that is an extension of the previous shop. Now, Mr. Speaker, every major street in Kisumu is occupied by Asians and every property there is owned by the Asians most of whom are not citizens.

Mr. Speaker, Sir, I want to move on to the question of goodwill money. Now, Mr. Speaker, we are experiencing a lot of difficulties because of this business of goodwill. Who estimates the goodwill an African should pay to an Asian? This is the basis of the trap. You go to an Asian property owner and you want to buy his premises and then he tells you that he wants goodwill of £3,000. Now, Mr. Speaker, how does he reach that figure? Is it only something that comes out of his dirty mind and he just says, "I want £3,000."

[Mr. Ayah]

We should not be in a position—I want the Minister to make this illegal so that if an Asian wants to ask for any goodwill, an African has a legal way of circumventing this.

Mr. Speaker, the other point I want to make is the fact that the Asians, because of their long history of acquisition, have an advantage over us to the extent that our lending institutions like the Industrial and Commercial Development Corporation are paying a lot of money which they would not have paid had we had the necessary legal strength so that we could dictate and if not dictate, influence the property valuation that is going on in this country. Mr. Speaker, Sir, I am sure that a lot of money that is lent by the Industrial and Commercial Development Corporation to the individual African property buyers could be halved easily if we had a way by which we could influence the Asians in valuing this property. I am saying this because the situation is that the Asian cannot sell his property as he wishes because he knows that if he does not sell the property, he still does not lose it. I am appealing to the Minister to think in terms of how much we would save the little money we have which we are lending to our people through the Industrial and Commercial Development Corporation and other lending institutions, so that more and more Africans are able to buy property.

Mr. Speaker, Sir, the last point that I would like to raise is that because of the nature of property-owning in this country, our Government and our people are, on the one hand and especially the big business communities and property owners, completely separate in racial origin, in their interests and so on, so that very often our citizens are told by these big property owners, “I can easily talk to the hon. James Osogo, can you?” He may even say that he can easily talk to the Minister for Finance and would ask the African whether he could himself talk to the Minister for Finance. Now, we are not going to accept where the non-African property owners are a separate community, a community which is separate because of its immense work and immense ability of owning property because of their history. Mr. Speaker, Sir, we will not be able to correct this until we, as a House and as a Government, have found a way of changing the law so that it is made easier for the Africans to buy property from the Asians. I am saying this because if we have to buy property from the Asians at all, then we must buy it in a fair manner and the only way we can do this, Mr. Speaker, is for the Minister to introduce a Bill in this House so that we can change the Con-

stitution. I once more appeal to the Minister for a change in the Constitution even if it is discriminatory because, after all, we have been discriminated against in this country for so long that it is just about time we practised this just a little to correct the imbalance and also to enable our people to own property in our own country, in our own cities and in our own towns.

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

Mr. Kahengeri: Mr. Speaker, Sir, this is a very important Motion and therefore, the whole House should support it. Mr. Speaker, I remember that since our independence, we have from time to time been discussing business in the city, in the rural areas and in the small towns and our main headache has been the Asian. The right that each individual property owner must be protected is provided for in our Constitution and this is hindering the rapid development of our people. In this House, I hope and I feel sure that we are not working for Asians. We are not working for the people who come from Bombay neither are we working for Europeans, but we have been asked to come here to work for our own people. Therefore, Mr. Speaker, it is this House and the Ministries that will have to take the bold action to amend the Constitution so that every part of our Constitution that hinders the development of the *wananchi* is amended. Mr. Speaker, I can give you another example. If you want to buy a house in Nairobi today and you have cash money, you go to an Asian, you bargain and agree on a price. The next morning the Asian comes to you and says, “I am sorry, I have decided otherwise and I am not going to sell my property.” I have obtained my entry voucher to the United Kingdom and I feel the money will be coming to me and therefore, why should I worry? Again, you go to another Asian, he agrees he is going to sell his property to you and then you go and fill in the necessary forms in the Industrial and Commercial Development Corporation. After that you go and look for a valuer thereby spending more money after paying some fee to the Industrial and Commercial Development Corporation and after you have spent about Sh. 2,000 the Asian comes to you and says, “I am sorry, I am not going to sell my property.” Well, the Government has no way of protecting you. You have lost your money and there is no way of compelling the Asian to sell his property to you. This is injustice to the people of this country. If the Ministry is working for these people—the people of this land, then, when an Asian gets into a contract with a person, and the person in question has

[Mr. Kahengeri]

been promised by the Industrial and Commercial Development Corporation to have the building valued, then that Asian should be compelled to sell that building to whoever has incurred

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

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

expenses for the valuation. Another example, Mr. Deputy Speaker, Sir, is this: an Indian is given a quit notice in River Road. If you go there he tells you, "I have been given the quit notice but I am not prepared to give you this shop." If you ask him "Why are you not going to give me the shop? Are you not leaving a vacuum while business is wanted to be carried in this shop?" Mr. Deputy Speaker, Sir, he tells you, "This is my building, why worry. I will close the main doors and go through the back." This is what they do, Mr. Deputy Speaker, Sir. There is no way by which Government can compel this man to give that shop. Therefore, it is my firm suggestion that if the Minister for Commerce and Industry is going to help the people of this country he should bring up a Bill that would compel whoever owns a business premise, to give it out in the first place when they get the quit notice. It is not the question of negotiating or saying I will give or I will not give. The Government in this country, which I think is the Government now ruling should take this action.

The other thing, Mr. Deputy Speaker, Sir, is about Asians who are living in the outskirts of Nairobi, say, in places like Ruiru, Thika and other outlying places. It is high time that we had a firm law. By that I mean, when we say that there is no Indian or any non-citizen who is going to get a licence in Kiambu, why should we have all these bargains that an Asian has to go to the Ministry, he has to go to the Trade Officer, he has to go to So-and-so, for negotiations? If we say a non-citizen is not wanted in Ruiru, that should be so, and he should pack up and go. There is no need saying we do not want an Indian or a non-citizen in Kiambu and then he goes up to the Ministry and says, "Well, I have a big stock that Africans cannot buy." This is what they say, Mr. Deputy Speaker, to some people in the headquarters here. I hope the Minister for Commerce and Industry will listen to that. They give in any time. Africans are prepared to buy the building only tomorrow morning to find a note from the Ministry saying, "He can be given a licence." Oh! This is the matter that the Ministry of Commerce and Industry has to look into.

The other thing is about the Industrial and Commercial Development Corporation and the Kenya National Trading Corporation loans. These were the bodies that were established to help the African people. If we have licences usually held by non-citizens or non-Africans—I prefer to say non-Africans because I do not believe in these paper citizenships as they are called. A licence held by a non-African—it is an import licence and when we say that these goods are not going to enter Kenya any more, then, whenever we require them, these licences should be given to the African businessmen. These people should also be protected. We have a lot of industries down at the Industrial Estate and these people are being put out of business by these Asian businessmen here in Nairobi who have the ways and means and who have big balances to bring the goods in, in whatever way they can and in most cases, smuggling. Therefore, it is the duty of the Minister, if really he is working for the good of the people of this country, to bring in a law because our people will not really be helped by competition. It will be of no use for the Ministry of Commerce and Industry to say business is open to all in the country and therefore every man or woman who wants to trade can go into business. Asians, if you do not know I will tell you, Mr. Deputy Speaker, have a lot of money. They have been stealing the wealth of this country for over 50 years they have been here. They are able to under-cut our African businessmen. They can under-cut them for ten years to come and, therefore, no one from among ourselves—by that I mean Africans—will be able to compete with them. Therefore, the saviour of our people is a law and a law with a full stop that non-citizens—non-Africans, I had better say—in a particular street in Nairobi will be given licences, full stop. This is the saviour and if the Minister is here, he had better note that.

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

Mr. Nthenge: Thank you, Mr. Deputy Speaker. This is a Motion which is long overdue and if something is not done very soon in this matter, it will make we leaders look like stooges of those rich people, who are of non-African origin, in front of the eyes of the general public who elected us.

First of all it is very well known to the legal profession that goodwill is an illegal action. However, despite all that it is going on daily and our people are being exploited. There is no other way of preventing exploitation other than Government getting into the business of preventing

[Mr. Nthenge]

sales in any way one likes. As a matter of fact, the Trade Licensing Act now is not operating in the way it was intended by this House. The wish of this House is not fulfilled by something small which can be corrected by the Ministry of Commerce and Industry. You will find that people who are issued with quit notices—I have one, who is my neighbour, who was issued with a quit notice and within a short time he changed a few technicalities and now he is trading very freely. They changed the business and now it is being run by the same directors. All sorts of tricks are being used, Mr. Deputy Speaker, Sir.

An hon. Member: How many?

Mr. Nthenge: Plenty of them, Mr. Deputy Speaker, Sir. Therefore, I feel there is a need for amending this Motion, Mr. Deputy Speaker, so that we can give Government a stronger hand to handle this situation. Immediately a quit notice is given the matter should be in the hands of Government and Government must ensure that the right thing is done to stop exploitation. Therefore, Mr. Deputy Speaker, Sir, I beg to amend the Motion so that it reads:—

THAT, in view of the fact that the Africans who are anxious to get into business are finding it extremely difficult to negotiate with non-citizens served with quit notices to purchase their properties, because of raising the value of such properties with the intention of exploiting Kenya citizens by demanding goodwill money, this House urges the Government to establish a body through which businesses of non-citizens who get quit notices must be sold to prevent exploitation and ensure that Africans get the first priority.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, normally a Member moving an amendment to a Motion tells the House which words he has left out and which words he has put in the place thereof.

Now, with due respect to the hon. Member, can he tell us what he is doing?

The Deputy Speaker (Dr. Waiyaki): Yes, I will explain to the House when it comes to that stage. At the moment I think the hon. Member does not have an exact copy of what he has submitted to the Chair. When we come to that I will explain exactly what he has done.

Mr. Nthenge: Now, all I am saying is that after the word "Government" in the second line from the bottom, cancel all the other words and insert the words I have put in. This will enable us to

have a body and immediately the quit notices are given to non-citizens, this body looks after the selling of these businesses and makes sure that the Indian does not go and cheat an African and does not, at the end also, go round and look for his own brothers and put them into the business. These are the two things that I want Government to be able to control and it cannot do it otherwise. This is because if you are left alone and it is free sale—sell to anybody you like, sell it in the way you like—all what the Asian will do is to go and change the name and get his grand-children become the directors thus defeating the purpose of the Trade Licensing Act. That is why now the streets of Nairobi which were supposed to be Africanized are not yet Africanized. Even those which look Africanized, Mr. Deputy Speaker, I am afraid to say—inside, if you go deep, you will find that they are not yet Africanized. All they have done is to take new faces and put them in. So, I want a body appointed by Government or established by Government which will have the duty of ensuring that the business being sold is sold at the right price. There should be no question of goodwill, because goodwill is not there; it is improper. He has already made a lot of money from our own people; he came here, possibly, a very poor person and now he is a rich man; why does he want some goodwill money? It is the Government telling him to stop his business; he is not selling it because he wishes to do so and, therefore, he is not entitled to goodwill money. Let him deduct the cost of his goods, the cost of the furniture, less the devaluation because some of the shelves being bought by Africans have been used for ten years, and they are being sold as if they were new. This is exploitation, Mr. Deputy Speaker, and I feel we must go into the affairs of these rich non-citizens, when they wind up their businesses to make sure that this is done without exploiting our people.

Secondly, the other thing which, we, as Government must do, is to make sure that only Africans get first priority; why do I say this, Sir? It is because we have seen it—They either go to Africans who have no money and, they pretend they have sold the business or they go to their own relatives, and make sure they get their own brothers. Then what happens? The Minister for Commerce and Industry can never enforce, on behalf of *wananchi*, on behalf of the Government, the wishes of this House.

Therefore, with this body—The body itself will have a duty to make sure that a buyer is an African, whether liked by the seller or not, whether known to the seller or not. All we want is an African person, and a non-African citizen

[Mr. Nthenge]

should only be allowed to buy a business if no African is willing to buy it, and at the right price. A lot of business is for sale, if you are an African, you are told, "It is selling for Sh. 1 million"; when an Asian goes there for the same business, he buys it at Sh. 500,000. The only idea of you being told to buy it for Sh. 1 million, is to turn you back, until he finds an Asian to buy it, and quite often, he becomes a partner in that same business. Although he goes to Britain, he is still a partner in the same business. They cleverly arrange all these things, and you then find we are being defeated, Mr. Deputy Speaker.

Here, I must state, Mr. Deputy Speaker, that we were put into this position by a political move. The Colonial Government did not allow an African to go into business, unless he had cash; he was not allowed to borrow more than Sh. 2,000; he was not allowed to trade in certain areas; these were policies based on racial basis, and we can correct these anomalies, Sir, and I wish this to be taken seriously by the Minister for Commerce and Industry, and he should tell the Cabinet, that it is only a political move that can do this. A political move will correct the other political move which placed us where we are. You just walk in the streets of Nairobi: if you have a visitor from another country, you are ashamed of yourself because you do not know whether you are in Madras or you are walking in the streets of Calcutta. It is very embarrassing—Some of the Africans coming from the rural areas to Nairobi, are surprised; they think they are in India. One wonders, "Am I in Bombay?" He thought he was going to Nairobi where Africans are in power.

We have had these problems, Mr. Deputy Speaker, because of these non-citizens entrenching themselves in Kenya. We have even had our own Ministers, appointed by our own President—the top man in this country—being belittled in a small shop, just because these people control the economy. This can only be changed, Mr. Deputy Speaker, by applying politics. There is no two-way traffic there: it is only one-way. If we want a change, it must come politically. Let us be told we are being unfair, but at least, let us change our country, so that it can look like our own. The fact that some people have more money, which they have obtained of exploiting our own people should not make us remain under them; being controlled by them just because they have more finance.

Mr. Deputy Speaker, Sir, I beg to move the amendment, and I hope that the Government is going to accept the amendment because it is essential to make a change.

The Deputy Speaker (Dr. Waiyaki): Who is seconding the amendment?

Mr. Karungaru: I am seconding the amendment, Sir.

The Deputy Speaker (Dr. Waiyaki): You have only three minutes in which to second before the Minister is called upon to reply.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I am seconding the amendment because it has expressed the right sentiments and this House and this country is very much behind it. Sir, it is true that a lot has been said but it is also true that some other points have not yet been raised. For example, we understand there is the Trade Licensing Act. In my own interpretation this does not work at all. You give a quit notice today, telling a person to move from here and you find him moving over there. There he is given a licence to run industries. You may call it textile industries, mail industries or call it whatever you want to call it. This Asian becomes a manufacturer and at the same time a wholesaler and at the same time a retailer in the same premises. This is because the Minister concerned has allowed some of the civil servants to misinterpret the intention of the Trade Licensing Act that we passed here. Now, this Asian becomes an exporter and an importer at the same time. What are we doing? It makes a mockery of the whole thing and it is only fair that the whole Act is completely repealed. It should be repealed so that the committee that we want to establish, the tribunal court what we want to establish will be responsible for repealing all other licences that have been issued to some of the unscrupulous non-citizens because there cannot be any other way out by which we can solve the problem we now have in this country.

Mr. Deputy Speaker, I do not know where we are. I sometimes think that we are in London. I sometimes think that we are in Bombay; particularly when I go to Bazaar Street which they even call Indian Bazaar Street. This should not be Indian Bazaar Street. It should be Kenya Bazaar Street; and it should be African Bazaar Street rather than being Indian Bazaar Street. Sir, if we have, therefore, to co-ordinate with the person who has amended this Motion—and in doing so—surely we are going to get somewhere.

With these few remarks, I beg to support.

The Deputy Speaker (Dr. Waiyaki): I will now put the first part of the amendment, that the words after the word "Government" in the second last line of the Motion be left out.

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

[The Deputy Speaker]

(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)

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. Waiyaki): It is time now for the Minister to reply if he wants to take up his full twenty minutes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, in view of the seriousness of this Motion, I wonder whether it would be possible for you to give us extra time so that we can propound on the amendment?

The Deputy Speaker (Dr. Waiyaki): It is up to the House to decide. I have to seek the leave of the House. Do hon. Members agree to extend the time? Yes, it appears we have the consent of the House.

Perhaps, then, we could have another 10 minutes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, in the first place I would like to thank you for having noted our sentiments and expressions.

I stand to speak on the Motion, particularly on the amendment. Anybody worth the name "representative" of his people will have to accept the amendment. However, if he is representing himself, then he can reject the amendment. I say so because I represent the people who are being exploited. The memories of the past, Sir, linger in my mind, especially when I see what is going on. We have a problem here which is of our own making and which is enshrined in our Constitution, namely, we are supposed to give citizenship to those that apply for it. I do not have any quarrel with that but the effect, the result of what we are doing is quite surprising.

Mulji Haji is given a notice by our Minister to quit. All Mulji Haji has to do is to look for somebody, say Nanji to transfer the business to and then he sits on one side. The Minister feels he has done a job, he honestly feels he has done a job but he has not done a job because what Mulji Haji has done is, he has moved aside and let the business be transferred into the name of another person. His business goes on. Under the Immigration Act, section 18, Mulji Haji is allowed to move from point X to point Z and from point Z back to point A. He has that freedom and that is the big loophole. That is what is frustrating the Africanization of trade in this country.

There is yet another big thing which is going on. For the information of the House there are those known as the Ismailis here, they are 99.99 per cent citizens. Sir, these people, during the colonial time exploited us. You know, Sir, I do not have to repeat, those days how things went. It was the European first, the Asian second, the Arab third and, sometimes the Somali fourth. We were number five. They had a nice time, they enjoyed themselves, they exploited us. Now that we are independent we have forgiven them their sins, the sins they committed against us. We have also given them citizenship of this country. This wealth they acquired through exploitation during the colonial times is with them and when Mulji Haji has to sell his business, because of the money they acquired during the colonial times, they put up the price of the business we are trying to buy so high that an African cannot afford to pay for it. So the whole thing shifts into the hands of the Ismailis. These are the people who are "paper" citizens. The poor African sits there gaping. The other one says, "I am a citizen". Some of them are even in this House, Mr. Deputy Speaker. The hotels in this country— Take my hon. friend, Jan Mohamed. Was he with us in the struggle for independence? Today, through him and others, they can go on exploiting this country.

Mr. Karungaru: But you allowed him to sit on the Front Bench.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Sir, there is a limit to everything. Today, Mr. Jan Mohamed is the Chairman of the hotel organization. The mistreatment we get in these hotels is abominable because they are citizens.

Mr. Karungaru: Shame!

An hon. Member: Where is he?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I do not know where he is.

However, the point is this: the black man of this country one day will say, "So far and no more." And woe to them that exploited us and still want to continue to exploit us.

Leave alone the businesses but take the buildings. A building put up in 1927, they are selling it at the price it can fetch in 1971, which an African cannot afford to pay. It is only the Ismailis and those other "paper" citizens who can buy it. Now, Mr. Deputy Speaker, where is the African? He appears as if he is looking at a tree which is laden with fruit, he is admiring the fruits wishing they could fall so that he could take them. Wishes, Sir, as you know, are not horses, otherwise beggars would ride. Now, we

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must stop wishing and the only way to stop wishing is to accept that there must be a body so that when hon. Osogo gives a notice to Mulji Haji or Patel, or even Ramchand to quit the premises, immediately after he has done so the business and the property is transferred to this body. It will then be the responsibility of this body to set the cost price of everything in that shop and let the original owner be not given one single minute to go and consult with other Patels, Ramchands and so on in order that he can exploit the person who wants to take over his business.

The same thing should apply to the houses in this country where there is a lot of exploitation by the foreigners here. Somebody may say, "Why is he saying this when he is an Assistant Minister? Why does he talk like that?" Mr. Deputy Speaker, I will never be an Assistant Minister unless I am elected by the Butere people. Our Constitution is such that not any person, anywhere can become a Minister unless he has been nominated or elected. I am not nominated, I am elected. I am here to speak the minds of the people. And I am not only speaking the minds of the people I represent because even Mzee himself said that the trade must be transferred into the hands of the Africans. I am, therefore, expressing the policy of the Government. That is the biggest politician that woman has ever produced, Mzee Jomo Kenyatta. Who will ever produce a similar politician?

The business must go into the hands of the Africans and to do that we must form this body to ensure there is no exploitation. When we sack these fellows from these businesses— The Immigration Act must be amended to read that once a person has been given a "Quit Notice" his property must be placed in the hands of this body. The owner should not be allowed to become a director in another place. He should be put on a place or find some way out of this country. That is the only way in which we can put this country straight. However, so long as the Immigration Act, section 18, remains as it is—which allows them to move from point A to point B—we are wasting our time and energy in this House, and we are not serving our people at all.

Therefore, Mr. Deputy Speaker, it is my sincere hope that once we pass this Motion we will not waste any time. We should go ahead and implement it. And let it be known to our Members here, those who tell these people, "Do not worry about what the people say in Parliament." You see some of the top civil servants, some of the big chaps say, "Do not worry about what the

Members say in Parliament. Ignore that." Let it be known to the foreigners and the "paper" citizens, from today, that those leaders, those Ministers, those civil servants or those Members of Parliament that assure these people that what we are saying here is *bure* that the security of this country depends on the masses and not on a few individuals. One day, if there is a fight, all those leaders will be beaten up.

Sir, this is what they should get firmly into their heads now.

With these few remarks, Mr. Deputy Speaker, I beg, strongly, to support the amendment.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, the original Motion and the amendment have both good intentions. However, I would like to inform the House that there are problems in accepting this Motion as amended and I had assured the hon. Mover that I would neither reject nor accept it as it was in the original form for reasons I am going to give. But now that it has been amended and it is a pity, Mr. Deputy Speaker, that it has not been proposed and adopted so. I do not know which one we are debating and which one I am supposed to answer.

The Deputy Speaker (Dr. Waiyaki): You are able to debate on both the original and the amendment together because of the shortage of time.

The Minister for Commerce and Industry (Mr. Osogo): That still puts me in a more difficult position, Mr. Deputy Speaker, as to which one to accept or which one to reject.

However, Mr. Deputy Speaker, Sir, to be very serious on this point, the hon. Member for Kisumu Rural spoke on a point that was very, very important, that the criteria of the whole matter of the problem we have is in our Constitution. It is always referred to in all spheres where this matter arises. Whether this amendment proposed by the hon. Nthenge is accepted or not, it still hinges on the Constitution. You cannot do it otherwise. Mr. Deputy Speaker, Sir, there are two ways of amending the Constitution in this House: one is by the Government proposing the amendment and the other one is by the House passing a substantive Motion to change the Constitution. These are the two open ways and the hon. Members can see which one to follow. We cannot, Sir, as a Government, take business and give it to a body as suggested here, for it to be given to our people.

The reason for this is that Government does not have the money to do that as it did in the land transfer case. At our independence, the land of the non-citizens that ran away was taken by

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Government, given to a body, the Agricultural Development Corporation and then that was passed on to our people. The British Government provided money—you can remember the one million-acre scheme—to buy out those farmers. The Government in its own—

The Deputy Speaker (Dr. Waiyaki): Order! The amendment does not call for what you are trying to describe. It merely says, “. . . to establish a body through which non-citizens with quit notices must sell their properties”. In other words, it would be an intermediary.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, I was in fact, going to that. This body, actually, exists. However, what I was explaining is that what was being suggested in the amendment exists.

An hon. Member: Where is it?

The Minister for Commerce and Industry (Mr. Osogo): I have that body in my Ministry, Mr. Deputy Speaker.

What I am trying to explain is that the Motion talks of property. But I have informed the hon. Mover that property, as such, is not the responsibility of my Ministry. Property means a building and if one wants to buy a building—a shop—one has to negotiate with the owner. The owner can agree to sell that property or not agree to sell it. Members may not know, but it is true that most of the buildings in Nairobi City, which are called properties in this Motion, belong to Africans. Most of the Africans have bought these buildings. It is the traders inside those buildings that we should be tackling. If Members do not know this, then I should tell them. Most of the buildings, even on Bazaar Street, which the hon. Member for Embakasi called “Indian Bazaar” belong to Africans. If they do not know, I can assure them that that is the case.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir. What is the Minister trying to do by saying that the Indian Bazaar is Africanized; is the Minister implying that the so-called “Indian Bazaar” is now in the hands of Africans because they have bought some property there, which I believe they have not?

The Deputy Speaker (Dr. Waiyaki): Are you sure that is what he said?

The Minister for Commerce and Industry (Mr. Osogo): That is your belief. However, the fact, Mr. Deputy Speaker, Sir, is that the buildings—the shops—and not the people who trade inside them, they are numbered, most of them belong to the Africans.

Mr. Karungaru: Since when?

The Minister for Commerce and Industry (Mr. Osogo): You will be surprised to learn since when this happened but, that is the fact. You can go and check from the Commissioner of Lands and you will know. Sorry, Mr. Deputy Speaker, Sir, it can be checked with the Commissioner of Lands but, it will be found out that quite a number of Africans have bought those buildings already. So, that renders this Motion actually senseless because it refers to those property owners to whom we gave quit notices. I should like to remind the House, Mr. Deputy Speaker, Sir, that we never give property owners quit notices; we only give them to traders, not to property owners. This is because property owners are the owners of those buildings and we never give those notices. We give them to the traders who are trading inside the property and this is what we do if a case is referred to—

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir, can we get clearance here of the language. Is the word “property” not a wide word which includes stocks and many other things; and not only buildings because, here, Mr. Deputy Speaker, we are only getting one interpretation of the word “property” as if it only means “buildings”. Stocks are also property to my understanding but, anyway, I am seeking your guidance in case the Minister might be right and I am wrong to think that it is a wider word and he is trying to minimize it.

The Deputy Speaker (Dr. Waiyaki): Yes. Well, in the general sense, everything that one owns is his property.

Hon. Members: Hear! Hear!

The Deputy Speaker (Dr. Waiyaki): Order! Order!

However, in the commercial sense of the word, which is what I believe the Minister is concerned about, the word “property” in its strict commercial sense applies in this case to—at least as far as the Trade Licensing Act is concerned—business and not to the actual buildings in which the businesses are run.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, I am speaking with the Trade Licensing Act in mind and these two words are defined in the Trade Licensing Act. The other word I am going to refer to is “business”. It is called business, not property. These are the ones we will deal with.

Mr. Deputy Speaker, Sir, we give quit notices to owners of businesses, to close up their businesses because they are not Kenya citizens. This is what we do and if anybody wants to buy these businesses and refers to my Ministry for

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assistance that he is interested in buying a business from Mr. Kapoorchand, whom the hon. Member for Butere referred to, we have a way of forcing Mr. Kapoorchand to sell that particular business to that particular individual. We have powers to do that.

It has transpired, Mr. Deputy Speaker, Sir, that two Africans normally try to cut each other; one having more money than the other and approaching the same individual to buy his business because he has been given a quit notice. Therefore, what has happened is that the man who demands goodwill will go to the man who is bidding the highest. Now, for this sort of thing, we have ways of protecting our people who are treated in this manner. What happens is that they only need to approach us and when I say, "us", I mean the Ministry of Commerce and Industry, and we will make sure, Mr. Deputy Speaker, that whoever that Asian deals with, if he sells that business to him, the man who buys the business, be he a Kenya African—whom I call *mwenye inchi*—or a Kenya citizen—whom I call *mwananchi*—will not be licensed in that premises. We do this, Mr. Deputy Speaker, Sir, and I have enough information. I have, Mr. Deputy Speaker, Sir, for example, if I may quote a number of cases: We gave quit notice in 1970 to Calico Clothing Factory on Ngara Road, Nairobi. Now, this Asian refused to negotiate with a certain African who wanted to buy the business. The African approached my Ministry, and we told the Kenya Calico Clothing Factory that we will not license any other person except that man until he proves to us that that man cannot produce the money he wanted, after we assessed the price of the goods he had, through the Industrial and Commercial Development Corporation. Now, he had no alternative but to give up that business to that African who first approached him although there were two others who came to him later and were also Africans.

Another example is the Shantilal Brothers on Njugu Lane. They also became difficult and he wanted to transfer their business to a Kenya citizen of Asian origin. We warned them after the African who had first approached them came to us. The group of Africans who came to us is the Nyakio Textiles; they are Africans. We warned this Calico Clothing Group that we would not license any other person except the Nyakio Textiles in that factory. He had to come down and give that shop to Nyakio Textiles whom we licensed.

There was another case of M. M. Shah on River Road. It is handled in the same manner.

So, Mr. Deputy Speaker, Sir, it is actually some kind of ignorance as to where to go when such cases happen because if they come to my Ministry—and I am here, if hon. Members have cases they should bring them to me—they will be assisted. It may be in two weeks' time, I might give quit notices. Now, it is up to hon. Members—I am arranging to give a copy of the list to the Clerk of the National Assembly for him to put in an appropriate place for Members to see who have been given quit notices, and where, so that they can inform their constituents—and the general public to know, when they are trying to negotiate, where to go so that they are not exploited. Mr. Deputy Speaker, Sir, we go out of our way to help cases that come up. There are cases that have come up involving Kenya citizens of Asian origin. These are difficult cases to deal with and whoever wants us to deal with them has only to amend the Constitution by proposing a Substantive Motion to amend the Constitution.

I was coming to a case raised by the hon. Member for Kisumu Rural where he says that Kisumu has turned into a place where Asians, who have been given quit notices elsewhere, go. I can promise this hon. Member that if what he said is true and, of course, I will need detailed information from him—we have promised to go and speak about it outside this Chamber—I would instruct my trade officer in that area to take note of these particular individuals and whether they are in shops belonging to citizens of Asian origin. I will have to use appropriate measures to refuse those licences.

Hon. Members: Hear! Hear!

The Minister for Commerce and Industry (Mr. Osogo): The hon. Member for Kisumu Rural has promised to see me about the matter.

There was also a case which took a long time of the Seconder of the Motion. Mr. Speaker, Sir, this one had nothing to do with what the Motion is asking. The Motion is asking for the type of the goodwill, we have refused, as a Government, for our people to be exploited. However, the Seconder of the Motion dealt at length on the type of window-dressing which His Excellency the President has condemned time and again and has gone as far as calling these people prostitutes. These are the type of the Kamba people he mentioned who are in partnership with the New Radio House and other chain of shops; they are the type of people we are looking for. If the hon. Member—unfortunately he did not put on this Table the list of the names he read—hands me that list, I would go into the matter and if I find

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it is a window-dressing type of thing, I would refuse or withdraw the licences should these have been given licences. However, Sir, the problem we have, this type of information is not brought to us. There was a case in the Hilton Hotel where an hon. Member, I think it was hon. Kivuitu or hon. Mulwa, brought the case to me. Now, I decided not to license anybody going into that shop until the Hilton Hotel come to terms with the Kamba Carvers. They are now satisfied. They wrote to me certifying that they had now agreed with the Kamba carvers on terms with the Kamba carvers. They are now because the case came to us. Mr. Deputy Speaker, Sir, if cases are not brought to us it becomes very difficult for us to deal with them.

The hon. Mover of the Motion quoted the case of James Kibera. That particular case came to me and I handled it personally. However, there was a breach of agreement which was referred to us by Mr. Kibera after the breach of agreement had already taken place. In that case they had only to go and take legal action because there was nothing else that I could do. However, if the case was referred to me before the breach of the agreement was committed, I would have taken appropriate action.

The former Member of this House, Mr. Waira Kamau has a case in Ruiru where he wants to buy a business and property but the Asian concerned with the deal is becoming difficult because he wants to transfer it to another Asian. I have refused to licence any other person in that place except Waira Kamau and this will stand unless and until I am told that he is unable to produce enough money, or the necessary money to buy that property.

Mr. Deputy Speaker, Sir, my only appeal to hon. Members is: should there be cases of that nature my Ministry should be informed wherever it is through the district trade officers. Whenever they bring such cases to us we always deal with them. We know how cheeky Asians are. We have known that the Trade Licensing Act is almost becoming useless because what Asians are doing now is that they are turning all the businesses over to their sons who are Kenya citizens. However, I have other ways of trying to deal with them. I think I should be given time because the first notices were "1970 notices". I would like to warn the fellows who are continuing to trade up to now that an exercise is being carried out, and I am going to be informed by next week who have actually closed, who have sold these businesses to Africans, and who have refused to close. We

are going to deal with these ones in a major exercise using the police if need be.

As I said earlier, in my speech, the Motion is difficult for me to decide which one to accept but I would like to inform the hon. Members that the Government has noted this Motion. Since I have promised I will not reject it, I will not amend it because I do not deal with property; and again I will not accept it either though the Government has taken a note of it and the actions that are proposed in the Motion are currently being taken by my Ministry.

Mr. O'Washika: Mr. Deputy Speaker, Sir, at this stage, I am going to be very brief. I would like to thank my hon. colleagues who have made very valuable and wonderful contributions to this particular Motion which is important. Special thanks are due to hon. Nthenge who has proposed amendments with which I have no quarrel because they have been accepted.

As far as this Motion is concerned, I am sure that a case has been made and has been well established. I am sure that the Minister for Commerce and Industry Mr. Osogo, though he does not reject the Motion or be persuaded to make an amendment to the Motion, has made a note of this Motion as he says and no doubt the Government will act on it since he is an African Minister who knows the trend of events in this country and understands exactly what the situation is today.

However, there is one thing which I would like the Minister to do, having been appointed by His Excellency the President, he should have made his position very specific: that he will embark on the Motion in view of the sentiments that have been expressed by the hon. Members with regard to this particular issue.

Mr. Deputy Speaker, Sir, we know that Asians in this country have played many tricks which cannot be accepted in an independent Kenya. As has been said by hon. Members these people apply for citizenship after receiving quit notices but before they are served with the quit notices they can never do so at all; and even after being served with the quit notices and Mr. Shikuku said this, they bring their next of kin and take over the business.

In my original Motion I used the word, "Property". The Minister has tried to explain what, "Property" means and what "Business premises" mean. Mr. Deputy Speaker, Sir, according to the Minister who said that if one went to Bazaar Street, one would find that most of the buildings there are owned by Africans; if that is so, these buildings must have belonged to somebody else, who was not an African, before the Africans

[Mr. O'Washika]

took over. I can rightly say that those people were not happy about the Africanization. Now, assuming that what the Minister said is correct, that all the quit notices are given to an individual fellow trading in the town, if a quit notice is served to him, and it happens that he is the owner of that particular building and an African wanted to buy it, what does he do? Therefore, the two things really work together and that is why I had put them together in my original Motion. When we are trying to fight this particular issue, the Asians are also trying to make it extremely difficult for an African to enter into business because they put a condition that the African either buys the building so that he can trade there or not get the business. Again the price they sell these buildings, is too high for an ordinary African to afford.

Mr. Deputy Speaker, Sir, the only thing that the Government can do is to change the Constitution and the Minister has indicated how this could be done. I am sure if the Minister wanted to help this particular House, he could do so. He should move such a Motion in this House and we shall consider it and then there will be no need for us, Members, to move this kind of Motions.

Mr. Deputy Speaker, Sir, these people have been messing about a lot with Africans. Their dealings are very well known in this House and the time has come when a law should be enacted in this Parliament. It is a shame on the part of the Africans that we, as leaders, the elected Members of this House come here and talk, talk and talk and keep on repeating the same things here. I remember such a Motion was moved and passed in this House by the hon. Member, Mr. Mutiso-Muyu, Member for Kilungu. My Motion is very identical with that Motion which was passed in this same House some time back. If we keep on talking and no action is taken, especially when they read this in the papers tomorrow, they will always be saying that we only keep on talking and nothing happens. If we mean business, and it is our duty to do so, especially the Minister for Commerce and Industry, we can have a law enacted in this House to deal with these people properly. Where these people should go after they have been served with quit notices should not be our concern, at all. They can go anywhere. They may leave this country if they so wish.

Mr. Deputy Speaker, Sir, the amendment which was moved by the hon. Nthenge is an appropriate amendment. There should be a body appointed to look into this matter. According to the Minister, such a body is already in existence

but, as far as I know this body is not effective. The Minister also said that in the meantime, he is going to circulate a list of those non-citizens who have been served with quit notices. It is my submission that time is overdue. This should have been done a long time ago. If the Minister had done this before, this particular issue should not have come to this House. However, I am pleased that the list will come so that each Member knows the particular Asians who have been served with quit notices in his area so that he can be dealt with. It looks very awkward, if I may indicate, that a chap has been served with a quit notice and then after a month or so, this same face is still seen in that particular premises. This should not be allowed to happen.

Mr. Deputy Speaker, Sir, now that my colleagues have contributed so much to the debate and many points having been made in the presence of the Minister himself, I do not wish to repeat what has been said.

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

Resolved Accordingly:

THAT, in view of the fact that the Africans who are anxious to get into business are finding it extremely difficult to negotiate with non-citizens served with quit notices to purchase their properties because of raising the value of such properties with the intention of exploiting Kenya citizens by demanding goodwill money, this House urges the Government to establish a body through which businesses of non-citizens who get quit notices must be sold to prevent exploitation and ensure that Africans get the first priority.

Mr. Migire: On a point of order, Mr. Deputy Speaker, Sir, this Motion has now been passed although the Minister for Commerce and Industry has been against it. Would it not be in order if the Minister who is responsible for this tells this House, or promises this House that he will act in the manner in which the Motion has been passed in this House? Mr. Deputy Speaker, Sir, why I raise this point of order is because sometimes when the Minister is against the Motion and it is passed in this House, he goes to the Ministry and sits on the Motion. This will not be a good thing to this House.

The Deputy Speaker (Dr. Waiyaki): I think Mr. Osogo said that the Ministry is not, in general, against it. He took note of what was said.

✓ MOTION

AFFAIRS OF THE UNIVERSITY OF
NAIROBI

Mr. Mwangale: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

[Mr. Mwangale]

THAT, in view of the fact that the University of Nairobi which was established in July last year started on an unsound and improper footing, and in view of recent events indicating inefficiency and poor administration which have created unnecessary frustrations and animosity: this House urges the Government—

- (a) to dissolve the present University Council and appoint a new one with membership on a provincial basis;
- (b) to appoint a commission to inquire into the affairs of the university with a view to making recommendations for its smooth and efficient running;
- (c) to establish more constituent colleges which are geographically dispersed throughout our Republic.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, is the hon. Member in order to speak from the Front Bench?

The Deputy Speaker (Dr. Waiyaki): Yes.

Mr. Mwangale: Mr. Speaker, Sir, I hope you will give me a little more time in view of the fact that my time has been taken by these points of order.

Mr. Deputy Speaker, Sir, the Motion before the House is very clear-cut. It is one of those Motions which should be discussed with the least emotion but with a lot of understanding, a lot of consideration and a lot of sense of judgment. I have proposed this Motion and I hope that the House will continue to take a keen interest in the whole educational set-up in the country and by his, I hope that hon. Members will produce more Motions on the various aspects of our educational system. First of all I want to appeal to the Minister for Education and the whole House to be quite sincere, very sincere in approaching this problem concerning the university because it is a university that all of us—at least those of us who have had the experience of being in a university know that it is a university that is young, a university that has been carved out of a technical institution, a university which, when you look at the physical as well as academic departments, it is a university, in fact, that is not yet a university.

Therefore, when I discuss this question of the University Council, the commission to be appointed and all about the constituent colleges, I say this with a hope that this House and Government will appreciate our concern for the betterment of our educational system and that

they will, therefore, be able to join us in finding a solution to the problems of the university.

As I pointed out, Mr. Deputy Speaker, our university, today, suffers from various angles. First of all, let us look at the physical developments. The university has no campus whatsoever so it cannot develop that much as a monolithic institution but an institution that contains all the faculties, all the departments in one whole unit; as a result of which, those of you who are aware, the university is scattered all over the place. One part, which is even very close to the Central Police Station—I gather that police station has been in the area which the university has used to cop out students when there is trouble. Basically, the students have been rather insecure because they know that the police can simply cross one road and they will be ousted, clubbed down and copped out. The second point, Mr. Deputy Speaker, Sir, is which hon. Shikuku has mentioned, which has a lot of sense in it although he makes a lot of mistakes. However, just listen to what I am going to say. The second part, Mr. Deputy Speaker, Sir, because of the lack of a campus there has been this tendency of departments being scattered in various places, but also for these departments or faculties to grow up as if they were independent units—not as a part and parcel of the university. I think, Mr. Deputy Speaker, Sir, the whole direction of development of university education, and if we look at the very seat of power, the very seat of education for the whole country then this has to be re-examined. The only way in which this examination could come about is through the same method, I believe, other universities of our sister countries used; this is by the arbitration committee appointed by the then President of Uganda, Dr. Milton Obote and the President of Tanzania which looked into the whole objectives of the university education in developing Uganda and developing Tanzania. Indeed, they came out with suggestions which have been incorporated in the status of those universities. What we need, I think, and I am suggesting to the Minister, His Excellency the President should also consider, as a matter of priority, the appointment of an arbitration committee or commission to look into how we would like our university to develop, or the character of our university. Now, as you are also aware, Mr. Deputy Speaker, Sir, when you look at the student population and the way they live today, they live in what I consider slums. Of course, let us accept it. For students to live in a university is a very privileged position. That is not questionable. However, the thing is this, in a place like the university here where the students are scattered all over the place because

[Mr. Mwangale]

of the lack of accommodation and they are squeezed together so much that they cannot possibly read as well as they should read and study; where the social contact between the staff and the students and the administration is in a very low state, how would you go about it? I am not suggesting by any means that Mr. Mwangale has the solution. What I am suggesting is that the solution would lie in a committee or a commission being set up that could study the whole problem of our university.

Looking at the academic environment, and I have spent quite a lot of time with some of the staff, students, teachers and the officers in the Ministry to just look to what has happened so far. Some people have said that it is very difficult to divorce any type of activity be it administration or anything in this country or perhaps in most of the African countries without considering the tribal aspect. Well, it is usually said that in an academic institution, tribalism, and anything else does not come into practice. However, sometimes when you study the establishment of a university like ours here—the administration and the way it is constituted right from the Personnel—Mr. Speaker, out of a total of 28 top personnel, including the librarian, and mark you I am only counting the top ones and not the lower ones which I do not want to look into at all, because somebody may have an excuse—probably about ten or less come from any other area but one. However, you may say, “So what?” The real question is: how was this done? This is what I have looked into myself. If you look at the so-called “Appointments Committee”, whether it is at the faculty level or simply at the administrative level, there is an anomaly, an anomaly created deliberately, not by mistake, such that the choice if it is to be made can easily fall into the trap of tribal emotions. Mr. Speaker, I have looked into the whole idea of the appointment of the Vice-Chancellor and I want to submit to this House that after looking around and being able to talk to the staff as well as the students, I have come to the conclusion that despite the fact that there has been quite a bit of maladministration—that is using some kind of compound techniques in cases where there is a failure—that basically given a chance as the first national Vice-Chancellor, Dr. Karanja can make it. However, the only thing that I feel the Vice-Chancellor might be suffering from is being afraid, he is being cowardly when it comes to facing the Chairman of the Council and His Excellency the President. I think he is afraid to make decisions and this is an extremely serious matter. I think the Vice-Chancellor should be much more flexible, he should have a lot of

foresight and in a way he has to try to have what we call public relations. I think there has been that lack on the part of the Vice-Chancellor, but as I said before, my submission is that given an opportunity he could make it and there is, therefore, no doubt that my own feelings could be expressed that way. However, when you look at the Council as such—and I have the list of names of Members of the Council as nominated by the President and again it is the same problem we have—that the Chairman seems to be elected on a life basis. He was the Chairman of the previous University College and he is also the Chairman of the University today. Since the Council itself administers the university as such, just by looking at the list—and I do not want to read it to you because it really reflects very badly on our sense of judgement—I can submit again to this House that there could be a tendency under the present arrangement of the Council and the statute of that university and the administration according to the Act, that we passed here, to introduce tribal emotions in the running of an academic institution that we consider to be the highest in our country. Therefore, my feeling, Sir, is that somehow you cannot have the Chairman of the Council and the Vice-Chancellor of the University to come from the same area. This has to be changed, although they may be very good administrators. In fact, I am told that the Chairman is very, very effective. However, there is that same sentiment, that tribal emotion may come in and cripple it. I think, therefore, we need a change, definitely, so that the Council Chairman should be elected from the people, or he must not necessarily come from the same area as the Vice-Chancellor.

I would like, therefore, to emphasise this point, Mr. Deputy Speaker, that in order for us to get this university properly planned and in the direction which all of us must support, we need something more than simply sitting here and having one or two people running that university. We have to set up some kind of commission to look into its affairs.

Mr. Deputy Speaker, I have also suggested here that this is the only national university—the other ones are constituent colleges—we need people to be represented equally from every corner of this country. I want to emphasize this, that I did not come out and say that the National Assembly should elect people, or that So-and-so must nominate. All I am saying is that we must devise a better method than having His Excellency alone making the decisions. I am not doubting his wisdom in this area but all I am saying is that in order for us to get the best representation to project the dynamic nature of

[Mr. Mwangale]

this institution as an institution for the whole country, we must get provincial representation. I want to propose here that probably the best area from which you can get these people would be at the Provincial Educational Boards. Those must be able to recommend some people to represent them on the university. And if there are any problems, at least these people can explain matters to their own people. This is how it must be.

I also looked at the admissions. This is where the Ministry of Education has the greatest problem. Sir, the admission of students to the University of Nairobi, looking at the method and the conditions laid down by the various faculties, is very fair indeed. So I have no quarrel at all about admission. The real problem lies with the previous Minister in the former Parliament, Dr. Kiano. I want to tell the House today that whilst Dr. Kiano was Minister for Education, first of all he deliberately—deliberately—gave so many schools, higher school institutions to Central Province. That is one aspect. The second aspect is that somebody introduced a certain commission called the Teachers' Service Commission. That Teachers' Service Commission deliberately put the best teachers in these schools. The results were out yesterday, look at them. I am referring to the Higher School Certificate results. You will find out, Sir, that the performance in schools other than in areas around Nairobi and Central Province are terribly poor. This is by comparison. You find that literacy in a place like Western Province is more than 85 per cent. You just have to look at Professor Ominde's Report to be convinced. When you have only a few Higher School Certificate institutions in— Take Science as such and look at the way our students have performed. The real problem is, (a) because we have had most Higher School Certificate schools centralized here and, (b) that the staffing of these schools has been terribly biased. Therefore, as a third point, because of this staffing of Higher School Certificate institutions and facilities, the facilities of the schools in the country-side— You can go to Yala, you can go to Kamusinga you can go anywhere, but when you compare the facilities of some of our Higher School Certificate institutions with some of the facilities provided by schools, say, in Nairobi, Sir, the contrast is phenomenal. I think we are in danger, we are in very great danger because the problem will be that these students will be accepted at the University of Nairobi. The admissions will be very fair, but the problem lies right in the Ministry. Unless this Ministry can now reorganize the whole academic system as such as be fair, there is a danger. Let us base the appointment of teachers on a fair basis. Let us get the Higher School

Certificate institutions based on population or literacy, but we have to be fair.

It is time, I think, we considered whether we are really going to succeed at all to build a really united nation, without all these factors which have been causing unrest and unnecessary animosity. We must clear these right away. The Minister for Education must clearly, and now, explain to us how he is going to change this situation, that was deliberately created by the previous Minister.

I want also to point out that there is no point in having Higher School Certificate at all. If we can get rid of Higher School Certificate today we will have a lot of students going to the university and the Government must encourage students to go to other universities such as Dar es Salaam and so forth.

With these few remarks, I beg to move.

Mr. arap Chumo: I am glad to have this opportunity to second this Motion. It is a very important Motion, dealing with a very delicate subject and the problems facing our nation today. University education is very vital for every nation. Why is this? First of all because the leaders of any country are looked upon to have come from such institutions. Secondly, because unless you have such places like the university you cannot have the manpower with technical know-how, you cannot have specialized personnel.

I say this Motion is very welcome at this juncture because I feel it is time that we corrected the system of development, the system of administration and the whole educational system of our university. I know there is a lot to be desired in the whole educational system of Kenya. However, we have been told there are difficulties and such other things in removing what was developed by the Colonial Government. I know we cannot do this overnight, but I do feel it is time that we faced the problems and take it upon ourselves to correct the system that has been placed on us by colonial masters.

The question of admission to the university, as the Mover of the Motion mentioned, is one that is really very disturbing. Why? Because although we are told that we must look for those who are qualified, who are able to continue to maintain the standard, so that the standard in the university is not lowered, if you look at this group that has been going into the university, there is a big question one must ask. In what direction are we going to develop this nation? We all know that this question of tribalism has been mentioned over and over again, in every field of Government departments. Tribes are there in Kenya and they are there to stay. We have to

[Mr. arap Chumo]

face that. People keep on saying there is no tribalism, there is no this and that when tribalism is as clear as daylight. If somebody does not see it, then he probably needs to see an optician. If we are going to develop this nation, if we are going to help the country so that at least this question of tribalism is not as glaring as it is, we have to develop every section, every part of our country. We need to cater for every tribe, give each as much opportunity as possible. We cannot say tribalism is not there, or those who have got into certain places have got there because of their special ability. We know things have been developed, we know how schools have been taken over. In some areas you say that so many students from a particular tribe are able to join the university because of their high marks. And why is it so? It is because of the trend, of the behaviour of the whole system of the Government; it is the way in which we have established things such as the Teachers' Service Commission. Here you have teachers who are well qualified posted to particular schools where facilities as well as access to other means of education are easily obtained. If we intend to see that our nation— If we are all genuine and if we all come with a clear mind and we wish to see a healthy situation in our nation, then we must make sure that we give opportunity to people who enter places such as the university, give them a fair opportunity and chance to take part in the administration. It would be useless to demand that we have people in the administration from other tribes when we do not have qualified people from these other tribes. This is true. We know of other tribes that have been in the university for years and years, professors, lecturers—they are qualified but they have never been given a chance in the administration of the university. If we are going to allow ourselves to turn a blind eye to what is going on, then we will not develop this country into a healthy nation. We know we need lawyers, we need engineers, we need doctors, we need teachers, and nobody is going to tell me that we will give a chance to only those who come from a particular place. We want to help this country so that in a few years' time we can continue with the same stability that has been there.

Since my time is up, Sir, I beg to second.

(Question proposed)

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): It is now time for interruption of business. The House is therefore adjourned until Tuesday 9th March, at 2.30 p.m.

The House rose at thirty minutes past Twelve O'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 71 (1313)

UPGRADING OF KITUI POLICE STATION

Mr. Kitonga asked the Vice-President and Minister for Home Affairs to say when Kitui Police Station would be made a Divisional Headquarters.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): There is a definite need to establish a divisional police headquarters at Kitui. However, its establishment will have to be considered in conjunction with other proposals to increase police establishment in other districts of the Republic and funds being made available to us.

In the circumstances, therefore, I am unable, at this stage, to state when a divisional police headquarters at Kitui will be established.

Question No. 15 (1208)

LICENSED PRIVATE SURVEYORS IN KENYA

Mr. arap Cheboiwo asked the Minister for Lands and Settlement to say whether—

- (a) it was true that there were licensed private surveyors in Kenya;
- (b) if so, how many and who were they; and,
- (c) what was their racial breakdown.

The Minister for Lands and Settlement (Mr. Angaine): (a) Yes, it is true that there are licensed private surveyors in Kenya. (b) There are 17 and of these 4 are citizens and 13 are non-citizens. (c) 16 of these are Europeans and 1 is an Asian.

Question No. 70 (1312)

MEDICAL FACILITIES IN KITUI EAST

Mr. Kitonga asked the Minister for Health to say—(a) whether Government was aware that people at Kalitini and Mathuki sub-locations of Mui Location in Kitui East were dying every now and then through lack of medical facilities; and

(b) since those people were 20 miles away from the nearest dispensary, what plan Government had to help them.

The Minister for Health (Mr. Okero): (a) No undue increase in the number of deaths in Kalitini and Mathuki sub-locations has been reported to the Ministry. Kalitini is only 11 miles from Mui Dispensary and is occasionally visited by the mobile clinic. The last visit to Kalitini was on 7th October 1970.

[The Minister for Health]

(b) The Government at present is trying to improve the services at the health centres and dispensaries already functioning and is not in a position to undertake the building or staffing of new dispensaries.

Question No. 44 (1261)

ARREST OF MIRIAM BIN MOHAMED

Mr. Kivuitu asked the Vice-President and Minister for Home Affairs—

- (a) to explain the circumstances which led to a man allegedly called Miriam bin Mohamed being placed in the same prison custody with women prisoners; and
- (b) would the Minister consider introducing adequate measures to ensure that this

kind of thing does not recur.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I do not agree with the hon. Member in his allegation that a man called Miriam bin Mohamed had been placed in the same prison custody with women prisoners. In fact, this man was brought to court for allegedly disguising himself as a woman and for immoral purposes and on remand he was taken to Nairobi Remand/Allocation Prison which is exclusively for men and not women.

In view of the foregoing, part (b) of the question does not arise. However, for the information of the House, all newly admitted inmates are always examined by Medical Officers within 24 hours of their admission who would, therefore, during the examination be able to discover any unseen peculiarities

Tuesday, 9th March 1971

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Kenya Statistical Digest Quarterly—Economic Report December 1970 Volume VIII No. 4. Statistical Abstract 1970.

1970/71 Development Supplementary Estimate No. 1.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

Report of the Public Accounts Committee of the Government of Kenya Accounts for the years 1967/68 and 1968/69—(Part I).

(*By Mr. O'Washika on behalf of the Chairman of Public Accounts Committee (Mr. Gatuguta)*)

NOTICES OF MOTIONS

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE, 1967/68 AND 1968/69—PART I

Mr. O'Washika: Mr. Speaker, Sir, I beg to give notice of the following Motion on behalf of the Chairman of the Public Accounts Committee:—

THAT, this House approves the recommendations contained in Part I of the Report of the Public Accounts Committee on the Government of Kenya Accounts for the years ending 30th June 1967/68 and 1968/69 respectively.

SUPPLEMENTARY ESTIMATE No. 1 OF 1970/71—RECURRENT

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, a sum not exceeding K£3,686,522 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1971, in respect of Supplementary Estimate No. 1 of 1970/71—Recurrent.

SUPPLEMENTARY ESTIMATE No. 1 OF 1970/71—DEVELOPMENT

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, a sum not exceeding K£15,315,163 be granted from the Consolidated Fund to meet 16 pp.—H 16

expenditure during the year ending 30th June 1971 in respect of Development Supplementary Estimates No. 1 of 1970/71.

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

EXTENSION OF PRIMARY EDUCATION

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

THAT, in view of the national concern about the Certificate of Primary Education holders who are too young to obtain jobs or are compelled to re-sit the examination owing to lack of Form I places within the Republic, and noting that the parents are subjected to social and domestic problems in maintaining such pupils by having to spend large sums of money for their welfare, and since our Republic has entered the new scientific and technological era, this House urges the Government to extend the present primary education course from Standard VII to Form II.

DEVELOPMENT OF MARSABIT, TURKANA, SAMBURU AND ISIOLO DISTRICTS

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

THAT, in view of the fact that Marsabit, Turkana, Samburu and Isiolo districts are part of Kenya which were neglected and used as a buffer by the colonialists for the protection of the former White Highlands, this House calls upon Government to give the four districts special treatment in education, employment, medical facilities, water supply, roads and livestock improvement in order to enable them to catch up with the other parts of Kenya.

AWARD OF BURSARIES IN SECONDARY SCHOOLS

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

THAT, in view of the fact that the Kenya Government has taken over all educational services as well as the main sources of revenue from the local authorities, this House urges Government as a matter of emergency to take over the responsibility of awarding bursaries in secondary schools as most county councils are not in a position to do so.

ORAL ANSWERS TO QUESTIONS

Question No. 92 (1363)

PROMOTION OF CHIEFS IN NYAMBENE

Mr. Muturia asked the Minister of State, President's Office if he would tell the House—

(a) why there had been no chief from Nyambene promoted to Grade II or I; and

[**Mr. Muturia**]

(b) the qualifications which were needed for a chief to be upgraded.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. (a) It is not true to say that there are no chiefs in grades II or I in Nyambene Division because there is one Grade II chief.

As to (b), as previously stated in this House, promotions of chiefs depend on merit and it is done when vacancies are available.

Mr. Muturia: Mr. Speaker, arising from what the Minister has just said in reply to part (b) that there is one Grade II chief in Nyambene Division, does the Minister, himself, know how many chiefs we have in Nyambene?

Mr. Koinange: Mr. Speaker, Sir, the real question was not on the number of chiefs but was whether the chiefs are promoted to grade I and II. As I said in reply to that question, there is Chief Daniel Muringo who is Grade II; the other question on the number of chiefs is not necessary.

Mr. O'Washika: Mr. Speaker, Sir, when the Minister was replying to part (b) of the question, he said that there are no special qualifications but one gets promotion on merit. Mr. Speaker, Sir, is the Minister trying to imply that the basic qualification a chief has to achieve to be promoted is to be a better informer—that that is more important than any other qualification?

Mr. Koinange: I did not use the word "informer". I said it is the question of merit. Merit is the sum total of good service to the area where that chief is serving.

Mr. Munyasia: Mr. Speaker, Sir, arising out of the Minister's reply, that one would be promoted because of one's service, would the Minister be in a position to tell this House how many chiefs from Nyambene—particularly those who used to serve in the colonial régime, and they are still in the service—qualify for this promotion?

Mr. Koinange: Whether they are qualified or not, their services are acceptable but the availability of a vacancy for the promotion does not at this second, exist.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Minister has just said, would he tell this House—Is the Minister aware that Nyambene alone covers two-thirds of Meru District, and that there are so many qualified chiefs who should have been promoted to a higher grade, not only to grade two and one, but even to a special grade but because of the distance between whatever part the promotions come from and that area, that

area has been overlooked, not only by the Colonial Government but also by the present Government, as far as promotion of chiefs is concerned?

Mr. Koinange: Mr. Speaker, Sir, promotions are not given for promotion's sake; promotions are given, as I said before, Sir, where vacancies exist for that higher grade so that the next person also benefits. The provincial commissioners and the district commissioners are always alert, and are constantly observing the chiefs who fulfil these elements of merit.

The Speaker (Mr. Mati): Next question. Mr. arap Cheboiwo.

Question No. 112 (1408)

OPENING OF OUTLYING DISTRICTS

Mr. arap Cheboiwo asked the Minister of State, President's Office if he would tell the House whether he was aware that since it had been declared that the outlying or closed districts would be opened, a great many people had moved there and were likely to deprive local people of trade and other opportunities.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. No, I am not aware.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that very short reply from the Assistant Minister, that he is not aware—maybe he was not aware at the time this question was submitted to him last year—could he tell us now, that these people are there, and what he is doing about it because we are sure they are there? They have come there in big numbers.

Mr. Munyi: Mr. Speaker, Sir, the hon. Member says that a great number of people have moved there—where is there? Mr. Speaker, Sir, the hon. Member is aware that it would be of no value to open an area and then stop people from moving there. The freedom of movement is enshrined in the Constitution of Kenya. If I may refer section 81 of our Constitution to the hon. Member, he would see that the people of Kenya are free to move; indeed, they are always moving, although I do not know which people the hon. Member is referring to. However, this is not to say they should deprive other people of trade and other opportunities.

The hon. Member will recall that it was the wish of this House to open up closed districts. Now, it seems that the hon. Member wants to close the areas again.

Mr. Lotodo: Mr. Speaker, Sir, would the Assistant Minister agree with me that the intention of opening these closed districts was to allow certain tribes to go into other areas and settle?

Mr. Munyi: Mr. Speaker, Sir, with your permission, I would like to deny, very categorically, that that is true.

Mr. Seroney: On a point of order, Sir. Will the Assistant Minister substantiate that it was the wish of this House that the outlying districts be opened? In fact, it was the opposite.

Mr. Munyi: Mr. Speaker, Sir, a Motion was debated in this very hon. House, and I even know that there were many questions which were raised by hon. Members—I can remember some Members, even from Nyanza—that people should be given the right to move freely to all parts of Kenya, Sir, and this is true.

Mr. Seroney: Mr. Speaker, Sir, the question here is: was it the wish of this House? The hon. Assistant Minister said it was the wish of this House.

The Speaker (Mr. Mati): Well, I do not think what Mr. Munyi said is absolutely accurate because what happened was that a Motion was brought here, and it was defeated. However, action was taken administratively outside and not in this House.

Hon. Members: Hear! Hear!

Mr. Migure: On a point of order, Sir. Mr. Speaker, could I seek your guidance here? In view of the fact that I am the person who asked this question last year, appealing to the President's Office to open the closed districts, and I have realized that as a result of the President's Office agreeing to do that there is going to be a lot of trouble to the *wananchi* through some people moving from their areas to other areas, could I seek your guidance here? Now, what should I do if I want to bring a Motion here so that this restriction is imposed again?

Hon. Members: No! No!

The Speaker (Mr. Mati): Order! You are wasting the time of this House for nothing; will you sit down!

Mr. Ayah: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and because it seems to me that he understands what the hon. Member is referring to—that is some people moving into some areas—would he tell this House which people are moving into certain areas because he seems to have understood what the hon. Member was talking about, and therefore tried to answer the question?

Mr. Munyi: Mr. Speaker, Sir, as far as the Government is concerned we are not aware of people moving from one area to go to areas which have now been opened.

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

The Speaker (Mr. Mati): No more points of order.

Mr. Kurgat: Mr. Speaker, Sir, could the Assistant Minister tell us, now, how many districts are still closed because that is what we want to know?

Mr. Munyi: Mr. Speaker, Sir, the answer is as clear as daylight there is no district which is now closed; all districts are open, Sir.

Mr. Kadir: Mr. Speaker, Sir, arising from the Assistant Minister's reply—he said that all the districts have been opened now—would he tell the House why people from Isiolo District who went for a visit to Marsabit were arrested and have, in fact, been jailed for three or four months? What is he going to do about them?

Mr. Munyi: Mr. Speaker, Sir, that is not true; it is only an allegation. However, if the hon. Member, Sir, would like to raise that as a question, we are ready, any time, to investigate.

Mr. Kholkholle: Mr. Speaker, Sir, arising from the Assistant Minister's reply—The Assistant Minister is denying this; he says that it is only an allegation. It is not an allegation; it is a fact. I have taken one person from police custody because of this. It was Chief Order No. 1; it is said he was arrested under Chief Order No. 1. I do not know where this comes from. Therefore, will he investigate this, and see that the people of Kenya are not detained in custody without any justification?

The Speaker (Mr. Mati): Was the detention due to their having gone into a certain closed area?

Mr. Kholkholle: Yes, it was only because they had come from Isiolo to Marsabit. That was the only reason and there was no other reason.

Mr. Munyi: Mr. Speaker, all I would like to ask the hon. Member to do is bring specific information concerning that incident and action will be taken.

Mr. Kivuitu: Arising from the Assistant Minister's reply, and considering that the provincial administration is tribally imbalanced, will he not agree with me that there would be certain advantages to that particular tribe or tribes which have advantage of the imbalance, and as soon as these districts are opened to other people to move in these tribes will move in, in great numbers?

Mr. Munyi: Mr. Speaker, Sir, that is not correct at all. All I would like the hon. Member to do is to give specific information concerning the incidents which might have taken place.

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, if I am being asked to give specific

[Mr. Kivuitu]

information about this, may I, on Thursday, produce details of the provincial administration to substantiate what I mean by the imbalance, if that is what he wants?

The Speaker (Mr. Mati): Yes.

Next question, Mr. Kitonga.

Question No. 68 (1309)

TREATMENT OF FOOT-AND-MOUTH DISEASE

Mr. Kitonga asked the Minister for Agriculture if he would tell the House whether he could investigate and adopt the simple method of treating and curing Foot-and-Mouth disease now successfully used by Mr. David Mutia Kimonde of Mutitu Location in Kitui and whether that man could be used to train others in the Republic.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. There is no known treatment of clinical cases of Foot-and-Mouth disease. The only science that we know of in terms of this very infectious and dangerous disease is preventive measures. I have no evidence that the cure of the alleged man, Mr. David Mutia Kimonde, is effective against the disease, but we are trying to contact the man to find out what science he might have discovered.

Mr. Kitonga: While thanking the Assistant Minister for Agriculture for his reply, I have to add this: since the policy of our Government is to work in the spirit of Harambee, would this question be taken very seriously and the man in question be consulted about this very important treatment of this very serious disease?

Mr. Wanjigi: Mr. Speaker, Sir, I think if this were to be discovered to be true the man would be worthy of receiving a Nobel Prize.

Question No. 119 (1416)

IDENTITY CARD ISSUING CENTRES—MERU

Mr. Marete asked the Minister for Labour if he would tell the House whether, since one must have had an identity card in order to get employment and land title-deeds, and since the Registration Office is situated 40 to 60 miles away from some places in Meru, he could consider establishment of registration centres in all chiefs' offices.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to give the following reply. Under the Registration of Persons Act, it is not a condition that one must be in possession of an identity card in order to be employed. One can always obtain an identity card after employment. As far as Meru District is concerned, there is a registration officer employed by the Ministry and attached to the District Com-

missioner's Office. He is responsible for issuing identity cards in Meru District. He makes arrangements with the district officers to visit their areas for the purpose of issuing identity cards on the spot where they are wanted.

The hon. Members should, therefore, advise those people wishing to be registered to communicate with their administrative officers who would make the necessary arrangements with the registration officer regarding the visits to their respective areas.

In the light of the procedures outlined above, it would be uneconomical to establish registration centres in all chiefs' offices.

Mr. Kurgat: Mr. Speaker, Sir, will the Assistant Minister now tell us that all identity cards will be withdrawn—because if I do not have an identity card I do not get employment—and that only passports will be left.

Mr. Kubai: Would the hon. Member repeat his question? I did not follow it.

Mr. Kurgat: What I said, Mr. Speaker, was—

The Speaker (Mr. Mati): Order, Mr. Kurgat!

Mr. Kurgat: I am repeating the question, Sir.

An hon. Member: He has been asked to repeat.

Mr. Kurgat: What I asked was: will all identity cards, of which I have one and everybody in Kenya has—except the females who are not expected to possess them—be withdrawn leaving only passports for expatriates?

Mr. Kubai: Mr. Speaker, Sir, that would be another question and I am not prepared to answer it.

Mr. Tsuma: Mr. Speaker, if during the British rule we, the then politicians, condemned registration or identity cards—the *kipande*—could the Assistant Minister tell us why we should not all together drop *kipande* business, if we did not want them during the colonial time?

Mr. Kubai: Mr. Speaker, Sir, the identity of any persons is very essential indeed.

Mr. Marete: Mr. Speaker, Sir, arising from the answer which has been clearly given, does he know that this does not apply in the whole nation? some of the people in remote areas are suffering. Can the Assistant Minister now inform our people in Meru, and Kenya as a whole, why many people in Meru do not get employment?

The Speaker (Mr. Mati): What is your question?

Mr. Marete: Is the Assistant Minister aware that many people in Meru do not have identity cards because of the long distances to the registration centres—even people of 25 years of age—and this delays the issue of land title-deeds?

[Mr. Marete]

What will he do to help the *wananchi* from these difficulties which they get in the reserves?

Mr. Kubai: Mr. Speaker, Sir, I think in the provincial administration, there is no area which is remote or which is not properly supervised, or where you do not have a sub-chief or a district officer. My reply is: in such an area people who would like to have identity cards should report to their sub-chief who will arrange for an officer to issue them

Mr. Jilo: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, he himself being one of the veterans who fought for Kenya's independence, and who has been one of the persons fighting for the removal of this provision of carrying identity cards by Africans, can he tell us when he is going to discuss this as it is something shameful to the Africans?

Mr. Kubai: Mr. Speaker, Sir, I think all this historical and personal expression is not really called for in this argument. I would not like to be associated with it.

However, Sir, the power to remove this legislation rests with this House.

Mr. Muregi: Mr. Speaker, if the registration cards continue in force is the Assistant Minister aware that due to settlements and co-operative farming people have to move from their original places of living and have to settle in new places and make that their home, yet their registration cards still show the old areas? Is the Assistant Minister going to change this to the new names as they are today to show where these people live now?

Mr. Kubai: I did not follow the question. Mr. Speaker, can the hon. Member please repeat it?

Mr. Muregi: Mr. Speaker, due to settlement and other movement probably people from Central Province or, perhaps, from a township like Kisumu have gone to Muhoroni. They have now become people who will live there for ever. Are their identity cards going to be changed to read from Kisumu settlement So-and-so, chief So-and-so, village so-and-so to Muhoroni and show the new chief and sub-chief and so on?

Mr. Kubai: That is not necessary, Sir.

Question No. 104 (1387)

OVER-BRIDGE AT KAHARATI RAILWAY
CROSSING

Mr. Wachira asked the Minister for Works if he would tell the House, in view of the fact that Kaharati Railway Level Crossing between Sabasaba Town and Maragwa Town had become an accident Black Spot where lives of

many people had been lost, the Minister could, as a matter of urgency, order that an over-bridge be built for motor vehicles.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The Ministry is aware that a number of accidents have occurred at Kaharati Railway Level Crossing but regrets that some of them have been fatal. Although no records were available, I can assure the House that these accidents have been very infrequent.

Efforts, however, have been made to erect sufficient warning signs with the hope that the motoring public will take heed of them when driving at this crossing.

We have done everything possible to erect signs and there is no reason why you should hit an oncoming train. In such case you cannot blame the Ministry of Works.

I would like to add in this connexion that my Ministry is currently looking into the question of safety at all level crossings in the country with a view to providing the most appropriate measures whenever funds may be available.

Mr. Speaker, Sir, the problem with this particular section of the road is that it is along a stretch of a straight line and if we attempt to erect barriers across the road, we may find that some of the speeding motorists may, at one time or another, crash into these barriers. So, at the present time, officials from my Ministry, in conjunction with the Engineers of the East African Railways Corporation are visiting these areas to try to find out the best possible engineering method to overcome the problem, either by erection of a bridge or anything else. At the moment we are considering whichever way is best possible.

Mr. Wachira: Would the Assistant Minister agree with me that it is much more economical to build a flyover bridge instead of all this nonsense he is telling me?

Mr. Keen: Mr. Speaker, Sir, certainly the bridge will be the answer, but as I have already stated we are looking at all possible means to ensure that the rate of accidents is reduced in the area.

Dr. Munene: Mr. Speaker, arising from the Assistant Minister's reply, we are glad to hear that the Assistant Minister is aware that there is a very straight road there and, therefore, accidents occur more frequently than other places. In view of these facts, why should the Assistant Minister continue to waste Government money and time trying to erect minor things which are going to be demolished soon and not consider instead, right from the beginning, the cost of an over-bridge and go ahead with it?

Mr. Keen: I have already made it very clear that engineers in my Ministry and from the East African Railways Corporation will soon be visiting the area with a view to ascertaining the best possible method for the area, either the erection of a permanent bridge, flyover bridge, or some other somehow. These are all technical arrangements which I cannot assure the House about at the moment.

Question No. 105 (1388)

BRIDGE BETWEEN GITHURI VILLAGE AND
KAMBIRWA CAMP

Mr. Wachira asked the Minister for Works if he would tell the House when the Ministry would build a bridge between Githuri Village and Kambirwa Chief's Camp in Gikindu Location in Murang'a District.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. There is a motorable, unclassified road between Githuri Village and Kampi ya Chifu. The provision of a rift on the River Mathioya is considered sufficient as the rainfall in this area is not heavy enough to hinder traffic over the drift

Mr. Wachira: Mr. Speaker, Sir, would the Assistant Minister agree with me that this location is divided by a very big river known as Mathioya and that citizens have been drowned in going from one sub-location to the other?

Mr. Keen: Mr. Speaker, I have already stated that the drift is sufficient as a means of crossing from one end of the bridge to the other, and the construction of a bridge at the moment is not necessary.

Question No. 111 (1407)

ROADS IN CENTRAL RIFT COUNTY COUNCIL

Mr. arap Cheboiwo asked the Minister for Works if he would tell the House—

- (a) what the total mileage was of the roads in North Baringo Constituency which had been formerly maintained by the Central Rift County Council;
- (b) how many were secondary roads, minor roads and administrative roads;
- (c) how much money had been granted for these roads in the Financial Year 1970/71;
- (d) if the Government had embarked on the construction of new roads in the area.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. Since parliamentary constituency boundaries do not correspond with road functions, we do not have accurate records of road mileage within every one of the

158 constituencies. The mileage given below is what I would like to say is approximate:—

- (a) The total mileage of public roads in North Baringo Constituency is 142 miles approximately. Of this, only 13 miles were secondary roads vested in Central Rift County Council. The remainder were vested in the divisions.
- (b) When the roads were classified under the Local Government Regulations prior to 20th February 1970, they were classified as follows: trunk roads, 9 miles; secondary roads, 47 miles; minor roads, 86 miles.
- (c) In the Financial Year 1969/70 the Central Government grant was £2,002 for the 13 miles of the secondary roads. In the Financial Year 1970/71 the allocation was made as follows: trunk roads—£1,584; secondary roads—£1,456; minor roads—£4,128. The total to be spent in the area will be £7,168.

Mr. arap Cheboiwo: Arising from that hopeful answer from the Assistant Minister, could he tell us the names of these roads? For example, he says nine miles for trunk roads. From where to where is this?

Mr. Keen: Mr. Speaker, I do not think I am going to educate the hon. Member about the names of the roads in his constituency.

Mr. Kurgat: Mr. Speaker, Sir, will the Assistant Minister tell us how much money was being used by the county council for the year 1968 or 1969 comparing it with what he is giving us now? How does the amount of money compare?

Mr. Keen: Mr. Speaker, I will not be able to tell the House the money that was used by the county council, I can only tell the House what we, as the Ministry of Works, are using on roads. We are not aware of what the county council was spending.

Question No. 98 (1371)

LOWERING THE VOTING AGE

Mr. Mutunga, on behalf of Mr. Mulwa, asked the Attorney-General if he would tell the House if he would lower the voting age from 21 years to 18 in view of the fact that in Kenya most of the youngsters were literate and responsible.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. No, Sir.

Hon. Members: Why? Why? Why?

Mr. Mutunga: Arising from the answer by the Attorney-General, would he tell this House why, "No, Sir"?

Mr. Njonjo: I think the House will agree, Sir, that at the age of 18 a person is very young.

Mr. Kitonga: They are married.

Mr. Njonjo: Mr. Speaker, I think I heard the hon. Member say I am not married. However, it is questionable whether marriage has anything to do with intelligence.

I believe, Sir, this question of changing or reducing the age from 21 to 18 has been tried in some countries not very far from us and the experiment has proved to be unsatisfactory.

Now, we have some difficulties here too. First of all, we do not have compulsory registration of births and this is something that I have been trying to encourage. All these people who are interested in getting married should have their children's births registered so that we can have a good record of the children's ages. We can then have an accurate register. I have no doubt that some people who voted in the last General Elections were perhaps 18. We had no birth registration to prove this. I hope that the Members of Parliament will encourage their constituents to have their children's births registered and also to reduce the birth of children.

Mr. Karungaru: Arising from what the Attorney-General has told the House this afternoon, Sir, is he aware that we have so many boys and girls under the age of 18 who have more than two children? If that is proved is it not true that we can change this in order that we may have uniformity of age such as the one now operating in Great Britain where they are allowing people of 18 to vote? Why not Kenya?

Mr. Njonjo: I am told that the question of producing babies is biological and, in fact, I am advised by my friend here that—

Mr. Mutunga: On a point of order, Mr. Speaker, what relevance has this production of children with the question?

Mr. Njonjo: Mr. Speaker, my duty to this House is to answer hon. Members' questions. I am now dealing with hon. Karungaru's question; I have already answered the hon. Member's question.

I was saying that I am advised that a girl can produce at the age of 11, but that is no qualification. I submit that to reduce the age of voting, which is a casting vote to bring all these hon. Members to this House, is quite a serious matter. I, therefore, urge the House to agree with me that 21, in fact, is too low.

As regards production of children, girls should not produce any—

Mrs. Onyango: Mr. Speaker, Sir,—

An hon. Member: Are you serious?

Mrs. Onyango: Yes I am.

Mr. Speaker, Sir, will I not be in order to assume that after somebody has given birth she is qualified to be called an adult?

Mr. Njonjo: Mr. Speaker, Sir, I must of course bow to the experience of the hon. Member. She has more experience which I do not think I will ever have and that is why, perhaps, I am not called an old man.

Mr. Ayah: Mr. Speaker, Sir, as the Attorney-General has said that we are in the process of registering births of babies and we have to wait until that is completed, when does he think that we shall have completed this exercise of registering births to be able to change or consider changing the voting age from 21 years to 18 years or any other age? When does he think this will be done?

Mr. Njonjo: First of all, Mr. Speaker, Sir, I have not agreed that we should change the age from 21 years to 18 years. However, the other aspect of the hon. Member's question as to when this exercise of birth registration will be completed, we are fighting—or at least I am fighting—against odds. This is because if the birth rate could be reduced, then of course our work would not be so enormous. I, therefore, advocate that perhaps if we had a one year's recess from producing children, then I might catch up with the process.

Dr. Munene: Mr. Speaker, Sir, arising from the Attorney-General's reply, I feel the question here is about reducing the voting age from 21 years to 18 years to enable youngsters who are literate and who can know how to vote to do so. So, for the benefit of this country would the Attorney-General tell this House when he expects to reduce the voting age from 21 years as the question stands, to 18 years to enable the majority of our literate chaps to vote?

Mr. Njonjo: Mr. Speaker, Sir, first of all I do not accept the theory which the hon. Member, Dr. Munene, has propounded. You cannot, I submit, equate literacy with intelligence. It is only yesterday, Mr. Speaker, when His Excellency the President said that we should not despise our old people purely because they have not had formal education. What I am submitting, very strongly and I urge this House, is that age of 18 years is too young. It does not matter what education you have, you are still irresponsible and minor.

Mr. Munyasia: Mr. Speaker, Sir, arising out of the Attorney-General's reply, would he be in

[Mr. Munyasia]

a position to tell the House how this age is assessed or how it is determined by the people or the administrators because there is no record? How do they know that this chap is 21 years old and that one is 18 years old and yet they pay tax? How are they assessed or how does the Attorney-General determine their ages?

Mr. Njonjo: I am grateful to the hon. Member because that is precisely my problem. I did concede that it is quite possible that during the last General Election there were youngsters of 18 years who managed to vote.

An hon. Member: Even below 18 years.

Mr. Njonjo: Even below 18 years. Perhaps the hon. Member has some information. However, what I am suggesting is that the age of 21 years is just about old enough. In fact, in my view, he is still too young to be given the right to vote.

An hon. Member: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No point of order. Next question, Mr. Mulwa.

Question No. 99 (1376)

ROLE OF ASSESSORS IN MURDER CASES

Mr. Mulwa asked the Attorney-General if he would tell the House whether, considering that the findings of the assessors in a murder case was neither binding on the judge nor even persuasive and taking into account that the amount of public funds used in paying for their travelling expenses to and from the court and the time they spend in court, the Attorney-General could consider seeking the alteration of the law by this House to remove the requirement of assessors in murder trials.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. The findings of assessors are accorded considerable persuasive authority and if a trial judge—I am sure my learned friends here have this experience that assessors are accorded or in fact their views are given great support by a judge and if he disagrees with them he always has to give good reasons why he disagrees with the assessors. I suggest that perhaps, my learned friend will feel that assessors are doing a useful job particularly when we have at the moment judges who are perhaps unfamiliar with customs etc. They do give advice to judges which I think is useful in a serious trial like murder cases.

Mr. Mulwa: Mr. Speaker, Sir, although my learned friend says these gentlemen's views are considered by the judges, experience shows that, in fact, they are not. Could he tell us, for example,

where the assessors' opinion, even though unanimous, has ever been accepted by the judges, even though they are unanimous in their views, the three of them whether it has ever been accepted?

Mr. Njonjo: Well, I dare say in quite a number of trials when I have prosecuted myself it is possible for assessors—

An hon. Member: Have you ever prosecuted?

Mr. Njonjo: The hon. Member might be next if he crosses my line. I was going to say it is quite possible that sometimes the assessors may be unanimous in their opinion that an accused person is not guilty and the judge may disagree with them. However, it is in those cases where I was suggesting that when he disagrees with them, and it may be on points of law or points of fact he does not agree with their interpretation of fact and law, he has to give reasons why he disagrees with them. But, I think, as my learned friend will know we used to have assessors here and we did away with them. Now, if we have to do away with assessors, I think this is a matter which needs considerable—

Mr. Mulwa: We did away with jurists not assessors.

Mr. Njonjo: Yes, we did away with jurists. I suggest that if we have to do away with the assessors, this is a matter which needs considerable thinking and I would like to have, for instance the views of the law society and other bodies who are interested.

Mr. Barmalel: What qualifications are the assessors hearing murder cases required to have?

Mr. Njonjo: The qualification is that those gentlemen must be men of mature age and responsible.

An hon. Member: What about women?

Mr. Njonjo: Women are hardly— Excuse me!

Mr. Wabuge: Mr. Speaker, Sir, arising from the Attorney-General's reply—and he has never prosecuted in any case in this country—is he aware of the fact that—

Dr. Munene: On a point of order, Mr. Speaker, Sir, I think I have been a witness where the Attorney-General has prosecuted a case. If my friend thinks it otherwise, could he substantiate?

Mr. Wabuge: Mr. Speaker, Sir, I think the hon. Doctor is trying to defend the Attorney-General. However, all that I know is that there was a case where the Attorney-General was expected to prosecute but he declined.

[Mr. Wabuge]

If I may go back to my question, is the Attorney-General aware of the fact that in most cases when the assessors give their opinion with regard to customary law the judges refuse to accept it?

Mr. Njonjo: I have no personal experience on that, but I concede that a judge can quite easily disagree with the assessors either on a question of law or fact. Sometimes the assessors do not follow the proceedings. I am not for the assessors; and in fact I would like to see the system abolished. However, I think we do not need to rush this because they are doing some work which is useful.

The Speaker (Mr. Mati): Next question.

Question No. 118 (1411)

FACILITIES IN MACHAKOS GENERAL HOSPITAL

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

- (a) whether he would consider, as a matter of urgency, establishing an amenity ward in the Machakos Provincial General Hospital since there are so many members of the community who contribute Sh. 20 each every month to the Hospital Insurance Fund.
- (b) whether he would make provision to include an amenity ward in the current extensions to the above hospital.

The Assistant Minister for Health (Mr. Jahazi):

Mr. Speaker, Sir, I beg to reply. Consideration of establishing an amenity ward in Machakos General Hospital will be made together with other large hospitals in the country as the Ministry of Health is aware that there are many members of the community all over the country who are contributors to the Hospital Insurance Fund. However, it will not be possible to include an amenity ward in the current extensions as the Ministry's priorities have been to establish, first a maternity block and its supporting facilities, all of which are of high standard for teaching purposes at Machakos.

Mr. Mutunga: I am not quite satisfied, though something is at least being done. However, would the Assistant Minister agree with me that since there are so many people who contribute to this fund they are entitled to the services for which they pay?

Mr. Jahazi: Mr. Speaker, Sir, I agree with the hon. Member. However, I would like to remind him that Machakos is only 40 miles away from Nairobi. So, if there are a few people who are contributors, I think he would like to see us

servicing the lower category of the *wananchi* who cannot even afford a bus fare to Nairobi to get all these high standard facilities which are in Nairobi. Those people who are in a higher category can pay about Sh. 5 bus fare—to Nairobi and then they can have all the amenities they want in the Nairobi Hospital, Kenyatta National Hospital and other hospitals which we have around Nairobi. So, I would like to advise the hon. Member to advise these contributors in Machakos to make a short, 40-mile journey up to here whenever they need a high standard treatment and let the Ministry of Health serve those *wananchi* who are a bit hard-hit by lack of medical facilities.

Mr. Kanja: Thank you, Mr. Speaker. Would the hon. Assistant Minister agree with me that the people who contribute towards this fund do not just contribute for the sake of contributing but they do so so that they can get proper treatment when they fall sick? Would he also agree with me that travelling from Machakos to Nairobi could mean a loss of life in some cases to those people in that particular category?

Mr. Jahazi: Mr. Speaker, Sir, anyone who is really in danger of losing life would not choose between an amenity bed and the first available treatment facility there is. Amenity beds are meant for those who are recommended to go and spend some time in hospital if they are to be hospitalized. Therefore, if it is an accident case, which the hon. Member has in mind, I would like to tell him that an accident case does not choose an amenity bed or anything of that kind but is taken to any place where hospital facilities are available. If the case has to be moved to the hospital, then it can be moved either to Machakos or Nairobi. However, I think it is unreasonable for one to think that we must have an amenity hospital for all the *wananchi* throughout the country at intervals of 20 or 40 miles.

QUESTIONS BY PRIVATE NOTICE

IMPRISONMENT FOR FAILURE TO ATTEND
BARAZA CONVENED BY ADMINISTRATIVE
OFFICERS

The Speaker (Mr. Mati): Mr. Araru's Question by Private Notice.

Mr. Araru: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

- (a) Could the Minister tell the House why Mr. Dawi Oshe of Moyale was jailed for one month in December last year for failing to attend a public meeting organized by the District Commissioner, Marsabit?

[Mr. Araru]

(b) Is it legal to arrest those who do not attend public *barazas* convened by the provincial commissioners, district commissioners, district officers and chiefs?

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Mr. Dawi was, as the hon. Member says, arrested because of failing to obey orders issued by the chief. A chief is empowered by the law to take such steps. May I refer the hon. Member to the Chiefs' Authority Act; Kenya Laws, Cap. 128 Section 11 (e), which reads as follows—

An hon. Member: Of which year?

The Minister of State, President's Office (Mr. Koinange): Read your latest issue.

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

The Minister of State, President's Office (Mr. Koinange): Read the Kenya Laws. The section reads:

"Any chief may from time to time issue orders to be obeyed by persons residing within the local limits of his jurisdiction for any of the purposes following:—

11 (e) requiring persons to attend, for any purpose in the interest of good government, before an administrative officer, liwali, mudir, at any time and at any place appointed by him, or before himself at any place within the local limits of his jurisdiction.

Mr. Speaker, Sir, Section 18 of the same law reads:—

18. Any person who without lawful excuse disobeys or fails to comply with any lawful order issued or given by a chief or sub-chief under this Ordinance, or by an administrative officer, liwali or mudir under section 17 of this Ordinance shall be guilty of an offence and liable, on conviction before a magistrate, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred and fifty shillings, and in default of payment to imprisonment for a term not exceeding two months, or both such fine and imprisonment.

Mr. Araru: Mr. Speaker, Sir, arising from the answer given by the Minister, when he read out to us the relevant law, Chapter 128, and now that we know there is such a law obliging the members of public to attend chief's, district commissioner's or provincial commissioner's meetings, if they are specifically asked to do so, is the Minister aware that Mr. Dawi was arrested while attending

the district commissioner's meeting and was even sitting near the district commissioner himself when the tribal policemen came and arrested him, and this happened because this man is an enemy of the chief, and therefore he used this section of the law to arrest this person? Is it not true that the district commissioner can use the same law to arrest me tomorrow?

Mr. Koinange: Mr. Speaker, Sir, with all due respect to the hon. Member, if it is true that the person in question was arrested at the meeting, which he was ordered to attend by the very chief, then I would unreservedly say that that was wrong. I would, however, like to check more closely than that.

The Speaker (Mr. Mati): Let us hear more questions rather than points of order.

Mr. Araru: Arising out of the good answer given by the Minister, when he said that if it is true that this man was arrested at the *baraza* that was wrong, how can this be proved? I do not know the way in which we can bring the facts in this House because I did not have a camera to take a photograph at the time of arrest. Could the Minister tell us how he is going to investigate the matter? I can produce 100 witnesses who saw the man being arrested at the *baraza* and he was jailed for a month. I can even produce documents showing that the appeal of this case is going on in a court of law. What is he going to do about it?

Mr. Koinange: Mr. Speaker, Sir, the hon. Member should have come to my office—

The Speaker (Mr. Mati): Order. Shall we hear his reply first?

Mr. Koinange: The Member should have come to my office and revealed this story to me because I obtained the information I am giving to the House from the officers in the area, through the provincial commissioner and it is absolutely what I am relying on. I want to say this, Mr. Speaker: if what he says is a fact, he must bring that information to my office. However, the main point is that the law which the chief uses is the law passed by this House.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Minister, in the first place, I am getting absolutely fed up with Ministers who cannot check their answers first before coming to feed us with plenty of lies in this House—

The Speaker (Mr. Mati): Can you ask your question?

Mr. Mwangale: Mr. Speaker, Sir, the question was directly as follows:—

"Will the Minister tell this House whether (a) this man was goaled because he failed to attend

[Mr. Mwangale]

a public meeting organized by the district commissioner; and, if so, whether this is actually the law."

Why was he arrested? The Minister comes here to quote outdated laws.

The Speaker (Mr. Mati): Order! You may ask the first part of the question and try to get a reply from the Minister on whether this man was attending the meeting or he failed to attend the meeting. However, the second part has been answered because that is why he quoted the section in the law.

Mr. Migire: Mr Speaker, Sir, on a point of order, I am seeking your guidance on this. The Minister has told us very categorically, when answering this question, that he wants to go, now, and check why this man was arrested. Do we understand from the Minister that he is answering questions at a time when he has not even investigated and found out why this person was arrested? He is telling us that if somebody fails to attend a chief's *baraza*, or whatever it is, he would be arrested, but he is not telling us specifically why this man was arrested. Is he in order to mislead us?

The Speaker (Mr. Mati): I think what he said here was that he is relying on the information which he received from his officers there. I think he did say that. At the same time he said that if Mr. Araru gave him the facts he would look into them and he promised he could still do it if Mr. Araru could give him the facts.

Mr. Jilo: On a point of order, Mr. Speaker, Sir, it has become a habit on the part of the Ministers to come and tell us they rely on the information they get from their field officers. Would it not be in order, now, Mr. Speaker, that we get an assurance from you that no Minister will come to reply to a question in this House if he is not in possession of adequate information?

The Speaker (Mr. Mati): No. I cannot give that assurance myself.

Mr. Ogal: Mr. Speaker, Sir, arising out of the reply by the Minister, when he said that if you miss attending a chief's *baraza* without permission from either the chief or the sub-chief, you must be accused, what about an area where there are about 4,000 people; how does he expect each of these 4,000 people to attend a *baraza* or ask for permission?

Mr. Koinange: Mr. Speaker, Sir, I did not say what the hon. Member says. I said that if the chief specifically asks a Mr. Njuguna, a Mr. Onyango or So-and-so to come and attend a meeting—he

can use a letter, he can send a message, a police officer or an administrative officer to that particular person or persons that request should be complied with. If he sends a message to you or to me, we have to obey. If a person deliberately refuses to obey that order, he is actually liable to be dealt with according to the law which was passed in this House.

The Speaker (Mr. Mati): Order. It is quite clear that we will never satisfy everybody on this one. It is quite obvious, that the conflict here is between what the Members want and what the law says but so long as the law remains as it is, then it is up to this House, when the time comes, to change it, otherwise you can do nothing about it. Therefore, we will go on now.

Hon. Members: On a point of order—

The Speaker (Mr. Mati): No. We have no time. If you want to raise it, give me notice. You do not have to shout. Next question.

CREATION OF HOUSING MANAGER'S POST BY
NAIROBI CITY COUNCIL

Mr. Mutiso: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

Will the Minister stop approving the Nairobi City Council's decision to create the post of Housing Manager because the whole decision is tribalistic?

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. In the first place I want to thank the hon. Member for bringing up this question in order to enable me to clear the air about this post of the Housing Manager.

Sir, this matter started being discussed as early as the first month of last year. At that time, a committee of the council met mainly due to some of the complaints about reorganization of the housing section of the Department of Social Services and Housing. A committee of the council invited suggestions from the chief officers as to how this question of housing management can be handled. Mr. Speaker, Sir, the first report that came, and that is why I personally do not agree with the hon. Member that tribalistic considerations are the issue. The first paper I have is from the present Director of Social Services and Housing. He submitted a report in May and he says: "The sole aim of effecting a reorganization of housing section as indicated below is to introduce greater efficiency. It is proposed to have one specific person whose duties shall be housing management under the existing department of this departmental set-up." In that paper he gives a

[The Minister for Local Government]

number of duties that would be done or performed by the housing manager. For the benefit of the House, Mr. Speaker, Sir, and since the decision has already been debated publicly in the council, I am willing to lay on the Table that report. It calls for a creation of a housing manager as recommended by the Director of Social Services and Housing but indicating that what is important is not a creation of a separate department but rather—

Sorry, Sir, I was having some difficulties from the back here.

The housing section, Sir, would be reorganized and this does not involve establishment of a separate department.

An hon. Member: Question!

The Minister for Local Government (Dr. Kiano): I am going on, Mr. Speaker, Sir, because I do think that this is a very serious question, and I hope a lot of interruptions will not be necessary—

Hon. Members: Question!

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, after that report, we then had another report from the Organization and Methods Department of the City Council in June, again agreeing that there was need for reorganization of the housing section. The report suggested a post known as senior superintendent of estates, among other things. Here is the report. It was classified "confidential"; but now that the matter has already been discussed by the Council I am willing to let the House have a look at the report. Sir, after that report, the Director of Social Services and Housing, who is the person overall and responsible for the department, made a considerable study and comments on the report of the Organization and Methods Officer and also made his comments to the Council. This report is called "Comments of the Report of Organization and Methods Officer of June, 1970." In this report, which comments on the report of the Organization and Methods, the Director makes a lot of good suggestions, and one of the suggestions was that "We do not agree with the designations of 'superintendent of estates' or 'senior superintendent of estates' because they are not suitable terms for the present Kenya or for the future. We are therefore proposing to introduce the universally accepted term of 'Housing Manager' which, in effect, is more descriptive of the type of work being done and which is to be done in the future." This, again, Mr. Speaker, Sir, is the Director of Social Services and Housing commenting on the report of the Organization and Methods Officer. The

Director of Social Services and Housing is the top man in that department which deals with housing. His name is Charles Siganga. However, I was trying to leave the names out.

Sir, after these reports, a meeting was held by the various committees of the City Council and the main argument, if any, was the question, not of the duties as spelled out in the original plan of the Director—which were practically as adopted by the council—but of the scale of salary which could be accorded to that particular post. The matter finally came to the full council, I believe towards the end of January, and that meeting was to agree or not to agree with the report of the Staff and Housing Committee which had recommended that this post be created. There was an attempt to defeat the proposal—

Mr. Lotodo: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No, let us not have interruptions now. We do not have time.

The Minister for Local Government (Dr. Kiano): There was an attempt to defeat that proposal by what we call "reference back". An hon. councillor proposed that this particular creation of the post be referred back and when voting took place 28 councillors rejected the "reference back" whereas 11 wanted the "reference back" and therefore the full council agreed that the post of housing manager be created. Therefore, Sir, it is my conviction, after all these studies, that allegations of "tribalistic considerations" are not justified.

(The hon. Dr. Kiano laid three documents on the Table)

Mr. Mutiso: Arising out of that lengthy reply from the Minister, in which he wants, in fact, to convince the House on the grounds of his arguments, would he not agree with me that all the councillors who voted in favour of the establishment of this particular post are from one and the same tribe and those who voted against are from the other tribes? That is why, Mr. Speaker, Sir, I hold the opinion that this does not represent the views of the Kenyans who are in that Council but of one particular tribe. That is why, Sir, it is our wish that the Minister should defer the creation of this post.

Hon. Members: Hear! Hear!

Dr. Kiano: Mr. Speaker, Sir, I think, here again we must be careful. I do not want to reveal some of the private conversations I have been having with some Members here on this issue because it is not the right thing. To argue that all 28 councillors come from one particular province and to say that all 11 come from another is not correct as a matter of fact.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, in view of the allegation made by hon. Mutiso, would it not be in order for this House to ask him to substantiate his allegation that there was tribalism?

The Speaker (Mr. Mati): Yes, Mr. Mutiso, can you do that?

Mr. Mutiso: Mr. Speaker, Sir, this is a fact which is very well known. The 11 councillors who voted against the creation of this particular post are: Kamba, Luo, and Baluhya; and the rest, who voted in favour of this post, are Kikuyu and Meru. Can he deny that?

Hon. Members: Hear! Hear!

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply—who is, in my opinion, a doctor of tribalism, can—

Hon. Members: Hear! Hear!

Dr. Kiano: On a point of order, Mr. Speaker, Sir, I do not believe that this House is to be used for name-calling. I would expect the hon. Member to withdraw that phrase he used against me.

The Speaker (Mr. Mati): I am sorry I did not hear what the hon. Member said. Did he say you are a tribalist? Now, Mr. Wabuge, did you say "tribalist"?

Mr. Wabuge: I said "doctor of tribalism" Mr. Speaker.

The Speaker (Mr. Mati): Order! Will you sit down? Now, Mr. Wabuge, it is not the first time you have been extremely offensive. I noticed it when you were asking another question of another Minister. It is not called for here. Now, if you said what Dr. Kiano has said, you will withdraw it and apologize.

Mr. Wabuge: Mr. Speaker, Sir, in order to allow me to ask the question, I beg to withdraw. Mr. Speaker, Sir, I would also like to apologize and congratulate him. Mr. Speaker, Sir, my question is as follows: In view of the fact that there is a serious matter over this issue, is the Minister prepared, now, to accept the report by the Director of Social Services of the City Council and reject the resolution by the City Council?

Dr. Kiano: Mr. Speaker, Sir, I want to be clear on this issue. In the first place the person, as I had said earlier on, who proposed the creation of the post was the Director of Social Services and Housing himself, and I laid on the Table that same report. This man happened to— Will you just wait a minute, Mr. Ayah, please? This gentleman happened not to come from whatever is alleged by the hon. Member. As I

had said earlier on, there may have been some disagreement on the salary scale. The second point, and this time I am going to be very correct, Mr. Speaker, Sir, is that I was trying to avoid a private discussion with the hon. Member; however, only last week the hon. Member from Kitale West, or from wherever he is from, came to see me right in this House. I was sitting next to Mr. Ngureti and he told me to reject this post in order not to reduce the powers of Mr. Siganga who happens to be a Muluhya. He cannot deny that fact.

The Speaker (Mr. Mati): Order! Now, we still have three questions to cover and we have gone far beyond our time for questions. If anybody is interested in this he can follow it up in the normal manner. We will, therefore, move on to the next question now.

Next question.

ROAD ACCIDENT AT JUJA

Mr. Kahengeri: Before I ask the question I would like to correct something there. My name is "Kahengeri", not "Kehengeri". That is a typographical error.

Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

Since seven persons have been killed in six road accidents by speeding motorists in the last two months on Nairobi/Thika Road at Juja, between the Thiririka and Ndarugu rivers, could the Minister consider, as a matter of urgency, building bumps on this part of the road to control high speed and prevent fatal accidents?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. To part (a) of this question, the answer is, "No".

Mr. Kanja: With all due respect, Mr. Speaker, Sir, to the hon. Assistant Minister, why does he say "no" yet we have already lost seven lives of our own people and if we could have controlled the speed of the careless drivers we could have saved the seven lives and made use of those seven people who have already died? What explanation does the Ministry have?

Mr. Shikuku: Mr. Speaker, Sir, the explanation is very simple. It is not only on this road that we have these accidents. Accidents have occurred in many parts of our country and on many of our roads. If we have to put these bumps on these roads one thing will happen, there will be slowing down in speed, traffic jamming and, secondly, for those, Mr. Speaker, Sir, who do not know, if

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

these bumps are built there, there will be more overturning of cars driven by drivers who will not be aware they are there because they will suddenly find themselves on the bumps and their cars will overturn. Secondly, Mr. Speaker, Sir, that is not the solution to the speed limit. The solution lies elsewhere and this could only lie in legislating laws, in this country, limiting speeds on various parts of the roads. However, if you have to put up bumps all over the roads we have in the country, first it will cost us a lot of money, and, secondly, we will not be helping to solve the situation. At least that money could be better used elsewhere.

Mr. Kahengeri: Arising from the arrogant reply the Assistant Minister has given, is he denying that seven people have been killed there or he is saying that they are not going to put bumps on this road?

Mr. Shikuku: I did not deny in my reply, that seven people were killed there: I accept that they have been killed. However, the solution is not building bumps on this road. Mr. Speaker, Sir, the hon. Member will agree with me that even with the speed we have here in Nairobi, of 30 miles per hour, in the morning you will find there are a lot of cars and a lot of people who report on duty late because of the speed. When you build up bumps it will reduce the speed and when you reduce the speed the traffic flow will be jammed and there will be a lot of delay on the roads. What we can possibly think of, Mr. Speaker, Sir, is legislation. In such areas speed limits should be laid down so that we can reduce the accidents. At the same time the drivers, themselves, must exercise also their discretion and drive carefully so that we can reduce the accidents. However, you can never reduce accidents 100 per cent.

PAYMENTS DEMANDED FROM "B" LICENCE
HOLDERS IN BARINGO

Mr. arap Cheboiwo: Mr. Speaker, Sir, I beg to ask the Minister for Power and Communications the following Question by Private Notice:—

- (a) Is the Minister aware that the traders in Baringo District have been asked by the Government, through the district commissioner's office, to pay Sh. 400 each before they collect their "B" licences?
- (b) Could he explain why "B" licence holders should pay the amount and whether this is happening all over the Republic?
- (c) Is he also aware that some traders in the district have been refused various tenders

because they have not paid the said fees of Sh. 400?

- (d) What immediate action is he taking to remedy the situation?

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. I wish to inform the hon. Member that I am not aware of the traders in Baringo District being asked by the Government to pay Sh. 400 before collecting their "B" licences.

(b) "B" Licence holders are not asked by the Government to pay Sh. 400 and it is not required of such licence holders anywhere in the country. All they need to pay is the normal licence of Sh. 30.

(c) Similarly I am not aware of any licence holder being refused tenders for failure to pay the said Sh. 400. The appropriate action will be taken if such a case is reported to the appropriate authority. Hitherto, no such a case has been reported.

Mr. Speaker, Sir, my Ministry does not intend to take action in this matter because the allegations are groundless.

Mr. arap Cheboiwo: Mr. Speaker, Sir, I would like to tell the Minister that I am not complaining about the Sh. 30, but my main complaint here is about this new fee of Sh. 400. I will tell him that last week, or let us say, two weeks ago, two people went to Kabarnet's district commissioners' office wanting to collect their approved "B" licences which were sent by the Transport Licensing Board from Nairobi. One bought his licence at Sh. 300 and on the next morning one came and he was asked to pay Sh. 400. This licence is still at Kabarnet up to this moment. The owner has not collected it because he has not paid Sh. 400. Therefore, this is what I want to know, what this Sh. 400 is for.

Mr. Somo: On a point of order, Mr. Speaker, Sir, can the questioner substantiate this serious allegation concerning the Sh. 400 in a way of producing a letter, receipt or through any other method so that he can prove the matter to this House?

The Speaker (Mr. Mati): The Minister has said that he knows nothing about these fees. Therefore, the best solution is for hon. Cheboiwo to see him later and give him the information required.

CLOSURE OF KYUSO SECONDARY SCHOOL DUE TO
LACK OF WATER

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

[Mr. Matiko]

- (a) Is the Minister aware that Kyuso Secondary School was closed down on 24th February 1971, because of lack of water and that 123 Forms I, II and III students are at their homes without knowing their future this term?
- (b) If the answer to (a) is in the affirmative, could the Minister tell this House what urgent measures he is going to take to reopen the school?

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. Kyuso Secondary School is officially a day school. The school is, therefore, still running even though the Harambee dormitories have closed down as a result of water shortage.

(b) The school, being officially a day one, the Ministry has no responsibility to provide water in the dormitories which the local people have put up on Harambee basis. It is, therefore, the responsibility of the local leaders to organize and mobilize people in an effort to procure water for use in the dormitories.

Mr. Matiko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that Kyuso Secondary School is a day school, is he aware that Kyuso Secondary School has 123 boarding pupils and that it is not a day school as he states?

Mr. Rubia: Mr. Speaker, Sir, I have said that Kyuso is a day Secondary School.

Mr. Matiko: No, no.

Mr. Rubia: Mr. Speaker, Sir, honestly, is it in order to shout like that?

The Speaker (Mr. Mati): Shall we have less wild shouting, please?

Mr. Rubia: Well, I have said Kyuso Secondary School is not—and I repeat, “not”—a boarding school as far as the Ministry is concerned.

Mr. Munyasia: Mr. Speaker, Sir, while agreeing with the Assistant Minister that Kyuso Secondary School is not a boarding school, and realizing that not all schools throughout the Republic are for boarders, would he deny that Kyuso Secondary School is not fully aided by the Government and because of that it deserves service by means of water supply?

Mr. Rubia: Mr. Speaker, Sir, Kyuso Secondary School is Government aided, only it is not a boarding school.

Mr. Mutiso: Mr. Speaker, Sir, while agreeing that Kyuso Secondary School is Government aided, and also realizing the gravity of the situation, in that the pupils have gone home because of lack of water, would the Assistant Minister

take it seriously that water is very essential in this school and, therefore, help this particular school by providing water?

Mr. Rubia: Mr. Speaker, Sir, I have not disputed the importance, the essentiality, of water but I have said that the local people must get together and see whether or not they can provide water. The Ministry is certainly not going to provide a water supply.

The Speaker (Mr. Mati): We must go on now.

Hon. Members: On a point of order! On a point of order!

The Speaker (Mr. Mati): Order! You can follow up the matter in the normal manner. We have no time now.

Mr. Okero.

MINISTERIAL STATEMENT

SPREAD OF CHOLERA IN TANA RIVER DISTRICT

The Minister for Health (Mr. Okero): Mr. Speaker, Sir, with your permission, I would like to make a short Ministerial Statement on Cholera *el tor*.

The Ministry of Health on the 6th March 1971, notified the World Health Organization in Geneva that there had been cases of diarrhoea near the Kenya/Somalia border coming from the area around Galole in the Tana River District. The Ministry of Health have carried out laboratory investigations and have bacteriologically confirmed one case of cholera in the area. Since then I have, myself, visited Galole in the company of my hon. colleague, the Member for the area. I am satisfied, after personally observing the measures my Ministry has already put into effect that the situation is being well handled.

Other Ministries of the Kenya Government are assisting my Ministry and, in fact, have been co-operating with us for the last four months in all our endeavours to deal with preventive measures, and in handling the present situation. I have the entire Ministry of Health on the alert so that we can cope with the present situation and any other developments. We have intensified preventive measures in the whole of the Coast Province, Garissa and other adjacent areas. These measures include immunization of the population at risk, treatment of known and suspected cases, provision and use of safe water, proper sanitation, personal and home hygiene, fly control measures and restriction of movements for those not immunized. The people must boil drinking water and must not bathe in the rivers. They must also use latrines or dig holes and cover faeces.

[The Minister for Health]

In view of the fact that this is an important and delicate matter, and Government is dealing with it effectively, I would like, through you, Sir, to request the hon. Members not to panic but to assist the Ministry in the effort it is already making. I would like to ask my colleagues, including members of the public, not to issue unnecessary, alarming statements. If any member feels that there is any issue which needs attention, they should get in touch with me so that the matter can be attended to.

When I visited Galole yesterday, I found that there had been 27 suspected cases and I was informed of a total of 19 deaths. My team of doctors, nurses and other health personnel have been strengthened and are on the spot dealing with the sick and undertaking preventive measures. The Ministry has therefore, as well as keeping the normal health services functioning without interruption, taken up the situation with the necessary attention so as to contain it, and we will need everyone's co-operation in this.

Mr. Speaker, Sir, we will be issuing information as necessary so that the public knows what is happening and what is expected of everyone, from time to time.

Mr. Jilo: Thank you, Mr. Speaker, Sir, I thank the hon. Minister for Health for the trouble he took to visit the area yesterday. I was there, myself, on Sunday and I am glad that he has now informed the House of the prevalent facts regarding the whole episode.

Mr. Speaker, Sir, there are things on which, I think, the Minister has not been informed correctly. Yesterday, the team that was supposed to have carried medicine, and which was supposed to move right into the hinterland, had not arrived up to the time the Minister, himself, left Galole. He cannot deny this.

The other point, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! Mr. Jilo, you know what we do in such a case as this. What you have to do is to ask for clarification; you cannot start making a speech or disagreeing with the Minister. If you have any information you can see him and give it to him.

Mr. Jilo: I think I have finished because I wanted him to realize and to agree with me or not that the reason why the deaths of people is rising almost daily is because the outlying people have not been reached by his team. They are concentrating on Galole Town alone.

Mr. Somo: Mr. Speaker, Sir, I would like to thank the hon. Minister for Health for the trouble he took to visit the Tana River District. However, is the Minister aware that in a village called

Kipini, which is in the Tana River District, the people there cannot move within the District of Tana River unless they pass through Lamu District, what precautionary measures is the Ministry taking in order to make sure that when these people are travelling around—

Mr. Jilo: Nothing. (Inaudible).

Mr. Somo: — What precautionary measures is the Ministry of Health taking in order to—

Mr. Jilo: Nothing.

The Speaker (Mr. Mati): Order! Mr. Somo.

Mr. Jilo, if you interrupt again that way, you will leave this Chamber.

Mr. Somo: What is the Minister doing to stop the spread of this disease?

The Minister for Health (Mr. Okero): Mr. Speaker, Sir, when I was in Galole there was a team of additional staff who were expected to arrive there in order to assist in the inoculation, and they arrived just about three minutes before my plane took off. Equally well on my arrival here, we made arrangements and I think a Kenya Air Force aircraft—I think a Caribou or, probably a Beaver—left some time this morning with additional equipment and staff that was required.

What I would like to assure the Members, Mr. Speaker, Sir, is this: that I personally feel that Kenya has the facilities and the means to control the situation in those cases in which it is not possible for people to travel for long distances for inoculation. We try as far as possible to reach the people where they are. I would like to assure the hon. Members that all we can do we are doing and we are getting the co-operation from all the other departments in our Ministries in our Government. I think, quite frankly, that there is nothing I can add to this and in the course of these operations there will be delays here and there occasionally, and all the rest of it; which is, in fact, part of human nature. I am not here to hide anything at all; I am here to say precisely what we are trying to do and that is what I am here to tell the House.

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

Mr. Speaker, Sir, could the Minister specifically tell us why there are no qualified doctors in Galole because we heard that when these people in Galole caught this disease they had to be driven to the general hospital at Mombasa and they had to cross all the lakes and rivers because there is no qualified doctor in every corner of Kenya, for example, in Mandera, Galole or Moyale which are all disease camps? What is his Ministry doing to get some qualified doctors to those parts of the country so that immediately

[Mr. Araru]

someone is known to be suffering from this disease the doctor is called before the disease spreads? Instead of having clinic assistants in every corner of the country we should have qualified doctors.

The Minister for Health (Mr. Okero): I think, Mr. Speaker, Sir, it would be quite wrong to suggest that the outbreak of cholera has anything to do with the fact that there was no doctor in a particular place. In fact, the treatment of cholera is pretty straightforward in those cases in which it has been properly identified. The clinical assistant in Galole was doing a very good job and now he has been strengthened by a large number of other staff who have gone there because of this particular situation. However, I do not want the hon. Members, whose knowledge about this disease is probably as much as mine—I am a layman in medical matters, but I do know that the treatment of cholera is one that does not necessarily require highly-skilled people; it is pretty straightforward. We are doing all we can with the staff available.

The Speaker (Mr. Mati): No more on that. We must go on now.

NOTICE OF MOTION FOR THE
ADJOURNMENT

COMMENCEMENT OF BRAEBURN HOUSE COED
PREPARATORY SCHOOL

The Speaker (Mr. Mati): I have received a written notice from Mr. Yunis Ali, Member for Langata, of his intention to raise on a Motion for the Adjournment a matter contained in a reply received to Question No. 43 (1260) concerning the commencement of Braeburn House Coed Preparatory Primary School at Lavington Nairobi. I shall call for the Motion for the Adjournment at the time of interruption of business, tomorrow, Wednesday, 10th March 1971.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS
(Fifth Day)

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 23rd February 1971.

(The Vice-President and Minister for Home Affairs on 25th February 1971)

(Resumption of Debate interrupted on 4th March 1971)

Mr. Cheserek: I was speaking when we adjourned, Sir.

The Speaker (Mr. Mati): My list must be wrong, then. You were speaking, Mr. Kase; were you?

The Assistant Minister for Information and Broadcasting (Mr. Kase): Yes, Sir.

Mr. Speaker, Sir, I would like first to use my remaining minutes to thank the Minister for Health personally for having visited the area where the victims of cholera are suffering. Mr. Speaker, Sir, I would like also to thank the officers who were working at Galole Hospital. Now, I must admit that some of them have never lived there, but the work and effort they are putting in to make the disease less or to eradicate the disease around my place is tremendous.

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

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

Now, I would also like, Mr. Deputy Speaker, Sir, to appeal to everybody that what these people need is encouragement. Now, what you see in Galole is a group of people seated together thinking that they will be the next victims. Now, I think in my own view, it might not help us trying to create more fear in the minds of these people. This is where, Mr. Deputy Speaker, Sir, I would join the Minister for Health and appeal to everybody, including the Press to exercise restraint. I do know that the Press sometimes looks for news which can sell so that when they put it on the front page the papers sell faster. However, in this exercise—and I am not accusing them, but they might do it in this case—I think we need real encouragement from the people and, perhaps, from various Government organizations, including Members of this House; they should go and put more courage into these people.

Mr. Deputy Speaker, Sir, I would like also to ask those Ministries concerned and especially on the question of movement. I am very convinced that, perhaps, because this area which has been affected was not inoculated in the beginning, some of these characters who cross the borders from Somalia to Kenya and have come to the river bank must have been the carriers. I think, Mr. Deputy Speaker, we need really to restrict the movement of these fellows so that we do not have the disease carried because, here people live along the riverside and they rely on the river for water for both bathing and cooking and the disease is bound to spread slowly along the riverside.

Now, as much as we can stop our own people, and here I speak in terms of our own people, as long as they cannot refrain from using water which is bound to have been contaminated with this disease, they might not find the solution easily. When I was there with the Minister yesterday, I was informed that quite a number of people have agreed to follow the advice given to them with regard to using boiled water. This

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is very encouraging, because in the long run our people will be well and fine when they go back to the normal situation.

Mr. Deputy Speaker, Sir, having dealt with that one, I will use the last two minutes in saying that it is important that these people who are suffering like this should be well looked after and fed properly. The department concerned, Mr. Deputy Speaker, Sir, should ensure that vehicles carrying foodstuffs to the district are not stopped on the way because this is what has happened lately. I do not blame the policemen—perhaps they do not understand—but I feel that any lorry driver who has had his inoculation should be left alone to carry foodstuffs to the district. Otherwise, what we are bound to see, Mr. Deputy Speaker, Sir, is that there is a road block from Garissa, a road block from Lamu and there is a road block from Malindi and, therefore, foodstuffs cannot go through to these places. Now, if we also starved these people, I think we would be making the situation worse than it was before.

Now, Mr. Deputy Speaker, Sir, I do not want to dwell on this very much, but the only thing I would, inform our hon. friends, the hon. Members, is that cholera has not affected the whole of Tana River District. Now, the hon. Member for Lamu West was giving me the impression that people travelling from Tana River to another place must pass via Lamu. However, I think if he is well informed, that area he is talking about, from Kipini to Witu and on to Garissa was inoculated in November, last year and so the danger there does not arise. The people coming from Kipini or coming from Witu are safe. If he knew his geography, he would not have said that.

Mr. Somo: I know the area well.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Well, I am just trying to put your ignorant knowledge right.

Now, Mr. Deputy Speaker, Sir, finally, I would like to say that all of us who are here must try to find ways and means of co-operating so that when we are working we work together. One thing, Mr. Deputy Speaker, that surprises me in this exercise—and here I do not want to blame anybody—is that our provincial headquarters have done nothing, and I think at least they need to have done something. You will be surprised, Mr. Deputy Speaker, Sir, to hear that when we arrived in Galole with the Minister for Health, the provincial officers in Mombasa had not even reached Galole. Now, this was a surprise because, if doctors from Nairobi went, doctors from Garissa went and still doctors from Mombasa,

who were supposed to go, including the provincial medical officer, had not been seen in the place; I think this is ridiculous. Now, Mr. Deputy Speaker, I think this is rather ridiculous—when we had famine in the place the provincial commissioner never bothered about it. This is another case where another provincial head is not bothering about the situation. Mr. Deputy Speaker, we begin to wonder whether our provincial headquarters is really being co-operative enough and I would appeal to this House, through you, Mr. Deputy Speaker, to tell these fellows to behave, and if they do not want to behave, I think they had better leave their jobs to others who can do them better.

Dr. Munene: Mr. Deputy Speaker, I am glad to have this opportunity to air my views. Mr. Deputy Speaker, Sir, I am extremely grateful to the Minister for Health because of the statement he has made in this House this afternoon. Of course, when you read about the situation of cholera in the papers whether you are a doctor or not, you get alarmed by this disease although it is known that this type of disease could be contained biologically if only you prevent it earlier. I understood earlier that they had a big team which was working in the northern area of Kenya. I do not know whether or not this is going on or that since one of the doctors who was supposed to head it has left Government service probably the team has broken down, and if that is the case, the Minister ought to put someone else in his place.

An hon. Member: Why do you not help them?

Dr. Munene: I would not mind helping them if you do not mind. Mr. Deputy Speaker, my main concern was not about cholera because I was satisfied by the Minister's statement. I am interested in His Excellency the President's Speech which he gave on the 23rd of last month. Mr. Deputy Speaker, this country is on the move and we have three main institutions. We have this House, we have the Government and we have our party. There are a good number of people who have spoken quite a great deal about the party. However, I would like to put across a word or two because of the misinformation which most of us have. His Excellency the President appointed a committee and charged it with the duty of reorganizing of our party. I understand that even up to today this report has not reached the President; and if it has, I think there is a tug-of-war, for posts in party, which has not come out in the open. I am wondering how you can organize a party, or reorganize a department if you really want to be the head of that department. I think that committee for reorganization should be

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quashed so that we may get people who are not interested to do the job. They are wondering who is going to be the Secretary-General, and as a result they haggle about the report. They ask, "Who is going to be the Vice-President?" And therefore they keep haggling about the report in this way. Mr. Deputy Speaker, it is high time this House was enlightened about the few who want to take this chance so that they may be removed from the committee in order that the committee works quickly.

Mr. Deputy Speaker, Sir, at the same time, under the old system every hon. Member in this House was elected by a Kanu ticket and he put a deposit of Sh. 1,000 which was not recovered. Mr. Deputy Speaker, I believe that this money should have been distributed fairly to every district where the money came from. I am saying this because when you keep the money here at the headquarters, I do not know what you do with it. If it is the money building the Kanu Headquarters Building here, we had better be told, and maybe we could contribute more; but if not, let this money be taken back home. This also happened during the Local Government Authorities Elections. People were handing a deposit of Sh. 200 to their district commissioners and this money was unrefundable, Where is this money? If this money is for building the Kanu Headquarters Building, we had better be told, as I did point out earlier, and then we can contribute more knowing where it is going. However, if you say that the money is for the party, it must go to the respective district where it came from and that will reorganize our party even before we get this report.

Mr. Deputy Speaker, Sir, on the Presidential Speech, he mentioned quite a good number of important things in connexion with the reorganization of local authorities. We are now breaking down the area councils and we are coming back to the old system of locational councils. I am wondering whether Government is going to take this matter seriously. I am saying this, Mr. Deputy Speaker, Sir, because you may elect the people to serve the area councils and all that but, where will these people get offices when you elect them as locational councillors? Where will they get offices? Will the chief become the chairman and start arresting them as we were told here this afternoon? If Government wants to reorganize the local authorities on the basis of the old system, then Government must have money, and that money has to be earmarked in this House to build locational halls, and at the same time we should have a clerk for each location who is going to

cater for these people. Otherwise, electing them is just like electing a Kanu chairman in the locations and then these people will be roaming about, the chiefs pushing them left or right wherever they want, and these councils will not function at all. At the same time, I would like to ask the Minister for Local Government to specify what role these people are going to play. Do not call them the area councillors or councillors when they have no job to do, just in the same way as we have the local authorities who have no job. They are harassing the people because they want to create jobs for themselves, when it should be clearly defined what they are supposed to do. If they are not required by the Central Government, let them be quashed and that could be better.

Mr. Deputy Speaker, there is an anomaly in Kenya as far as rates in the municipalities and land rent are concerned. Now, I understand one hon. Minister was complaining at the coast that they pay both. In my own constituency, I have two places which were owned by a *Muhindi* and now he is gone. However, we find that the local authorities are charging us rates and rents and the land is ours. We are the people who gave this land to the council and we are being asked to pay rates and land rents. This, Mr. Deputy Speaker, I would like to be looked into, with a view to unifying whatever is paid in Kisumu and in Mombasa so that this is uniform. We should not be charging rates in some areas when there is no service given to the people. You charge rates or rents to the people and you do not give them any service at all. They do not mind about these places; they only come to collect the rents. We do not want this Government of ours to behave like the British Government in America, whereby people are taxed and they are not served. If you do that you know what to expect from the people. If you have to tax the people, you have to serve them.

Mr. Deputy Speaker, Sir, there was a point during our last Session before we went into recess that most of the hon. Members in Parliament are completely ignorant of, not only about their own constituencies, but are also completely ignorant about their next door constituencies. It is high time Government establishes a sort of a fund which could be used in taking Members around from one province to another to see for themselves the development taking place so that when they talk in this House they do not mention one tribe only while they do not even know where somebody sleeps. You just come here to sort of talk off your mouth and you do not know that there are so many Kikuyus who are dying

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of hunger, there are so many Kikuyus who have no houses because you have no chance to go there and see for yourselves. I would like the Government to institute a sort of a fund to educate these people. They are the law-makers—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Who are these people.

Dr. Munene: You, especially. You come here—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member to refer to the hon. Members in this House as "these people", and when I point out the mistake to him, he says, "you particularly" directing this to me while I am so cultured?

The Deputy Speaker (Dr. Waiyaki): No, he knows that one has to refer to Members as hon. Members.

Dr. Munene: Mr. Deputy Speaker, this is a necessity, because we are the law-makers of this country and we have to understand the country. This does not only include our constituencies and I feel there are quite a good number of people in this House, who are the top law-makers of this country, who do not know where Mount Kenya Safari Lodge is; they do not even know where Nairobi Park is, and it is high time we encouraged these people to go round, and see their own country so that they may speak better when they come here.

Mr. Deputy Speaker, although this question has been touched on quite a bit by hon. Members here, in the form of questions, there is quite a great deal of public money which is being wasted either in the banks or elsewhere by our statutory bodies, for example, the Agricultural Finance Corporation. There are quite a good number of people who get a piece of land, keep their percentage there and do not get any interest, and in the end they have to recover their money from the Agricultural Finance Corporation because the land or property has been bought by somebody else. This must be accelerated. If there are no more loans, let the people be told so until such-and-such time, and then we may start negotiating all over again.

Mr. Deputy Speaker, there is a great deal of speculation here in Nairobi, especially on plots or houses which are being bought. I know one case whereby somebody bought a house and the lawyers bill was Sh. 5,000 because the property had changed hands from many people, and the whole

bill was loaded on the poor African. This must be looked into.

I understand the Minister for Lands and Settlement will buy all the land in urban areas, but before he gets the law into his hands to buy these lands, let us have somebody who is going to help the poor Africans. They are being squeezed and are paying a lot of money for nothing. There is the Law of Exchange, and if I want to buy a property—say, it is me who is going to buy that property—I have to pay for the exchange or something like that. But on the other hand, all these people who exchange this money among themselves squeeze the last buyer because they reckon that, after all he calls himself a citizen. Therefore he has to pay for his citizenship. It is high time Government looked into these things and streamlined the buying of property in Nairobi.

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

Mr. Akumu: Mr. Deputy Speaker, Sir, I wish to thank you for giving me this opportunity to make a contribution on the brilliant Speech made by His Excellency the President.

Mr. Deputy Speaker, Sir, once an African statesman said that there was a devil running round every corner of Africa putting out a spell. At one time we thought that we in East and Central Africa were going to be spared of this devil.

Mr. Deputy Speaker, it would appear that this devil is dancing a limbo within our own border. It would appear that if we do not think very seriously— Not this House, because it has talked enough; I have been in this House for a year, Mr. Deputy Speaker—

An hon. Member: How long have you been in the union?

Mr. Akumu: I have been a full-time union leader for 13 years, Mr. Deputy Speaker.

I am afraid that unless something is done—not by this House but by those who are in a position to execute the decisions, the policies and the views expressed by this House—that devil is soon getting entry and will get a foothold in this country.

What is the biggest disease? What are the causes of this? One of them is tribalism, and the other is the fear of democracy by those who are in authority. Fear! Why can we not reorganize the party? Why can we not reorganize the Kanu Party? It is because some people fear defeat, saying, "Yes, I would have liked So-and-so, but I have been defeated. So congratulations. You have had it." This is the fear and it is the disease.

[Mr. Akumu]

The second disease, as I have said, is tribalism. Why come and preach here and everywhere else saying, "No tribalism", while you are actually the archpriest or the archbishop of tribalism?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The Speaker?

Mr. Akumu: Mr. Deputy Speaker, Sir, if these hon. Ministers know, I am not referring to you.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Then you had better address the Chair. Speak in the third person.

Mr. Akumu: Mr. Deputy Speaker, I am asking for one thing in this country so that we may stop that devil from entering into this country, that is, we have to accept democracy, and those in authority have to accept defeat when they are defeated; we have to practise fairness and we have to stop tribalism.

What is wrong with Africa, Mr. Deputy Speaker? Everybody is talking of the liberation of Angola, Rhodesia and South Africa. First of all, to know that there is this devil, really, the liberation fighters themselves cannot agree. The hon. Burudi, who has been involved in this matter, would agree with me. They themselves cannot agree on how to liberate themselves. They cannot agree, and therefore we, who are supposed to assist them, do not know how to assist them and liberate them. Mr. Deputy Speaker, therefore, we end up with a continent, which is one of the wealthiest in the world, with a declining standard of living. The people are getting poorer and poorer. Why? It is because every wealth is being tapped out as we cannot agree. You will be told, probably by professional men, that this is because we are producing more children than we should produce.

Mr. Deputy Speaker, you had the opportunity of being in the land of Malthus. When Malthus talked of this in Britain there were 10 million people, and today there are 53 million enjoying a better standard of living than during Malthus' life. Something is wrong with us. We have all—

An hon. Member: Why only Britain?

Mr. Akumu: Mr. Deputy Speaker, can the Members not allow me to make my contribution?

On unemployment I want to make one point that there should be not only labour officers everywhere— We have computers introduced into this country while we have surplus labour. We have machines being introduced and more buildings being put up instead of job-creating investments.

There is a company which had the audacity to tell us, "We are going to spend £5 million in putting up new buildings in Nairobi which will eventually employ about 100 office messengers and clerks." They are doing this instead of spending £5 million on creating jobs.

Spend more money in the rural areas; distribute the industries. Do not have the industries concentrated in Nairobi and Thika areas. Be fair. If not, then demand a quota system so that the people can come from Bungoma—10 or 15—when they hear that there are jobs here. Otherwise there will never be sufficient jobs for everybody.

The other point which I think is very important, Mr. Deputy Speaker, is that we talk of the Community and say that it must be here and we must protect it. The Transfer Tax and everything else is levied in no other country except Kenya. Today we have many workers who are redundant. Why? It is because the other partner States in the Community do not want to buy our goods. They would rather import from Pakistan or any other place than buy Kenya's goods. Christ! Our Ministers must have the courage to tell us one thing— We either have the Community or we do not. I see the Minister for Home Affairs here. He should go and say so.

On the question of Africanization, I know one town, Kisumu— You had better call it an Asian town. I did not know that a nationalized bank cannot get an office in Kisumu because the Asians say, "No". Oh Christ, this is a shame! I think it is sad because we have failed in this country to execute— We make noise and talk here but I think we are spending the lovely four weeks— We leave it to the people who are supposed to execute it, but they do not execute it. Therefore, what—

An hon. Member: Therefore, they think you are nothing.

Mr. Akumu: They think we are all sick. That is possible because—

An hon. Member: Who are these people?

Mr. Akumu: Including you.

Up to this day we still have insurance agents and bank people counting the money of the citizens. These people are not even citizens. The insurance agents, having picked up the money collected left for Britain or their own countries. They are not citizens. We cannot even think of doing something on this matter. There is something fundamentally wrong with us.

I also know that we have condemned the civil servants here. They are not all wrong. Those who are specifically wrong, let us mention them

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by names. Some of them have done a good job, and I want to say that the Ndegwa Commission should, if possible, implement a wage policy that will, in the long run, only be adjustable in accordance with the economy of the country. I think His Excellency the President also mentioned the wages and income policy. We have a difference today between the urban and rural wages' policy, where the rural wage earners, the agricultural workers, are paid £3 and the urban workers earn three, four, five, six or seven times more. There is a case for adjustment of these wages, and I am afraid that the people who should be doing this are busy; if they are not busy with themselves, they are busy trying to find out how long the President is likely to live or how soon they are likely to succeed him, as the next President, instead of being busy in implementing economic measures that would make Kenya a viable nation.

Finally, Sir, His Excellency the President talked of a workers' investment trust, which will also involve housing. The Housing Ministry has done a good job, but we feel the cost of building houses is too high. We also feel that, if possible, all the expatriates' provident funds should be brought to the country.

Finally, I want to make one small appeal; that all the imperialists who did everything to His Excellency, he has excused them. Why is he keeping people like Odinga, and Oneko in detention? People who fought for his liberation, people who are his personal friends— He has excused (he has forgotten all what they did) everybody who fought against him.

With these few remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Deputy Speaker, Sir, thank you for giving me the Floor, to take part in this debate.

I think the President's Speech, this year took into account the views that were expressed by hon. Members of this House, in that Government should, at the beginning of a Session like this, outline what it intends to do and, therefore, here we have a programme that we can talk about, and the kind of legislation that we anticipate from Government. His Excellency the President has, therefore, to be congratulated for delivering the Speech that was along the lines that the House wanted.

Having said this, Sir, there are three matters that I would like, briefly to talk about. Firstly, hon. colleagues that have taken part in this debate have talked about the question of national unity. I would like to speak for a few moments, on this

very important question. I must warn the House that when trouble comes, if it ever comes and God forbid, it will know no tribe, it will know no section, it will have no friend. We shall all, and our families, face the same grim situation that some of the countries on this continent, and our very close neighbour, have had to face. Therefore, I must insist in emphasizing that when we talk in this House, we must be talking on behalf of all our people. There is no point in coming here to score a point. Scoring negative points, trying to embarrass each other, will never get us out of our present situation. Fate has dictated that all the people of Kenya will live in this country, therefore, the best way is to find out how we can best live together, harmoniously and in peace, so that we can develop our country for the benefit of all our people. I think we would be better advised to spend our time doing this, rather than saying whether this or that particular tribe is guilty of one crime or another.

Mr. Deputy Speaker, Sir, there are three components, there are three elements, that must work in harmony, if there is going to be peace and progress in this country. And I want to differ with my colleagues who have singled out our civil servants for blame. There are some civil servants, there are still civil servants in this country who behave like kings. We must ask the Ministers in charge of such Ministries, to call these civil servants to order. However, we must not make the mistake of blaming the entire Civil Service as if it consisted of guilty men and women, who have no loyalty to serve this country. I think the facts are to the contrary, that most of the civil servants, like most of us, have the interests of Kenya at heart, and we, together with the civil servants and members of the Armed Forces must work closely, so that we can help Kenya to develop, otherwise, what we say in this country, if it pleases one section or the other, will be merely creating a situation that will lead to those dangers that we would not like to see. I want particularly to say that civil servants must support whichever government happens to be in power at that particular time. We should not expect civil servants to be committed to Kanu for ever. If Kanu is the Government today, the civil servants will support Kanu. If another party comes to power tomorrow, the civil servants, naturally shift their loyalty to the new government. If civil servants did not behave that way, they would not be civil servants; not in the sense we understand it. Mr. Deputy Speaker, Sir, I therefore, would like to appeal to the House, to ask Ministers; to attack Ministers under whose Ministries we have these civil servants who behave in a strange way and, therefore, leave those

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people who cannot answer for themselves from attack, although I would support constructive criticism being levelled at any public servant.

The second point I would like to refer to, Mr. Deputy Speaker, Sir, is the general question in Africa, where we have one government being overthrown after another. I think we, in Kenya, have been lucky under the leadership of His Excellency Mzee Jomo Kenyatta. However, Mzee Jomo Kenyatta will not be with us for ever; we Members of Parliament, we members of the party, we members of the public must begin preparing ourselves for a situation where we have a peaceful evolution, and not to lead to a situation where we will make it necessary for the Armed Forces to intervene, and take over the Government as they have done elsewhere. Now, the only way by which we can ensure this is to encourage more democracy. The only way by which we can ensure this is to remove cliques that go around leaders, and pretend that they are the only people who know what is good for the country, and when trouble comes, they are the first people to denounce the very leaders that they pledged loyalty to. The evidence is too close for our comfort. We must fight corruption. We must fight nepotism. It is only this way that we can lay a foundation for the transfer of power, which will be done peacefully and without too much trouble for the country.

Mr. Deputy Speaker, Sir, we talk as if we are moving in small cliques. I do not think that this is good for Kenya. We must allow for a situation where a democratically elected leader will evolve; it does not matter whether the leader will be from the Coast or North-Eastern or Nyanza or Central Province.

Mr. Kitonga: Or Kitui East!

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Or Kitui East, for that matter.

I think this is our duty, I think, we owe this duty to our country, to ensure that this happens.

Mr. Deputy Speaker, Sir, I want to refer very briefly to one or two other matters. One is that we, as a country must be aware of the role that is being played by the citizens of non-African origin. We have created a situation in this country where we have offered full protection to all Kenya citizens. However, non-African citizens, because they have a lot of money, should not abuse the rights which have been conferred on them. There are some individuals in this country who want to grab everything because they are citizens and we must move, and we must be thinking, how to control the appetite of such rich people who want to

take everything from the country and, perhaps, give back nothing. What makes me sad, Mr. Deputy Speaker, Sir, is that among some of these families that call themselves Kenya citizens, they divide themselves so that the father remains a British citizen and his children who may happen to be working in Kenya Government acquire citizenship. These people are protected under the law when they exploit our people. They exploit our country with one foot in Kenya and the other one elsewhere. We must be very careful on how we handle this situation.

Finally, Mr. Deputy Speaker, Sir, I wish to refer to the question of famine relief and I would like to take this opportunity to congratulate the individuals of all races and from all countries who have made their contributions. The suffering of our people in the North-Eastern Province should be the suffering of all of us. Nobody should take comfort. We are not, as a country, divided into regions. We, as a country, are one and, therefore, their suffering is our suffering.

I think the time has come that we, as a Government, must do more. The small voluntary organizations have done their bit. If the President's Office is not in a position to handle the whole question, time has come when a particular Ministry should be asked to co-ordinate the efforts and we as a House should be prepared to vote money for famine relief in the North-Eastern Province.

With these few remarks, I beg to support.

The Assistant Minister for Education (Mr. Rubia): Mr. Deputy Speaker, Sir, I would like to add my congratulations and compliments to His Excellency the President for his very brief but very concise and clear statement. The problems that were highlighted in the Presidential Address are problems that are very close to the mind and hearts of our people. They are so many that I cannot cover them all in my ten minutes but I would like to select a few and make the following comments:

I would like to begin by referring to the drought and famine relief which is currently harassing our people in those areas of the North-Eastern Province, Kitui, and the other areas. Mr. Deputy Speaker, in my capacity as the President of the Kenya Red Cross Society, I know there is a lot of suffering going on. I get reports almost every day and there is no question in disputing the fact that our people are in real trouble. We also know that there is the co-ordinating committee of the National Freedom From Hunger Campaign which is supposed to co-ordinate the efforts of all the voluntary organizations. I would like to say that they are doing a splendid job and there is no

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doubt about it. Our members of the public are very responsive. People are coming forward with donations both in cash and kind. What is lacking at this stage, and this is where the bottleneck is, is the question of transportation. As I address this House, Mr. Deputy Speaker, we have over 20 tons of foodstuff and medical supplies lying at the godown of the Kenya Red Cross Society. All we need is a lorry or an aircraft to transport these requirements to the dry areas. This is a situation which I would like to suggest very seriously and the Office of the President must take it more vigorously than they are doing.

I have been talking to my colleague, the Assistant Minister in the Office of the President and he knows my views about this. I do not want to hide my feelings because there is no need kidding ourselves when our people are suffering. It is a fact that some people have died in those areas. This is a fact which I got from a very reliable authority and it is correct. Therefore, all we need at this particular point is this: whatever assistance is received must find its way to the North-Eastern Province immediately. There are several soup kitchens which are set up and they are ready to serve and they are, in fact, helping us.

However, sooner or later, Mr. Deputy Speaker, when the drought is over, we are likely to have floods. So, the situation is not a short-lived one. We can say that we may have another six to nine months of trouble because when the rain starts, there will be the question of the ability to transport supplies and requirements to those areas. So, it is becoming a serious national problem and I am appealing to my colleagues in the Office of the President to look at this problem from that serious point of view.

My other point, Mr. Deputy Speaker is this: a lot of things have been said about the efficiency in the Civil Service. I do not like to refer to individuals but I would like to associate myself with those who have said that it is wrong to condemn all the civil servants because some of them do spend a lot of hours doing service to this country. In fact, I would say that to a very good measure, we have reached where we are, a stable people, because of the service provided by those public servants. However, let us be realistic because we are independent people. There are black sheep in every flock and I would like to say that in the Civil Service there are some black sheep. There are those people who spend a lot of hours in their own businesses; there are those who spend some hours attending to the problems that are very close to them or to their friends; and there are those who really despise and, in fact, hate

anybody who is branded as a politician. There are also those people who are, in fact, in my observation—an honest observation and a very impartial one—working parallel to this political Government. This is a situation which must be corrected before it is too late because when a situation like that one exists, that is the situation where the politician and civil servant are working parallel to each other and where they will, therefore, never meet at any point, the ordinary man in the country suffers, the frustration mounts and anything can happen. Therefore, I think we should be deceiving ourselves if we do not say that there are areas in the Civil Service where there must be some reorganization and, in fact, I would even make a bold suggestion. Some civil servants should be retired in the interests of efficiency and the good running of this country. They have served their day. They reached the top so soon because they were victims of independence where you reach the top so soon and in a matter of three to four years you begin to get frustrated because you cannot go higher than that. You can only come out and become a politician and, perhaps, be appointed a Minister.

So, I say in all sincerity that the civil servants in this country, generally speaking, are very good people. They are honest and loyal to our Government but those few among whom are not really honest to this land should be retired because there are 11 million of us and we can get replacements.

My other point, Mr. Deputy Speaker, is that of Africanization of commerce and industry. Before I came to this House and even now—because politics is not a profession—I was a businessman. That is my profession. I want to say this. From my own knowledge I want to say that we have talked more than we have done in this exercise of Africanizing commerce and industry. Of course, it is not an easy exercise, I appreciate that, because apart from anything else we have to make sure that our economy tickles is on a sound base. So the process of transition must be very carefully worked out. I appreciate that, but it is the question of degree. I think we have moved too slowly, I think we have allowed too many loopholes, I think those citizens who are usually referred to as “paper” citizens have exploited the situation to a ridiculous, extreme absurdity. If there are any African people, black people like me who allow Indians and Europeans to use them, then I say the Ministry of Commerce and Industry has a responsibility.

I say the Africanization of commerce and industry must be speeded up. Not only that, the business community, black, white or yellow must look where they are going.

[The Assistant Minister for Education]

I do not think the notices to cancel the previous licences for this year have as yet been issued. I think this is wrong. A businessman should know in advance whether or not he is going to be allowed to trade. Why is it that so early in the year no notices to terminate their licences have been sent out?

Once again, I would like to say that we have done the best we can as a Government but I think we can do a little more. I appeal to my colleagues in the Ministry of Commerce and Industry to do something. Their's is a difficult problem, I know. I appreciate that and I agree. However, I think they are big enough to handle this. I do not accept that they cannot do so without disrupting the economy of the country.

Mr. Deputy Speaker, I will come to the area where I am employed: the question of education. I have done a lot of travelling in our Republic and I would like to say this. We have succeeded as a nation, especially our President has succeeded in arousing the spirit of self-help. It is such a wonderful spirit, it is a spirit that many other countries would like to have. So far so good. Our people have responded very well, but the frustrations are mounting in as far as Harambee Secondary Schools are concerned. I would, therefore, like to make a general plea that I think our own Development Plan in this respect should be reviewed. If we can take more than 30 classes a year, I think we should do so, because the people are already becoming very frustrated.

I see my time is up. I beg to support.

Mr. Jilo: Mr. Deputy Speaker, I would like to thank the President for the policy statement which he gave to this House at the State Opening of Parliament on the 23rd of February. I would have liked to speak on many things but 10 minutes are not sufficient and so I will have to confine myself to a few points only.

The first thing is about the outbreak of cholera in Tana River, particularly in my constituency. I must thank the Ministry of Health and the Government for the speed at which they moved in the area and the way in which they are dealing with the situation. I have no words to express here.

One thing I would like to point out here is that the first team that was appointed to vaccinate people against cholera during December last year and January this year did not work efficiently. This team which was supposed to vaccinate people in the coastal belt did not do its work properly, it only vaccinated a few. The majority of the people in these areas were unvaccinated. I blame the Provincial Administration in Coast

Province for not having checked people and find out what they were doing. This is wrong. If the people had been inoculated such a situation as the one we have today would not have arisen.

There is another thing for which I would like to blame the administration. We wanted to hold meetings in order to tell our people to go to vaccination centres to be vaccinated but the district commissioner refused to give us licences as Members of Parliament. Just imagine a Member of Parliament being denied the right to hold a meeting in his area for one whole year! For the information of the House I would like to say that the hon. Kase and I were refused permission to hold meetings in our areas for the whole of 1970.

An hon. Member: Shame!

An hon. Member: By whom?

Mr. Jilo: By the district commissioner. We raised the issue here and the Assistant Minister in the President's Office told us that he was going to look into the matter. Up to now he has not come up with a reply. I can see him sitting *there*.

Even at the time when our help was required we were denied the right to hold meetings. I do not think we can continue to have civil servants who consider themselves to be small kings in their areas. A commission of inquiry should be set up, Sir, to investigate the activities of certain administrative officers.

Here we go on blaming the Kikuyu every day when there are some officers in the field who are not Kikuyu and who are using tribalism, brotherization and nepotism. Members seem to fear to mention this. There is an administrator in my area who is not a Kikuyu and who is using his powers to recruit people of his tribe and bring them to Tana River. Before this man came to Tana River we had only a few fishermen, now we have about 2,000 of them.

Mrs. Onyango: On a point of order, can the hon. Member substantiate which tribe has been taken to Tana River?

An hon. Member: Are they Luo?

Mrs. Onyango: Are they Luo?

The Deputy Speaker (Dr. Waiyaki): The Member speaking alleges that a certain tribe has been imported. Obviously that is the allegation. A tribe who obviously are the same tribe as some administrator in that area. Can you substantiate that?

Mr. Jilo: When people come here and start attacking one particular tribe I think this is wrong.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, it appears that the hon. Member is being interrupted— There is a trend these days that some Members can speak continuously while they are seated, even when another Member is speaking. Is that not completely out of order?

An hon. Member: Completely out of order.

Mr. Jilo: Therefore, Mr. Deputy Speaker, I would like this practice to be discontinued. If we want to build one Kenya, then one Kenya has to be built in all corners. By all corners I mean this. If there is one tribe practising tribalism, and this tribe is to be blamed, then other tribes should also desist from such action, such practices.

I have written a memorandum to the Minister, President's Office saying that a commission of inquiry should be set up to investigate the activities of this particular district commissioner who has been refusing us permission to hold meetings for the last 14 months. We have not been told the reason why we cannot be given permission.

To make things worse, a Kanu Secretary, who is nothing there is given permission to hold meetings in our constituencies. He holds these meetings to frustrate us.

The Assistant Minister of State, President's Office (Mr. Muniya): On a point of order, Mr. Deputy Speaker, I feel the hon. Member will do us a good turn if he can tell us when those people were imported from the other area and who did that.

An hon. Member: Which area?

Mr. Jilo: If the Assistant Minister wants this information I will give it to him another day. However, I am assuring him, if he wants to follow up the matter, that he can telephone the provincial commissioner tomorrow and he will assure him of this.

The Deputy Speaker (Dr. Waiyaki): Order! If you make a statement in this House which you regard as a statement of fact, then you are liable to be called upon by the Members in the House to substantiate. In other words, to give the grounds on which you base your facts, and you are now being challenged to give those facts.

Mr. Jilo: Mr. Deputy Speaker, I will speak the truth here. I will speak out the facts if it is a matter of revealing them.

However, Sir, I have not mentioned any particular tribe but the other—

The Deputy Speaker (Dr. Waiyaki): Order! Specifically, only a few minutes ago you men-

tioned the district commissioner of your area. If that is the man you are referring to, then you will need to say so.

Mr. Jilo: Will I also be asked to substantiate the other allegation I make here, that we have been refused permission to hold meetings throughout 1970? The two of us. Will that be included?

The Deputy Speaker (Dr. Waiyaki): When that point arises, yes. If somebody in the House asks you to substantiate that you have been denied permission to hold meetings, then you can deal with that point at that time.

For the time being you are being asked to substantiate that in fact, there has been an importation of 2,000 workers, or fishermen, or both, by a local administrator who, from the trend of your speech, must be the district commissioner, and this is just because they happened to be members of his tribe. This is what you are being asked to substantiate.

Mr. Jilo: I say that the District Commissioner is Mr. Orwa and he has brought a lot of his people there. There is a conflict among the people almost every day. If you want me to bring you the number, I can do so and I can even bring the names of these people.

There was a fight recently, and the members of this tribe beat up one of the local people till he was almost dead. When this man was taken to hospital he was charged and fined Sh. 150 by the same people.

There are a lot of things that are taking place in this country which our Government, here in Nairobi, does not know of. Whenever we try to bring such things to the notice of the Government, they try to avoid it.

A few weeks ago, the Assistant Minister for Education who is here now, was telling us about drought areas, and the food and medicines which cannot be taken to the drought-stricken areas. If this is a competent Government why can it not use its discretion to even hire planes—and force the owners of aeroplanes—to ferry food to the North-Eastern Province? If it is a Government worth its name as I know it is, why can it not do this? Today we are faced with drought, with cholera, a dreadful disease. The people there are facing difficulties and I feel they should be exempted from paying tax and school fees.

Thank you, Sir.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Deputy Speaker, thank you for giving me this opportunity to contribute to the debate currently in progress. I would like to express my thanks to the President

[The Assistant Minister for Commerce and Industry]

for the Speech he made at the opening of our Second Parliament.

Sir, before I move on to anything else I would like to say something about the civil servants. I think we Members of Parliament, and our fellow politicians, are going a little bit too far. Sometimes a politician has a personal grudge or problem with a civil servant and he uses this opportunity to come to the House, or go to a public meeting and blame all civil servants. This is very unfair. For example, I think our administrators in Nyanza Province, from the provincial commissioner and below, are doing their best to co-operate with the politicians in the area. Of course, Mr. Deputy Speaker, Sir, there are exceptions where disagreements come but I think this is very normal wherever people work. I am hoping, Mr. Deputy Speaker, that those other civil servants in other provinces will also not think that their job as civil servants is to fight politicians. Also, it should not be the job of the politicians to fight civil servants. We are all servants of the public and if we divert our attention from serving our people to fighting each other, it is our people who will suffer because most of us are employed and are earning a salary, but we are not earning a salary for fighting amongst ourselves. There are some civil servants who are bad and there are also some politicians who are bad and cannot behave. A politician should not think that just because he is a politician—Anyieni is now an Assistant Minister—he is right always and every civil servant is wrong. I think this is wrong. Mr. Deputy Speaker, Sir, I think we should be able to give respect to the civil servants and the civil servants should give respect to the politicians. I think if we work together we should be able to do a good job for the country. I agree with hon. Rubia when he says that some of these civil servants have been in this job for too long. They are so frustrated that sometimes they express their frustration by opposing a politician to have something to do. I think some of these people, Mr. Deputy Speaker, should be retired in the interests of good Government which is being led by Mzee Kenyatta.

Mr. Deputy Speaker, Sir, there is another thing which I would like to say here and, I think, this is the time that we should say it. The other day my fellow Assistant Minister did say that we have one and a half million bags of maize in store. I think, Mr. Deputy Speaker, this maize can be consumed within a month. Kisii District where I come from is a district which I think yields a lot of maize. But, Mr. Deputy Speaker, Sir, I was

there last week and I found that a bag of maize was about Sh. 30. I went there after five days and found that the price of a bag of maize had risen to Sh. 60. I am sure if I go there next week, Mr. Deputy Speaker, a bag of maize will be Sh. 80. If it can be that bad in Kisii, it will be worse elsewhere. I would, therefore, urge the Ministry concerned to make preparations for importation of maize from wherever it can be available. There is no other way through which we are going to feed the people of Kenya. Arrangements must be made now because, as one Member said here, after this drought we may have too much rain again. Therefore we, as the father of our own people, should be able to see ahead. We should not wait, Mr. Deputy Speaker, Sir. This is because, Mr. Deputy Speaker, Sir, what will happen if we do not take that step now, there is going to be a shortage and the middlemen—the men whom we have been talking about here who work with my Ministry—are going to make use of the shortage and are going to exploit the *mwananchi* by trying to get money because of the shortage of food.

Mr. Deputy Speaker, Sir, I would like to say a little about tribalism. I think, Mr. Deputy Speaker, Kenya is sick about this tribalism. You will find that when a man who enjoys a position is told that he is a tribalist he says he is not. The very man who was complaining, when he also gets into a good position, does exactly the same as the other man was doing. Mr. Deputy Speaker, Sir, I am saying this because this afternoon we had a very bad example where we had a man fighting for another man because this man is a Mluhya. We also had another man who was fighting for another man because he belongs to his tribe. I think we are going wrong, Mr. Deputy Speaker. This is spoiling the country. What will then happen to people like the Kisii people who do not have big people in big positions? They are then doomed, Mr. Deputy Speaker. If we have big people coming here be they Kikuyu, Jalu and Baluhya, fighting against each other, where are the rest of us? The rest of us are nowhere, Mr. Deputy Speaker. I think that every man who is in a responsible position should not only look at a tribe as such. He should also see that the whole of Kenya is served fairly. Mr. Deputy Speaker, Sir, there is this tribalism, which everybody speaks about. If somebody is gaining through tribalism he does not complain but if he thinks that there is somebody else who is gaining through tribalism he complains about it, but when he used to get something he kept quiet. I think it should be denounced when somebody is gaining and it should also be denounced when somebody is suffering. For example, Mr. Deputy Speaker,

[The Assistant Minister for Commerce and Industry]

Sir, we are not going to have two Permanent Secretaries in the Ministry of Local Government and two Permanent Secretaries in the Office of the President. There will only be one man in each Ministry and they cannot all be of the same tribe. Therefore, Mr. Deputy Speaker, Sir, I think there is too much blame on this. One man may do something wrong as it was said by the hon. Member from Tana River. It may be that one man did something wrong but that does not justify the denunciation of the whole tribe. Sometimes we say, "Oh, these people have taken everything." For example, I have heard a lot of people saying, "Oh, Kikuyu people have taken over everything." Mr. Deputy Speaker, Sir, if you drive through Kikuyuland here, you will find the Kikuyu people are suffering more than anybody else. Yet, we think that just because maybe a number of them have taken something, everybody has taken something. These people are also suffering. These people who are using tribalism are selfish. They are not serving their tribes but instead they are serving themselves. They are using their positions to enhance themselves or to enrich themselves. Mr. Deputy Speaker, Sir, not everybody in the tribe should be blamed for this. But we warn those also, who so use their positions, that they are making even their brothers suffer more and their people be more hated. When a man is in a position—like my friend here, Mr. Rubia, who is an Assistant Minister for Education—he should not look at people as Kikuyu people or as Kisii people but instead he should serve everybody. This is because he is not an Assistant Minister for the Kikuyu people but he is an Assistant Minister for Kenya and Mzee has put him there to do this job.

Mr. Deputy Speaker, Sir, I would like to touch on this question of citizenship. Mr. Deputy Speaker, Sir, what I have discovered is that some of these people who are non-citizens are better than citizens. As soon as a man has taken up citizenship and he has framed it—made a photostat copy of it, my Lord, he thinks he has the power now to abuse anybody or to do just as he likes. If you try to tell him that he shall be dealt with, he goes up quickly to say that, "Now I am a citizen and these people are doing this to me." The other day, Mr. Deputy Speaker, Sir, we had an exercise whereby we wanted to find out what had happened to shops whose owners had been given quit notices or whether they were now occupied by Africans or non-citizens. We sent one of our officers to an Asian to go and ask for some information from him. This Asian told him, "I will not give you any information. What are you? I am also a citizen like you. Why do

you not go to ask for the information from Africans?" My poor officer came back to the office and reported the matter. We told the Asian to close the shop while we carry out investigations but the man went to a bigger authority. Later I heard that the place had been reopened and I said, "My Lord, what will a poor Anyieni do." Now, Mr. Deputy Speaker, Sir, these people who are citizens are worse than the people who are not citizens. The non-citizens will listen but the citizens will not listen. I am very pleased to see that the Ministry of Home Affairs has now put a stop to the registration of citizens. What used to happen was that we gave a man a quit notice and the following day he came to us with a certificate. This made our work very difficult, Mr. Deputy Speaker, Sir. However, I am very pleased that this is not happening now at all.

Mr. Deputy Speaker, Sir, before I sit down I would like to say something about quit notices which a colleague of mine mentioned. Mr. Deputy Speaker, Sir, what our Ministry has done is this. There were people who were given quit notices and some of them were supposed to close business. For the information of this House some of them continued with their business because the law seems not to be sufficient. They continued to trade without a licence for a whole year. Now, we do not want to repeat the same exercise. We want to make sure that those who had been given quit notices and who were expected to close business. There is no point giving people quit notices, they are supposed to have closed and, they are continuing with business, then all over again you give new ones quit notices and also they continue with business. It becomes a child's play, Mr. Deputy Speaker. Therefore, Mr. Deputy Speaker, Sir, what the Minister has been trying to do is to make sure that those who are supposed to close have done so, so that we can give new quit notices to others. Mr. Deputy Speaker, Sir, we are not going to do the same as last year. This time we are making sure that if we give a 100 quit notices, maybe one or two may succeed in appeals but not like last year when very many succeeded in these appeals.

With those few remarks, Mr. Deputy Speaker, I wish to ask my colleague who spoke very well about my Ministry to take this challenge from me because he has also given me a challenge. Where did you decide about this raising of school fees?—Sorry, Mr. Deputy Speaker. Where was this raising of school fees decided? Mr. Deputy Speaker, Sir, if there was an election today and a man comes and says that he is going to reduce school fees, all of us would lose that election. I am asking my colleague, to get the school fees reduced. It is too much and the *wananchi* cannot afford it.

[The Assistant Minister for Commerce and Industry]

Thank you very much, Mr. Deputy Speaker.

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

Mr. Deputy Speaker, Sir, I congratulate the President for the Speech which he gave the nation on 23rd of February. Mr. Deputy Speaker, Sir, before going further, because time is too limited, I would like to start my speech by touching on unemployment.

Mr. Deputy Speaker, Sir, I think it was on 16th December, last year when we passed a resolution asking Government to implement the findings of a Select Committee which was formed by this House. The resolution was asking the Government to implement the findings of the commission before the end of this Financial Year. Mr. Deputy Speaker, now four months have elapsed and nothing has been done. There are many people with various standards who completed their studies last year: Form IV school-leavers, Form II school-leavers and Standard VII school-leavers; and they are all waiting outside to hear what their Government is going to do for them and what is going to happen to them. We understand that this year only one-third of the teacher training colleges' intake will be taken from the previous candidates—those who sat for their School Certificate Examination last year—and that two-thirds will be taken from those who are monitors because they were allocated in the teaching profession by the Tripartite Agreement. Mr. Deputy Speaker, Sir, this is a big burden to our Government and if the Government is not going to take any initiative, this is going to explode. My colleagues have talked here with a fear of a military *coup d'état* as has been witnessed in other places. However, this will be a labour *coup* which will be the biggest in the country.

Mr. Deputy Speaker, Sir, my hon. friend is telling me to tell them to go and provide themselves with self-employment. How can they get it? Where is the land?

Mr. Deputy Speaker, Sir, this is a big problem which is facing the country and it is the problem which is facing everybody in the country; and so the Government has to take drastic steps and see to it that these people are cared for.

My colleagues have talked much about civil servants. We have civil servants who regard themselves as kings of this country! They appear, of course, as if they are entrenched in some of the provinces and some of them have never been transferred since we achieved our independence. Why are they not transferred? They have made

themselves kings of those places! Even if you talk about them they do not recognize any politician at all. To speak the truth, this is a political Government; but some of these civil servants do not recognize this political Government, they think they are heads, even of this party. We have seen this—I would like to say a few words concerning a friend of mine who is here—an Assistant Minister in the Ministry of State, President's Office. When he is asked a question regarding a civil servant, he comes here with a draft which has been drafted by a civil servant and he reads it and saves them by defending them. However, at home—they go and cut his feet! This is what is happening in the country and is really very serious. I know an incident where the same Assistant Minister nearly collided—exchanged blows—with a civil servant! The Assistant Minister then comes here to defend that same civil servant who wants to beat him when he is at home. This is a situation which we cannot understand. Some of these civil servants should be condemned—not all of them—especially those who have made themselves kings of provinces or kings of districts and they should know that this is a political Government and that the person who is the head of this political Government was elected by the people on the same franchise like Mr. Shikuku, Member for Butere.

We can see some people who are trying to help others. Let them have any motive behind them because this will not matter since they will be helping others.

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

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

Look at the case of my friend, J. M. Kariuki. When he went to the Coast last week-end, he was refused permission to talk at a *baraza*, where he could tell people this and that and then give them a donation of Sh. 3,200. What does that show? He himself is giving them something but the Government is trying to shut his mouth. Even if he has a motive in giving such donations, let him have those motives, because he will give us and then we just consume! We shall then know about the future.

I have already said that some of these civil servants are the ones who are frustrating some of these politicians, and they have the idea of "Divide and Rule". They have come out to the churches and to the leaders of the districts trying to divide them, telling each of them: you belong to this or to that. This is done by some of these civil servants because they want to remain there and have cliques: one of them fighting for him and the other against him so that he can stay there for a longer time.

[Mr. Muthamia]

There is one touchy issue which was announced on the radio some time back. Recruitment of Kenya Army personnel is going on in the country at the moment. It is true that Meru people have been given three centres where these people will be recruited from. For the last four or five years we have been hearing on the radio of Tharaka Centre. Tharaka is a location of 30,000 people and when the army people go there they recruit 15 personnel there and when they come to the town, where there is a population of 570,000 people—the rest of the Meru people usually go to the centre—only 10 people are recruited from there. Could the Ministry for Defence tell us why this is repeated every year? This is a total brotherization! It is because the Assistant Minister who is in charge of the Ministry of Defence comes from that location. This is really very bad. We have to tell the truth. This is really the thing which is killing unity in the whole country. If this is how things are done by an Assistant Minister, then the Minister will do bigger things than that which is very wrong. What are we going to do—we Back-benchers who have not been given any say or any mandate? This is really very bad.

Mr. Speaker, Sir, let me turn to the question of buying property in Nairobi. Some of these Industrial and Commercial Development Corporation people when they send the assessors to assess the property which an applicant wants to buy, they—

I beg to support.

Mr. Muthua: Thank you very much, Mr. Speaker, Sir, for allowing me to have this opportunity to make my contribution to the Address made by His Excellency the President in this House on 23rd February 1971.

Mr. Speaker, Sir, Kenya being an independent country—

An hon. Assistant Minister: You had better cough first.

Mr. Muthua: I have finished coughing.

Mr. Speaker, Sir, we have freedom of speech and freedom of expression entrenched in our Constitution. I would, therefore, call upon the country to uphold this freedom of speech and freedom of expression. Of late, Mr. Speaker, there has been a tendency by certain civil servants to suppress this freedom. Some people have been refused permission to address their own people. It should be known that these people love their leaders and the proof of this is the confidence these people showed to their leaders during the recent General Elections. Therefore,

this should go as a warning that this freedom of speech and the freedom of expression should be upheld.

Mr. Speaker, Sir, in the Kanu manifesto, the *wananchi* were promised free primary education in this country. Today, it is our duty, as it was mentioned in His Excellency's Address that the Members of Parliament should serve as a bridge between the Government and the public. I would like to take this opportunity to let the Government know that the *wananchi everywhere* are not asking for more than what was promised to them in the Kanu Manifesto and that is free primary education.

Mr. Speaker, Sir, the examination after Std. VII, that is the Certificate of Primary Education is doing a lot of disservice to very many children. Those who cannot obtain places in secondary schools or into other technical institutions in this country, are roaming about the country looking for jobs which they cannot get, Mr. Speaker, Sir. I would, therefore, like to call upon the Government to consider seriously abolishing the Certificate of Primary Education. Children should be allowed to continue their education up to School Certificate standard.

An Assistant Minister: Where is the money?

Mr. Muthua: There is money. I can hear an Assistant Minister here asking me: "Where is the money?" You will not realize that there is money in Kenya until Kenya is attacked. If somebody attempts to attack Kenya today, you will realize that Government has the money. Mr. Speaker, if we do not give proper education to our children, we are creating this juvenile delinquency problem in this country and soon or later the situation will be explosive.

Mr. Speaker, Sir, my colleague here has mentioned something about citizenship of those people who are of non-African origin. These citizens of non-African origin are exploiting workers, but not all of them, only some of them. Some of them are middlemen and I would like to give an example of the millers. At present we have this serious situation of drought in this country. Our national herds are suffering. These millers do not want to release stock-feed to unions and co-operative societies. A good example is fodder for pigs. When a co-operative society or a certain union in a certain area has some fodder, they offer it for about Sh. 23. However, when an individual trader, who has a licence from the Ministry of Commerce and Industry—I do not know where the Assistant Minister has gone to—they sell that fodder for about Sh. 30 and because the farmers have no alternative to get this stock food, they pay this amount of money. We feel very bitter about these citizens.

[Mr. Muthua]

Today, Mr. Speaker, if you want to buy some property and you call upon a valuer from the Industrial and Commercial Development Corporation to come and value the property and when the value has been officially declared, these people do not agree to sell the property unless you are prepared to pay the price that they are going to quote. Therefore, you will find that these types of citizens are doing a great disservice to our people. I therefore, would like to call upon our Government to consider seriously establishing a Citizenship Board. This board should be charged with the responsibility of considering applications for citizenship. It should also be charged with the responsibility of reviewing the behaviour of some of the citizens who are paper-citizens and cancel their citizenship when necessary. I can say, Mr. Speaker, that some of these citizens are like decorated donkeys, which will always remain donkeys because they pretend to have equal rights like any other citizen in this country. I have no quarrel with a citizen who will respect the indigenous of this country.

Mr. Speaker, Sir, our young girls, after leaving school, cannot help messing about with their boy friends. When, however, they become pregnant and go to the hospitals as maternity cases, —and the Assistant Minister is here—they cannot afford Sh. 40 for maternity fees. After delivery, however, they are sent away by the authority, leaving their babies behind. I would, therefore, like to ask the Ministry of Health to consider seriously abolishing maternity fees for these very, very unfortunate mothers.

An hon. Assistant Minister: You are not serious, are you?

Mr. Muthua: Mr. Speaker, the hon. Shikuku is taking a lot of my time.

Mr. Speaker, Sir, I have something to mention about the Voice of Kenya. After the news, you always hear the announcements and such announcement are about some occasions and deaths. I wonder why the Voice of Kenya cannot make announcements for births. If somebody wants to announce the birth of a child, I think this is another way which would fetch the Government some revenue to help in financing some of the projects they already claim that they do not have the money to finance.

With these few words, Mr. Speaker, I do not want to take a lot of time, I beg to support.

The Assistant Minister for Health (Mr. Jahazi): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to say a few things on the brilliant Speech made by His Excellency the President.

I have a point here and I do not know who is in a better position to tell the nation whether we really have a national crisis that affect food. I have seen that the position is getting worse and worse every day. Who is to tell us exactly whether we have enough national food, *unga*, for *ugali*, in the country so that everybody knows where he stands because we are getting false assurances that everything is all right and that there is enough food in the country while so many women are fighting for a packet of flour? We have read, in the *Nation*, every day, including today that people are fighting to death for a pound of maize meal. Now, Mr. Speaker, Sir, if we have come to a position where the ordinary citizen is not guaranteed a pound of maize meal, then, how can we sit in this House and talk about everything being all right? If it is not anybody from the Ministry of Agriculture, who is there to reassure the nation that things are not getting worse? Mr. Speaker, Sir, I think the *wananchi* are entitled to an explanation. Whether there is rationing of food, let the nation be told that there is enough food—the essential food particularly *unga* for *ugali*—so that proper machinery should be gone into to ration this food. If they are preparing that old mixture, let the nation be told so that they prepare for the mixture where we have wheat and maize meal—the stuff we had some time ago—so that we guarantee that people will eat tomorrow. As at the moment I am getting more and more worried. Mr. Speaker, Sir, that perhaps things are not as good as we are told that they are. If the 1½ million bags of maize lying in the godowns is there, let it be seen to be there by descending into people's stomachs every lunch hour and every evening. However, let us not just talk about 1½ million bags while *wananchi* are fighting on the streets to get a pound of flour. Let us not be embarrassed as Members of the Government because if I am asked by my constituents as to what is happening to *unga*, I have no answer to give them because I, myself, cannot get *unga*. I was in Mombasa yesterday and after hearing people in Nairobi complaining that because of higher prices in Mombasa for *unga*, all *unga* has been taken there and that is why people are not getting *unga*, here, but I want to assure you, Sir, that the best way to eat *ugali*, these days, in Mombasa is through somebody's dream. You can dream that you are eating it, but practically, there is not even a grain of *unga* there and there is no explanation whatsoever from anybody so that the *wananchi* can know what is happening! So, Sir, we want a very hot statement. In fact, Sir, not only a statement but an assurance as well that there is *unga*. For, example, we in the Ministry of Health, if there is an outbreak of

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cholera we can say it is there and this is what we are doing. So, we want a statement from the Ministry of Agriculture that there is an outbreak of hunger and that it will find out an alternative.

Now, after saying that, Mr. Speaker, Sir, I would also like to say a few things about the drought, especially in the Eastern and North-Eastern provinces. Mr. Speaker, Sir, I am one of the few people who have toured these areas to see for themselves the conditions of the people there. We are going into a very bad practice, Mr. Speaker, Sir, of denying things that exist because when an hon. Member started talking about the seriousness of the situation in these areas, many people denied it. I would like my colleague from the President's Office to say when he is visiting these areas himself so that he can come and report to the nation. Sending officers there and depending on reports is not enough, because what I read and what I saw for myself, Mr. Speaker, Sir, is a hell of difference. Unless the Minister in the President's Office or his Assistant Minister makes an extensive tour to see these areas for himself and reports to the nation, Mr. Speaker, Sir, we are wasting time. These people are really suffering. I had to feed a few of the people. You will find that the people there—the administration—are not geared to handle the situation. They are only geared to handle small isolated emergencies. However, this one is a major one and we cannot just leave it to the civil servants to send reports. A politician in the position of a Minister in the President's Office or an Assistant Minister should go there and assess the situation rather than sit here in Nairobi and get reports. That is why we did not deal with this question a long time ago and instead we have been just reassuring people that the situation is under control while people there are only being fed alternatively. A mother comes and gets a *kikopo* of *uji* and she is not supposed to come until a day after tomorrow when she can again be given more *uji*. That is not feeding the public who are really in difficulties. Mr. Speaker, Sir, somebody suggested that we must have a national board, a permanent one, we have so many boards some of which are not so very useful. We must have a national board to go into the food position of the country and who can anticipate a national emergency and move food and other supplies in these areas before we get caught in a position like this one. Mr. Speaker, Sir, this is shameful and I hope that the Assistant Minister in the President's Office will say, when he will speak, categorically what steps are being taken by Government and the Freedom from Hunger Campaign or the Red Cross. These are only helpers but the

whole responsibility is with the nation and the Government! So, we hope to get this from the Government, Mr. Speaker, Sir, otherwise we in the Government are being embarrassed to find out some of our limbs are not functioning well and yet we are supposed to be the whole body.

Mr. Speaker, Sir, I would also like to say something about the hotel staff. I understand the hon. Shikuku, an Assistant Minister, has been in a bit of difficulty in Mombasa where things are not going well. We who are from Mombasa are a little worried about these incidents that are happening there. I think it is high time we said something about it. I see the hon. Assistant Minister for Tourism and Wildlife and who is also chairman of directors of many of the hotels is here. I, myself, would submit that the *wazungus* in these hotels—very young fellows—who are brought from somewhere to come here, I think some of them were just simple waiters in Europe but when they come here they are appointed managers, to come and manage them. They think that here, we cannot have a *mzungu* waiter. Now, these people do not know their responsibilities. They cannot talk nicely because hotel business is business! If the hotel is full all you have to do is talk politely and tell somebody who will understand the position. However, Mr. Speaker, Sir, some of these fellows feel that it is shameful for them to come and speak to hon. Martin Shikuku in the right way. You find that for people to say that hotels should not be reserved for V.I.P.s is stupidity. I have seen, say, when His Majesty Emperor Haile Selassie comes suddenly and would like to see Mzee I have seen hotel rooms being vacated. It is a case of an emergency when a President or a Prime Minister comes here suddenly. We saw this when the former President of Uganda Dr. Obote came here. there was no question of booking in advance; rooms were vacated for him. So, if somebody is forced to go to a hotel in Mombasa, there must be provision to give him a room. Their excuses are very stupid and I hope they will amend their manners.

With these few remarks, Sir, I support the Motion.

Mr. Mwangale: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

First of all, I would like to thank His Excellency the President, for his Speech; as usual he always gives us his piece of wisdom in the direction of policy and the broadlines of our Government's plans and I am sure hon. Members and the whole country appreciates his efforts. First of all I would like to repeat what the hon. Member for Tinderet, *Bwana* Seroney, said when he talked about this

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particular occasion. Sir, I have personally seen this House being converted into some kind of carnival festival. You have people donned in all garbs of description in this Chamber filling up everything so that the V.I.P. treatment a Member of Parliament should receive, he does not get it at all. I think it is a shame! If we cannot get V.I.P. treatment outside, as the hon. Martin Shikuku says, at least, I think, we deserve it in this House. It is just about time that the hon. Members of this House were accorded the rights that are entrenched in the National Assembly itself, our Standing Orders. I think that it is about time that the civil servants and all the security personnel that pour in this compound when His Excellency the President comes here to quit. I am sure that all hon. Members will agree with me that when His Excellency the President comes to this House, he is among his brothers. I do not see anybody in this House who would turn round or do anything wrong or try to intimidate Mzee and, therefore, there is no point for having our security packed up this way and packed up that way so that we do not even have space for our own ladies. I think it is time we did something about this matter.

Mr. Speaker, Sir, the second point is about the Speech itself. The President said, and I quote one statement which he made, that he would restrict himself to general reviews of public affairs to the important ceremonies which we hold on Madaraka Day and Jamhuri Day. That in itself, Mr. Speaker, raises a number of questions. First of all, I do not know whether I am misunderstanding the Speech or the intentions of His Excellency the President with regard to the importance of this particular ceremony which is the opening of the National Assembly. First and foremost, the purpose of opening the National Assembly or Parliament at that time is for His Excellency to let us know what Government plans we have or the type of business we shall be transacting within a particular Session. This means that, Mr. Speaker, he is giving us, as representatives of the people of this country, some information for us to carry back to our people and let them know what they have in store. The fact, Mr. Speaker, that His Excellency mentioned Madaraka Day and Jamhuri Day as those important occasions when he will be announcing, if anything possibly, matters of public policy or major policies, may sound rather interesting, if I may put it rather mildly—because, does this mean, and I want to ask that from the Minister here, this occasion is not as important if not more important than Madaraka Day and Jamhuri Day? The second

point, as I see it is that it may be possible for the Government to use this particular statement to make announcements, on Jamhuri Day and Madaraka Day, which hon. Members of this House who represent the nation are not aware of. We do not want to be caught unaware, we would like to be told what is coming; and we want to be sure that whatever business is going to be announced, Mr. Speaker, the nation is aware of it or informed. We are after all the shock absorbers between Government and the people. We are supposed to transmit information from the Government and let the people of this country know what developments the Government is carrying out. Therefore, I am hoping that what His Excellency meant by saying that he will restrict major policy matters for announcement possibly on such occasions may not imply announcements which will catch, the whole nation and this House, unaware.

A third point, Mr. Speaker, Sir, which I want to mention is with regard to the Central Organization of Trade Unions' elections. As we have been told the Central Organization of Trade Unions' elections are coming up very shortly and all I want to say, Mr. Speaker, is only one thing, that the Minister concerned with the organization of Central Organization of Trade Unions' elections should ensure that no tribalism will be injected into the election, and that there will not be any machination on the part of individuals or on the part of certain groups to try to dominate that organization. We want the elections to be completely fair, we want proper representation and I think that should be clearly understood.

Another point I want to mention in the same respect is with regard to job availabilities. I think it is just about time our Government thought of introducing some quota system for jobs in Nairobi so that each area has a share. This is the capital of this country and there are over 200,000 jobs that are created in this country per year or more than that number. Out of these jobs Nairobi takes almost 100 per cent; I do not know. However, the majority of our rural people cannot have an opportunity of getting these jobs because either it is too far from Bungoma, for that matter, or secondly they do not have money to come here or the third point as soon as they get here they are thrown out by some personnel officers who might be coming from another area. They only read on the doors phrases reading as *Hakuna Kazi*. This is so because this is an important city for every national. It is just about time the Government thought of introducing a quota system for jobs available in this city. I have mentioned this in

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particular because we have a number of factories which are coming up here and we do not want to have our boys sitting up there without jobs when there are jobs which could be organized on a quota system and some of these boys could have an opportunity.

A third point I want to mention— If it is the fourth point, I would say it is fine for Mr. Shikuku to have mentioned that— This is with regard to administration. We have complained and complained about administrative officers and so forth. Maybe it is not unfair because we have not been singling out particular individuals. However, I want to discuss provincial administration in Western Province and in particular reference I want to discuss the creation of a division, which I have already talked about with the Minister, and of which he is fully aware that it was done purely on a tribal basis. This division is referred to as Kapsakwony. We had discussions with the Minister here and I let him know that if this division was created because they wanted that particular division to be for one tribe, that is perfectly fine, if they can confine themselves inside there. However, there is now an attempt on the part of the provincial administration and also on the district administration, which unfortunately happens to be playing these tribal techniques of administration or strategies, in order to impose them on the people of North Malakisi Location in this new division which is completely unfair. I want to issue a warning that should this continue, I am telling you, Mr. Speaker, we will not be responsible for the outcome. This is because the Minister is fully aware of what happened in 1963 in this particular section. We have been struggling all along to ensure that peace exists between these people in these locations. Now the administration is bent on destroying the very delicate affair that has been well handled up to date. Hon. Members of Parliament have been trying very hard to ensure that we remain together. However, here because the administration happens to favour that area because men concerned come from that tribe, we are now getting into trouble. Therefore, I would like to tell the Minister to be very careful and if he goes ahead and introduces that division and includes that location into that area that he will be responsible for the outcome. I want also to mention that because this land registration has been stopped by the provincial administration, but not from here, so that this land can be registered for other people. I am also told that the hon. Member of Parliament from that area, who happens to be the hon. Munoko, was refused permission to speak in his own area simply

because of this. I think this is unfair and it should be stopped.

My last point is in regard to Kanu reorganization. Kanu as a party is supposed to be the watchdog of the interests of *wananchi*, but so far all that I have seen in my constituency, Mr. Speaker, Sir, is that the administration has taken over all the powers of Kanu as a political party. It is about time we did something.

Mr. Cheserek: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to thank the hon. Members who have spoken on the Presidential Address.

Mr. Speaker, Sir, however, what I want to start with is not in connexion with the civil servants, Mr. Shikuku. Wait and hear what I want to say. Mr. Speaker, Sir, I want to touch on the Ministry of Labour. My question is this one: when the Tripartite Agreement came into force last year there were several districts, such as, Turkana, Pokot and Samburu in which the young ones were not registered as job-seekers because there were no labour offices. I am appealing to the Minister, Mr. Speaker, who is concerned to take steps when registering next time to see that all these places get chances of registering their people. Mr. Speaker, Sir, it is too far and they cannot come to the headquarters, here in Nairobi, because their districts are in the reserves. It is not possible to register because there are no offices in their home districts. These people never had any registration cards for employment at all. Therefore, if they want to have a job somewhere else in the country and they are asked to produce registration cards for employment, they will never produce them. It is not their fault that they do not have those cards. It is the fault of the Government and its Ministry of Labour, which has not opened any office for these people to register.

Mr. Speaker, Sir, even the identity cards, up to date, it is a pity that some people do not have identity cards. You may find that someone who is about 26 years of age has no identity card. This is true. If we are the Government and if we belong to Kenya, as we are now, we want everybody to have fair services. We want the Minister to straighten everything out as far as the country is concerned. Mr. Speaker, Sir, I am appealing to the Minister for Labour to check this immediately.

Mr. Speaker, Sir, I would also like to touch on the question of the President. There are several visits or tours which the President himself makes time and again. He goes to Mombasa. In the Coast Province there are a number of districts and the President has visited all these districts. However, in the Rift Valley Province—

Mr. Mwangale: And the Western Province.

Mr. Cheserek: —and Western Province also, I will include your province thank you very much, he has never visited these areas. We believe that he is the Head of the State. When he is the Head of the State, everyone is anxious to see him all over the country. We want to see him down there, but we in the Rift Valley have been forgotten and so the President has not visited us. Therefore, I would like to appeal to the Government that when he is making these visits he must visit the whole country. The Turkana want to see him; even my people at Marakwet want to see him—we have never seen him there. except myself, who is here in Nairobi, the people in the reserve have never seen him—

Mr. Ayah: (Inaudible).

Mr. Cheserek: Mr. Ayah, I know what you are speaking about.

Mr. Speaker, Sir, it is always very necessary for the Head of State to go round the country, as a father of the nation, to see the young people in the country so that when he talks we know what he talks about. It is only through the radio that we hear the President was somewhere, in Kilifi, in Lamu and in other places. He may go to Kilifi three times in a year but to other places he does not go. Mr. Speaker, Sir, this is an appeal to the Government that the President should also visit us.

Mr. Speaker, Sir, I would also like to touch on something about the Department of Co-operatives. This Department of Co-operatives is not efficient at this moment. There are several co-operative societies which were formed in 1963 and their books have not been audited up to this date, particularly, in the settlement schemes. I am telling you the truth. I was a chairman of a co-operative society for the last seven years and that society has, over all those years, been audited only once. I am therefore, appealing to the Minister for Co-operatives and Social Services, that if he has a shortage of staff in the Co-operatives Department, he should create more vacancies so that he can employ more people to audit co-operatives' books of accounts.

We know you can blame anyone. Long ago, doing the books of the co-operative societies, you could sign a cheque and draw the money from the bank and give it to the people. However, later on it changed that you have to go for the co-operative officer's endorsement. We agree that there were some forgeries, and we accepted that the Government had done the right thing. However, the Government has done nothing as far as auditing the books of co-operative societies is

concerned. Mr. Speaker, Sir, the Minister and the department concerned should take immediate steps to see that the books are audited so that we are able to know what our position is as far as co-operative societies are concerned. This is because you cannot know whether you are working at a loss or whether you are making a profit.

Mr. Speaker, Sir, I want to say one point about Kanu. The question of free education which was touched on, we have a book, the Kanu Manifesto, which was signed by the President himself, and it is his Government which we have at the moment here—this book should be withdrawn or burned today. This is because the promises which are there have never been fulfilled and, therefore, there is nothing worthwhile in the book. Let us produce another one which will be a new one to show the country we are following this or that line. You cannot say that this is the law and yet you yourself do not use that law. That book says that there will be free education from Std. I to Std. VII, however, this one is not functioning, Mr. Speaker. That book should be abolished today so that we can have a new Kanu Manifesto.

Mr. Speaker, Sir, I am appealing to the Government to see to it that these things are done immediately and correctly. Do not always tell your children that you will send *mkate* and yet you do not send it to them.

Mr. Speaker, Sir, I am also asking the Minister for Commerce and Industry— At Kitale these days, there is no cement. I do not know whether the Minister here— Can the Minister not look for cement and bring it to Kitale? For the last two months there has been no cement in Kitale Town.

An hon. Member: Four months.

Mr. Cheserek: For four months, and yet that town is a busy town. We do not know what the Minister is doing—

The Assistant Minister of State, President's Office (Mr. Munyi): We also have difficulties in my area.

Mr. Cheserek: No, I do not know your area. Anyway, you can raise it tomorrow when you speak.

Mr. Speaker, Sir, I believe I want the Minister to take immediate steps.

There is a question here, in Parliament which always comes up and this is about the commission. We say here that we are forming a commission to look into certain parts of this country, such as districts which was mentioned by the Minister of State in the President's Office when a Motion was moved by somebody, maybe, Mr. Mutiso from

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Yatta or somewhere else; that that district is big and it should be divided into a number of districts.

The Minister of State in the President's Office replied, "Oh, this one I am appointing a commission to go and look into this." Mr. Speaker, Sir, we still reiterate that if this commission is not set then things will be bad.

You remember in 1963, when these people came from Lancaster House, they said that there will not be any creation of more districts. But eventually, or subsequently, several districts were formed in this country. Now, what is happening to this commission when we said that it should deal with several things? This commission does not work. Mr. Speaker, Sir, I think we are the makers of law and we tell the people— Our people here always want to know what we say. Now, when we say that there is going to be a commission to look into several things and now these things are not going ahead—what is wrong with the Government? Will the Government explain this properly and give us an explanation or tell the House which is our line or what is happening with the implementation of these things? Mr. Speaker, Sir, this is one of the worst things and we want the Government to work properly.

Mr. Speaker, Sir, I would like to talk about rural areas because I see the time is running out. There are so many roads which were better off when the county councils were maintaining the services. When Government took over we thought that it was going to do better. But it has failed completely. We can see them employing people from here going to run services in Turkana when there are people there. Why not make the county council there agents of Government so that they can run the services properly?

Mr. Speaker, Sir, I would like to make another request. Industrial and Commercial Development Corporation loans should be divided according to provinces so that we can have these easily distributed within the whole country.

Mr. Speaker, Sir, I beg to support the Presidential Address.

Mr. Ogingo: Thank you very much, Mr. Speaker Sir, for giving me the opportunity to express my views on the Presidential Address.

There are a number of points that I would like to comment on in the Presidential Speech. Mr. Speaker, Sir, in his Speech, the President, did draw the attention of the House to the following, and I beg to quote:—

"The time has passed when honourable Members could feel that they were here for reasons of personal enjoyment, or to promote

tribal or sectional interests, or to harass the Government. Those who are privileged to sit in this House, by the authority of the people, have had time to learn their trade. And that trade, Mr. Speaker, is hard and dedicated work."

Mr. Speaker, Sir, arising out of this, I would like to make a few observations. Some of us, Mr. Speaker, Sir, have tended to draw conclusions that the status of this House is being reduced to that of a debating society. Mr. Speaker, Sir, very often we have passed resolutions in this House and very often we have expected the Front Bench—the Cabinet or the Government for that matter—to execute those decisions. Some of those decisions have had to be sat on by the Government of which we are a part.

Mr. Speaker, Sir, if I go down a little further, arising out of His Excellency's Address, he told us on that day, and I beg to quote, Sir:—

"This National Assembly, however, like the Public Service, is an instrument of the State. I have said, again and again, that the Republic is the people. It is your responsibility to serve the people by doing the job for which you are paid."

Mr. Speaker, Sir, these are serious statements and I should expect the Front Bench, the executive branch of our Government to take this House seriously. We are here for the people and, in fact, now that I am speaking, I am voicing the aspirations and the sentiments of a hundred thousand people that I represent in this House. This is in tune with what His Excellency, the President, told us on 23rd February 1971 when this House was opened.

Mr. Speaker, Sir, some of us are not here to work so that they are paid. Some of us have had to live without being Members of Parliament and, therefore, they have come here to serve their people. They have come here to tell the Government that this is what these people want and we expect the Government to do these things in accordance with the request made by the Members of this House.

Mr. Speaker, Sir, I want to touch very briefly on what we have referred to very often and that is unity. I am sure that whenever we talk about unity or we talk of unity, we mean Kenya and that Kenya must be one. Mr. Speaker, Sir, one thing that is very clear is that Kenya is not made out of a vacuum; Kenya has its tangible components in the name of regions—provinces; in the name of districts; in the name of divisions; in the name of locations and in the name of human beings and tribes. Mr. Speaker, Sir, I do

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not intend to instigate or promote tribal or sectional interests. However, Mr. Speaker, Sir, you cannot discuss national interests in isolation from sectional, tribal or what-have-you interests. These things are one and the same thing.

Therefore, Mr. Speaker, Sir, we have called upon the Government many times that in the exercise of distributing whatever they have at the national level, they must take into consideration all sections, all parts of the country so that we have an equitable distribution of what one might call the national cake.

Mr. Speaker, Sir, touching very briefly on this thorny issue and that is tribalism, many times, Sir, in this House and outside, hon. Members have condemned tribalism. I do not think that the Members of this House have at any one time encouraged tribalism. I think it is something they have tried to suppress and they have tried to see that tribalism is wiped out. The problem has risen because the Front Bench has not taken this matter seriously. They are the custodians; they are the people who are running the affairs of this country on behalf of the 11 million people, including us; they are the ones managing the affairs of this country and we should expect them to ensure that tribalism is not allowed to go on in this country. I want to throw a challenge to the Front Bench, Mr. Speaker, Sir, because if anything they have tried to deny that there is tribalism. Therefore, I want to throw the challenge that if they deny that there is no tribalism, why do they not accept instituting a commission of inquiry into tribalism. Mr. Speaker, Sir, I challenge the Government or the Front Bench for that matter if they say there is no tribalism in this country. I strongly challenge them! If the Front Bench or the Government for that matter is honest that there is no tribalism, if they want to convince this country that there is no tribalism, I want them to institute a board of inquiry into tribalism and, at the same time, come out with measures to prevent tribalism so that it can be eradicated.

Mr. Speaker, Sir, some of us have become fed up particularly when we come to the question of employment. Very often, Members of this House find people waiting for them at the gate here so that they may introduce them to the personnel officers in the private sector and also in the public sector. This kind of thing, Mr. Speaker, Sir, is more than annoying. I do not want to feel that because I come from Mombasa, I cannot get a job, or because I come from the Central Province, Western Province or, Nyanza Province, I cannot get a job and that to get a job, my tribal

background must take precedence over any other thing. Mr. Speaker, I think this is the crux of the matter, and I would like the Front Bench, and the Government at large, which has often condemned those people who talk about tribalism to accept that this thing has been talked about for so long and the only way you can get rid of it, the only way Government can find out the truth about this, is to set up a board of inquiry and that board should have specific terms of reference so that we can get rid of this disease which is causing trouble in this country.

Mr. Speaker, Sir, I want to touch briefly on the question of graduated personal tax. Last year, Mr. Speaker, Sir, we were told and, I think, we even read it in the Press, that Government had appointed a Ministerial Committee to study the problems of graduated personal tax. Since His Excellency the President did make a statement to the effect that those people who used to pay a minimum of Sh. 24 for graduated personal tax, should no longer pay graduated personal tax, Mr. Speaker, Sir, we do not know up to now what this Ministerial Committee has come out with. In fact, Mr. Speaker, Sir, those people who used to pay Sh. 24, pay Sh. 48 today. Mr. Speaker, is this not a pity that a person who was paying only Sh. 24 last year is thought capable of paying Sh. 48 this year? Is this not a serious state of affairs, Mr. Speaker? Is this not a serious and terrible contradiction? Mr. Speaker, we want to know what this Ministerial Committee has come out with and we should like to be informed whether that statement made by His Excellency the President was a serious statement or not. Mr. Speaker, Sir, I am saying this because some people are getting worried that the Government is becoming a talking Government. Mr. Speaker, Sir, we must avoid this kind of thing.

Mr. Speaker, Sir, the other thing I would like to touch on briefly is the Kanu Party. I think most hon. Members have expressed their sentiments on the reorganization of the Party. Mr. Speaker, Sir, I do not want to feel that Kanu is a party of Members of Parliament only, that Kanu Party is a party for a few élites. I believe that Kanu is a mass party and it has to be organized at grass-roots level. If this party is to remain, Mr. Speaker, Sir, I would like to see it reorganized at grass-roots and, therefore, I would like to appeal to the Headquarters of the party to give the branches the power to go ahead and reorganize the party in their own branches.

An hon. Member: There is no headquarters.

Mr. Ogingo: I am assuming there is one. Mr. Speaker, Sir, with these few remarks, I beg to support the Presidential Speech.

MOTION FOR THE ADJOURNMENT

UTILIZATION OF ATHI RIVER WATER FOR
IRRIGATION

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Education (Mr. M'bai) seconded.

(Question proposed)

Mr. Mutiso: Mr. Speaker, Sir, I am grateful for this occasion that the House has provided to me in order to expound on this issue of water, which was also the subject of discussion in this House this afternoon.

Mr. Speaker, Sir, this arises out of the question No. 51, to which the Assistant Minister for Agriculture replied very inadequately in that he said there was no need, or it was not really possible to utilize the water from Athi River for the purpose of irrigation in Ukambani.

Mr. Speaker, Sir, I want to make it very clear that I do hope most sincerely that the Assistant Minister, whom I hold in high regard—I think he is a progressive man—that he will really understand and will see the sense and meaning of this Motion.

The whole purpose of this Motion is that the question of irrigation in Ukambani, particularly from River Athi or even Tana River, is a very important issue. Why do I say so, Mr. Speaker? It is because Ukambani area, taken as one unit is one of the areas where irrigation can succeed very well. This has been proved by small irrigation schemes which have been carried out on pilot projects, and I would like to challenge the Assistant Minister because I listened to him when he was replying to this question. He did say that because Ukambani is composed of black cotton soil the irrigation would not be useful in using this water. That is not correct, Mr. Speaker, and you will bear me witness that Ukambani as a whole is, in fact, composed of very suitable soil for irrigation. I would like to invite the Assistant Minister to take an example of a very small irrigation scheme in my own constituency using the water from the Yatta Furrow. This is a very small irrigation scheme, and I want to invite him there to come and have a look, and he will see how useful this water is in that particular small area.

Looking in general at the area of Ukambani, particularly in view of the drought at this particular time of the year, and nomally realizing

that this area is affected by famine almost every five years, I think, Mr. Speaker, that it is high time this Government did something to help the people in that particular area. It is a very well known fact that the area has low-lying land where irrigation would cost Government very little compared to other areas which are hilly.

Ukambani in general, that is Machakos and Kitui, Mr. Speaker, taking into account the fact that it is in a place whereby the two great rivers of Kenya cut across the two districts, and the water, an enormous amount of water, flows day and night from the north into the Indian Ocean without serving any useful purpose, one would wonder why Government cannot see sense. The people from that area who are more than one and half million in population, and who pay their graduated personal tax and what-have-you—every *kodi*—and who have been very humble and have served this Government very loyally—I cannot see why Government cannot see sense and help them. As I said earlier on, every now and then, there is a problem of drought.

Mr. Speaker, one would suggest, and very wisely too, that Ukambani is like an island of poverty surrounded by a sea of prosperity. This is because, Mr. Speaker, when you consider the two rivers, all the time flowing throughout the year down to the Indian Ocean, full of all the fruits and all the riches, and yet these waters are not being utilized. The Government sits there, and I can see the Assistant Minister is not taking this issue seriously, he is just laughing; I really do not understand it, Sir.

Mr. Speaker, if the Government, and particularly the Ministry of Agriculture, with its staff and officials who, according to the reply given by the Assistant Minister, gave him the information which I challenge, that this area was not suitable for irrigation, I would like to know or to have the soil analysis, which really proves or can prove that this area is not suitable for irrigation. Now, Sir, if the Assistant Minister can convince me, then I will have second thoughts. However, until then, I want to maintain, Sir, that the people of Ukambani deserve special treatment by the Government, particularly because of the fact that these two great rivers of Kenya are passing there, and you find that three yards from the rivers, people are starving. We have had the case of schools now being closed because of lack of water. I already have received some reports now that in Kitui Town, there is no water. People in that town, Mr. Speaker, are now starving for lack of water. The *silanga* which was being used there has now dried out.

Hon. Members: *Silanga?*

Mr. Mutiso: Mr. Speaker, Sir, that is a new term for the Assistant Minister to digest now.

I also want to inform him that I was also told, Mr. Speaker, that the small reserve water which was there from the small borehole is even inadequate, for serving the population of that particular town. Now, if that is happening in Kitui Town alone, how about people in the far areas where it is even drier than Central Kitui, as we know it? Mr. Speaker, Government must be sympathetic with the people. We pay taxes, we support Government with a hope that Government will really help the citizens: now, if for such a thing which is so important, like water, which is an essential commodity for life, Government cannot even be sympathetic, even where there is more than adequate evidence, to prove that this is necessary, and Government cannot do anything, I just cannot understand.

Mr. Speaker, Sir, because I know there are many Members who would like to air their views, particularly those from Ukambani, on this particular issue, I want to leave it by stating this: that the water that is being wasted now, from the Athi River and from the Tana River, cutting through Machakos and Kitui, I think, Sir, it is a big shame to Government, if they cannot do something very soon.

Mr. Munyasia: Mr. Speaker, Sir, this is a straightforward Motion, and I think the Minister should face it and give it serious thought.

Now, Sir, when God created human beings, they were placed according to geographical features. Now, as the Mover said, although you call Ukambani a dry area and a place which is at times hit by famine, God also was not stupid to place those two districts between the two rivers, that is the Tana River and the Athi River. However, the question here, Sir, is: has Government completely failed *in toto*, to see this as a reality? If, Sir—and this is a challenge which I want the Minister to lend me his ears on—the two rivers pass through some areas whose people the Government is responsible for, I tell you that you could see that every home and every village was served with water. Therefore, when we say that we want water in Ukambani we do not want drilled water or boreholes because there is natural water given by God. The only thing is to divert water by using pipes to pipe the water and then we do the irrigation.

Where does the water which is used in Nairobi here come from or the water which is used for consumption in Mombasa? Just in between

Nairobi and Mombasa which is miles and miles away from Mombasa. Do not shake your head because I know. The question is: if this Government was very, very, sincere indeed, can they tell us why they cannot have a special grant to utilize the water in Ukambani area. What qualifications did the Embu people have for Sh. 10 million spent there where water is running in the streams and there is no dryness? What qualifications did they have to be given Sh. 10 million? Also, Sir, they are embarking on another project of the same type in the other locations. However, they do not consider Ukambani.

If we were to be sincere and speak our mind, this tribe by the name Kamba has done a lot and it played a great role during the colonial régime and even in the present Government. If people are considered by qualifications, we qualify for security. Let us face the facts. Therefore, Sir, we want the Government to spend money to irrigate and improve the country, especially Ukambani—we do not have anything—because we have kept on crying for the last ten years and the Government has turned a deaf ear. This is the question.

Therefore, Sir, I think the Minister should take this very seriously and give us a special thought. A few days to come, I am going to move a Motion in which I will show the Government how they can utilize the whole of Ukambani area. I will give them special statistics of the ways and means, because we know them. I was just using this time to mention this but when the Motion comes in a short time, I will show the Minister how water in Ukambani can be utilized.

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

Mr. Mwangi-Nzela: Thank you very much, Mr. Speaker, for giving me this opportunity to make a few points on this particular Motion.

Mr. Speaker, this is a very important Motion which has been brought to this House by the hon. Member for Yatta. Mr. Speaker, in my opinion, it is now high time that our elected Government turned its eyes to the people of Ukambani as far as water and irrigation is concerned.

Mr. Speaker, I think the Yatta furrow has proved to the Government that our soil is very fertile and that we could produce any sort of crop in Ukambani. By using that furrow, the best tomatoes we have in Kenya now come from Yatta, a very dry place. However, because the Colonial Government had surveyed the area—we have very fertile soil, what we lack is only water—that only proved to this Government that our land is not rocky.

[Mr. Mwengi-Nzelu]

I believe the purpose of a good Government is to care for the welfare of its subjects. That is my belief and, I think, it is also the belief of this Government. What matters is only for the Government to implement its belief.

In Ukambani, Sir, we have two big rivers. God has given us a large area which is not all occupied, it is very fertile. What it needs is only irrigation, water, and we have these two big rivers which could be made use of. The Tana River and the Athi River. There is plenty of water there and you cannot finish that water if it is properly used. So we urge the Government to help these people in Ukambani because they do not have permanent water there. What we have are a few dams, boreholes and such things. That is not permanent water. The Government has been spending a lot of money on buying a lot of land here and there. That money could be used for developing that area as far as water is concerned. Then the people could live very happily because they have so much land. We do not need to buy land, we have enough land. What we need is water and it is the duty of this Government to realize that the Wakamba people have been contributing a lot to the Government. We do not see the reason why those people should not be looked after, Sir, as far as water is concerned.

It is a very serious thing to hear that some millions have been spent on one location. Just one location in Embu, Kieni, Sh. 10 million being spent in one location while schools in the northern division of Kitui, in the southern division of Kitui and in the central division of Kitui—

Mr. Munyasia: Are closed down.

Mr. Mwengi-Nzelu: —are closed down for lack of water. This is very serious.

I do not see why we should urge our people to pay graduated personal tax and all these things in Kitui, because we do not get Government service as we should. It is only because we are faithful to our Government that we tell our people, "Let us do these things quietly." If we ask the Government to provide water to Kitui people and they do not do so, well then, one day another government will come which will sympathize with the Wakamba people. It could be anything, but if you are told in a friendly way and you do not pay heed, then you will have to listen when you are told by other means. You will then have to understand the problems of the Kitui people.

The Akamba people are known, they are outstanding people, they like peace unless they are provoked. And we do not want them to be pro-

voked. Therefore, Sir, our aim is only that we want our people to be provided with enough water.

This Government does not realize that the innocent people are the people who are mistreated, like those in Kitui. This is very ridiculous. People are very peaceful, they agree to do what they are told to do but if the Government does not sympathize with these people, then they get provoked. Probably the Government thinks they are stupid but they are not. They like peace and we appeal to our people to be peaceful, to achieve all these things in a peaceful way.

Mr. Speaker, there comes a time, however, when people cannot tolerate what is going on. So we want this Government to think twice, we want the Minister for Agriculture to remember that there are some people living in a place called Ukambani. He has been there, he has seen everything for himself. This is the time when we have an African Minister, the first African Minister for Agriculture, Mr. Nyagah. Our place looks exactly like his.

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

An hon. Member: Mr. Wanjigi, now tell us your policy.

Hon. Members: Tell us your policy on water.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, first of all I would like very much to sympathize with the hon. Members from Ukambani who have spoken; I also want to assure them that it is the Government's intention to assist them in matter of Ukambani development and, certainly, as far as water is concerned. I am sure they all realize they have a very fair share of the S.I.D.A. projects that involve the development of rural water schemes, and it is for this reason that the Motion before the House was called upon. I do not think that anybody could have argued here that there is no need to develop the water resources of this country to benefit the Wakamba people or that they are not loyal enough to merit the kind of consideration that the mother Government should give.

Neither was it my contention that there is no need for irrigation. The only thing I said, to put the record correct, is that Athi River basin does not justify large-scale irrigation schemes. This, Sir, is the purpose for which I thought this Adjournment Motion was brought forward. I did not refute the fact that there are pockets of very good arable land for which irrigation is more than justified. In fact, this is the main reason why the Yatta Furrow was constructed by Government at a reasonably expensive undertaking. For the

[The Assistant Minister for Agriculture]

information of the hon. Member for Yatta, it cost £10,000 to construct a mile of that Yatta Furrow. It is in a way pathetic that even at such a cost it should be difficult to convince some of the users of that Furrow to maintain the Furrow adequately for the benefit of those people below. However, that again, Sir, is not the subject of this House, at least for the time being.

I also want to say, Mr. Speaker, that as far as the Member for Kitui West, hon. Munyasia, is concerned, the water from Mombasa does not pass through Ukambani or, for that matter, through Nairobi. It is from Mzima Springs and passes through most of the Taita country to Mombasa.

Now, let me come to my main subject in accordance to what I said the other day in reply to the question on the Athi River basin. We have knowledge, going back to more than 30 years, which indicates very clearly that large-scale irrigation on that basin cannot be economically justified. The reasons are as follows: (1) First of all the region of the river, that is, the two banks of the river are very rugged and irregular and, therefore, very unstable for purposes of irrigation. (2) Due to very severe erosion on the banks, both on the Machakos and the Kitui side, the annual flow of the river fluctuates to a degree that makes it completely impossible to have an economic control in the way of a dam without incurring very, very heavy costs indeed. For your information, there are times when there is no flow in the river. That is what you might call a zero flow and there are times when it goes to more than 100,000 cubic feet per second, 100 cusecs per second. It means that provision must be made for the control of that water which will be quite expensive to work into an economic irrigation exercise. (3) Except for very isolated pockets of land—and that is the point I have just made—the soil of the Athi River basin is lacking in fertility and depth. This is a point I wanted to make the other day, to say that except for these pockets of land, all along the way, right up to Kibwezi the depth of the soil is not adequate to justify a prolonged irrigation and, more so, is lacking in fertility which would mean that this is a fact we have to take into account.

On the Kitui side of the bank, the bank of which is formed by the Yatta Plateau, it is covered by very thick bush and topographically extremely rugged country. That is because of the flow of the Yatta Plateau down into the banks of the river, leaving a very small stretch of land of not more than a few miles on either side to justify large-scale irrigation. I know this area, it is not that I am just reading.

On the Machakos side, Mr. Speaker, the slopes are much more gentle but deeply dissected by soil erosion gulleys and streams which go, again, to feed the Athi River. There, again, the soil is very thin and unsuitable for large-scale irrigation.

I want to emphasize that I am talking about large-scale irrigation and this is a point which brings me back to my second submission, that if we were to ignore the possibility of exploiting the entire basin more or less like we have done for Mwea, or we have done for Ahero, we intend to do for the Upper and Lower Tana, if you ignore that possibility, then there is a great possibility for pockets of irrigation, small schemes of irrigation. This, I think, is what the House would ask the Ministry and the Government to look into; and this is where, Sir, I can promise all the assistance that my Ministry can undertake, both to give the technical assistance necessary to design such schemes and also probably supporting this with the necessary funds.

An hon. Member: When?

The Assistant Minister for Agriculture (Mr. Wanjigi): You ask, when, but this is, again, of course, a matter of priorities and I cannot possibly answer such a question in the debate today.

I would say that if you want to cast our minds at the possibilities of exploiting the pockets of land that lend themselves to irrigation, then we will be only too glad to do so. This, of course, must be prefaced by the willingness of the Wakamba people to take advantage of the facilities offered to them and show Government that they have a genuine willingness to develop the basin involved. This, for example, is important—in the case of the Member for Yatta—in the case of the Yatta Furrow. The Yatta Furrow must be seen to be fully exploited and we should not really be coming to this House to answer questions as to why the maintenance of the Furrow leaves a lot to be desired.

Apart from that, Mr. Speaker, I would say that we in the Ministry have a lot of sympathy with exploitation for as much water as we can get from the Athi River, taking into account these constrictions.

ADJOURNMENT

The Speaker (Mr. Mati): It is time, now, for interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 10th March at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 10th March 1971

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

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

PRAYERS**COMMUNICATION FROM THE CHAIR****ASSENT TO BILLS**

The Speaker (Mr. Mati): Hon. Members, I have to report that His Excellency the President has assented to the following Bills which were passed by the National Assembly during November and December 1970.

No.	Title	Passed Third Reading	Date of Assent
25	The National Assembly Remuneration (Amendment) Act, 1970	17-12-70	31-12-70
1	The Rent Restriction (Amendment) Act, 1971	17-12-70	29-1-71
2	The Income Tax (Allowances and Rates) Act, 1971	17-12-70	29-1-71
3	The Industrial Training (Amendment) Act, 1971	5-11-70	29-1-71
4	The Widows' and Children's Pensions (Amendment) Act, 1971	17-11-70	29-1-71
5	The Traffic (Amendment of Laws) Act, 1971	3-12-70	29-1-71
6	The Local Loans Act, 1971	16-12-70	29-1-71
7	The National Social Security Fund (Amendment) Act, 1971	17-12-70	29-1-71

PAPERS LAID

The following Papers were laid on the Table:—
Report of the National Social Security Fund and Accounts for the period ended 31st December 1969.

(By the Minister for Labour (Mr. Mwendwa))

Gold Mines Development Loans Account Balance Sheet as at 31st March 1970.

(By the Minister for Labour (Mr. Mwendwa) on behalf of the Minister for Natural Resources (Mr. Omamo))

ORAL ANSWERS TO QUESTIONS

Question No. 120 (1417)

NATIONAL FLAG AT SOLOLO POLICE POST

Mr. Araru asked the Vice-President and Minister for Home Affairs if he would tell the House if he was aware that there was no National Flag flown at Sololo Police Post. What action he was going to take to rectify the situation.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):

Mr. Speaker, Sir, I beg to reply. There has always been a Kenya National Flag flown at Sololo Police Post. However, on 21st September 1970 the flag pole was broken as a result of a very strong wind in that area and it had to be sent to Marsabit to have it welded. The flag pole has since been returned to Sololo and the flag is now flying as usual.

Mr. Araru: Arising from the Assistant Minister's reply—I believe he only received the message but does not know what is going on in that area—since 1963 when Kenya attained independence there has been no such National Flag in that area, there was only a police force flag until recently when I put in this question (in November last year). How is it that the Assistant Minister is now telling us that the flag pole was broken and it had to be sent for repair? Is that true? Tell us the truth.

Mr. Shikuku: Mr. Speaker, I do not wish to turn this House into a court room. It is a National Assembly and there are responsible people in this House, people who are supposed to give responsible replies to hon. Members.

The information is that this flag pole was there, it got broken and had to be sent to Marsabit to be welded. If the hon. Member wants us to show him the bill we paid to have this repaired, we can do so. He can call at my office to see the bill.

Mr. Nthenge: Mr. Speaker, can we know from the Assistant Minister what he would do to reprimand the officer who, according to the Member for the area, seems to have given the Assistant Minister false information to bring to this hon. House?

Mr. Shikuku: Mr. Speaker, Sir, I have no reason to believe that the information given to me was false. However, I would be obliged if it could be proved—and this is provided for in our Standing Orders—to me. I would be obliged if the hon. Member could see me outside and prove to me that the information given to me is false. In such cases it is usual for the Government to make a statement to that effect.

Mr. Cheserek: Mr. Speaker, Sir, could the Assistant Minister tell this House— Is it not necessary that when a police station is established that the national flag should be there?

Mr. Shikuku: Mr. Speaker, that is normal. The flag was there, the wind came up, broke the flag pole, we had it welded and the flag is now flying there. That is all.

Question No. 124 (1422)

ARMY HEADQUARTERS NEAR A FOREIGN EMBASSY

The Speaker (Mr. Mati): Mr. Magugu?

Question No. 109 (1394)

CONTRIBUTORS TO WATER PROJECTS

The Speaker (Mr. Mati): Mr. Mulwa? Not here?

Question No. 108 (1393)

CONSTRUCTION OF HOUSES: AIRPORT/MOMBASA
ROADS JUNCTION

The Speaker (Mr. Mati): We will have to leave this question too because it is Mr. Mulwa's.

Question No. 127 (1426)

LOCAL AREA COUNCIL IN BORABU LOCATION

Mr. Marita asked the Minister for Local Government if he would tell the House—

- (a) if he was aware that Borabu Location had been earmarked for a local area council;
- (b) when the proposed area council would start its services.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. (a) The allegation that Borabu Location was earmarked for an area council is not quite correct. What the hon. Member may be having in mind is a reply by the former Minister which he gave to a question in the course of a discussion he was holding with Gusii county councillors on the occasion of an official visit he paid to Gusii County Council on 5th October 1969. On this occasion, Sir, my predecessor was asked by one of the councillors when Borabu Location would be considered for the status of a local area council. He simply informed the questioner that this was a matter which the Ministry could consider if the request was made after the matter had been discussed by the Gusii County Council and was then presented to the Ministry in the form of a resolution of the council.

(b) I would, however, inform the hon. Member that the Government is now examining the whole question of locational councils and in this exercise Borabu Location will be kept in mind.

Mr. Marita: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, it is now some considerable time since we heard the Ministry was going to establish locational councils. At the moment there is a need to have such councils. Will the Assistant Minister tell the House when he is going to establish these locational councils to help *wananchi*?

Mr. Munoko: Mr. Speaker, this will be established as soon as possible. At present the Ministry is engaged in the exercise of creating municipal councils which, we feel, have a higher priority than locational councils.

Question No. 125 (1423)

INCOME TAX FORMS TO BE IN SWAHILI

The Speaker (Mr. Mati): I understand Question No. 125 has been deferred to another date.

(Question deferred to another day)

Question No. 114 (1410)

MONEY FOR HOUSING GIVEN TO CENTRAL
RIFT COUNTY COUNCIL

Mr. arap Cheboiwo asked the Minister for Housing if he would tell the House—

- (a) how much money had been given to the County Council of the Central Rift since 1968 to build houses in such areas as Baringo and Nakuru;
- (b) what qualifications were required before a council was given such money.

The Assistant Minister for Housing (Mr. Khalif): Mr. Speaker, Sir, I beg to reply. (a) £51,243 loan by the Government through the National Housing Corporation.

(b) The only qualification required is the ability of the council to service and repay the loan and availability of funds at any one particular time. There is also, Sir, the question of extent of demand for houses.

Mr. arap Cheboiwo: Can the Assistant Minister tell the House how much of this £51,000 has been repaid and how much is outstanding because we need some more money?

Mr. Khalif: That, Sir, is another question on which I shall have to do some research to know how much of the loan has been repaid. The question asks precisely how much money has been loaned to the County Council of the Central Rift, not how much has been repaid and how much is still to be paid. That is another question altogether.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister for Housing, can he inform the House how much money the Government of Kenya has spent so far on all the houses erected in the entire Republic.

Mr. Khalif: That also, Mr. Speaker, is another question. The hon. Member, I hope, is not very serious and does not expect me to answer off-hand and say how much money the Kenya Government has spent on housing.

*Question No. 72 (1314)*REPAIR AND CONSTRUCTION OF ROADS
IN KITUI

Mr. Kitonga asked the Minister for Works if he would tell the House—

- (a) when the road to Kamulewa and Lundi in Mui Location in Kitui East would be repaired;
- (b) when the construction of Kitui-Museve-Thua road over Mutito Mountain would be started.

The Speaker (Mr. Mati): Minister for Works? Not here?

*Question No. 106 (1389)*BITUMENIZATION OF MURANG'A
KIRIAINI ROAD

Mr. Wachira asked the Minister for Works if he would tell the House whether, now that the Government had decided to improve the road from Murang'a via Gaturi to Kiriaini Market, (C.10/30), the Government could tarmac this road instead of putting murrum.

Mr. Wachira: Mr. Speaker, the Minister is not here so it is not going to be answered now.

*Question No. 123 (1421)*SALARIES AND AFRICANIZATION IN
RAILWAYS CORPORATION

The Speaker (Mr. Mati): Mr. Magugu not here?

Question No. 126 (1425)

TELEPHONE SERVICES IN KISII DISTRICT

Mr. Marita asked the Minister for Power and Communications if he would tell the House when the Ministry was considering giving telephone services to the following divisional administrative and trading centres in Kisii District:—

- (a) Nyamira.
- (b) Manga.
- (c) Keumbu, and
- (d) Ogembo.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, I beg to reply. The answer is, if money is available, during this Financial Year.

Mr. Marita: Arising from the reply by the Minister, if money is available, I remember that during this—

The Speaker (Mr. Mati): Ask a question, do not make a speech.

Mr. Marita: Mr. Speaker, Sir, may I know from the Minister why he says if money is available

when we know we submitted money to his Ministry to provide telephone services?

Mr. Ngala: Mr. Speaker, Sir, the money that was estimated and allocated for such telephone services was not specifically, earmarked for Kisii. Whether money is directed to any particular location very much depends on the demands reflected by the local people for such telephone services there. This is being studied and if Kisii qualifies—there are many other areas that might also qualify and this is why I say that the money is very much related to the areas and if the money can go around all these areas and reach Kisii as well, I will be very happy to do it.

Mr. Ogero: Mr. Speaker, Sir, would the Minister be specific and tell this House when the places in question will have telephone services instead of telling us that it is when money is available? Will he tell this House, specifically, when the telephone services will be provided for the places in question?

Mr. Ngala: Mr. Speaker, Sir, all being well, these services could be made available to Kisii during 1971 or 1972.

Mr. Nthenge: Mr. Speaker, Sir, can we know whether the Minister has the figures for the money to be spent on the four places mentioned in the question to have telephones? How much money will be spent so that they can have telephone services?

Mr. Ngala: Mr. Speaker, Sir, the department is actively considering the places mentioned for telephone services. These figures are being worked out not only for Nyamira, Manga, Keumbu and Ogembo but also for many other parts of the Republic of Kenya. I am not in a position, now, to determine, specifically, what the individual figures for these four places are.

*Question No. 131 (1430)*GOVERNMENT ASSISTANCE: MARAGWA
RIDGE DISPENSARY

Mr. Wachira asked the Minister for Health if he could tell the House whether in view of the fact that *wananchi* through self-help had built and completed a Harambee dispensary at Maragwa Ridge Settlement Scheme, the Minister would, as a matter of urgency, provide the dispensary with staff and medicines.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Ministry of Health is aware that there are a number of health centres and dispensaries—is that the question?

Mr. Nthenge: On a point of order, Mr. Speaker, could the hon. Assistant Minister go further away from the microphone so that we can hear properly.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Ministry of Health is aware that there are a number of health centres and dispensaries that have been built on self-help basis that cannot be opened at the present time due to lack of staff.

I have already mentioned this problem to the House several times and I would like to point out once more that the opening of health centres and dispensaries can only be undertaken when staff are available. This also applies to the Harambee dispensary at Maragwa Ridge Settlement Scheme.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that these people who were recently settled are so poor that they cannot afford transport to carry their patients, does the Assistant Minister intend to tell me that Government is willing to see them die instead of servicing their project?

Mr. Jahazi: Mr. Speaker, Sir, the Ministry of Health has never had that willingness to see anybody die.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell the House when the Ministry of Health will be in a position to provide the staff for all these dispensaries which have already been built?

Mr. Jahazi: Mr. Speaker, Sir, well, it will be in a couple of years' time.

Mr. Matiko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, since the *wananchi* have fully accepted the spirit of Harambee, and now the Assistant Minister tells this House that there are not enough staff, is this not discouraging the Harambee spirit? If the *wananchi* build projects and when they complete them they are told there are no staff, will that not be discouraging them?

Mr. Jahazi: No, Mr. Speaker, Sir, what I mean by this is that we in the Ministry of Health have told everyone, even the hon. Members here, that at the moment before they embark on any scheme to build a health centre or anything else they have to come and consult with us so that we can advise them on the staffing ability otherwise we do not consider just putting up a building and calling it a health centre without the staff. So, training the staff takes time and the hon. Members know the efforts that we are putting up so that we can have a training school in every provincial hospital to train more staff from the local areas who would man the health centres there. Unless we train them I do not—it is easier to have the unemployed there to start injecting people if this is what they want. This is not advisable in the Ministry of Health and so we will have to wait until we can train enough people to man these health centres.

Mr. Tsuma: Mr. Speaker, Sir, realizing the fact that health centres or dispensaries have failed because of lack of advice from the Ministry of Health—the fact is that buildings are ready for use and now we are told that there are no staff. Will the Assistant Minister tell this House what qualifications one requires to man a dispensary if you do not have the staff?

Mr. Jahazi: Could you repeat your question?

Mr. Tsuma: Mr. Speaker, Sir, may I ask the Assistant Minister to tell us what qualifications a person must have in order to man a dispensary or a clinic? Must we wait for doctors?

Mr. Jahazi: It is not that the qualifications are worrying us, Mr. Speaker; but is training of enough staff to man every health centre that exists today. We have trainees all over the place, in hospitals and other health centres so that we can have enough of them to man the existing dispensaries and health centres.

Question No. 113 (1409)

TOURISM PLANS IN BARINGO NORTH

Mr. arap Cheboiwo asked the Minister for Tourism and Wildlife if he could tell the House—

(a) what specific plans he had for Baringo District regarding tourism, apart from rural development, in the current Development Plan of 1970-74; and

(b) what the plans were in respect of the Kerio Valley with its wildlife attraction.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to reply. My Ministry cannot produce a blue print plan on tourism for Baringo District alone. However, Mr. Speaker, within the context of the Current Development Plan embracing the whole country, Baringo District falls within the priority areas. Already there is a 20-bed lodge in operation at Lake Baringo. Another 50-bed lodge is proposed to be built at Lake Hannington in the same district. Further plans are underway to—

Mr. arap Cheboiwo: On a point of order, Mr. Speaker. Is the Assistant Minister not confusing the House by saying that Lake Rudolf is—

The Speaker (Mr. Mati): Order, Mr. arap Cheboiwo. I think you should have waited until he completed his reply and then you could raise that. Do not interrupt for nothing.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I did not say Lake Rudolf. I said there is already a 20-bed lodge at Lake Baringo. I further said that another 50-bed lodge is proposed to be built at

[**The Assistant Minister for Tourism and Wildlife** Lake Hannington within the same district. Further plans are under way to incorporate tourist attraction areas in the north, through Baringo District, within this plan's period.

Mr. Speaker, Sir, the answer to part (b), my Ministry has no immediate development plans for Kerio Valley as a Game Reserve. However, Sir, should the hon. Member and his constituents feel very strongly about it, I am always prepared to consider taking over the area as a game reserve if so requested. Meanwhile, my Ministry continues to look after wildlife in this area as is the case throughout the rest of the country.

Mr. arap Cheboiwo: Arising from that answer, is the Assistant Minister aware of the attractive animals in Kerio Valley? We do not want them to take the whole of Kerio Valley and make it a Game Reserve but only a part of it where there are a lot of elephants, lions and the rest. Just a part of it but not the whole of it.

Mr. Jan Mohamed: Mr. Speaker, Sir, we always get conflicting views in this House. My Ministry would be very happy to do that but the decision to do so rests with the local people. It is for the county council in that area to formally resolve that they wish my Ministry to take over part of the Kerio Valley and when this request is submitted to my Ministry appropriate steps will be taken.

Mr. Ayah: Mr. Speaker, Sir, arising from one of the replies given by the Assistant Minister, where he says that his Ministry cannot produce a blue print for only Baringo District, would he agree with me that one of the reasons why his Ministry cannot produce a blue print, not only for Baringo but the rest of Kenya, is because his Ministry is advised by foreign tourists and the industry is run by the foreigners in this country rather than by the citizens of African origin?

An hon. Member: You are right.

Mr. Jan Mohamed: Mr. Speaker, I want to deny that categorically. I know each hon. Member in this House would wish to have lodges and hotels built in his constituency. However, Mr. Speaker, Sir, even a commodity like rice cannot be grown everywhere in the country. It has to be grown where it can grow.

The Speaker (Mr. Mati): We will go back to Mr. Magugu's question.

An hon. Member: Where are you?

Question No. 124 (1422)

ARMY HEADQUARTERS NEAR A FOREIGN EMBASSY

Mr. Magugu: Mr. Speaker, I apologize for coming late.

Mr. Magugu asked the Minister for Defence if he would tell the House—

(a) whether it was in the interest of national security to have our Army Headquarters just next to a foreign embassy; and

(b) whether the Minister would assure the House that necessary arrangements would be made forthwith to correct the situation.

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir, I do not know whether this is parliamentary.

The Speaker (Mr. Mati): It is complimentary.

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir, the answer to (a) is "No, Sir."

(b) I would like to assure the hon. Member—

An hon. Member: Go near the microphone.

The Minister for Defence (Mr. Gichuru): Where—that steps have already been taken to ensure complete security for the new Defence Headquarters.

An hon. Member: Well done.

The Speaker (Mr. Mati): Next question, Mr. Mulwa.

Mr. Nthenge: On a point of order, can the Chair tell us why we should not ask a supplementary question on the question?

The Speaker (Mr. Mati): When a question is so fully answered, there is no need for a supplementary question.

Mr. Mulwa.

Question No. 109 (1394)

CONTRIBUTORS TO WATER PROJECTS

Mr. Mulwa asked the Minister for Agriculture if he would tell the House, considering that the people were poor, why he issued a directive last month to the Water Development Department in his Ministry that in future people should contribute 60 per cent of the money in water projects instead of 50 per cent.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. I have never given such a directive and, as a matter of fact, I would be very pleased if the hon. Member could let me have a copy of that directive which he refers to.

Mr. Mulwa: Arising from the reply, Mr. Speaker, I will gladly submit that directive to the hon. Minister. Furthermore, his Assistant Minister, just before the House went into recess last year, confirmed this in the House.

The Speaker (Mr. Mati): What was your question, Mr. Mulwa?

Mr. Mulwa: Mr. Speaker, the question is: since he now says that he is not aware of this, I said I will submit it and I pointed out to him that his Assistant Minister, the hon. Wanjigi, confirmed this last year just before the House rose and went into recess. Is he going to reverse the situation if I now give him a copy of the directive?

Mr. Nyagah: Mr. Speaker, Sir, I told the hon. Member, in the earlier part of my reply, that I would be very pleased to see a copy of this directive. He can do anything he likes but let me have the directive.

Mr. Nthenge: Mr. Speaker, Sir, can we be told by the hon. Minister what he intends to do if he finds that some of his subordinate staff have done what he denies?

Mr. Nyagah: Mr. Speaker, Sir, let me have a copy of the directive.

Question No. 108 (1393)

CONSTRUCTION OF HOUSES: AIRPORT/
MOMBASA ROADS JUNCTION

Mr. Mulwa asked the Minister for Local Government if he would tell the House—

(a) whether he was satisfied that the buildings which were being erected near the junction of the road to the Airport and Mombasa Road and which were so near the main road had been properly planned; and

(b) whether, since they were going to be permanent buildings, the Minister was aware that these houses would pose a problem in the event of enlarging the Mombasa Road.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The buildings mentioned by the hon. Member are, I believe, those on Plots L.R. 7135/4 and L.R. 7135/5. These plots are currently registered as agricultural land. Permission to turn them into residential plots has been rejected by the Commissioner of Lands and the Land Control Board of Nairobi, because these areas may later be included in the plans for extending the Embakasi Airport.

In view of the above, and the anticipated replanning of the area, the whole matter of the future of these houses is in the hands of the Commissioner of Lands. If and when these plots are to be acquired by the Government, the Commissioner of Lands shall issue the necessary Statutory Notice under the Land Acquisition Act, 1968, informing the parties concerned and inviting negotiations regarding the matter of compensation.

Mr. Mulwa: I hope we are referring to the same houses because I am referring to the houses just near the road junction. If the hon. Assistant Minister is referring to the same houses, why is it that the Ministry allowed these people to go on building these houses, and now after completion they are asking them to remove the houses? They are now in the process of removing them. Why did you allow them to do that and to undergo such big expenses just to ask them to remove the houses later?

Mr. Munoko: Mr. Speaker, Sir, I am not aware that the Minister has approved any plans, nor of the City Council of Nairobi having done this?

Mr. Karungaru: Arising from one of the Assistant Minister's reply, is he trying to tell the House that when these houses were built the Ministry of Local Government was not in Kenya and that after completion of more than five of them, costing Sh. 50,000, is when the Ministry of Local Government came back to Kenya and it is only now the time that the Ministry is taking notice of what is happening? If—

The Speaker (Mr. Mati): Mr. Karungaru, you are making a speech.

Mr. Munoko: Mr. Speaker, the Ministry of Local Government is fairly local and there is no question of it having been outside Kenya. The point here is that these people who were building these houses had no authority to do so and that is why they are pulling the buildings down.

Mr. Mutunga: Mr. Speaker, Sir, do we understand from the Assistant Minister for Local Government that these houses will be pulled down?

Mr. Munoko: It is precisely that, Mr. Speaker, Sir.

Mr. Y. Ali: Mr. Speaker, Sir, would the Assistant Minister tell this House why, from the beginning the authority concerned, owing to negligence of duty, did not take note of those buildings at that place? Also, Sir, why from humanitarian grounds, after *wananchi* have put a lot of thousands and thousands of shillings, the Minister would not, at least, allow them to continue living in that place while they try to draw a plan for the future?

Mr. Munoko: Mr. Speaker, Sir, the onus of making sure that whatever they are doing is correct is on those who are to develop the area. They have to make sure that what they are doing is within the law. If they do it outside the law, any costs which they may undergo is theirs.

An hon. Member: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No, I do not think we need points of order now.

Mr. Masibayi: Mr. Speaker, Sir, arising out of the answer from the Assistant Minister, would he assure this House that these people are going to be paid for their costs? Are they going to be compensated?

Mr. Munoko: No, Sir, I cannot assure the hon. Member that because these people carried out these works without the approval of the authority concerned.

Question No. 72 (1314)

CONSTRUCTION AND REPAIR OF ROADS
IN KITUI

Mr. Kitonga asked the Minister for Works if he would tell the House—

- (a) when the road to Kamulewa and Lundi Location in Kitui East was to be repaired; and
- (b) when the construction of Kitui-Museve-Thua Road over Mutito Mountain was to be started.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. We cannot trace the route or road from Kamulewa to Lundi and it is not, if it does exist, one of the roads the Ministry of Works maintains.

Mr. Kitonga: Mr. Speaker, Sir, arising from the answer to part (a) where the Minister says that he does not know the road, I would like to tell him that Lundi and Kalidini are roads known and are in existence. Now, would he send any one of his officials, if they do not know these roads, to this place so that I can show them where these roads are? They have been maintained by the Ministry of Works for many years now.

Also, Sir, I would like to know why the Minister did not reply to part (b) of my question.

The Speaker (Mr. Mati): You are right, I think, Mr. Kitonga. The second part of your question was not replied to.

Mr. Nyamweya: Mr. Speaker, Sir, I apologize to the hon. Member. The second part of the question is, in fact, more or less like the first part of the question because we have no project for building a road from Museve to this funny place called Thua.

Mr. Matiko: Mr. Speaker, Sir, arising from the Minister's reply, that he cannot trace Kitui-Museve Road, is the Minister aware there is a forest at Museve where the Forest Department has a nursery and there is a road leading to the nursery.

Mr. Nyamweya: I am not aware of a road to a nursery in this forest which the hon. Member has

mentioned. Perhaps, Mr. Speaker, Sir, the best thing which we could do in dealing with a question like this is that if the hon. Member, "Chief" Kitonga, would care to spend ten minutes with me or the representative of my Ministry, we would be in a position to help him.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir, would the Minister deny that he himself, personally, and myself we went to Iko last month and I showed him this road.

Hon. Members: Yes, tell us?

Mr. Nyamweya: It is true, Mr. Speaker, Sir, that I visited Kitui East extensively during the Parliamentary Recess and as far as I know, most roads which do exist in Kitui East have already been graded and they are in a very good condition. If there are some of these minor tracks which we do not see, I am suggesting to the hon. Member—in fact, I am trying to help him much more than I have done—that if he would come along, we would look into this; and if, really, Kitui deserves more minor roads, we will definitely try to help.

Mr. Munyasia: Mr. Speaker, while thanking the Minister for his reply, and realizing that this road starts from Kitui right up to the hill, and there is no through way up to Lundi, would he be kind enough to send his team to survey whether this road would be of any use from Kitui through Kabonge to Lundi. There is no way through to Mutito.

Mr. Nyamweya: Mr. Speaker, Sir, if this is the difficulty I was shown when I visited Kitui last month in the company of hon. "Chief" Kitonga and the Minister for Labour, I did indicate when I was shown this difficulty that this problem was going to be looked into. I do not see why it should be the subject matter of this little debate here which will not help us.

The Speaker (Mr. Mati): Next question.

Question No. 106 (1389)

BITUMENIZATION OF MURANG'A-
KIRIAINI ROAD

Mr. Wachira: Mr. Speaker, Sir, before I ask the question, I would like to ask the Minister to apologize because he was not here when I first asked it.

Mr. Wachira asked the Minister for Works whether, since the Government had decided to improve the road from Murang'a via Gatari to Kiriaini Market (C.10/30), the Government could tarmac the road instead of putting on murrum.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. This road is

[The Minister for Works]

scheduled for construction to gravel standard during the current Development Plan and, in fact, work is already in progress. I am sure that the hon. Member will appreciate the effort we are making to improve this road. In fact, Sir, why I was late is because I had this problem to solve from him. It is not considered that there is economic justification for tarmacking this road for the time being.

Mr. Wachira: Is the Minister aware, Mr. Speaker, Sir, that this is the shortest road to Chinga Factory where a lot of tea is manufactured?

Mr. Nyamweya: Yes, I am aware and that is why the work is actually in progress now.

Mr. Wanjagi: Mr. Speaker, Sir, is the Minister not aware that this area, which includes Kiru, Kiriaini and Chinga, is one of the progressive areas in Murang'a and Nyeri Districts and therefore such a project would be very viable?

Mr. Nyamweya: Yes, Mr. Speaker, Sir, I am aware. However, I think we have to do these things in stages. The first stage is that we have actually started to do the work in order to bring this road to gravel standard; an all-weather road; later if the volume of produce increases in that area, I am quite sure, Sir, we will include this bit of road in our programme for bitumenization within the next five years.

Question No. 123 (1421)**SALARIES AND AFRICANIZATION IN RAILWAYS CORPORATION**

Mr. Magugu asked the Minister for Power and Communications if he would tell the House—

- (a) whether he could give a breakdown of expatriate officers in Railways Corporation in the scale of K£786 per annum to K£2,700 per annum;
- (b) what their respective departments and qualifications were;
- (c) what controlled the rate of Africanization in the Corporation; and
- (d) whether the transport effort undertaken by the Corporation in Kenya reflected in the Headquarters' management, and if the answer was in the affirmative, why the said management was manned on equal basis while about 62 per cent of the total revenue was collected in Kenya.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply (a) I wish to inform the hon. Member that the expatriate officers employed by the Railways

Corporation in the said scale are as follows: K£735, 130; K£948, 145; K£1,062, 102; K£1,182, 81; K£1,320, 30; K£1,410, 21; K£1,500, 6; K£1,560, 70; K£1,580, 30; K£1,830, 10; K£2,040, 15; K£2,340, 10; and K£2,640, 4. The total, Sir, is 654 officers.

(b) And the following are their respective departments and qualifications:—

Department	Graduates and Professionals	Tech.	HSC	Other	Total
Director-General ..	3	6	3	4	16
Accounts	9	—	18	12	39
Traffic	4	55	60	6	125
Stores	1	—	2	3	6
Civil Engineering ..	63	105	11	16	195
Mechanical Engineering	27	246	—	—	273
TOTAL	107	412	49	41	654

(c) The rate of Africanization in the Corporation is mainly controlled by the availability of local East Africans who pass the requisite qualifications required in the various jobs offered by the Corporation. The Railway Corporation has, in the past, followed and will continue to follow a planned programme in replacing expatriate personnel with local East African officers as quickly as is practicable.

(d) There was no attempt to recruit staff on the basis of transport effort undertaken by the corporation in Kenya, and although Kenyans in the headquarters' management is higher, this is not a reflection on the transport effort.

Mr. Magugu: Mr. Speaker, Sir, supplementary question to number (a) of the question to the Minister is: why should there be really so many expatriates in the scale between £735 and £1,500 while I am sure that we, in Kenya, can provide these officers?

Mr. Ngala: Mr. Speaker, Sir, I did not understand the Member.

The Speaker (Mr. Mati): Would you repeat your question, Mr. Magugu?

Mr. Magugu: My question was: why should we continue to have so many expatriate officers in the scales of between £735 and £1,500 while, in fact—and even you, Mr. Minister, are aware—we have qualified citizens in this country to take the posts?

Mr. Ngala: Mr. Speaker, Sir, while many departments of the Railways have been fully Africanized, there are many other departments and this is East Africa wise. The Member should not think that this is just figures for Kenya. I would be the first person, Mr. Speaker, Sir, to consider any applicants, sent or brought to me, by

[The Minister for Power and Communications] the hon. Member or any other Member here, of people who are qualified to work in these departments that I have mentioned; and these people must be Kenyans, Tanzanians or Ugandans. We would give them the first preference and we would take them first because we are progressively replacing the expatriates.

Mr. Koigi: I would like to have a clarification from the Minister of the policy which controls the Africanization of the officers.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): A policy?

Mr. Koigi: No, I am not asking you, Mr. Shikuku!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): But your question is not clear!

Mr. Ngala: Mr. Speaker, Sir, I did not understand the question.

The Speaker (Mr. Mati): Could you repeat your question, Mr. Koigi?

Mr. Koigi: My question, Sir, is; I would like to hear an explanation from the Minister on what is the policy which controls and ensures acceleration of Africanization in the various departments of the Corporation?

Mr. Ngala: The policy is the East African Community policy, and in this policy we want to replace the non-Africans or the expatriates as quickly as we can by providing training overseas which is related to the appropriate services in the various departments of the East African Community Corporations and particularly the Railways; and also, providing training within Kenya or East Africa for people to man these various departments. I can assure the hon. Member that we have, so far, done very well in Africanization; we are well over 94 per cent now in the Africanization throughout.

Mr. Magugu: Mr. Speaker, Sir, while agreeing with the Minister as to the number of expatriates holding these technical posts, could the Minister then justify why we should have expatriate officers—whether from Kenya, Uganda or elsewhere—holding purely administrative posts in the Corporation?

Mr. Ngala: It is true, Mr. Speaker, Sir, that we have some officers who are holding administrative posts, but these are very much on the reduced side these days throughout the East African Community services and the Railways specifically. This is mainly in the capacity of advising on how the administration should go and these people are

all on contract basis. Therefore, as soon as we get our own people who can understand the work as we want it done, then these people will be replaced because they are on contract and they are temporary.

QUESTIONS BY PRIVATE NOTICE

CUT-OFF OF WATER SUPPLY BY TAITA-TAVETA COUNTY COUNCIL

Mr. Mwamunga: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

Is the Minister aware that on Wednesday, 24th February 1971, the County Council of Taita-Taveta, despite prevailing drought condition, cut off water supplies for several self-help water schemes in the Voi Constituency and Kishushe including the Kajire Water Supply Scheme thereby causing great hardship and suffering to the people and their livestock? What action will the Minister take to ensure that—

- (a) the council reconnects all the water supplies it so cut off;
- (b) the council desists from demanding illegal water rates from the people in the district; and
- (c) the council refunds to the people concerned whatever money it collected as water rates.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply. Sir, I would like first of all to correct the hon. Member by pointing out that the water supplies was cut off on 9th February 1971, and not on 24th February 1971, as stated by the hon. Member.

The schemes affected were Ndome and Kajire. The water supplies at Kishushe were not disconnected. The circumstances leading to the disconnection of water supplies to the two schemes were as follows, Mr. Speaker, Sir:

Sir, at a special Finance and Establishment Committee meeting of the Taita/Taveta County Council held on 31st December 1970, the council's revenue officer reported that he had gone round all the water projects some time in November 1970, when he was able to collect only a small amount of money being water fees. Since a number of consumers had promised to pay their fees by 15th December 1970, the revenue officer requested the councillors to advise on what further action to take against the defaulters. Mr. Speaker, Sir, the committee recommended that a circular letter be written to urge chiefs and councillors to warn

[The Assistant Minister for Local Government]

the consumers in their respective locations that they should pay their water fees for 1970 before 31st January 1971, failing which the council would have to discontinue their water supplies. Mr. Speaker, Sir, the above recommendations of the committee were adopted at a special full council meeting, held on 21st January 1970. Since the consumers concerned failed to respond to the council's circular, referred to above, the council had no alternative except to disconnect the water supplies to the two water schemes on 9th February 1971. This action was taken under Regulation No. 178, Paragraph 3, of the Local Government Regulations, 1963.

Mr. Speaker, Sir, it is noted that the water supplies to the schemes were cut off for only two days, and are now running as usual. On the 9th March 1971, the chairman of the water committee for Ndome Scheme, undertook to persuade the consumers of Ndome to pay their water fees by the end of April 1971.

The consumers of Kajire have completely refused to pay their fees. The District Commissioner of Taita and the Clerk to the County Council are arranging to hold *barazas* in the area, to try to persuade the consumers to pay their water fees.

Mr. Speaker, Sir, since the water supplies to the two schemes were cut off for only two days, and are now running normally, the question of their reconnection does not arise. I wish to remind the hon. Members that the water fees in question were approved by my Ministry in December 1969, under Regulation 148, paragraph 2, of the Local Government Regulations, 1963. As the hon. Member will remember, he was at that time the Clerk to the County Council of Taita/Taveta. I cannot, therefore, agree with him that the fees are illegal.

Mr. Speaker, Sir, I did not see any reason for asking the country council to refund to the consumers concerned, whatever money the council collected as water fees. As the hon. Member knows, from his experience as a former clerk to the council, the council spent a lot of money in maintaining the water supplies. It should, therefore, be compensated for the services rendered to the consumers.

Mr. Mwamunga: Mr. Speaker, Sir, the Assistant Minister has informed this House that the County Council of Taita/Taveta did what they did in exercise of powers under Regulation 148 of Local Government Regulations, 1963, and that the county council charged the water rates under a resolution approved by his Ministry, in December 1969. First of all, Mr. Speaker, Sir, if I may be allowed to correct certain impressions, the County

Council of Taita/Taveta has no water policy different from the water policy under the Kenya Water Act or Water Ordinance. Mr. Speaker, Sir, may I know what authority the county council has in demanding these rates, when they have not been appointed water undertakers, as required by the Laws of Kenya governing water? In fact, Mr. Speaker, I would like to inform the Assistant Minister that the right to use water and to regulate the utilization of water, is in the Minister responsible for water, and that the resolution which the Ministry has approved, in fact, is *ultra vires*.

Mr. Ogutu: Mr. Speaker, Sir, under Local Government Regulation 178, a local authority is allowed to establish water supplies. Mr. Speaker, Sir, Regulation 148 also authorizes a local authority to charge fees for any services regulated by law, and this is one of them, Sir.

Mr. Mwamunga: Mr. Speaker, Sir, the answer given by the Assistant Minister is far from satisfactory. Local Government Regulations, 1963, are subsidiary to Laws of Kenya, and the regulation of water and administration of water is governed by the Water Ordinance, Cap. 372, of the Laws of Kenya, and the council and Ministry have not complied with the requirements of this Act.

Hon. Members: Answer that!

Mr. Ogutu: Mr. Speaker, Sir, the Local Government Regulations, 1963 empower the Local Government to establish water under Regulation 178, and these Regulations are authoritative as far as Local Government is concerned within any subsidiary by-laws made by any local authority in their respective area, and this is the same with Taita/Taveta County Council.

Mr. Mnene: Mr. Speaker, Sir, is the Assistant Minister trying to tell this House that the Local Government can make by-law to override the Laws of Kenya?

Mr. Ogutu: Mr. Speaker, Sir, I did not say that.

The Speaker (Mr. Mati): Now, I do not think we are getting very far; this is a question of law, which we are not likely to resolve right now.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: CUT-OFF OF WATER SUPPLY BY
TAITA-TAVETA COUNTY COUNCIL

Mr. Mwamunga: Mr. Speaker, Sir, I would like to pursue this matter as a Motion for the Adjournment.

The Speaker (Mr. Mati): Next question Mr. Araru.

SCHOOL FEES FOR 1970: MARSABIT
SECONDARY SCHOOL

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

Why is the Headmaster of Marsabit Secondary School asking students to pay school fees for 1970 whereas the county council had agreed to pay the money in form of bursaries?

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. The school fees for 1970 should have been paid before the end of the year. Some students at Marsabit Secondary School expected bursaries from their county council, but these have not been paid to the school so far. The Headmaster is, therefore, obliged to collect fees from the students, since the county council has failed to pay the fees by way of the promised bursaries.

Mr. Araru: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, when he said that the county council promised to pay the school fees, Sir, this was not a promise. The county council has usually, every year, money given to the district for bursaries to students. This was done and the names of students who received the bursaries were shown; we do not know whether the county council paid the bursaries or not. Why is the Ministry not chasing the county council, who are responsible for this money, rather than expelling the students from the school?

Mr. Rubia: Mr. Speaker, Sir, I would like to make a very sincere suggestion, that the students should chase the county council and not my Ministry.

Mr. Kholkholle: Mr. Speaker, Sir, will the Assistant Minister tell this House how much money was granted to the county council for bursary purposes and how much has been spent on bursaries for this school?

Mr. Rubia: Mr. Speaker, Sir, my Ministry does not allocate funds to any county council for the purpose of providing bursaries. County councils are expected to find funds from their own resources in order to give those bursaries to their local students.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, can he tell the House how Government is going to recover the fees which have gone with the Form IV leavers—those who left last year? How are they going to recover this money?

Mr. Rubia: Mr. Speaker, the question before the House is about those students who are still

at school. If there are any students who have left school, that is a different matter. We have other means of pursuing the cases.

Mr. Njiru: Mr. Speaker, Sir, arising from one of the replies from the Assistant Minister, does he imply that in case any pupil fails to pay the school fees for the year 1970 he is going to be chased away from school?

Mr. Rubia: Mr. Speaker, Sir, the students are expected to pay their school fees. Where they cannot pay, then they will have to ask for it from their county councils. If they cannot find money from their county councils, then they will have to look around somewhere else.

Last year my Ministry gave four students, at that school which the hon. Member is referring to, bursaries to study. It is expected that these bursaries will be renewed this year, but every student must prove his case. We cannot give a blanket bursary to those who claim that they are unable to pay.

Mr. arap Chumo: Arising from the Assistant Minister's reply, Mr. Speaker, Sir, could he tell this House why they have to wait until 1971 to chase these children from school? Why did they not do it in 1970 when the school fees were not paid? The services have been provided already. Why chase them for the money again?

Mr. Rubia: Well, I think the headmaster was too kind-hearted. I do not think anybody should be victimized because he was too kind-hearted. The headmaster was understanding because of the hope that the county council would pay the bursaries. If the headmaster made a mistake, in the opinion of the hon. Member, certainly my Ministry does not share this view. The headmaster hoped that the county council would come and pay. We hope that the fees will still be paid by the students themselves.

Mr. Araru: Thank you very much, Mr. Speaker for this last chance. Mr. Speaker, can the Assistant Minister agree with me that now this area is faced with a very bad situation, of drought, and we cannot afford to pay any fees—not even for the primary pupils? Can he agree to advise the headmaster to keep these students in school until his Ministry and the county council consult amongst themselves in order to have these fees paid because as far as I am concerned, and as the hon. Member who spoke earlier is concerned, this was for last year? Since these fees are not for this year, why should the students be chased away for last year's fees when we are in such a bad situation and are appealing to the public to raise funds to help us?

Mr. Rubia: Mr. Speaker, I do not think anybody would doubt that there is a very serious

[The Assistant Minister for Education]

situation in the North-Eastern Province. In fact, I have acknowledged this. Indeed, I am trying to do something about it myself in my other capacity, and the hon. Member knows about it. But what I cannot do is to give an undertaking that because there is drought in that area we are not going to pursue the students to pay the fees. If there is any question of hardship, then, obviously, the individual students will try and prove the case to the Ministry. But we are not going to allow the present situation to be given as an excuse for not paying public funds.

The Speaker (Mr. Mati): Let us go on now.

POINT OF ORDER

MATTER CANNOT BE DEALT WITH THROUGH A MINISTERIAL STATEMENT SINCE A QUESTION HAS ALREADY BEEN SUBMITTED

Mr. Migire: On a point of order, Mr. Speaker.

Mr. Speaker, it was reported in the *Daily Nation*, or rather the *Sunday Nation*, of 7th March 1971, that the Kenya Foreign Minister, Dr. Mungai, met the President of the Republic of Uganda. This was after the President had announced that the former President of Uganda had established some camps for some subversive activities against Kenya. Mr. Speaker, Sir, in view of the fact that this is a very important matter to us—we as Kenyans—and the nation is waiting to hear from Government as to what the findings were, would it not be in order if the Minister for Foreign Affairs stood in this House today or at a later stage and told us what the position is in this case, Mr. Speaker?

The Speaker (Mr. Mati): I cannot speak for the Minister for Foreign Affairs and I cannot see him in here now. So he cannot possibly say anything while absent. But it is up to the Ministry to decide what to do about it.

I understand somebody has put in a question of some sort. In the process of replying to that question the Minister might have an opportunity of dealing with the point you have raised, Mr. Migire.

MINISTERIAL STATEMENT

INCIDENT OF MR. ABDI ALI

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, some time ago I promised the House that I would get them some information in connexion with Mr. Abdi Ali, who, it was alleged was thrown away from a lorry. This is the statement I have to make.

On 4th October, last year, in reply to a question asked by the Member for Garissa North, Mr. Mohamed, regarding a Mr. Abdi Ali, who was

alleged to have been thrown from a lorry on 20th June 1970, I said that investigations were underway, and that I would report to the House when these had been completed. I would now like to tell the House that investigations have been finalized.

These investigations reveal that on 20th June 1970, at about 8.45 p.m., a lorry, Registration No. KJJ 849, belonging to Messrs. Bayusuf and Brothers of Garissa was returning to Garissa after having taken some traditional dancers to Gatundu. In the lorry were four persons, two of whom were drivers, namely Messrs. Mohamed Hassan and Nasir Mohamed. Mr. Bayusuf himself and one Maluk Njioki, who is believed to be a turn-boy, were also in the lorry.

On arrival at Thika they picked up one person known by the name of Abdi Ali. According to Mr. Abdi he agreed to pay his fare from Thika to Garissa; but on reaching Ndalani, near Matu, Mr. Abdi alleges that as he had no money to pay for the journey the vehicle stopped and he was forcibly removed from it, and as a result he fell and sustained injuries. The lorry then drove off leaving him on the roadside.

However, the rest of the persons allege that when they were between Matu and Yatta then they discovered that Mr. Abdi Ali was not in the rear of the lorry. Despite this they carried on their journey.

As Members can see, it has not been possible to obtain the true facts in this matter as the evidence given by the parties concerned is conflicting. Due to lack of independent witnesses it is not possible to establish a criminal act on the part of anybody on which further action could be based.

Therefore, we cannot do anything, and that ends there.

Thank you.

The Speaker (Mr. Mati): Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS
(Sixth Day)

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 23rd February 1971.

(*The Vice-President and Minister for Home Affairs on 25th March 1971*)

(*Resumption of Debate interrupted on 9th March 1971*)

Mr. Mnene: Thank you very much, Mr. Speaker. While congratulating His Excellency the President for his Speech, I wish to say just a few

[Mr. Mnene]

things, Mr. Speaker, and this has to be on the Speech of His Excellency the President.

His Excellency the President said something like this in his Speech, that this House is to act as a bridge between the public and Government. That alone, Mr. Speaker, carries a lot of meaning. Mr. Speaker, you also must have wondered why, whenever we bring Motions in this House we say, "This House urges the Government . . ." "This House" and "the Government" appear to be two different bodies.

Mr. Speaker, we have to ask ourselves, then, "Which is 'the Government' " because this House include all the Members here—Ministers, Assistant Ministers and Back-benchers as well. Mr. Speaker, Sir, this House does not mean, in the main, only Back-benchers; and His Excellency the President confirmed this when he said that this House is to act as a bridge between the Government and the public. We know the public and we also know this House, but, where is the Government? Mr. Speaker, Sir, I do not know if anybody can define that word "Government" according to that Speech. It was a very good Speech. However, you have heard, Mr. Speaker, when the Back-benchers stand to speak on this Speech they say: "The Government is to do this, the Government should do this" and then, the members of the public would easily think that the Government is the Front Bench *here*. However, the Front-benchers do not know and do not believe that they are the Government because, we, in this House, cover everybody. We are just a bridge, but there is a Government somewhere. That is what we want to know, Mr. Speaker. Where is that Government? If it is invisible, we should know because there must be a Government somewhere but not in here because this House is to be a bridge between the public and that Government which we do not know.

Mr. Speaker, Sir, I think we should tell the truth now. The Government is there. The Government is where we go and get our problems either settled, dismantled or something like that, and that is the Civil Service. The top civil servants are the Government, come what may. Mr. Speaker, Sir, even when we pass resolutions here, we tell the Minister to do something, to go and do this or that, he must go back to the top civil servants and ask them to prepare a speech or plans for him because this House is only a bridge between the public and that Government, and this House includes the Ministers and Back-benchers; therefore, we are not the Government. This thing is very interesting. Unless the Ministers say that they are not a part of this House, then we cannot call them the Government because this

House includes them, and we are a bridge. Mr.

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

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

Deputy Speaker, Sir, we all say that this is a Kanu Government, but Kanu is a Party and there are other people who have no Party. These are the Armed Forces only. The Armed Forces are not allowed to have any unions but the civil servants have a union and we, in this House, have our union called Kanu. The civil servants have their union called The Civil Servants' Union. However, the Armed Forces have no union at all. That is why, Mr. Deputy Speaker, we always find these *coups* taking place in Africa because the Civil Service has its own party, and Parliament has its own party but those people with arms have no party. They have no union, they have no party and are just watching these servants with their union and this Parliament with its political party. Then, Mr. Deputy Speaker, when those people who do not belong to any union or any party start thinking that those who have their unions to defend them and look after their welfare are becoming big-headed, and that these Members of Parliament, with their party, are being controlled by the Civil Service, that is the time you find these *coups d'etat* in Africa.

Therefore, Mr. Deputy Speaker, Sir, we must have a clear-cut solution on this matter. If we are to remain as a bridge between the public and that Government, then we must be careful because those people who have no party, no union to look into their problems can do anything forcefully; they might do it if we are not careful.

Mr. Deputy Speaker, Sir, I do not want to waste a lot of time because I have said what I wanted to say and it cannot be denied. I will challenge anybody who denies that one. It is very interesting because in independent African States today, you will find that the members of the public are the ones who pay all these taxes and everything to buy arms to arm their forces just because the forces are the ones who know how to use the arms and the public are the people who know how to buy the arms. However, why do they buy these arms? Whom do they want to fight? We have been unable to fight the small minority régime in Rhodesia; why do we buy arms and arm these people? Why come and break that bridge and then take hold of that Government? They will, perhaps, one day—and that is what they are doing all over Africa—come and break that bridge and get hold of that Government. That bridge is this House.

[Mr. Mnene]

Mr. Deputy Speaker, Sir, I want to leave that point as it is but I want to say something about the Judiciary in Kenya as a whole. I happen to have been a very good magistrate before coming into this House. Very good indeed. I say very good because of all the cases I have heard for some years nobody has ever won an appeal. However, you will find the so-called Resident Magistrates, Asians, who are big bosses, most of their appeals are just quashed there, their judgments are quashed and their sentences are set aside because they do not take pains. We know that African magistrates are frustrated and that is why I left the Judiciary. They really do a very good job and nobody appreciates what they do; instead, they keep on promoting their so-called resident magistrates, Asians including women. I would challenge the Attorney-General if he could bring to this House some of the statistics, a return of some sort of the cases heard by African magistrates and appeals that went through and also cases heard by the so-called resident magistrates and their appeals which went through. You would be surprised. Those resident magistrates, just because they are not Africans, do not concentrate on their work. I would ask the Attorney-General—I do not know why he is not present—to promote these chaps. They are very good, Mr. Deputy Speaker, Sir.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to join my friends in thanking the President for his Speech which he made on the 23rd of February. Mr. Deputy Speaker, the thing I would like to start with is the price of land in this country. Now, Mr. Deputy Speaker, every time we come to this House, we have always shouted about the cost of land. You find that in the old days the white settlers paid about two or three cents per acre and the fertile land cost him five cents per acre. This was said by the Minister for Lands and Settlement some time in 1965 in this House. Now, the Africans are paying fantastic sums of money to the white settlers who are going out of this country. You are leaving the African a sort of a prisoner here; for the coming 30 years he will continue paying for this land. Mr. Deputy Speaker, if *Uhuru* means that we shall be imprisoned indirectly by paying higher prices for no reason for the land that the white settlers obtained free, for the land that the white settlers never made any progress on, then nobody will accept this.

Mr. Deputy Speaker, when we go back to our constituencies, there are always questions asked by our constituents and some of us and I think

Members of this House will bear witness with me—find it very difficult to explain to the constituents as to why the African Government, today, pays very high prices for land, or allows the white settlers to charge the incoming Africans a very high price per acre. Mr. Deputy Speaker, we have always complained in this House about this but nobody seems to take action. It is high time the Minister for Lands and Settlement goes deep into this question of the price of land, otherwise we shall go on being imprisoned by the ex-colonialists who are now leaving this country, for another period of 40 years still paying for these *shambas*.

Mr. Deputy Speaker, the other thing I would like to mention on the side of agriculture is that I would like the Minister for Agriculture—

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir, I think this House is entitled to know in what capacity a Minister or an Assistant Minister is speaking in this House: that is, whether in his capacity as a Minister, Assistant Minister or as a constituency Member. I am saying this because you heard the very Assistant Minister who has been speaking challenging the Government of which he is a part and parcel. Now, what about the Back-benchers? If we, the Back-benchers, challenge the Government, and at the same time Ministers and Assistant Ministers challenge the Government, which Government is being challenged?

The Deputy Speaker (Dr. Waiyaki): It is not possible for a Minister to speak as a Back-bencher. All Ministers are Ministers at all time, day and night, whether they are in this Chamber or outside. So, I think it is not possible for Mr. arap Choge to describe what he is speaking as. He is obviously speaking as the Assistant Minister for a certain Ministry.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Thank you very much, Mr. Deputy Speaker. It is high time the hon. Member understood this because he has been in this House long enough. However, I do not deal with the land prices, but there are people dealing with the land prices and I have to make my comments in this House to advise it as to what is happening in the country. The thing I would like to mention, Mr. Deputy Speaker, is that it is high time we had a statement from the Ministry of Agriculture in respect of the Agricultural Development Corporation and the Agricultural Finance Corporation. It has been said in this House, several times, that some people have already deposited some large amounts of money but are unable to buy farms through the Agricultural Finance Corporation. However, their money

[The Assistant Minister for Co-operatives and Social Services]

is with the Agricultural Finance Corporation and they have not been able to get any *shamba* at all. Mr. Deputy Speaker, many farmers have approached the Agricultural Finance Corporation in respect of getting their farms bought by the Agricultural Development Corporation but they are not able to sell these farms to an individual, an ordinary African when he goes to them because they expect the Agricultural Development Corporation to come back and buy their farms and be able to get the money in England when they go back there. As you know, Mr. Deputy Speaker, the Africans who are interested in buying such farms may not be allowed to send the money to the United Kingdom to the respective farm owners who have agreed to sell their farms to them. It is high time, therefore, the Ministry of Agriculture came out with a statement so that we know that the Agricultural Development Corporation only buys farms for national purposes and not to pass them on to the individual Africans.

The other thing which I would like to touch on, Mr. Deputy Speaker, is about the allocation of secondary schools this year. You find that a large province, like the Rift Valley Province, was given three secondary schools, and Western Province and Nyanza as well were given three schools each, while some other provinces have about eight secondary schools. Now, this is a serious issue because everybody has to pay taxes and whatever amount of money we borrow must be paid back by everybody. However, when we have districts like Nandi, Kericho or Kakamega for that matter, where many children do not go to school, rather they do not find places in secondary schools, Mr. Deputy Speaker, this is a difficult situation for even the Members of the respective areas to explain to their constituencies. I am saying this because you find that there are students from these rural areas who could not find secondary school places in their own home districts and, instead, they were given places in secondary schools here in Nairobi. However, they were given a condition that unless they had parents to stay with they would not be able to attend school here. There, again, students have a problem of not finding people to accommodate them so as to attend schools in Nairobi, Eldoret or Nakuru. Now, what I am trying to get at, Mr. Deputy Speaker, is that during the next Financial Year we should be given more secondary schools in the rural areas, or in the districts where we come from, instead of adding more secondary schools here in Nairobi, Nakuru or Kitale.

Mr. Karungaru: Question!

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): You say "Question" but we know there are boys in Nairobi here who had very low marks—eighteen points—and they found places in secondary schools. There are other students in Kipsigis who had 30 points and they could not find secondary school places. Is this being fair?

Mr. Deputy Speaker, I would also like to refer to my constituency which has about 60 primary schools and not a single secondary school. This is not being fair, Mr. Deputy Speaker, because the distribution of secondary schools should be specifically allotted to cover the whole country instead of giving a specific community so many secondary schools. I hope the Ministry of Education will bear this in mind.

Mr. Deputy Speaker, Sir, the other thing I would like to refer to is my Ministry—the Ministry of Co-operatives and Social Services. Now, we have already completed a good number of projects, and we have encouraged people in this way, and they have come out to answer our call of Harambee. They have come out in a big way and they have aided the projects just in the same way as some donor countries have done. However, the relevant Ministry should be able to take over the completed project instead of people completing a health centre and then leaving it for about two or three years before it is taken over by Government, or before the Ministry of Health is able to utilize the facilities that are available in that health centre. Mr. Deputy Speaker, I would also like—if the Minister of Health is unable to have this health centre opened—the Minister to encourage and allow the community concerned to run it on self-help basis instead of refusing to allow them to do so. At the same time he should be able to give free medicine to that health centre and this should be accounted for by the Ministry of Health so that the community there can employ the necessary manpower—that is, people who are qualified to run the health centre instead of the health centre remaining without being used after being completed.

Mr. Deputy Speaker, Sir, I hope in the next Financial Year we shall get more funds. I am sorry my time is up and therefore, with those few remarks, I beg to support.

Mr. S. Lugonzo: Thank you very much, Mr. Deputy Speaker, for giving me this chance to probably repeat what my colleagues have been saying here.

Mr. Deputy Speaker, Sir, I think we, Members of Parliament, have at times been wasting a lot of time criticizing, say, one tribe or criticizing

[Mr. S. Lugonzo]

another tribe, criticizing one or two individuals instead of mentioning the diseases that are threatening the stability of our nation. I think it is time, Mr. Deputy Speaker, we concentrated on the diseases that threaten our welfare. Mr. Deputy Speaker, Sir, I will go over some of these diseases whether they have been mentioned or not for the sake of emphasis. Mr. Deputy Speaker, Sir, we shall repeat these things without getting tired because we see no action taken on them, and we will not shut our mouths until Government takes steps to rectify the situation.

Mr. Deputy Speaker, Sir, people have spoken here about corruption. We have said here time and again that this is one of the worst diseases. In fact, *coups d'etat* have been taking place in other nations and one of the major reasons given by the military organizers of these *coups* is corruption. We are saying this here and nothing is being done, Mr. Deputy Speaker. You may say that probably there is no evidence to these allegations about corruption but Mr. Deputy Speaker, Sir, the *wananchi* look at some Ministers who were as poor as church mice when we attained independence and now they own 20 lorries. Now, Mr. Deputy Speaker—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member is making a very serious allegation that some of the Ministers were just as poor as church mice when we attained independence and that now they own lots of property and so forth. Now, since we have very many Ministers would the hon. Member not be in order to tell us who these Ministers are because some of us are still as poor as the church mice he is talking about?

The Deputy Speaker (Dr. Waiyaki): The hon. Seth Lugonzo is being called upon to substantiate.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, this substantiation is the reason why, instead of these evils being corrected they are still being hidden. Mr. Deputy Speaker, Sir, I will challenge the questioner, or I will ask you, Mr. Deputy Speaker, that a commission of inquiry be—

The Deputy Speaker (Dr. Waiyaki): Order! Yesterday I brought to the attention of the House that before a Member makes a statement that he regards as fact he must be sure that he must produce some kind of evidence on which he bases his argument or facts.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, may I be allowed to go and do some research and then bring this list and read it as a statement in this House?

The Deputy Speaker (Dr. Waiyaki): Order! You have a prepared speech which you are looking at there. If you are not prepared to substantiate now you will have to withdraw and apologize.

Mr. S. Lugonzo: Mr. Deputy Speaker, I withdraw but the point is made.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. Waiyaki): Order, Mr. Shikuku.

I gave a ruling that you will withdraw and apologize.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, I withdraw and apologize.

Mr. D. M. Kioko: On a point of order, Mr. Deputy Speaker, Sir, I would like to seek your guidance in this matter. Since my friend had his own opinion on whether the statement was a fact or not and he did not know whether an opinion is different from a statement of fact, was it not also right for the Chair to request my colleague to tell the House whether that was his opinion from what he sees instead of just asking him to substantiate something on which he might have formed an opinion by meeting some people previously before he came to this House?

The Deputy Speaker (Dr. Waiyaki): No, that cannot be regarded as a mere opinion. He made a categorical statement that some of the Ministers here were as poor as church mice. I do not know to what degree church mice are poor but that was a fact that he spoke. Then he said that there were now some of them owning as many as 20 lorries. That is not an opinion; that is a fact according to Mr. Lugonzo and he has been unable to substantiate it.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, it is also alleged that even some top civil servants who were in charge of giving contracts, join some companies and then they give to those companies the contracts. It is alleged, Mr. Deputy Speaker, and it is not a fact. They give to those very companies of theirs the contracts, Mr. Deputy Speaker. Is this not corruption, Mr. Deputy Speaker? These are the sort of things which must be disclosed and discontinued.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I think we must go by the Standing Orders of this House. The hon. Member talks of some civil servants being in a position to give contracts to their friends. This is a very serious allegation

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

because it is a statement of fact. Could he substantiate that also because we do not go by rumours in this House?

The Deputy Speaker (Dr. Waiyaki): No, he was very careful to say that it was an allegation and not a fact. But, I would desist from making allegations of such a serious nature unless I was absolutely sure of what I am saying.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, I know of some Asians who were supposed to abandon their businesses and it is also alleged that through influence they have had these licences given to them. I think this is the kind of corruption that is spoiling our country.

The Deputy Speaker (Dr. Waiyaki): So far you are proving nothing, Mr. Lugonzo. You are absolutely wasting—spending time—I was going to use a most unreasonable word I think. However, you are using valuable time making allegations which if you are called upon to substantiate you cannot substantiate.

Mr. S. Lugonzo: Mr. Deputy Speaker, Sir, I will leave the question of corruption but it is one of the diseases that is threatening the stability of our nation.

Mr. Deputy Speaker, Sir, we do cheat the population of Kenya that we have democracy but we do not have democracy. Mr. Deputy Speaker, Sir, we have provincial commissioners and district commissioners whom I know very well were established by the colonialists to suppress the *wananchi*. Now if we still have them suppressing the *wananchi*, Mr. Deputy Speaker, what kind of democracy is this? We must get rid of any establishment that was—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir, can the hon. Member substantiate that there are some district commissioners and provincial commissioners who are suppressing the *wananchi*? That is a very serious allegation, Mr. Deputy Speaker. May we know that?

The Deputy Speaker (Dr. Waiyaki): I thought he said that they were put up or used by the colonialists to suppress. Did the hon. Member say they were still doing that?

Mr. S. Lugonzo: No.

The Deputy Speaker (Dr. Waiyaki): No, he did not.

Mr. S. Lugonzo: But, Mr. Deputy Speaker, Sir, it is possible that they could do the same and, therefore, it is the high time that we scraped the posts of provincial commissioners and district

commissioners and the Act that is giving them so much power.

Mr. Deputy Speaker, Sir, we do have examples of democracy. In the United States they do not have these posts of district commissioners and provincial commissioners. In the United Kingdom and even the Union of Soviet Socialist Republics they do not have district commissioners. They only have one individual making very vital decisions for millions of people. Therefore, this kind of diluted democracy must be stopped, Mr. Deputy Speaker. It is time we had real democracy in Kenya. Mr. Deputy Speaker, Sir, there is no democracy while people of Western Province have no direct access to the President; while the people of Coast Province have no representative on the body that makes Presidential decisions. We want each of these areas to be proud of the President and to have, if possible, a kind of Presidential—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Sir—I think it is good to teach the hon. Member—is it in order for him to say that Western Province people have no access to the President when in actual fact, Mr. Muliro and others are Members of his Cabinet?

The Deputy Speaker (Dr. Waiyaki): No, he is expressing an opinion there; whatever it is worth.

Mr. S. Lugonzo: Mr. Deputy Speaker, my time has been wasted and so I leave that point. Democracy is diluted in Kenya.

My third point is the unfair distribution of wealth in this country. Today, the *Daily Nation* has a photograph of people washing and bathing in polluted water when we have people here with Mercedes Benz cars, and we have people here with millions of shillings. Mombasa has poor people who are scraping and raking in order to get food. This is horrible.

The Deputy Speaker (Dr. Waiyaki): Order, your time is over.

Mr. arap Saina: Mr. Deputy Speaker, Sir, I join my colleagues in congratulating the President for his Address to the nation.

Sir, if that hon. Member can obey the orders of this House I will be grateful.

Mr. Deputy Speaker, Sir, let me begin by cautioning the Government on certain facts which are very important to this nation. Sir, a lot of these facts have been mentioned by hon. Members in this House but my points—which are factual—are fresh and new.

The first one, Sir, is on the Commission of Inquiry into the civil servants' salaries. They call

[Mr. arap Saina]

it "Ndegwa Commission". Sir, last year the Government appointed, through this House, a Select Committee on the unemployment problem. Within three months, Sir, the Select Committee on unemployment problem produced its report and laid it on the Table of this House and it was approved. Following that, a working party on agricultural inputs was also appointed—of which I am a Member—and it is now in its final stages of producing a report. A year or so ago, a Commission of Inquiry headed by Mr. Ndegwa was appointed to look into the salaries of civil servants in the Kenya Government. Up to now, Sir, no report whatsoever has been given nor is its whereabouts known. When the National Assembly allowances were increased the entire civil servants grumbled and complained that we were increasing our salaries and that these salaries were going to be tax free. Now they are wondering why we are sitting on their report of the Commission of Inquiry.

Mr. Deputy Speaker, this Commission of Inquiry created jobs for some people heading it, to be going from place to place earning allowances, and I think this House is entitled to ask the civil servants where and when they will produce their report. Sir, I think this is a very important issue and I ask the Government to look into this so that if the report is ready it should be presented and laid to the Table of this National Assembly and be debated. No doubt we shall consider it favourably.

Mr. Deputy Speaker, another point which I want to make on His Excellency's Address is the question of Income Tax. Sir, we have been dragged into what I would call the American system of taxation in which Income Tax is assessed three months in advance. I think this is a very wrong system. How can you assess a farmer—under the situation of problems of drought, hailstorms and other elements of nature affecting crops and live-stock—on what income a farmer is going to get? It is a pity, Sir, that the Government has started a very bad system of assessing Income Tax. Farmers in the Republic are caught unaware by the Income Tax assessment which is on nothing but a forecast income of a farmer. I think this is a very wrong system and the Government is trying to fiddle about and is even trying to tax a farmer on an income which is not visible. I ask the Kenya Government to get rid of that Income Tax Return; what they call provisional return of three months where a farmer is asked to pay for three months in advance. Where will a farmer get the money to pay? He has his loan repayment on the land, loan repayment on the cattle, loan repayment on the machinery and loan repay-

ment on other developments such as water, fencing and so on. This is a very wrong system. I think, whoever is advising the Commissioner of Income Tax must be having in mind something by which he is trying to sabotage the efforts of the farmers and other people who depend on income that is forecast. Sir, I think Government should get rid of this system and go back to the normal Pay as You Earn Income Tax system.

Mr. Deputy Speaker, another point which has not been mentioned—and I think it is of national importance—and which affects agriculture in this country is the Foot-and-Mouth disease. Kenya's economy depends largely on agriculture, and live-stock forms one mainstay of this economy. Time and again we get aspects of Foot-and-Mouth disease all over the country and this has stopped orders to the Kenya Meat Commission, it has stopped cattle auctions all over the country and it has even reduced production of both milk and meat. It is a very dangerous disease and I urge the Government to consider subsidizing the vaccination of Foot-and-Mouth disease. At a later stage, Sir, I will move a Motion urging the Government to subsidize vaccination of Foot-and-Mouth disease in the Republic and by all means, I hope, every Member of this House including the Ministers and Assistant Ministers who form the majority of the farmers in this country, will support this Motion.

Mr. Deputy Speaker, another point which I think is of great national importance is the foreign exchange control. Nowadays, Sir, a lot of European farmers are given conditional sales of their farms. This condition is that they must ask for the money in Britain. Most of the sales of farms are now being held up because they are not being sold because a European farmer wants to ask for the money in Britain. Are we going to allow this? Have we the shares in somebody's property? If it is the willingness of the Government to allow a willing seller and a willing buyer to go on with their work, I do not see any reason, Mr. Deputy Speaker, Sir, of holding back somebody's money. I ask the Kenya Government to allow British money to be transferred immediately to their own country. If a European at any moment wants to sell his farm he must get his money and he should be paid in Europe so that an African farmer or an hon. Member in this House or a farmer in this country will get his money.

Mr. Deputy Speaker, I think this is a very important point. With these few remarks, I beg to support.

Mr. Magugu: I would like to join my colleagues in congratulating the President for his Speech.

I would like to start with the theme of the whole Speech which is unity. Mr. Deputy

[Mr. Magugu]

Speaker, Sir, very seriously speaking I find that no matter how much we talk of unity in this country we are getting nowhere. We cannot have unity in the country as a whole without having the different communities in the country first uniting themselves; in that what I have to say is that we have come to a stage when there is one community trying to unite itself, there is what we call politically ambitious people who do interrupt and stand in between such communities and undermine the very unity which is being created by the community concerned. I have in mind, for example, the unity like that of the Akamba Union, the Luo Union, the Baluhya Union and so on and even the Kikuyu Union. However, what I would like to say is that until each community has worked out its own policies and methods of uniting itself, then there will be no unity between Wakamba, Kikuyu, Baluhya and so on until the very tribes which form the core of the whole nation have united themselves.

Secondly, I would like to come to the question of the Civil Service. I would state that no matter how politicians, Members of Parliament and other people attack the civil servants, we will get nowhere. The civil servants belong to this Government and the politicians belong to this Government and until we have worked out a plan whereby we can work together without suspecting one another as a politician or as a civil servant, Mr. Deputy Speaker, I do not think the mere shouting of words or attacking the civil servants and vice versa will take us anywhere. In any case, I have not heard any politician or an hon. Member of Parliament here really attacking people who are employed in the private sector. They are just as influential and in some cases more influential than the civil servants. In fact, I would not myself attack the civil servants because what they do is what we tell them to do or what they do is what they are ordered by their Ministers to do. Even if you were a civil servant yourself you would not shout out or you would not jerk your neck out to try to argue with your boss otherwise you will find yourself out of job or you will find you are transferred to another place. Therefore, you had better follow the orders you are given—after all the politicians are the ones who give directions and decisions as to what the civil servants should do. Therefore, Mr. Deputy Speaker, I do not see any point in attacking the civil servants. In any case some of the people who attack the civil servants have been civil servants themselves or it may be that some other people would not become civil servants even if they wished. Therefore, Mr. Deputy Speaker, Sir, that point goes up to that.

Mr. Deputy Speaker, Sir, my third point is

related to public finance. Mr. Deputy Speaker, I find that there is a great deal of lack of control in public finance. This is largely generated by the people concerned be they Ministers, Permanent Secretaries or Assistant Ministers. This is because those concerned have not the sense as to the responsibility of discharging their duties or having in their minds what they ought or to what extent they ought to spend and control public finance. This money belongs to *wananchi* and belongs to the public and it should be spent or utilized properly as the Parliament may direct. However, you will find a Minister telling his Permanent Secretary that he wants this and that or to authorize the expenditure of this and that without the Minister concerned looking at what his Vote gives as his limits. Therefore, that issue, although it will come up during the debate on the Public Accounts Report, I thought I had better mention it, Mr. Deputy Speaker, at this juncture.

The other point I want to bring forward is the implementation of policy and decisions. I am very disturbed at the rate these decisions and policies are implemented. If you ask or you put a question as to how many steps or what steps have been taken on the many Motions that were passed during the last Session you will be told that no steps have been taken. We have to realize that we are sitting here at the public expense and as such we have to do what we are paid for. Mr. Deputy Speaker, I would say that when a decision is made the executive officers including the Assistant Ministers and Ministers should make haste to see that these decisions are put into effect.

Now, Mr. Deputy Speaker, I remember I moved a Motion on control of land prices but to date nothing has been done by the Government. I know they are waiting for me to move a Private Member's Bill. If you do not do something, then I will move this Bill.

An hon. Member: It will cost you Sh. 1,000.

Mr. Magugu: It does not matter even if it is Sh. 4,000.

I would like to thank the President for thinking of abolishing area councils and replacing them with local councils. This will bring about co-ordination and quicker development in the areas which are now far from being developed. We really need more co-operation between the departments.

What I would now like to bring to light is the question of land registration. I realize the Ministry of Lands and Settlement has been telling us they are accelerating land registration. They will have to realize that one of the things why some areas are accusing other areas of quicker development is

[Mr. Magugu]

because of this very, very problem. When you go to areas where land has not been registered it will be very difficult for you to raise loans, if at all you can. However, when you come to this area where I have my own title-deed, instead of going to the Minister to sign for me or stand security for me, I will be able to raise enough security with my title-deeds. Therefore, it is no use bringing the Estimates of the Ministry here, telling us that they want money for land registration and so on, and yet they have been sitting down without doing that very important work faster than they are doing now.

Hence I would say that land registration programmes should be accelerated, maybe, ten times as much as they are now. Otherwise the areas which are still left behind will for ever remain behind and the areas which have their land registration programmes completed will forge ahead.

Another point I would like to mention is the availability of facilities and amenities. Let us have some kind of equitability of wealth, facilities and amenities; let us not have only the big people, only the Permanent Secretaries, the Ministers the Assistant Ministers benefiting from facilities being made open to them.

Mr. Mutunga: Mr. Deputy Speaker, I would like to thank you for giving me time to contribute to this Motion and say what I find wrong which should be corrected in this country.

First of all I would appeal to the people on the Front Bench not to interfere with us unnecessarily so that we can drive our points home. I say this because we have had this interference before. I do not direct my remarks at one of those on the Front Benches now but those who have been there previously.

I will start with land ownership in this country. No matter what we do, the land problem has not been solved and we have to be careful about this. I would like to appeal to the Minister for Lands to bring legislation into this House to make it impossible for foreigners to buy plots even in town because once there is this question of willing seller, willing buyer the African does not stand a chance, and that is why there has been so much land speculation and prices are too fantastic. So I would appeal to the Minister concerned to bring in legislation which will hinder non-citizens from purchasing land while on the other hand it would help the citizens of African origin to buy land in towns.

While dwelling on that I would also like to mention to the Minister for Lands and Settlement that settlement schemes were started in a

rush and there was no definite policy as to the future of settlement schemes. There are many people in the settlement schemes and they seem to have nobody to look after their interests. They are told they belong to settlement schemes and as such their problems do not lie directly with the officers in the districts. So they do not know where exactly to go for help.

I, therefore, appeal to the Assistant Minister for Lands and Settlement, who is here, to take note of that point and get his Ministry to do something about it. Nobody seems to know that there is an acute shortage of water in the settlement schemes and when you do not have water you just cannot have sufficient yield to enable you to pay back your loan which you have been given for development and such like things.

The other point I would like to deal with is to warn the Government to look into business opportunities. We have spoken about quit notices, this and the other but real business opportunities have not been given to the Africans. The competition is so stiff that the Africans will never, under present conditions, defeat the Asians in business. So let us have open discrimination and give the African the chance to monopolize in business as he has never had this chance for the last 70 years or so. So, Sir, it is my wish and my appeal to Government to make sure that we Africans have business opportunities and facilities so that we can compete in this business field because without some facilities, loans and such like we cannot just do that.

Mr. Deputy Speaker, Sir, the other point I would like to put across is what I call bureaucracy in the offices where there are civil servants and some of our fellow Ministers and Assistant Ministers. You just wonder what sort of people we have in our Government if people like the Members of Parliament, who have problems in their constituencies and they have to send these problems to such offices, are not accorded access to see some of the senior civil servants, even some Ministers or Assistant Ministers. I remember one day I waited from 4.00 p.m. trying to see a Minister. I could not be allowed to speak to him on the telephone. I had to wait until 6.15 p.m. The instructions to the secretary were that, "I am in a meeting and I do not want any disturbance", and I understand some of these meetings are just personal business transactions. So, let us try and avoid this if we are going to have co-operation.

The relationship between members of the Civil Service and the politicians is deteriorating every day. I do not know what the officers in the provincial administration expect because they try to

[Mr. Mutunga]

do everything in their respective provinces or districts. They try to head every department even though it may be technical or professional. As a result some of them have come out to say that they can produce a blueprint of development in their respective provinces. I wonder whether anyone else has authority in this country to spend public money other than the money authorized in this House. For this reason, when these administrators are given this big power, whenever they have to travel banana trees, plants and flowers have to be put up along the roads, and what-have-you, so that they look like small kings. This, unfortunately, has made them think they are really everything in this country. It is unfortunate, but with their present relationship I do not see just how co-operative the other people in the Republic will be with the Government. So, those who are responsible for warning these people, it is high time they were told exactly where their limits are and what they are supposed to do. They seem to assume too much and that is why even when you want to address a fund-raising *baraza* in your own area, you are sometimes refused permission to do so. This is ridiculous and such things cannot be left to go on indefinitely. We will just have to shout about this, we will do what it is in our power; if there is talking we should do, we will do a lot of it and tell these people, we are here in this House which is supposed to be the supreme authority or instrument in the country, and those elected representatives of this House must be given respect in their constituencies and they must be accorded access, free access to their electors.

I will speak a little on what the civil servants are talking about: Members' salaries. A lot has been said but nobody has taken the trouble to find out exactly what the Members have been getting, how much it was costing the country and how much saving there is. Since the time does not allow me I would appeal to those who can read and write to teach others because there is too much unnecessary talk and speculation.

Mr. Mwamunga: Thank you, Mr. Deputy Speaker, for giving me this opportunity of joining my colleagues in thanking His Excellency the President for the guidelines on public policy which he gave in his Address. I hope and I believe it is the hope of every Member in this House that all the Ministries which the President set up will do their utmost to translate these policy guidelines for 1971 into Bills which should be introduced for debate in this hon. House.

I would like to touch on one very important and all-embracing point that His Excellency made: unity. Without unity, Sir, there is little we

can achieve in this country. A lot of people and a lot of us have laid too much emphasis on tribalism. To me Mr. Deputy Speaker, tribalism does not feature anywhere near the real problems facing our people. There is indeed, even in the so-called modern developed countries some elements of sectionalism, nepotism and what-have-you. They have it in Britain, in the United States, in Germany and several other countries in the world. They have some of these things we call tribalism. However, they have not allowed these feelings of sectionalism, tribalism or what-have-you to dominate national politics. The scourge we have in Kenya today is not tribalism but laying too much emphasis on tribalism. Tribalism is not a problem at all which should feature anywhere amongst our problems. I know, in the 1920s, for instance, our people were not as tribalistic— Rather, I know that in the 1920s no emphasis was laid on tribalism. The politics developed in those early years in our history was based on the problems facing our people at that time and, today, we have problems which should be able to unite our people. His Excellency the President united the whole country and he did so by educating the masses on the real problems facing the people of Kenya at that time: landlessness, forced labour, imposition of tax without representation. These are the problems that made it possible for the people of Kenya to be united by His Excellency, the President. After *Uhuru* we find tribalism being given prominence. I condemn such prominence being given to tribalism which is not a problem at all. We have our problems today which are: unemployment, lack of water in the country and the problem of squatters. These problems have defied the so-called tribal boundaries. They are national problems and these are the problems which should force us to unite to solve them. I know some hon. Members might emphasize tribalism in order to score a point around a certain area and in order to feature somewhere near the leadership hierarchy but I think this is rather selfish. We are denying the people of Kenya the opportunity to enjoy the benefits of ruling themselves through their elected leaders in this House.

We want, now, to have the party Kanu strengthened in order, once again, to rally our people behind His Excellency the President; to solve the problems that face the people such as unemployment, landlessness and several other problems which face our African people. We need, therefore, to have also a Civil Service that is dedicated to serve our country and equally dedicated to serve the people. The civil servants are the executors of the policies of this House and the policies of the Government. If they are not dedicated, they

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just stand by and when we pass the laws here if the civil servants decide not to execute those laws we are a sounding brass.

We call upon the civil servants to be more dedicated. There are cases, reported cases, Mr. Deputy Speaker—I am not saying or condemning the Civil Service wholesale, because that would be utterly wrong—We have—the majority of our Civil Service is composed of really dedicated men, but we have few black sheep in the Civil Service. We have the type of civil servants who would leave their jackets and neck-ties to represent them on their official desks while they go about their personal businesses. These are the people that are spoiling the good name of the civil servants.

Mr. Deputy Speaker, in circumstances such as this, why should our Government not concede to the call or concede to the wishes of the people to have a parliamentary commissioner? This institution of a parliamentary commissioner is vital as the *wananchi* will have access to tell the Government: “Now, look here. We have reported to you the case of these civil servants being represented by their jacket only in the office and you can come and see for yourself.” What is wrong with such an institution? We will have a really respectable person to man such an office. A really dedicated civil servant will not object to having an office of that nature to help the *wananchi* to give vent to their grievances, whether of maladministration, misadministration and the like.

Again, Mr. Deputy Speaker, there is need to have all agencies of public service serving the *wananchi*. Like Government the object is service to the *wananchi* but there are other agencies, statutory bodies, and local authorities whose object is not to serve *wananchi* but to make their presence sensed by *wananchi* through their tyrannical practices. These ought to be checked and should be checked immediately because without that the cries of the *wananchi* will continue and in the absence of apparent inactivity by the party we will have a political vacuum which will have to be filled by somebody and I think I must be right. In saying that this political vacuum in the country today has been filled by the civil servants. Thank God it is not filled by a *coup d'état*.

We have local authorities, Mr. Deputy Speaker, which despite the fact that the services which were burdening them, have been taken over from them, have become and grown more delinquent than they have ever been. We have the case of my own local authority, the Taita/Taveta County Council. Why, on earth, should they decide to cut off supplies of water to people at a time when it

is dry, and when famine is prevalent? Had they done this following certain laid-down regulations it would be understandable but still inhuman but they did so according to no law, at all. This was in complete contravention to the laws of this House. Such agencies should be brought into check.

With these few remarks, I beg to support.

Mr. Gichoya: Thank you very much, Mr. Deputy Speaker. Let me join those hon. Members who have congratulated the President so that I may say a few words on what is happening in Kenya. Mr. Deputy Speaker, Sir, we have in this House appointed a Committee to look into the problems of unemployment. The report of the committee was passed here and one of the cardinal problems that were posed by the committee was the educational system. There is an immediate need for changing the pattern of Kenya's educational system so that those people who leave school at Certificate of Primary Education, which was said not to be after seven years but after nine years, may be in a position to stand in a society as people with a bit of education. We feel there should be, within the system a new system whereby, commercial subjects will be taught in secondary schools as well as in primary schools. In addition to this, agricultural subjects should be taught in primary schools so that people will have the love for the dignity of labour. Up to this moment, nobody bothers. It is all right, things may be kept aside—keep things aside—but a time will come when somebody might have an excuse to tell the nation, I am doing this because of that. This is a fact. We have it in Uganda, Mr. Deputy Speaker. The régime that was there has been accused of so many things which, in the real sense, are facts. When Members of this House decide that something should be done, it is necessary that the Government ought to do something towards its implementation.

We said that there is lack of markets. There are no internal market arrangements. Here, at Njabini, you can buy a bag of cabbages for Sh. 3 whereas there are no cabbages in the other places. Those people do not know where the market is. However, nothing has been done by either the Ministry of Agriculture or the Ministry of Commerce and Industry, so far.

Mr. Deputy Speaker, Sir, perhaps people may not be honest—and I want to be honest here—we have a problem of who is after Mzee's seat, the problem of the Constitution. Mr. Deputy Speaker, Sir, our Constitution today can make Gichoya remain as the Head of State for ages and ages. I would suggest, in order to make things better

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in Kenya than they are now, that we should not accord the same privileges to whoever comes in power after the Father of the Nation. We should amend our Constitution when we have the opportunity to do it and say that whoever comes after the Father of the Nation shall never hold the office for more than two consecutive terms—just like the American Constitution. By so doing, Mr. Deputy Speaker, Sir, every ambitious character in Kenya will know, “Yes, I have an opportunity to hold the office.” They will never go underground for subversion because they will know that after so many years, let us say, after four years, he may get an opportunity to be elected by the voters for a term of four years. So, in order to have a system in Kenya where democracy shall prevail all the time, and where the man with the gun shall never have an idea that it is good to remove a régime by force, we need a change in the present Constitution which is neither the British type of Constitution nor the American type. It is something which was married here and which is not clear.

The other point I want to make is this: we have the experience of the Primary Elections. It is a good thing but there is something wrong somewhere. The previous Parliament, thinking that everything would be done smartly by the Attorney-General and that they were going to be returned to Parliament after accepting the rules without knowing the implications of them, did leave some loopholes namely, “One box one candidate”. That is a mistake. Ballot Papers are not even marked. You just tear them, put the seal and dip them in the box. We have had experience of petitions in the court here that some ballot boxes were stolen from a Government vehicle. How could they be stolen from a Government vehicle?

To avoid this question of stealing the ballot boxes, let there be only one box. If you steal that ballot box, you have stolen the votes of the candidate you want to go through and of the candidate you do not want to win. We have to think of amending the Constitution so that it suits the country but not to suit G. G. Kariuki. We want a Constitution that can benefit the majority of the people but not a few people who can employ agents in the Government to do a job for them. This is corruption. Mr. Deputy Speaker, what I am trying to say is: let us, as far as possible, try to avoid, where possible, corruption. There is corruption in elections.

An hon. Member: What about where it is not possible?

Mr. Gichoya: Where it is not possible, that is human weakness.

So, Mr. Deputy Speaker, Sir, before I end my speech, may I suggest that our Government considers the workers in the East African Community who belong to Kenya and who are Kenya citizens to be seconded officers. I say this because today, some of the Ugandans may not be loyal to the existing machinery and yet they are within the Community. My own fellow countrymen here do not know whether they are within an existing Government institution or in the commercial sector.

Mr. Deputy Speaker, Sir, all these people are actually civil servants, particularly the ones in the General Fund Services. They are under the same terms and the same conditions of service as the Kenya civil servants. Their loyalty, for that matter, should, therefore, be to the head of our Republic and, of course, to our sister states on a minor scale—not on a big scale. So it is good to second those people from the subordinate staff to the biggest officer. Perhaps, the only man who can be owned by the Community should be the Secretary-General—the eyes of the authority—but the rest ought to be civil servants of their respective states.

Mr. Deputy Speaker, Sir, I have one thing to say on the Agricultural Development Corporation. The Corporation's General Manager, we were told here one day, was to leave after the expiry or the end of his contract. However, we understand, whether correctly or otherwise, that there is a manoeuvre going on to renew his contract when it is within the books here that the General Manager of Agricultural Development Corporation, an institution dealing with agriculture or farming, has no background of farming. He was a mere accountant. It is stated here, if I may quote the words of the hon. Assistant Minister for Agriculture, Mr. Wanjigi, that:—

“The General Manager has not got a professional agricultural training, etc.”

We have also been made to understand, from the same Assistant Minister, that the Deputy General Manager of Agricultural Development Corporation has professional agricultural knowledge. He is an African. However, because he is a black African and the institution—the Agricultural Development Corporation—appears to be so alien to Kenya, then the man who pays the piper must call the tune. Therefore, the British Government has to impose on us—a General Manager of their own choice.

The Minister for Agriculture should consider appointing a black African to the position of general manager, when we can manage the Government departments. The Ministers are all black, if I may say. Even the Speaker, of this House

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and his Deputy are black men. Why then can the general manager of an agricultural institution not be an African?

The Deputy Speaker (Dr. Waiyaki): Order!

Mr. Kassa-Choon: Mr. Deputy Speaker, Sir, I also stand to join my colleagues in this important debate. I think a lot of points have been already raised and I do not intend to repeat them.

The point which I think I would like to make just now is firstly that one regarding the Special Rural Development Programme. If you would allow me, I would like to take this opportunity to thank our Government for having selected West Pokot District, and Kapenguria in particular, as one of those areas in Kenya where the Special Rural Development Programme is going to be started.

Mr. Deputy Speaker, as you know, West Pokot is one of those areas of Kenya which were neglected by the Colonial Government. I would, therefore, like to disagree with those Members who say that our Kanu Government has not fulfilled some of the promises made in 1963. Mr. Deputy Speaker, Sir, this is one of them, because during that electioneering campaign of 1963, our party did promise that those areas which had been neglected would be attended to. So, Mr. Deputy Speaker, Sir, I support the Government and say that this is a step forward. The only thing, Sir, which I do not quite understand is the implementation. For instance, registration of land was to start last July, but up to this moment, nothing has taken place. So, Mr. Deputy Speaker, Sir, I would like to appeal to the Government to take it very seriously and see that something is done. Sir, I know that under this programme the Government would spend a lot of money on development of roads, schools, hospitals, land registration and so on. Mr. Deputy Speaker, Sir, if what I am saying is correct, may I take this opportunity and appeal to the Government that the first priority should be given to the three services which the Government took over from the local authorities. The idea there for Government's take-over of the services was to provide *wananchi* with better facilities. So, I would like to ask the Government to think about this very seriously. I can see just now a lot of improvements on roads in West Pokot District and I would like to ask other Ministers to do the same.

Mr. Deputy Speaker, Sir, my other point is about the uniformity of school fees. Sir, the announcement by the Minister for Education gave some parents a shock. You remember that in *mzungu* Government, there are certain districts which were regarded as special areas and therefore, they got different treatment because of their

geographical conditions. These conditions, Mr. Deputy Speaker, Sir, have not changed. In those days, people paid less taxes and also less school fees compared with other areas. So, Mr. Deputy Speaker, Sir, I would like to appeal again here to the Ministry of Education to look into this very carefully because, in West Pokot, Sigor Division for instance, people cannot afford to pay Sh. 72. The Government should think about this issue. My other point, while on this question of education, Mr. Deputy Speaker, Sir, is to appeal to the Minister for Education—you know, Sir, the courtroom in which our President and other freedom fighters were tried, in two classrooms at Chewoyiet Secondary School—to consider building two more classrooms at this secondary school. Sir, these two classrooms are going to be converted into a library which will be known as “Jomo Kenyatta Memorial Library”, so I appeal to the Minister for Education, in conjunction with the Government, to find funds to build two more classrooms so that the former courtroom can be converted into this very important library.

I can see that, Mr. Deputy Speaker, Sir, my time is running short and therefore I will come to another point. My next point is the question of Karapokot area. Sir, as other Members know, the Karapokot area is part of Kenya which has been under the Uganda Government administration for more than 40 years. Earlier Government had extended the Special Rural Development Programmes to Kapenguria and I would like to appeal here that this programme should be extended to cover this area because for the last 40 years the Uganda Government has neglected this area. Even if you go there now, Sir, you cannot find anything that anyone can term development, it is exactly 100 per cent nil. There is nothing there, Sir. I want to point these things out, Mr. Deputy Speaker, Sir, and while on this point, I may again ask the Government to create a new Parliamentary constituency. I remember the other day I asked here a question as to whether the Government was considering creating a separate constituency there, so that these people can elect their Member of Parliament to come and represent them here, and also a separate Area Council, but the reply I got from one of the Assistant Ministers here was that this was going to be brought to the attention of the Electoral Commission. Now, this may be in 1974 or 1975. Who, Sir, is going to represent these people until 1974/75? I therefore, appeal to the Government to consider this point.

Mr. Deputy Speaker, Sir, another point related to the previous one, and maybe my last one, is about boundaries. Sir, I have been saying here over and over again and also my colleague the Member for Pokot West has raised the issue here—I

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raised it here during the last Parliament—is about boundaries. You remember, Mr. Deputy Speaker, Sir, that I pointed out to the Minister for Foreign Affairs that if we mean business on this sensitive issue, the international boundaries should follow the Carter Commission boundary of 1934, otherwise there is no use, this will be meaningless, in undertaking the transfer of only parts of that area to Kenya. When the hon. Assistant Minister for Home Affairs said here the other day that it was the only part which had been transferred to Kenya—I wondered whether we were not going away from our policy that not an inch of our soil will be surrendered to any country. Why have we, then, surrendered parts of Karapokot to Uganda? For instance, Sir, Amudat, Moroto, and Kadam used to be on the Kenya side. Mr. Deputy Speaker, Sir, if you will allow me to quote further the Carter Commission boundary which used to pass in places like Gortek Allam, Atochile, Apedal, Moroto, and Morwasikar—I do not understand why these areas have remained in Uganda. So, Sir, I would like to appeal to our Government to look into this affair.

So, in order to give other hon. Members an opportunity to speak on this Motion, I end by saying that I support the Presidential Speech 100 per cent.

Mr. arap Chumo: Thank you very much, Mr. Deputy Speaker, Sir, I would like to join my colleagues in congratulating the President for his Speech. However, Mr. Deputy Speaker, Sir, I have a few comments to make.

We dealt with the question of relations that exist between hon. Members of this House and the top civil servants. We know, according to the Constitution of Kenya, we have our popularly elected Government but on the other hand, Sir, we find that most of these top civil servants, especially in the administration, have become more Government than hon. Members of this House. We have a situation where you find a fellow like a district officer being able to call a meeting any time anywhere in the country whereas an hon. Member, who is popularly elected, is never given such an opportunity or even a chance. You cannot convene a meeting to address those who elected you without asking for a licence from the district commissioner. Who elected a district commissioner? A Member of Parliament who has been elected has to ask for permission to talk to his people from a district commissioner who has been put there by nomination or appointment; whatever it is.

*[The Deputy Speaker (Dr. Waiyaki)
left the Chair]*

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

Now, does that make this Government a popularly elected Government? This is the question. If we are the people who are going to represent the Government and who are supposed to present and explain the functions of the Government to the *wananchi*, then we ought to have that privilege of talking to those people who elected us without being scrutinized or being watched by Special Branch people and what-have-you. Our aim is to have the *wananchi* develop; and to teach them. Our present policy can only be achieved by development and this is the thing that, we, as politicians, are striving to achieve; to help our people to get jobs; to show our people about how they can get loans for developing their farms and other things like that. However, you find that you are not allowed to do this sort of thing. You are not allowed to address these people. I think there is something to be considered about this point because, unless and until the people who were popularly elected are the ones really representing the people, then we are not developing our nation into a healthy and stable Government.

We have no quarrel with the civil servants as such. Mr. Speaker, Sir, there has been a lot of talk about the Members of Parliament quarrelling with the civil servants, but we are not quarrelling with the civil servants. The trouble, Sir, rests with those top civil servants and especially those in the administration. Why? Because of the authority which has been given to them. I know the hon. Members know the powers that these people have. Some provincial commissioners and even district commissioners, I can assure you, have more power than even the Ministers of this Government. They are, in fact, like kings in their own provinces. And, in fact, if we are going to have the right people without any prejudices and things like that and if we are going to keep these posts of provincial commissioners or district commissioners, these people should be popularly elected like the Members of Parliament. If we think that a provincial commissioner should be in a certain place, then he should be popularly elected by the people. Although, personally, I do not see any need for keeping such posts.

Well, to go to another point, Mr. Speaker, Sir, there is this land question. We have talked about land. The whole problem in Kenya is with those people who evaluate land in Kenya; those people who put a value on land. We know that immediately after our independence, the Kenya Government allowed too many expatriates—people who had a personal interest in the land—to value and put value on the land. As a result, the value of land has become so distorted and it is no longer realistic. Therefore, people are

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paying too much money for very little pieces of land. You will find land—open country—and many places bush and yet you are required to pay high sums of money for it. Where there is no development whatsoever, people are asked to pay very high prices for open country—land which somebody came and found there; it was there since the beginning of the beginning. He did not bring it. Therefore, why should people pay such high prices for land which belonged to them a long time ago? We have no objection to buying things like cattle, pans, water pipes and buildings, but not to buy land which has been there always; somebody has cultivated it, took his produce and profits from it and then you come and buy it and you are supposed to pay for it for a period of over 30 years.

The other thing, Mr. Speaker, Sir, is about the education of our nation. The system of our education in Kenya—I know this again has been talked about over and over again and I do not like to dwell too much on it. We are sticking too much to the pattern established by the colonialists; so much that we do not like to move away from it. Many of our chaps seem to be so colonial minded that they do not want to move away from this pattern of colonialism. This should go away. We must train ourselves; we must decolonize our minds; we must try to take on ourselves confidence; we must have confidence in ourselves. This is lacking because you will find some people, and again, here you come to civil servants where you will have top civil servants, qualified people, still relying on advice from the expatriates. Some of these chaps, somehow do not feel secure unless a white face is beside them, even though they might not be doing much work. So, we must plan our education to fit in with the needs of this country. We know there are so many students who qualify or pass the Certificate of Primary Education examination very highly in some areas and yet have nowhere to go. There are too many schools that have been put or centralized in one particular place. The question of classifying schools, having these classes, this is not good and it should go. We should develop our country so that every person has the same opportunity and an equal chance for a good education.

There is also this anomaly of doctors who are qualified. Mr. Speaker, Sir, doctors who qualify from such countries, for example, Russia—and to include all of them—the non-Commonwealth countries—are not recognized. We know many people who are qualified and who have done their internship and yet they are not given recognition: they are not registered. I know a number

of doctors who have been told that they would only receive the salary of a Registrar as long as they work with the Government. However, they do not give these people certificates so that they could practise elsewhere. They want them just to remain where they are simply because they come from the non-Commonwealth countries.

Why should we not stop this nonsense of Commonwealth countries?

With those remarks, I beg to support.

Mr. Matiko: Thank you very much, Mr. Speaker, Sir. I would like also to join the other Members of this House in congratulating His Excellency, Mzee Jomo Kenyatta, for his able statement made in this House.

Mr. Speaker, Sir, many facts have been said in this House through Motions which have been passed here and yet they have not been implemented. Well, the *wananchi* wonder whether whatever is spoken in this House is implemented. Actually, Mr. Speaker, there are a lot of Motions—very important Motions—which have been passed in this House. Unfortunately, these have not been implemented, and we are wondering whether whatever is said in this House is just like what is said by children who are in a nursery school, because when they leave the nursery school, the following day they come there and find the toys they left there, the day before. Actually, the Government should be criticized for this.

Mr. Speaker, Sir, this country is now faced by a very bad enemy—the drought, and every place in Kenya is facing famine and water shortage. We know that when there is war, the army goes there to fight the enemy. Why, Mr. Speaker, can the army not fight this bad enemy, that is paralyzing the whole country? Why does the army and the National Youth Service not take water, through road transport, to drought-stricken areas? Schools have been closed and yet there is no action that the Government is taking. Now, then, where are we heading to, Mr. Speaker? We understand that there are 20 tons of foodstuffs lying somewhere in Nairobi stores for famine relief, and this is only because of lack of transport, to take these foodstuffs to the people who are suffering. Could the army lorries not be used to take this food to the famine-stricken areas? Mr. Speaker, Sir, we urge Government to order the army to take this food to places where there is famine.

Another thing, Mr. Speaker, I would like to speak on is about education. Mr. Speaker, Sir, in the Kanu Manifesto, the *wananchi* were promised free primary education. Mr. Speaker, Sir,

[Mr. Matiko]

for the last seven years of our independence, the *wananchi* have been waiting, not really, for free education but for a reduction in the amount of school fees. However, instead of this, the Minister for Education increased the school fees by almost 40 per cent. Now, that surprised the *wananchi* because when they were expecting—I mean for seven years, expecting to get probably a less amount to pay as school fees, it was increased; why is this so, when the Ministry of Education had the highest Vote for the Financial Year 1970/71, over £19 million? If we find how was — How the Ministry used that money, nobody knows, because the schools have not been maintained; some of the schools have not been renovated for years and years, ever since we attained independence; they have not even opened new primary schools. In most places, particularly in remote areas, you find that most of the schools there are those which were left by the colonialists. Now then, what did the Ministry of Education—to speak the truth—do with this £19 million? Therefore, Mr. Speaker, it is not because we want free education— We cannot get everything free, but the Ministry of Education should consider reducing—instead of increasing—the amount of school fees, because now the country is faced with a very, very serious drought.

Another thing, Mr. Speaker, I would like to speak on is about rumours by foreign newspapers. Mr. Speaker, Sir, a foreign newspaper called the *Guardian*; this newspaper has, on so many occasions, reported so many things about this country. Now then, I believe, Mr. Speaker, Sir, rumours sometimes seem to be true. However, we are always told that we should not rely on what is reported in the newspapers to be true. Now, some time last year, an hon. Member asked a question about a rumour which appeared in the same newspaper, about somebody understudying another, that is, Dr. Porter. This was refuted in this House, that there was nothing like that. However, how is it today? Rumours are sometimes true— That was not a rumour at all. Therefore, Mr. Speaker, I ask Government, when foreign newspapers report such things, they should repudiate or challenge them, so that they do not leave the *wananchi* in a state of fear, otherwise, these rumours may be taken as facts.

Mr. Speaker, Sir, another thing I would like to speak on is about army recruitment in this Republic. Mr. Speaker, the army recruitment is actually quite uneconomical. Sir, the army recruitment team goes to every district, let us say, from here to Kisumu, which is a long distance, and only recruits two people or none. From there, they travel to Mombasa or Kwale, and recruit

two people or nobody. From there, they may next go to Turkana. Mr. Speaker, these people get night allowances, food and what-not. Is that economical, Mr. Speaker, to the Government, when we know that the control of finance is the first step of controlling the economy? Therefore, Sir, the army recruitment should be done in a certain area, where the expenses of the country should be less.

Another thing, Mr. Speaker, I would like to speak on is about planning in this country. Planning in this country, Mr. Speaker, should be districtwise. Sir, there are some districts in the remote areas, where people have not tasted the fruits of *Uhuru*, because, of the simple reason that the schools which are there are the same schools which were left by the colonialists; the dispensaries which are there are the same dispensaries which were left there by the colonialists; the water dams, that is, earth dams, water catchments are the same which were left there by the colonialists. Therefore, Sir, those people of course, have not tasted the fruits of *Uhuru*. Therefore, planning in this country should be districtwise, and, Sir, I urge the Government to form rural development commissions, responsible to a new Ministry—Ministry of Rural Development and Planning.

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

Mr. arap Rono: Thank you very much, Mr. Speaker. While I would like to join hands with those colleagues who have congratulated the President for his Speech, I would like to mention a few points, some of which have repeatedly been mentioned by the speakers here.

Mr. Speaker, Sir, I would like to start with the problem of schools. School fees are becoming a problem in this country, especially when *wananchi* have been promised over and over again that they would receive free primary education. But, as it has been said, instead of Government giving this free education they have increased the fees. This is a mockery, Mr. Speaker, and it is ridiculous. Government should not do this. You find that the parents cannot afford these fees, and there is no education in some areas where the schools are scarce. The parents cannot afford to pay the high fees. Mr. Speaker, this is something that Government should look into very seriously. They should start giving free education in both lower classes and secondary schools.

Three years ago the President started giving free education in the higher forms and *wananchi* thought this was the beginning of free education. But nothing has gone beyond the two classes which give the free education.

[Mr. arap Rono]

While speaking on the schools, Mr. Speaker, I would like to mention one other thing about Harambee projects in the country. Government on one hand encourage *wananchi* to start self-help projects—dispensaries, Harambee schools, that is, primary and secondary schools—and along with this encouragement they tell *wananchi* to keep hoping that Government will take them over and send teachers to schools and give aid to the dispensaries. Now, the people started these projects in great numbers, but they have no medicine in the dispensaries, and they have no trained manpower to work in them. The schools are closing down, both the primary and some of these Harambee schools are closing down because Government has failed to do what they promised the *wananchi*, that they would take over these schools as soon as they were ready. Taking over 30 or 20 schools every year in the whole country is not enough, Mr. Speaker. These schools should be assisted, either by providing teachers or money, or be taken over and run like any other aided schools.

The other thing I would like to mention, Mr. Speaker, is something within our system of Government. Mr. Speaker, I think we are developing a bad system of Government in this country where the rich continue to be rich and the poor continue to be poor. This is the root of capitalism. We talk of socialism—the African socialism, but what we are developing in this country is not at all socialism. It is capitalism in the real sense.

You will find rich people—Government Ministers, Government employees, those who are big—buying big farms of 5,000 acres, 3,000 acres or even 20,000 acres. Mr. Speaker, there should be a ceiling to these activities.

I would suggest for that matter that no one should be allowed to buy more than 500 acres of land. I see no reason why some people have to buy up to 10,000 or 15,000 acres of land when many people in this country have no land and have nowhere to live.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): How many acres of land do you have?

Mr. arap Rono: I have 15 acres of land, *Bwana*.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Is that enough?

Mr. arap Rono: That is more than enough. I am willing to share it with some other *wananchi*, and some of you, gentlemen, should be willing to give away some of your hundreds and thousands of acres of land in order to assist other *wananchi*.

An hon. Member: Yes.

Mr. arap Rono: We can say “yes”. We talk of assisting *wananchi* and we talk of helping the poor. Yet it is the same people in this House—the same Government leaders in this House—who own thousands of acres of land. They hear it and they do not want to act. They do not want to appeal to *wananchi*.

There must be a ceiling, Mr. Speaker, on the buying of farms. Those *wananchi* who have bought six farms have to be prepared to reduce them. They have to give away some of these farms.

An hon. Member: It requires changing the Constitution.

Mr. arap Rono: It does not require changing the Constitution, but it requires changing the system, to change it systematically.

Along with this, Mr. Speaker, another problem that is cropping up, of course, is unemployment. Government has to devise ways and means of looking after the school-leavers especially. Hundreds of students leave school every year and they wander from town to town. Many of them come to Nairobi as a big town in search of employment. They do not get it and Government keeps quiet. It does not do anything to assist these people. Mr. Speaker, this is the time Government should try and find ways of employing or assisting these youngsters leaving schools.

It is understood clearly that Government cannot find employment for everybody, but there should be some ways—I see no reason why Government cannot say, “Send these fellows on a kind of national service for two or three years.” They should send them into the army and they should increase the National Youth Service intake. Help them to get some kind of employment to get some pocket money, otherwise, Mr. Speaker, you would not get away with this. These people are not fools. They will roam in our towns and time will come when they will move into your big farms and big businesses and they will want to share. Mr. Speaker, I would hate to see that come, but it is going to come unless Government assists in getting some employment for the unemployed.

The other point that I would like to mention is on the detainees. Mr. Speaker, we talk of democracy. We say that we are a democratic nation, yet there are people rotting in the cells of our jails, taken in after being arbitrarily detained.

An hon. Member: Give one example of one so detained.

Mr. arap Rono: There are many examples, Mr. Speaker. One Member says "give examples". There is Mr. Odinga who ought to be released.

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

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, thank you very much for giving me this chance to associate myself with the views that have already been aired by hon. Members of this honourable House.

First of all, the Speech of our Father of the Nation, His Excellency the President is self explanatory, very educative and, indeed, we, in Kenya today are very lucky to have a President of his standing. We are enjoying peace and stability, both politically and very soon we will be going along under our own economic independence. The President has, many a time, in many meetings, stressed the use of unity and I would like to ask our hon. Members, when they air their views, not to forget that they are talking, not for themselves but for the Republic of Kenya. Therefore, unity among our people should be the guiding goal.

Mr. Speaker, Sir, without taking much time of the House, there are a few things I want to stress. One of them is that we have spoken about economic independence and yet there is another question: How are we going to arrive at that? The Government is trying its very best to serve the non-citizens with quit notices. To close down their shops, but yet, *wananchi* have allowed themselves to be used by those non-citizens to pretend that they are owning those premises. The Asians, who are non-citizens, are using the Asians who are bogus citizens, the paper citizens, to retain the businesses that should have gone to the Africans. I have witnessed this, Mr. Speaker, in many towns of our Republic. Unless, therefore, the Ministry concerned, that is the Ministry of Commerce and Industry, keeps an eye on this, I do not see how we are going to achieve this cherished goal of economic independence. We will remain and continue to remain slaves of foreigners on our own mother soil. Mr. Speaker, Sir, I am serious about this point because I know what is happening in the country and I want this House to note this point with seriousness that what we want is economic independence and we want to see it practised and not the Asians to deceive *wananchi* by telling them: "You are the boss" when, in actual sense he is not. He is only being used to further the aims of the Asians.

Another point that I would like to stress is the declared policy of the Government as far as rural

development is concerned. We do not want to become chatter boxes in this House. We want whatever we say, as a Government, to see it materialize in those rural areas. Today, Mr. Speaker, there are some towns which are vital to the country's economy, but if you visit these towns, they are dying a natural death, not because they are bound to die, but because we are trying to be mean, as a Government. We are not implementing our own policy of rural development. There are places like Kitale, Bungoma District, Meru and so many others, I cannot mention them all here, when it comes to the point of industrialization, I do not know what is wrong with those places and why they cannot also get some industries. This is why we are getting all the school-leavers coming straight to Nairobi and they pose a serious situation when they do not get jobs. I am saying this, not to criticize but I am trying to suggest that something should be done in those areas in order to spread the wealth of this country and to make the people of this Republic see that they are free wherever they are.

Another thing to which I would like to draw the attention of the Members of this House and unfortunately this was said by an hon. Member of this House, about a new division which has been created in Bungoma District and this is Mount Elgon. I was surprised to see the hon. Member, instead of giving appreciation to the Government for moving administration nearer to the people, he stands up and opposes the idea of the Government moving administration nearer to the people. There is a new division which has been created, and this is Mount Elgon, comprising two locations: North Malakisi and Elgon locations. These two locations happen to be in my constituency. I do not see how a Member of this House can stand up and challenge the wishes of the people of my constituency. It is ridiculous and madness. I do not interfere with other Member's constituencies, in fact, I assist my fellow Members, but if a Member has no work to do, he should keep quiet and wait for his term of office to expire. I am afraid to say that hon. Mwangale came up with this yesterday in his Presidential Speech. I have it from the HANSARD of yesterday. We want the people of Kenya to live together and we do not want other tribes to be suppressed. We will not be building the country. Therefore, Mr. Speaker, Sir, I feel very strongly that the hon. Member should apologize to this House that he is trying to discriminate against other tribes, simply because they happen to be a minority.

An hon. Member: Who is he?

The Assistant Minister for Power and Communications (Mr. Moss): This is hon. Mwangale as I mentioned. It is contained in his speech and I can lay it on the Table here, what he said yesterday. Mr. Speaker, Sir, without wasting much time, this same hon. Member continued to say that this Mount Elgon Constituency belongs to hon. Munoko. This is misleading the House. It is me who is representing that area and if anybody has any interest in that constituency, he should resign his seat and come and face me, in Mount Elgon Constituency, in a by-election, to test my power.

Mr. Speaker, Sir, having said that, I want now to come back and say something about the University of Nairobi. We know very well that education in this country is the key to everything and I maintain, very strongly, that having created our University of Nairobi, we must have constituent colleges spread out throughout our Republic. We want some to go to Western Kenya, we want some in the Coast Province and we even want the people in the North-Eastern Province to have a constituent college and no one should say that we do not have children to go there. Kenya has children who could go there and study. Mr. Speaker, Sir, this is very vital and before I sit down, there is another challenge I would like to pose and this is the stand of Africa as far as other African countries, which are not yet independent, are concerned. I must say openly that the Organization of African Unity has categorically failed. They have been talking and talking, filling reams and reams of papers but there is no action. We must now have some action.

The Speaker (Mr. Mati): Your time is up, Mr. Moss.

Mr. Muturia: Thank you very much, Mr. Speaker. I hope hon. Members are not going to waste my time. They want to know what sort of thing I am wearing on my head, it represents *Ncheke* of Meru. Mr. Speaker, Sir, I rise to congratulate His Excellency, Mzee Jomo Kenyatta for his Speech. May I, first of all, Mr. Speaker, draw the attention of this House to the fact that this old man, our Excellency Mzee Jomo Kenyatta has actually done a great deal of work in this country and it is a pity to see that he has been employed only for about ten per cent of his life-time. He has been employed for about eight years only and for the rest of his life, he has been suffering for the independence of this country. Therefore, Mr. Speaker, I think he deserves a great deal of respect and for those who may have some ill-feelings towards His Excellency should change their minds and remember the old days when the colonialists used to disturb this

country. May I also, Mr. Speaker, Sir, regard His Excellency the President as the man of the century because he is one of the rare people to be found in the last 100 years. Therefore, Mr. Speaker, Sir, may I start my points on His Excellency's Speech.

Mr. Speaker, I am trying to avoid repetition of what hon. Members have said. However, I would like to mention something to do with overseas loans. At the present moment, Mr. Speaker, this country is getting a lot of money from overseas to the extent of £6 million and this money is being given to individuals. Mr. Speaker, hon. Members here have mentioned something to do with employment. We are not going to reduce the unemployment as long as we continue giving those who have a lot of money some more money. Mr. Speaker, in this country, you have heard a lot being said about mineral prospecting. There are plenty of minerals in this country and when I say this, I am very frank—they are mainly in Kitui, in Isiolo, in Marsabit and in areas like Meru on the Tharaka side. Mr. Speaker, so many foreign countries are coming to buy these minerals here and when they buy these things very cheaply, they go to their own countries and manufacture rings and so many articles and then bring these things here in the form of gold and we buy the same things that come from Kenya. Mr. Speaker, I think it is time Government does something about this. £60 million could erect a factory to process these minerals here instead of sending raw material to London or to America or any other foreign country which will eventually sell the same things to us. We could have this money spent this way, thereby employing more of our people to process these minerals and at the same time circulating the economy within the Republic of Kenya.

Mr. Speaker, Sir, I do not want to criticize only. I would say in short, therefore, Mr. Speaker, that it is my opinion that development has been made in almost every district. One would be wrong to say nothing has been done by the Government, because there is something which has been done in each district at least, if not in every constituency. Mr. Speaker, we would like Government to look more internally and try to see the areas which are not so well developed and try to develop them.

Mr. Speaker, Sir, let me mention something to do with my own constituency in Meru District. Mr. Speaker, I think it is a shame to find that there is not a single, good road in a place where there is a lot of food, plenty of tea, plenty of *miraa*, plenty of coffee and everything—ranches and national parks. Mr. Speaker, we would like

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to have a road connecting Meru Town with Meru National Park and then on to Kitui because we can only walk and there is a problem of the river which prevents Kitui and Meru people from visiting each other in the evenings, let alone driving. Therefore, Mr. Speaker this should be looked into. The other thing, Mr. Speaker, is: in Nyambene as a whole people grow plenty of tea. Mr. Speaker, I am surprised to see that the tea has now dried up and most of the farmers obtained loans to plant this tea. Mr. Speaker, Sir, because of the drought, many farmers have lost their seedlings and, therefore, the Nyambene and the Meru farmers—and others wherever these crops have been affected by the drought—should be given free coffee seedlings and tea stumps for the next rains because the crops have dried up on the land on a big scale and the farmers cannot afford to buy seedlings to fill in all the gaps again.

Mr. Speaker, I would like to mention something about the police. It is surprising to see the department of the police, mileage being reduced from 900 to 600 and some of these places like Maua Police Station covers a district twice as large as Kirinyaga District. Mr. Speaker, in two weeks time, you have the Land-Rovers stationary and, therefore, even if there is a problem somewhere in the division, there is nobody to attend to it. Therefore, Mr. Speaker, I am urging the Ministry of Home Affairs to increase the mileage for police because without the police, then we are nowhere. The petrol and the mileage should be increased because without the police, Mr. Speaker, we are going to suffer a lot. *Hawa ni watu wa Nairobi tu*. They are trying to average things within Nairobi only. There are telephones here, there are good roads, you can travel by taxis, you can travel by anything but the remote areas require these things, and the petrol and mileage should not be based on the Nairobi mileage standard, Mr. Speaker, Sir, and I do not think the hon. Karungaru over there is worried about this.

Mr. Speaker, the other thing I would like to mention is that during the opening of Chogoria Hospital, the Minister for Health suggested that 80 per cent of Chogoria Hospital will be aided by Government. We would like to know what other hospitals will be aided. Let us know about the Mau Hospital as to what percentage Government is going to aid this Hospital. We are very thankful for what Government has done, but we would like to know about the other hospitals too—how much they will be given. We are always given money when there is an emergency or when we are about to close. It was to close

last year but one then we were given some money to help ourselves. Now there are training facilities, there is everything and we are waiting to see what is going to happen again.

Mr. Speaker, Sir, the other thing which I would like to touch on is about the school girls. Mr. Speaker, Sir, I think there is something very awkward which is happening. We have school girls who become pregnant when they are aged between 12 and 14 years. I think Mr. Speaker, this is very serious and I think—

An hon. Member: Where is this happening?

Mr. Muturia: Do not ask me where, you just go to schools and you will see.

Mr. Speaker, Sir, we would like to know whether the Ministry of Education would allow these girls, after they have delivered and after their children are about three months old, to continue with school. Where can these girls go, Mr. Speaker? Some of these girls are innocent and it is not their fault that they become pregnant, Mr. Speaker.

Mr. Speaker, Sir, I would like to mention very quickly something about land. There are millions of acres of land and I would like to say firmly that the landless people can get land if the Ministry of Lands and Settlement deducted 20 per cent of land from the land of every big man in the country and offer it in the form of some sort of Harambee to the poor people.

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

Mr. Onyulo: Thank you very much, Mr. Speaker, for according me this opportunity to air my views. I must also thank His Excellency, the President for his very wonderful Speech which he made here at the Official Opening of Parliament.

Mr. Speaker, Sir, I would like to mention briefly that the ten minutes given is most unfortunate for a Member to speak on Presidential Speech when he has to talk to the nation over very important facts. Be it what it may, I must proceed to make my observations.

Now, Sir, I would like touch outright on the question of the Salaries Review Commission. We have adopted certain colonial techniques unconsciously. A salary commission is just another way of spending public funds which should have been utilized better. In the private sector, they negotiate for salaries and they have never appointed a commission paid for by anybody. Why should the Public Service, which is a Government employer, have one negotiating team of employees with their staff organizations and Government is represented on the other side. They have their

[Mr. Onyulo]

negotiating team and I do not see why they do not settle their affairs there. Why should they waste thousands and thousands of pounds of public money for nothing. We have an Industrial Court which should take care of such matters. This is the advice which is wrongly given to His Excellency the President and I must thank him because he has been very careful not to use blindly the crafty advices that he is given. I hope that we shall not live to see another commission appointed to look into the salaries of civil servants when they already have a machinery to deal with such matters. They have the Industrial Court which was set up by an Act of this House to do the job and yet they spend thousands of pounds to pay some people to visit the whole of Kenya. Why should we do that, Mr. Speaker? I hope that during my time here I will block such a move and I am sure that the Back-benchers will support it.

Now, Mr. Speaker, if we go to this aspect of it, the Salary Commission was appointed as a result of demands by lowly-paid civil servants about whom the Members are very sympathetic. It was not appointed for the top civil servants, Mr. Speaker. This commission was appointed a year ago, it is a year old. These people have been waiting, they have been waiting for three years, but when is the report coming? Are these delaying tactics? Is this what we are going to live with? The top voice, Mr. Speaker, must come to tell. I must say that we would like—and I hope that hon. Members are going to support a Motion or a question which is coming here to find out what the Office of the President is doing about the delay in announcing the findings of this commission because these people who are affected are feeling it. They are affected by the cost of living, Mr. Speaker, Sir. Some parts of the civil servants have had their benefits and I would say that we have also had our share. We have received all this from the same pot and I do not see the reason why these lowly-paid people should not get their share, Mr. Speaker. I think they are justified and they are entitled and the country agreed that they should be paid for what they are doing.

Now, Sir, I would like to go on to this part of the Civil Service work. We have, in the Civil Service and in this House, civil servants who have been attacked. I am sure the attack is termed, so generally, that it is not very easy for an outsider to know what we are talking about. Some civil servants—and, if need be, I may say that my relation with them is that I speak for the civil servants. Some have approached me on the point that clarification needs to be made of the type of civil servants that the Members of

Parliament are referring to. I do not suppose that you are referring to the messengers who have been cleaning the offices during the colonial era and still clean, and now clean better. I do not think you have any quarrel with such nor have you any quarrel with junior civil servants. I think you have a quarrel with this group that has created a situation of super human beings. I think it is proper in this country and these people are—I am a politician and I would like to say that in this House I have even heard mentioned statements which almost amounted to complaints against some top civil servants by those people who are supposed to give them orders. Sir, when Ministers and Assistant Ministers come to complain against the civil servants, it is rather surprising. This is a political Government and being a political Government they must be prepared to take decisions; They should allow our politicians to give them the advice. We want them to be courageous and if they are not, let His Excellency get those courageous Ministers who can take decisions and say, "You do this, and no more."

Mr. Speaker, Sir, I would like to say something about the police, in my peri-urban. The police in my constituency, the peri-urban, are committing acts of atrocities. Nobody in the peri-urban area of Manyatta Nyalenda is sleeping safe. At night—even some people have been dragged by their private parts when they are sleeping under the pretext that a raid is going on. This sort of raid has to be stopped. We cannot have this thing in Kenya when we are the people that govern ourselves. Mr. Speaker, Sir, you can have someone committing an offence of assault, you are told to go and report the matter 14 miles away and when they come at night they look for nubian gin. What is wrong with nubian gin, Mr. Speaker. A legislation should be made and nubian gin should be licensed. We do not want this nonsense any more.

Mr. Speaker, Sir, I would like to touch on the question of detainees. I think, when we talk of detainees in this House, I would like to say that I am not briefed by the Luo people to speak about it but I would like to speak a little of what I feel should get into the public. We have a leader of this country known as Oginga Odinga. He is a leader and historians will say that. Whether you agree with this or not, it is a fact that he is a leader of this country. He was put under house arrest and it was this House that directed that he be removed and detained. He has been detained. I must congratulate Luo politicians because they have managed to tackle the matter and take it peacefully. The Luo people have accepted it because they are politicians. We are being rather embarrassed. Every time you

[Mr. Onyulo]

go to the constituents you are asked, "What are you doing?" I think it is time the advisers around the old man should now make it clear that this old man—Oginga Odinga—is a leader. The rumours are so much and in this country we have no way of checking the rumours. We were told another time that he was dead. This was denied. We were told that he is now out of his senses. What can we tell the people? We are politicians and Mzee Kenyatta, I am sure, is a politician of the first order and he knows the implications of a politician. We have a duty to the people and when we ask that he has never bothered to use this House. I hope that these people will convey and will see about the question of his release is coming up so that this old man— Let us not have him dying or whatever becomes of him while he is in detention because any country where a leader dies in detention is a curse, and people will have to suffer. We do not want our future children to suffer because a leader died in detention.

Mr. Speaker, Sir, I would like to say something about the Trade Licensing Act. The Trade Licensing Act is quite good. People seem to be talking about the Constitution and I was sorry to hear the Minister saying that the Constitution devises from that. When the bias was done during colonial era, the people had advantage and established themselves. Now, by the policy of Government, we have used that bias to correct a bias and this is what we are going to do. We do not want to amend the Constitution. This is rubbish. If you go to amend the Constitution they will get it again in another way. You will have law after a law. A bias can only be corrected by another bias. *Dawa ya moto ni moto*. What else do you want?

I want to say this today: We should look at these things. We have the Goans, we have, in Nyanza Province, one blooming man who says that Kisumu is now the home of Asians. We have a blooming man called Galali and this man buys all the produce from wholesalers—I do not know how they negotiate—and he sells it at his own price and to whom he likes. If this is what we should look at, now, Mr. Speaker, I am telling you that we are going to employ our own method if we are not going to be heard. This is a very serious affair.

Mr. Speaker, I would like to say that the Minister for Commerce and Industry should this time put in an estimate which will cover the services required and we shall give him our backing. He only has a provincial trade officer in a province and the number of traders in a province is in the thousands. When these people apply for loans—

we tell them that there are loans—they always ask you where these loans are whenever you go to your constituency because we have told them there are loans there. They apply from January to December but nobody visits them. Is this fair?

Well, Mr. Speaker, thank, and I beg to support.

Dr. Waiyaki: Well, it is a pleasure to speak last because I think that is the position I should occupy.

Mr. Speaker, throughout this debate, I have listened very carefully to the problems that have been posed by Members of Parliament and as we come towards the end—although not today—of this debate, I think various problems seem to loom rather higher than others and I think possibly the one that seems to be most prominent in the minds of our people, through their Members, is the question of Presidential succession. So, if I speak about that I think I am not going to be too far from the main point.

Hon. Members: Hear! Hear! You are right.

Dr. Waiyaki: Although there has been a newspaper report in the *Manchester* and *Guardian* which purported to name successors to the Presidency Mr. Speaker, I think possibly, Members should never have been so suspicious and sensitive. It is not a bad thing to be concerned about who should be the next President when the time comes. We do not know when; probably it will be in five or ten years time, so do not be in too much of a hurry. However, the question of succession, I think, is the concern of us all and I thought, from the debates, not enough thought was given to the provisions of our laws. As far as I know, Mr. Speaker, in Chapter 2 of our Constitution, it is clearly laid down how in normal circumstances, as opposed to abnormal circumstances, a man who happens to be a Member of this National Assembly or an outsider can become a President. Now, the Government was so pushed that they had, in fact, to make a statement through the Attorney-General on whether or not there was going to be a change of our Constitution. I know, at the beginning of this Sitting, Members were lobbied extensively in the corridors and outside in rooms, wherever they live in hotels, thinking that probably the President was going to say from the Chair, "We are going to alter the Constitution so that we will have a Prime Minister" and then the Members would wait for whom he was going to nominate as the Prime Minister.

As it is, Mr. Speaker, the facts are that our Constitution provides for straightforward elections by the people. I think we should tell our people from here because a lot of heat has been generated already. It is being said, certainly, in my constituency that unless the President denies that he

[Dr. Waiyaki]

intends to nominate Dr. Mungai or unless Dr. Mungai himself denies that he intends to run for Prime Ministership, not through elections but through Gatundu, then, Mr. Speaker, these things are facts.

Mr. Speaker, there is a rumour that the Kikuyu, Embu and Meru people are meeting secretly to nominate Dr. Mungai.

Hon. Members: Hear! Hear! Shame! Shame!

Dr. Waiyaki: We have not met and as I said, I am quoting that. I must say categorically, as one of them, that I know of no meeting where it has been said that Mzee will nominate Dr. Mungai or any other Kikuyu or Embu or Meru. In any case, as our constitutional position stands surely any man who wants to stand for Presidency must run through the political party of which he is a member. He must be nominated by that political party and after nomination, he must get the support of 1,000 registered voters in order to be able to stand for election as a candidate to this National Assembly. So, why do the Members of this parliament not state this clearly to the people? Why is it necessary to generate heat? It is always easy to blame, of course the Kikuyu, Embu or Meru—except for the Luos who were also attacked yesterday as a result of the Tana River incident. We are going to go in a circle; the next will be the Kamba, the Abaluhya and the Kalenjin.

An hon. Member: If a Luo district officer; not all Luos.

Dr. Waiyaki: Oh yes, it was the Luos who were said to have imported fishermen to Tana River District. What I am trying to get at is this, Mr. Speaker: let us be honest with our people. Let us say that in normal circumstances, in the event of the old man, the Mzee deciding to stand down or in the circumstances—we hope not—where he departs, the Vice-President of this Republic, who is not a Kikuyu, Embu or a Meru, will take over and he will be given three months in which to arrange for elections. Is that not the position Mr. Speaker?

An hon. Member: It is six months.

Dr. Waiyaki: Is it six months now? It is during those six months—

The Speaker (Mr. Mati): No, it is three months.

Dr. Waiyaki: It is three months, I thought I was right. It is during those three months, 90 days, that the hon. Vice-President will have to fight to be nominated by his political party. If any other person, including the Kikuyu, Embu and Meru candidates wish to get support, they must then go and stand and compete. This brings me to the

very important position, that if the Kanu Party is not organized we are going to be reduced to the same position as at the time of independence where people came in *vikapus* as we used to call them during the Kanu days. This is because, here as Members of Parliament, we will be forced to lobby each other and we will become the electing House by forcing our people to accept the hon. Onamu for Presidency, for example. We will then be reduced to a state where the Luo will go and have somebody in mind.

Mr. Migure: Mr. Migure?

Dr. Waiyaki: Possibly, Mr. Migure, as he says. The Kalenjin will—I am sure—I am not sure; I was going to say I am sure—say they have their Mr. arap Moi and the Coast people will name Mr. Ngala. I am just naming some people that have been mentioned in this Chamber and I will not go further because I do not want to move myself into trouble. However, there will be prominent people within this House who will want to stand and will lobby among their tribes first and then a group of tribes and then, maybe among provinces and we will have landed ourselves into a lot of bother. So, I want to appeal here today that the party should be reorganized, as hoped, because in the final analysis it is the annual delegate conference which will nominate a candidate but not the parliamentary group. If we want to do a good job, first we want to have elections so that we have a new mandate. I have acted as the Chairman of my constituency without authority for the last two years.

I do not want to say anything more. All I can do is to support.

Hon. Members: Hear! Hear!

MOTION FOR THE ADJOURNMENT

COMMENCEMENT OF BRAEBURN HOUSE COED PREPARATION SCHOOL

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Power and Communications (Mr. Onamu) seconded.

(Question proposed)

Mr. Y. Ali: Thank you, Mr. Speaker, Sir. Following the unsatisfactory answer to Question No. 3 asked by the hon. Member for Parklands, the hon. Kivuitu, I wish to raise this matter here tonight, Mr. Speaker, Sir, so that the Government and the people of this country will be in a position to know exactly what is happening in the country today as far as education is concerned. Mr.

[Mr. Y. Ali]

Speaker, Sir, the question refers to Braeburn Coed Preparatory School. This school is somewhere within Parklands Constituency. It is a highly costly school intended deliberately to cater for sections of certain communities in this country. This is because, Mr. Speaker, if we are to face the facts, the majority of the people of this country—and I repeat the majority—90 per cent of our population—are poor people and they are the masses. Even if you come to the population of Nairobi, the majority of the 500,000 people in this City must be classified as the masses. When we have such a school here built for certain communities or a class of people, we must warn the Government to take action now before it is too late.

Mr. Speaker, Sir, this school is called a preparatory school. I think the public must know because we in Kenya have primary schools, secondary schools, high schools and the university here; however, about this preparatory school the Minister should be ready to explain here to the nation. He should be ready to explain what is a preparatory school, or what kind of school this is, or what kind of schools are known as preparatory schools, in this country. He should also tell us whom they are intended to prepare and to go where after being prepared. As far as we are concerned the City Council, as a corporate body and as a local authority is responsible for primary education in this City. The City Council is capable of providing primary schools in this City. Although we have "A", "B" and "C" schools, the City Council is doing its job. We must be told in no uncertain terms why we should have such schools deliberately intended for a particular class of people.

Mr. Speaker, Sir, I would like to inform the House that this particular school charges very, very high fees. Children from five to nine years old are paying Sh. 1,100 per term. Children from nine to 12 years old pay Sh. 1,130 per term. Children of 12 years old pay Sh. 1,500 per term, Mr. Speaker. The Minister should be prepared to tell this House, and the nation, the cause and reason or why such a school should exist in this country, or rather in this City where we have a very strong local authority which is leading all the other local authorities in providing services to its citizens? Why should the Minister sit idle and wait to see certain racial forces trying to sabotage and frustrate the good services being provided by the City Council on behalf of the Government. Mr. Speaker, Sir, we have a lot of nursery schools here for all communities. We have also very many of these so-called preparatory schools even for primary school children.

Houses are being turned into schools overnight. How they are being allowed to do so according to the City Council's building by-laws, we cannot tell. This is because for an African to go to the City Council to ask to turn his residential house into a school, or into a shop, for that matter, it takes six months or even a year. It is more or less impossible. However, there are people in this City who do things as they like while other citizens are not allowed to do so. Mr. Speaker, Sir, these schools will bring dangers. If Government cannot act today and close these schools, then the future of this country is in jeopardy. Why? This is because such schools, first of all, create classes of people because my child or our children cannot go to such a school. Whatever we are doing today is for our children tomorrow and tomorrow we shall have two classes of children, the super-human and sub-human. Is this why we fought for independence in this country? We fought for independence in order to eradicate racialism, segregation, discrimination in all spheres, Mr. Speaker. Today, Kenya is a free and sovereign state. Why should we have racialism here? Why should racialism be introduced through back doors? Why should foreigners or foreign embassies influence our Government to retain or establish such schools here contrary to our principles and contrary to our Constitution? We demand Government to come out today, or this evening, with a clear-cut statement. If this is the policy, then we should be told and we will know what to do; and if that is not the case, then this school must be closed forthwith.

The Minister contradicted himself here the other day when he said that he did not recognize the school and yet the school is in existence. The school has been operating since last year, unlicensed and illegally. Does this mean that we do not have a Government in this country? This is what it actually amounts to? If we have a Government and illegal things are taking place for over six months, for a year or two years, then this Government is losing its grip. This Government is collapsing. If that is the case, then we are ready to put things right, Mr. Speaker.

Mr. Speaker, Sir, at the same time I must take the opportunity of giving an example of such a school which is in Langata Constituency. A Ndege School has been established there and it is a racist school. That school was established just a few 100 yards from the City Council Primary School. As a result, all European teachers moved from the City Council school to that school, and as a result all European children have been removed from the City Council School to the racist school. When we brought this matter to the Minister for Education no action was

[Mr. Y. Ali]

taken. The owner of that school has taken a very drastic step. The owner of that school is harassing the *wananchi* and because the Chairman of the City Council School Committee convened a meeting with the parents and told the parents what was happening, he is now being sued in court. Are we here to be sued when we talk about our rights? Is our Government going to sit idle and see the *wananchi* being harassed by foreigners. I understand that the owner of that school is a citizen, but at the same time I have an unconfirmed report that she approached the British High Commission about the Ndege School—because at first the Minister was ready to close down that school—and because of the approach by the British High Commission some pressure was brought to bear and the Minister, with all due respect, changed the decision from closing down the school completely and now he has given an order reducing the number of students from 100 students to 30 students as originally licensed.

Mr. Speaker, Sir, this is contrary to our foreign policy. If we, in Kenya, can attack or condemn racialism, apartheid in South Africa, Zimbabwe, Mozambique, Rhodesia and Angola and yet, at home here we shut our eyes and racialists are active here, engineering racialism, planting racist seeds into our young children, then, Mr. Speaker, this Government must tell or this Government should have no right, whatsoever, to condemn racialism or even condemn apartheid because it is being practised right here in our country.

Mr. Speaker, Sir, I submit that the Minister for Education, when he stands up here, should tell us what the Government is thinking about this sort of thing. We are duty-bound, and it is common knowledge these days, that whatever we discuss in this House no action is taken to follow it up, or to implement it for that matter. However, we must inform the people of this country that we, as Members of Parliament, will continue to expose those who are trying to wreck the nation and those who are working against the nation. We will tell whoever makes mistakes that he is making mistakes. We will do this for the *wananchi* to know. It must be put on record.

With these few remarks, I beg to submit.

Mr. Kivuito: Thank you very much, Mr. Speaker, Sir. I hope when the Minister stands to reply to this Motion he will not assume that we are motivated by any unacceptable ideas. We are clearly interested in the welfare of this country, particularly because we are still young and we expect to live long. We do not want to be exterminated when the poor begin fighting

with the rich. However, those who are old can, of course, practise anything now because they are almost gone.

Mr. Speaker, Sir, my objection to this school was spelled out in the letter which I wrote to the Minister for Education on 20th August 1970. He is, therefore, quite aware of my views about this school because I brought it to his notice.

My main objections are three: One of them is the policy of the school which is spelled out in a certain document which was issued by the lady who started the school entitled, "Braeburn House Coed Preparatory School." In that document she says:—

"Thank you for your inquiry regarding Braeburn House School. This is a modern school following the latest U.K. method of education. The school will be run on modern lines combined with little of the old methods so that children will be able to fit into any type of United Kingdom education and be able to sit for United Kingdom examinations."

So you can see that what the school is aiming at is making British people among the Kenya people. That is one objection because I thought we attained our independence and we must get away from that.

When you look at the subjects they are going to teach, they do not mention any tribal dances but instead they mention the ballet. Ballet is that dance which you dance on your toes. Your toes. You have to stand on your toes. Natives of this country cannot do that kind of thing. Again, Mr. Speaker, you find that in page eight of that document they say:—

"The girls have ballet every Wednesday afternoon and no extra charge is made for the girls of 5 to 9 years", and so on, and so forth.

There is no mention of anything about Africans at all.

Secondly, Mr. Speaker, Sir, there is the question of fees. As the hon. Yunis Ali said, the fees are exorbitant. The lowest fees per term are equal to one-third of a Member of Parliament's salary. Therefore you can see that if you have three children your salary will all be spent. Given the number of wives the Africans have to have in their own social system, you can see how many children you can take to that school.

The fees, as the Minister asks me, stated in page 2 of that document is £55 per term for a child of between 5 and 9 years which is Sh. 1,100 per term per child. For children between 9 and 12 years of age it is Sh. 1,300 per child per term, and for any child of 12 years of age and above, the fee is £75 per child per term.

[**Mr. Kivuitu**]

Besides that, they say, "A drink of cocoa" I take that to be Cocoa which is produced in Ghana "or squash mid-morning and cooked lunch will cost £6 per term". So, add that to the total fee and you will see what figure you come to.

Mr. Speaker, Sir, that means this school will cater for children of the rich. Now, the victims of—However, when we look at this, and we find that there are so many children in Kenya who cannot attend a nursery school—and the parents of these children are the people who have voted us into power—then we feel this is wrong. These children cannot get nursery school education because they do not have money to pay for their school fees. The charges paid in this primary school are very high and we find that some people can afford to go to send their children there. What classes are we creating in this country when we claim to be a socialist country?

Mr. Speaker, Sir, finally, I must mention that although the Minister refused to clarify the position and said that he had not registered this school, it must be stated that the City Council—it is said on page one of this document—has approved the plans for that school for 12 classrooms. This fellow is going to be very rich when he comes to operate this school; and besides that, the Assistant Minister for Education, hon. C. W. Rubia, received a cheque recently from the children of this school. It is only two days ago and it was in the papers. An Assistant Minister for Education, who was saying that they do not recognize the school, received on behalf of this school a certain cheque for the Freedom from Hunger Campaign. What are we being told now? Mr. Speaker, Sir, I find that there is a lot of evidence that the school is accepted and is existing. It is operating! Are we going to accept this school to go on? As I said, for the young, we are worried. We do not want to be finished.

With these few remarks, Sir, I beg to second.

The Minister for Education (Mr. Towett): Thank you very much, Mr. Speaker, Sir. I will use the rest of the remaining time.

There are two issues, Sir, in connexion with this particular Motion for the Adjournment. There is the question of running a school illegally and, secondly, the question regarding private schools in this country. First of all, I want to explain that this school is not registered, and to say that the City Council has approved the school is different from saying that the school has been registered. Anyone, or any organization in this country, can approve an organization to be a school, but until and unless it is registered by my Ministry, and by me, that school is illegal. So, the City Council, for the information of hon. Members, is not a

licensing authority in as far as our schools are concerned. Therefore, we can forget about the approval of the City Council; we can forget about presents given to the Freedom from Hunger Campaign or any other organization from that body because it is not legally registered by me. What I have done, Sir, in connexion with registration is that we have warned that lady who is running that school illegally. We have, in fact, sent letters to her and I am passing the matter to the Attorney-General's Offices for prosecution. They will go and investigate and if they find that according to the Education Act of 1968, section 30, they have a case, it will not be my story any more. That matter, as it is with Attorney-General's Office, is no longer mine and therefore it is shelved as far as I am concerned.

Now, Sir, to come to the problem of private schools, I want us to be very realistic. We claim we want democracy in this country. What is it that we have in mind when we talk about democracy?

When you talk about democracy, that I must be like Mr. Y or I must do what Mr. Y is doing or I must say the same things as Mr. X. These things, to me are not democracy. Democracy means to me this, if I can afford to set up a school of my own, for children who can fill a class, then I go to the Ministry of Education, they look at the conditions, and if I follow the syllabus, then I will register a school and employ a tutor to teach my children. All this, of course, if I can afford to have a tutor.

Mr. Mulwa: Are you following Government policy?

The Minister for Education (Mr. Towett): Mr. Speaker, I hear shouts from some very good hon. Members on what they call African Socialism but I am sorry to say they cannot see what it is they are talking about.

When it comes to the schools which are run, whether they are nursery schools, preparatory schools, including primary schools—a preparatory school is not only a nursery school, it is higher than a nursery school, it can include up to secondary school—I cannot see any sane person talking democratically and saying, "If there is a Mr. Z who is a permanent resident of Russia, who is here on business, who has enough children who are going to live permanently in Russia later on, yet those children must be taught to speak Kalenjin or Kikuyu or Luo because they are in Kericho District." I would say and I am saying it now, that is not democracy. We must be democratic. People from any country in the world, who have enough children in our country, who can put up a class of their own to teach

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their children the things they are going to need when they go back to their country—let them go back when they want, they are not our people—we should be democratic and give them the right, being democratic, to educate their children, follow their own syllabus so long as they do not contravene the laws of this country. We are not going to say that those who are in London or—

Mr. Mulwa: (Inaudible).

The Minister for Education (Mr. Towett): Mr. Speaker, if the hon. Member would only listen he can speak later on if I give him time.

Those who go abroad, if we send 20 students to Germany, if they are told by the Germans, for example, that they are not going to learn anything about this country, nothing about Kenya and they must live like the Germans, that would be wrong. I am saying we must be democratic. If the Asian community, those who are not Kenya citizens, or even those who are Kenya citizens, want their children to go back to Asia to live there permanently, they should be allowed, democratically, to teach their children those things the children will need once they go back to Asia. I am not going to be a party to anyone who says, "We are going to condition them to live in this country when, at the same time, we are not going to allow them to become Kenya citizens." We must be democratic.

Mr. Mulwa: Where is this democracy you are talking about?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I am talking about a democracy which the hon. Member knows nothing about.

These schools are not racial schools, any child can go there if the parent can afford it. What is this thing you call racialism? Because I cannot afford to send my child to a school I say that school is racial. For the information of the hon. Members of this House, some of these private schools are not getting any money from the Government.

We know that the Government has the responsibility of running all the primary schools in this country, but why should we as Government spend public money when there are some people in this country who can put up schools and can pay for the children to go to those schools. We want them to run the schools and create more room—where we have primary schools—for the children of those who cannot pay high fees. So, Sir, to bring in the problem of high fees and to bring in the problem of racialism, I do not see the point.

The school I am talking about is not run on what we call racial bar, colour bar or any such thing, but the fees are high. Admittedly, yes. If the hon. Member's wish was that we should have the responsibility of running all primary and nursery schools in this country and stopping everybody from financing these schools, I would listen to that. However, that will cost us money and we will have to come back to this very House and say we have extra schools which are being run at the moment on a private basis. We have to cater for them and we have to look for money for these things.

So, Mr. Speaker, I do not and I will not agree that we should stop those who want to finance the education of their own children with the money they have and we, as Government, take over the responsibility of running the schools.

Mr. Mulwa: We do understand your democracy now.

The Minister for Education (Mr. Towett): The hon. Member, Mr. Y. Ali did bring in another school which has been running partly illegally and partly correctly. This particular school was registered and the number of pupils allowed was 30. Then they went on and added to the number because of the demand, and they are now standing at 130. I have written to them to reduce the number from 130 to the 30 that was registered in my office. However, the hon. Member says that no action has been taken. I have taken action and given them four weeks during which time they must get off 100 children. They have to be sent elsewhere and I do not expect that the children must be thrown on the streets because of the mistakes of some of the leaders or people of this country who pretend to know what they do not know.

Mr. Speaker, I have taken action and I took action on my own. I refute, and most emphatically, the allegation by the hon. Member, the misguided allegation when the hon. Member said because of pressure or influence of the British High Commission officers I did something. I have not seen any one of them, I have not telephoned them, they have not seen me, they have not telephoned me, there has been no communication between me and the British High Commission in this connexion. I took action on my own. If the hon. Member has his facts correct I want him to challenge me in this House and to cause me to apologize. The British High Commission has not influenced me and I do not think they can influence me.

My other point is that I am going to allow private schools, including Harambee schools so long as those who manage the schools, the managers, are competent to run the schools and so

[The Minister for Education]

long as they comply with the rules and the laws of this country. The fees may be Sh. 1 million per child per term, but this is not going to come from the Treasury, it is going to come from the parents of the child. If you are not capable of raising that amount why cry about somebody else's ability?

Mr. Speaker, Sir, we want to be democratic but not to look alike. I would like to urge the hon. Members that this problem of stopping this school because it is run by "whites"—Let them run their own schools, let them follow their own syllabus, let them go back to Europe, to their secondary schools there later on. Let them live the life they have learnt from the books they write. Is there any inferiority complex among us? Why should we pull these people to be like us? Why not let them run their own schools?

Mr. ole Marima: On a point of order, Mr. Speaker, with all due respect to the Minister is he not confusing the House by telling us at one time that he does not recognize the school and is suing the headmaster and at another point saying, we should allow them to run their own affairs in the way they want?

The Speaker (Mr. Mati): There is no confusion there. The school which was referred to has not been registered. That is where the illegality comes in.

The Minister for Education (Mr. Towett): Mr. Speaker, if the other hon. Members were not talking over *there*, then the hon. Member for Narok would have heard what I was saying.

I said the problem of running the school illegally is now going to be handed to the Attorney-General's Offices for prosecution and necessary action.

I then went on to say we are not going to stop people who want to initiate and run their own schools and pay for such schools. We are not going to stop them from doing so and there is no confusion there. The two issues are entirely separate.

Mr. Speaker, I wish hon. Members will try to raise money and join those schools instead of trying to pull down the standard and tell them to come to our level.

Thank you very much, Sir.

Mr. Mulwa: We are not Europeans.

ADJOURNMENT

The Speaker (Mr. Mati): It is time now for interruption of business. The House is now adjourned until tomorrow, Thursday, 11th March at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 11th March 1971

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

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

PRAYERS

NOTICES OF MOTIONS

DIVISION OF SOUTH NYANZA DISTRICT

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

THAT in view of the fact that South Nyanza is so large in area and population and noting furthermore, that the Eastern Division of South Nyanza is nearly half the size of the South Nyanza District, this House urges the Government, when funds permit, to split South Nyanza with a view to making the Eastern Division a full district to be known as "Rachuonyo District".

ESTABLISHMENT OF A BRANCH OF KENYA MEAT COMMISSION IN EASTERN PROVINCE

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

THAT in view of the long distance between eastern Kenya and the two Kenya Meat Commission factories at Athi River and Mombasa, this House calls upon the Government to open a branch factory at the boundary of Kitui East, Garissa and Galole Districts.

ORAL ANSWERS TO QUESTIONS

Question No. 139 (1447)

PROVINCIAL REPRESENTATION IN STATUTORY BOARDS

Mr. Nthenge asked the Minister of State, President's Office if he would tell the House whether he would reorganize membership of statutory boards to facilitate representation on provincial basis.

The Speaker (Mr. Mati): Anyone here from the Ministry of State, President's Office?

Next question.

Question No. 121 (1418)

REMOVAL OF ARMY CAMP FROM MOYALE TOWNSHIP

Mr. Araru asked the Minister for Defence if he would tell the House why the Army Camp was removed from Moyale Township in July 1970, and yet there are troubles always in that area.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. The Army Camp

was removed from Moyale Township in July 1970, because the security situation had improved greatly and did not warrant an army garrison in the area. Furthermore, the army is not expected to carry out ordinary policing duties, which is the role of the Kenya Police.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from the Assistant Minister's reply, when he said that it was because the security situation had improved, could the Assistant Minister tell us, because Moyale is on the boundary of Kenya and Ethiopia, what would happen if some enemies crossed the boundary and "jumped" over to the town?

Mr. Njeru: Mr. Speaker, Sir, I am sure the enemies will not "jump" to Moyale Town.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I remember last year when I did ask, on behalf of Mr. Araru, who was not present, just the same type of question and the Assistant Minister said that there was no camp at all in Moyale or any garrison; I mean, there was no army camp at Moyale. Now, he is agreeing that there was an army which was stationed there previously, but they have been removed. Why is he contradicting himself?

Mr. Njeru: Mr. Speaker, Sir, I remember the hon. Member asking that question last year on behalf of my friend, Mr. Araru, but I did not say that there was not an army camp at Moyale.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us why he believes that no enemies can "jump" into Kenya because he told us that he is sure; what makes him so sure?

Hon. Members: They can "jump"!

Mr. Njeru: Mr. Speaker, Sir, although we have no army camp at Moyale at the moment, I do not think there is any threat.

The Speaker (Mr. Mati): Next question.

Question No. 73 (1315)

MWOLA/YADUME WATER PROJECT

Mr. Kitonga asked the Minister for Agriculture if he would tell the House why Kitui County Council stopped the water pipe project which had started from Mwola River within Nuu Location which had to end at Yadume, 12 miles away.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Agriculture, I beg to reply. Requests for water projects are channelled to my Ministry through district planning committees. Within such projects, however, some are entirely a responsibility of

[The Assistant Minister for Finance and Economic Planning]

local authorities and from the words of the hon. Member, I infer that the project mentioned in his question falls under the County Council of Kitui. As it has not been brought to my Ministry through the established machinery, I am sorry I am in the dark about it. Perhaps the hon. Member may wish to find more about it from the county council concerned and if the scheme has the necessary priority attached to it, it will be referred to me.

Mr. Kitonga: Mr. Speaker, Sir, according to the Assistant Minister's reply, the project was started by the county council and since the Central Government has taken some duties from the county councils, is the Assistant Minister suggesting that I should go and see the county council? However, the county council has said frequently that—

The Speaker (Mr. Mati): Order! Order! Mr. Kitonga! All you are required to do is to ask a supplementary question and not to make a speech.

Mr. Kitonga: Mr. Speaker, Sir, since water projects are under the Ministry of Agriculture, why should the Ministry deny its responsibility?

Mr. Balala: Mr. Speaker, Sir, as I have said, there is an established machinery for such projects and therefore, this particular project has to go through the established machinery. I said that I am not aware of this particular project having come to my Ministry. If the hon. Member feels that his project has gone through the proper machinery, then he should go and check with the county council.

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell this House whether that particular project comes under the county council or the Ministry of Agriculture, and whether they have actually gone to investigate this matter or he is just telling us that he does not know whether it is the county council or the Ministry of Agriculture which is in charge? He is not sure. Have they really gone to dig facts so as to find out whether it comes under either the Ministry of Agriculture or the county council?

Mr. Balala: Mr. Speaker, Sir, I am very sure about my reply, but I doubt whether the hon. Member who asked the question originally is sure of the information. However, from the information which has been given by the hon. Member it looks as if the project comes under the county council.

Mr. Mutiso: Mr. Speaker, Sir, can the Assistant Minister tell this House whether, in fact, he has made any effort to check whether the allegations

made here are true or is the information which he is giving to this House just from his head after having done nothing, although the question has been with him for more than 10 days?

Mr. Balala: Mr. Speaker, Sir, we have thoroughly investigated this particular project and from the information I have collected such a project has not come to my Ministry—maybe it is still lying with the county council.

Question No. 115 (1411)

PRICE OF AGRICULTURAL DEVELOPMENT CORPORATION FARMS

Mr. arap Cheboiwo asked the Minister for Agriculture if he would tell the House—

(a) whether it was true that Agricultural Development Corporation farms were sold for twice as much as they were bought for; and

(b) if it were so, what were the reasons.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. First of all, the Agricultural Development Corporation, as a general rule, leases rather than sells its own farms. It is not true to say that it sells farms at double the price at which they are purchased. All the Agricultural Development Corporation farms are sold or leased at the price set on them by Government valuer.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware that Avondale National Farm was offered for £17,000 by the owner although the Agricultural Development Corporation offered £25,000?

An hon. Member: Shame!

Mr. Wanjigi: Mr. Speaker, Sir, I am not aware of such a ridiculous way of buying farms.

Mr. Mutiso-Muyu: On a point of order, Mr. Speaker, Sir, I wonder whether you can allow me to challenge the Assistant Minister by going out tomorrow to investigate these facts and lay them on the Table of this House—the truth about the purchase of this particular farm? I was one of the officials of the Agricultural Development Corporation at the time when this particular farm was being bought and the valuer offered £25,000 although the owner had said that he wanted only £17,000.

An hon. Member: Why is he denying the fact?

Mr. Wanjigi: Mr. Speaker, Sir, I think the information which has been given by the hon. Member, who at that time was a very junior officer, indeed, in the Agricultural Development Corporation, who obviously has had his facts very much distorted, is not true, and therefore, he

[The Assistant Minister for Agriculture]

intends to mislead this House. He does not have even a half of the information regarding that farm.

The Speaker (Mr. Mati): Order! What you can do Mr. Mutiso-Muyu is to produce the evidence on which you base what you are saying.

Mr. Komen: Mr. Speaker, Sir, is the Assistant Minister aware that when somebody has planned to buy a farm he finds that the original price differs from the price which one has to pay when he takes over the farm? You will find that when one buys such a farm the price is increased—differing from the original price.

Mr. Wanjigi: Mr. Speaker, Sir, this is the kind of thing which I would have expected. However, there are very good reasons for it because when we buy a farm we have sometimes to incur certain essential expenditures: for example, there may not be adequate water facilities to cater for that farm or maybe certain repairs have been necessary to run an economic unit. It is on this basis that the price has to be slightly higher than the purchase price.

Mr. Kurgat: Mr. Speaker, Sir, can the Assistant Minister inform this House the reason why farmers who lease Agricultural Development Corporation farms are forced to buy such implements like, rotten tractors of 1901 which they have no use for although they have to buy them? Why are they not leasing only the land and not such rubbish like dead tractors and so forth?

Mr. Wanjigi: Mr. Speaker, Sir, a lease is based on a functional farm; therefore it is no good saying, for example, that you want to lease the land but you do not want to take the cattle that are there or the tractors that would be necessary to run the farm properly.

Mr. Muturia: Mr. Speaker, Sir, being a Member of the Agricultural Development Corporation—

An hon. Member: Junior or big?

Mr. Muturia: I was a member—just a director, not a senior member.

Being a former member of the Agricultural Development Corporation, and in view of the fact that there is leniency within the Agricultural Development Corporation, would the Assistant Minister investigate thoroughly and see to it that the Agricultural Development Corporation farms and everything else is running properly because we know so many things about the Agricultural Development Corporation?

Mr. Wanjigi: Mr. Speaker, Sir, the hon. Member for Nyambene North was a member of that

board and, therefore, he should accept part of the responsibility if that board was not running correctly.

Mr. Ebu: Mr. Speaker, Sir, arising from one of the answers which have been given by the Assistant Minister, is he convinced that the values arrived at by land valuers, of whom I have every reason to believe are not Africans, are not actually biased?

Mr. Wanjigi: Mr. Speaker, Sir, I think the valuers are Government servants and we have every reason to believe that they are performing a useful purpose on behalf of the Government.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister know that even some of the members of the Board of Agricultural Development Corporation could hardly improve the situation due to interference from Ministers; and also due to the fact that the executives are so much in touch with the Minister, himself, that the board can hardly control them?

An hon. Member: You are right!

An hon. Member: That is very possible!

Mr. Wanjigi: Mr. Speaker, Sir, the board has very definite powers which have been given to it by this House and unless it does not know its own functions given to it by this Parliament it can run properly.

*Question No. 136 (1439)**SIZE OF KENYA'S ONE HUNDRED SHILLINGS NOTE*

The Speaker (Mr. Mati): Mr. Mulwa. Not here?

*Question No. 132 (1431)**SETTLEMENT OF SQUATTERS IN MURANG'A*

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

(a) how many squatters had been settled from Makuyu, Kinyangi and Mitubiri locations of Murang'a District;

(b) in view of the fact that there were very many squatters in the above locations, if the Minister could allow the District Officer, Makuyu, to forward a list of all the squatters to his office for consideration and open registration of squatters in the said locations.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. (a) A total of 899 squatters have been settled from Makuyu Location of Murang'a District.

On the other hand, no squatters have been settled from Kinyangi and Mitubiri since none were registered from these two locations.

[The Assistant Minister for Lands and Settlement]

(b) It is very puzzling to see that all of a sudden "very many squatters" have turned up in these locations since they did not register themselves at the appropriate time.

For the time being, we are still trying to settle all the genuine cases of registered squatters and unless the Government changes its policy and thus reopens registration for the whole country, there is no reason why the above locations should be given preferential treatment.

Mr. Wachira: Will the Assistant Minister agree with me that I had invited him to these two locations to see things for himself and that after confirming in writing he never showed up?

An hon. Member: You see!

An hon. Member: Shame!

Mr. G. G. Kariuki: Mr. Speaker, Sir, I do not think this was the question. The question is whether the squatters are being settled.

Whether the Assistant Minister visited the area or not is irrelevant but can be dealt with when the question is asked.

Mr. Kahengeri: Mr. Speaker, Sir, arising from the Assistant Minister's answer, could he possibly tell us what has happened to the registered squatters who were displaced at Right Range in Kinyangi Location?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I have just said that the squatters were not registered in Kinyangi Location because they did not turn up at the appropriate time.

Mr. arap Saina: Mr. Speaker, Sir, in view of the fact that certain squatters who had been allocated plots have not moved to their respective plots—and I can substantiate that—what will the Minister do with the empty plots which have not been occupied up to now?

Mr. G. G. Kariuki: Mr. Speaker, the Ministry will be very grateful to receive the people the hon. Member is talking about. Our office is open and we shall deal with the case when it is properly reported to us.

The Speaker (Mr. Mati): That is quite a different question.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that there are 600 people who have been discharged from Kakuzi Fibrelands because of the lack of sisal markets, will the Assistant Minister tell me what he is going to do with these people, since they were born there and they have no other homes? Will he register them and give them plots?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon.

Member has been complaining about the registered squatters, those who have not been settled. At the same time he is asking us to register some more. It would be fair if we are given a chance to settle those who have been registered first. We have what we call a gentleman's agreement, that the squatters will not be victimized by the land-owners before the matter is referred to us.

Question No. 134 (1436)

**NUTRITIONAL CENTRE AT MUMIAS
CATHOLIC MISSION**

Mr. O'Washika asked the Minister for Health if he would tell the House when the Minister would consider establishing a nutrition centre at the Mumias Catholic Mission where premises were available.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. Due to shortage of trained staff it will not be possible to establish a nutrition centre at Mumias, but when staff does become available, the establishment of nutrition centres in Kakamega District and other places will be considered.

Mr. O'Washika: Mr. Speaker, Sir, arising from the reply by Mr. Jahazi, can he now tell this House how many people are undergoing training in the Ministry of Health from that particular province?

Mr. Jahazi: Mr. Speaker, Sir, I cannot tell him that off-hand but we have some. In fact, we are changing the whole system of training this cadre in the Ministry of Health because at the moment we have nurses who have to train as nurses first and then join the nutrition school at Karen. At the moment we are about to start a course for girls who will go straight to study nutrition. That will be at Karen College which was handed over to us by the Danish Government early this month.

I cannot answer the first part of the question and I hope the Member, when he sees our advertisement for girls to come forward for this particular course, he will encourage the people of his area.

I have toured his constituency and noted that the situation there is serious. It is because so many mothers are feeding their babies with cassava only. That is why the position is very serious. But we will do something about that.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the second reply of the Assistant Minister, we know this particular school is going to be established, but before this particular school is established would the Assistant Minister provide one or two nurses during this current year to get the things going? The premises are there and we do not want them to be given up.

Mr. Jahazi: Sir, that can be considered, but whether we consider it or not does not matter if there are no people available because I do not know how consideration will produce them.

Question No. 142 (1454)

OUT-PATIENTS' WING: BUSIA DISTRICT
HOSPITAL

Mr. Ebu asked the Minister for Health if he would tell the House, in view of the fact that the *wananchi* of Busia had been scourged by disease for a long time due to the fact that they had a relatively small number of health facilities, if the Minister would consider opening the out-patients' wing of the district hospital. What had delayed the completion and subsequent opening of the hospital.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The opening of the out-patients' section of the new hospital at Busia will be considered as soon as this section of the hospital is ready. There are still some final touches to be completed, including sewage disposal and equipment. I am satisfied that so far the work is going within schedule. As soon as it is ready we will open the out-patients' department.

Mr. Ebu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that this hospital was scheduled to be opened two years ago and up to now the work seems to be moving at a snail's pace?

Mr. Jahazi: Mr. Speaker, two years ago the hospital had not even started to be built. So how it could have been ready two years ago, I do not know.

However, according to the plan in the Ministry of Health, the job is going according to schedule.

Mr. Masibayi: Mr. Speaker, Sir, would the Assistant Minister tell this House why this big, beautiful hospital mentioned in the question did not have plans for sewage disposal included at the time of building?

Mr. Jahazi: Mr. Speaker, Sir, no hospital could be planned without a plan for sewage disposal; it would be a very queer plan, indeed.

It is not the Ministry of Health that really goes to dig the ground for this, it is the Ministry of Works.

The original plans for this ran into a little technical trouble and I think the Ministry of Works' people are on the site now and they are doing something in order to have the sewage disposal works completed.

Mr. Masibayi: Mr. Speaker, is the Assistant

Minister trying to mislead the House by telling this House here, now that sewage disposal has already been planned when it has not been planned for until this particular juncture?

Mr. Jahazi: As far as I know, Sir, the sewage disposal was planned. The only thing is that it has not been constructed. If the hon. Member would come to our Ministry we will show him a very good plan of this particular item.

Mr. Ebu: Mr. Speaker, Sir, the Assistant Minister, so far as I am concerned, has not refuted the allegation. Is it true that even his provincial officer knows very well that the delay in opening this hospital is due to the fact that somebody who is trying to introduce delaying tactics did not include the sewage system in the plan at the beginning? The hospital itself is complete but the sewage system is not complete yet.

Mr. Jahazi: Mr. Speaker, Sir, I was at the site last year and I was shown where the whole thing is going to be constructed. That was in April last year. So it cannot be that nobody has planned for this. The Ministry of Health would not construct such a big hospital if there had been such a big oversight. If this had been forgotten surely we would have reminded the person concerned. As I said, this thing developed some technical difficulties here and there—from the Ministry of Works—but we are behind them trying to make them work as hard as possible so that we can provide facilities for the *wananchi* there.

I think the Member will help us to tell the hon. Minister concerned with this particular job also to try to push his people faster so that the out-patients' department can be opened. Otherwise, we are ready to open.

Question No. 129 (1428)

CONTROL OF POACHING IN THE COUNTRY

The Speaker (Mr. Mati): Mr. Magugu. Not here?

We come back to Mr. Nthenge's question.

(Written reply to be issued)

Question No. 139 (1447)

PROVINCIAL REPRESENTATION IN STATUTORY
BOARDS

Mr. Nthenge asked the Minister of State, President's Office if he would tell the House if he would reorganize membership of statutory boards to facilitate representation on provincial basis.

The Speaker (Mr. Mati): Nobody from the President's Office to answer this question?

(Question deferred)

Question No. 136 (1439)

SIZE OF KENYA'S ONE HUNDRED SHILLINGS NOTE

Mr. Mulwa asked the Minister for Finance and Economic Planning if he would tell the House if he was aware that the Kenya One Hundred Shilling Note was very inconvenient to carry owing to its large size.

Mr. Mulwa: Mr. Speaker, I apologize for being late.

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): Mr. Speaker, Sir, I beg to reply. The various sizes of the notes were decided upon not only to distinguish between the denominations but also in order to maintain similarity with the old East African Currency Board notes. However, I do agree with the Member that the Sh. 100 note is rather large and I can assure him that the matter is being seriously considered by my Ministry in consultation with the Central Bank of Kenya.

Mr. Nthenge: Mr. Speaker, can the Assistant Minister tell us how long, in a matter of weeks, days or years, this will remain under consideration?

Mr. Cheron: As soon as possible.

*Question No. 138 (1441)*ADJUSTMENT OF SALARIES OF SOUTH NYANZA
TEACHERS

Mr. Mbori asked the Minister for Education if he would tell the House why there had been no adjustment to salaries of South Nyanza teachers who had passed public examinations in 1969 like in-service courses in respect of the Kenya Junior Secondary Examination and East African Certificate of Education.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. In view of the fact that results for public examinations are received at the district education offices by either late March or mid-April, payment of increased salaries following promotion is not effected until June. However, immediately the results reach the district education officer, it is then his responsibility to forward details affecting the teachers and their salaries in his district to the Teachers' Service Commission. The Teachers' Service Commission then arranges for the payment of the increased salary plus any arrears due.

As far as South Nyanza teachers are concerned, this has already been done.

Mr. Mbori: Mr. Speaker, Sir, could the Assistant Minister agree with me that there was delay in as far as South Nyanza teachers were concerned because I obtained this information in

July 1970. So already there was delay and this kind of thing discourages teachers. Would he, in future, undertake to plan things in such a way that as soon as results come out the teachers' salaries are adjusted accordingly.

Also, following his reply, could he tell us how many teachers were involved in South Nyanza, and their breakdown per division?

Mr. Rubia: Mr. Speaker, if there were some delays, I cannot confirm or deny that. However, if there were delays, then I am sure the payments were made up to date later. If it is a question of trying to avoid such delays, this is an administrative matter which need not come here.

Mr. Mbori: Mr. Speaker, the Assistant Minister has not answered the other questions.

The Speaker (Mr. Mati): You can only ask one question at a time.

Mr. Mbori: Mr. Speaker, will the Assistant Minister tell us how many teachers were involved in South Nyanza in passing these exams and the breakdown per division?

Mr. Rubia: Mr. Speaker, I need notice of that question to do some research.

The Speaker (Mr. Mati): It will be on the Order Paper again.

QUESTIONS BY PRIVATE NOTICE

REPORTS ON PLANS TO OVERTHROW KENYA
GOVERNMENT

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

In view of the fact that there were reports coming from Uganda to the effect that there are plans going on in Tanzania to overthrow the Kenya Government, and since this is a very serious matter which cannot be left without being seriously questioned, whether there is any truth or not, and since it was also reported that the Minister for Foreign Affairs had been to see His Excellency the President of Uganda General Idi Amin, would the Minister tell the House and the nation—

- (a) what steps have been taken to verify the above-mentioned allegations; and
- (b) what our Government is doing to ensure that the cordial relationship which is existing at the moment between Kenya and Tanzania is not disrupted by the events in Uganda?

The Minister for Foreign Affairs (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. The Government of Kenya has no knowledge of any subversive activities being organized against Kenya in

[The Minister for Foreign Affairs]

Tanzania. This question, to me looks slightly irresponsible and dangerous. Mentioning a very friendly country and a neighbouring State in this manner, of which nothing of the kind has been brought to the Government, I would have thought that the hon. Member should have notified the arm of the Government that deals with security or even Foreign Affairs because Government has no knowledge of such activities from any source in Tanzania. I must also say, rumours could start unnecessary friction in inter-State relations which will be very difficult to cure in the future. However, I must also mention here that it is well understood by all that any threats to the sovereignty, territorial integrity or political independence of Kenya will be dealt with properly to safeguard Kenya's interest.

Relations between Kenya, the peoples of Kenya on one hand, the peoples of Uganda and the peoples of Tanzania on the other hand has always been, and continues to be cordial and fraternal. We are members of the East African Community, we have instituted common services; we share a communication network, and we have flourishing inter-State trade and cultural exchanges. We have always shared a feeling of being one people in this region. This feeling has been enhanced progressively through contact established between the leaders of the people in these countries. Unity of our people has always been our aim.

I visited Uganda briefly, recently. My visit was prompted interest of hundreds of thousands of Kenya citizens who work in Uganda.

Hon. Members: No, no. Shame! Shame!

Dr. Mungai: If you kept quiet, maybe you will get to know what you want to know.

At the moment of the internal crisis in Uganda, it was only natural for Kenya Government to take an interest in the welfare and security of our nationals and to exchange views with the Uganda authorities on this subject. I was assured that Kenyans in Uganda are safe and they will be allowed to continue to work in Uganda.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir. I would like to know, from you, whether it is, actually, allowed and parliamentary, for a question tabled in this House and which, in fact, is based on reports which are factual and have been printed in the papers, for the Minister to describe it as "an irresponsible question from the hon. Member"?

Mr. Mulwa: He ought to apologize to the House.

The Speaker (Mr. Mati): For one thing, every question is supposed to have been approved by the Speaker; unless you intend to say that the

Speaker was irresponsible you cannot say—

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Order! There is a difference between "irresponsibility" and "inaccuracy"— Order! It was possible that the Member asking this question made an error in what he alleged. But that does not mean that he was irresponsible. So, to that extent, the Minister was definitely out of order in alleging that the question was irresponsible.

Hon. Members: He must apologize to the House.

Dr. Mungai: Mr. Speaker, Sir, I would not be in the group that will call our Speaker, "irresponsible", certainly, not. However, Mr. Speaker, I want to look at this question clearly; it states that:

"... In view of the fact that there are reports coming from Uganda to the effect that there are plans going on in Tanzania to overthrow the Kenya Government, and . . ."

Mr. Speaker, Sir, I know of no such reports coming from Uganda, and if there is anybody who knows or has read it anywhere in the newspapers, I would like to see that paper so that I know that there is such a paper.

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

The Speaker (Mr. Mati): Let us have order. Order! We are dealing with another point of order.

Dr. Mungai: Mr. Speaker, if there was any way or any reference that I have said that the Speaker is irresponsible, for that, I am willing to apologize.

Mr. Mulwa: Mr. Speaker, Sir, I am seeking your guidance. In view of the fact that—although the Minister has withdrawn the allegation he made—there were allegations in our papers here stating clearly, and on the front pages, that there were reports to this effect, is he still in order to insist that I did not ask this question correctly? If he was out of the country that is not my fault.

The Speaker (Mr. Mati): Let us have supplementary questions, if you have any. That is not a point of order.

Mr. Tsuma.

Mr. Tsuma: Mr. Speaker, Sir, could the Minister tell us the truth about the reports that were in the *Nation* and the *East African Standard* regarding so much ammunition found near Lake Kioga with a clear plan for invading Kenya? I have the paper to bring to him if he wants.

The Speaker (Mr. Mati): I was not able to hear Mr. Tsuma's question.

Mr. Tsuma: My question, Sir, was: what could the Minister tell the House in connexion with

[Mr. Tsuma]

the report that was in the newspapers, the *Nation* and the *East African Standard*, regarding ammunition? This was a report emanating from the President of Uganda, that there was some ammunition found near Lake Kioga and the intention was to mount an invasion on this country from Uganda.

Dr. Mungai: Mr. Speaker, Sir, this changes the question because to my knowledge Lake Kioga is not in Tanzania, it is in Uganda. The question here refers to Tanzania, which is a friendly country and of which I have read no report in any of the newspapers mentioned, that Tanzania or anybody being trained in Tanzania was to come to overthrow the Government of Kenya.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, we also did read the same papers and we did not come across anything like Tanzania. The matter was in connexion with the former Government of Uganda which was led by Dr. Obote. Now, the confusion here, which has been cooked, is that we are now trying to bring the Tanzania Government into this matter perhaps with a motive to cause the same confusion so that Tanzania Government may think that Kenya Government is their enemy.

The Speaker (Mr. Mati): The problem here is that the question alleges that there was a plot being hatched in Tanzania. That is the problem because that is what the question alleges, and this is why the Minister is saying he knows nothing of any such plan in Tanzania; but that is a new issue now being introduced about Uganda, which is not contained in the question here.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, what are we going to do now with this particular issue of Tanzania? Perhaps it has never been the intention of the Member to involve us in this confusion, but now it is the intention of the Member because it is what we are discussing and we are not supposed to discuss it. What do we do with the Member who has alleged that, Mr. Speaker?

The Speaker (Mr. Mati): You see the position is that every Member is responsible for the accuracy of whatever he alleges here. You cannot expect the Speaker, for instance, to know all the facts so that he does the school teacher's business of correcting the facts and so on. That is not his business at all. You are responsible for what you put in your question, and if it is inaccurate, you take it. So, this is what is happening now.

An hon. Member: On a point of order—

The Speaker (Mr. Mati): Order! Now, let us not waste time.

Mr. Mwangale.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Minister, would he tell us exactly why he went to Uganda and, secondly, whether or not there was any truth in the allegation of the hon. President of Uganda to the effect that the former Uganda Government was planning to overthrow our Government? Can he tell us that, Mr. Speaker?

Dr. Mungai: Mr. Speaker, Sir, I have said it very clearly why I went to Uganda and if the hon. Member wants me to repeat it I will. There is no need for any Member here saying that was not the reason. If he knows of any other reason, he is quite free to tell this House. That is the first—

Mr. Mwangale: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No, I think you had better wait until you have heard what the Minister is going to say. Now, will you please sit down?

Dr. Mungai: That is the first part of it. The second part of it, I have also read some reports in the newspaper and Kenya Government does not only deal with newspaper reports. They have their official contacts in handling such sensitive matters and those will have to be left to the official businesses to be conducted in the official manner but not publicly in the newspapers.

Mr. Mwangale: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to mislead the House when, in fact, it is well known that when the Minister left from Kenya he was not going to Uganda because he had a ticket to go to the United Kingdom and he just alighted in Entebbe? Is this true?

Dr. Mungai: Mr. Speaker, Sir, I would challenge the hon. Member to produce that ticket in this House.

Mr. Munyasia: Mr. Speaker, Sir, arising out of the Minister's reply, that the main reason of his going to Uganda was because of the Kenya employees who are there in Uganda, may we know whether he is the Minister responsible for employees or the Minister responsible is Mr. Mwendwa? Have you taken over from him?

Dr. Mungai: Mr. Speaker, Sir, the Government of Kenya works on collective responsibility. On this matter it is not only labour that was concerned. There are international relations that are concerned and not only employment. It is the security and safety of these people and not their employment alone.

Mr. Ayah: Mr. Speaker, Sir, I am sure I might have misunderstood the Minister, but I want to know whether you heard him better than I did.

[Mr. Ayah]

The Minister, according to my understanding, did say that there are certain things that should be left to the official line of communication, or something to that effect. Is it in order, Mr. Speaker, for the Minister to imply that in dealing with matters between Kenya and a foreign country there is anything that cannot be dealt with in this House and can be dealt with by any other official line above this National Assembly? Is that what the Minister was trying to say?

Dr. Mungai: Mr. Speaker, Sir, I said that some of the things have to be left for official communications and channels and when the time comes to announce them, they can be announced. However, you just cannot announce everything before you even have your own facts.

Mr. ole Marima: Mr. Speaker, Sir, there are a lot of things we read in the newspapers and one of them is what has been brought to this House. We also had seen in the newspapers that our Minister for Foreign Affairs had met Major-General Amin, who is the present President of Uganda. Could he deny or accept this?

The Speaker (Mr. Mati): Order! No. May I just remind hon. Members that it is against our Standing Orders to question whether something you have seen in a newspapers is true or false. You cannot do that. It is assumed, of course, that you know more than what you have just read and that is why I have tended to allow you to carry on with this sort of questioning, otherwise I would have stopped you because you are not allowed to ask anybody whether what appeared in the papers was true or false.

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

Mr. Speaker, Sir, arising from the Minister's earlier reply, whereby he said that he had gone to Uganda because of some Kenyans who are working there, and that he found them all right, could he tell us which union of those Kenya employees working there he met?

Dr. Mungai: Mr. Speaker, Sir, I did not hear the question. Could the hon. Member repeat it?

Mr. Araru: Mr. Speaker, Sir, I am going to repeat it because I want the Minister to hear clearly.

Mr. Speaker, Sir, I said that when the Minister replied earlier to this question he said that he went to Uganda and met some citizens of Kenya who are working there and found that they were doing very well under the new régime. Can the Minister tell us which union of those Kenya employees he met and at what place?

Dr. Mungai: Mr. Speaker, Sir, I did not say

that I met Kenyans. I said that I met Uganda authorities and they assured me of what I have told the House.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, the Minister has just told us to be very careful with rumours, but sometimes these rumours could be true. What step is the Minister taking to protect our territorial integrity because leaders of the former Zanzibar Government ignored rumours and next morning they found themselves behind the bars?

Dr. Mungai: Mr. Speaker, Sir, I deal with international affairs and foreign affairs. We have the Kenya Army, we have the police—we have security forces in Kenya who are sure of Kenya's integrity and we must have faith in them and in their ability to handle these problems if they ever come up.

The Speaker (Mr. Mati): Next question. Mr. Cheptai.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): I have already called up the next question. Will you sit down please?

MARRIAGE CERTIFICATES: WIVES OF DECEASED
CIVIL SERVANTS

Mr. Cheptai: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

(a) Since Africans did not and still do not, in the majority, register their marriages, why were the wives of the three civil servants, namely, Chief Thomas Lokwari Lokontal, Sub-chief Losutan Akanichom, and Sub-chief Loriwo Loyong'ole, who died last year, required to produce marriage certificates before they could be given benefits due to them?

(b) Is this procedure justifiable?

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

Hon. Members: Where have you been?

The Attorney-General (Mr. Njonjo): I have just come from Uganda.

Mr. Speaker, I should say that the reason was that these widows wanted to get birth certificates.

Hon. Members: What!

The Attorney-General (Mr. Njonjo): I beg your pardon, I meant marriage certificates.

Mr. Muturia: On a point of order, Mr. Speaker, Sir—

Mr. Cheptai: But it is my turn, Mr. Speaker, Sir.

The Speaker (Mr. Mati): No, Order Mr. Muturia, I have already called on Mr. Cheptai to ask his question.

Mr. Muturia: I thought the hon. Member did not hear the Attorney-General's answer because the microphone had something wrong with it.

Mr. Njonjo: Mr. Speaker, I have been asked the question why the wives of certain chiefs who died were required to produce marriage certificates and my reply is: perhaps the widows wanted to have marriage certificates.

Mr. Cheptai: Mr. Speaker, Sir, I have been paying quite a reasonable attention to the Attorney-General's reply about these marriage certificates. However, although my question was directed to the Minister of State in the President's Office, the Attorney-General replied to it quite well and I fully agree with him. However, Mr. Speaker, Sir, I would like to know why the wives of the three civil servants from the Pokot tribe were asked to produce marriage certificates while we know very well that according to the African tradition marriage certificates are not required. My mother does not have a marriage certificate. Could the Attorney-General tell this House why these women were asked to produce marriage certificates?

Mr. Njonjo: First of all, Mr. Speaker, Sir, why this question was transferred to my office is because I deal with the registration of marriages, deaths and births and I think I am more qualified, although I am biased towards registering these occasions. However, Mr. Speaker, the point is: first of all, I cannot read the minds of these widows and the only way I can answer this question is by simply saying that perhaps these women want to get married again and they wanted a marriage certificate.

The Speaker (Mr. Mati): Order! Order! You sit down first. I do not know why the Attorney-General takes the line he is taking. However, the question is quite clear. Why were these women required to produce marriage certificates? There is no question of them asking for the marriage certificates.

Mr. Migure: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! I am dealing with a point.

Mr. Njonjo: Mr. Speaker, I bow to your interpretation of the question. However, it is difficult because, first of all, the Chamber is very hot, and—

Hon. Members: So what?

Mr. Njonjo: The other point, Mr. Speaker, Sir, is that we have had a very short notice to find

out about this. First of all we are not told who asked these women to produce marriage certificates, and one can only conjecture why they were asked to produce these marriage certificates. However, Mr. Speaker, I did not ask them to produce the marriage certificates.

The Speaker (Mr. Mati): Order! I do not know whether the Attorney-General has a copy of the question itself or not because that might help him. The question is actually referring to certain civil servants who are said to have died and asks why the wives of these civil servants were asked to produce marriage certificates before they could be given benefits due to them. Surely it is understood who was supposed to give these benefits.

Mr. Njonjo: Mr. Speaker, I am much obliged to your bringing this to my notice. The reason why these women were required to produce marriage certificates is to give proof that they were married to these gentlemen.

Mr. Cheptai: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No, could you ask your question, Mr. Cheptai?

Mr. Cheptai: Mr. Speaker, Sir, I quite agree with the Attorney-General that nowadays the proof of marriage is only by marriage certificates. However, Mr. Speaker, could the Attorney-General tell this House whether his father or mother can produce a marriage certificate today?

Mr. Njonjo: Mr. Speaker, Sir, I cannot produce a marriage certificate because I am not married.

Mr. D. M. Kioko: Mr. Speaker, Sir, do we understand, from what the Attorney-General has already said—although he might not have been very conversant with this particular case now—that those people in Kenya who have been married and do not have marriage certificates will not get benefits? That is, their widows will not be getting benefits? This seems to the case according to the reply to the question.

Mr. Njonjo: Mr. Speaker, I do not think this is the case. If a husband dies and leaves a widow, the widow does not have to produce a marriage certificate in order to get her benefits. However, there are certain cases where there are complications in that there are so many people wanting to inherit the property and we must be satisfied that the property goes to the right widow—the mother and the children, so that it is not—

An hon. Member: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): We had better hear the reply first.

Mr. Njonjo: Mr. Speaker, I think the House would like the widows and the children left behind to enjoy the property of the deceased husband and not that the property should go to the brothers and other people—the pretenders. Therefore, Mr. Speaker, it is necessary, if my friend dies, that his property goes to—

An hon. Member: Where will your property go when you die?

Mr. Njonjo: If I die, my property will go to Dr. Barnado's Home.

Mr. Migure: Mr. Speaker, Sir, arising from the reply given by the Attorney-General, do we understand from him that there were no other means of getting any justification on this matter, either from the district officer or district commissioner concerned or from the chiefs which could enable Government to ask these people to produce marriage certificates? We also know that it is not the policy of the Kenya Government that when somebody dies his widow is supposed to produce a marriage certificate.

Mr. Njonjo: This is the simplest thing because the alternative is to go to court and produce evidence that you are the rightful heir to the property, and that is more complicated. My advice to hon. Members and our people in the country is to register their marriages; the other thing which I think is more important, Mr. Speaker—

An hon. Member: Have you registered yours?

Mr. Njonjo: No. Mr. Speaker, what I think is more important, if hon. Members want to safeguard their wives, is to make a will.

Mr. Mulwa: Mr. Speaker, Sir, I am seeking your guidance here. In view of the fact that in practice what we usually require is the chief or the district officer or the district commissioner to produce a letter to that effect, is it not in order that my learned friend here should make that quite clear rather than misleading us that we can advise our people to register the marriages whereas the law does not allow that?

Mr. Nthenge: Especially where you have three wives.

Mr. Njonjo: Mr. Speaker, I concur with my learned friend's view; but I think he will also agree with me that if our people did make wills we would not even have to refer this matter to the district commissioners, chiefs and others because sometimes these chiefs and the district commissioners are influenced and the wrong person gets the property instead of the widow and the children.

Mr. Migure: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): What is your point of order?

Mr. Migure: Do we understand from the Attorney-General that the district commissioners and the chiefs had made mistakes? He says that some of the district commissioners have been influenced to give wrong decisions in this matter. Do we understand that they have made mistakes? Who are these district commissioners that have made mistakes?

The Speaker (Mr. Mati): That, obviously, could happen.

Next question.

SUSPENSION OF ROAD CONSTRUCTION WORK AT NANDI HILLS

The Speaker (Mr. Mati): I understand Mr. Seroney's question will be replied to probably tomorrow. The reply is not ready now.

(Question deferred)

BUKURA AGRICULTURAL SCHOOL: RIGHTS OF LANDOWNERS

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

In view of the fact that the people whose land was taken by the Government at Bukura for an agricultural school had already ploughed their *shambas*, could the Minister tell this House whether these people will be allowed to plant crops where they had ploughed for this season?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. In normal circumstances, once compensation for land obtained from the people has been paid by Government, that land henceforth becomes the property of Government and there can be no question of the former owner being allowed to use it again. This is actually the case with the land in question, for which compensation has been fully paid.

However, if there are any genuine desperate cases among the farmers whose land has been so purchased but have not yet found alternative farms on which to grow food, Government is ready to consider their cases on a very, very temporary basis; in which case, I would advise such farmers to see the District Commissioner, Kakamega.

Mr. Tsuma: In view of the fact, that the Assistant Minister has said consideration can be given, and considering the fact that the farmers at Bukura were only paid compensation three or four weeks ago, after they had already cultivated the land and were ready to plant, so that if there

[Mr. Tsuma]

was rain they would have already planted, can the Assistant Minister, please, therefore, allow these farmers—it was not their own mistake—to plant the crop for this season?

Mr. Khaoya: Mr. Speaker, Sir, there is no mistake here. Government wanted 200 acres for the expansion of Bukura College and we now have this acreage and have paid for it. All that we are saying is that if there is some hardship due to the transition we are prepared to listen to them. It was only this morning when I was discussing this with the District Commissioner, Kakamega, on the telephone, and we think that if the hon. Member could approach him with the farmers he thinks have some genuine problems we would be able to help them. But as I have said it will be on a very temporary basis because the land does not belong to them now. It is Government land.

Mr. arap Saina: Mr. Speaker, Sir, in view of the fact that the Ministry of Agriculture allowed these people to plough the land, which is now in the hands of Bukura Farmers Training Centre, and in view of the fact that the same Ministry knows only too well when to plough and when to plant, and they only ignore this fact so as to get the land prepared for them, would the Ministry now pay these people disturbance allowance?

Mr. Khaoya: Mr. Speaker, Sir, the question of compensation was dealt with in this House a few months ago when the question of disturbance—the actual crops, the trees, sugar-cane and so on, (the amount of the compensation)—was dealt with. Today we are dealing with a different question, and Government has extended an understanding which it need not necessarily do. But because these are our people we think if they have genuine cases we should help them. Therefore, I do not see how the question of my hon. colleague arises here.

The Speaker (Mr. Mati): Next question.

I understand the reply is not ready, so it will appear again on the Order Paper.

Next Order.

MINISTERIAL STATEMENT FOOD SITUATION IN THE COUNTRY

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Speaker, Sir, I would like to make a short statement on the current food situation in the country, with your permission, Sir.

Hon. Members: Which one?

The Minister for Agriculture (Mr. Nyagah): I said the current food situation in the country.

At the outset, Mr. Speaker, I would like to thank you for allowing me to make this statement to the House to ease the minds of *wananchi* and assure them that the food situation in the country is under control.

Hon. Members: Ah, ah!

The Minister for Agriculture (Mr. Nyagah): I think hon. Members should be patient and listen. If they want to question the authenticity of what I am saying they can do so later on.

A great deal has already been said in this House, in the Press and in other quarters. I do not wish to question the authenticity and the accuracy of the statements made here by hon. Members or of the Press reports, but I might say that many of them are over-exaggerated. Let me not be misunderstood. I am not denying that we are currently going through an extremely difficult period in so far as food supplies are concerned. If it were not so we would not have mobilized Government machinery, ably aided by voluntary aid agencies, to expedite relief supplies to our famine-stricken areas and to our brethren, particularly in the North-Eastern, Eastern and parts of the Rift Valley provinces. The past 18 months or so have been relatively dry. Most parts of the country have had insufficient rains and, consequently, most crops and livestock have suffered from a shortage of water.

This, in combination with periodic abnormalities in demand, like the current one, has from time to time placed severe constraints on available food resources.

Government recognizes this and is doing everything in its power to ensure that adequate supplies of food reach the needy *wananchi*.

I should, however, state with respect to all my colleagues in this House, the Press and organizations and individuals who have from time to time rushed to the Press and other mass-communication media, that incomplete and at times obviously emotional statements and reports have over-exaggerated the nature and magnitude of the problem and caused unnecessary state of panic.

Mr. Speaker, Sir, I now wish to speak very briefly on some of the most important food commodities. To begin with, maize forms the staple diet for most *wananchi*. Like others, the 1970-planted maize crop has suffered the vicissitudes of inclement weather and, as a result, marketings are expected to be smaller than anticipated at the time of planting when we expected to get 3 million bags.

Nevertheless, we estimate that the Maize and Produce Board will buy slightly more than 2.6

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million bags from this crop. In fact, purchases as of yesterday, 10th March 1971, amounted to 2.3 million bags, and the stocks nearly 1.6 million bags. The balance of the crop is expected to be delivered by mid-April. Unfortunately, the demand for Maize and Produce Board stock has been rising steadily in the past six months, and the following figures will illustrate this point: In November, Sir, last year, a total of 177,700 bags were sold; in December, 182,700 bags; in January this year, a total of 236,900 bags, and at the end of last month—of only 28 days—the number of bags drawn from the stores were 244,000 bags. The February figure represents an increase of 62 per cent on the monthly average demand of 150,000 bags in normal years.

We expect this trend to continue and have provided accordingly in our projections. For instance, the off-take in March and April could be 280,000 and 300,000 bags respectively. I wish to emphasize, Mr. Speaker, that despite this abnormally high demand on Maize and Produce Board stocks, there should be no difficulty in respect of maize supplies even if the long rains are not adequate, until the tail-end of the year. Accordingly, unlike some statements in this House and Press reports, we have not rationed, and do not plan to ration maize supplies. If anybody tells you otherwise, take it from me that he is not telling the truth.

As for the crop—

An hon. Member: Nonsense!

The Minister for Agriculture (Mr. Nyagah): He may call it nonsense, Mr. Speaker, whoever says so— Mr. Mutiso, the hon. Member for— All right, I will come to that one, Mr. Speaker.

As for the crop that we are now going to plant, our target is to help the *wananchi* to plant 500,000 acres of hybrid maize. The required quantities of hybrid and Katumani seed and fertilizers are already in strategic positions, for the *wananchi* to buy or to take. The Agricultural Finance Corporation has also been instructed to expedite the processing of Guaranteed Minimum Returns applications, and it expects to clear the bulk of them by the end of this month so that *wakulima* can obtain their requirements promptly. The Extension Service of the Ministry is also on the alert and is continuously urging *wakulima* to plant more hybrid and Katumani maize in readiness for the rains. I should hope, therefore, that there will not be any difficulty in respect of maize supplies, even towards the end of this year and in the next. However, everything depends on the rains, and in this respect, all I can do is to join all *wananchi* in their prayers, for their speedy coming.

Before I go on to the other crops, Mr. Speaker, I would like to speak very briefly, again, about deliveries of maize from farms to board depots, and from up-country stores to areas of consumption. I concede that previously there were some difficulties in these two areas, but I would like to assure this House that these have now been overcome. The board is willing and able to receive any quantities delivered to its stores by farmers. Deliveries from up-country stores to deficit areas have also been expedited with the co-operation of the Railways. Currently, we are also planning to use road transport to take maize not to rail-head depots only, but also into the interior of such deficit areas as Kitui, Machakos, parts of Taita/Taveta, Kilifi and Kwale, and some hard-hit districts of the Rift Valley Province. The scheme is costly, but the board is prepared to incur any expenditure to take food to the *wananchi* and I am confident that if the scheme now under consideration works well, it will considerably ease the food situation in these areas in a matter of a few weeks.

Hand-in-hand with the maize campaign goes our appeal to *wakulima* to plant more quick-growing crops like beans, peas and fresh vegetables, which have also been in short supply in recent months, causing increased pressure on our maize stocks.

As regards maize meal, Mr. Speaker, Sir, which I think is a subject of great concern, as far as we can assess, the current situation is largely due to an abnormal increase in demand for the product, arising from the inadequate availability of other foodstuffs like beans, fresh vegetables, meat and milk and partly from a psychological fear on the part of consumers, of a shortage of maize.

As regards meat, as is generally well known, our main source of beef cattle is the North-Eastern Province. It is equally well known that this part of the country is suffering an acute shortage of water, both for human and livestock consumption. Lack of rain has adversely affected the over-stocked grazing areas. Consequently, the cattle are in very poor condition. Lack of water along stock routes has also slowed down deliveries of cattle to Kenya Meat Commission abattoirs. In addition, there is the problem of Foot-and-Mouth disease, which has reduced the supply to the Kenya Meat Commission considerably. The Government is actively considering a scheme to purchase cattle for local slaughter, at county council points, that will put money into the pockets of the cattle owners, help destock the over-grazed areas, save the cattle the torture of long thirsty journeys to urban abattoirs, and at the same time provide meat to our famine-stricken brethren, particularly in the North-Eastern Province.

[The Minister for Agriculture]

The dry conditions have also affected the yields of dairy cattle, and at the same time the demand for liquid milk has increased abnormally. Consequently, the availability of liquid milk for manufacturing has decreased. As an example, Mr. Speaker, the Kenya Co-operative Creameries' output of 1,100 tons of powder milk per month, in normal times, has now been reduced to 10 tons.

I do not wish to go into the details of meat and milk supply and demand, in this statement as we are still studying them. The intention of mentioning them here was merely to show their relevance to the increased demand for maize meal.

To go back to it, and the psychological fear mentioned by me earlier, I would like to emphasize that this fear is unjustified. In fact, it was for this reason that I dwelt at length earlier, on the whole maize supply, demand and stock positions. I might reiterate that *wananchi* need not fear an imminent shortage of maize, and rush into hoarding of either maize or maize meal.

Another reason for increased demand for maize meal may, in my opinion, be the reductions that came into effect at the beginning of February, this year, in the prices of sifted maize meal. *Wananchi* are now getting what they consider to be a better product than granulated maize meal at a considerably reduced price. Consequently—

An hon. Member: Who wrote that statement?

The Minister for Agriculture (Mr. Nyagah): I wrote it.

Consequently, there has been a qualitative shift in demand from granulated ordinary *posho* to sifted maize meal. The difficulty here is that sifted maize meal is a product of roller-mill process, for which granulated maize meal is a by-product, and the capacity of which is limited. What I wish to emphasize here is that for instance, an inadequate supply of *Jogoo, Simba, Bendera* or some other brands in one or two kilo pockets, does not necessarily mean an overall shortage of maize meal. I can tell from a personal examination that sifted maize meal Grade II is available in adequate quantities. Only yesterday I paid an unannounced visit to two large mills in Nairobi, following a similar visit I made to a mill in Eldoret about a fortnight ago and examined their production and sales records from 1966 to February this year. I was satisfied that these were operating at maximum capacities as per their record. An examination of their weekly returns that we get from all other millers showed that they, too, were operating at maximum capacity. To summarize this point, Mr. Speaker, Sir, I know hon. Members would like to question this, I am satisfied that the millers,

according to their records, have so far been co-operative.

Hon. Members: No! No!

The Minister for Agriculture (Mr. Nyagah): I wish to appeal to them to continue this co-operation. They are one of most important links between maize producers and consumers and they would be failing in their duty to the nation if they did not meet *wananchi's* demand for maize meal as long as they obtained their requirements of whole maize from the board. I know that some of them are planning to install additional or new rolling-mills so as to produce more sifted maize meal and I would advise them to do this as quickly as possible because the shift in demand from granulated to a sifted maize meal is likely to be permanent. Localized and a temporary shortage may also have occurred owing to insufficient availability of transport. For example, one of the larger mills in Eldoret for a few days, did not get sufficient railway wagons to move its manufactured maize meal to Nairobi. This, I am glad, has now been rectified.

Finally, Mr. Speaker, Sir, I would like to state that some of the inconvenience suffered by consumers in respect of maize meal supplies may be due to a slight change in the distribution system. Until recently, even the smallest shopkeeper could obtain his supplies direct from a miller or his agent. While this system worked well in normal terms, in a period of abnormal demand, like at present, it highlighted numerous shortcomings. For example, with maize meal being distributed by all and sundry, neither the millers nor the Board nor the Government could tell where it was actually going. We have, therefore, introduced a system under which only bona fide wholesalers holding a card issued by the board can obtain maize meal direct from millers. These wholesalers will in turn sell to retailers. The system is intended to rationalize the distribution workload, permit a reasonable turnover to bona fide African wholesalers and also assist the board and Government to keep a check on actual distribution. It is possible that some retailers, previously obtaining their supplies from a miller or his agent are not on the list of bona fide wholesalers. Therefore, they are not now obtaining their supplies as previously. If they say "no maize meal" because a miller, not a wholesaler, declines supplies, they are not giving the correct picture. I would urge such traders not to insist on going direct to the millers but instead to go to the wholesalers. Should they have any cause to complain, I would examine their grievances very carefully and take all possible measures against unscrupulous wholesalers. I warn them that if they are caught indulging in anti-social activities, they will pay dearly.

[The Minister for Agriculture]

I would also take this opportunity to refute suggestions in the Press that we, in the Government, are "sitting on our cushions and not on the ball", as they say. The fact that we do not go on singing all about the famine and drought conditions does not mean that the Government is not aware, nor that the Government is not doing anything about the problem. The board, its agents and the millers have now been instructed to submit weekly, instead of monthly as previously, returns of purchases, sales, and stocks both of whole maize and maize meal. As a matter of fact, Mr. Speaker, this afternoon I summoned all maize-millers to my office to give them these instructions. These results are analysed carefully, checked for accuracy, sometimes by an unannounced on-the-spot check visits like the one I paid yesterday and other visits made from time to time, even during the night, since last week by my officers in the Ministry and the Maize and Produce Board and the necessary steps are taken immediately to avert any potential undesirable condition.

An hon. Member: The statement is too long?

The Minister for Agriculture (Mr. Nyagah): Yes, it is long because it is a serious matter.

I have earlier given an account of some of the specific measures already taken. It will be appreciated, however, that some measures do necessarily take some time to be effectively implemented. For example, the installation of an additional rolling mill capacity cannot be done overnight, nor can major mechanical breakdowns be rectified in a matter of hours. Sir, mechanical breakdowns are more frequent when a machine is pushed beyond its capacity, such as some are doing today, working almost 24 hours a day. Such occurrences do raise some problems from time to time and we cannot rush to the Press every now and then to explain. We believe in action and not in words.

In conclusion, Mr. Speaker, Sir—

An hon. Member: Where is it?

The Minister for Agriculture (Mr. Nyagah): I am coming to an end, now. I would like to assure this House, hon. House, and *wananchi* generally that, (a) there are adequate stocks of maize in the country to meet our requirements until the next harvest; (b) the milling industry is working at maximum capacity and should be able to cope with the overall demand for maize meal although branded meal may be relatively scarce from time to time; and, (c) the Government is keeping the food situation under constant review and all possible measures are being taken to avert any potentially undesirable situation.

After having said this, I hope the House and

the country at large will rest assured that the whole matter is under control and that Government keeps a very vigilant eye to see that its efforts to keep *wananchi* fed are not sabotaged or thwarted by any unscrupulous individual or group of individuals who enjoy causing panic and for selfish motives would indulge in unsocial practices of food commodity hoarding. Both the Ministry of Home Affairs and members of the Provincial Administration are fully co-operating in this. I would also appeal to the hon. Members here to do the same in their areas and report anyone found indulging in such practices. The Government would not hesitate to withdraw or cancel their licences.

Hon. Members: Hear! Hear!

Mr. Ayah: Mr. Speaker, Sir, I pity the hon. gentleman. No Asian or European miller could have spoken so eloquently. Anyway, Mr. Speaker, Sir, I would like to seek your guidance on this. What protection does this House have from a Minister who obviously has no information to give the House, but is using this House as a press conference room and making a statement which has no foundation, in fact, but just passing on opinions of civil servants and presumably, Asian and European millers? What protection do we have? Do we just have to listen?

Sir, I assumed that when the Minister wanted to make a Ministerial Statement he was going to give us certain brief facts about the situation. However, we are being subjected to an obvious propaganda statement which is not written for the benefit of this House at all.

The Speaker (Mr. Mati): No, what you are doing, Mr. Ayah is that you are disagreeing with the Minister under the guise of raising this on a point of order. You do not have to agree with whatever is said here. However, if you do not agree, then, you can say why you do not agree; but it is no use condemning the whole statement as being propaganda for some other people. That is imputing an improper motive, which you are not allowed to do. However, the weight which you put on the statement is your own business. The Minister has done his duty and that is all.

Hon. Members: Point of order?

The Speaker (Mr. Mati): Now, let us not have points of order. If anybody wants any clarification that is all we are going to entertain.

Mr. Karungaru: Mr. Speaker, Sir, arising from what the Minister for Agriculture has told this House, would he be clear and specific enough in telling this House why in Nairobi there is no maize meal for our residents' consumption?

The Minister for Agriculture (Mr. Nyagah): First of all, Mr. Speaker, thank you very much for coming to my aid from my hon. friend, the Member for Kisumu Rural, Mr. Ayah. I can assure him that I have a little brain that can work beyond the civil servant's propaganda. The Statement was prepared with my fullest co-operation. I have personally gone round and visited maize mills in Eldoret and Nairobi. Just about this time, all the millers from Nairobi are waiting for my office to give them specific instructions to go full speed.

I know the gravity of the situation and, as a matter of fact, Mr. Speaker, we are going to use road transport to collect maize and, if need be, maize meal from the areas with plenty of maize and take it direct to places like Mutito, Mutomo and all those far away places in Samburu so that the people can get it. Therefore, that cannot be propaganda.

An hon. Member: From where?

Mr. Nyagah: From the granary.

The question which has been asked by my friend, *Bwana* Karungaru, is a very interesting one. Towards the end of my statement, I said that we are receiving the co-operation of the Ministry of Home Affairs and the provincial administration in our endeavour to find out where the breakdown is, between the board; the millers and the consumers, because there may be somebody in between who is side-tracking the product. Whoever is side-tracking the product or trying to cause panic by stopping the product from reaching the mouth of the consumer, as I said in my statement which was referred to by my friend as propaganda, will be dealt with and, if need be, his licence will be cancelled.

Mr. Komen: Thank you, Mr. Speaker.

Could we be told by the Minister why a certain percentage of people within the country are given licences to buy maize locally from the farmers in the forest areas? These people come through—they go to various places like Nairobi here—Kijabe Road. However, we do not see people from such places as Turkana trading in maize through other roads like Kitale Road to places like Baringo. I want the Minister to tell us what qualifications make him give them these licences.

Mr. Nyagah: Mr. Speaker, my statement dealt with the food situation in the country.

Mr. Kadir: Mr. Speaker, Sir, could the Minister tell the House— In fact, in his statement, the Minister never mentioned anything to do with Isiolo, Marsabit or Moyale. Since Isiolo, Marsabit and Moyale districts are in the same difficulties getting food, and since the Minister

has said that there is an adequate stock of maize, which would enable us to go on even up to next year, would he tell the House why the people of Isiolo are still suffering while we have maize in the stores? What is he going to do about it?

Mr. Nyagah: Mr. Speaker, Sir, if the hon. Member had listened carefully, he would have heard me say that the areas we are dealing with are North-Eastern Province, Rift Valley—

Mr. Kadir: On a point of order—

The Speaker (Mr. Mati): Order! Will you sit down and listen?

Mr. Nyagah: —and parts of the Eastern Province—these parts of the Eastern Province are Marsabit and Isiolo districts. If at the time the hon. Member left his home district these things had not reached there, let him be assured that the matter has reached us and we are doing what we can.

There is another thing, Mr. Speaker, that must be said here for the hon. Members to help us. Some of the people who claim to be starving are not prepared to slaughter even a goat for their meal. They claim they are hungry, and wait for the Government to supply them with food, but they do not even sell their goats or kill their goats for eating.

Mr. Araru: Thank you, Mr. Speaker, Sir, for giving me this chance.

Mr. Speaker, we have listened very carefully to what our hon. Minister has stated in this House. However, this statement cannot help the citizens of this country. Most of them, and some are ladies, are lining up outside some shops, outside this Parliament of ours in the City, to buy food. **Let us face the facts, Mr. Speaker.** I, myself, on behalf of the Moyale Consumers Agents who were here last week, went to Maida Limited and asked them what the problem was because we were told by the Government there was plenty of maize and still my people were coming to me for help. I told them that I am the Member of Parliament for the area and asked them why the agent from my area, although he was there for two days with his lorries, which had come from 600 miles away, was not able to get anything. Furthermore, I asked them why they were specially supplying the Government agents such as the police, prisons and the hospitals.

I was told by the maize miller—and we were given an assurance by the Minister in this House that everybody will get maize meal—I was told by Mr. Patel that the factory was built in 1968, or 1966 when the consumers were few and concentrated around the Nairobi area. Consumption of maize meal did not involve the whole

[Mr. Araru]

population of Kenya then, as far as Moyale. Therefore, the factory is not competent to supply enough maize meal. What is the truth—what the Minister has stated in this House or what I was told? That is what I was told and it is true. Also, we read, and I think the newspapers in this country—

The Speaker (Mr. Mati): Order, Mr. Araru! This is not an opportunity to make a speech.

Mr. Araru: Let me finish.

The newspapers give us clear photographs of things which I have personally seen at Eastleigh. I have seen, with my own eyes, people lining up for maize meal from morning to evening.

Mr. Nyagah: Mr. Speaker, Sir, I am glad that the hon. Member for Moyale has raised this matter. It was only yesterday when I was having an on-the-spot check in the Bazaar in the shops where people queue. While doing this on-the-spot check, I met three gentlemen from Moyale who had come and tried in vain to get the stuff he is talking about. I directed the Maize Board to make sure that these people get their maize and the flour they want urgently, to take it back to Moyale. I did this yesterday at about 10 or 11 o'clock.

Mr. Kanja: Thank you, Mr. Speaker.

With all due respect to the hon. Minister, whom I take to be a very honest and devoted Minister, would he agree with me that while he has mentioned each and every other place, his Ministry has not taken into consideration the people who live in villages and who have been entirely dependent on cultivating for other people, and as a result of the drought, because they have no employment and the other people have no work to engage these people on, and the fact that they have no land of their own, are also starving and need this Government's help as far as food is concerned?

Secondly, Mr. Speaker, if you will allow me, many a time, this Government of us has issued strong statements—

The Speaker (Mr. Mati): This is not an opportunity to make a speech. You have already made your point.

Mr. Kanja: There is a question which I am trying to come to, Mr. Speaker.

Having known that many times the foreigners take this Government to be a toothless bulldog, which will never bite, which shall we bite—

Mr. Nyagah: Mr. Speaker, Sir, if any foreigner takes this Government as a toothless bulldog, he is mistaken. Right now, most of the registered wholesale distributors are Africans.

An hon. Member: That is very healthy.

Mr. Nyagah: Very what?

Secondly, Mr. Speaker, the question of the landless in the villages is within the purview of the Office of the President. As a matter of fact, there is a Vote in the President's Office for Famine Relief and they keep a vigilant eye on this. If anybody has specific areas which he wants to be taken care of, like Makuyu or the villages we have been talking about, just let the district commissioner know and through that channel they will get relief, if need be.

The Speaker (Mr. Mati): We must go on now. Next Order.

POINT OF ORDER

WITHDRAWAL OF ALLEGATION—ON FAILING TO SUBSTANTIATE

Mr. Muthamia: On a point of order, Mr. Speaker, Sir—this does not concern the maize shortage—on Tuesday in a supplementary question to a Question by Private Notice, hon. Mutiso alleged that there is tribalism in the City Council of Nairobi and that some of the councillors are coming up. Sir, when he was asked by hon. Mr. Shikuku, the Member for Butere, to substantiate, he said; and I quote:

“Sir, this is a fact which is very well known, that the 11 councillors who voted against the creation of this particular post were Kamba, Luo and Baluhya, and the rest who voted in favour of this were Kikuyu and Meru. Can they deny that?”

That is what he asked. Sir, in today's, *Daily Nation* in the commentary, they repeated the same thing and said, “Meru and Kikuyu councillors are coming up.” Mr. Speaker, this is a very serious allegation. I know there is no Mumeru in the City Council of Nairobi. There was one in the previous council and he was kicked away. Now, Mr. Speaker, Mr. Mutiso says there are Meru and Kikuyu councillors. Can he substantiate that because it gives a very bad impression of Meru people?

The Speaker (Mr. Mati): Now, as far as the report you refer to in the *Daily Nation* is concerned, it is not really our concern if the *Daily Nation* writes about another body. That is between the body and the *Daily Nation* so long as it does not refer to what goes on here. However, if Mr. Mutiso had no grounds to believe that there was a Mumeru among the councillors he referred to, then, he should withdraw the remark.

Mr. Mutiso: Mr. Speaker, Sir, first of all I would like to state that the point that I wanted to drive home was that among the 28 councillors

[Mr. Mutiso]

there were— I am glad that the hon. Member rose on this particular point so that it can be clarified—the Kikuyu and their allies who, in fact, Mr. Speaker, include Meru and Embu. Here, in actual fact, Sir, there is no Meru councillor but there is an Embu councillor who, by the name, is Mr. Njoku and comes from Mbere Location in Embu District.

The Speaker (Mr. Mati): Mr. Mutiso, we are talking about Meru.

Mr. Mutiso: That is the truth, Mr. Speaker, Sir, and so what I want to say is that I wanted to indicate that this is a group—

The Speaker (Mr. Mati): If you do not know of any Meru councillor, will you withdraw what you said!

Mr. Mutiso: Mr. Speaker, Sir, I withdraw.

Mr. Koigi: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No, Mr. Koigi, we are not going to argue on that; that is finished now. Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(Seventh and Final Day)

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 23rd February 1971.

(The Vice-President and Minister for Home Affairs on 25th February 1971)

(Resumption of debate interrupted on 10th March 1971)

The Speaker (Mr. Mati): I think Dr. Waiyaki had still four minutes to go.

Dr. Waiyaki: Mr. Speaker, Sir, I want to use up these four minutes—

An hon. Member: Thank you very much for your catching the Speaker's eye.

Dr. Waiyaki: Order!

Mr. Migire: Do you think you are on the Chair?

Dr. Waiyaki: I beg your pardon. I want to use up these four minutes to make an appeal to the Government and to the House on the question of the shanty dwellers— I am glad that the Vice-President has come in because I would like him to take a personal interest in the matter of the demolition of the shanties in Nairobi. Towards the end of last year, I brought a Motion here concerning the demolitions in Eastleigh. The House expressed its being against that kind of

demolition without providing alternatives. The demolitions have continued and as of yesterday and today they are continuing, particularly in my own Constituency of Mathare and also in Embakasi Constituency and I believe also in Starehe Constituency.

Mr. Speaker, they are creating more problems than they are solving. A lot of hatred, a lot of frustration and a lot of disenchantment is being created among the people. Some of the houses called "shanties" are better than the Criminal Investigation Department Headquarters.

Hon. Members: Hear! Hear!

Dr. Waiyaki: They are even better than some of the huts occupied by the police in various posts of this country.

Mr. Karungaru: Even the General Service Unit Camp at Embakasi.

Dr. Waiyaki: Mr. Speaker, Sir, I said that I want to advise the Vice-President who, is now here, and so I am doing what I can. Sir, I honestly feel that we are doing the wrong thing. Nearly 10,000 people or more are now homeless. The City Council of Nairobi claim that they are clearing the city. In fact they are only clearing one part of the city. It cannot be that they are only interested in one part of the city. In any case, I would like the Government to refute the fact that houses belonging to the Deputy Mayor and the Mayor herself which could be classified similarly as shanties have not been demolished.

Hon. Members: Hear! Hear! Shame! Shame! Go on.

Dr. Waiyaki: They are tycoons. I would also like to urge the Vice-President along with the Minister for Local Government, the Minister for Health and especially the Minister for Housing who has gone and appeared on the Television twice, on the radio and in the papers three times, to tour these areas and see for themselves because I know they do not know what the situation is. Of what value can it be, Sir, for our Government to make people homeless when they are not providing alternative accommodation, worse or better? Of what value can it be to our health if the children of these people catch pneumonia and die of it?

Mr. Migire: Talk like a doctor now. Tell them!

Dr. Waiyaki: I feel that we are trying to exhibit a whited sepulchre. Mr. Speaker, the problem is like this: there are shanties all over this world. At the end of 1971 there will be 13 million more people living in cities and three quarters of these people will be living in shanties; in this country, in Asia, in South and North America, in Europe and in all the countries all over the world. In fact,

[The Deputy Speaker]

they are in plenty. I am convinced that some kind of effort must be made to study this problem in Kenya; to study what other people are doing, for example, in Singapore, where they are putting up houses first instead of merely demolishing these shanties. I would like the House to be interested in this because this is a national problem. The Members of Parliament in this House have people from their own areas in every part of this city, so, it is not Dr. Waiyaki's, or Mr. Karungaru's or Mr. Rubia's problem; this is the hon. Members' problem. I hope that, Sir, a select committee can be set up to report, within two months, specifically on the problem of demolition of shanties in this City.

This is my appeal to the Vice-President. Thank you very much.

Hon. Members: Hear! Hear!

The Minister for Natural Resources (Mr. Omamo): Thank you Mr. Speaker. First of all, I would like to express my thanks to His Excellency the President for his very clear exposition of Government Policy especially as it is likely to apply during this Session of Parliament. Very often, Sir, people do wonder, when a Minister makes a statement, whether he speaks as a constituency Member or as a Minister in the Government. I would like to make it clear right from the beginning that I am viewing these matters as the Member for Bondo and also as a Minister in the Government both combined.

In his address to the House, His Excellency, the President appealed to the Members that business in the House, and affairs of the nation should be discussed in a business-like manner. Mr. Speaker, Sir, talking about a business-like manner of discussing public affairs I am reminded of biological association—a business that is conducted where one party benefits and the other party does not benefit. That sort of business is called parasitism in biology. Parasitism—one is a parasite of the other. I am sure we do not want parasitism in this House.

Mr. Speaker, Sir, there is also another association where two parties benefit from a particular business or association and in biology this is called symbiosis. Here two organisms benefit. This House is too large to form an association that can be referred to as symbiotic.

Mr. Speaker, Sir, there is another association where more than two organisms benefit from the same table. Mr. Speaker, Sir, this is known as commensalism, in other words eating on the same table. You can then eat in such a way that if one is having a plateful, you can see it. If one is having the lion's share you also see it. I

take it, Mr. Speaker, Sir, that the association and the business-like manner that should be conducted in this House should be commensalic. We are on the same table for the good of the nation so that if there is anything to share, if it is a road we can definitely see that on the plate of Kitui East there is something, on the plate of Nyambene North there is something as well as the plate of Bondo.

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

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

Mr. Speaker, Sir, His Excellency the President drew the attention of the House to the importance of land adjudication. I am sure, myself, that the hon. Members appreciate that land adjudication, which starts with land consolidation, and issuing of title-deeds is one way of improving the environment of rural Kenya. It improves the environment in two ways: first it brings economic benefits because it helps production. Secondly, it helps in organizing and enriching living in the rural areas.

Mr. Speaker, Sir, we are aware of the problem of unemployment. Why can we not make our rural Kenya attractive enough for us to go and live in. I am sure that if land adjudication is done properly and if during the process of land consolidation we know where the schools will be, we know where the nursery schools will be, we know where health centres will be, we know where the roads will be, it will help. The present practice where some people are anxious to register the land without taking into consideration these basic social amenities is not good enough.

Mr. Deputy Speaker, Sir, a lot has been said in this House about detainees. I feel, that as a Member for Bondo, who always discusses a detainee matter, I should say something about detainees. It is true that in the continent of Africa, particularly, in the developing nations, in the young democracies in Africa, this nation, Kenya can boast of being the country which has the least number of political detainees. It is also the only country, I know, where citizens have not run away because law and order has broken down or because justice is not meted out to the citizens. I would like to thank the hon. Members of this House who have pleaded for the release of the detainees. This means that this House is sympathetic and resonant to the needs of *wananchi*. I would like to thank the Government of which I am a party, for having released a number of detainees. This proves that our Government is fair. I would also like to extend my thanks to the President for having taken this initiative, as

[The Minister for Natural Resources]

the Head of State, for seeing that these detainees are released. It shows, Mr. Deputy Speaker, Sir, that our President is human. The prophets of old said that to err is human and that to forgive is divine. The fact that our President, despite the bitter experience of the past, is doing exactly what the nation wants by releasing these detainees, I think this House should express a special "Thank You" to His Excellency the President.

I would like to add also that we do not just end with detainees. There are the ex-detainees and, Mr. Deputy Speaker, Sir, I would like to appeal to the hon. Members and also to the private sector to realize that when the Government of this Republic release detainees it means that the Government is convinced that they are ripe to come back and join the free society and join the business world. It is not fair for the private sector to consider that the fact that one has been detained that that should be taken as a disqualification for getting jobs in the private sector. I would like to make it quite clear that the Government has no grudge against any ex-detainee and I would like the private sector to help the Government in absorbing any ex-detainee that qualifies for any particular job that has been advertised in the local Press.

Finally, Sir, I would like to refer to the economic aspect of the President's Speech and here I would like to restrict my remarks to my own Ministry because this is the only Ministry of which facts I am 100 per cent sure. The President appeals, to the nation, to take natural resources seriously. The Ministry of Natural Resources during this Session of Parliament will endeavour to deliver the goods king size. It is true that due to forest fires we have lost quite a bit of forest but we shall endeavour to deliver more forest trees to as many people as possible. Would the hon. Members please take note that we are launching rural afforestation, and please take maximum advantage of the scheme.

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

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Deputy Speaker, Sir, first of all I would like to say that we do not need to worry very much since some of us know very well that every ten years we either have a drought or too much rain. We had drought in 1931, the same in 1941, we had a very big drought in 1951, there was plenty of rain in 1961 and now in 1971 we have the drought once again. So, I am sure God will deliver us from these problems.

I would now like to point out that His Excellency the President made some very impor-

tant remarks when he mentioned about the loans from the World Bank. The Ministers who are concerned with this are here, and I would like to say that although I do not refute or I do not have the power to suggest that we should not always become beggars to borrow money from foreign governments, I would like to make this appeal to our Government. We have £24 million now lying idle in our own Republic. The Ministry and the Treasury are aware of that. What is the use of us going to the World Bank, looking for more money when we have so much money in this country, and this very money is lying idle? Some people who read the reports of the Central Bank of Kenya will be able to bear with me that we have £24 million untouched and we still go out looking for more money for our projects. Why cannot we use the local resources before we go to borrow money from outside? In fact, this is something I would like the Ministry to consider seriously. The banks in this country and the Members of this House have been crying that loans are not made available to the people. Why is it that we, as a Government, cannot act and go ahead and tell the banks to take these £24 million from the Central Bank of Kenya and loan this to African farmers and businessmen? I wonder whether there is any Minister in the Government who can argue about that? This money is still there and I do not see any reason why we do not utilize our own resources. All we are interested in is to mortgage this country so that our children will suffer in the future. I give a warning to this nation: that is if this is what we are up to, I would like completely to dissociate myself from anybody who would like to make this country a beggar all the time. Why not ask the co-operative societies to give more money so that we can do whatever we can, implement quite a lot of projects with our own local resources. If we can do these things we should do so without waiting. This is what I would like the Government to do. I am not saying that the Ministry should not go out and borrow money when necessary, but let us, first of all, utilize what we have here.

The other point, Sir, is in connexion with taxation. At the moment the Treasury has £6 million as a result of taxation. Sir, would it not be advisable for the Treasury and the Government as a whole to try and reconsider this taxation system? Some of these Members from the Cabinet are doctors. How can a doctor plan what he will get in three months' time? Mr. Deputy Speaker, you are a doctor. How can you tell what you will get in three months' time? How do you know the number of patients you will treat in three months' time so that you can pay income tax on that amount of income? How can a lawyer tell how

[The Assistant Minister for Tourism and Wildlife] many cases he will defend so that he can pay tax? How can a farmer plan and say how many bags of maize he will get so that he can pay tax? What should be done is to look into the possibilities of changing this. If it has succeeded very well in other countries it does not mean that necessarily it must succeed in Kenya. This is something which I would like the Ministry to think about.

Sir, we have spoken about tribalism, but I would like to say that the biggest tribalists of all are ourselves, the leaders. We are the number one tribalists. It is no use for me to come to this House and speak on tribalism and the moment I go outside I am the number one person to speak only to my own tribe and not be interested in what other tribes are saying. This is what is killing this nation. Children who are schooling together, children of all tribes, do not know this thing called tribalism. We are the preachers, number one, of tribalism. We are the carriers of tribalism as the anopheles mosquito that carries malaria. If we do not preach tribalism in our own small societies, if we do not go back to our small organizations in our own tribes, trying to say that we are the only people who know the problems, how can we eliminate tribalism? It is no use for us talking about it if we cannot kill it first.

I would like to remind this House that the rural development of this country, as the hon. Minister just said when he gave an example of three people eating from the same table, is not going to benefit only one section of the community. We should try to expand development in all areas of our Republic. I have in mind that if we can expand the University of Nairobi to cater for Kenyatta College, then I do not see the reason why the same University of Nairobi cannot be expanded to Maseno and Machakos and other areas? Sir, it is known that at first the Oxford University was the University of England. It is now so many miles large. Why can the same not be done in this Republic? I appeal to the Government to see to it that we also expand other sources of our Government—I have mentioned only one example—to other areas in our Republic. We should not confine these to only one or two areas, or three areas for that matter. You do not leave your small little baby, your last born, because he is the last born. You do not ignore him while you take care of all the other children. You should also try to take care of this last little one.

Mr. Deputy Speaker, hon. Members have raised a number of important points in this House. I have been following them. The biggest question I want to ask is this: are these things going to be implemented? Or are they going to be left there?

Are the members of the public going to keep on asking, "Hon. Member from my area said this and that. Why is it not done?" I believe that the biggest burden lies with the Government and that all the views aired by the Members in this House should be considered by a special group of people so that they can be implemented. If they cannot, then hon. Members should be informed why not so that hon. Members can tell their constituents the reasons why such things have not been implemented. Leaving them as they are now, means we are letting ourselves down as a Government and, at the same time, hon. Members are also let down.

The hon. Minister, Mr. Omamo spoke about the detainees. I would like to say I was detained and I hate detention, no matter in what form. But that does not mean I cannot be detained. I would like to say that in Africa today Members of Parliament have been making laws just because they are in the position where they can make laws, thinking they are making laws for other people. But they end up being the victims of those very laws. This law about detention, it is high time the Government thought how best it could be reviewed because I do not think that just because we are in power today we can make these laws. Who knows what will happen in the future? We might end up being the victim of these very laws. This does not mean that I cannot be detained, and I would like to warn that detention without trial in whatever form is a wrong thing. It is high time that we should try to review our laws of detention.

The civil servants and politicians have been mentioned in this House. It is not true to say that all civil servants are bad, but where there is smoke there is a fire. It is high time now we held a seminar for all civil servants and politicians. In fact we should sort out all our differences in a seminar where all of them will be called, especially the policymakers. If we allow this Government to continue as it is, and I have been subjected to very bad humiliation by a civil servant, then we will suffer. Just because I am what I am, J. M., nobody could come to my rescue, and this was because of a direction from some people at the top. Sir, I can assure you that what we are breeding, thinking it is being bred for J.M., might affect another person in the future. It is high time we meet with the civil servants and the Government, right from the President, and we air these differences rather than coming here to wash our dirty linen. We do not want to wash the dirty linen about ourselves and the Government in this Chamber.

Mr. Deputy Speaker, these are the suggestions which I would like the Government to think seriously about because there are some civil servants who think that Ministers can only come to

[The Assistant Minister for Tourism and Wildlife]

the House and answer exactly what they have given him, that the Minister has no power to do anything else. This is rather serious and, I think, we should actually consider these things very seriously in the light of development.

I do not want to waste the time of the House and I would like to say finally that he who lives for fears must die below. We need unity. It is up to us to unite in the real sense. It is not that I must say that because of what I am, I think, we must unite and all the others must unite behind me. There is no such kind of unity. If this is the type of unity some people are looking for, then I am not for such type of unity.

Thank you, Mr. Deputy Speaker.

Mr. ole Leken: Sir, I note that Sessional Paper No. 6 was referred to in the Speech of the President. I have always been perturbed about the way of handling the process of land registration and land consolidation which has been undertaken since 1966 when the Lawrence Commission submitted its report. In fact, it ended with a certain chapter which talked about acceptees in certain areas. These areas where they have acceptees, registration of land was suspended purposely until such time that the dominant tribes in those areas have given way to the acceptees. Why should this be so? If I have an uncle, it might be the Member for Laikipia who is looking at me with a keen eye, I can give him a piece of my land. If I have his daughter or sister, let him give me a piece of his land, but not other people's land.

Even this question of suspension, up to this time now that consolidation is taking place in other areas, is absolutely suppression. This is very bad. It means that they have been treated as second-class citizens. This ought to have been a shame all over the country, to have certain areas to be suspended and keep them without land consolidation. This is why they cannot have titles, this is why we cannot have the opportunity today, have the facilities of borrowing from a bank, and so so. These people will remain poor, living under very difficult conditions. Though this matter is coming up to the National Assembly, Sir, I think it is very wrong, indeed, to accept this report as such.

The other thing which I want to discuss on this issue is that, I think, there has been a row by politicians about civil servants and the rest. Surely, I do agree that there might be a few civil servants who are bad but it is absolutely wrong to generalize the whole thing. That attitude

is very short-sighted. I do not think, we the representatives here, are 100 per cent right in doing the job that the nation requires us to do. There might be a few black sheep amongst us as in the Civil Service. I agree with the hon. Member who spoke a few minutes ago, that the gap is growing bigger and this must be bridged. We must do this because we know the events of history. Forget about European history, take Africa as it is. We know what has happened in West Africa, we know what has taken place just a few miles from here. This is just because we do not want to compromise, just because some fellows are drunk with power. That kind of development is very wrong indeed and it can lead them to exchange the present for the gates of prison. You send one in today, he comes out tomorrow and you are sent in. That is why I say this talk about civil servants and politicians must come to an end and the Government must, definitely, bring the matter to a clear position where the civil servants and the politicians each understand their own role but work in conjunction for the benefit of the nation. I know why this has happened. It is because some politicians have been harassed. Some of you have also harassed the civil servants. So we must have peace together, we must have something to make sure that we are all working for the same Government.

I note also that mining has been one of the topics in the Presidential Address. Sir, I talk about Kajiado because I know more about this area. There are quite a number of minerals which if exploited, will boost our markets in the mining industry. These industries must be distributed accordingly. In fact, they should normally consider having an industry there so as to balance employment all over the country, except in case where we do not have transportation, communications, roads and such things, perhaps electricity which is very much required. In areas where these things are available, where we have the facilities, industries must be distributed accordingly.

I would like to say a few words on the meat industry. It is a pity that the Minister for Agriculture has just walked out. I do not know whether he was annoyed but I hope— The meat industry is suffering a lot because of Foot-and-Mouth Disease. It is high time that Foot-and-Mouth vaccine was introduced compulsorily all over the country because movement of cattle by illegal traders and the like has prevented the cattle being inspected now and again. In Kajiado particularly there is an outbreak nearly every four months and this area is potential for cattle. Kajiado at present is supplying nearly one-third

[Mr. ole Leken]

of all the cattle taken to the Kenya Meat Commission. This is a very important issue. I feel Foot-and-Mouth vaccine should now be made compulsory, particularly in those districts where we have large herds of animals. We want this to be introduced as a compulsory measure, and the Government must be ready to subsidize.

As the Assistant Minister for Tourism and Wildlife has just said, why have all this money lying in the bank idle, if we can do something useful with it? It is surprising. If we cannot help the people when there is money, then what is this money for? Why do we have the money? We have the money to better ourselves, introduce some compulsory services, especially the Foot-and-Mouth vaccine.

I should like also, Mr. Deputy Speaker, to touch on the question of shortage of food which is facing us right now. Surely, this is a confused state of affairs; very confused and disorganized. If we are told that there is enough maize, then why is it that people in Mombasa, for the last four weeks have had no maize meal? Why should people in Nairobi here line up in front of shops if there is enough maize meal? We are being paid with what we call "lip service" and little is being done. I think this lip service has got to stop. This is a time or realities. We are fed up with promises. What we want is reality; something which is done. If people require something at a certain place, then we want that thing done. It is not a question of promises. Promises and promises; empty ones. That time is gone.

An hon. Member: (Inaudible.).

Mr. ole Leken: I will one day be!

The question of detention—I do not know what my friend, the Member for Laikipia West, Mr. G. G. Kariuki, had in mind because he is too far away from me and I will not stand in his place.

The question of detention, surely, it is high time that Kenyans and we, as Members of the National Assembly, had a national outlook on this matter. We should try and look at what is justice. There is no point in just arresting somebody and sending him to jail. This is, in fact, a return to the law of the jungle and it is good that we have many lawyers in this House. Sending a man to prison without trial is a law of the jungle.

The Deputy Speaker (Dr. Waiyaki): Order! You time is up.

The Assistant Minister for Agriculture (Mr. Khaoya): Thank you very much, Mr. Deputy Speaker, Sir.

First, I must say that I am happy in the way His Excellency delivered his very, very important Speech on 23rd February 1971. It was a noble Speech; it was a fatherly Speech. In fact, I thought it was a very fatherly and inspiring Speech. And, for these, I wish to say—

Mr. ole Marima: On a point of order, Mr. Deputy Speaker, Sir, do we have two debates in this House or just one?

The Deputy Speaker (Dr. Waiyaki): One!

The Assistant Minister for Agriculture (Mr. Khaoya): And, for that reason, Mr. Deputy Speaker, Sir, I wish to say that we have to thank His Excellency for the way he has led the nation for the last seven, eight years because, in him, we have had stability and peace. These are the conditions under which we can get economic progress.

Mr. Deputy Speaker, Sir, when one looks at this sort of state of affairs and then finds quite a number of people, both in Kenya and outside Kenya, worrying themselves, going around asking questions as "who would be next" or even provoking some other people to ask them "who would be next"; I think this is a very dangerous situation and we have to deal with it here because whoever does so is the enemy of this nation. We know from experience that a post is never advertised until it is vacant. However, for sure we know that the post of the Presidency is not vacant. So, if anybody asks any one in Kenya or outside Kenya as "who would be next", tell him, "Sorry, but the post is filled, therefore, the question does not arise". However, for those who are ambitious, we have had very clear lessons from William Shakespeare, who, through the mouth of Julius Caesar, analysed what could happen to those who are ambitious; what surrounds ambition and what is the net result to those who are ambitious. If we are not satisfied with that lesson, we have heard of the story of the hyena and a strong man walking in a Johnnie Walker style. History has been told and retold, that a hyena was lying in wait; he saw a man strolling very energetically—left and right—and all the time the hyena was under the impression that at some particular moment, one arm might drop down, therefore, the hyena might get his meal. From what we know, Mr. Deputy Speaker, Sir, the hyena is still waiting; the arm has never dropped down. So, we had better take note of that story also because we can learn a great deal from such stories.

However, for those especially who might attempt to forecast what is in store for Kenya, in fact, who try to forecast the things to come

[The Assistant Minister for Agriculture]

in Kenya—I am referring in particular to those who are in European countries. Of late, we have heard of a London Paper—I think *Guardian* by name—where the journalist attempted to forecast as to “who would be who” in tomorrow’s Kenya. But, all I can say is only to refer them to another European saying—there is European airline called “Quantas Airlines” and the Quantas Airlines have a saying that if you wanted to go to Australia and unfortunately you did not know the difference between an opossum from a pandanuse, the only thing and the wisest thing to do is to ask the people who know the difference and, in that particular case, you ask those people who go to Australia everyday.

I think, Mr. Deputy Speaker, Sir, I should say the same thing to those people in countries like Europe who try to assess or forecast who should be the next leader in Kenya. This is a matter for Kenyans. For instance, that gentleman went on listing a whole range of names. He went on even to get a short list of the names and from what I read, I could just laugh at him because, surely, some Europeans do not know even where Kenya is. So, when they talk of names, perhaps they might look at Murang’a or Kiambu and think that is Kenya.

When the time of reckoning comes, I believe the people of Kenya shall then, and only then, be in a position to look for their leader. At that time, it may so happen that those names that are appearing now and then may not even be on the short list. So, why should we worry and waste our time now? Our Holy Scripture has given us a guidance that for the matter of tomorrow, let tomorrow look after itself; let us concern ourselves with immediate business. That is the business of today. For that, we know that we have a leader and all that we can do is unite behind our President and help him to get our economic development. That is a noble advice which I wish to submit and voluntarily give to this noble House. So, in short, I say that there is no vacancy for the post of a President at the moment because it is still occupied; secondly, tomorrow should look after itself; and, thirdly, that we would do better if we could pay our loyalty to His Excellency.

My next point, Mr. Deputy Speaker, Sir, which I would like to deal with is the question of fire in the country. The Minister for Natural Resources only a few days ago appealed to the nation to take care of the fires and I am only repeating today that the situation is getting worse and worse everyday. Over the weekend, I visited Kitale area and only to find that one of the farmers had

40 acres, all under maize burnt down by fire that started from nowhere. In my own farm when I went home, all the grass that I had spared for my cattle was gone because of fire that was almost from nowhere because these culprits are never known. Passing through Gilgil and Naivasha every weekend and especially in the evenings, you will find that the whole area is lit with fire. The question one asks himself is: with all this drought which has given us such a big problem, is it not enough; is it not just enough so that we just stop there; must we add on other problems by burning whatever little grass we have; by burning whatever forest we have and by burning whatever crops we have? I am appealing to the nation through this hon. House that all Kenyans, be they women, men or children to take care wherever there is fire. Put it off if you can. But, for heaven’s sake, do not start one because all you would be doing is to aggravate the situation which is already extremely serious.

My third point is in connexion with tax assessments with respect to graduated personal tax. We have already discussed this issue in this House many a time. The Government has very rightly given directives as to what should happen to people without property; and we have even gone as far as saying that people whose income is below a certain mark should not be assessed to pay anything. I would like to appeal to the Civil Service—those are the arms of the Government—that when they are dealing with this assessment they should examine the law exactly and apply it in the correct manner. There are cases where we are confronted with a situation where people are not paying tax because the assessment has been unjustly done or it was done grudgingly. If any civil servant, and particularly chiefs and sub-chiefs— For your information, Mr. Deputy Speaker, Sir, I am a real ex-chief though I am not a chief now because I threw away this title together with colonialism; and I had ten years service and for my people to elect me I must have been right on the mark. Now, I can only appeal to my fellow chiefs and sub-chiefs who are still behind that they can do best if they can apply the law correctly because unless they do this all the time they are going to bring a mockery and the people will ask, “What is it that His Excellency meant when he said that those people who pay Sh. 24 are exempted only to find that instead they are paying Sh. 48”? This is a matter of serious concern and I would like to appeal again and again to the civil servants to examine themselves whether or not they are applying this to the “Letter” because without it they may find themselves in trouble.

Thank you very much, Mr. Deputy Speaker.

The Minister for Finance and Economic Planning (Mr. Kibaki): Thank you very much, Mr. Deputy Speaker, Sir. I would like to join the Members that have spoken in congratulating the President of Kenya for the way in which he delivered his speech to us and, in particular, for the appeal that he made to this House: to give the lead to the country in the search for unity. Mr. Deputy Speaker, Sir, we are uniquely placed to do that job and I am sure we have done it infinitely better if in the debates that have taken place here we were less selfish in our attacks on those that are not able to speak in this House. Mr. Deputy Speaker, Sir, I am saying this in all honesty and I know that the Member for Embakasi will bear with me because if we are given a platform and we are able to speak without the possibility of being replied to by those whom we attack, we have a duty; and I am saying this knowing well that we are regularly getting into certain problems in the Civil Service, in the Government and in other various sections. However, if we did not have problems we would not be a living society and we would be dead. However, Mr. Deputy Speaker, Sir, as a living society there is bound to be conflict some of which are nothing but personal and personality conflicts. I do not want to say that we do not have these conflicts; but I would like to say, and I will say it that in this country—Kenya—we have a Civil Service which has an integrity and efficiency as good as any other in the whole of this African continent. Let us not beat about the bush. We must give some credit where it is due—it is not condescension or humility but merely recognizing facts. I would like to say that we are less than fair if all that is heard from this national House is criticism because I, Mwai Kibaki, for example, quarrelled with a district commissioner somewhere.

Mr. Deputy Speaker, Sir, we are lawmakers and we pass plans and projects yet we do expect that they shall be implemented. However, in the same breath we are the first people to degenerate the people we expect to implement those projects. I am saying in all seriousness that we are expecting some people to be other than human because if they are human beings, as we all are, and they are attacked as being useless characters and still they are expected to perform certain duties towards the same persons that attack them, it is not difficult to put two and two together and see what will come out of it. Therefore, in all seriousness, I would like to say that we must have criticisms but seriously, we are not going to be able as leaders to force the question of what status we are given in the country because we

will be given it because we earn it and we have to be taken as being responsible people.

There are three points that have been mentioned and which I would like to make straight. Some speakers in this debate have found another new salvation to the "Poor" of Kenya: millions of pounds lying in various places which the Government has only to seize and utilize and distribute and save the country from being mortgaged to foreigners—those were the words which were used. I would like to be quite blunt about it because in this country we run a banking system which has moneys a 100 per cent of which are deposits from you, I and the poorest person in this country. It is a fact that these moneys are savings of ordinary Kenyans. I would like to suggest that we are being absolutely ridiculous if we are to suggest that there should be a system of utilizing that money which could jeopardize the viability of a bank because we would all crash if it did crash! Let us face the fact because it has happened in many countries and recently it happened in one place which we know of—in the Middle East. Mr. Deputy Speaker, Sir, are we, in all honest, suggesting that in a country like Kenya in which there are people conducting private businesses and their own affairs, we should have a system in which the Government as one of the institutions should borrow all the money that is available from the banking system? What will then happen to the rest of the enterprises? Let us be frank: there must be, in an economy such as ours, a banking system which gives room for Government to borrow and for the private individual also to borrow. I believe we here, in fact, are all borrowers—most of us anyway—because we have little overdrafts here and there. Let us not pretend that the commercial banks as claimed are holding large sums of money with the Central Bank. It is within the law passed by this Parliament that commercial banks, for the sake of protecting the viability of the bank, must have a certain minimum cash reserve—working reserve—that must be held by the Central Bank to ensure that when you go to a bank that bank on a short-term basis is permanently liquid and viable such that you will be able to cash your cheque if you have an account—a good account—without question. Mr. Deputy Speaker, Sir, we must have those working balances and it is, therefore, absolute nonsense for people to pretend that it can be otherwise because it cannot be so in any system.

Secondly, the banks in Kenya, and this is the point I would like to make, offer the short terms because of the changes which have come in the economic structure. A number of banks have

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certain balances that are not lent, which is stipulated in the report which we have from the Central Bank and which is distributed to Members the figures are given in figures.

We in this House passed in the last sitting a new law authorizing the Government to double its internal borrowing in Kenya and we are going to use those borrowing powers; and already we have borrowed £5 million, and we will use those powers as we were given by this House. That is all that I want to say: we will utilize it. Let us not pretend that there is some money lying somewhere which needs merely to be grabbed and distributed. This is not the way the system works, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I want to say this, about loans: every country in the world, and I would like anybody to say what country—All countries in the world in whatever economic system, are borrowing from each other. There is not too much in any borrowing where, as I have said a million times before, if we borrow, as we are likely to borrow right now, some money to build a new power station at Kiburi next to Kindaruma, and use that for electricity development, recover the money and then repay the loan, we are left with the asset which is profitable. Mr. Deputy Speaker, there is no mortgage to anybody, there is no mortgage to anybody's future. Far from it, it is an additional asset, profitable and promoting development. The only way the country could be mortgaged is, if anybody was to borrow money and spend it to have a good party, because then there is no productive asset created for repayment. That is the only way; there is absolutely, no other way.

The pretence that we are mortgaging the future because we are borrowing, this is an expression of the fact of being absolutely ignorant of how the world is run. This is because, Mr. Deputy Speaker, we have just read, for instance, China is to borrow from Britain and America loans for new aeroplanes. That is commerce; they will borrow and repay the money when they have made it from trade. This is what we are doing in this country. Every loan that is processed, a report is laid, according to the rules, on the table of this House and copies are circulated to the Members of this House. Let us therefore, if we must have popular platforms, search for them because they are very many. Let us not thrive on half-truths.

Mr. Deputy Speaker, Sir, finally, I would like to say this very seriously: we have—

The Deputy Speaker (Dr. Waiyaki): Your time is up.

The Minister for Finance and Economic Planning (Mr. Kibaki): Thank you, Mr. Deputy Speaker.

Mr. Mutiso-Muyu: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make a few comments on the Presidential Address. While I would like to make some very important repetitions, I would also like to make my own observation before doing that.

Today I see there are some important Members of Government in the Front Bench; yesterday there was none, and I would like to make an important call and this call, Mr. Deputy Speaker, is to call upon our Government to be bold enough to nationalize all the milling industries in Kenya. They should make a bold statement to nationalize all the milling industries in Kenya. This is because you cannot entrust the national responsibility of feeding our people to private and foreign millers. If our Government is a truly representative Government of our people, I would urge them to take a bold step and nationalize all the milling industries. Year after year, our people have gone without food; a crisis of food, shortage of food and yet we grow enough food and we are praised on every platform, locally and internationally, that Kenya is an agricultural country, and yet we are unable to feed our people all the time. Mr. Deputy Speaker, Sir, I think this is important. This is not politics, it is a national responsibility that we must see that our people have food at all times. We are fed up with the manipulations by foreigners, the foreign millers manipulating with the food with which we feed our nation. Therefore, Mr. Deputy Speaker, Sir, I repeat, if our Government is a true representative Government, it should take this bold step to nationalize all the milling industries so that we can be sure that all the time our people have food.

Mr. Deputy Speaker, Sir, my second point is: there can never be a true political government unless there is a well and fully organized political party.

The Assistant Minister for Natural Resources (Mr. Ochwada): Do not we have one?

Mr. Mutiso-Muyu: We do not have one, it is dead.

Therefore, Mr. Deputy Speaker, Sir, I call again upon the national party and Government to make an immediate revival of our political party, Kanu, whose machinery is dead. We shall continue saying that we are politically governed; we have a political Government, but we will be cheating ourselves. Any political government must have a well-organized political party. Therefore, in Kenya we lack that party; a well

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organized political party which must discipline every politician who subscribes to that party. It is high time, Mr. Deputy Speaker, we stopped cheating the public and ourselves that we are all members of Kanu and that there is a Kanu political party. The party is there by name. We do not see it. A party which never meets; a party which never meets to formulate political philosophy, is not worthy to be called a political party. Therefore, Mr. Deputy Speaker, Sir, to end this point, there can never be a truly organized political government unless there is a well-organized political party.

Mr. Deputy Speaker, Sir, I come to my third point. When the Vice-President was opening this Presidential Address, he praised our President, I have no quarrel about that, because we have enjoyed stability and peace. However, I wish to question that stability and peace.

Stability which we have been enjoying here is a stability of confusion. The masses do not know where they are going; they do not know who is who and so that is not stability. We were told that we have been enjoying peace. What peace is there when our banks are being robbed by daylight robbers using machine guns and yet we are not told where these machine guns come from? Who knows tomorrow if tanks are not going to be lined up to rob all these banks? Is that peace? That is not peace. We must be told exactly that there is security and stability in the proper sense of these words. There is no need and there is no question of hiding the facts. There are robbers with violence. We have unemployment in this country, is this stability? Is this peace? Having more than 50 per cent without employment, is that stability? Is that peace? When the investors and wealthy people are not sure whether they are going to be robbed of tomorrow, is that peace? That is not peace, Mr. Deputy Speaker, Sir. That is why I said that I am going to question these words that we have enjoyed stability and peace. The peace and stability that we are enjoying is that every citizen of this country has loyalty to our President and no more. There is no stability and peace in this country, Mr. Deputy Speaker, Sir. People are going hungry, there is food shortage every year, masses of our people are unemployed and yet we are told there is peace and stability. Mr. Deputy Speaker, Sir, I question that peace and stability.

I will now come to my last point, Mr. Deputy Speaker, Sir, and this is where I said that I am going to make an important petition. I support all the hon. Members who have spoken that there is an immediate need for amending our Constitution to set it out clearly and let every citizen in this

country know the mode of electing our President. We must have an immediate amendment. This is because, Mr. Deputy Speaker, Sir, we have a President in whom every citizen in this country has loyalty. But, we do not know what will happen tomorrow. We hear rumours, some hot winds, about succession and imposed prime ministers. We must spell out these rumours by setting out the mode of electing a President clearly. This will enable us to cut off all these over-ambitious politicians. Mr. Deputy Speaker, Sir, I said that I am going to make an important petition. Every politician and every citizen in this country has no quarrel with our President. But, a good man of such virtue is difficult to be found in every person or in every individual. We are lucky to have an individual with the many virtues in our President. But, tomorrow, I may be the President and I do not have all those virtues. What will happen in such circumstances, Mr. Deputy Speaker? Therefore, it is time—because we are charged with a national responsibility to give security and peace which we have been talking about to our nation. We should feed our people, clothe them and see that they prosper. It is fair that when they wake up in the morning they know where they are, they know where to go and they know who is who, but it is not the question of feeding them with rumours.

Therefore, Mr. Deputy Speaker, Sir, in my conclusion, I say that it is important that we have an amendment to our Constitution limiting the duration of a President to only two consecutive terms of office and no more because we do not know whether we can get another Kenyatta.

The other point—finishing up my speech—is that there can be no well organized political government without a well-organized political party.

Thank you very much, Mr. Deputy Speaker.

Mr. ole Marima: Thank you very much, Mr. Deputy Speaker, for giving me this chance.

Like all others who have spoken before me I would like to pour my congratulations to His Excellency the President, for his ability to present to us his Speech at the State Opening of this new Session of Parliament.

Of particular importance to me, Mr. Deputy Speaker, are his references to the question of land consolidation and registration. I am sure we will have time to discuss this when we have the Sessional Paper No. 6 laid here and discussed. We hope, Mr. Deputy Speaker, that there shall be no bias or showing of greed from any section, from anybody strong or from any powerful section of the country who may want to harm those who are not as strong as they are or as fortunate as they are.

[Mr. ole Marima]

Mr. Deputy Speaker, Sir, His Excellency the President did talk something about the mining industry and wildlife conservation. I welcome this but I would have liked to hear the President say that these are going to be developed to the very best to benefit our own people. At the moment, in the wildlife conservation, the tourist industry is solely in the hands of foreigners and we get a very minimal amount of the profits that come from it. Mr. Deputy Speaker, Sir, whatever money we have in the Kenya Tourist Development Corporation must indeed be given to our citizens to open up lodges, to open up tourist firms and to help foreigners. The mining industry, if it is going to be organized—and we hope that it is going to be organized—must also be geared to help our own people. Loan facilities and other facilities must be availed to our own citizens.

Mr. Deputy Speaker, Sir, I would like to refer to a matter which has already been referred to in this House by many hon. Members. We have sat in this House—some of us a little over a year now—we have passed Motions here, we have asked questions here, we have appointed Select Committee to look into certain things, and these Select Committees have done their job and submitted their reports, Mr. Deputy Speaker, Sir. What is the sense of spending public money on Select Committees when their reports are just looked at, laughed at and kicked and thrown into the dustbins by the Ministers concerned? Mr. Deputy Speaker, Sir, I happen to have been in the Select Committee on Unemployment which spent a lot of public money. This Committee was charged with a responsibility by this House of suggesting ways and means through which unemployment could be lessened in this country. No sooner did we bring a report in this House, Mr. Deputy Speaker, than the Minister for Labour laughed and said that it is not going to be implemented. Why did we agree in the first instance that this Committee should be set up? This goes for all the Motions, Mr. Deputy Speaker.

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

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

I have yet here to see any Motion passed in this House being implemented.

Mr. Speaker, Sir, to be a little more specific, the whole question of stability in this country revolves around our own very concern of being responsible and unselfish regardless of whether we are Ministers, senior civil servants, Members of Parliament of whether we are any other persons in this country. I think we should genuinely be considering to work together in this

country. We cannot be cheating ourselves that stability is being achieved when a Cabinet Minister or a Permanent Secretary or a Member of Parliament or any other known person goes on ruining institutions of this country by getting all the loans he applies for. All what the poor actually needs is food and clothing let alone a luxurious house with a swimming pool and a Mercedes car on top of a Land-Rover or something else. He does not need all these facilities. Mr. Speaker, Sir, we cannot deceive ourselves that when we go round, we can achieve this. I can, if I am in a position to, give all my brothers, sisters and aunts all the jobs that are in my Ministry. Mr. Speaker, I would like to say that I am tired as an elected Member of having my constituents—not that I am tired of them—following me in and out of this House, in and out of my house, in and out of anywhere else because they want a short letter from me as an hon. Member saying, “I know this person, please give him a job”. This is a pathetic situation. Why can we not establish a system where nobody needs to go to a Minister, to a Permanent Secretary or to a Member of Parliament or to any influential person for introductory letter to get employment.

The Assistant Minister for Natural Resources (Mr. Ochwada): Have you been in a position to get them employment?

Mr. ole Marima: I have not been in a position to do that although you have been able to do so, Mr. Ochwada.

Mr. Speaker, Sir, I would like to dwell a little on agriculture. Mr. Speaker, it is true that Kenya is an agricultural country and it is equally true that Kenya is a potential country for cash crops, consumable crops and for beef and other livestock industries. Mr. Speaker, Sir, there are a few things that we need to do. The first I would like to mention concerns the way in which we give loans. Mr. Speaker, it is pathetic that we should give loans to anybody if we do not know whether it is possible for Government to extend technical services so as to be able to grow crops well. It is not proper to give anybody a loan if after spending that loan growing a particular crop on a thousand acres of land, that person cannot move the yield of his crop off the land. I do not think it is proper for Government to give anybody a loan to grow a certain crop if that crop cannot get a market. Mr. Speaker, Sir, by saying this, I am merely suggesting that the marketing system in our country must be organized now. Mr. Speaker, we have to organize our marketing system because we have a lot of vegetable rotting on *shambas* at Kinangop, Mau Narok, Kisii and what-have-you. We still get bananas from Uganda when our own bananas cannot get a

[Mr. ole Marima]

market locally. Why should this happen? We have a vegetable industry established around Naivasha which cannot cater for the Africans around Kinangop but only caters for the few Europeans who have the privilege to do irrigation around Lake Naivasha. Mr. Speaker, this industry was established to help everybody. They have vehicles to go and dig up these vegetables but they do not go up to the Kinangop because roads are bad and wet and they cannot risk going for many miles to collect potatoes or vegetables from Africans. Mr. Speaker, I think we ought to have properly organized marketing system so that whatever we grow by the spirit of *Harambee* of going back to the land—and our people are still going back to the land and working hard—must be paid for well.

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

The Assistant Minister of State, President's Office (Mr. Munyi): Thank you very much, Mr. Speaker, for giving me this opportunity to say something on the Presidential Speech. Mr. Speaker, it is a coincidence because His Excellency the President delivered his heroic speech on 23rd of last month and on 4th, 5th, 6th and 7th of this month he made an official visit to both Embu and Meru Districts. Mr. Speaker, I must take this opportunity to thank His Excellency the President for having delivered that wonderful speech and secondly for having made an official visit to both Embu and Meru Districts during which time he performed very important functions. However, Mr. Speaker, Sir, I would like to come to some of the very important points and what I want to say is something in connexion with the most important services which can be given to the *wananchi*. Such services, Mr. Speaker, are not only important, but they are services which can make every *mwananchi* in the Republic of Kenya very happy. One of these services, Mr. Speaker, is education.

Mr. Speaker, Sir, in our Kanu Manifesto, it is stated very clearly that Kanu, as the ruling party will give free education to our people. Mr. Speaker, coming to the question of free education, although at this time Government cannot take immediate action to give free education—I would like to appeal to our Government to see that free education is given in stages. To start with, Mr. Speaker, Sir, we should start giving free education to our children in Standards I and II. This, Mr. Speaker, will not cost us a lot of money. It may cost us something running up to £2 million or anything round about there, and this is not too much money. One of the ways of getting this money, that is, something between £2 million and £4 million so as to give free education in

stages is: we should start a fund by the name of "Education Fund". We have the Hospital Insurance Fund and I do not know why we should not start a fund by the name Education Fund in this country, and I am sure that hon. Members of Parliament can contribute every month to this Fund, to the tune of Sh. 100 every month. Mr. Speaker, I know they would do it voluntarily.

Mr. Speaker, another way of raising money for such a fund is by increasing prices of consumable goods. We have things like beer, that is Tusker, Pilsner and the rest of them and if we can increase prices on these things—and it is very good that the Minister for Finance is in this House this afternoon— If we can increase by at least five cents every bottle of Tusker we take, I am sure we are going to get a lot of money and the people will not experience any change whatsoever. This money will go to the Education Fund. We have people who take whisky, Mr. Speaker, and if we can increase by a few cents every bottle of whisky to about Sh. 3, the additional money would go to the Education Fund and this is reasonable and it would be one of the ways of tackling this problem. At the same time, Mr. Speaker, we have ladies who wear artificial decorations, that is, things like wigs, and on these we could increase the price by 100 per cent for each article that is used in this way. Mr. Speaker, Sir, I am saying this because we know these things are not necessary and they are artificial. Why should we use wigs? I understand that some of these wigs are made from the dead horses and other dead animals. Therefore, Mr. Speaker, Sir, we can tax such things 100 per cent. Therefore, Mr. Speaker, Sir, before I come to another point, I would like to say that this can be practical so that we could give free education in stages and our people will be happier.

Mr. Speaker, Sir, another point which is also very important is that we must have a way of supplying water to the *wananchi* throughout the Republic of Kenya. I know there are areas—

An hon. Member: Can you do it?

The Assistant Minister of State, President's Office (Mr. Munyi): Yes. We can do that through indirect taxation and no one will feel that he has been hurt. We can give water to our people, Mr. Speaker. It was just last week when His Excellency the President performed the opening of one of the first pilot water scheme in my place and the people there—the *wananchi*—Mr. Speaker, Sir, were so happy. There is nothing else which is taken so seriously and which can make our people be happier, than water. Now the people are getting water in their houses. This is a pilot scheme which was opened. You may

**[The Assistant Minister of State,
President's Office]**

put up two-storey buildings but the *wananchi* cannot take it very seriously because they do not benefit individually from the building. All they want, Mr. Speaker, Sir, are simple things—water is one of them. If we can find a way of supplying water to *wananchi*—I have suggested the ways of doing it clearly, that is, through indirect taxation—

To come to another point which has been mentioned by most of the hon. Members, Mr. Speaker, Sir, is that because there are so many school-leavers who are roaming about from one place to another, Mr. Speaker, Sir, we should start something in the form of a builders' brigade for them. Where will they go? There are many who have already completed their School Certificate. Where are they going to work, Mr. Speaker, Sir, The results are going to be out next week. Where are they going to work?

The other point is about the commission on the salaries for the civil servants. I would like this report to be out as soon as practicably possible because the *wananchi* are waiting for it.

The other thing which I want to mention—and this one should not be ignored—is on the complaints made against some civil servants, but I cannot say the civil servants as such. There is a number of arrogant—I very fully agree. There are individual arrogant administrative officers who are misusing their powers. I call them individual arrogant administrative officers. They misuse their powers. They should listen to the call and follow the advice of His Excellency the President, Mr. Speaker, Sir, which they have been told. When a person has been given *madaraka* he should not misuse his powers. He should not harass *wananchi* but he should use his powers to treat *wananchi* in a good way. But there are others who are misusing that power, Mr. Speaker, Sir, and I would like to warn them that a time will come when Government will take the most drastic action to see that they are sacked and moved away, Mr. Speaker, Sir. These are individuals who are trying to spoil the good name of our Government, Mr. Speaker, Sir.

When most of the Members of Parliament come into this House they say there are some individual arrogant administrative officers who are misusing their powers, Mr. Speaker, Sir, there is truth in it because where you find some smoke you must find fire underneath.

It is very unfortunate, but I understand the Ministry of Education has removed the Members of Parliament who used to be members of Central

Selection Board. I now understand that they have all been removed. I do not know the reasons, Mr. Speaker. I would like the Members of Parliament to continue to serve on the Central Selection Board to deal with scholarship matters because they know what is happening in the provinces. If you only appoint the people who are not politicians—I also understand that there is another move of trying to deprive the Members of Parliament of their right to be the chairmen of boards of governors. This is very wrong, Mr. Speaker, Sir, and such things are not good. Therefore, I would like to advise the Minister for Education not to take such action.

With these few remarks, Mr. Speaker, Sir, I would like to support His Excellency the Vice-President when he said recently that any affairs to do with citizenship should be left with Britain. We are not going to tolerate the British citizens. They should go to Britain. They should not stay here.

With these few remarks, Mr. Speaker, Sir, I would like to support the Motion very highly.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, though there may be some minutes left for some hon. Members to speak, all the hon. Members whom I have heard speaking have been mentioning almost the same thing all the way through. There were only a few isolated cases.

Mr. Speaker, when I moved the Motion I stated that hon. Members ought to rise above their constituencies and above petty matters and put genuine criticisms to Government. I would like to assure the House that I have noted those genuine criticisms, but never noted those which I felt were not genuine.

Mr. Speaker, first of all, I should like to dwell on the views of the Member for Mbita. He stated that Government has made many mistakes. He went on to say that the Colonial Government was better than this one. He even went on saying that there was a danger of revolution.

Mr. Speaker, I have stated more than once that irresponsible utterances of hon. Members could be taken seriously by the ordinary person in the country-side. If Members paint a bad picture about Government on things which are not realistic, naturally the people will tend to believe them because these are hon. Members.

I can understand the Member for Mathare Valley, and his anxiety is genuine which could be looked into in a manner which can be understood by both sides. I fully sympathize with his case.

Hon. Members: Hear! Hear!

[The Vice-President and Minister for Home Affairs]

However, I do not really believe in referring to personalities. The best thing is to go straight into the points and the actual and factual information.

Mr. Speaker, Sir, the hon. Member for Mbita said—

An hon. Member: (Inaudible.)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Oh, yes. He said Government has made many mistakes. I would like to ask; did Government make any mistake in building a police divisional centre in Homa Bay worth Sh. 1,200,000? Did Government make any mistake in building a 200-bed hospital in Homa Bay, such as I do not have in my constituency? Did Government make any mistake in building a 200-bed hospital in Kisumu? Was there any mistake in starting (1) Ahero Rice Scheme, (2) Karachuonyo Water Scheme, (3) Uyoma Water Scheme, (4) Sugar industries, and (5) two extra mills, Miwani and Chemelil Sugar Mills, (6) Settlement Schemes in Muhoroni and Koru, the reclamation of Yala Swamp Phase I of which has been completed and Government is now moving into the second phase? What of the tarmacking of the road from Ahero through Kisii to Tanzania? The Government is also tarmacking the Kisumu Yala Road, the road to Kisumu Cotton Mills, and many others which I cannot mention. The Government has also put up a farmers' training centre in Homa Bay, and also the Migori Rural Development Centre, around Migori. Now, what were these mistakes made by Government?

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): If Government—this I would like to tell the people of South Nyanza—made any mistakes, then I think we should put a brake on this, that is if Government made any mistakes. There are many areas of Kenya, where there are many things to be done and therefore, that is why I say I cannot take note of things which are imaginary. If we are coming to this House, Mr. Speaker, to turn it into a platform to make ourselves popular throughout the country, this will not build anyone. The *wananchi* will always follow what you say, and if geometry is proved to be wrong, then you will not be able to correct it; it will be difficult to recorrect it.

Mr. Speaker, Sir, the Member— I could have referred to many Members, including the Member for Migori. There is one secondary school which has just been taken over by the Government— Tom Mboya Secondary School, and also a Form V class there.

An hon. Member: Which one?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I think he knows.

I think, if the Member said that he thought the Government made a mistake by doing this, then I regret this mistake.

Mr. Speaker, Sir, I would like also, to reply to Mr. Mutiso, who said that he has confidence—not hon. Mutiso, the Member for Yatta, but hon. Mutiso-Muyu—in the President, but he has no confidence in what Government does. He further said that there was confusion in the Government; Mr. Speaker, Sir, I say there must be confusion in his own mind, and when he said that there was instability in the country, I just take it that there is instability in his own mind, and not throughout the country. Mr. Speaker, how come that he has confidence in the President but not in his Government, not even in his policies; what he stands for, and what he has done for this country?

Mr. Speaker, there were also a number of complaints made, to the effect that implementation of Government policy sometimes gets stuck somewhere. Well, this is taken note of, but again, I would like to ask the hon. Members to be realistic because they see all along, and I have said this before. Mr. Speaker, everybody blames Government, including Ministers and Assistant Ministers. Now, where is this Government? Each Minister, Mr. Speaker, and each Assistant Minister knows the amount of money voted in this House for every Ministry, and the purpose for which that money is voted, and again to come here and say the Government ought to do this and that, knowing fully well the amount of money voted for, is rather mysterious.

Mr. Speaker, Sir, we all would like to see, at least that, some improvement on primary education is done. However, I would like to say that if the ordinary man says that if each hon. Member pays Sh. 100, the money will be enough to provide free education, I find it difficult to swallow. Mr. Speaker, we have 5,000 primary schools; let us take— To pay two teachers in each of these schools would cost nearly £2 million. Now, it is much better to get factual information rather than say things in this responsible House, which would make the *wananchi* feel that Government is spending money in the right way, on the things they want.

Again, some Members felt that our university here is meant to serve just one section. It should be understood, and this is a point I always stress, it should— Previously, we have the East African University, which served the three countries. It is only last year, that we started having our own

[The Vice-President and Minister for Home Affairs]

National University. I agree that there are other schools which could be converted into constituent colleges of the university; then who will object to this? Our university here, and Kenyatta College, which is going to be part of our university, will serve all students, and some hon. Members, Mr. Speaker, sometimes think that this university is going to serve one tribe alone.

An hon. Member: How many Kalenjins are there?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Well, we have a good number there, but we rely on merit and ability.

Mr. Speaker, I think, if we are relying on professors, some professors from one tribe may be more than the others, and if we think they will do wrong, then we are not doing any justice to those teachers teaching at the university; professors, lecturers and the rest. I think what we should do, Mr. Speaker, is to build a sense of national pride and not to go on preaching sectionalism all the time. I believe, if there were a constituent college at Siriba, it would serve any student; if Egerton College at Nakuru could become one of the agricultural constituent colleges, why should we object to this? Mr. Speaker, Sir, some hon. Members or some people think of tribalism and that kind of thing, but as I have said time and again, it is we in this House who can think like nationalists while we are helping people in our constituencies. It does not harm any hon. Member if he goes to see a district commissioner and tells him that we want to do this and that together with the chiefs. If we do this, things will move. I do not talk, complain to anyone nor has my area been favoured because I am the Vice-President. Sir, I say "No." The things I have done for my people, I have done them on my own to help my constituents. I have not used my position to help my constituents. Therefore, Mr. Speaker, Sir, we should think afresh.

When I listened to all the complaints made in this House, I find them ridiculous. For example, the Member for Kwale, Mr. Mwamzandi—

Hon. Members: He is "honourable" Mr. Mwamzandi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Yes, hon. Mr. Mwamzandi. Now, he stated that water is provided for tourists. I wonder what amenities he wants. His Excellency the President opened one of the biggest hospitals in Kwale in recent months. Sir, was this hospital for tourists? Furthermore Sir,

the settlement scheme in Shimba Hills is in Kwale, there is a mining company in Kwale and I wish some of us had that advantage. The hon. Member is abusing that advantage he has. I know what happens in each of each hon. Member's constituency and in future, Sir, if he wants, say during Parliamentary Group Meetings or some other meetings, to know what is being done in his constituency or his particular district I shall be able to inform him so that he is better informed. When somebody says that this Government has done nothing, I often wonder what he means. We have done 600 miles of tarmac road. Is that not really something for pride? These roads are beautiful and I advise hon. Members to drive slowly because these roads are beautiful and smooth.

At this point, Sir, I would like to advise hon. Members to advise their constituents that people who are in high positions should employ drivers because through my own investigations, I have discovered that accidents which occur, usually, happen because those in responsible positions happen to be driving at the material time of such accident—In some cases he may have been influenced by drink, or may be thinking of the many problems he has. Therefore, Sir, he finds himself driving on an imaginary road and by so doing he collides with another car. I am not saying that only those in high positions should employ drivers. In fact, all people having cars should employ drivers so that even if they are thinking about their difficult problems, they sit quietly at the back of the car and ponder about them instead of struggling with the steering wheel.

Mr. Kitonga: What about Kitui East?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, in Kitui, the Government is doing all it can to provide water in catchment areas on rocks and I think the hon. Member ought to thank the Government. We are doing all we can. Also, he should be grateful for electricity being provided there and the road leading to Kitui Town together with bridges which are now being completed. This is what has been done by our Kanu Government. One hon. Member, Mr. Ayah, said that we should not sing "*Kanu yajenga inchi*", but Sir, then what shall we have? Mr. Speaker, Sir, let us not all the time dwell on attacking provincial commissioners, district commissioners district officers and other members of the Civil Service. We can correct mistakes by talking to them and not merely— Is that hon. Member waking up?

Mr. Speaker, Sir, there was also a remark made by a hon. Member that there is importation of

[The Vice-President and Minister for Home Affairs]

teachers from outside. Now, let me put this point-blank, if the Minister for Education issues instructions that he needs to employ School Certificate teachers to be employed in a certain area but it then turns out to be that in that particular area, there are no School Certificate holders from that area, why then should one complain about teachers from elsewhere? Therefore, it is only when you have insufficient School Certificate teachers that some are sent there from elsewhere. Now, if you want to have better education in an area, you have to employ better teachers.

Sir, *Mheshimiwa Bwana*, Gatuguta complained of the implementation. I think and as I said all that has been noted, and we will look into some of these things. Again, Mr. Speaker, Sir, I expected most of hon. Members, if not all of them, to thank His Excellency the President in his Speech.

An hon. Member: We did!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, an hon. Member is saying "We did." It is interesting to note that hon. Members first start with thanking the President and then later on they start attacking the Speech and in the end they say "I support" and no more. None, Mr. Speaker, Sir, has given constructive suggestions. I would like, in future, hon. Members to mention the good things the Government has done and other things which the Government should do. However, they should not dismiss everything which the Government has done.

Mr. Speaker, Sir, I would like—

Mr. Araru: What about Moyale?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the hon. Member, Mr. Araru, did say that there is a lack of initiative on the part of civil servants who should have taken food to areas where there is lack of food. In this I would like to say, Sir, the Government is doing all it can to see that people who lack food, because of drought, are fed. Mr. Speaker, Sir, the hon. Member referred to the question of transport in regard to transporting food to the areas affected. However, let me tell you, Sir, the secret. You find that an hon. Member goes to a Ministry and asks what the Government is doing about the situation and he is told that this or that has been done. Thereafter, he comes to this House and accuses the Government although he has been told what the Government is doing. This, Sir, is very wrong. I would like to say that the Police, the Army and everybody else have been doing all they can in 16 pp.—H 23

transporting food to these areas, but hon. Members do not thank the Government for these measures that have been taken.

Regarding the question of maize, the Government is doing all it can through the Ministry of Agriculture and we recognize this position. Those who have been given the responsibility to feed *wananchi*, particularly millers, must do their work. If they fail, their licences will be given to other people. I hope this situation will be rectified and the people will have what they want. We have plenty of maize all over the country and *wananchi* should not suffer from lack of it.

Mr. Speaker, I thank all the hon. Members and hope that in future they will not repeat some of the things which were— I will not call them nonsensical, Mr. Speaker, because you have ruled that we should not say such a thing. However, they were imaginary things. I am grateful to those who put their cases clearly. If the Member for Mathare comes to my office then we can discuss his matter together with others without going to the Press—I would like to say, also, this: that the Press, and they should be thankful I do not know to who their intention is to divide us and because we do not realize this, we become victims. It is time the Press put constructive criticisms to *wananchi*.

Mr. Speaker, any country which is governed and guided by columns of the newspapers is not fit to govern. If we are guided by what the Press is saying, then, Mr. Speaker, one day, one will collapse on the road because of the rumours which are going on. I think that we should not be feeding some of these foreign journalists. This is the source— Do not blame the Press because it is those who are in this House and others who sit at a drinking party who give out some of these things. I, therefore, hope, Mr. Speaker, no one will repeat things about succession and others. We say that we have confidence in our President and then we again ask who is going to— Are we true to God? Do we believe that— Mr. Speaker, has anybody had an appointment with God to know what will happen tomorrow or the day after tomorrow? Each one of us should pray that should be kept kicking, otherwise you may collapse while thinking about somebody else. The only advice I can give is: let us build the nation. Let us help our President to lead this country because he is capable of leading this country and of guiding this nation.

With these few observations, I beg to move.

The Speaker (Mr. Mati): I will now put the question.

(Question put and agreed to)

The Speaker (Mr. Mati): Let us go to the next Order.

MOTION

EXEMPTION FROM INCOME TAX: TANA RIVER DEVELOPMENT COMPANY

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, this House approves that the income of the Tana River Development Company shall be exempt from tax in accordance with Section 12 (2) of the East African Income Tax (Management) Act.

Mr. Speaker, the Tana River Development Company is the company that has developed already the present hydro-electric station at Kindaruma to produce electricity for the needs of Kenya. That station, as Members will know, is now fully operational. However, even though it is fully operational, it is estimated that in another two to three years time, it will not be generating enough electricity to cope with the expansion in the demand for electricity in Kenya because the demand is growing very, very fast.

Now, Members will also know that we still import a certain amount of electricity from Uganda every year and this amounts to about 30 megawatts. That is a long term agreement, but, Sir, in our Development Plan we have visualized that we should build—at a point just below the present station a project to make this country self-sufficient until 1995. Mr. Speaker, we have, therefore, been negotiating for finance for that second development of hydro-electricity on Tana River at a place called Kamburu. Mr. Speaker, the loan applications have gone to the World Bank and to the Swedish International Development Agency feeder. We shall be raising from those two sources about £8 million. Mr. Speaker, we will be able to construct this station and be able, therefore, to supply enough electricity to make ourselves self-sufficient. It has also been agreed that the plant for the supply of the rural towns—what is described as rural towns for want of a better word because it means smaller towns, not to mix them with bigger towns. We shall be able to supply those towns with electricity when the new station is completed. Now, part of the condition for our being able to do so is that the profits made on the supply to the bigger towns should be retained in a reserve fund for the development of the rural areas. It has been agreed equally that in order to facilitate that programme of rural electrification the loans from the Swedish International Development Agency

will bear the least interest rate which is at 2 per cent so as to enable that margin of profit made to be ploughed back and be used for this rural electrification.

Now, Sir, as a *quid pro quo* on the side of the Government; what contribution we will make, it has been agreed that we will contribute to that reserve fund by not insisting on collecting Income Tax from the profits or revenue that will be made by the Tana River Development Company.

Now, Mr. Speaker, another new thing has, of course, come up since this matter started; that last year the Government acquired the controlling interest of the East African Power and Lighting Company. We also acquired 100 per cent ownership of the Tana River Development Company so that it is now wholly owned by the State. Mr. Speaker, Sir, it would therefore, be logical now for us, instead of collecting the tax and voting it back to the company, to insist merely, that they submit their accounts and they are audited by the Controller and Auditor-General and that the profits are retained for further development because we would have to put it back, anyway, and there would be no point, in fact, collecting it and putting it back. Therefore, it is necessary for us to say that we exempt the Tana River Development Company from income tax.

It is for those two reasons, Mr. Speaker, that it is necessary to have this Motion. The Motion is necessary because no one can do the exemption without the authorization of this Parliament. In the matter of the control of finance Parliament has the sovereign authority and it is for that reason, Mr. Speaker, that we are seeking authorization of Parliament to exempt the income of the Tana River Development Company from tax. I want to make sure there is no misunderstanding about the tax which will be ploughed back then to further development of the rural areas. Therefore, Mr. Speaker, it looks to us a logical thing to do.

Now, let me say that this is not the only amount of money that will be spent on the rural development. In the Estimates which are being prepared now for the new Financial Year we have items to include moneys for rural electrification which is absolutely necessary for the development of industries. This will be another force—the one I am mentioning here. So, it is really for those reasons, Mr. Speaker, that we want the Tana River Development Company to be exempt from tax.

Just in case someone mixes the two, the Tana River Development Company was formed for the development of electricity on Tana River itself.

{The Minister for Finance and Economic Planning}

There is an older company, The Kenya Power Company which had been formed some 20 years ago for the purpose of administering the agreement with Uganda to build a transmission line and import 30 megawatts every year for use in Kenya. That company, also—is of course now 100 per cent owned by the State since last year. There is no change there, except that we are working to integrate it with the East African Power and Lighting so that we shall have only one organization being in charge of electricity and not a duplicate.

So, Mr. Speaker, Sir, I thought I would clear that particular point before I move.

Mr. Speaker, Sir, I beg to Move.

The Minister for Agriculture (Mr. Nyagah) seconded.

(Question proposed)

ADJOURNMENT

The Speaker (Mr. Mati): For the convenience of the House, it is time for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 12th March, at 9 a.m.

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

Friday, 12th March 1971

The House met at Nine o'clock.

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

PRAYERS**ORAL ANSWERS TO QUESTIONS**

Question No. 147 (1468)

**HOUSES FOR ADMINISTRATIVE OFFICERS:
ELDORET TOWN**

The Speaker (Mr. Mati): Mr. arap Saina not here?

Question No. 116 (1412)

The Speaker (Mr. Mati): Mr. arap Cheboiwo not in?

Question No. 140 (1451)

**IMPROVEMENT OF MURANGA'/TANA POWER
STATION ROAD**

Mr. Wachira asked the Minister for Works if he would tell the House, in view of the fact that there was only one main road to Gikindu (Location 20, Murang'a) and that road was not passable during rainy seasons, whether he would, as a matter of urgency, put murrum from the Murang'a/Nairobi Main Road via Kambirwa and Mirira Markets to Lower Tana Power Station.

The Speaker (Mr. Mati): Anybody from the Ministry of Works?

Question No. 122 (1419)

CHARGES OF MOYALE/NAIROBI RADIO CALLS

The Speaker (Mr. Mati): Mr. Araru?

Question No. 135 (1437)

**PRIVATE PRACTITIONER: MUMIAS CATHOLIC
MISSION**

Mr. O'Washika asked the Minister for Health if he would tell the House, since Government was unable to post a resident doctor to Mumias Catholic Mission, whether it would consider giving financial help to the people of Mumias who badly needed the services of a qualified private medical practitioner.

The Speaker (Mr. Mati): There is nobody from the Ministry of Health here.

Is anyone ready to answer Mr. arap Saina's question?

Hon. Members: Mr. arap Saina is not here.

The Speaker (Mr. Mati): Then let us go back to Mr. arap Cheboiwo's question.

Question No. 116 (1412)

FREE LAND FOR FREEDOM FIGHTERS

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): He is also not in himself.

The Speaker (Mr. Mati): Mr. Wachira? Anybody to answer his question?

Then let us go to Mr. Araru's question.

Question No. 122 (1419)

CHARGES OF MOYALE/NAIROBI RADIO CALLS

Mr. Araru asked the Minister for Power and Communications if he would tell the House why the charges of local radio calls between Moyale and Nairobi were always disputed by the operators and the Nairobi Control.

Mr. Araru: There is no Minister. Where are the Ministers?

The Speaker (Mr. Mati): Let us go to the Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE**HARASSMENT OF BRITISH CITIZENS BY POLICE**

Mr. Mutiso: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

- (a) Why are the British citizens of Asian origin who have been waiting for their vouchers outside the British Passport Office at Wabera Street being constantly harassed by the Kenya Police?
- (b) Is the Minister aware that the British High Commissioner in Kenya asserts that it is the Kenya Government which is to blame for the fate of these British citizens?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. (a) We have not interfered with the British citizens at the British High Commission Office, but we have been called to remove them. We did that.

(b) Mr. Speaker, Sir, I do not agree with the hon. Member.

Mr. Mutiso: Mr. Speaker, Sir, arising from that reply from the Assistant Minister, is he not aware that the British High Commission tells these British citizens that the reason why they cannot give them entry to Britain is because the Kenya Government is to blame in that they have refused to employ them, and therefore they cannot grant them permission to enter Britain?

Mr. Shikuku: Mr. Speaker, the hon. Member knows the reply to that. We are an independent state, and we are only responsible for our citizens. These are British citizens and we have nothing to do with them at all. All we did was to remove

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

them when we were asked to do so because they were interfering with the normal duties of the High Commission. But as far as the responsibility is concerned, they are British, and they will remain British, and we have nothing to do with them at all.

Mr. Kanja: Thank you very much, Mr. Speaker. Would the Assistant Minister agree with me that by employing our own police force to keep watch on those British subjects, and by driving them from here to Embakasi, Kahawa and other places the Government is incurring expenses on public funds whereas we are not concerned in this game of theirs?

Mr. Shikuku: Mr. Speaker, Sir, I think I agree with the hon. Member. But the officer in charge at that given moment thought the only solution to the situation was to remove these fellows to various parts with the hope—in this case he hoped against hope—that they would not come back. But we in actual fact we have a responsibility, like any other independent state, to protect any embassy whenever they call upon us to do so. We also expect them to do the same to our ambassadors wherever they are. But in this case we were only concerned with removing them, and since it stated that they only wanted them to make a passage for people to get into the High Commission offices, that we felt our policemen could help in that; nothing beyond that.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's answer, when he said that he was just helping the High Commission to remove them to where was he moving them since they have no entry permits to enable them to leave this country and enter Britain? To where was he moving them? Why can he not deport them to Britain, because that is where they belong?

Mr. Shikuku: Mr. Speaker, I agree with the hon. Member's sentiments, but the point is that these are British citizens who want to go home, and they want passages to go home. The question of passage is the responsibility of the British High Commissioner, it is up to him to make sure that British citizens go home.

As far as deportation is concerned, we only deport somebody when he has committed something which is contrary to the laws of our state. If we have to deport all the British citizens in this country it will cost us a fortune, and I am sure hon. Members will agree with me that we need that money rather than spending it that way because deporting them means that you pay for the passage.

Mr. Araru: On a point of order, Mr. Speaker, Sir, when the Assistant Minister explains that if he deports these people it will cost us a lot of money, is it not in the international regulations that if any citizen of any government has no permit or anywhere to live in another country he will have to be deported and the expense will have to be met by his country? Is there no such a law? If so why not use it?

Mr. Shikuku: There is no point of order there, Mr. Speaker. At the same time, the Member is completely misleading the House. It is the responsibility of any government, whenever it deports any individual or individuals, to pay for the passage. It does not require the country from which that individual comes to pay for the passage. That is not the thing.

If we deport somebody, and whenever we deport somebody, we always pay the transport.

Mr. ole Leken: Mr. Speaker, Sir, we know that these Asians have been British subjects for quite a long time; since the time they were given the chance to apply for citizenship in this country and refused because they felt this was not their home. We also know that they did want to say here in any way and therefore accepted to be British citizens. Now, why does the British Government not take these people and deal with them when they are in Britain instead of causing a hell of a lot of trouble here? In fact they are giving us a very bad name abroad.

Mr. Shikuku: Mr. Speaker, Sir, I do not think we are getting a bad name abroad. The bad name is on the British because they have failed hopelessly to meet the needs of their own citizens. It is shame on them not on us.

Dr. Munene: Arising from the Assistant Minister's reply, is he aware that there are quite a number of British Asians here who are rich enough to pay for the whole lot if he is only fearing to deport these people because the Kenya Government does not have enough money to meet their fares? Would he accept to deport these people and ask that their fare be paid by their fellow Asians who are prepared to pay for it?

Mr. Shikuku: Mr. Speaker, this is quite the thing some of us have been thinking about because some of them are prepared to pay for their air passages. The law provides that whenever you deport any person, then you must pay for the transport. So, unless that law is amended we cannot ask them to pay for their own transport. If we deport them we must pay for their fares.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he agree, or

[Mr. Amayo]

deny, that the Kenya Government has never reimbursed any government for any person deported to Kenya?

Mr. Shikuku: Mr. Speaker, I did not quite catch the question, but if the hon. Member repeated it I could, perhaps, be able to get it.

Mr. Amayo: Would the Assistant Minister agree or disagree that if any country deports a Kenya citizen to this country our Government does reimburse the expenses of deporting? Would he deny that the Kenya Government has not done so?

Mr. Shikuku: Mr. Speaker, Sir, I will not deny or accept that, but I know that the usual thing is that when one is deported, the government deporting him has to pay for his transport. I do not recall, or I do not know, any case where a certain country deported a Kenya citizen and the Kenya Government reimbursed that given government.

Mr. Mutiso: Mr. Speaker, Sir, in view of the fact that these are British citizens, and as such they should abide with the laws of Britain, would the Assistant Minister agree with me that in future the Kenya Government will not interfere with the demonstrations of these people near the British High Commission offices, because that is actually part of the British territory; he should allow them to demonstrate to their Government peacefully.

Mr. Shikuku: Mr. Speaker, Sir, we are aware that peaceful demonstrations are allowed. All we are trying to do, Sir, is to ensure there is no obstruction; we are not interfering with them at all. We are only going there on call by the British High Commissioner. Sir, hon. Members must remember that when there are demonstrations, it so happens, at times, that they result into violence. For example, Sir, the latest incident was when these chaps started being funny; they have already been charged and the case is in court. We are, therefore, only there to protect the High Commission. In the event of any misbehaviour or any dangerous moves we come in to protect the High Commission, but we are not interfering with them at all.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us what further action he took when he removed these people who are British citizens from the British Ambassador's Office? Where did he take them, in Kenya, since they are not our citizens and they were at home when he interfered with them? Where does he take them? Do they become our citizens so as to be removed to another place in our country?

Mr. Shikuku: Mr. Speaker, there is a British High Commissioner and there are British citizens here. The British citizens do not sleep in the British High Commissioner's office; even the High Commissioner himself does not live in his offices. These British citizens have their own houses elsewhere and not in the British High Commissioner's offices. So, we can only remove them to the houses where they came from.

The Speaker (Mr. Mati): Next question, Mr. Mutiso-Muyu.

RENEWAL OF CONTRACT: GENERAL MANAGER OF AGRICULTURAL DEVELOPMENT CORPORATION

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

- (a) Why is the Agricultural Development Corporation General Manager's contract being renewed or extended in order to run from 1st November 1971 to 31st October 1972 while on 13th May 1970, the Assistant Minister for Agriculture (Mr. Wanjigi) told this House that the Deputy General Manager was a university graduate with ten years' administrative and commercial experience as an Agricultural Manager, and would take over as soon as the contract of the present General Manager expired?
- (b) Is the Minister aware that the General Manager is carrying on a campaign in the Ministry in order that his application for extension or renewal of the contract is accepted, and as a result the Agricultural Development Corporation Board Staff Committee is being summoned on 24th March 1971, so that it may approve the application?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. I am glad that the matter has been brought to my notice, but the contract of this man has not expired yet, and whether he is campaigning or not is a different thing from being reappointed.

Mr. Kanja: Thank you Mr. Speaker, Sir. Can the hon. Minister categorically tell this House that this man's contract will not be renewed in view of the fact that we have a Deputy General Manager—a black African—who is quite capable of taking over the duties of the Agricultural Development Corporation?

Mr. Nyagah: The responsibility for appointment to this post of the General Managership rests on the members of the Board. If the members of the Board are satisfied that the Deputy

[The Minister for Agriculture]

Manager is doing his work well and that he is capable of taking over, I think there is no reason why that African cannot take over.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, will the Minister tell this House—as he says he does not know whether this gentleman is carrying on a campaign—that this meeting of the Board's Staff Committee is not going to discuss the extension or renewal of this man's contract?

Mr. Nyagah: I am afraid, Mr. Speaker, I do not know the agenda of this Committee and I do not even know that this Committee is sitting on this particular date, but now that I am aware, I will do whatever I can to see that nothing detrimental to the Kenyanization cause is done.

Mr. Muturia: Mr. Speaker, Sir—

Hon. Members: He has answered that and it is finished.

Mr. Muturia: Thank you very much.

The Speaker (Mr. Mati): Next question.

METHOD OF COLLECTION OF UNGA BY TRADERS IN
MOMBASA

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following question by Private Notice—

Since the adopted new method of carding traders in Mombasa for collection of *Unga* from millers is impracticable, unsuitable and biased, will the Minister—

- (a) suggest urgently another method suitable to all traders; and
- (b) see to it that the consumers are not exploited by some of the unscrupulous traders.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The answer to the first part of the question, Sir, is that the method was introduced after consultation with those people concerned with the welfare of the residents: the district commissioner, members of the Chamber of Commerce and also some traders. It was expected that the method would work well. If there is any hindrance in the method and it is believed to be full proof, the Minister will be quite happy and quite willing to re-examine the situation and put it right.

The answer to the second part, Sir, is: Yes, Sir.

Mr. Masibayi: Mr. Speaker, Sir, is the Minister aware that there has been a shortage of maize meal throughout the country here and yet the millers are, in fact, in the process of producing more than they used to do? Can the Minister tell us

how this particular maize meal is distributed to the consumers?

Mr. Nyagah: (Inaudible.).

Mr. D. M. Kioko: Mr. Speaker, Sir, while I accept the last answer given by the Minister that he does not think it is proof or that there has been a failure as in the first answer to the first part of the question, I wonder whether the Minister will tell me whether this exercise of one trader getting 10 bales and another trader getting 50 bales is not a biased system and whether this is not proof that the system is not right?

Mr. Nyagah: Mr. Speaker, Sir, when we introduced this system we were guided by one factor: that the *mwananchi* should get his maize meal. Basing it on this factor we thought that if we appointed a wholesaler to cover a certain area fairly, he will be serving the people in his own vicinity. This, therefore, means that every trader will not get the same amount. Some traders are representatives of areas where the population is bigger and therefore they are entitled to a bigger share. If, however, the hon. Member has cause to believe that some unfair and unscrupulous methods are being used by some of the registered traders, we will be quite happy to take up the matter as I said yesterday.

The Speaker (Mr. Mati): Next question.

PAYMENT OF PRIMARY SCHOOL FEES FOR 1970

The Speaker (Mr. Mati): Mr. Mwangale not in? All right, we will go back to Mr. arap Saina's Oral question.

(Question ordered to receive a written reply)
Question No. 147 (1468)

HOUSES FOR ADMINISTRATIVE OFFICERS:
ELDORET TOWN

The Speaker (Mr. Mati): Mr. arap Saina not in? All right we will go on.

(Ordered to receive written reply)

Question No. 116 (1412)

FREE LAND FOR FREEDOM FIGHTERS

The Speaker (Mr. Mati): Mr. arap Cheboiwo not in? Next question.

(Ordered to receive written reply)

Question No. 140 (1451)

IMPROVEMENT OF MURANG'A/TANA POWER STATION
ROAD

Mr. Wachira asked the Minister for Works to tell the House, in view of the fact that there was only one road to Gikindu (Location 20 Murang'a) and that this road was not passable during rainy seasons, whether the Minister would, as a matter of urgency put murram from

[Mr. Wachira]

the Murang'a/Nairobi main road via Kimbirwa and Mirira Market to Lower Tana Power Station.

The Speaker (Mr. Mati): Ministry of Works not here? Next question.

(Deferred to another day)

Question No. 122 (1419)

CHARGES OF MOYALE/NAIROBI RADIO CALLS

Mr. Araru asked the Minister for Power and Communications to tell the House why charges of radio calls between Moyale and Nairobi were always disputed by the operators and the Nairobi Control.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. First of all, I want to apologize. However I wish to inform the hon. Member that all calls to and from radio call operators are controlled by the respective radio control centres. In this case radio calls to and from Moyale are controlled by the Nairobi control operator. It will, therefore, be seen that the question of differing charges should not arise since Moyale operator should not charge any calls but simply quote the charge given to him by the Nairobi operator for any particular call.

The minimum charge for a call from Moyale to Nairobi is Sh. 12 for three minutes and Sh. 3 for each additional minute.

Mr. Araru: Arising from the Assistant Ministers reply, it is true these radio calls from Moyale are controlled here in Nairobi. However, what happens is that the Moyale controller has his own watch and starts counting time when he puts somebody through. Since this takes some time, the Nairobi controller will indicate that the person speaking speaks for nine minutes while the Moyale controller will actually indicate that the person spoke for only three minutes. Nairobi controller will, therefore, charge the caller Sh. 30 when he is supposed to pay only Sh. 12. I remember when I make these radio calls from Moyale to Nairobi I am charged this amount of money when I speak for only a few minutes and then I wonder what the public is expected to do. I have noticed that in most cases the Nairobi controller accepts the charges suggested to him by the Moyale controller, and therefore we do not know who is controlling these radio calls. Could the Assistant Minister tell us who, of these two controllers, is supposed to control the charges?

Mr. Onamu: Mr. Speaker, Sir, Nairobi controller starts charging the customer as soon as that

customer comes to the box and starts speaking. Therefore, as soon as you start speaking, Mr. Araru, you are charged.

Mr. Araru: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, when he said that as soon as I start speaking I am charged—yes, I agree, but sometimes these Nairobi people forget and start doing something else and when a person speaks for only three minutes he says nine minutes. That is where the misunderstanding comes in. In most cases the customer does not agree to pay this money because the controller at Moyale says the caller spoke for only three minutes while the Nairobi controller says nine minutes. Could the Assistant Minister tell us what is happening and what do we do in such cases?

Mr. Onamu: Mr. Speaker, Sir, the call must be controlled from one side and all calls are controlled from Nairobi.

Mr. Muturia: Mr. Speaker, Sir, I will speak on what I have experienced. Is the Assistant Minister aware that I spoke for three minutes from Garissa and I was charged Sh. 40 because somebody somewhere had neglected the whole system and I was left unattended and the metres kept running, as a result of which I was made to pay Sh. 40 instead of Sh. 12 which is charged for a three minutes call?

Mr. Onamu: Mr. Speaker, Sir, if, instead of talking straight, you start saying *jambo* and other things, you are charged more for that. You should not blame my people.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, in view of the fact that where there is smoke there is fire, would the Assistant Minister accept that there is something wrong somewhere and, therefore, he should undertake to rectify this mistake because the public should not pay for services they have not been given?

Mr. Onamu: I cannot accept there is a mistake somewhere, but I would assure the hon. Member that we will go into the whole affair and see whether there is anything that we can do to help.

Question No. 135 (1437)

PRIVATE MEDICAL PRACTITIONER: MUMIAS
CATHOLIC MISSION

Mr. O'Washika asked the Minister for Health to tell the House whether, since the Government was unable to post a resident doctor to Mumias Catholic Mission, he would consider giving financial help to the people of Mumias who badly need the services of a qualified private medical practitioner.

An hon. Member: You should apologize.

Mr. O'Washika: I do not need to, I have been here all the time.

The Speaker (Mr. Mati): Ministry of Health not here? We will go on now.

(Question deferred to another day)

NOTICES OF MOTIONS FOR THE ADJOURNMENT

DISPLACEMENT OF LANDOWNERS AND PAYMENT OF COMPENSATION IN MURANG'A DISTRICT

The Speaker (Mr. Mati): I have received a written Notice from Mr. Wachira, Member for Makuyu, of his intention to raise, on a Motion for the Adjournment on a matter contained in a reply received to Question No. 95, concerning displacement of landowners and payment of compensation in Murang'a District forest areas. I shall call for the Motion for the Adjournment, on Tuesday, 16th March, 1971, at the time of interruption of business.

EVICITION OF SQUATTERS

The Speaker (Mr. Mati): I have also received a written Notice from Mr. Seroney, Member for Tinderet, of his intention to raise on a Motion for the Adjournment on a matter contained in a reply received to Question No. 42, concerning the eviction of squatters from farms which are sold. I shall call for the Motion for the Adjournment at the time of interruption of business on Wednesday, 17th March 1971.

POINTS OF ORDER

ABSENCE OF MINISTERS TO ANSWER QUESTIONS

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, since we know for certain that there is a Government's collective responsibility and in view of the fact that we have seen this morning that the Government Front Bench is full of Ministers and yet there are several questions which have not been answered, do we take it that this responsibility has ceased to be collective or what does the House do now?

The Speaker (Mr. Mati): No. I do not think so. Unless a Minister makes sure that somebody else will reply, on his behalf, it is difficult for any Minister who is not concerned to know what the reply is. It is true we do get copies of replies and any Minister can jump forward and pick up the reply from the Clerk and reply on the spot. However, today, it is not only the Ministers who are to blame. This collective responsibility applies to Members too. If Members know they will not be present to ask their questions, they should make arrangements to see that somebody else asks on their behalf. We have a

number of questions which were not asked because nobody took the trouble to brief another Member to do it on their behalf. Therefore, you cannot blame the Ministers only.

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker, Sir, my point of order is that I think I owe an apology to the House for not having been here when the question I was supposed to answer was called. For some reasons, the Assistant Sergeant-at-Arms called me to attend to something urgent hoping that I would come back to attend to my question, but when I came back I found that you had already called it. I think the House ought to have this explanation. I am very sorry.

SUBSTANTIATION OF ALLEGATIONS CONTAINED IN A QUESTION REQUIRED

Mr. Karungaru: Mr. Speaker, Sir, as you are aware, the hon. Member for Makueni, Mr. Mulwa, yesterday asked a question by Private Notice here and went as far as quoting what was reported in the papers and I have read all the papers, *Sunday Nation*, *Sunday Post* and all other papers and I have not come across any report of that nature. Am I not, therefore, entitled to ask the hon. Member in question to substantiate his allegation regarding his yesterday's question by Private Notice because if this does not happen, it means that this House is the one concerning with circulation of rumours and it will be taken to be very irresponsible by the public.

The Speaker (Mr. Mati): I do not see Mr. Mulwa around but what Mr. Karungaru says is true in the sense that Mr. Mulwa alleged quite definitely that some plot was being hatched in Tanzania. If we go by what we have read, I, personally, cannot remember anybody else saying such a thing anywhere.

As I said yesterday, Members are responsible for the accuracy of what they allege in this House. It is left to them to justify their allegations or statements of fact. If Mr. Mulwa were here I would have asked him to clarify whether he just made an error or whether he had any information to justify what he alleged. As Mr. Karungaru says, we must never allow this House to be used for propagating rumours. Our responsibility is to the contrary. I hope that Mr. Mulwa will perhaps, maybe when we meet next, be able to explain this so that we clear the air. There must be no misunderstanding at all; there was no question of this House having been debating any issue connected with Tanzania.

Mr. Mutiso: On a point of order, Mr. Speaker, I do not know whether I will be in order to quote a reference which connects with what, on

[Mr. Mutiso]

which, in my view, the hon. Member may have based his arguments.

The Speaker (Mr. Mati): Order. We are not going to speculate. We shall wait until Mr. Mulwa himself explains the position.

Mr. arap Saina: Mr. Speaker, Sir, may I apologize for being late this morning.

The Speaker (Mr. Mati): Yes, you may. However, I am afraid you are too late and cannot ask your question now.

Next Order.

MOTION

✓ AFFAIRS OF UNIVERSITY OF NAIROBI

THAT, in view of the fact that the University of Nairobi which was established in July last year started on an unsound and improper footing, and in view of recent events indicating inefficiency and poor administration which have created unnecessary frustrations and animosity, this House urges the Government—

- (a) to dissolve the present University Council and appoint a new one with membership on a provincial basis;
- (b) to appoint a Commission to inquire into the affairs of the University with a view to making recommendations for its smooth and efficient running;
- (c) to establish more constituent colleges which are geographically dispersed throughout our Republic.

(*Mr. Mwangale on 5th March 1971*)

(*Resumption of debate interrupted on 5th March 1971*)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, what are we on now?

The Speaker (Mr. Mati): The Clerk has called the next Order, which is Order No. 5, Motion.

This is Mr. Mwangale's Motion, but it appears as if nobody wishes to speak, in which case I will put the question if that is the wish of the House.

Mr. Nthenge: On a point of order, Mr. Speaker, supposing some person wishes to speak and we want to continue with Mr. Mwangale's Motion, what is the position? Was nobody speaking at the time of adjournment?

The Speaker (Mr. Mati): The Motion was moved and seconded by Mr. arap Chumo who concluded his speech. The question was then proposed.

Mr. Nthenge: In that case, Sir, I wish to speak.

Mr. Speaker, Sir, I am sorry to have given the impression in the first place that I did not want to speak on the Motion. My understanding was that somebody was still to continue with his speech.

Sir, this Motion is one of national importance. Although many other Motions are too, this one is very important. In the present world which is becoming very small, in fact, it is becoming as small as one country, education is something so important that it cannot be ignored, and it is the duty of every person living in this country to make sure that he educates his children properly. Everybody must get the fruits of education so that in the world he or she fits in properly. Sir, it would be very wrong for us to educate only some of our people, certain sections of our people and leave out the rest. That would be very, very unfortunate. It would be more or less like a parent who has five children but feeds only two and leaves three unfed. A Government like ours has responsibility for the whole of Kenya, for every section of Kenya. It does not really matter where a Minister comes from. Once a Minister is a Minister he is a Minister for the whole of Kenya; he is supposed to cater and care for the whole of Kenya. We must, therefore, have a system whereby we make sure that everybody in Kenya receives education.

Now, Mr. Speaker, higher education, higher learning is very important and it should, therefore, never be confined to the University Council, for example. This Council definitely, should be a Council of Kenya and for Kenya in the Ministry of Education, it is a Council for high learning in Kenya. It should never give the impression that it is a Council for a part of Kenya only.

The other day I was looking at one of the papers which was in my pigeon-hole; I do not remember the name. It looks odd when you see the people at the university, A, B, C and D all coming from one area, they are the top boys at the university. Is this really right? One wonders whether this is because we could not get people from elsewhere. Mr. Speaker, I believe in regionalism in many cases. We ought to have regionalism so that we can all participate in the affairs of the country. In the council we should have people from all over Kenya, except where we cannot get somebody. We should not concentrate on one special section.

Mr. Speaker, if you read (a) of the Motion, it says—

[Mr. Nthenge]

"to dissolve the present University Council and appoint a new one with membership on a provincial basis:"

Now, what is wrong with having members in the Council from every province? What is wrong with that?

An hon. Member: Nothing.

Mr. Nthenge: What is the idea of having people from one special group? That is a result of this, to err is human, and blood is thicker than water. This is what they say in English. If the Council is composed of people from one section, being human beings they are likely to forget or to ignore the other areas. However, if the Council is provincially based, and somebody comes from Rift Valley, and he feels the students from Rift Valley are being ignored or forgotten, he will feel, being a human being, that he has to suggest, "What about Rift Valley?" He will remind the Council. That is why people should come from all over. I do not blame the Council as such. The people forming the Council are not wrong but the person who was responsible for the composition of the Council I think made a mistake. All we are doing here is to say, "Rectify this mistake". One has a tendency to forget and once you make a mistake and nobody talks about it, you think you are right. But the whole thing is wrong. On the Council there should be, maybe, two people from Nyanza, two people from Rift Valley, two people from Eastern Province, two people from each of the provinces. In this way you make up the Council. In this way we will ensure that we get personnel who are fit to form the Council, people from all over the place. Also, Sir, when they come from one province, they should not come from one district only. If we take Central Province, then we should have somebody from Kiambu, another from Nyeri, and so on. There should be no concentration of people from one area as though it were a locational council. This is a Council of the University and the University belongs to Kenya. Therefore, it should reflect Kenya.

Let us take (b) which says,

"to appoint a Commission to inquire into the affairs of the university with a view to making recommendations for its smooth and efficient running:"

Up to now, Sir, there have been complaints coming from all over the place, that the university is not running well, boys and girls are being admitted from only one area. This is something that should be looked into. If we do not go into these things quickly and rectify the position

before a lot of harm is done, then it may be too late. Human beings are such, history has taught us, that they can tolerate a mistake to a certain extent and beyond that when they start correcting the situation, they correct with bad results. Sometimes by bloodshed, which is not good. That is why this Motion asks for a Commission to inquire into these things and correct the mistakes. You can educate 3,000 people and leave three million uneducated. Once they get annoyed they will say, "Come on, let us see who are in the majority. Let us kill them all and we become even". What happens? We have lost. We should appoint a Commission now to look into the position and rectify matters in advance. Human beings are what they are and they can only wait up to a certain period. Beyond that they take drastic action. And, Mr. Speaker, it is our duty as leaders of this country to try to rectify things before the masses get furious and annoyed.

I come now to (c).

"to establish more constituent colleges which are geographically dispersed throughout our Republic".

What could be better than that? What is wrong with having a college around Kisumu, maybe at Siriba or some such place? Why not have another one at Mombasa, at the Technical something or other. Let us have them at various places so that the university, as it were, grows from all directions. What is wrong with that?

Hon. Member: Nothing wrong at all.

Mr. Nthenge: Within a short time the Murang'a college can be graded if it is worth being taken in and become a part of the university. There is nothing wrong with that. Recently I heard somebody say, why allow another school at Murang'a, let these things be here. This is cheap and low thinking and it is these people who have this low type of thinking who will cause trouble in Kenya. As a matter of fact this came from a person who is supposed to be very, very responsible. However, instead of being responsible, he was so irresponsible that he did not want to see any other good thing. He believes in everything being parochial, just near his house, only a matter of miles!

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, the hon. Member is leading us to believe that there is somebody who does not want to see these things being decentralized. Would he be kind enough to disclose to this House who this person is so that we know his thinking?

Mr. Nthenge: Mr. Speaker, there is no need to do so at this stage, but when we have a similar debate for a longer time—and we are not required to summarize things—I will go into these details to the satisfaction of the hon. Member. I will go into the details then but cannot do so now because I have only about one minute left.

The last point I want to make is this. We must all accept that we come from Kenya and we must develop a feeling of unity, a feeling of oneness. This can only come about by having various colleges connected with the university, as part of the university. These should be all over the place so that when you are at Mombasa you can feel this college is a part of the university, another college somewhere else, maybe at Kisumu, is a part of the university, even at Isiolo, and Moyale. You have a feeling of oneness.

Thank you, Mr. Speaker.

Dr. Munene: Mr. Speaker, Sir, I am glad to get this opportunity to speak on this very important Motion. With all due respect to my friends, university education has to be a university education if it is going to be accepted in this world.

Mr. Speaker, Sir, there are people who speak in this House purely for emotion's sake and they mix up a lot of things. This, Mr. Speaker, Sir, I am afraid to say, has become a platform of racialism, tribalism and all sorts of things even when we are talking of an important issue like university education. I would request the Minister for Education, when he comes to reply to this Motion, to read out the names of various places where these people come from, with their districts or sub-districts, their professions when it comes to the cultural as well as academic education. This will shame some of the fellows here who are alleging things without any foundation.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, is the hon. Dr. Munene in order to describe hon. Members of this House as "fellows"?

The Speaker (Mr. Mati): That is out of order, Dr. Munene.

Dr. Munene: I am afraid there, Mr. Speaker, you can see some signs of emotions of people who really want their own views to be heard and they do not want other people's views to be heard. I am also a fellow, and in case the Minister does not know what a "fellow" means, he should go to the university and learn to be a fellow.

The Speaker (Mr. Mati): Order, Dr. Munene. There are no "fellows" in this House.

Dr. Munene: Okay, for the sake of the Member who does not know what the "university fellow"

means—I agree there are no fellows in this House and I will refer to them as hon. Members.

Mr. Speaker, Sir, I am speaking on university education. If we have to get university education and we have to get a university council, and a council consisting of people, you will not have to fetch people right from the bush to come and become the members of the council. You will get somebody with understanding. This is not a parliamentary group where—

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, is it not out of order for the hon. Member speaking to give the impression that I have asked people to come from the bush? What does he particularly mean? Does he mean that some parts of Kenya are just bush?

The Speaker (Mr. Mati): No, that is a matter of opinion, Mr. Nthenge.

Dr. Munene: Mr. Speaker, Sir, I am afraid some of these hon. Members accept that some of the places in Kenya have forests and others—

Mr. Kitonga: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! Mr. Kitonga, will you sit down please.

Dr. Munene: Mr. Speaker, Sir, I am sorry I am not going to speak to please some of the hon. Members who just want to be pleased so that they may not stand on a point of order. I have my views and my views have to be respected by the House just as I respect the other Members' views.

Mr. Speaker, Sir, on this issue of the university, as far as part (a) of the Motion is concerned, I said and I am convinced—I am satisfied—that the members of the university council, as they stand today, are representative of our country, and if anybody is afraid he can contact the Minister for Education and he will be told how they are appointed. If he wants to recommend a name, please, would he go back to his own home area and recommend a capable person who is going to— There is a good channel for doing it instead of bringing it to the Floor of this House.

Mr. Speaker, Sir, as far as part (b) of the Motion is concerned, which calls upon Government to appoint a commission of inquiry to look into this matter, I would like to say that this university officially came into being on the 1st of July, last year or, to be more specific at the beginning of this year. Therefore, how can you start spotting messes within six months only? Unless you want to get a commission—

An hon. Member: We can! We can!

Dr. Munene: Can I have my views heard? You can stand up when I sit down. If you are considering yourself an hon. Member, you should give

[Dr. Munene]

the other hon. Member a chance to say what he feels. The hon. Members are not speaking to the Chair. They will speak to the House.

Mr. Speaker, Sir, I am afraid if somebody was dissatisfied by the previous administration of the University of Nairobi, then he can request that a commission of inquiry be appointed to look into what happened in those years when the university was controlled from Kampala and not Nairobi. But for the present university, which is controlled in Nairobi, you must give these people some time and then you can ask for a commission of inquiry having tangible things. You should not quote funny things, such as that some girls were expelled from the university when we know they were expelled legally. Legal matters have been processed on such occasions, Mr. Speaker. So, if you quote some mere things on which you have nothing to give to the commission, why appoint it? Government does not have so much money to waste.

Mr. Speaker, Sir, as far as the university's constituent colleges are concerned, I agree with whoever proposed this, but as I have already said, it is too early, Mr. Speaker. The university has just been founded and just cannot come up tomorrow and have a constituent college in such-and-such a place. We have to get these constituent colleges established and moving slowly just as we are having our secondary schools coming up before they get to Form V and Form VI classes and the like. You just cannot start a constituent college tomorrow just because there is no constituent college in Nairobi. You cannot start a constituent college in Garissa just for the sake of starting it. We have to honour our university education; and if we have to maintain a high standard, which is definitely the cream of the future of this nation of ours, we have to give our university time to grow up. But, as a recommendation, I endorse it very vehemently that we should have as many constituent colleges as possible and we should always bear this in mind when we think of grading our colleges.

Mr Speaker, Sir, as I said right from the beginning, at the opening of my speech, I would request hon. Members to be honourable, not only here, but even outside. Some of the speeches we make in this House are actually making the public doubtful as to whether we really have faith in our own public. This is because, if you repeat a word every day that there is tribalism, there is this and there is that, and you yourself are not suggesting the means and ways of fighting it, it means you are the most top tribalist. If you really

want to help, you cannot assume that two or three fellows, because they are in Government— We all cannot be, Mr. Speaker—

Mr. Nthenge: Conclude your speech.

Dr. Munene: You speak to the Chair if you want to speak, Mr. Nthenge.

Mr. Speaker, Sir, I would ask hon. Members to be sincere. If somebody wants to be a Speaker, let him campaign against the hon. Mr. Mati; he should not speak against the whole of the Kamba people. If somebody wants to be a Minister for such-and-such a Ministry, let him campaign against that particular man but he should not bring his tribe in. This is because the moment you come and mention tribes here, you hurt quite a number of people who do not enjoy the same thing which is enjoyed by that particular individual. So, if you want to speak about any tribalistic affair in this House, please mention individual names and forget about individual tribes because not all the people in such a tribe get what you think they get.

With those few words, I beg to support.

Mr. Seroney: Thank you very much, Mr. Speaker. I arise to support this Motion and I would like to say that there is no need for anybody to be unduly sensitive whenever such delicate matters are raised in this particular House.

There are certain things which are obscure about the University of Nairobi. In his speech His Excellency referred to the formal inauguration of Kenyatta College, and this was repeated by the Leader of Government Business when he was speaking yesterday. Now, I am wondering, Mr. Speaker, as to what meaning is attached to the Act which was steamrolled through this House. This Act states quite categorically that Kenyatta College shall be a constituent part of the University of Nairobi. Therefore, I would have thought that the moment the university was inaugurated all the constituent colleges at that time were also inaugurated so that there is no longer any necessity to have a separate ceremony for Kenyatta College. I hope that the Minister for Education will clear this confusion when he comes to reply to this Motion and give us the Government thinking on this matter. There are also certain features which are unsatisfactory with regard to this college being a constituent part of the university. We do not know up to now whether the university itself accepts Kenyatta College as a constituent college or not. We do not know whether there is any resistance, as we have been given to understand that there was originally a resistance which I would have thought would have come to an end

[Mr. Seroney]

at the moment an Act of Parliament said categorically that Kenyatta College was part of the university. We would like to know whether there are any difficulties which are being encountered and what courses or degrees, if any, are going to be offered, by Kenyatta College. These are some of the things, if there is confusion, which could be cleared by a commission. One might argue that the Act which was passed last year provided the method of creating the university council. This Act also, under the schedule, did provide that the old council will continue until, probably, a new one is appointed. Therefore, if Government wants to be reasonable in this, this opportunity can be used to carry out the wishes of this Motion. This is because if no changes have been made in this council, then this would be the correct time to appoint the new council on the basis indicated in this particular Motion in order to make the council broadly representative.

I know the Act does not say that the council must be provincially representative, but the powers given to the Government to appoint representatives in the council can be used to make sure that representatives come from all over the Republic. After all, Mr. Speaker, Sir, there is a Motion in this House which generally asks that in all statutory boards all provinces should be represented, and I am sure that the university council is one form of statutory board. Therefore, there is nothing new in this particular Motion in requesting Government to ensure that all provinces are represented.

The Government can advise the Chancellor to carry out or use his powers—which are extremely wide if one cares to read the Act—to look into the complaints which have been raised and also use his powers of intervention and visitation to, in fact, carry out the wishes of this particular House. Mr. Speaker, Sir, we can pretend that there is nothing wrong and that our university has just started. We cannot deceive ourselves about the current situation. We know that a lot of mysteries were attached to the inauguration of this University; we all know that there was some funny business about the appointment of the first principal, who afterwards became the first Vice-Chancellor. We cannot pretend that we have not noted all the disturbances that have been taking place and we cannot assume that all is well. This Motion regrets that the University did not start on a proper footing and, therefore, asks Government to do something. I think we would be helping both the country and this House if we adopted a more co-operative attitude

towards this Motion than adopted by the previous speaker.

A true university should be “a haven of peace and harmony”. We would like to see that there was at least a place in Kenya where students from all over the country could meet in the pursuit of knowledge without consideration of their origin, or where they came from. It is a pity that certain sections want to dominate the university, probably with a view to having more qualified people so as to have a larger share in the public services and also in employment in the private sector. It is not very well for Government to start what the colonialists used to do. There was a time when we were told, Mr. Speaker, that you could not become a district officer unless you were from the University of Oxford or Cambridge. When there was enough pressure from the *wananchi*, this was reverted. However, the same process is already beginning. We hear now that more and more qualifications are required if one is to have a particular job. This aspect, coupled with determination on the part of certain sections in this country to have more of their students in the College than other tribes, shows that this is an attempt to use the university as an instrument of domination.

It is regrettable that such a high percentage of the university students should come from one small section of the community. This is because last year we were told that at least 70 per cent of the students admitted in the university came from one tribe. I do not know what the position is now; if it has improved, perhaps the Minister will be able to tell us. However, to have such percentages in Kenya is very unhealthy and undesirable. These are the sort of things which should be looked into. We would like to know why the student body and the university administration do not seem to be getting on well. All these things, Mr. Speaker, Sir, I think, should be looked into and I think a commission appointed by Government will be able to deal with all these matters. I am sure that if a commission was appointed and it looked into the affairs of the university, it cannot come back and report that all is well because we know that all is not well in the university.

However, even if all was well, then the suspicion and fears of the *wananchi* should be dispersed. I would strongly urge that Government should not resist the appointment of a commission; it should not resist regional or provincial representation in the University Council; and it should not also resist establishment of constituent colleges other than when they are ready and are recognized by the university in accordance with the Act.

[Mr. Seroney]

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

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I will not take a very long time—longer than necessary—to answer and speak on this very interesting Motion which I think is very premature.

Sir, we are asked by the hon. Mwangale, several things—three items—and I am glad the hon. Member has just come in because I was going to attack him in his absence if he did not come in before I spoke. He has asked us to dissolve the present University Council and appoint a new one with membership on a provincial basis.

May I inform the hon. Member that in the Act there is no provision for anyone to dissolve the University Council. Nobody, Sir, is empowered to—I am sorry, if the hon. Member did not see it when the Act was going through, nobody is empowered to dissolve the University Council. Therefore, I would advise the hon. Member to start thinking in terms of amending the Act to include powers to authorise persons to be able to dissolve the University Council when the need arises. That is my first point.

He wants the University Council dissolved because he alleges, out of non-awareness, that—

An hon. Member: Ignorance.

The Minister for Education (Mr. Towett): We cannot call it “ignorance”, we call it “non-awareness”. He says it is because the council is not represented on a provincial basis. Briefly, Sir, six provinces, and Nairobi, are represented in the present University Council. In a few moments I will give the hon. Member for his formal education, the names of the members of the council. The only province that is not represented at the moment is the North-Eastern Province.

Hon. Members: Why? Why?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, the “whys” and innuendoes are over—and so may I continue. For the information of hon. Members, these are the persons who are in the University Council—I know they know who the Chairman is—

Hon. Members: No, let us know who he is!

The Minister for Education (Mr. Towett): Mr. B. M. Gegega is the Chairman of the Council, Sir. Mr. Speaker, Sir, Mr. Gecaga has no wish of being there longer than he would need to be there if the President, today, says that he should not continue. He has no wish of being there longer than one hour.

Hon. Members: Ask him to resign.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, there are some hon. Members who are saying I should go and ask him to resign. Now, may I send them to go and ask him to resign.

Mr. Mbori: A change is necessary!

The Minister for Education (Mr. Towett): The Vice-Chairman, Sir, is the hon. Mr. Lugonzo who is a Member of this House and as you very well know is a very reputable Member, as being an ex-Mayor of the City of Nairobi, is a competent Vice-Chairman in the Council.

In the Act, Sir, the President is empowered to appoint an honorary Treasurer, and the present holder of this post is Mr. Duncan Nderitu Ndegwa, and as you very well know he is an expert in financial matters and he is there as an honorary treasurer to advise the councillors when they sit to discuss financial matters which emanate from my Ministry. The Vice-Chancellor, as you very well know, Sir, is Dr. J. N. Karanja, and in connexion with this I must thank hon. Mwangale who said that he should be given time. Sir, given the time, he can, as Vice-Chancellor, make it. However, I must say that it is not fair sometimes to attack those who are outside this House and who have no chance at all to stand up and defend themselves. The hon. Mr. Mwangale did point out, probably, one or two things which he said the Vice-Chancellor should do and that he did not appear full of courage to go and face the President, the Chancellor of the University, and I am sure the hon. Mr. Mwangale would be in the same position if he were to go and face the Chancellor of the University who is also the President of this country.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): He is a coward.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, the Deputy Vice-Chancellor appointed by the council, the current holder is Professor B. A. Ogot. You all know him and I think you should approve of his holding that particular seat. The Principal of Kenyatta College is also a member of the council, and currently the Acting Principal, Mr. Evans, is the holder of the seat.

The hon. Member for Tinderet, Mr. Seroney, said that His Excellency mentioned, in his Speech, that we were going to establish Kenyatta College to become a constituent college of the University of Nairobi. Yes, the President said “Formally establish Kenyatta College.” I would like to say that Kenyatta College is legally established, and all we are going to do is to formally establish it.

[The Minister for Education]

The ten members who, as provided in the Act, are appointed by His Excellency the President of the Republic of Kenya are as follows: the Permanent Secretary to the Ministry of Education—

An hon. Member: Who is he? Tell us!

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, if hon. Members of this House do not know who my Permanent Secretary is, then I am sorry I do not know what to say. The next one, Sir, is the Permanent Secretary to the Ministry of Finance and Economic Planning; the third one is Mr. Titus Mbathi. You can interpret the names for yourself because I am ignorant of their nomenclatures; I do not know whether these names are Kamba, Kikuyu, Meru or what? So—

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, the Minister is trying to read certain names and refuses to read others. If he decides to read can he read all the names so that we know them properly?

The Speaker (Mr. Mati): That is what he was doing.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, the appointment of Permanent Secretary from a Ministry, say, education, is only by the name of the holder. When my present Permanent Secretary will be changed, somebody else will be sitting on the council. So, there is no need for me to mention Mr. Gachathi, my present Permanent Secretary. It is the Permanent Secretary to the Ministry and not the name of the holder of that office in the Ministry.

I had just mentioned the name of Mr. Titus Mbathi. Sir, other members are: Mr. G. G. Maina; Mr. G. T. Opondo; the Rev. J. Mpaayei; Miss S. Nolega; Miss E. M. Githae; Mr. T. Mwangola; and there is one vacancy at the moment which is to be filled.

Four members who are appointed by the Senate include the following: Professor S. H. Ominde; Professor J. M. Mungai; Professor M. Hyder; and Professor D. P. S. Wasawo.

One person appointed by the Gandhi Memorial Academy Society—it is provided for in the Act—is Mr. J. N. Nazareth, Q.C.

Also, Sir, there is a provision for one member appointed by the Tanzania Government and one other member appointed by the Uganda Government. The present holder of the seat from Tanzania is Mr. P. Msekwa, Vice-Chancellor of the University of Dar es Salaam, appointed by the Tanzania Government. From Uganda, Sir, we

have the Permanent Secretary of the Ministry of Education, Uganda, appointed by the Uganda Government.

One member to the council appointed by the Staff Association of the university is Dr. Ileri. Two members co-opted by the university council also sit on this council. The current holders are: Mr. S. Mbogua, and there is one vacancy. Mr. Speaker, Sir, the council, under the Act, is empowered to co-opt two members to the council and I have no power over them. It is under the Act. The Students' Union is also represented in the council by two members from amongst students. The current holders are Mr. J. Teka—President of the Students' Union—and Mr. M. Kamuti. Two persons are appointed by the Convocation of the University to sit on the council. The two seats are vacant, at the moment, because the Convocation is still to meet. The Secretary to the Council is Mr. S. W. Karanja, who is the Registrar of the University of Nairobi. Mr. Speaker, Sir, that is the situation of the council at the moment. I do not want to touch on the Senate because this was not under direct attack from the hon. Member who moved this Motion.

Now, Sir, a lot has been said about tribalism—may I now give, briefly, the names of heads of different faculties or the big people in the university. There are 56 teaching departments in the University of Nairobi which is organized into 10 faculties, three institutes, and a school of journalism. Each of the faculties is headed by a dean and the departments therein are headed by deans of departments and the details are as follows—this will enable us to find out whether there is tribalism: Faculty of Arts: Dean—Professor Ominde; Departmental Heads: Literature—Professor Gurr—do not confuse him for a Luo—Agar; Linguistic and African languages—Mr. Abdulaziz; Philosophy and Religious studies—Bishop S. C. Neill; History—Professor B. A. Ogot; Economics—Dr. J. K. Maitha; Government—Dr. J. Okumu; Geography—Professor S. H. Ominde; Sociology—Dr. K. Ndeti.

That is the end of the list of the personnel in the Faculty of Arts.

Faculty of Science: Dean—Professor D. P. S. Wasawo; Departmental Heads: Mathematics—Mr. M. Alala; Botany—Dr. R. Olembo; Chemistry—Professor P. A. Robins; Geology—Professor I. S. Loupeki; Physics—Professor J. Skinner; Zoology—Professor D. P. S. Wasawo.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, do you not agree with me that it becomes boring when the Minister has to read all the names of the staff of the University of Nairobi

[Mr. Mwithaga]

instead of giving us a direct answer? If he gave us the names, I believe that would have saved other than reading all the names—the whole nomenclature!

The Speaker (Mr. Mati): Order! Order! We are dealing with another point of order, Mr. Koigi.

The purpose is to prove that what was alleged was not true; and he has chosen to do it that way.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, when people want to be told the truth and at the same time do not want to listen to the truth what are we supposed to do?

Faculty of Science: Department Head: Meteorology—Professor I. Oredsson; Faculty of Architecture, Design and Development: Dean—Mr. R. H. Nelms; Departmental Heads: Architecture—Mr. Jorgenson; Fine Art—Mr. G. Maloba; Design—Professor N. Shapira; Land Development—Mr. R. H. Nelms; Housing Research Unit—Mr. J. Skakke. Faculty of Commerce: Dean—Dr. J. K. Maitha. Departmental Heads: Business Administration—Mr. J. Greaves; Accounting—Mr. R. Dinman. Faculty of Law: Dean—Mrs. M. Rogers; Departmental Heads: Law and Jurisprudence—Professor D. Hill; Commercial Law—Mr. G. S. Munori; Public and Comparative Law—Vacant. Faculty of Engineering: Dean—Professor W. B. Palmer; Departmental Heads: Civil Engineering—Professor R. Jones; Mechanical Engineering—Professor W. B. Palmer; Electrical Engineering—Professor J. Sletbak; Surveying and Photogrammetry—Professor L. P. Adams Computing Centre—Mr. J. Scott.

Mr. Speaker, Sir, I can see the warning light. May I, therefore, lay this on the Table so that the hon. Members can read it later on.

(The Minister for Education (Mr. Towett) laid the paper on the Table)

Mr. Speaker, Sir, there is no justification to say that the appointments of heads are made on a tribal basis. When you study that document, come back with questions and I will answer them.

The next point, Sir, is that this question of appointing a commission to look into the affairs of the University of Nairobi is not justified by the ripeness of time because we have not even completed a year in the experimentation of the development of this university. I do not want to make it sound very homely, but I would like to say that it is not even nine months old—it is of course less than nine months old!

Mr. Speaker, Sir, I was about to say that the hon. Member, Mr. Mwangale, said that there

were commissions in Dar es Salaam, Tanzania and also in Uganda. However, he did not tell us the findings of these commissions—he did not spell out the findings and the goods of these commissions. The University of Makerere is where it was when I was there in 1948 and if a commission was set to look into its affairs, it is still where it was and I have not seen the changes. The University of Dar es Salaam was a new university and they are lucky that they have their present site; but the University of Nairobi is a city university and we cannot aim, at any time from now until eternity, to change it into a rural university. We are going to keep the University of Nairobi a city university. The University of London, for example, has no campus whatsoever! I do not think the hon. Member has ever been there, and if he has ever been there he should have noticed that it has no campus though it is one of the world's leading universities. In the same way, the University of Nairobi will grow as a city university and we shall have it scattered all over, and sooner or later I will get the students living actually outside the university because we are short of room—we are going to have them out so that they may find their own accommodation and attend their lectures in the daytime so that we can provide more education for the young people of this country.

An hon. Member: You are right!

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I would like to come to the problem of "Admission" which was referred to by the hon. Member for Tinderet, Mr. Seroney. Admission into the university is not our problem; and I have already said that all those who pass-up to a certain level are all admitted into the university.

An hon. Member: They are not!

The Minister for Education (Mr. Towett): They are, Sir, if the hon. Members had done their homework they would have noted that 1,109 students have qualified to go to the university—we shall give them university education whether here, Uganda, Dar es Salaam or outside East African countries. We shall give them a university education because this is the commitment of my Ministry and of the Government of this country. So, those who have passed will go to the university. Those who have not passed if, say, they come from the hon. Member's area—Tinderet—do not constitute my problem because they have been to school. There is discrimination—but when they pass they will go to the university.

[The Minister for Education]

The hon. Nthenge, and everybody, of course, said that colleges should be spread all over the country. I agree with this but the next one could be Murang'a College of Technology. People are working and collecting money in order to put up colleges when others are asleep. You think we shall stand here and say, "You here start a college tomorrow?" Colleges go where there are efforts, and when there are no efforts, say in my area, you think the Government is going to take the money over there and create a college in Kipsigis area? It will not! Colleges will go to places where people are sweating and are putting in efforts in labour and money. So, for the information of the hon. Member, we shall not consider Kisumu or Mombasa if there are no buildings and leave out, for example, Murang'a College of Technology when it is ready after people have put it up and there is accommodation—we shall take over such college. So, this is the system. Just go home and tell the people to put up colleges in the local areas because it is the one way in which we shall be able to build up this country.

Sir, I am not going to accept this Motion and therefore I oppose it.

Mr. Masibayi: On a point of order, Mr. Speaker, Sir, is the Minister trying to imply that the poor areas like Turkana, Karamojong and so forth, if they cannot raise money like Murang'a, will never develop?

An hon. Member: Tell us.

The Speaker (Mr. Mati): It is the time for the Mover to reply.

Mr. Karungaru: On a point of order, in view of the fact that this Motion is very important, and in view of the fact that Members would like to contribute towards it, could it be accepted to extend the time if the House consented to it?

The Speaker (Mr. Mati): That, of course, means that you will take up somebody else's time. It is up to the House to agree whether they will extend the time.

Hon. Members: No!

The Speaker (Mr. Mati): Well, there seems to be some objections, and therefore we will stick to the ordinary rules.

Mr. Mwangale.

Mr. Koigi: May I say something?

The Speaker (Mr. Mati): No, thank you.

Mr. Mwangale: Mr. Speaker, Sir, it is unfortunate that this Motion has been driven into some kind of tribal discussion, tribal Motion

and what-have-you. It is also unfortunate, Mr. Speaker, that since the Minister for Education took over that job last year—I think I will be right in saying that he is unfit to hold that Ministry.

An hon. Member: He is too short to see far.

Mr. Mwangale: I am being very sincere. I think it is better for the Minister to hold a Ministry such as that of Co-operatives and Social Services or something like that. This is because I do not think he understands the magnitude of the problems of education, let alone even the philosophy of education. This drives us into a lot of problems and I think that Kenya as a country has been unfortunate for about three or four years now. This is because, continuously, since the end of 1967, we have had Ministers, who had been either so tribal that they do not understand the directions and policies which this Government should pursue in the field of education, or who have been simply unfit for the job.

An hon. Member: Terrible!

Mr. Mwangale: Mr. Speaker, Sir, I am not going to dwell on this subject because it is really a pity. First of all, I think that every one of us in this Chamber and the nation agrees that students who have qualified from every corner of the nation must be given a chance to go to that university. We all agree.

An hon. Member: In principle.

Mr. Mwangale: We all agree that that university should grow up as a great international university but not as a modified glorified high school. All of us agree with that. Mr. Speaker, we also agree that every province in this country must have a chance to have a provincial technical college or a university, for that matter. We all agree.

An hon. Member: That is the thing!

Mr. Mwangale: Mr. Speaker, Sir, we also all agree that our university is young. However, somehow, we are driven into tribal considerations. We have brought a Motion which is straightforward and which examines the university as it is today—the contribution towards the nation. However, instead of looking at it fairly, we have now come here to list down names to show that it consists of equal representation on a tribal basis. Of course, let us agree that this nation happens to be that from diversity. The diversity in terms of tribes, geography and everything—social, economic and whatever factor you consider, we happen to have it. We cannot, therefore, divorce ourselves from considerations whether tribal considerations, if you take them or whether they are geographical diversities or anything else.

[Mr. Mwangale]

We have to accept this fact. There is no point somebody coming here and reading the names of the members of the council. It is the principle of it. I know the Act. I argued on that Act, by the way and the Minister could not, in fact, present the Act in the first place.

Let us face it. Our aim is to develop this university not because we happen to have a Vice-Chancellor who is a Kikuyu by tribe. What we want is to have that university developed as a university that is dynamic and representative of the diversity of this nation. The university which we have in this country must, of all necessity, be responsive to the needs of this nation. Whether the need is in the Coast Province, Western, or North-Eastern Province, it must respond to that need.

An hon. Member: That is the thing.

Mr. Mwangale: I pointed that out very clearly, but unfortunately the Minister did not understand, that when you look at the physical development of that university, we do not know where we are going. I already know, by the way, for your information, that London University is a State University and that it has 20 colleges. These colleges are not all crowded in one area. They are scattered. They had at least a plan on how to diversify the college and how to distribute those colleges.

What have we done in this country? In this country, as far as education is concerned, we have left the entire planning of education to the Minister and the Permanent Secretary. We have an arbitrary selection of colleges. Who told you that Kenyatta College was the best college? Who told you that? Who told you that the Kenya Science Teachers College was not the best college in the country? The fact is that we have no co-ordination and no machinery to plan education at all. It is a matter of the Minister deciding that now we are going to take Bungoma Secondary School for Higher School Certificate—there is no plan at all—we are going to take Kenya Science Teachers' College to be a constituent college of the university because they have no planning at all. What we want is the machinery or some commission like the Professor Ominde's Commission, if you have ever read it at all. That Commission has dealt in detail about the education in this country. I can assure you that even the Minister has not, probably, read it and he does not know where we are going.

An hon. Member: You see; that is the trouble.

Mr. Mwangale: We have to begin to think straight.

The Minister for Education (Mr. Towett): Do not challenge me.

Mr. Mwangale: You challenge me if you want and I will question you on the chapters of that Commission's Report.

I am getting fed up, Mr. Speaker, with arguments that have no relevance at all. I have pointed out that in the council itself already, as he said, there is only one province which is not represented. I know that, and I even told you. I know that in principle, the Chancellor of this University, or the President of this country, can appoint people. All I am saying is that that Act was wrong. We all agree it was wrong. However because some of you had to sit and shout and stand up and say "Yes"—

An hon. Member: That is where we went wrong.

Mr. Mwangale: I know there are problems. I appreciate that there are problems in that university because we have to develop departments which have not been developed. I also know that there are so many loopholes in the so-called Appointment Committee and in the whole of that university today.

The Minister for Education: On a point of order. My point of order is this, Sir: is the hon. Member in order to misinform the House by saying that I have no plans when I have printed plans and he should have a copy of the plans? Is he in order? I have printed the plans for up to 1974.

Mr. Mwangale: I want him to tell me who planned that. He himself with the Permanent Secretary—

The Minister for Education (Mr. Towett): No!

Mr. Mwangale: —when he does not have anything to do with education but philosophy?

Now, look at the development: by the way, Mr. Speaker, the structure and the delegation of powers in that university—nobody has come out to say, "We have so many departments, we have so many professors and the young men who are now graduating and joining that university will have an opportunity to be promoted". Of course, I agree with you that because we are establishing these constituent colleges at least those young men who are now senior lecturers or readers or something like that, will have an opportunity to be promoted to something else. I also agree, that our university, compared to the other two universities is better off in terms of the quality of academicians. That is agreed and it is true that internationally, our university is more known than the other two universities. You can go to Makerere University—our university by

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the way— All those people who are here, some of them were at Makerere. They are the ones who made Makerere University to be what it is. However, at the moment there is a lot of confusion. We do not know where we are going.

We want somebody to sit down—it may be the Permanent Secretary if you like—plus other people who know what education is, and plan the university as it should develop in this country in terms of where our priorities are. Today, you have taken Kenyatta College as I told you before. Supposing that college was not called Kenyatta College but was called Mwangale College, would it have been taken? That is the question. In any case we took it; that is fine and well. However, in your own Development Plan, even in the University's Development Plan, they say we need science graduates today. If we can get science for the country, the Government requires science graduates and those people who can manage a science department. However, today we have gone and taken Kenyatta as a constituent college, which is developing as if it is a high school and has no connexion or links with the university nothing related, at all. However, you have said that it was established legally. What legality. If it is enacting a law here; it is true we did enact a law; however, it is developing as nothing but a separate unit.

Now, let us face it. We have Kenya Science Teachers' College, Egerton College and other colleges. What I am trying to propose here is that there should be a commission or whatever you call it to look into the whole development of university education in this country. Let us identify our priorities and be able to say, "Look, in this regard we are going to put a college—." It is necessary because, as I pointed out, of the diversity of this nation, to even start a college in the North-Eastern Province; irrespective of whether it is there today or not.

I beg to move.

MOTION**DIVISION OF MERU DISTRICT INTO THREE DISTRICTS**

Mr. Muthamia: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that the Meru Administrative District covers an area of roughly 4,000 square miles with a population of over 590,000 people who are evenly distributed throughout the district, and in view of the administrative, developmental and social problems that afflict the area as a result of inadequate facilities and means of traverse

long distances for the purpose of communicating with the District Headquarters in addition to the diversity of interests and needs that exist throughout the district, this House urges the Government—

- (a) as a matter of urgency, to initiate measures to divide Meru District into three districts which will consist of North, Central and South Meru; and
- (b) to establish a commission to investigate and recommend the boundaries of the three districts after consulting the Meru Njuri Nceke and Meru people as a whole.

Mr. Speaker, Sir, this Motion, asking for division of Meru into three districts, was first brought in this House in 1966; that was on 27th May 1966. The second Motion, Mr. Speaker, was brought here in this House on 6th December 1968. Mr. Speaker, Sir, this is the third time this Motion has been brought here and it has the consent of all Meru people, all elected hon. Members and the supreme authority of Meru which is known as Njuri Nceke. This is composed of all leaders in Meru.

Mr. Speaker, Sir, previously it was brought by a section of the people but this time it has been brought by a unanimous mandate of Meru people. Mr. Speaker, Sir, for the benefit of those people who do not know what Njuri Nceke is, Mr. Speaker, I would like to inform them that it was a party which used to govern Meru before the white man came. Even after the white man came the Meru people continued with that supreme authority and even at the moment Meru people respect the views of Njuri Nceke.

Mr. Speaker, Sir, I think in order to have a political Government which is democratic it is necessary to have a Government which has the support of those who are governed. In order to obtain this, Mr. Speaker, it is necessary for the Government to listen to the wishes of these people. I am glad, Mr. Speaker, to say that this is the wish of Meru people as a whole, and it is their democratic right that their complaints should be listened to and their wishes or desires be met.

Mr. Speaker, Sir, Meru District—for those who do not know the geography of the area—extends on the western side, to Nanyuki, Isiolo, Garba Tula, Tana River, Kitui—borders with Kitui District, it then borders with Embu District; it also extends to the peak of Mount Kenya where it borders with Nyeri District. Mr. Speaker, Sir, this in an area of 14,600 square kilometres or at least, 4,000 square miles. Mr. Speaker, Meru

[Mr. Muthamia]

District has a population of over 600,000 people at the moment.

Mr. Speaker, Sir, the District Commissioner's office is situated about 54 miles from Nanyuki and it is about 60 miles from the furthest corner beyond Maua. If you go across towards Embu, it is exactly 68 miles to the Meru-Embu border, which is at River Thuchi. Mr. Speaker, Sir, that means that even the administrators who are in the district at the moment find it very difficult to administer the district because it is a vast area with a very big population.

Mr. Speaker, Sir, today when education, health, agriculture and special problems have increased with progress it is difficult for one administrator to be able to manage the district and tackle day-to-day problems. Mr. Speaker, Sir, for the benefit of those who do not know how Meru is administered, we have one district commissioner just like other places and we have one District Officer I, one District Officer II and one Special District Officer. Those four officers are in the District Headquarters. We have, Mr. Speaker, other district officers posted in various divisions. We have 26 chiefs in the district and 125 sub-chiefs. That means that we have 125 sub-locations in the district. Mr. Speaker, this shows that the population is really high and is scattered over a very, very big area. Mr. Speaker, Sir, to give you an example of an hon. Member here or a few hon. Members of this House who come from Meru, a Member like hon. Muturia, who comes from Nyambene North, represents 124,000 people, the other hon. Member, Mr. Mutua, represents 102,000 people. Mr. Mwongo represents 101,000 people. Mr. Speaker, Sir, very many districts in this country have more than 22,000 people. For example, if you take Lamu, there are 22,000 people; if you take Tana River, there are 50,000 people; if you take Laikipia there are 66,000 people; and in Marsabit District 61,000 people. They go on like that. Mr. Speaker, Sir, that shows that it is vast area. Isiolo District itself has exactly 30,135 people. Those people occupy one district. Mr. Speaker.

Mr. Speaker, Sir, the means of transport in the district is really very poor. It becomes very difficult for one administrator to administer the whole district. Let me take, for example, the agriculture officer, who is in charge of everything in the district which is very potential in coffee which is bringing in over Sh. 44,000,000 every year. This is a potential district which grows first class tea in the whole world. This crop brings in Sh. 4,000,000 every year. Cotton brings in do so.

Sh. 3,000,000, every year. Pyrethrum at the moment, Mr. Speaker, Sir, brings quite a lot of money into the district. For the information of the hon. Members in this House though there is no quantity of pyrethrum in the district but there is quality. This is because for the last three years Meru District has been holding the Farmers' Cup which is given by the Agricultural Society of Kenya. Meru District should be congratulated for this. Mr. Speaker, Sir, the best tea in the world at the moment comes from Meru. The best tea comes from Africa, but when we look where it comes from in Africa, we find that it comes from East Africa. When you look for where it comes from in East Africa you find that it comes from Kenya. When you go further, you see that it comes from Meru District. Therefore, tea grown in Meru is the first tea in the world. For that matter, Mr. Speaker, Sir, an agriculture officer or a district officer who is catering for all this finds it very difficult to do so. The dairy industry, where Meru people have come up, is because they have sold their former cattle and they have now turned to grade cattle. They are supplying a lot of milk at the moment to the Kenya Co-operative Creameries. When it is very dry in other places, at the moment on the slopes of Mount Kenya, it is not dry. Mr. Speaker, Sir, Meru people are feeding many people because they supply the Kenya Co-operative Creameries with milk. When it is very dry as it is at the moment, it is not dry on slopes of Mount Kenya and we are supplying milk to the Kenya Co-operative Creameries. Therefore, Mr. Speaker, Sir, the agricultural officer in the whole district, as it is, now cannot do much. Therefore, we want this district, Mr. Speaker, Sir, to be divided into three districts.

Mr. Speaker, Sir, the veterinary officer who is stationed at the headquarters finds it very difficult to cover the whole area. When someone comes to report he has to travel 68 miles from the border between Chuka and Embu where they have very good grade cattle. Maybe his animal is suffering from milk fever. If an animal is not vaccinated within 12 and 18 hours, Mr. Speaker, Sir, it dies from milk fever. Mr. Speaker, Sir, most of our people have lost very good cattle because of the milk fever. This is because the veterinary officer is really too far away. He is one of the hard working people. He is a person who is devoted to help Meru people. However, he cannot do that. Mr. Speaker, because he covers a very vast area over which even if he is forced to do so with a rifle or a revolver he cannot

[Mr. Muthamia]

Mr. Speaker, Sir, this is the time our people need education. Children who sat for Certificate of Primary Education examination in Meru were 14,000. There is one county education officer who covers the whole area. How can this county education officer really supervise all these schools which are scattered all over the place occupying 14,600 square kilometres? Mr. Speaker, Sir, this is really very difficult. No matter how the education officer tries to help people, he cannot do it all. It is really very difficult. Mr. Speaker, Sir, we have very good Government officers in the district who are trying their best, but Meru people want a senior man near the farmer, near the local person. This is why we want this district. Mr. Speaker, Sir, to be divided into three districts.

Mr. Speaker, Sir, it is my contention that at the moment, the planning of this country is based on a district basis and the smaller the district is, the better the chances for development are. Mr. Speaker, Sir, you compare a district of 100,000 people with another district like Isiolo District with 30,000 people or with another district 600,000 people like Meru. The Government gives priority to all the districts equally. However, it does not concern itself with the fact whether a district has more population or whether it has less population, Mr. Speaker. When I come to population, Mr. Speaker, Sir, Machakos at the moment as a district covers an area of 14,700 square kilometres and the inhabitants of that area are 787,000 people. Meru people number about that, but I have already mentioned that. Kakamega comes second. There are very many people in Kakamega, but they are congested together. One square kilometre in Kakamega is occupied by 220 people because the area is very small. The area itself is 3,600 square kilometres. Mr. Speaker, Sir, when we come to Kisii District, we find that it is the most highly populated district in the country with approximately 675,000 people spread over an area of 2,200 square kilometres, and that is an average population of 304 people per square kilometre. Mr. Speaker, Sir, if we take Central Province as a whole, we find that it is about 13,000 square kilometres, while Meru District alone is about 10,000 square kilometres. The whole of Nyanza Province, Mr. Speaker, is 12,000 square kilometres when Meru District is 10,000 square kilometres. Mr. Speaker, Sir, Western Province as a whole is smaller than Meru District. The whole province is only 8,000 square kilometres while Meru District is 10,000 square kilometres and it is merely a district. Therefore, Mr. Speaker, I do not see why Government should refuse to see this. These are facts and you can find them,

Mr. Speaker, in the census which was carried out in 1969. Mr. Speaker, Sir, Kirinyaga District has a population of about 216,000 people in an area of 1,000 square kilometres. Nyandarua District, Mr. Speaker, which has a population of 176 less than the people represented by the hon. Muturia in 3,000 square kilometres. Embu District, Mr. Speaker, has 178,000 people in an area of 2,800 square kilometres. Trans Nzoia, Mr. Speaker, Sir, has 124,000 people in an area of 2,000 square kilometres. Elgeyo-Marakwet has a population of 159,000 people spread over an area of 2,000 square kilometres. Uasin Gishu has a population of 191,000 people spread over an area of 3,000 square kilometres. Nandi District, Mr. Speaker, has a population of 269,000 people spread over an area of 2,000 square kilometres. Therefore, Mr. Speaker, Sir, why can Meru District not be divided into three districts if it has enough people to justify this? This is really very wrong, Mr. Speaker, and very much so if Government is not going to accept this Motion.

Mr. Speaker. Government at the moment might argue about the building of offices. As you know, Meru people— As I have already said, Mr. Speaker. Meru District has a great deal of potentiality and the Meru people are prepared to build these offices if Government is going to contribute something towards this.

With these few remarks, Mr. Speaker, Sir, I beg to move, and Mr. Muturia is going to second my Motion.

Mr. Muturia: Mr. Speaker, Sir, I rise to support this wonderful Motion moved by my hon. colleague, the hon. Muthamia and without wasting time for my other colleagues so that they may have a chance to air their views, I am going to be very brief. Mr. Speaker, Sir, I am sure that the hon. Minister and his Assistant Minister who are very keen to understand the problem, and it is good because they seem to note something down about this. I can also see them smiling and this means they understand the problems of this district. Mr. Speaker, Sir, I would simply call Meru District by a very simple term, that is: a mother district in this Republic. I am not saying this because other districts in the Republic are not good, but what I mean is that Meru District is a mother district to the rest of other districts in the country because of the following facts:

Mr. Speaker, Sir, it is only Meru District which is a multi-purpose district combining everything found in Kenya except copper which is found in Ghana and there is no copper anywhere in Kenya. However, anything else we have in Kenya is found in Meru and that means Meru can stand on its

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own economically, socially and politically. Mr. Speaker, we have ten industries with very good shares in Meru District—

An hon. Member: Do you want secession?

Mr. Muturia: No, Sir. We want to be in Kenya but we should have three districts in Meru. Mr. Speaker, we have ten main industries which are doing very well in Meru better than in any other place. Take for example—and I want to go quickly to the dairy industry and the hon. Minister and the Assistant Minister should go on noting this down although they have some other records on this. Mr. Speaker, Meru District is going to lead in the dairy industry and there is no exaggeration about this and you can ask the agricultural experts. When we come to the tea industry, Meru District is almost leading and only headed by Kericho, but even though, the quality of tea in Meru District is wonderful. When we come to the coffee industry, again, Mr. Speaker, we are leading. Let us move on to the cotton industry. We are not doing very well and I think we are number three and it is only that the Ministry of Agriculture is not accelerating the development of the cotton industry while we have given them a lot of acreage to plant the nucleus of cotton. Mr. Speaker, when you come to the timber industry, you find that lorries and trailers are continually going slowly to Meru because the road from Meru up to here is tarmacked and you see them bringing timber this way. We have a great deal of timber in Meru. Mr. Speaker, when we come to the tourism industry, we have the best in this country and, I think, in East Africa.

An hon. Member: What have you?

Mr. Muturia: We have the Meru National Park where the famous film "Born Free" came from, a film which has gone all over the world, Mr. Speaker, let us go to the maize industry. The maize from Meru District feeds the whole of the Central Province, although we are now sharing this with Kakamega District because we are half-way. We supply maize northwards and Kakamega District supplies maize westwards, but all the same, I think, we have a good position as far as the maize industry is concerned.

Mr. Speaker, Sir, when we come to the *miraa* industry, we find the situation is rather funny. There is no other place where we have *miraa* which brings in a lot of money in million of shillings to this country as Meru District. Apart from Ethiopia, Meru District produces most of the *miraa* in the world. However, Ethiopia does not produce as high a quality *miraa* as Meru District does. Mr. Speaker, when we come to the

beef industry, we find that the Meru people have cattle enough to feed the entire population of Meru as well as other parts of Kenya. Due to the population of beef in Meru, the Meru people decided to set aside one section of their district which we call the northern grazing area to keep cattle for no other purpose but the beef industry, for both local and overseas supply. Mr. Speaker, you can see lorries and trains from Nanyuki carrying beef to the Kenya Meat Commission.

Mr. Speaker, Sir, let us go to number ten industry—the mining industry. You have heard recently the Minister for Natural Resources sending the General Service Unit to sack somebody who played about with minerals somewhere in that district. There are plenty of minerals at Tharaka as well as in the whole northern side of my constituency, that includes Kina, near my friends' areas, the hon. Bonaya and Kadir who are my neighbours. Mr. Speaker, Sir, the whole of Meru District has a lot of prospective minerals. There are many prospectors who are going there individually, after having licences from the Kenya Government and therefore, you see the mining industry is good for that area.

Mr. Speaker, we have six or even organized area councils and very soon, we the Meru people, are going to be rather sorry in that we have some of the area councils organized in such a way that they are stronger than most of the county councils in the Republic. Mr. Speaker, out of these seven organized area councils, Government can easily select only three so that we may have them to stand as county councils for each district, that is, north, central and south. I am saying this because we have several area councils on one side and others on the other side. Therefore, Mr. Speaker, there is no problem. It cannot be as much of a problem as was with Kisumu District, where the people were to build new offices for the county councils and all this. We have them ready and the Minister knows that, especially Mr. Kamwithi Munyi. Mr. Koinange also knows this place very well, and Mr. Rubia is our witness. He has often been to Meru. He will speak on this Motion.

Mr. Speaker, Sir, we want loan facilities. When the Kenya Government makes an allocation of loans a small district is given an equal amount of money as that given to Meru. Mr. Speaker, we might die of hunger because the place which is served—you know our tummy is bigger—and you cannot feed a big man on a small plate like a small child. You make the big man suffer. Therefore, Mr. Speaker, we want three districts so that when there is something to do with loan considerations, we shall have three sections.

[**Mr. Muturia**]

Mr. Speaker, communications is one of these items which, I think, forces the Meru people to feel that we should have three districts so that they may have proper communications not only for Members but also for the administrative purposes, because the administration is finding it very difficult, and if you ask any district commissioner, or district officer or any officer in Meru District right now, he will tell you, "My friend, we are really dying. It is too much and we cannot make it". But they are trying very hard, Mr. Speaker. If it were in my power, all the officers working in Meru District could be promoted in a matter of two years because they are really working under difficulties.

Mr. Speaker, when we go to the question of hospitals, we are not going to cry in Meru when we have three districts that you should build us each a district hospital. We have several hospitals. We have Chogoria, which His Excellency opened. That can stand for Meru South. We have Nkubu and Meru Town which could stand for Meru Central. We have Maua and Muthara coming soon which could serve Meru North. You see, there is no problem. There are facilities plenty of health centres and dispensaries.

When we look back at the colonial times there used to be a district divisional officer, district officers, district assistants and a special district officer, as *Bwana* Muthamia has said. That was so because the divisions were too big, but, Mr. Speaker, Sir, it is only one district now.

Mr. Speaker, with those few words I beg to support and ask the Minister to consider this Motion.

(Question proposed)

The Speaker (Mr. Mati): I do not know whether you would like to speak at this stage, Mr. Koinange. You will be replying, will you not?

The Minister of State, President's Office (Mr. Koinange): I want to propose an amendment and afterwards I shall reply because there is not too much to question.

The Speaker (Mr. Mati): What that means is that you will not have any other opportunity to speak. So I do not know whether you would like to speak now.

The Minister of State, President's Office (Mr. Koinange): Well, I would allow another Member to speak before I speak.

Mr. Nyaga: Thank you, Mr. Speaker. While supporting this Motion I shall add a few words to what has been spoken by the previous speakers.

As the two Members have put their case, that district is too large to be administered properly. I know it. I do not come from there, but I have lived there. It is so large that moving from one end to the other—from Embu South to the northernmost point, it would take almost the whole day. From the other side, that is, from west to east it will take another day. So the case is serious. When you have such a huge district we know very well that the progress will be hindered if there are difficulties in administration, trade, education and the other things.

Government should consider this case very seriously, and if they cannot divide this into three at all then let them at least—

An hon. Member: No. It had better remain as it is rather than dividing it into two districts only.

Mr. Nyaga: Let them divide it into two, if it is possible. That is my opinion.

Alternatively, as we Embu people—as a smaller district—are neighbouring you if you do not mind probably you would give us one part as a share. In the old days part of that Meru District used to belong to Embu. We would not mind at all if that part were added to Embu. We shall do quite a lot in the development of our new district. Formerly, the part of adjacent to Embu, that is, Chuka and Mwembe, which is developed—

An hon. Member: You are spoiling your case now.

Mr. Nyaga: Well, it is very attractive to us. If they are willing, and if they are keen— We are also related to them, but it is up to them to make up their minds. That is just a suggestion. If their idea is to remain I support them wholly.

Hon. Members: Very good.

Mr. Nyaga: The administrators, the district officers and the others under them are covering such huge areas and these parts may lag behind because of the difficulties of transport. When it rains it is so difficult for them to see what is happening in the areas they administer.

During the dry season there are problems of travelling around. They do not use Government vehicles extensively as they are not allowed to do so, in which case this calls for smaller areas to be covered. Generally these Government officers are overworked. You find a divisional education officer covering a big area, as large of some of the districts we have in Kenya. In this case he will not be able to do the job properly. He would like to do the job, but, Mr. Speaker, there are the obstacles of distances and all the rest.

[Mr. Nyaga]

If you consider the people who live in this district, it is as if there are several tribes. From one end which is next to Embu to the other end, Igembe side, you may think that they speak different languages. An outsider who knows a person who comes from Chuka or Mwembe, or a person coming from Meru, he may be mistaken that he comes from Embu. This means that because of this great difference the distances are great. There would not have been such differences in the dialect unless the distances between these groups of people were less.

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

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

Mr. Deputy Speaker, Sir, if the Government accepts this Motion which I hope they are going to accept and thus divide the district into three parts, it will also bring about economic progress. It takes a trader, from this end to travel 60 miles to Meru to buy his goods and this distance of 60 miles makes 120 miles on a return journey. Such a trader will be so much discouraged because of the distance covered. Even if he is a small trader, he may have to hire a vehicle but there are not many traders who can afford that luxury of travelling 120 miles to get their goods from the headquarters they now have in Meru Town. So, if we have three such headquarters we know very well that those headquarters will also grow into large trading centres and instead you will find a trader covering only 30 miles return journey to get his goods. It will then assist the traders, it will assist travellers, it will assist those who have to travel 120 miles to meet the District Commissioner at Meru Town. The other day, Sir, there was the question of people travelling all that distance to get identity cards and others to get application forms for loans. There cannot be so many people; if not getting good service it will not be attractive to travel all that far. Usually when you go to Government offices and your requirement is not fulfilled, you may have to travel there several times. Where will the common man get the money to travel all that distance trying to meet the district commissioner. So, Mr. Deputy Speaker, on this side of the matter, it is a hindrance. Some people may live for years without even considering to see their own headquarters because the distance is just too great.

Mr. Deputy Speaker, Sir, one of the speakers, suggested that because these people are rich, they are prepared even to put in some of their own money in order to assist the Government to put up two new headquarters. It is very encouraging that there are such people in this country who

are prepared to assist, with their own money, to put up more headquarters in one of the places where the Government may be considering. As we were told, that these people are wealthy—they have coffee—they have the most money and they even take the trouble to travel all the way to Embu to get their goods and with all this money they will help a lot in developing this district so as to have smaller ones which will serve peoples' purpose. They have all the wealth as we were told.

There are minerals that have not yet been exploited—I have seen a few of them—and with the minerals they have on the Tharaka side, I suppose, Sir, if they are exploited fully, they will be able to build these headquarters and there will be no problem of headquarters for them. We have the manpower, we have the people to look after these districts. It is not the same case as with the medical service where we are told we have no medical personnel. We have people who can be appointed as district commissioners, district officers and so on; so lack of personnel is not the question. At the moment, these other two places which will have to have their own headquarters have a nucleus of their headquarters; they have a few offices here and there. So, it is the question of using a little money to see that these centres are built into proper districts headquarters. I will not add anything more to this because the case is quite self explanatory, and as have been told by the previous speaker there is a great demand for this district to be split into three.

With these few remarks, I beg to support.

Mr. Mwongo: Mr. Deputy Speaker, Sir, I beg to support the Motion. Being one of the Meru people, if the Mover of this Motion could bring this Motion as demanding the Government to split Meru District into four districts, I think that could sound better. This would also benefit the Meru people more than when it is split into three districts because of the vastness of the Meru District. However, because the Motion was brought requesting the Government to split Meru into three districts, I beg to fully support the Motion.

The reason for saying this is that Meru District is so large that development is very slow. If we compare Meru with the other districts, which are comparatively very small, there are 17 districts within the Republic which have less population than Meru population divided by three. There are about five districts, among the 17, which, if they are formed into one district, would not amount to the population of Meru alone. These districts are, if I may mention, Kwale, Lamu,

[Mr. Mwango]

Taita, Tana River and Nyandarua. If these five districts are joined together, they will make a population of 560,000 people while Meru alone has 590,000 people or about 600,000 people. If I go further and divide the 17 districts which I mentioned earlier, Isiolo is another one and this has a population of 30,000 people. If I should try to avoid what the Mover had already said, these districts are, Isiolo, Marsabit, Garissa, Mandera and Wajir. If these other districts are joined together, their population would be less than that of Meru alone. The population of these five districts is 330,000 people. That is a half of the population of Meru District at the moment.

Further, I do not know what reasons the Government would give to this House should they refuse to split Meru District as requested. Meru District is highly potential and so large that about a half of it is not developed. However, by requesting to have three districts instead of one, we feel that our people will be better served by the Government and Meru will develop faster than it is doing now and this will also create employment within the Meru District itself.

I wish to draw the attention of the Minister to the fact that if Meru was split into three districts, as we have surveyed already and seen that if specialists are sent there, and if they could divide the district according to how we view the division should go, how people could live socially, each district could have a potential area which can be planted with tea, pyrethrum, coffee and cotton.

Therefore, these potential areas which I have already mentioned would be catered for within each district, if this proposal is accepted.

Mr. Deputy Speaker, coming to Embu District which is our sister district, we have a common boundary, if you compare that district, you will find it has a population of about 180,000. Embu's population is one-third of Meru District. Therefore, the reasons which made our hon. Government to make Embu District as one district, I hope will be the same for splitting Meru into three districts. By referring to agricultural potential of Embu, it is almost equivalent to Meru District. They have places where they can plant cotton, tea, coffee and pyrethrum.

I would like to draw the attention of the Government to the fact that we are not requesting that Meru District be split into three for the sake of prestige. Our aim is to try to extend development within the rural areas. Already I have mentioned that about half the district is not developed. I wish one of these days some of the Members of Parliament—next week or so—will

fly or come to Meru to see things for themselves. I am sure they will realize that what we are saying is quite correct.

Unless our Government intervenes and helps us to split Meru into three districts, the area will never develop quickly, it will take more than 20 years to have development.

If you go to some places you will find people have never seen cars, vehicles of any kind, not even lorries. Many Members may think I am exaggerating but this is not so. In January we went with the new district officer to Kunati where our people were surprised to see a Land-Rover. This is a very remote area, the remotest area of this district. We met a Catholic priest who had paid the school fees for 25 children but the children refused to go to school because they did not understand what a school was for. Our Government should look at those areas which are lagging behind, I do not mean Meru alone. There are such places in Ukambani, in Masailand, Samburu and the North-Eastern Province which are lagging behind.

These are the reasons for our request to split Meru District, there are no other reasons. We are honest people of Meru. We would like the Government to listen to us and try to divide Meru into three districts as quickly as possible.

During the colonial times when we had no division, there were no roads there. When we told the colonialists to move out of our country so that we could get a chance to develop our areas, our Government added more divisions. We want, at present, to see that development is extended to our divisional headquarters. However, we are told that electric power cannot be supplied to the remote areas.

Our Government has already added other two divisions within my constituency, and I feel very bad about it. The people of Tigania in Nyambene South are thankful to the Government. The same applies to Tharaka which has about six divisions within the district. If you compare Tharaka today with the previous years, 1965 and 1966, you will see tremendous development in the services rendered to the people.

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

Mr. Kadir: Mr. Deputy Speaker, I stand to support the Motion and I do not see the reason why the Government should not agree with the hon. Members' request. In fact, if the Government is for the people and wants to help them, then this is a genuine case where the Government should help. It should look into this request. If districts are based on population, then Meru is

[Mr. Kadir]

well populated. If it is a matter of distance, then the area is so vast that one administrative officer cannot, in fact, administer the whole area effectively. So it is high time the Government saw to it that the whole country is developed.

If you go to Meru today you will find, as the hon. Member has stated, that there are people who have never seen cars. I would like to say there are some people in Meru District—I have been in Meru District and I have been visiting that area—who do not know which Government is in power today. They do not know whether this is a Colonial Government or whether this is their own Government. This is true because if you go to the reserves you will find that there are people who do not know which is the present Government.

It is better for the Government to accept this Motion. The Motion only is asking for division of the district into three for the quicker development of the area.

I do not want to say much on this Motion and I beg to support this Motion and, at the same time, ask Government to accept it.

The Minister of State, President's Office (Mr. Koinange): Mr. Deputy Speaker, Sir, I want to take this opportunity to express gratitude to the Mover and the Seconder of this Motion because of their attitude and their approach which covered many of the points I wanted to put forward. The few errors which I want to correct because I do not want to oppose are these: First of all, for instance, in part (b) of the Motion, if we have a commission appointed for Meru, Machakos, and Gusii or for these, at least five, which the hon. Mover mentioned that are really serious and he was good enough to give the numbers and the figures which I was also preparing to quote, then if the money will go to the commission to investigate something which could be given almost at once in one cover, I, therefore, think it is not necessary to establish a commission. There is some other way to do this, Mr. Deputy Speaker.

The second point is this, Mr. Deputy Speaker. The question of Meru as the hon. Member suggested in part (b) of the Motion that people as a whole are consulted, then the Meru Njuri Ncheke are equally consulted. This is because they are not one part and the people of Meru, as a whole, another. Therefore, there are some minor points that are covered. If the population of Meru is covered, then the rest are covered.

Now, what I am interested to show, Mr. Deputy Speaker, is this. Recently we had a Motion which was passed last year by this House regarding

Machakos and it was accepted. This one is also going to be accepted with certain amendments. But, the point is this: If we accept every Motion of this kind which is tabled in the office of the administration and some other Motions come and no real action is taken to implement them, then the House will say that we have been passing Motions here and nothing has happened which we believe would be taken as a bad name for the Office of the President. Now what we have suggested is this.

I was in Meru not long ago—last weekend—and I found that from the point of view of the organization it was superb and wonderful. The whole country almost collected together and the activities of police were almost negligible. People at Chogoria were totally peaceful. Those who were on the way to meet the President did not need any police officers. So, when the Mover of the Motion says that the questions of administration in that area is bad, with all due respect to him I do not agree with him on that. This is because of that pride which we saw when we were there.

The second point, Mr. Deputy Speaker, Sir, is this. I agree with him, and even with his supporters, when he says that Meru has been the backbone of the economy of the country. I can add Gusii also, Mr. Speaker. This is because when the country—Kenya—was not allowed to plant coffee in years past, it was only in Meru and Gusii that coffee was planted. It was only in those two areas, Mr. Deputy Speaker. The quality of production has been there, Mr. Deputy Speaker. The only question that I would really ask is this: If it is a mother district and you ask this House to take the scissors and cut into various parts, is it for the question that the father asks. This House and the President—Mzee Kenyatta—and the country is the father, not only of Meru but of every district and every province in Kenya. That father has to think twice whether the divisions requested are really for the consolidation and for the proper development, or it is to necessitate an unnecessary split. Yes, divisions will come and they are necessary for our economy but the number required has to be consolidated between the father and the mother to find what areas or what parts should be divided. I want to take this opportunity, Mr. Deputy Speaker, to ask Members to listen to me on one particular appeal only. These questions are very urgent and are seriously considered by your office of administration and I am saying this with the utmost sincerity. However, I want to put one big appeal to the hon. Members. His Excellency the President, in his opening of Kyeni Water Supply announced the national policy of water

[The Minister for State, President's Office]

development throughout Kenya. He said that throughout the country, he wants the country to take an active part so that water was in every place, be it Kakamega, Kisii, Masai or Meru, people will have water. He requested that we should tighten our belts so that this question of supplying the country with water takes the first priority.

I am asking you, brothers, if you have to implement this tomorrow, it would mean this: the money for building or putting up a building for a separate administration and the staff required in these five places, will be a lot. All that I am asking hon. Members, through the Speaker, is this: can we tighten our belts and be a little more patient—I am not suggesting that we delay this—but we must give the first priority to water supply in the country; not a substitute of this, but including this. This is because water is the life of this country. It is life for every mother, every father and every child and that is why our President is very anxious. Therefore, as a result, Government accepts this Motion with this amendment: delete all the words after the word, "District" in the eleventh line, and add the words, "any other districts in Kenya where it is justified for rapid economic advancement of the country; after the word, "and", in the twelfth line; delete all the words in part (b) of the Motion.

Therefore, the Motion reads as follows:—

"THAT, in view of the fact that Meru Administrative District covers an area of roughly 4,000 square miles with a population of over 590,000 people who are evenly distributed throughout the district, and in view of the administrative, development and sociological problems that afflict the area as a result of inadequate facilities and means to traverse long distances for the purpose of communicating with the District Headquarters in addition to the diversity of interests and needs that exist throughout the district, this House urges the Government as a matter of urgency; to initiate measures to divide Meru District and any other districts in Kenya where it is justified for rapid economic advancement of the country."

If hon. Members accept that amendment, Mr. Deputy Speaker, Sir, the Government accepts the Motion and we are very happy that the Member moved that Motion.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I wish to thank the hon. Member, the Mover of this Motion, the Seconder, and everyone who has supported it and I wish even more, Sir, in second-

ing this amendment to support the Minister of State in the President's Office in the manner he has accepted this Motion and also for accepting the responsibility that whereas the people of Meru have a problem, there are many other people in Kenya who may be having similar problems.

I think, the amendment by the Minister will save this House some time because the next Motion to this one, Mr. Deputy Speaker, Sir, also demands that South Nyanza be divided. Mr. Deputy Speaker, Sir, if we had time, we would have put Kisii District to be the next one and maybe Machakos District, too, may bring another Motion. Nyeri District may also bring similar Motion. I think what the Minister of State in the President's Office has done is good because there would be no need, therefore, for such repetitive Motions.

Mr. Deputy Speaker, Sir, a father who produces children must at one stage accept the age of his children when they need to have their own houses. If a father refuse to recognize that his sons or daughters are old enough to have their own houses to live in and instead lived with them it would be culturally wrong. In the same way, Sir, this Government which is in charge of all districts should not refuse to review these districts with a view of dividing them if they have become too big, either in population, or in areas. Sir, in dividing these districts, I think several points should be taken into account. An area itself should not be a criteria of diving a district. For, Mr. Deputy Speaker, Sir, there are certain areas—here, Sir, I may declare my interest—there are districts like Kisii District which have very a high population although the area is small. Kisii District has a small area but the population there is very big and when you have people crammed up together as they are now in Kisii, administratively, it also becomes a bit difficult for whoever the administrator may be. I am confident that when my Ministry was mentioning five districts, I am sure that the Minister was taking into account Kisii District as one of the districts which need division. I am very pleased, Mr. Deputy Speaker, Sir, to see that a Minister has indicated that this is actually what he was saying.

We do not, Sir, want districts to be divided because we do not like each other. If this were the case, Mr. Deputy Speaker, Sir, it would then be said that you are not living with your brother in the same house because you do not like each other! It is just because you cannot do that—

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir, the hon. Member now

[An hon. Member]

speaking is saying that the reasons of splitting the districts are because we want to hate one another. That was not the issue and nobody has mentioned that. Even the Mover did not mention that point?

The Deputy Speaker (Dr. Waiyaki): That is not a point of order.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Deputy Speaker, Sir, I think the hon. Member is misunderstanding me. I have said that, for example, the Meru people do not want to be divided into districts because they hate one another. They want to be divided because they are too many to be in one district; one house! Nobody should demand division just because people have disagreed.

I am therefore, Sir, in seconding this Motion, hoping and confident that the Minister of State in the President's Office, as he has said that he will take urgent steps, will not take a lot of time to implement the urgent steps he has talked about. I think the people of the areas concerned, which he has shown me, need to be divided—urgently—into more than one district. In dividing a district, Government must see to it that the new district is viable because a district which cannot survive economically cannot be divided, because I know the Government would have a lot of difficulties in dividing it. However, I am sure that the districts which the Minister has mentioned are districts which are economically viable and which even if they are divided into three would be able to survive and not be beggars from the Central Government.

With those few remarks, Mr. Deputy Speaker, Sir, I wish to second the amendment because I know there are many Members who want to speak.

(Question of the amendment proposed)

The Deputy Speaker (Dr. Waiyaki): I promised Mr. Mbori that he will speak so as to cover his "South Nyanza Motion".

Mr. Mbori: Mr. Deputy Speaker, Sir, I would like to record my thanks for having been given this chance to air my views with regard to my Motion which I had already proposed and brought here. Basing my statistics on the 1969 census South Nyanza has a population of nearly 700,000 people and to the best of my knowledge these people are not all Luo because we have at the southern corner the Kuria people who are actually represented here in this Parliament and they too constitute a big proportion of the population of South Nyanza, and they have their interests, their

problems and plans for social and economic development. Therefore, it would not be fair to keep tying them to South Nyanza, whose headquarters, at present, is at Homa Bay. South Nyanza, has a population which is so vast and presents problems which could best be solved if there were closer administration which calls for the splitting of the district so that these problems could be given closer attention so that the people can advance faster than they are doing right now. As I have said, the district is vast, covering an area of 2,250 square miles. This is so vast as you many recall that South Nyanza extends the whole way from Metainie Island in Lake Victoria up to the Highlands of Kisii and borders the Kipsigis Highlands as well, extending as far north as Lake Victoria and River Miriu where it borders Central Nyanza—the present Kisumu county. Mr. Deputy Speaker, Sir, South Nyanza with this vast area and with a vast population cannot actually be developed faster in any other way other than by splitting it. To bring my point home, at the moment, we lack roads which could penetrate inwardly and wake up the areas which are away from the centre of development. Some areas do not even have footpaths where one could ride a bicycle. If we are going to live in areas where even bicycles can hardly be ridden, how do you expect to say that in an independent Kenya the people themselves are advanced? The people themselves claim that they have gone ahead—educationally, politically, economically and otherwise. I think at the moment the provisions which the Government has already made—I should not say they are limited—are satisfactory, and at least the Government has tried, except that the district is so vast and the people are so many. I would like to point out that this requires closer administration: we require many more locations and, more districts. I come from an area which is known as Eastern Division which has a population of more than 200,000 people and it is nearly half the whole of South Nyanza. The people of the Eastern Division had demanded this thing as far back as 1963. This was recorded with the county council when there was trouble in the county council due to difference of culture from various areas. South Nyanza people, particularly those in the Eastern Division had indicated a wish to get themselves a district. That same wish is still spoken of; that same wish is still being called for; that same wish is a demand that people of South Nyanza require and they can only speak about that through their Members of Parliament of whom, my hon. friend, Mr. Amayo is not here. However, I think I am speaking with the voice of Karachuonyo people that they require a district

[Mr. Mbori]

because they consider themselves a recognizable entity. This would be best expressed if the Government could implement my Motion now by which a district could be created so that they have their own district. Whenever people have something that they are proud of as their own, you will agree with me that their patriotism is not really demanded of them. They just give it as a corollary.

I would like the Government to take this into consideration because the Eastern Division of South Nyanza would not present any administrative problem. At the moment, there are enough buildings, such as those at Kendu Bay and those at Oyugis, which is the existing divisional headquarters at the moment and, therefore, it has the necessary equipment. If the Government would see it fit and look at it when the funds do permit, we would appreciate the effort to create the Eastern Division into a district. That would cater for the welfare of the people of the Eastern Division or district which will be named Karachuonyo.

I am not trying to say that South Nyanza should consist of two districts only. As I have indicated, an area of 2,250 square miles of land with a population of 700,000 people is too vast for a single administrative district headquarters. At the moment, the existing district officers and district commissioners and all the other staff find it rather too difficult for them to administer this vast district.

You will believe me that the immediate solution to some of these problems is in the creation of a district or two being created so that the problems that arise far away from the district headquarters can be given immediate attention.

Mr. Deputy Speaker, things like schools, and tarmac roads are required in the existing South Nyanza District. However, they would be speeded up more quickly if each district had its own plans to look at and its own development committee; and if each district had its own administrative staff to look into the problems that affect a place like South Nyanza. I am speaking the voice of my people. Eastern Division has everything to support this idea. Fees run into millions of shillings which turn up pretty quickly. This could support the educational system in the area. The tax returns are so favourable and so healthy in the area that the work would be carried on pretty quickly.

We have the manpower to carry on the administration of the Eastern Division if it is made into a district. I am sure the other areas in South Nyanza could give the same views.

Mr. Deputy Speaker, South Nyanza has remained so long, compared to the other places, lagging behind in development. This has been due to the fact that it has never been given closer administration.

The existing trend of saying that when you create a district you tend to deter development, to me, is not a good argument. I would rather we created many of these districts when the funds permit and where conditions do really favour it. We should create many of these districts so that the country as a whole advances. I hope the hon. Members will support me in this and the Government will do something.

EXTENSION OF TIME

(With leave of the House)

The Deputy Speaker (Dr. Waiyaki): Order, perhaps I should explain that the Mover is due to reply now but if it is the wish of the House since we do not have any other Business thereafter, we could, possibly, extend the Motion to half past twelve. That is if it is the wish of the House. Is that the wish of the House?

Hon. Members: Yes.

The Deputy Speaker (Dr. Waiyaki): In which case the Mover will be called upon to reply at twenty minutes past twelve, instead of now. This gives an opportunity to other hon. Members to speak.

(Resumption of Debate on Motion)

Mr. Nthenge: Mr. Speaker, Sir, I am standing to support this Motion and oppose an element of the amendment. The amendment is making the whole Motion terribly vague. This vagueness, Mr. Deputy Speaker, is something I do not accept. A leader is like a doctor and a doctor must decide that he is treating either malaria or pneumonia. The leaders of this district, have sat down, discussed and agreed that the best way of doing it is to have three districts. Once they feel that it should be three districts—the details of which location goes to which district can be worked out later. But the principle discussed and agreed by the people who live in that particular country, not only the people but also the leaders—because there is no other spokesman for a district other than the people elected by the people who live there—this is a Motion and you can see that the way in which it is framed it says all Meru; hon. Members accept that there should be three districts. You can change the other details which are necessary but the word “three” is very necessary and should remain there because it has been discussed. In any case if at the end Government officials can sit down with the hon.

[Mr. Nthenge]

Members and convince them to divide the district into two or four districts, this can be done but at least the word “three” is so necessary that if we pass it as it is, an argument might develop later on. That, actually, as it is let it remain and we will be dividing later.

Mr. Deputy Speaker, Sir, the Motion could also have asked in specified terms—we accept the Government should amend, particularly, the last part of the Motion, part (b)—for example—it is all right if we leave (b) of the Motion. You see when you omit the words “into three districts” you alter it so much that it will bring another confusion and it will mean longer discussion Mr. Deputy Speaker, Sir, I am well informed that Meru District has six divisions. It is, more or less, a grouping of two and making it into three districts. Now, my argument is this: if you make, for example two districts and start developing two towns as district headquarters, within a short time the districts will become too big and there will be confusion of division. If you prefer growth and have the three districts, you are sure of not interfering with them for many, many years to come. Those are the things taken into consideration in this Motion, in advance. In watering it down, so much, I think it is wrong, Mr. Deputy Speaker. There is a purpose and the purpose is to divide if Government agrees on that. To how many districts? To three. If the Minister amending the Motion told us what was wrong with three districts, he might have convinced us but he tended to accept the Motion but the basic word which is “three” tended to disappear.

The Minister for State, President’s Office (Mr. Koinange): On a point of order, Mr. Deputy Speaker. I actually did not say that I am confusing. I was not confusing. I said I used these two words—I used the phrase used by the Seconder when he said that Meru was a mother and I said that Government was also the “father”. I also said then, if they listened well that the consultation of the two—the principle of dividing is what we agreed on and since I am saying “for five districts” I did not want the five districts which are Meru, Machakos, Gusii, Kakamega and South Nyanza—I will not set the principle here and remove the conversations which ought to be carried on by the people who will negotiate according to the area. Therefore, Mr. Deputy Speaker, I did not accept the word “Three” and I will not accept it but I will reserve that to be discussed by the people when they are negotiating.

The Deputy Speaker (Dr. Waiyaki): Order! That was not a point of order, but a point of argument. I allowed it in order to facilitate our

discussion because I think that was the matter and we did not want a breakdown of a minor point.

Mr. Nthenge: Mr. Deputy Speaker, I was continuing and I said that I know that this Motion intends to co-opt, the other one which I had the honour of being asked to second, that is Motion which will be moved by hon. Mbori which also wants a division. I agree with the principle of dividing the district, but there is an element which must be considered in detail. I do not think this is a minor issue, but it is a very important issue particularly for the Meru people. They know probably that some of the civil servants want to divide it into two divisions for a purpose. But the Meru leaders— Mr. Deputy Speaker, here is where I stress who is a leader. Who is a leader? Why is he acceptable to his people? He is acceptable to his people. Therefore, when he talks he does not speak like an individual, but is speaking for the group of people which elected him. The group of people who elected him is the one which is saying this. All the six hon. Members from the same area including the many other hon. Members here are interested in the division of Meru into three districts. Therefore, why should you kill their ideas which they have considered for years to suit a particular advisor who is misadvising us with a purpose. I am already informed, Mr. Deputy Speaker, Sir, that the idea is to try to belittle a certain Minister from Meru by dividing his division into several parts. There is a political purpose behind this. When things develop to such an extent this is the time we should object to them. Hon. Members from Meru know the right thing which should be done. We agree with the other part of the amendment which says that the same thing should be done in other districts. However, Meru District should be divided into three districts, the other, is something that can be agreed upon. The Motion was talking of a specific number, but the amended Motion talks of the district being split into districts. Therefore, once that is done, you cannot do otherwise. However, where there are three districts, you can consolidate them into two and cause less inconveniences than when it is one district. Therefore, Mr. Deputy Speaker, Sir, I beg to oppose this amendment unless it includes the word “three”. This is because I have explained why we are objecting to it. It is simply because there is a bad motive which we do not like. I am sure the Minister has been briefed about the whole thing and maybe he is thinking that some men have something else behind the move. This is wrong. We do not want these ulterior motives to exist, Mr. Deputy Speaker.

[Mr. Nthenge]

With these few remarks, Mr. Deputy Speaker, I beg to oppose the amendment entirely unless it includes the word "three".

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

(Question that the second part of the amendment in (a) that the words to be added be added put and agreed to)

(The question that all the words in part (b) be deleted put agreed to)

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. Waiyaki): There is still time for one more hon. Member to speak.

Mr. Murgor: Thank you very much, Mr. Deputy Speaker. Sometimes it seems Ministers move amendments here to probably kill the intentions of hon. Members. Mr. Deputy Speaker, Sir, I stand to support the Motion and as I have said here before, one wonders what happens after we bring Motions here and pass them in this House. Mr. Speaker, Sir, last year, we discussed about the division of Machakos District and the Motion was passed in this House and so far nothing seems to have taken place. However, Mr. Deputy Speaker, Sir, as far as Meru District is concerned, and I know about this because I have served in that district, the division of Meru District is long overdue. Mr. Deputy Speaker, Meru District is very big in area, the population is dense and the geography of Meru District—if anybody has been there will know—is very difficult, even with that long road from Embu through Ngumbu to Mutindua. You take a long time to travel around because of the rivers that you will have to cross on the way. Mr. Deputy Speaker, it is very difficult for administration purposes and I do not know why this has not been noticed long before by the Office of the President, that it is very difficult for Meru District to be administered by one district commissioner or one district agricultural officer because of the difficulties in travelling, because of rivers, hills and what-have-you. Meru District is a very highly potential agricultural area and should have been developed much more than it is today. However, because you have only one district commissioner, one veterinary officer, one district agricultural officer, one senior officer only for every department, progress is slow. To travel to every part of the district is very difficult and, therefore, the development of Meru has been hindered because of not having had it divided into three areas. Meru District needs to be divided into three. Some people, sometimes, think that

when you talk of dividing a place it means you are dividing the people. You never divide the people but rather you give the people more services, more development, and that is what we want in this country.

The population is so large that—I have said before that there are other districts too which require to be divided. I said Meru should be divided into three. Kakamega into two. South Nyanza into two and—

Hon. Members: Into three.

Mr. Murgor: I might have said three. All right, three. Baringo also should be divided. Some other districts, too. This is all because the geographical conditions of the various areas calls for this division. Some people want me to say Kisii should be divided as well. Kisii has nearly one million people. Of course, you will need to have more officers to serve these people so that these officers can go into the areas to see what is happening, go into the affairs. However, Mr. Deputy Speaker, when you have one person only dealing with all problems, those problems can never be solved.

We should have more divisions in these districts. Sometimes when people come to Nairobi they forget all about the field, they never even go out to see what is happening back there. We have the Minister here and his Assistant Minister, they do not know about what is happening outside because they never go out there. We say things here but I would like to tell you this. It is good to rely on information given to you but it is always better to go out and see for yourself. In this way, the information you are given is additional to what you know. We talk here, we want these things to be done and nobody pays attention. There are only papers written and this how you get the information.

Sir, for the development of this country we need to split. This division business is not only for closer administration. Many people are now talking about getting provincial administration probably wiped out but the time for this may not yet have come. This question of splitting the districts is mainly for development, the development which is much more important than any other thing. If we can develop this country, well and good.

Meru should not be confused with other places. As we have said before, let Meru and Ukambani be divided.

The Deputy Speaker (Dr. Waiyaki): Order. Once the red light comes on hon. Members must desist from continuing to speak.

It is now time for the Mover to reply.

Mr. Muthamia: Mr. Deputy Speaker, Sir, I am very grateful to hon. Members who have contributed to this Motion and for what they have said.

This Motion has been brought here through pressure from our people in Meru. It was initiated by Njuri Neeke mainly. When I say Meru people it includes all the Members in this House who are representatives of 600,000 people. They are the ones who brought this Motion here, together with their leaders, who met on 17th September, 1970. So I cannot see the reason why an officer in the field, sitting in an office, can deny the people of Meru their rights. The people say they want this, but they are told by an officer sitting in the office that they cannot have it. This is the thing which is very destructive. If we want unity we must show clearly that we want unity.

The facts which have been given by hon. Members in this House, Sir, are known and they are self-explanatory. I was very disturbed— The Vice-President, sitting here, is telling me there is no money. Where is the district commissioner living now, Sir? Can you tell me where he is now?

The Deputy Speaker (Dr. Waiyaki): Order. Address the Chair.

Mr. Muthamia: Sir, can the Vice-President tell me where the district officer in Nithi is living? The people of Meru are ready to contribute towards the building of the headquarters. Only two headquarters are needed. We do not want to build a big mansion for the sake of prestige.

When the provincial commissioner wanted some *Harambee* projects started in Chogoria, we contributed Sh. 3 million in a very short time. Why cannot we contribute today for the betterment of the Meru people? The Vice-President is the No. 2 in this country and he does not know whether or not we contributed Sh. 3 million. This is really shocking—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, I wonder whether the hon. Member is in order when I have not said anything to dispute the fact. We also know that other people also have contributed towards *Harambee* projects.

The Deputy Speaker (Dr. Waiyaki): Order! Order! I must ask the House not to use a point of order to make a point of explanation or information. A point of order must be put to the Chair to decide whether the Member speaking is in order or not.

Mr. Muthamia: Sir, the district where the Vice-President comes from has over 161,000 people and when they are given priorities in the development of this country it is regarded the same as Meru which has a population of 600,000. Four times as much. This is very bad indeed, Sir. For a leader to say that these people must stay where they are until we develop and we will remember them when the time comes, is wrong. What time? Now is the time to divide Meru into three districts.

I want to touch on a few points which I did not deal with. The first one is about area councils. Some of the area councils in Meru have a budget which is as big that of some of the county councils in Kenya. This is a well-known fact. If these area councils are joined together they will make a very good county council, one which will cater for the needs of a district.

Therefore, Mr. Deputy Speaker, I do not see the point in refusing three districts for Meru. If we divided this district into three, north south and central. One district, the one in the centre, should consist of 220,000 people; the other one should have 220,000 people too and the third one should have 160,000 people. What is wrong with doing that? What is the idea in refusing something whereby the *wananchi* will get the fruits of this independence?

Meru politically has done well. Meru people started the Kenya African Union, the Mau Mau movement which fought for the coming of this Government—together with the Kikuyu—and it will be very bad to deny these people their rights.

Mr. Deputy Speaker, I do not want to tire the House any longer. All I would like to do is to ask the Government, because this is a genuine request, to divide Meru into three districts.

Sir, I beg to move.

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

Resolved accordingly:

THAT in view of the fact that the Meru Administrative District covers an area of roughly 4,000 square miles with a population of over 590,000 people who are evenly distributed throughout the district, and in view of the administrative, developmental and sociological problems that afflict the area as a result of inadequate facilities and means to traverse long distances for the purpose of communicating with the district headquarters in addition to the diversity of interests and needs that exist

[Mr. Muthamia]

throughout the districts, this House urges the Government as a matter of urgency to initiate measures to divide Meru District into three districts which will consist of north, central and south Meru and any other districts in Kenya where it is justified for rapid economic advancement of the country.

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): It is time now for interruption of business. The House is therefore adjourned until Tuesday, 16th March, at 2.30 p.m.

*The House rose at thirty minutes
past Twelve o'clock*

Tuesday, 16th March 1971

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

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

PRAYERS**NOTICE OF MOTION****DEMARICATION AND ALLOCATION OF
LAND IN MERU**

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

THAT, noting that demarcation of land in the northern grazing area of Meru District formerly held by Meru County Council is continuing and noting that the area had been divided between Igembe, Tigania and North Imenti Divisions, and noting further that the Minister for Lands and Settlement has taken upon himself to complete and has completed, demarcation and allocation of land in North Imenti Division which is in his constituency, and is now arbitrarily demarcating land outside his constituency in Tigania Division and has allocated land in part of the division to 300 persons from his constituency without further reference to Tigania Land Demarcation Committee, this House as a matter of urgency, requests the Government—

- (a) to cancel and revoke the said illegal act of the Ministry;
- (b) to take steps to ensure that the Minister in question ceases to use up the functions of the duly constituted committee; and
- (c) to demarcate the boundary on the ground as agreed on 25th April 1970.

ORAL ANSWERS TO QUESTIONS*Question No. 74 (1316)***WATER SUPPLY IN NYAANI MARKET**

Mr. Kitonga asked the Minister for Agriculture if he would tell the House whether the Government was aware of the problem of Nyaani Market within Nuu Location where residents had no water.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. As I have said before, in this honourable House the procedure for introducing any water problems and schemes in any part of Kenya for consideration by Government is through the District Committees which the Members of this honourable House are always invited. The district determines the priorities of a particular project in relation to other projects of the district but does not for-

ward it to my Ministry unless it considers, it has an adequate priority.

The case of Nyaani Market has not been brought up to my Ministry and I have a suspicion, therefore, that it is a project whose priority is not high as it has not been referred to us. I would, therefore, Mr. Speaker, through you, advise the hon. Member to take up the matter with his own District Development Committee.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware that this has been delayed by the District Development Committee for about three years; if that is the case, why is the Assistant Minister saying that this has never been brought to his Ministry?

Mr. Wanjigi: Mr. Speaker, Sir, the truth is what I have said, that this scheme has not been referred to my Ministry.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, that probably the scheme does not have an adequate priority, could he elaborate to the House what he means by that because I am sure there are some schemes which have been given priorities but his Ministry has done nothing to implement them?

Mr. Wanjigi: This is absolutely correct. When a district determines its own priority, then, of course, it is upon Government to decide its own priorities in terms of the country at large. Therefore, a particular district may come, first, third or even fourth priority, in terms of the water development programmes.

Mr. O'Washika: Mr. Speaker, Sir, arising from the Assistant Minister's reply, in view of the fact that he confesses this scheme has not been referred to his Ministry; can he now undertake to find out from the District Development Committee why this scheme was not referred to his Ministry?

Mr. Wanjigi: No, I cannot undertake to do that because, as I said, this is a democracy of the people and I think the people should decide which projects have the highest priorities and which would be referred to Government.

The Speaker (Mr. Mati): Next question, Mr. Nthenge.

*Question No. 139 (1447)***PROVINCIAL REPRESENTATION IN
STATUTORY BOARDS**

Mr. Nthenge asked the Minister for Agriculture if he would tell the House whether he would reorganize membership of statutory

[**Mr. Nthenge**]

boards to facilitate representation on provincial basis.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. Appointments to our statutory boards are made for a specific period and published in the *Kenya Gazette*. It would not be in the interests of the country to terminate any of these appointments before that time, and certainly not without good reasons.

For the interest of this House, may I outline the two important criteria taken into consideration in the appointment of members to the statutory boards of my Ministry. First of all, the role a particular appointee is likely to play because of his professional, technical or practical experience to the aid of the running of such a board. Secondly, the role such a member may play as a representative of farmers affected by the activities of such a board.

Members are, therefore, appointed either because they have certain skills and knowledge required by a board or because they come from areas which have considerable numbers of farmers affected by the board and are considered, as useful representatives of such farmers. Consideration of provinces are, however, on whole, not disregarded or ignored. In some cases, it is true, representatives of provincial administration, usually in the form of provincial commissioners, who know very well the interests of their provinces, are also made. I do, however, assure this House, Mr. Speaker, that I will always endeavour as far as possible to see that the interests of the provinces are taken care of.

Mr. Nthenge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is it not correct that people with a lot of know how could be found in provinces and therefore appointment on a provincial basis would be quite possible, taking the points the Assistant Minister has mentioned into account?

Mr. Wanjigi: It is true that you generally find qualified people in almost every province, but I think the over-riding criteria here—and I want to emphasize this—will not be on the basis of the province, because he is not, in any case going to represent that province, but maybe he is appointed because of his professional qualifications. I think it is in the interests of the country that he should think nationally.

Mr. Umuro: On a point of order, Mr. Speaker, Sir. Since this country's economy depends mostly on agriculture, and since every province is trying to do some farming, would it not be possible for the Assistant Minister to appoint the mem-

bers of these boards from every province, so that every province will have a representative?

Mr. Wanjigi: Mr. Speaker, we cannot guarantee that; although, in fact, the country is by and large agriculturally based, there are crops which are predominantly grown in certain specified provinces. For example, the hon. Member who has just spoken does not grow pyrethrum, Sir, and there would be no purpose, in getting a person from North-Eastern Province, where pyrethrum does not grow, to be a member of the Pyrethrum Board.

Mr. D. M. Kioko: Mr. Speaker, according to one part of the Assistant Minister's reply, is he implying that we could have representation on these statutory boards, by people who have no merits, simply because the people in their areas are better farmers than people from other parts?

Mr. Wanjigi: I have not heard part of hon. Kioko's question; but, Mr. Speaker, I think one would say that all the members of our boards are men of high reputation, and merit their appointment.

Mr. Kanja: Mr. Speaker, would the hon. Assistant Minister tell this House why you find one Member sitting on several boards, as though we lack reputable people, who can also represent those other areas, instead of one Member being clamped up with so many boards, whereas other people can do the same job?

Mr. Wanjigi: I think that, Mr. Speaker, is a general question, and I would need a specific case—then I would be able to answer.

Mr. Koigi: Could it be that the Assistant Minister knows that there are individuals in this House, the hon. Members, who are members of more than five boards? That is why we are asking—No, he knows! He knows! You see—

The Speaker (Mr. Mati): Order! You have already asked your question, Mr. Koigi; you may sit down.

Mr. Koigi: He is only pretending that he does not know these people.

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

Mr. Wanjigi: Mr. Speaker, I am sure there is no Member of this House, other than a Minister, for example, who can attend all those board meetings; there is no Member of this House who is on more than five boards in my Ministry.

Mr. Koigi: I think I will see the Assistant Minister on this in privacy because we do not want to mention people's names here.

The Speaker (Mr. Mati): Next question, Mr. Wachira.

*Question No. 141 (1452)*ASSISTANCE TO LANDLESS PEOPLE LIVING IN
ITHANGA SETTLEMENT SCHEME

Mr. Wachira asked the Minister for Lands and Settlement if he would tell the House, in view of the fact that landless people living at Mithi-ini in Ithanga Settlement Scheme had assisted in clearing the bush for the survey team which had marked the boundary of settlement plots—

- (a) when these people would be settled; and
(b) whether he would arrange to supply them with food.

The Assistant Minister for Lands and Settlement (Mr. Amin): Mr. Speaker, Sir, I beg to reply. I am not aware of a place called Mithi-ini in Ithanga Settlement Scheme, Central Province.

There is, however, a place in Machakos District, Eastern Province, called Ndithini, where this Department is to establish an ex-squatter settlement scheme as soon as the surveying and demarcation of plots is completed.

(a) The people resident at Ndithini have been organized by the Department of Squatter Settlement to assist the surveyors in carrying out their work and when the plots are ready for allocation, these squatters will be given first preference.

(b) There is no provision in my estimates for the feeding of squatters. This is normally done by the provincial administration, if necessary.

Mr. Kahengeri: Arising from the Assistant Minister's answer, what reason has the Ministry of Lands and Settlement to offer for keeping people who have been taken to a place like Mithi-ini waiting for years and years before they get their portion of land?

Mr. Amin: Mr. Speaker, Sir, we have taken these fellows down there so that we can be able to settle them; this is why they are there now.

Mr. Wachira: Mr. Speaker, Sir, what does the Assistant Minister mean when he says that he does not know of any place called Mithi-ini, when just last month we employed a sub-chief for that area? What does he mean by telling us there is no Mithi-ini in Ithanga?

An hon. Member: He does not know his geography!

Mr. Wachira: He does not know the place!

Mr. Amin: Mr. Speaker, Sir, I can only repeat what I said earlier on; I do not know a place called Mithi-ini; in fact, it is not in Central Province, to begin with; it is in Eastern Province, and its real name should have been Ndithini and not Mithi-ini.

Mr. Wachira: Mr. Speaker, Sir, I think the Assistant Minister is confusing the issue; these are two different places. There is Mithi-ini in Ithanga and Ndithini in Eastern Province; the latter is in hon. Mutiso's area. I am referring to Mithi-ini, and not Ndithini.

Mr. Amin: Well, in fact, they all look alike when I look at Ndithini and Mithi-ini. However, as far as I am concerned, Sir, these settlement scheme fellows are in Ndithini in Machakos District.

Mr. Wachira: Mr. Speaker, Sir, further to the answer to part (b) of my question, what is the Ministry doing because these people are dying of hunger these days? I have been forced to go around asking for donations to feed these people—So, what is the Ministry doing instead of letting these people die there, why do they not settle them?

Mr. Amin: This seems to be quite a new story to me Sir, but if this is true, then I will investigate.

The Speaker (Mr. Mati): Mr. Wachira, your next question.

*Question No. 140 (1451)*IMPROVEMENT OF MURANG'A/TANA POWER STATION
ROAD

Mr. Wachira asked the Minister for Works if he would tell the House whether in view of the fact that there was only one main road to Gikindu—Location 20, Murang'a—and that this road was not passable during rainy seasons, he would, as a matter of urgency, put murrum from the Murang'a/Nairobi main road via Kambirwa and Mirira Markets to Lower Tana—Power Station.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The Tana River Power Station area is served by Trunk Road A2, from Makutano to Sagana; Secondary Road D245 to the Murang'a/Nairobi road and Secondary Road D246 which, together with minor road E534, form a second link with the Murang'a/Nairobi Road, passing through Kambirwa and Mirira Markets.

My Ministry would like to have all roads brought up to high murrum standard or high gravel standard, but unfortunately the funds at our disposal are very limited and it has not been possible to include the Kambirwa/Tana River Station Road, in this year's programme. Let us pray it will be included, probably next year.

Mr. Wachira: Does the Assistant Minister agree with me that the people of Kambirwa in Location 20 of Murang'a do not even go to hospital during the rainy season because they cannot travel on that road?

Mr. Keen: I entirely appreciate the sentiments expressed by the hon. Member; but as I have already said, funds at our disposal at the moment would not permit us to do this.

Mr. Koigi: Is the Assistant Minister aware that most roads in those areas, including those in my division, are well constructed and all we are asking the Ministry to do is to put murrum on these roads?

Mr. Keen: I have nothing to add to what I have already said; I said we do not have funds for this year and, probably, if the hon. Member would care to Press this matter very hard, we may consider putting it into next year's programme. However, as far as 1971 is concerned, we do not have any unallocated funds.

Mr. Umuro: Mr. Speaker, Sir, since the start of this new Parliament, in 1970, the Ministry of Works has been promising to bitumenize all roads in Kenya: but up to now these promises have not been fulfilled in the rural areas: when will these promises be fulfilled? I think you ought to fulfil it, because it is quite a long time now.

Mr. Keen: Mr. Speaker, Sir, I have been in this Parliament for the last 13 months and I do not remember, at all, that at any place we promised or gave an undertaking that we are going to bitumenize all roads in Kenya: they total about 100,000 miles altogether, and that would require the entire revenue of this country for the next 20 years, if we are going to do so. Therefore, as far as we are concerned, we are trying to do everything possible so as to satisfy *wananchi* as far as road construction is concerned. For your information, before independence we had only 900 miles of bitumenized roads. Since independence another 600 miles have been constructed and we have another 300 miles under construction—in a period of seven years only.

An hon. Member: Where are these roads?

The Speaker (Mr. Mati): Next question.

Question No. 148 (1469)

CONSTRUCTION OF KAPSABET/ELDORET ROAD

The Speaker (Mr. Mati): Mr. arap Saina not here? We will leave his question until the end then.

Question No. 128 (1427)

AGENCIES OF KENYA NATIONAL TRADING CORPORATION

Mr. arap Cheboiwo asked the Minister for Commerce and Industry if he would tell the House—

(a) whether it was true that the Kenya National Trading Corporation had

agencies all over the Republic and how many they were; and

(b) whether he could give a district breakdown of Kenya National Trading Corporation agencies in the Rift Valley Province.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. It is true that the Kenya National Trading Corporation has agencies all over the Republic and the total number in the Rift Valley Province is 1,050.

Breaking them down according to districts, in answer to the second part of the question, Mr. Speaker, Sir, they are as follows—

Nakuru	49
Uasin Gishu	49
Kericho	23
Trans Nzoia	19
Laikipia	14
Nandi	11
Kajiado	10
Narok	6
Baringo	6
Samburu	4
West Pokot	3
Elgeyo-Marakwet	2
Turkana	2
Total	191

Mr. Mutiso-Muyu: Mr. Speaker, Sir, could the Minister tell us—I have heard him mentioning these places—why he did not mention Machakos?

The Speaker (Mr. Mati): Machakos is not in the Rift Valley Province!

Mr. Kanja: Mr. Speaker, Sir, can the hon. Minister tell this House how long the Kenya National Trading Corporation has to continue being a middleman whereas our own people can handle what the Kenya National Trading Corporation is handling at the present?

Mr. Osogo: Mr. Speaker, Sir, as long as the Kenya National Trading Corporation is required.

Mr. Speaker, Sir, if I may give a brief explanation of why the Kenya National Trading Corporation was started—it was because we wanted to break through the big traders that have money and with whom Africans would not be able to compete. Therefore, the Kenya National Trading Corporation was created to come in the middle and take over all the business that was being done by the big traders so that Africans might benefit. Now, so long as that is still required, and so long as we schedule some items to be confined only to Africans, the Kenya National Trading Corporation will be in operation.

Mr. arap Cheboiwo: Arising from the Minister's reply, Mr. Speaker, Sir, that there are two agencies in some places, why is it that in some districts, for example Turkana, where there are still less developed areas, these agencies are very, very few? Is it because they do not supply some things or what would make them have a bigger number than that?

Mr. Osogo: Mr. Speaker, Sir, the purchasing power of Turkana is very, very low and that is why there are only two distributors there.

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

Arising from the Minister's reply, could he go further and say whether all these agencies for Kenya National Trading Corporation are for sugar only or are mixed agencies; and, if that is so, how many Kenya National Trading Corporation agencies are for sugar only?

Mr. Osogo: The question, Mr. Speaker, Sir, was about Kenya National Trading Corporation agencies of every type of commodity. If the hon. Member wants to know specific numbers of sugar agencies, then I would need notice of that question. However, I would like to inform the hon. Member that agents of sugar are also agents of some other commodities and it would not be true to say that they are agents for sugar, specifically, and sell sugar only. They distribute other commodities which come through the Kenya National Trading Corporation.

Mr. Ayah: Mr. Speaker, Sir, in view of the fact that the Kenya National Trading Corporation's main purpose is to put business in the hands of Africans, would the Minister agree with me that it would be advisable and, indeed more economical, I think, to spread business in the hands of Africans by making sure that the Kenya National Trading Corporation agencies—African agencies—only deal with one item?

Mr. Osogo: That is a very, very good suggestion, Mr. Speaker, Sir, and if the hon. Member could wait, as I think he knows the exercise which the Kenya National Trading Corporation is doing at this time, when we finish the exercise, the result of it might be what he has suggested.

The Speaker (Mr. Mati): Next question.

Question No. 135 (1437)

PRIVATE MEDICAL PRACTITIONER: MUMIAS
CATHOLIC MISSION

Mr. O'Washika asked the Minister for Health if he would tell the House whether since the Government was unable to post a resident doctor to Mumias Catholic Mission, he would

consider giving financial help to the people of Mumias who badly need the services of a qualified private medical practitioner.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, before replying to this question, I would like to beg the House's apology for being absent on Friday because the circumstances that led all of us to be absent were unavoidable and we hope that we will avoid this situation in the future.

Mr. Speaker, Sir, now I beg to reply.

The employment of doctors for church hospitals is done by the church organization concerned and as such the question of posting a doctor to Mumias Catholic Mission by the Ministry of Health does not arise.

Church hospitals are given grants by the Ministry of Health after considering various factors that exist in the entire Republic and before that is done certain conditions have to be fulfilled by the church hospitals concerned.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by my friend, Mr. Jahazi, is he not aware that we have a mission doctor stationed at a place called Mukumu Mission Hospital who goes to Mumias twice in a week—Tuesday and Friday—and this man is employed by the Government; and if that is the case, why can the Ministry of Health not give a directive that this man should be retained in Mumias Mission Hospital permanently?

Mr. Jahazi: Now, Mr. Speaker, Sir, we do not direct the missionaries as to where they should put the doctors whom they recruited themselves, but for the guidance of the Member, I would like to say that if this particular hospital wants to qualify for the Ministry of Health's grants, it should at least have this doctor residing there and employed for this hospital and, secondly, it should also have para-medical staff needed to run the hospital—I think they have that at the moment—and if the Mumias Mission Hospital can fulfil these conditions, then the Government will be prepared to consider making a grant to Mumias Mission Hospital as well as other hospitals. So, I would request the Member to go and see the head of the Mission Hospital in that and then we can talk it over in the Ministry after these conditions are fulfilled.

Mr. ole Marima: Mr. Speaker, Sir, knowing that the Government gives money to these missionary hospitals to help them, is it not envisaged that where we put money we can also direct that services be given to the *wananchi*?

Mr. Jahazi: I think the Member misunderstood the question. The money is paid where this present doctor is at the moment, but not at Mumias Hospital, although he does the rounds. So, in order for Mumias Mission Hospital and such to qualify for these grants, they have to employ a doctor who would be specially for Mumias Mission Hospital and then we would get this money. However, where they employ the doctors themselves, they can send them anywhere as long as they do not demand any grants from our Ministry for that.

The Speaker (Mr. Mati): Next question.

Question No. 143 (1455)

DEATHS RESULTING FROM SELF-MEDICATION

Mr. Ebu: Mr. Speaker, Sir, before I ask this question, there is an error I would like to correct. The last word in the first line is "Pre-natal" and not "pre-matal".

Mr. Ebu asked the Minister for Health if he would tell the House how many known deaths, abortions and pre-natal deformities in Kenya, to-date, were attributable to self-medication.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Minister for Health is aware that there is an illegal sale and buying of drugs—

Mr. Ebu: No! Not that one.

The Assistant Minister for Health (Mr. Jahazi): I am sorry. Is it the other one?

Mr. Speaker, Sir, I beg to reply. Sorry for the little confusion.

No records are kept in the Ministry of Health of statistics regarding deaths, abortions or congenital deformities attributable to self-medication. In any case, any statistics produced would be quite unreliable as correct information regarding self-medication can hardly be expected because, Mr. Speaker, Sir, to add to that, these people hide away somewhere and they tend to make it very private and confidential. Therefore, we cannot have valid information to give to the Member.

Mr. Ebu: Mr. Speaker, Sir, arising from the reply given to the House by the Assistant Minister is he implying that the Ministry of Health does not view this situation seriously because, apparently, according to him they have not taken any trouble to find out whether there is a serious situation in the country?

Mr. Jahazi: Mr. Speaker, Sir, the Member may know of these cases going on every night to the extent that he views them as serious. I hope he reports to us what is taking place now, what took place yesterday and last month and, then, perhaps, we can go into the matter. However, as

far as we are concerned, we do not know of these cases and we have no means of going round, inspecting private places at night to see whether something is going on there. Therefore, Mr. Speaker, the Member would help us a little by giving us a few of the cases that he knows about.

Mr. Ebu: Mr. Speaker, I think the Assistant Minister is trying to evade the question. Or is he trying to tell us that the Ministry does not have the facilities? If the Ministry was interested in such a situation it would have taken the trouble to investigate. I do not see why they should not do their own work and expect me to do their work for them.

Mr. Karungaru: Arising from one of the replies by the Assistant Minister, would he deny that most of these cases take place outside Government hospitals simply because Government has already admitted that some cases, say abortion cases, are not detectable? In effect therefore, the Government allows these cases to take place since it cannot control them.

The Speaker (Mr. Mati): I do not see the connexion between what Mr. Karungaru is saying and the question. The question asks about death, abortion and pre-natal deformities as a result of self-medication. There is nothing here to do with illegal abortions and so on.

Mr. Nthenge: Mr. Speaker, Sir, would the Assistant Minister tell us why these things occur so much? What, in their opinion, is the cause?

Mr. Kivuitu: Mr. Speaker, arising from the Assistant Minister's replies will he tell us whether there are any cases they are aware of, of death, abortion and pre-natal deformities occurring as alleged in the question, and if so, what steps are they taking to stop them?

Mr. Jahazi: I said we are not aware of them. There might have been one or two, and some of these cases have even appeared in the court, about illegal abortion or private abortion. However, we are not aware of any case, recently, to warrant calling the situation very serious. We are not aware. Sir, we would welcome any information from any ordinary citizen, from any Member who seems to know what is going on.

The Speaker (Mr. Mati): I think Mr. Jahazi has the same difficulty as Mr. Karungaru. Here we have the question of self-medication. That is all what the question asks for.

Mr. Jahazi: Self-medication?

The Speaker (Mr. Mati): Drugs which you decide on and administer to yourself, not because they have been prescribed by a doctor.

Mr. Jahazi: Mr. Speaker, how would we know that. Anybody can go to the chemist and buy

[Mr. Jahazi]

something there. However, we do not know of any case and we welcome information about any case that has resulted in this, if there is any.

Question No. 144 (1456)

CURBING ILLICIT SALE OF DANGEROUS DRUGS

Mr. Ebu asked the Minister for Health if he would tell the House if he was aware that a lot of dangerous drugs such as achromycin, streptomycin, Suta and the sulphonamides were being sold throughout the Republic particularly at the bus parks in Nairobi and Kisumu and on the Nairobi/Mombasa train—

- (a) if those involved in this business were not licensed to do so, what action the Ministry intended to take to control, if not to eliminate, this illegal trade;
- (b) since the introduction of the Dangerous Drugs Act, how many cases had appeared in Court and what the charges were.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Ministry of Health is aware that there is illegal sale and buying of drugs which are grouped either as poisons or as dangerous drugs but the extent to which this illegal practice goes on is difficult to state accurately.

(a) It is illegal for unauthorized persons to be in possession of the drugs mentioned by the hon. Member. Those who are not licensed to possess such drugs are, therefore, liable to be prosecuted before the courts if found in illegal possession of the drugs. The law cannot be effective unless the public are co-operative and ready to report such offenders to the police. This is one of the factors which make total elimination of this practice difficult.

(b) The records of the people who have appeared in court under the Dangerous Drugs Act are with the police, for any hon. Member to go and check.

Mrs. Onyango: Mr. Speaker, Sir, could the Assistant Minister prove to the House that there has been any arrest to show that Kisumu and Nairobi people are selling this thing illegally? If he is aware that people are selling this thing illegally, could he prove to us?

Mr. Jahazi: Mr. Speaker, Sir, I do not know whether the hon. Member denies that she has never read anywhere about anybody being charged for stealing drugs or something like that. However, there have been cases and that is why we thought that if any Member cares to check with the police he will be told exactly how many cases have been taken to court.

What I would like to say is that the task of putting the police on to this is not our job; we have the law and we control the possession of such drugs. These drugs are imported, they could be stolen from the chemist, they could be sold by the chemist, these people could get them anywhere. They could even be stolen from the hospitals. It is the duty of the police to see that if somebody is selling these drugs in Makadara or by the Railways station, they arrest these people and ask them where they obtained the drugs from, and whether they have licence to sell these drugs, which I am sure they do not have.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, can the Assistant Minister tell this House why Government should restrict the selling of these drugs if they are beneficial to the *wananchi*?

Mr. Jahazi: Mr. Speaker, Sir, I do not think the hon. Member would be happy to go anywhere, for instance, to be given an injection, by anyone on the street. I am sure he would prefer only a qualified doctor.

What we say is that these drugs are not restricted to those people who are authorized: they are only restricted to those fellows who just pick them up and try to distribute them without even knowing what these drugs are.

Mr. Kahengeri: Mr. Speaker, Sir, from the arrests that the police have made and, perhaps, the Medical Department have made analysis of, have they found that some of the Sutas alleged to have been sold in Kisumu and Mombasa have been only imitation rather than the original Suta that we know?

Mr. Jahazi: Mr. Speaker, those who have been charged with possession of these drugs, including Suta, really cannot have been in possession of the imitation stuff. It is imitation they would have been charged with trying to cheat people, or some other charges. This was a real charge of possessing dangerous drugs.

Mr. Ebu: Mr. Speaker, Sir, I am most dissatisfied with the answer given by the Assistant Minister. I thought he should have given us—

The Speaker (Mr. Mati): Ask your question, Mr. Ebu.

Mr. Ebu: Arising from the answer he has given, will he give us the number of people who have already been charged under this Act because I do think his Ministry is responsible?

Mr. Jahazi: No, Sir, we are not really responsible for the arrest of these people. It is up to the police. They know the law, they know who should have and handle these dangerous drugs and, therefore, like for people who sell *makadara*

[Mr. Jahazi]

bhang somewhere, we are not interested in actually prosecuting because we are not prosecutors. The law clearly states that it is not we who should arrest and prosecute these people. If the hon. Member is really interested—the cases were dealt with in a court of law—all he has to do is to see the hon. Martin Shikuku or any person dealing with the Police Department and he will get the full records of the proceedings in court.

Mr. Kivuitu: Arising from the Assistant Minister's reply, will he not agree with me that these drugs find markets because Government hospitals and Harambee hospitals cannot provide these kinds of drugs which are quite effective to our diseased *wananchi* and as a result people go for them everywhere rather than go to the Government or Harambee hospitals where they only get aspirin?

Mr. Jahazi: Mr. Speaker, Sir, I do not agree that these drugs are not available in Government hospitals; maybe they are not in the Harambee hospitals, I do not know. They are certainly available in the Government hospitals.

All I would say is that the *wananchi* should not buy these drugs because they are dangerous drugs, as any doctor in this House would agree, and they have time limits. If they continue buying drugs from these people they may end buying their own poison and making these cases taken to Government hospitals as very serious cases of taking wrong drugs or drugs whose dates have expired.

So, Sir, I would like to tell the *wananchi* through the hon. Members here to discourage this habit of buying drugs from these pedlars in the back streets and instead to go to the hospitals when they are sick. They should not hide the type of disease they are suffering from.

Question No. 12 (1201)

HOUSING FACILITIES FOR EMPLOYEES OF
UNIVERSITY OF NAIROBI

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

- (a) the number of African employees of the University of Nairobi employed on non-teaching duties were provided with housing facilities by the University and how many were not;
- (b) whether non-African employees of the University of Nairobi employed on non-teaching duties were provided with housing facilities by the University and how many were not;

- (c) how many women employees of the University who were married to persons who were employed elsewhere were provided with housing facilities by the University.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. (a) Of the Africans employed at the University of Nairobi on non-teaching duties, 123 are provided with housing facilities and 1,235 are not. Those who are not housed get housing allowance, or a consolidated salary which includes housing allowance element.

(b) Of non-African employees of the University of Nairobi on non-teaching duties, 26 are provided with housing facilities by the University and 90 are not. These unhoused employees receive housing allowance.

Twenty married women employees of the University are provided with housing facilities.

Question No. 148 (1469)

CONSTRUCTION OF KAPSABET/ELDORET ROAD

The Speaker (Mr. Mati): We come back now to Mr. arap Saina's question. Not here?

QUESTIONS BY PRIVATE NOTICE

ARMED ROBBERY GANGSTERS

Mr. Kivuitu: Mr. Speaker, Sir, on behalf of Mr. Mulwa, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

- (a) How many of the gangsters terrorizing the country through armed robbery have been apprehended and jailed, particularly the planners of these crimes?
- (b) How many guns have so far been recovered by the police from these gangsters and where were these guns obtained from originally?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) During 1970 and up to 28th February, 1971 a total of 33 persons were convicted for armed robbery in Nairobi. Of these it is impossible to give a breakdown of the planners and others. Furthermore, very severe sentences of imprisonment have been imposed on the gangsters who have been convicted of these robberies in Nairobi.

(b) So far 7 firearms have been recovered during this period. It is not in the interest of the country to reveal to the House where these guns were obtained from originally.

The hon. Member can be assured that the police continue to do everything within their

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

power to prevent and check these crimes. A very close liaison is being maintained with very many banks and other bodies who have custody of large amounts of cash. It should be appreciated that it is not in the public interest to disclose fully the measures being taken to combat these crimes.

Mr. Kivuitu: Arising from the Assistant Minister's reply, could he tell this House whether, in view of the nature and extent of the commission of these crimes, any inquiries have been carried out on a national level to find out and establish whether these have any national or particular planning, or are the investigations only carried out with respect to a particular crime with regard to getting a conviction in regard to that particular crime?

Mr. Matano: Mr. Speaker, Sir, if the hon. Member is thinking of a public inquiry the answer is, "No, there is no public inquiry." However, if he means investigation by the Police Department the answer is, "Yes, the Police Department is considering the matter. They have made enough inquiries and we know what is going on. We are following it up."

Mr. Munyasia: Mr. Speaker, arising from the Assistant Minister's reply that 33 persons are convicted, could we know who are these 33? From which tribes do these 33 come? Are they from anywhere or do they come from one particular tribe?

Mr. Matano: Mr. Speaker, Sir, the answer is, "These people were criminals and criminals have no respect for tribes."

Mr. Speaker, Sir, in each tribe there are criminals and we are after them.

Mr. ole Marima: Mr. Speaker, Sir, will the Assistant Minister agree with me that by not telling us the original source of these firearms we are actually encouraging these thieves to continue bringing these firearms and we will never be watchful about them?

Mr. Matano: Mr. Speaker, Sir, I would like the House to believe in what I said. If I come here to disclose exactly how these people get these arms, then we may be in a position to educate others who will do exactly the same. Therefore, the best thing for us is not to disclose this but rather try to follow it up and try to make sure that these things do not happen again.

Mr. Nthenge: Mr. Speaker, can we know from the Assistant Minister whether these robberies are not an activity of a special brain which is working

behind them? Is there not one person or a group of intellectuals behind them, planning for all of them?

Mr. Matano: Sir, well, some of the raids that took place, particularly in Nairobi, were very well planned. There is no question about that. This shows that the people behind it were intelligent people, they were not fools.

However, Sir, it will be wrong to assume that there is a particular pattern in all this planning. There is no particular pattern and, therefore, we do not think there is any good organization behind these raids.

Mr. Araru: Mr. Speaker, arising from the Assistant Minister's reply when he said he could not reveal where the guns had come from, is it true that for the robbery which took place in the Bank of Baroda last month, the robbers used machine guns? Where did these machine guns come from? Did they buy them from somebody and return them after the robbery?

Mr. Matano: The Press reports say there were machine guns, and, therefore, we have no reason to disbelieve that there were machine guns. Yes, there were machine guns.

As to where they come from, I am sorry, Sir, I cannot say.

Mr. Miguru: Mr. Speaker, Sir, in view of the fact that robbery and violence in this country has become a very big problem to the public of Kenya, would the Minister for Home Affairs consider picking one by one these planners and the people concerned and send them to detention camps because leaving them about would be a serious danger to the people of this country? Would you mind detaining them?

Mr. Matano: Mr. Speaker, Sir, we are not detaining them, we are imprisoning them. In fact, we are imprisoning them and caning them. This is more serious than just detaining them. We are more severe in our action and I think the action is satisfactory. We do not like this type of thing to carry on and as I said earlier we are trying every way possible to try to curb this. Very heavy sentences are imposed on these people and we feel we are taking enough steps to create a deterrent.

ASSISTANCE TO ORPHANS IN EAST POKOT

Mr. Cheptai: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following question by Private Notice—

- (a) when will the Government help the orphans whose parents were killed by armed *Ng'oroko* in East Pokot;
- (b) could the Minister state the number of people who were rendered helpless as a

[Mr. Cheptai]

result of their property being taken away by the *Ng'oroko*.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. I have not been unable to determine the incident to which the hon. Member is referring to as he has not given any details as to the time and exact place and type of incident. If the hon. Member would be good enough to give me some information, I should then be in a position to give him a more appropriate answer.

Mr. Cheptai: Mr. Speaker, Sir, the Assistant Minister wants more details in regard to my question. I will tell him now that early in 1967 the *Ng'oroko* kept arms in the country, they were killing the Pokot up to 1969. There were many, many orphans left in the country because their parents were killed. The old people were left uncared for because their sons who were looking after them were killed by the *Ng'oroko*. This is known in the Republic.

Again, Sir, we as a nomadic tribe—

The Speaker (Mr. Mati): Order! You have already made your point. That is sufficient.

Mr. Matano: Mr. Speaker, Sir, just to inform the House exactly what *Ng'oroko* are, the *Ng'oroko* are just ordinary gangsters who are, actually cattle raiders. This is something which has been going on from time immemorial. As regards the hon. Member's question, as to how many orphans there are who are victims of *Ng'oroko*, Mr. Speaker, it is very hard for me to give the exact figure. It would have helped very much if he had asked exactly which period or in which area this happens because this is widely spread over a large area and it is very hard to pin down and say exactly that there are so many people who are victims of *Ng'oroko*. These are cattle raiders who have been doing it since time immemorial. We hope they will stop doing this soon with the help of the hon. Member when he goes back and tries to educate them.

Mr. Cheptai: Mr. Speaker, Sir, I think it is quite clear that East Pokot is a vast area, as indicated in the question. I want to know the steps Government intends to take to see that these orphans are helped in getting food. Where will they get their education from because they do not have parents to educate them. Who will guarantee that they are not left behind educationally?

Mr. Matano: Mr. Speaker, Sir, I believe that the answer is, "no" as regards offering food to the orphans who are the victims of *Ng'oroko*; but the

answer to the whole question is a matter of education. These people who keep on raiding other people's cattle, need to be educated, and I have always been saying this here; it has been repeated so many times that that is the only solution.

Mr. Lentaya: On a point of order, Mr. Speaker, Sir, I think the Assistant Minister is trying to confuse the House by saying that the solution is to educate these people. How can we, Mr. Speaker, educate people who are living in the bush? How can we educate the *Ng'oroko* who are living in the bush when we do not even know where they are? The only time we see them is the time they come out to kill people

Mr. Matano: Mr. Speaker, Sir, by saying "educating them" I do not mean we should have the *Ng'oroko* in a classroom in front of someone with a piece of chalk trying to educate them; what I mean is that the hon. Members of Parliament from that area should keep on preaching good neighbourhood, how to start living together and about the badness of crimes, such as stealing. We know that other people have done it, for example along the border of Masai and Wakamba where hon. Members representing those places have tried hard to educate their people. As a result these raids are not there now. If other people can do it, I do not see the reason why the hon. Members from Pokot cannot do the same to their people by telling them that education is needed.

Mr. Kadir: Mr. Speaker, Sir, will the Assistant Minister tell the House why he does not know how many innocent people from Pokot have been victimized? Why does he not know how many innocent Kenyans have been killed? Instead of asking the hon. Member for the area how many people have been victimized and how many people have been left behind, why does he not try to find out how many people have been killed and how many people deserve help? Why does he not tell us that?

Mr. Matano: Mr. Speaker, Sir, I do not know because the information is not available.

Mr. Lotodo: Mr. Speaker, Sir, if the Member for Pokot East, that is in Baringo District, the hon. Cheptai brings a list of the names of these orphans, is the Assistant Minister prepared to do something for them?

Mr. Matano: Mr. Speaker, Sir, that is a different question altogether; but when the case comes up, of course, it will be considered on its own merits.

The Speaker (Mr. Mati): No. Mr. Matano, it is not. It is the first part of the question.

Mr. Matano: Mr. Speaker, Sir, the first part of this question talks about the orphans who are left as victims of *Ng'oroko* raids. The question is whether the Government is prepared to help in feeding them or something of that kind. If that is the case, then I feel it is a different question, and at the moment I cannot answer that. However, as soon as we get this list and we know the circumstances about how this happened, of course this will be considered on its own merit. The Government, of course, will find a way of solving the problem.

SUSPENSION OF ROAD CONSTRUCTION AT NANDI HILLS

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

- (a) Is the Minister aware that with a view to collecting substantial compensation Nandi Tea Estates at Nandi Hills have conspired with Daraja Mbili-Kapsabet Road contractors to have the road now being constructed avoid the originally proposed route through (Nandi Hills) Township and instead go through Taito Primary School—the best school in the area catering for more than 300 children—without having cared to make any alternative provisions for the children concerned?
- (b) Will the Minister order the immediate suspension of the work in question pending satisfactory arrangements to realign the new road to avoid the school by at least 400 metres or to arrange for sufficient compensation to put up an alternative school of similar standards within the Nandi Township boundaries?

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. First of all, Sir, I would like to say that it is not true that there was conspiracy between the road contractor and the Tea Estates Authority to collect substantial compensation from the Government. I would like to point out that the choice of road realignment rests with the Ministry of Works, not with the contractor or the Consulting Engineers who may be commissioned. In this instance the realignment was chosen by a firm of consulting engineers working on behalf of the Ministry of Works, that is the Kenya Government. The realignment was discussed and approved by my Ministry as being the best in 1968.

Mr. Speaker, Sir, it is rather too late to suspend the construction operations around the school in question. The necessary compensation has been

paid; but if there is doubt as to whether compensation has been paid, this could be investigated and the matter be rectified.

I am further advised by my technical officers that it is possible to construct an underpath to enable the children and whoever needs to have access to the school to do so. If this is not acceptable, then actually the school will have to move to an alternative site.

Mr. Seroney: Mr. Speaker, Sir, leaving aside the question of conspiracy about which I do not agree with Minister, what is he prepared to do now, at this particular moment, to suspend work alongside the school while all these problems he has indicated are dealt with? Is he aware that children cannot study because of the noise of road construction which is going on a few feet from the classrooms?

Mr. Nyamweya: Mr. Speaker, Sir, if we agree that both the school and the road are going to co-exist in the future, naturally some construction work will have to continue. It is a good sign, however, that the school vacation is due in the next two weeks and work could perhaps be suspended during the next two weeks and when the school goes into vacation, work should commence and possibly construct an underpath. I do not know exactly how long this will take, but if we find the acceptable compromise is to construct an underpath at the school to enable the children and other users of this road in this particular place to make use of the underpath, I suggest that these two things will have to be done during the vacation.

Mr. Seroney: Mr. Speaker, Sir, in his earlier reply, the Minister said that compensation has already been paid. May I ask how much this compensation was, to whom it was paid and why some of this compensation cannot be used to put up an alternative school in the township?

Mr. Nyamweya: Mr. Speaker, Sir, I am glad that the hon. Member has raised this question. I am told that this Taito Primary School, as it is called, was established by East African Tea Estates Limited, who are the owners of the Nandi Tea Estates, and it was not until last year that the Ministry of Education assumed responsibility over this school. I cannot, at the moment, say exactly to whom compensation was paid. It is not the responsibility of my Ministry to pay the compensation. Naturally, we work out how much compensation needs to be paid out in any road project. Once this is done, in order to be on the safe side, the provincial administration ensures, or at least checks to know who are the right people to receive the compensation. If the hon.

[The Minister for Works]

Member for Tinderet wishes to have more information on the question as to who was given the compensation, this information is available; it is obtainable from the Provincial Administration and perhaps the District Commissioner at Kapsabet.

Mr. Seroney: Mr. Speaker, Sir, why does the Minister consider it too late to alter the state of affairs, and does he realize that the consequences are disastrous for the children concerned? Why can he not suspend that work now, instead of asking that it continues and then be suspended during the vacation?

Mr. Nyamweya: Mr. Speaker, Sir, I am in a rather difficult position because if the road is to pass near the school, we agreed that we shall have to construct an underpath to enable the children, and the other people, to have an access to the school through this underpath. Naturally, we cannot, then, suspend the work because, in any event, we are going to construct this underpath. We can only suspend the construction if we agree that the road is going to pass far away from the school. I have not been convinced up to this moment that the decision to suspend the construction and then have another road alignment away from the school would be the best answer to the problem. I do think that the best answer to the problem, and perhaps which would be cheaper, is to construct a school on an alternative site, which I am informed, could easily be made available. The Ministry of Education is looking into this. Otherwise, if we cannot do that, Mr. Speaker, then we will have no alternative except to spend a little more money to provide necessary secure means of access to the school.

Mr. Seroney: On a point of order, Mr. Speaker, Sir, I beg to raise this question on a Motion for the Adjournment because of that most unsatisfactory answer.

The Speaker (Mr. Mati): You do not have to say that, Mr. Seroney.

AGREEMENT ON FLUORSPAR MINING IN
KERIO VALLEY

Mr. Kurgat: Mr. Speaker, Sir, I beg to ask the Minister for Natural Resources the following Question by Private Notice:—

- (a) Will the Minister make available to the House the full text of the promotion agreement (to provide the basis of fluorspar mining in Kerio Valley) signed on Monday the 8th March 1971 between the Industrial and Commercial Development

Corporation, Bamburi Portland Cement Company Limited, and the Continental Ore Corporation?

- (b) Why has the participation of the local people not been incorporated into the agreement whereas they had been promised 10 per cent of the shares?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I beg to reply. It is not normal practice for this House to be provided with the full text of any agreement signed by the Government or its statutory corporations. I am happy, however, to let the House know that the full text of the promotion agreement is available. The document is with the Industrial and Commercial Development Corporation and it is a 78-page document.

Mr. Speaker, Sir, I would, however, like, for the benefit of the hon. Kurgat, to let the House know the salient features of the Promotion Agreement. The Promotion Agreement is for the exploitation of fluorspar deposit in the Kerio Valley and was signed by the Industrial and Commercial Development Corporation, on behalf of the Kenya Government, Bamburi Portland Cement Company Limited and Continental Ore Corporation.

Mr. Speaker, Sir, the Industrial and Commercial Development Corporation will have a shareholding of 51 per cent while Bamburi Portland Cement Company Limited and Continental Ore Corporation will each have 24½ per cent share holding in the company. It has also been agreed that the Continental Ore Corporation will be the managing agent, as they have the necessary experience and expertise in the exploitation and processing of this mineral. Continental Ore Corporation will also be the sales agent for the company for all the sales conducted outside East African countries. The Bamburi Portland Cement Company Limited will be responsible for handling of the mineral through the port of Mombasa. This company has a mechanized bulk handling system at Mombasa. The Industrial and Commercial Development Corporation will have the majority of directors on the board.

- (b) Mr. Speaker, Sir, it is not true that the participation of local people has not been incorporated into the agreement. In fact, the agreement stipulates as follows:—

“That the promoters shall procure that the company shall, when it shall deem it appropriate to do so, issue a prospectus offering to the public in Kenya at par, 30,000 shares of Sh. 20 each in the capital of the company”.

[The Minister for Natural Resources]

As the issued capital of the company will be £300,000, the 30,000 shares, which will be sold to the public, will comprise 10 per cent of the shares. It is not considered advisable that these shares should be sold to the local people at present as it is not yet certain, at this stage, how long it will take the company to be able to realize profits. However, when the company is in proper and full production, it will be the right time to sell 10 per cent of the shares to the local people, who will at that time expect a quick return.

Mr. Kurgat: Mr. Speaker, Sir, the agreement was signed in Nairobi here and the Minister has informed the House that the local participation is being considered. I wonder whether the Minister knows that there are some people living in the place where this fluor spar—is found—where are they going to be moved to?

Mr. Omamo: There is a procedure of moving people in case they have to be moved. These will not be the first people to be moved and I hope not the last. If compensation is to be paid, it will be a fair compensation.

Mr. Seroney: Is the Minister aware that although the Industrial and Commercial Development Corporation has the lions' share it will, in fact, be impotent by virtue of the fact that the Continental Ore is made the managing agent? Could he not make a different arrangement for marketing of the product to ensure efficient exploitation of fluorite from the area?

Mr. Omamo: Mr. Speaker, Sir, the question of mining, management of the production and the sale of the product has been gone into in great detail. The arrangement whereby the Continental Ore has been given the responsibility for mining and then the sale, is the best, in our opinion. They have the expertise not only to produce but also to sell all over the world at prices which are considered to be in the best interests of this country.

Mr. Boy: Arising from the Minister's reply where he said that the Continental Ore was given the agency of selling such products throughout the world, is he aware that the Continental Ore has interests outside this country? Will they not exploit this right of selling the product by selling it at a cheaper price and trying to get a good market for their own products produced in other countries?

Mr. Omamo: Mr. Speaker, Sir, the Government is aware of the experience and the extensive knowledge of the Continental Ore with regard to fluor spar trade in the world. The new company, however, is to be controlled by the Government which

will have 51 per cent of the shares. Also, of the nine directors, the Government will have five. If at any time the Continental Ore, as the agent, is proved to have used any unscrupulous method, the Government will lay its hands on the Continental Ore because we have the full control.

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

In view of the fact that the local people want to participate in buying shares, and the fact that the Government are in favour of giving foreigners a certain percentage of shares in this company, could it not be in order for the Industrial and Commercial Development Corporation to hand over a few of the shares which they were allocated to the local people, or the people from the area, so that they can participate in the running of the company rather than giving the shares to the foreigners?

Mr. Omamo: Mr. Speaker, Sir, minerals belong to the Government, to the nation and to the Republic. The Republic will have 51 per cent of the shares. The local people and the public at large will be offered 30,000 shares of Sh. 20, which will bring in a total of KSh. 600,000. I think this is a fair share. Mr. Speaker, Sir, and the fact that my Ministry has made these arrangements and stipulated that the production of the marketable product overseas will contain 97.5 per cent of the concentrate, is something which is worth appreciation. The total investment will be nearly K£1 million. This undertaking is one which is new and one which we would like to encourage. I would, therefore, like to appeal to the Members to appreciate the trouble which the Ministry has taken to come to this sort of agreement because it will prove to be to the best advantage to the country.

EQUIPMENT FOR SCHOOLS IN WESTERN PROVINCE

Mr. S. Lugonzo: Mr. Speaker, Sir, I beg to ask the Minister for Education the following question by Private Notice:—

- (a) Is the Minister aware that schools in Western Province have not received their equipment for this year including very necessary equipment such as registers;
- (b) If the answer is in the affirmative, what steps is he taking to rectify the situation.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker Sir, I beg to give the following reply. I wish to inform the hon. Member for Ikolomani that primary schools in Western Province have been supplied with all the essential equipment for 1971. Class registers, however, ran out of stock before they were fully supplied. A

[The Assistant Minister for Education]

supplementary order was placed and these have been received from suppliers. All the requirements for Kakamega were dispersed on the 3rd March 1971 and arrangements are underway to supply Busia and Bungoma districts with the requirements within the next few days.

Mr. S. Lugonzo: Arising from the Assistant Minister's reply, I would like to know whether he is aware that supplying schools with their equipment was done locally a few years ago and that it was so efficient that there was no such delay in getting school equipment like registers to the schools? Could we be told why all of a sudden the supplying of school equipment was centralized, thereby bringing all the money from the districts to Nairobi which would otherwise be spent in—

The Speaker (Mr. Mati): That is a different question Mr. Lugonzo. It has nothing to do with your original question.

Mr. Gichoya.

Mr. S. Lugonzo: On a point of order—

The Speaker (Mr. Mati): I said it is a different question which does not arise from your original question.

Mr. Gichoya: Arising from what the Assistant Minister has informed this House, that the equipment was sent just a few days ago, would he agree with me that the present method of supplying equipment to schools is far more unsatisfactory than the previous one and therefore, we should go back to the original system whereby each county council was responsible for supplying the equipment to the schools around it?

Mr. Mbatia: Mr. Speaker, Sir, I do not agree with that view. What happened was that we did not start supplying or despatching the requirements to schools early enough. This year, we will make sure that we will start despatching these items to various distant districts early enough so that there will be no schools lacking the necessary equipment when they start their first term.

Mr. ole Nampaso: Mr. Speaker, Sir, could the Assistant Minister tell the House whether it was only the Western Province which had a shortage of school equipment or there was another province which had the same problem?

Mr. Mbatia: Mr. Speaker, Sir, I am not aware of any other province which has the same complaints. However, I have informed the House and the hon. Questioner that we ran out of stock of some of the essential equipment when we started supplying the schools with equipment, from November, last year. Therefore, we had to put in a supplementary order to suppliers to give us what we needed in

addition, and we started making arrangements, as soon as we received them, to despatch them to various schools. I have also assured him that arrangements for requirements to be sent to Busia and Bungoma districts are now underway and they will be reaching their destinations very shortly.

The Speaker (Mr. Mati): Next Order.

POINTS OF ORDER

METHOD OF FOLLOWING UP A MATTER UNDER INVESTIGATION BY GOVERNMENT

Mr. Migire: On a point of order, the hon. Marita raised a question in this House about two weeks ago about the arrest of the Clerk to Gusii County Council. You ruled that it could be brought up at a later stage after investigation of the matter were completed. Now, Mr. Speaker, Sir, could I know from the Chair up to what stage we should await the investigations so that we can bring the matter up in this House? Sir, up to this time nothing has been done about the matter and it is the wish of certain hon. Members of this House, particularly from Nyanza Province, that this matter should be brought up in this House. Now, my question is: up to what stage should we await the report regarding the investigations from the Government? Should it be, say, two weeks' time, three weeks' time, or one month's time that we should await the report. This, Sir, is exactly what I am interested to know.

The Speaker (Mr. Mati): Mr. Marita has not complained about nothing having been done and therefore there is nothing we can do until somebody takes the initiative to point out what has or was not been done. If he feels that nothing has been done, he can come up and we can discuss the matter.

REASON FOR DELAY IN GIVING REQUIRED SUBSTANTIATION

Mr. Karungaru: Thank you very much, Mr. Speaker, Sir. You may remember, Sir, I raised the question of a substantiation last week from an hon. Member, Mr. Mulwa, but unfortunately I cannot see him in the House. Now, Sir, what would be the position about the substantiation?

The Speaker (Mr. Mati): Yes, I understand he could not come. In fact, he has written to say he would not be in this afternoon. He is engaged somewhere else, but we will follow him up.

Next Order.

MOTION

EXEMPTION FROM INCOME TAX: TANA RIVER DEVELOPMENT COMPANY

THAT this House approves that the income of Tana River Development Company shall be

[The Speaker]

exempt from tax in accordance with section 12 (2) of the East African Income Tax (Management) Act.

(The Minister for Finance and Economic Planning on 11th March 1971)

(Resumption of Debate interrupted on 11th March 1971)

The Speaker (Mr. Mati): Now, this is Mr. Kibaki's Motion. Mr. Kibaki moved it and it was seconded informally by Mr. Nyagah and I proposed the question; so we continue from there.

Mr. Gichoya: Thank you, Mr. Speaker, Sir. Although this appears to be a kind of procedural arrangement in this House, that a company applies here for exemption from income tax and we have to agree in order to encourage foreign investment in Kenya so that our unemployment problem could be solved in one way or the other, it appears to me that the operation of this company, plus the East African Power and Lighting Company and other companies that are operating in Kenya today, is really meant for profit-making purposes.

This being the case, Sir, the purposes which are meant to benefit the Republic, that is the common man, is not what is forthcoming because profit motives appear to be the cardinal principle guiding any private enterprise. Now, in this respect, Mr. Speaker, Sir, we are not benefiting very much from the Tana River Development Company because in an area like Embu District, where the Kindaruma Electrical Power is situated, not every town is having electricity apart from the provincial commissioner's compound, that is in the Municipality of Embu which was upgraded a few days back. Secondly, Sir, divisional headquarters do not, in Embu District, have electricity and yet electricity is coming right from there! Also, Sir, Kirinyaga District, which is just adjacent to the same area, cannot get electricity because the firm that deals with electricity, that is the Tana River Development Company and the East African Power and Lighting Company, do not consider the services to be rendered to the public; they only consider their own profit interests although we are told that we have a certain percentage of interest in it—we, as a Government.

Mr. Speaker, Sir, we are trying to establish small industries in rural areas so that the common man may think of staying at home instead of coming to stay here in Nairobi. The school-leavers may, as a result of these industries, stay in the rural communities rather than come here to look for jobs. However, this, Sir, is not possible unless and until electricity is made cheaper so that small

industries could be established by people with small incomes in the villages or in small towns in the rural areas. Now, unless the Minister for Power and Communications comes forward and tells us that he is not considering Nairobi as the only area that requires electricity day and night but also the districts outlying the area where the source of electricity is, then, Mr. Speaker, Sir, I would find it difficult to support him. For ages and ages, Sir, we have been developing big towns but this Tana River—

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): Talk about the Tana River Development Company.

Mr. Gichoya: Mr. Speaker, Sir, I can hear the Assistant Minister for Finance and Economic Planning asking me to talk about the Tana River Development Company, of which the Kenya Government is having very little share. He, himself, apparently does not know that if electricity is made cheap it can even go to Wajir Town where there is no electricity.

The Assistant Minister for Housing (Mr. Khalif): Wajir Town is not the point of discussion.

Mr. Gichoya: Mr. Speaker, Sir, the Member from Wajir does not know what the point under discussion is because he does not require electricity.

Hon. Members: Why? Why?

Mr. Gichoya: "Why?" It is because he is mentally retarded.

Mr. Speaker, Sir, what we would like the Government to do now is to have a declared deliberate policy of rural electrification, so as to make it cheaper for the common man in the rural areas to have electricity even in his own house if he can afford it. However, we are told that everything must be on profit basis. Now, on the profit basis we shall benefit only a few. Therefore, Sir, are we to benefit a few only or are we to work for the majority? The greater number of our population, Sir, is the poor group. The common man requires electricity just as much as a well-to-do man like Mr. Gichoya or the hon. Khalif. So, what is the effect of exemption of income tax? This means that the Kenya Government would have benefited through taxation but will not now get any profit since we are not going to tax the company. It is only the foreign company that operates the exercise that is going to benefit. I would, therefore, suggest that this company should become a Kenya wholly-owned company so that we can exempt it knowing very well that we are exempting a department of the

[Mr. Gichoya]

Kenya Government for our own good. Whatever accrues out of the company's activities comes to cater for or to serve the Republic.

So, with those few words, Mr. Speaker, Sir, I still support the Minister, but he must come forward and state clearly that sooner or later this company is going to be wholly owned by the Kenya Government.

Mr. Karungaru: Mr. Speaker, Sir, thank you very much for giving me an opportunity to contribute to this particular Motion.

Mr. Speaker, Sir, during the course of the time, the Minister who is in charge of the Motion and who in fact moved it, I noted that—among other things—he did not speak about the question of how much money, in the form of income tax, was involved so that when he is asking the House to get an exemption from that particular tax, the House may be aware of the money involved. If he does not say anything about this aspect of the Motion, we are—otherwise—being asked to give him a blank cheque so that he could go and accrue any amount of money in that concern. Why I am asking this, Mr. Speaker, Sir, is because it may not be for the interest and benefit of the entire nation for us to exempt this particular company from paying income tax. It may be to the disadvantages of the entire nation and it is only fair that the Minister for Finance and Economic Planning makes it clear rather than leaving it so vague that way and in the manner it is now because we do not understand it.

Mr. Speaker, Sir, we know pretty well that Tana River Development Company is a new company. We would like to have a self-sufficient supply of electricity from this company but we are not going to be told that we can only have a self-sufficient supply of electricity from this company by allowing the company to get away with income tax. After all, Sir, it is out of income tax that you can expect other developments to take place. Without getting money, we cannot make any progress. If then, it is for the sake of development, it is only fair that the Minister for Finance and Economic Planning should tell us an alternative of finding out where we can get the anticipated money that we used to get from that company.

Mr. Speaker, we would not like to be at loggerheads with the Minister for Finance and Economic Planning but at times we find ourselves in a very awkward position and unable to accept some of the Motions that the Minister for Finance and other Ministers move in this House. Sir, during the course of the time the Minister for

Finance was moving his Motion, he did not tell the House how far the electricity has been made use of in the rural areas and how much electricity is required in the rural areas so as to have the necessary development which is in keeping with our development plans. It is common knowledge, Sir, that we cannot expect development in the rural areas unless we have sufficient electricity in the areas in question. This can never be done unless we know the amount of electricity that we can expect between now and 1974.

Mr. Speaker, Sir, all of us know that the term of our office will expire in 1974. It will indeed become difficult, Sir, for us to go and say, "We have been able to establish this and that" without going into the details of what we have done, what we have not done and what we expect to do.

Sir, there is no one today—unless he is pretending—who does not understand that Nairobi, Mombasa, Nakuru and other urban areas, if not cosmopolitan areas, are developed because facilities such as electricity do exist. If we want to do away with this question of the influx of people from rural areas to urban areas, surely we cannot do it otherwise other than by trying to make rural areas attractive. It is only out of this, Sir, that we can avoid coming across the unemployment situation being concentrated in the urban areas.

Sir, I know the Minister is an economist, but he should at the same time understand that we, who happen to be bush economists, do also understand the problems and we would like to advise him—beyond any doubt—on matters that concern our own people. It is only by this, Sir, that we can get somewhere. Mr. Speaker, Sir, I know that the Minister concerned is a Minister who, when advised, can easily and promptly act and I hope he is going to act on all those advices he is getting from the bush economists and give us a positive development.

Mr. Speaker, Sir, in regard to what amount of electricity we are getting from Uganda, for the sake of economic growth, it will be fair for the Minister concerned to tell us how soon we are going to stop the importation of this electricity. He cannot tell us about that until he has already worked it out in detail and found out how best Kenya can have a self-sufficient amount of electricity in this country. Mr. Speaker, Sir, we pretty well know that at the place where that particular Development Company is developing, the areas around it have no electricity in the houses; you cannot see any light, not even in the small towns. Are we going to believe that we

[**Mr. Karungaru**]

are surely going to get anywhere or we are getting anywhere without having seen any signs. You know, Sir, seeing is more believable than being told or hearing. We do not want to hear; we want to see. It is only through seeing that we can believe.

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

[*The Deputy Speaker (Dr. Waiyaki) took the Chair*]

Mr. Speaker, if the Minister can make his position clear to this House, and indeed to the whole nation—surely, no one can point a finger at the Minister for Finance and Economic Planning and say that he is not doing his best to make sure that we get proper development in this country. It so happens, Sir, that the same Minister is in charge of the Economic Planning and it will be now fair for the same Minister to come and tell this House—during the time he will be replying to this Motion—that he has a well-drawn plan for electrification throughout the country. This cannot be done unless we surely come across something very concrete and specific in the form of development. That is when the country can rest assured that, surely, the development is going to be geared, throughout the country, on the basis of how that particular Development Plan is being organized. Unfortunately, Sir, it so happens that he was not the Minister in charge of development until recently. Now that he is, we ask him to do his best to try and convince his team planning beyond any doubt on this question of electricity because it is only through knowing what amount of electricity is going to be used in places like Murang'a, Embu, Nyeri, Masaku, Kitui, Masailand and other places that we can be successful. Unless we know in advance everything regarding the time scheduled for that particular amount of electricity to be sent there, surely we cannot be certain of what the Minister concerned is doing. It is true, Sir, that the Minister is trying his level best to solve the problem but we at the same time know that he has many other problems to solve. We, however, hope that at this juncture, the Minister is not going to sit idle—I hope he does not sit idle—as regards this particular matter. One of these Fridays, he is going to tell this nation how best the electricity can be spread throughout the country.

With these few remarks, Mr. Speaker, I support the intentions of the Minister for Finance and Economic Planning.

Mr. Komen: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to join

my colleagues in supporting this Motion. But before I continue, Mr. Deputy Speaker, Sir, I have a few points to make.

First of all, Mr. Deputy Speaker, the Minister himself has not convinced us, actually, for what purpose we should exempt this company from paying tax. If we accept this thing, will it not be a chance for them to ignore, or rather, are we not encouraging the Minister so that he may be bringing other Motions of this nature next time? Mr. Deputy Speaker, Sir, the Minister has not actually told us the reason behind this move; he has not even assured us that if we exempt this company it will be enough when the time comes to expand this power station. Will this money be enough to expand it so that no other money will be needed from somewhere else to enable them to continue?

Furthermore, he has not told us the reasons why they have decided on these things because I do not see any reason, or nobody is convinced—I am not myself—that this money will actually be of any benefit to the local man who pays the tax. If we are going to accept this, what are we going to tell the other people who actually need this exemption because they will say that there are some companies which are favoured while all companies should be treated in the same way?

The other point is, I wonder why the Minister, who is of such calibre, should come and tell us that we should exempt them yet we are not broke. I do not think the Treasury is broke so that we can exempt them and say, "Could you please save us a little money so that when we become broke, or something like that, you can help us." I think the best thing to do is to collect that money for the Treasury so that the people may get a lot of work out of this transaction. When this money goes to the Treasury, someone will do some accounts and make it circulate among our people. That is a way of creating jobs for our people. We should not leave all the money to lie in the bank for about 10 years because this means only Asians will benefit out of our money. This money will only lie in the bank for about 10 years, and then we will decide to go and remove it, not knowing that Asians have already made use of it. Mr. Deputy Speaker, I see no reason for us to exempt that company from paying tax. If the Ministry want the Tana River Development Company to expand, there are many ways of making money locally without exempting them from paying tax. We have so many places in Kenya from where we can get power. I do not think that the ordinary people, or ordinary farmers, who are the majority in Kenya, will benefit out of these things. I do not think the power which we shall get from that place is enough to serve the country as a whole. I

[Mr. Komen]

know that after it has been established, even the few people who live around that area will not benefit. At the moment, although we have power in this town of ours, you still find people in Makadara buying charcoal, hurricane lamps and such things. Why can we not decide that every house in this country should be provided with electricity so that we may make our people's lives comfortable?

Again, we have not considered that there are farmers who produce a lot in this country, and yet the Minister—I am really happy that the Minister concerned with this Ministry is also the Minister for Planning. There are farmers who need these things. You find that some have about four generators, lighting plants, and you find that they have to buy about four engines to make their work run well. We know it will cost us a very big amount of money to install these lights because the poles are very expensive. You find that the price of a pole is about Sh. 300. How can the present farmer—we talk of the rural development, yet we still do not help our rural areas. The tax is there, and all these other things are there. How can an ordinary African in the farming area afford buying poles for the installation of electricity from about 50 yards away at a price of Sh. 300 per pole to his house?

I think the Ministry should think of a way whereby we should only use Government surveyors and then employ our people to put all the posts to various houses so that the cost may be cheap. I think that is the best thing to do. We know where to buy them—at Gilgil. We can buy them much cheaper than the company itself.

Mr. Deputy Speaker, Sir, I do not think I have much to say on this, but I beg to support, lightly for now, hoping that next time the Minister will not bring such nonsense here.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, in view of the fact that we have heard quite a good deal on this Motion, and considering the fact that many of the Members are supporting it, being straightforward, is it not time we called upon the Mover to reply?

The Deputy Speaker (Dr. Waiyaki): I will put it to the House to decide.

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

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, it is quite clear that some gentlemen who spoke were not here when the Motion was first moved because

the things they have said were very fully explained when the Motion was moved.

There is only one reason—there are not many reasons, and I do not know why people are looking for many reasons—why the exemption from the income tax is to be given. It is that Government has taken over this company.

An hon. Member: Has it taken over 50 per cent of its shares?

The Minister for Finance and Economic Planning (Mr. Kibaki): No. Not 50 per cent, but we are the sole owners—put it that way—of the Tana River Development Corporation. There are no other shareholders.

Therefore, because this company had been registered as any other company, under the Companies Act, Tax Law and so on, it would have to pay income tax. But now that we own it, as a Government, there would be no sense at all in taking the profits from this company and then holding it back for electricity development. We are all agreed—and I know that Members agree with us—that profit earned by the sale of electricity in the urban areas—One Member is complaining that we are selling only in urban areas, but it is profitable there. But the profits earned in that operation—in marketing electricity in the urban areas—should be ploughed back and used to help expand in areas where we cannot earn profit. This is the whole purpose of the thing, and now that we own the company there will be no point in our taking the profits in the form of tax—40 per cent of the profits because that is the level of Corporation Tax—and then handing it back to the same company. So, whereas the accounts of this company will be audited in the normal manner, the profits earned will be retained in the company for the purpose of expansion. That is the only purpose. Later on, Mr. Deputy Speaker, when this company and the East African Power and Lighting Company and the Kenya Power Company will be amalgamated into one statutory corporation for the development of electricity, we will not need a Motion for exemption like this one because it will be included in the Articles that they are exempt from tax in the normal way. This is one and the only reason why we need to do that at this particular time.

Mr. Deputy Speaker, the point made by Mr. Gichoya—he was quite wrong because he claimed that this company is owned by some foreigners whom he did not know. I think I will put him right there. He is equally claiming that electricity could be cheaper in towns. Now, Mr. Deputy Speaker, Sir, we cannot have this thing both ways. If we want to expand we must be able to sell

[The Minister for Finance and Economic Planning]

electricity in certain parts of Kenya at a price which our people can afford. They must be able to pay a reasonable economic price so that parts which cannot afford so much can be subsidized. We could not have it both ways, otherwise we would have to subsidize this company from the general revenue of the country and this would be quite wrong. So, Mr. Deputy Speaker, I think that we can give him more details so that he can be quite satisfied.

Now, Mr. Deputy Speaker, there is Mr. Karungaru who is worried about the importation of electricity from Uganda. It is true we still import 30 megawatts from Jinja each year. There is a long-term agreement which extends into the next century for the importation of that electricity. I do not think there is so much danger of the import as the hon. Member says. We are aiming, as much as he is, to self-sufficiency but until it comes we have to import this electricity and we cannot do anything else, Mr. Deputy Speaker.

So, Mr. Deputy Speaker, without very much more query, I beg to move.

(Question put and agreed to)

MOTION

UTILIZATION OF LOANS FOR LIVESTOCK DEVELOPMENT

Mr. Seroney: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

THAT noting that Kenya Government had during September 1968, signed two Agreements with the Swedish Government and the International Development Association to borrow the total of K£2,785,714 for the financing of the Livestock Development Project as indicated in the Reports No. 17 and 17A laid on the Table of this House on Tuesday, the 15th December 1970, this House requests the Government to give a detailed breakdown of how and where these loans will be utilized.

Mr. Deputy Speaker, Sir, I am doing this under our Standing Orders which enable any hon. Member of this House to raise discussions on any Papers Laid in this House. The Papers in question are, namely: Report Number 17 and 17A. Hon. Members will remember that these Papers were laid on the Table on the 15th December 1970.

These Papers, Mr. Deputy Speaker, do not give us much detail. All they tell us is that certain amounts had been borrowed for financing livestock development projects. I do not know, nor do I know whether any hon. Member of this

House knows, anything about this livestock development project. I would like the Minister, when replying, to define, exactly, for us this livestock development project and where it is intended to operate.

I note, Mr. Deputy Speaker, that these are very easy loans which we will not have to start repaying until many of us will be out of politics. The repayment in both cases of the agreement, with the Swedish Government and the International Development Association, starts on 1st September, 1978 and ends 1st March 2018. Now, this is very comfortable because we would not have to start worrying about the repayment very soon. I would like to refer, Mr. Deputy Speaker, all hon. Members to those words of Shakespeare about borrowing. I think Shakespeare said "Neither a borrower nor a lender be for borrowing dulls the edge of husbandry and borrowing loses friends also". Now, Mr. Deputy Speaker, Sir, it is true that we cannot avoid borrowing, but since the people who are to repay this money are the tax-payers, namely, the *wananchi* as a whole, this House would like to be assured that this money, generously loaned by these two external bodies, will be properly spent and will not be squandered in the way that some money spent by statutory bodies is squandered.

It is very easy, with borrowed money—I can think of other cases where the Agricultural Development Corporation is involved—to incur unnecessarily high overheads so that a few people can *ponda mali* as they want. That is why I would like the Minister to give us a really detailed explanation. First of all he should define the project and to give a detailed breakdown of how and where these loans will be utilized. It appears, on the agreement, that they were both signed on 26th September 1968 but they were not laid on the Table of this House until after the dissolution of that particular Parliament, namely, the first Parliament of independent Kenya. Although they were signed during that Parliament they were only laid on the Table of the Second Parliament on 15th December 1970.

I do not know what has been happening since those agreements were signed, whether the project was going on or it was held-up, and whether it has already started or is intended to be started.

I hope the Minister will take the House into his confidence. All that the House is asking for is full information so that we may be assured that the money so borrowed will be well spent and that it may not either be squandered or may not remain in the bank unspent even though we will have to start to repay it in 1978.

[Mr. Seroney]

So, with these few remarks, Mr. Deputy Speaker, I beg to move.

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to second this Motion. It is quite true, Mr. Deputy Speaker, that most of our statutory boards were depending entirely on loans from overseas. Here, Mr. Deputy Speaker, we should not be addicted to recommending loans, when we do not know how and where these loans will be used. It is said here that the loans are for financing livestock development, but we are worried and we would like to know if these loans will be distributed throughout the country other than recommending loans and then we find that they are only given to a few personalities.

Mr. Deputy Speaker, Sir, what we want here is to be given a detailed breakdown of where these loans will be used. We want to know here, how many people among those who keep cattle at Kwale District have been earmarked to get money out of these loans. We also want to know how many people from Kisii, will get money from these loans. We do not want to sit here only to find later that the loan had been shared by a few individuals, for example, Kariuki, Mwamzandi etc.; but we want to know and ensure that it is being used for particular reasons that Parliament found really reasonable and recommended.

Mr. Deputy Speaker, Sir, again I think we have enough cash in this Republic and we should not, therefore, addict ourselves to borrowing. However, we should borrow only when it is entirely necessary. We should avoid borrowing because whenever we borrow some other countries think that we are living entirely on loans as one of our neighbours rightly put it a few months ago: we are living entirely on loans.

We would like the Minister to give us a detailed breakdown so that we can know whether this money is going to be utilized in a proper manner.

With these few remarks, I beg to second.

(Question proposed)

Mr. Kanja: Thank you very much, Mr. Deputy Speaker, Sir, I rise to support this Motion; and in supporting this particular Motion I have only a few observations to make because I take it to be a very straightforward Motion because all that it is asking the Government is to give us a breakdown so that we can remain in no doubt whatsoever as to how this money has been spent, is being spent or is intended to be spent. It seems to me, the Mover and many other hon. Members of this House are in doubt as to how some of the money that has already been borrowed is

being spent. As the Mover has ably put it, the money that we borrow has to be repaid with interest with money that we collect from the *wananchi*. Therefore, we have to make sure that the money is spent and put in a good cause for the benefit of those who voted us to this hon. House. Therefore, my very humble submission to the Minister or the Ministry responsible for this money is that we should be told how this money is going to benefit the country, particularly the people of Nyeri, the people of Masai, the people of Kerio, or Pokot. Therefore, I honestly request the Ministry of Agriculture or for that matter the Ministry of Finance and Economic Planning to tell us very clearly, and leave us in no doubt whatsoever, how this money has been spent—if it has been spent—and how it is going to benefit the people of this country.

With these very few words, I beg to support.

The Assistant Minister for Housing (Mr. Khalif): Mr. Deputy Speaker, Sir, I also beg to support this Motion in my personal capacity as the Member for Wajir East.

I would like to submit, for the consideration of this hon. Parliament, that in future loans which will be borrowed by the Kenya Government should not be spent—not a single cent shall be spent—without the authority of Parliament.

Mr. Deputy Speaker, Sir, it is only too easy to go and sign a few documents binding the Kenya Government to repay a loan of Sh. 55,714,280. However, when prior authority of Parliament is not sought, although this money is loaned for spending, then, Mr. Deputy Speaker, Sir, I think there is something wrong somewhere. I think it should be entrenched in our Standing Orders, and in the Kenya Constitution, that all the money which is borrowed by the Kenya Government shall not be spent without prior authority of Parliament. It is not enough to lay a paper or a report on the table. I note that in laying a paper all that a Minister does is just to place it on the Table and then sit down, although there could be great implications: the future leaders of this country will be expected to honour the obligations. Mr. Deputy Speaker, Sir, any agreement which the Kenya Government enters into any time will have to be honoured in future. Therefore, in this connexion I think it is only fair that the Government should come out—I do not think there is anything ulterior about this Motion—and say very clearly how it intends to spend this money, and if it has spent all the money or some of it how it has spent it.

On the question of livestock, I would like to say that I come from an area where we do not

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have *shambas* and where the only source of income is livestock. People in the North-Eastern Province are predominantly livestock owners. If all this money has been spent, I will be surprised and perturbed because nothing—not even a pound of this money in terms of developing livestock—was spent in the North-Eastern Province or in Wajir District for that matter. It is only fair that the Government should let the House know how it intends to spend this money because even some of us who are in the Government do not know how this money is intended to be spent. So, if we who are in the Government have not been told how this money is going to be spent, or if the Minister did not have the courtesy to inform us—we, who are in the Government—how this money is going to be spent, it makes me agree with the hon. Member that something must have been wrong somewhere.

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

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Deputy Speaker, Sir, I think there is nobody in the Government who would disagree with the question of the papers being laid on the Table so that we may know how the money will be spent when it comes to the Republic. This is exactly what we, who are in the Government and the public, would like to see. Any money coming to this country for a particular project should be used in the right way and in almost every corner of our Republic.

The other day, Sir, when I was speaking in this House I said that we should, in fact, as a Government, whenever we want to spend money for development, try to look for our own resources in the Republic and see whether we can raise sufficient money so that we can meet expenses of our own local projects as well as our own demands. I would like to say that there were some remarks which were made and which were given very wide publicity by a certain newspaper in the Republic implying that when the Minister was replying he said that I was aiming at telling the Government to grab public money. I have checked this with the Minister and there was not a single place where the Minister ever used the word “grabbing” when he was making a statement. Sir, what I was referring to is what the Governor of the Central Bank referred to in his article, “African Development” which I would like to lay on the Table for the information of the hon. Members. When I spoke of £24 million lying idle in this Republic I was referring to this. Sir, I have checked this and, in fact, in one of his quotations he says,

“... bank lending picked up but had since declined by something like 6 per cent, leaving

the Commercial Bank with more than £30 million in their hands earning a zero return.”

Sir, this is all I was referring to, and to imply that what I was trying to say is to ask the Government to grab some money and give it to the poor African farmers, is not true. I hope that whenever we want to spend some money for a development project like this one, which is only £2 million, we can go back to our own resources and see whether we can utilize a bit of money from here.

This paper goes as far as explaining to the nation that the amount of money which has been lent to the farmers, the African farmers in this Republic, is not more than 10 per cent. In other words, we are not allowing our people in the rural areas to get sufficient money for their own farming industry. If only 10 per cent of all lending in the Republic amounts to £140 million, is given to the farmers, then I think this is very serious indeed. Sir, in this way we are not giving our people a chance to develop.

That is why I feel, Mr. Deputy Speaker, that whenever we have a very big loan from any Government, this should be made quite clear to the Members. It should also be analysed how that money is going to be spent so that we can see what project is going to benefit from such amount of money. In future, when we get some more money from other boards, other bodies, then we will know how that money will be spent in other areas of the Republic instead of concentrating all the money in one particular area.

What the hon. Member is asking here is quite all right and I do not think we in the Government should argue with him over this. I do not think he is asking for unnecessary things. What he is asking the Government to do, is that a breakdown should be given in order to avoid some feeling that this amount of money, maybe, has been spent in a particular area where perhaps the farmers in that area who are going to benefit are people only of one race or one community, and it does not help many of the Africans in the rural areas. Sir, there is a tendency that any time when a loan is borrowed from a foreign Government, the people who benefit from this are the same people who have given the loan. On the one hand they bring it and on the other they get something. So I feel what the hon. Member is asking for is absolutely important, and possibly, necessary.

So, Mr. Deputy Speaker, I support this Motion and hope that the Government will also support it because it is not asking for something unnecessary.

At the same time I would like to repeat what I said the other day: before we move for more and more loans from outside we should try to find out

[The Assistant Minister for Tourism and Wildlife]

what is in our own resources so that we can utilize that money. I never at any one time said or suggested that we should not go to the foreign governments to ask for money. However, Sir, we should always try to utilize what we have in the country, locally, before we borrow money from abroad.

The idea given by a certain newspaper that there has been a confrontation between myself and the Minister for Finance, is complete nonsense because there was nothing of the sort. There was not a single place where the Minister ever referred to my speech as "rubbish" as stated by a newspaper. What I was actually doing, Sir, was to refer to exactly what the Governor of the Central Bank told us. We, as Ministers, are interested to know what is happening in the money world of our own Republic. Many of us would like to know what is the circulation of our own currency so that we can improve the financing of our own people by giving them what we feel is right for them to have and to develop.

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

(The Hon. J. M. Kariuki laid the magazine on the Table)

Mr. Owala-Orwa: Mr. Deputy Speaker: I would like to support the Motion not for the sake of supporting it but because I am personally interested. Now, I am interested because, as hon. Khalif said, my area is a semi-pastoral area. In 1961 South Nyanza provided one-eighth of the cattle of the whole of the Republic. One-eighth! We from South Nyanza provide the greatest part of West Kenya with cattle for meat consumption. Also, Sir, South Nyanza is the greatest ghee producer in Kenya.

So we are thoroughly concerned about the prices of our cattle and how they are taken, without food to Lumbwa Station, loaded on the train, and taken to the Kenya Meat Commission where they feed them for two months. When these cattle are very fat, then they slaughter them and get a lot of money. All this to our disadvantage, Sir.

Therefore, we in South Nyanza have been interested in livestock development and possible establishment of an abattoir, perhaps around Macalder where there are about 10 square miles of open land. This used to be a mining area but now because the miners have left and the area is being taken over for rural development, we feel that this should be one of the major items. Therefore, Sir, we would be very interested in knowing whether part of this money will be coming to South Nyanza to develop the livestock industry.

We would like a clear statement on utilization of this money, whether the person who plans how to make use of this money has gone round to Masailand and seen the potentialities there, into South Nyanza, into North-Eastern Province and seen the potentialities, and then planned for livestock development for the whole of Kenya, or whether he has merely done this exercise by sitting in his chair, reading reports and then making plans. Therefore, a statement by the Minister is going to clear the doubts that exist in our minds, on how this money is going to be utilized. There have been rumours that part of it has been used, already, maybe for Amboseli or Tsavo area. We should be told whether this is true or not.

The Minister for Finance and Economic Planning (Mr. Kibaki): This is for livestock.

Mr. Owala-Orwa: Livestock, yes. Tsavo area was to be opened for livestock breeding, and then pipe water from Tsavo River, and so on. We would like to know whether this rumour is true and part of this money is to be used for that, or whether it is for rural development.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Sir, as the Motion stands, we could summarize it to question form. If a question had been tabled, then the Minister concerned could give the breakdown where this money is to be spent.

Also, Sir, if you look at the Development Plan, you will get the answer. The only problem is that there are no details in the Development Plan, details which could be revealed as compared to the fact that this could be done if a question was tabled.

There is nothing that we need to hide here, we can give the people information at any time. I am sure the Minister concerned, when he comes to reply, will give this information.

The only problem in this Motion is that one would wonder whether it is worthwhile having to borrow this money. This is the question. Is it worthwhile borrowing the money? Is it worthwhile encroaching upon the freedom of the people of this country? Once you are in debt, Sir, your freedom is encroached upon, you do not have any backbone at all. Strictly speaking, Mr. Deputy Speaker, I sometimes feel quite free because I can do anything I like, I can say anything I like here because I am not in anybody's pocket. I live within my means. That is why I can say anything I like here and I can afford telling anybody anything, any time, anywhere. I do not owe anybody anything.

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

The same thing, Mr. Deputy Speaker, applies to a nation where, if you are in debt, the freedom of the people, or the freedom of the country is encroached upon. Sir, you must always guard your words. The foreign Press will always breathe down your neck and immediately you say anything they will come in with their editorials, letters and God alone knows what. However, if you are a good boy and say, "Yes." all the time they will say how wonderful you are. When you are not praised, as the hon. Ayah said, we should not worry what the other fellows say about you because what they say really means, "I am really all right"; but when they start telling me that I am all right I should know I am not all right. I am, therefore, proud to say that the question at issue here is: Is it worthwhile?

From the document which has been read to us by our hon. brother, where he was talking of £24 million, that is not so. It is now in black and white that it is over £30 million. Here we have roughly about £2½ million, let us call it £3 million. What is that compared to the amount we have in this country? Do we take pleasure or find prestige in borrowing? This is the question one should ask oneself. We should not take pride in borrowing, we should live within our means where possible and where we cannot afford getting something here, only then we should go to our neighbours or other people to borrow. We should not make a habit of borrowing.

Sir, borrowing is not an evil. It was here even during those days of Jesus; people borrowed at that time too. Even now they still borrow. According to African Socialism we also borrow. Sometimes you may have a bad harvest and you go to hon. Waiyaki and say, "I had a bad year, could you give me some bags of maize. When I have a good harvest I will return this." Such things are always there but we should not make a habit of it. I should not have enough and yet go to hon. Waiyaki to borrow. He will ask me, "What is wrong with you? You have enough. What do you want to borrow for?" Since borrowing is based on interest—Sir, what is killing the development of this country is the borrowing because the percentage on this money is so killing that our people do not profit from it at all. Take the Agricultural Finance Corporation loans, they kill you. The percentage of these loans is killing. You have borrowed once but you will never go back again for this. Take the Guaranteed Minimum Return, and the Minimum Financial Return where they charge you so many cents a day. By the time you harvest your crops you

find that your interest has gone up so high that all the money you get from the crops will all go to the Guaranteed Minimum Return and the Minimum Financial Return. Mr. Deputy Speaker, some of us who have suffered from this sort of thing now refuse to borrow any money. We go to Jesus only to help us so that our crops can go through. Personally, Sir, I do not go in for the Guaranteed Minimum Return or the Minimum Financial Return because of the interest. I buy the seeds, plant them, pray to Jesus that there will be no hailstones. I have a good harvest and sell that to the Kenya Farmers' Association. That is the way I live, Sir. Therefore, Sir, Jesus is with me always.

The Minister for Commerce and Industry is telling me to pray to Moses. He should know from the Christian teachers he has had that Jesus is at the top, Moses was just one person to tell the people that there would be a time when Jesus would come. So who is the boss? Jesus, of course. Therefore, Mr. Deputy Speaker, I pray to Jesus, not to Moses.

Having said that I wish to appeal to our people concerned with borrowing to refrain as much as possible from doing this. We can never be self-sufficient, we can never be independent in the true sense once we lean on somebody else for our livelihood. With a little quarrel he will tell you, "Look here, Sir, I have given you so much. Next time I will not do so because your mouth is getting too big. You are getting too big for your boots." We must try and avoid this. Right from ourselves as individuals to the nation as a whole we should try and live within our means, and we should only borrow when it is absolutely necessary, not otherwise.

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

Mr. Ayah: Mr. Deputy Speaker, I have no intention of making a long speech on this because I think it is a rather straightforward question. As the Member for Butere said, I would rather have had this come as a question than a Motion.

Unfortunately, Sir, unlike my hon. friend, the Member for Butere, I do not have ready answers for some of these very cross-grained questions. However, I would like to say this. It is a fact that this money already has been borrowed, and an agreement has been signed. I think the interest that Members would have for discussing it now must be only two points: (1) that we have had a general complaint in the past—the Minister for Finance will agree with me—where Members have complained, and even the people they represent do complain at times, there is an unfair distribution of services throughout the country. I think it

[Mr. Ayah]

is in the interest of Members, and this House generally, that when such a large sum of money is borrowed from overseas, then the Minister should be able to say that this loan—whose payment is going to be borne by the whole population of this country, all the tax-payers—will be distributed equitably throughout the whole nation. I do not say, for instance, that the Minister should form some magic and establish a cattle project in Lake Victoria, in the lake, but I am saying that the Minister, when he comes to answer to this proposal, should tell the nation that he has had his advisers and his technicians in and they have all had the courage to distribute the development in every area of the nation. In other words, it is no good saying, Mr. Deputy Speaker, that because of certain factors only two or three areas have been selected as experimental areas, or as the most suitable for the next two or three years. It is a question, really, of making quite sure that any money we borrow from outside, is well distributed throughout the whole country so that the tax-payers, when they come to repay this money, will have had the benefit from it.

(2) I would also like to say here that I am not quite so sure that there has been enough study done before the borrowing was carried out. This is following my first point. Sometimes we do borrow money just because somebody is ready to lend the money, without having done enough background study to find out what we are going to do with this money. It is all very well to have livestock development projects as some theoretical development projects in mind, without having studied thoroughly as to what area of the country should be considered for the first project. Sometimes we do borrow this money and then after we have had the money, then we sit down—sometimes even our cronies—and say, “Well, now that we have this money, what would you, Member for Kisumu Rural, like us to do in your area?” This is the kind of thing we do not want; we want this to be done properly and in advance.

The Minister for Finance has tried to do his best, particularly in the past one year but whenever we want to borrow this kind of money we should not borrow this money just because there is someone ready to lend it; we should borrow money because we ourselves have had the time to sit down and discuss with our own internal experts and find out what we want to do with the money. We do not want to borrow just because somebody is interested in lending us money.

It seems to me this is a rather straightforward proposal, Sir, in the form of a question and I am sure my hon. friend, the Minister for Finance will answer adequately. I would like him to be very

specific, and especially if he has not thought of covering as many areas as possible with this kind of development, then he should rethink so that we can have this, what we have been preaching about: equitable distribution.

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

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, thank you very much for giving me this opportunity to say just a few words on this Motion. I do not want to repeat what the other speakers have said and I am advising the hon. Member that in future, such things could be solved through a question. I think we should also make an amendment of some kind to the Act which prompted this Motion so that when such papers are laid on the Table, to avoid long debate on this kind of thing, details required by the loan could be included on the paper. However, Mr. Deputy Speaker, Sir, I would like to say a few words on what my friends, the hon. Assistant Minister for Tourism and the hon. Assistant Minister, Vice-President's Office and Ministry of Home Affairs, have said on loans.

It is true that because of our currency law, there is a lot of money in the country that cannot go out. It is also true that if this money was borrowed by Government it could carry short period— It could only be borrowed on some particular kind of project that would realize profits immediately for payments. However, the type of project that this loan was requested for, the Swedish International Development Authority, and this loan from the World Bank Government, is the type of development that needs long period and you cannot possibly realize this project by borrowing money locally which will require about ten years in repayment and the interest is high. This is because it is a type of loan that is going to be given to *wananchi* or *wenye inchi*—

An hon. Member: *Wenye inchi* is the right word.

The Minister for Commerce and Industry (Mr. Osogo): Yes, *wenye inchi* is the word—in commerce we talk about *wenye inchi* and not *wananchi*—so that they would have a long time to repay the loan. This is because developing ranches is not a very easy thing. It does not bring up profits quickly. The hon. Member himself indicated to us that this loan had to be repaid by the year 2018. That is a long period and no local bank here would agree that Government borrows money from it and then pay it within that long period at an interest of 2 per cent. That is why on some projects, Government feels it is necessary to go and borrow money from outside where the interest—what we call, “some easy money”—could be obtained which could help our people to develop.

[The Minister for Commerce and Industry]

We agree there is money in the country which could be utilized, and it is being utilized by those who can have short-term period loans. I would like to inform the hon. Assistant Minister, Vice-President's Office and Ministry of Home Affairs that countries like America which are lending us money, also live on debts. It was only recently when Britain ran into difficulty with their currency and they had to borrow a large amount of money. Therefore, it is not right to say that Kenya is the only country that is borrowing money; even these giants borrow money for their own development. The type of journeys they make to the moon which do not bring any profits, are made with "easy money" loans, borrowed from other countries and institutions, so that they can make the fantastic expenditure they put on the flights to the moon.

Therefore, Mr. Deputy Speaker, Sir, I just wanted to inform the hon. Members that our own resources could do on some particular or some kind of projects, but others, it would not be possible to have the finances we have here to service. So the reason why Government has this particular one is because of the little interest it carries and because of the long period we are given in repayment so that we can develop the livestock industry in this country. As Members say, Mr. Deputy Speaker, Sir, it is only right, as the Motion states, they are these marginal areas where this money is going to be spent. I am surprised that the hon. Member, the former Assistant Minister for Finance, who is now the Assistant Minister for Housing and who was in the Ministry of Economic Planning and Development, failed to detect that most of this money is in his own province; where the livestock routes are going to be established, water points for watering animal routes are to be established, all these are detailed as it has been said in the yellow book, Development Estimates for Year 1970/71, book.

With these remarks, Mr. Deputy Speaker, Sir, I beg also, to support this Motion.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to speak, and I think to correct the impression that some Members have that these sums were not correctly tabled in this House. Mr. Deputy Speaker, Sir, first of all, I would like to suggest that the Mover of the Motion and all those Members who have spoken out of ignorance, should check in the yellow book on the items of: D1, D3, J2, J9 and K5, these in fact, would show the extent to which we use or we have voted these funds for the current year. These items will be repeated every year for the next five years during the duration of the loan.

Nevertheless, Mr. Deputy Speaker, I welcome the opportunity to give more details concerning this very important loan which affect our livestock areas which, perhaps, could have not been given, if the hon. Member had just put up a question. The loan is divided into four parts. The first part, (a) being that of the range development and which will be about \$3.78 million or £1.3 million which will consists of long-term and short-term loans by the Agricultural Finance Corporation to four groups of ranching areas: that is commercial ranches, individual company and group ranches, in range areas to include the following areas for those of you who are interested: Kajiado, Taita, Taveta, Kwale, Kilifi, Machakos, Laikipia, Nakuru, Nyandarua and Nyeri District, for the hon. Member from Nyeri.

Mr. Deputy Speaker, Sir, I want at this point to challenge the hon. Ayah in what he said about our having to go into loan agreements without prior consideration of studies. I would like to assure this House that a loan by the World Bank or any reputable financial institution like the Swedish International Development Authority takes a very long time indeed before it is actually tabled in this House. In fact, this particular loan took more than two years to negotiate. Therefore, it is not just a question of cooking up figures and tabling them in the National Assembly. These are combinations or details of long, long negotiations including visits, both in Kenya and all the areas to be affected by the particular loan and also visits to negotiate with these financial institutions. Therefore, to suggest that there could have been a possibility of arriving at a loan agreement or signing a loan agreement without the preparatory work, this I can only suggest would be a misunderstanding of the issues concerned.

The intention in the ranch development section of the loan would be to support 20 group ranches, 10 companies, 10 individuals ranches, 20 commercial ranches spread in these regional areas which I have just read. Unfortunately, what we have found is that we cannot really use these categories other than the form of guidance. This is because when you come for example, the group ranches; the taking up of the farms is not as fast as we would have originally liked because people seem to prefer the development of individual ranches as opposed to group ranches. There are, of course, other problems connected with the adjudication of land in areas like Kajiado, and I am most grateful, Mr. Deputy Speaker, that the hon. Members of those areas have been very, very helpful.

Now, part (b) of the loan, Deputy Speaker, concerns the Livestock Marketing Division, which

[The Assistant Minister for Agriculture] will amount to \$1,080,000 or just nearly £360,000, which will be the credit to be utilized by the Livestock Marketing Division, in my Ministry, for the development of our facilities for livestock movement and marketing, in the North-Eastern Province of Kenya, where hon. Khalif comes from, also in Kajiado and Narok Districts; I think you will agree there is merit in restricting the utilization of those funds, in those areas, which will be the main sources of livestock.

I think, hon. Khalif, you have no excuse for having not noted this, because it is perhaps, one of the largest injections of development capital, for which no repayments will be required in your own area. That is: ranch development, stock routes, stock holding grounds and water development areas and I think you are having a very good chunk of these funds, which will be more than welcome, I am sure.

Part (c) of the loan, Mr. Deputy Speaker, concerns the range water survey and development. This amount to \$800,000, which will be used for the survey and development of water facilities, again in North-Eastern and other ranch development areas covered in part (a), that is Kajiado, Kilifi at the Coast, Nyeri and Nyandarua areas. A scheme provided by the United States Agency for International Development — The United States Agency for International Development have carried out a survey already in the North-Eastern areas, covering Mogadishu Grazing Block, and the Government is negotiating with donors for the implementation of this project already.

An hon. Member: Mogadishu is in Somalia!

The Assistant Minister for Agriculture (Mr. Wanjigi): Yes— Well, it is really on the border.

Part (d), Mr. Deputy Speaker, covers auxiliary technical services which will be connected with the development and expansion of the Range Management Division in my own Ministry, and also the supporting Veterinary Services, that will be required to develop the project.

There is also something like \$720,000 of the funds, which are at present not allocated, purposely because we think that we should have a sum of reserve money like this, to play about with, in terms of those four sections; which may require more money, and perhaps will come out as we expend the loan.

I would also like to say, Mr. Deputy Speaker, that we will require a lot of support from the hon. Members who come from these areas, to ask the farmers and the ranchers in these areas, to co-operate with Government, in particular the

setting up of stock holding grounds and the fencing of these stock holding grounds; the administration of them and also the designing and the development of the stock routes in all the areas. So far, I think we are assured of that assistance, and I am sure that it will continue to be forthcoming.

I therefore, would like to say, Mr. Deputy Speaker, that we consider that this Motion really is a question of you asking for more information, which we have no cause to hide, and in addition to tabling the Development Estimates which were done, the others are explanatory notes, which are available for anybody who wants to consult them.

Thank you.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would also like to criticize the Ministry in charge or the Ministry concerned, because, Sir, loans like imports into this country are of our greatest concern, in that we are trying to get money from outside this country; we are also trying to get goods from these countries, which we are producing; we are trying to get loans which we can raise locally, and this is a very unfair state of affairs. It is only fair that with effect from today onwards, the Government should adjust its own policy, on loans that it is badly in need of. It is meaningless if, Mr. Deputy Speaker, we can get some money locally here and then our Government continues to go out and mortgage our country for a mere nothing. Why can Government not lower the rate of interest because we have two advantages in this particular kind of raising money locally. First, Mr. Deputy Speaker, Sir, we can utilize our resources internally, and secondly, we can reinvest the interest which the other countries outside Kenya are expecting from our country.

Mr. Deputy Speaker, we are failing hopelessly, to understand the policy of our Government in that, Sir, it appears as though they do not understand the language of Kenyans. They seem to be more conversant in the international language of monetary systems. Mr. Deputy Speaker, if they are not aware of the implications created by economic structure, they should ask or seek advice from us, who are capable, to tell them what is going on.

Mr. Deputy Speaker, Sir, just look at the so-called economists, who cannot even think that our country, and it is— Mr. Deputy Speaker, Sir, it is completely paradoxical for a government to say that the country is developing; the economy is booming, and so on and so forth, and yet, Sir, there is a contradiction of that; that is to say, the country is being faced with a menace of unemployment every day. Mr. Deputy Speaker, if you do

[**Mr. Karungaru**]

not have something, and you do not know what you can do, so that you may have it, why continue going for help, as if you were lazy? I believe our Government is not lazy; I believe Kenya citizens are not lazy; why should they be made victims of laziness by always— Even if it is a loan of £2 million, you want, you have still to go abroad for it, and you have no shame whatever, Mr. Deputy Speaker, Sir.

An hon. Member: What are you talking about?

Mr. Gatuguta: On a point of order, Sir; I am seeking your guidance here because our friend, the hon. Karungaru is talking on an entirely different matter. He does not seem to restrict himself to the Motion; is he in order to question whether it was proper to borrow money or not; that has nothing to do with the Motion, Sir?

Hon. Members: Yes!

The Deputy Speaker (Dr. Waiyaki): Well, he is obviously going out of bounds a little; he had better come back to something inside the Motion.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I hope that the lawyer is aware of the future problems which are facing this country.

The other thing, Mr. Deputy Speaker, Sir, is that if one has been reading the papers recently, he will find that we have been abused by one Member in the House of Commons—Mr. Walls—he was saying that we happened to have expelled one European from Mombasa who was at loggerhead with one of our Assistant Ministers. He was not even ashamed of himself and he was even asking his Government to be at loggerhead with the Kenya Government because the Kenya Government was relying upon their laws—

The Deputy Speaker (Dr. Waiyaki): Order! That is not the problem. The Motion specifically refers to a breakdown of money borrowed from the Swedish Government and the International Development Authority. Perhaps, your discussion is outside that Motion.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I was trying to point out the future danger of this kind of loan law. This is because we are discussing the loan and it is not a loan where we have raised money locally, but it is a loan where we have raised money from abroad. That is why, Mr. Deputy Speaker, Sir, I am emphasizing this point because I would like them to take note of it and take note of it in time.

Mr. Deputy Speaker, Sir, whereas we would like development throughout the Republic, we would hate to hear everyday that we are discussing a Motion like this one because, if there was a proper communication between the Member who

raised this matter and the Minister concerned, surely, a matter like this one should not have come into this House. This means that some Members are not doing or carrying out their homework properly because this is a matter which one could easily find out from the Ministry. I understand that there is now a yellow book and one of the Assistant Ministers who has been speaking, a former Assistant Minister in the Ministry of Economic Planning and Development, cannot even understand what he planned for and where money should be utilized! This is the so-called contradiction of a kind of conflict of interests. This must stop forthwith as we do not want this kind of language here.

Mr. Deputy Speaker, Sir, if we are to speak the truth and save this nation, then we must be prepared to tell the truth. If one tells the truth here and the following day he is told that or the whole idea is being discharged or done away with completely as if it never existed; then this makes a nonsense of the whole matter, and we do not want it. We would welcome anybody who is prepared to tell the truth despite the fact that it is bitter, we are prepared to swallow that bitterness if we are told the truth of the whole matter in all sincerity and honesty. However, Sir, when I say something, a Minister in the Front Bench might simply say, "Look at this Member!" simply because he is not holding any Government Office—I mean, the whole thing is being discharged anyhow. This is not the kind of attitude we would like to be developed in this House. We would like any Member of this House to give to each other a sincere hearing so that one might know when the Member is being constructive or not. It is not a matter of discharging the whole thing and leave it in the air and yet we continue to breathe it everywhere we go.

Mr. Deputy Speaker, Sir, I would like to advise the Ministry concerned also—as one of the earlier Ministers said—to go into the question of the existing Act because it has been the normal procedure for the Minister for Finance to come into the House and lay papers on the Table and he could easily get away with everything. However, now that the House has already expressed its concern in the matter that it is interested in knowing how this money which has been borrowed would be utilized, then it is only fair that that Act should be amended in order that, in future, we may avoid this kind of Motion appearing before the House as it has now appeared today.

With these few remarks, Mr. Deputy Speaker, Sir, I have no quarrel with the Motion and, therefore, I beg to support.

The Assistant Minister for Finance and Economic Planning (Mr. Cheronu): Mr. Deputy

[The Assistant Minister for Finance and Economic Planning]

Speaker, Sir, I think this is a fairly straightforward Motion which, although it should have been in the form of a question, perhaps it was put in this form in order to enable more detailed information than it would otherwise have been possible to be given to the hon. Member and the House. I, therefore, suggest that since this information has been provided in great detail by the Ministry responsible for this matter, that is the Ministry of Agriculture, then I would like to propose that the Mover of this Motion be now called upon to reply.

The Deputy Speaker (Dr. Waiyaki): Yes, I think I will accept that the Mover be now called upon to reply.

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

Mr. Seroney: Mr. Deputy Speaker, Sir, I would like to thank all the Members who have spoken in support of this Motion and, in particular, I would like to thank the Assistant Minister for Agriculture for having given us a straightforward answer. I also appreciate the remarks he made about the reason why the Motion was brought in this particular way.

One of the disadvantages about putting up questions is that you are not allowed to argue on whatever replies you get and if you are dissatisfied, then, the only remedy is, if you get a chance to raise the question on Adjournment, which also does not solve anything because you will argue some more and then the Minister will also argue some more and then everything will be left in the air. The advantage of having a Motion like this one is clearly recognized by our Standing Orders which give us an opportunity to raise any queries regarding any papers laid on the Table by a Member of this House. I think that many Members were interested in airing their views and in drawing out more information from the Government so that I do not think that this move was unwelcome, as the Minister for Commerce and Industry indicated that he would have liked to avoid this type of Motion. There is no reason to avoid this type of Motion, Mr. Deputy Speaker, Sir, because it may not always be necessary to ask questions or even propose a Motion about any paper laid in this House. If the Members read a certain paper and then they are satisfied then there is no need to move a Motion, but it is precisely because our Standing Orders envisage the possibilities that the Members might want certain points to be clarified or might want certain things to be debated upon. That is why it is provided that a Motion like this can be brought up as a business of this House instead of as a Private Member's Motion, which

should have been the case, if this had been an ordinary Private Member's Motion.

Therefore, I thank the Minister for the information he has given. We are not entirely to blame for asking for this breakdown because we have always tried to get the Government to give us a breakdown of everything. Every time the Development Plan comes before this House, we have urged the Government to give us a detailed breakdown of the Development Plan. Every time the Development Estimates come before this House and, I think, another one is coming before this House very soon, we always ask the Government to give us a breakdown. Now, if the Government anticipates this wish of the Members and every time gives us a detailed breakdown without being asked to do so, then it would reduce the questions which would be asked in this House.

I thank the Members who have spoken in support of this Motion and I am not suggesting that it will always be necessary to bring up a Motion like this, but I would suggest that if Papers are laid on the Table which are not self-explanatory then, of course, we cannot avoid questions in this particular House. I hope that as a result of this Motion, the Government will give us more details in future in all the Papers they lay down. I also welcome the observations made by the Assistant Minister for Housing about the agreement entered into by the Government and spending the money which the tax-payer has to repay later on. I noted when moving this Motion that this Agreement was signed in September, 1968 and it was laid on the Table of this House more than two years later. I think this situation has to be avoided and in future, as soon as any agreement has been signed, it should be laid on the Table as soon as possible so that if hon. Members want to question it, they can then follow it up before a great deal is done which cannot be undone. Happily there is nothing which we would wish to have undone in this particular instance, but I hope that the Government will note our points.

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

(Question of the Motion put and agreed to)

MOTION

**APPROVAL OF PUBLIC ACCOUNTS COMMITTEE
REPORT—1967/68 AND 1968/69—PART I**

Mr. Gatuguta: Mr. Deputy Speaker, Sir—

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir, is it in order to lump the two Reports by two different Committees in one Motion? Can they not split up and each one discussed separately?

The Deputy Speaker (Dr. Waiyaki): I think we are discussing Part One of the Report of the Public Accounts Committee in this Motion.

Mr. Seroney: There is the 1967/68 Report and the 1968/1969 Report. The point is, do we have to discuss these reports together? They are done by two different Committees and they may raise different issues.

The Deputy Speaker (Dr. Waiyaki): I think this matter must have been considered by the Sessional Committee. I am not sure why the 1967/1968 Report comes into this one. I cannot quite remember who the Chairman of that particular committee was, but he is out of this Parliament therefore— However, Mr. Wariithi not being in this present Parliament surely, it was for the Sessional Committee to consider the suitability of the present Chairman of the Public Accounts Committee to propose both Reports and their adoption. This does not rob the hon. Members of their chances to discuss both Reports consecutively.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I beg to move the following Motion.

THAT, House approves the recommendations contained in Part I Reports of the Public Accounts Committee on the Government of Kenya Accounts for the years ending 30th June, 1967/68 and 1968/1969 respectively.

Mr. Deputy Speaker, Sir, the question that has just been raised by the hon. Member for Tinderet concerns the Report of the Public Accounts for 1967/1968, and I would like to say that the Chairman of this Committee was Mr. Wariithi who is not now a Member of Parliament. At the same time when Parliament was dissolved as you know the Public Accounts Committee at that time had not finished their Report. That is why it was not presented at that time. However, whatever bit was finished, the present Public Accounts Committee dealt with the few items that remained and adopted this Report in the hope that this Parliament would consider it and adopt it.

Sir, the Public Accounts Committee of which I am the Chairman met on ten occasions to examine the Kenya Government Accounts for the year 1968/1969 and a verbatim record of the evidence by the officers who appeared before the Committee was taken. The minutes of these meetings are also attached to the Report for the hon. Members to note. Hon. Members have these two reports. They have been put in their pigeon-holes and they have read the Report of the Controller and Auditor-General on which this Report is based. So that it is very simple and quite clear and straightforward on what type of recommendations the Committee has given— You will see

that these Reports are very short. The reason for it being short is because more details are in the Report of the Controller and Auditor-General and also in the verbatim reports. I regret to say that the verbatim report of the Public Accounts Committee is not available at the moment, but it is going to be available to the hon. Members very soon indeed.

Mr. Deputy Speaker, Sir, during our meetings the Public Accounts Committee scrutinized how the Kenya Government money is being spent. In fact, it is not quite correct to say “Kenya Government money”, but it is more appropriate to say the “public funds” because the public pays the money and they expect services to be provided by the offices of the Government to them. This Parliament also authorizes expenditure on public funds. The civil servants are expected to spend the money in accordance with the authority of this Parliament.

Now, one thing that came into light during the meetings of the Public Accounts Committee is that to a certain extent the authority of this Parliament had been ignored. You will see in this Report that there has been a lot of excess expenditure, that is, so much money spent above what has been voted by this Parliament sometimes even without the authority of Parliament. The situation has become so bad that it is deteriorating, in fact. You will find that during 1967/1968 there were 11 votes with excess expenditure, but during the following Financial Year, 1968/1969 there were 12 votes with excess expenditure. Therefore, you will see really that the Ministries concerned, instead of being more careful in spending public money, have gone out of their ways to spend more than what this Parliament has authorized or more than what the Treasury has authorized. It is for that reason, therefore, this Public Accounts Committee had this to say:—

The Committee is very concerned with this very serious situation where public funds are being spent without the authority of Parliament. It appears that there is a complete lack of control over expenditure and the situation is deteriorating instead of improving. In fact, some of the Ministries have repeated Excesses in spite of previous warnings. The Committee urges the Treasury to ensure that its Supply Officers are aware of the requirements.

This situation is very serious and when you go into the reports of the various Ministries that have overspent, you will see the various recommendations that the Public Accounts Committee has made.

However, I think it is a very serious thing that the authority of Parliament should be ignored. I

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think we must be very firm on this to ensure that in future overexpenditure will not be allowed and where it occurs, the officers concerned must meet the necessary disciplinary action. Every time, Sir, and I am sorry to say this, the Public Accounts Committee makes certain recommendations but they do not seem to have been followed by anybody. The Controller and Auditor-General made certain recommendations and expressed certain fears on this matter, but it appears that the Accounting Officers who are responsible for controlling the public expenditure do not take a serious view of this matter. Mr. Deputy Speaker, Sir, Parliament is always there and if an accounting officer finds that he needs more money, he should come back to Parliament and ask for more money. However, instead of coming back to Parliament, they decide to spend more money without the authority of Parliament. There are other cases where the Parliament gives authority for expenditure but only expenditure in various items under certain Votes. However, you will find in such cases, if an officer wishes to transfer expenditure from one Vote to another, which has been authorized by the Parliament, he has to get permission from the Treasury. We have found that in such cases they do not care to go to the Treasury for authority. They have ignored the directives of the Treasury. The circulars from the Treasury, stating how the money should be spent and the procedures to be followed, are very, very clear and they are there in the Ministries. However, it is most disappointing to my committee and, I think, also to the Members of this House to find that there have been such expenditures without the authority from either the Parliament or the Treasury.

There has also been a lot of extravagancy and misuse of public funds. We have, however, made recommendations on those items and you can read them yourselves. I will give you certain examples of these extravagancies and misuse of public funds: An amount of K£556-9-50, was paid to a member of Electoral Commission. This member never attended one single meeting and all the time he was being paid a salary. What happened is that this member of the Electoral Commission was appointed as a member and was never told when the meetings were to be held and, therefore, he money from the public funds without providing the required service to the public. We have definitely said, as a committee, that we deplore the manner in which this matter was handled, after the appointment had been made, thereby resulting in the payment of public money without the public receiving a service for it.

The committee was not, however, satisfied with

never attended the meetings. Now, he was paid the explanation given to justify this expenditure and, therefore, urges the Government to take disciplinary action against the officers concerned and further urges the Government to streamline the machinery for these appointments. Therefore, you can see how public money is being spent in our Government without providing services to our people.

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

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

If I may quote another example, Mr. Speaker. Sir, under the Ministry of Health, where money has been misused again. This is a case, where an officer of the Government, whose services were terminated, by the accounting officer, without the authority of the Public Service Commission, continued to receive salaries and housing allowances without working, after his appointment had been terminated. This, obviously is a very serious matter. This officer continued to do so until very late when this matter was discovered. Therefore, the committee is of the opinion that the dismissal of this public officer, without the authority of the Public Service Commission was wrong and contrary to the Public Service Regulations. This matter is made even more serious by the fact that after the dismissal of this public officer, the public funds continued to be paid in the form of salary and housing allowance. The committee recommends that this money should be recovered because it was wrongly spent. We cannot allow this kind of expenditure of the public money to continue in this way. I am only giving you a few examples.

Mr. Speaker, Sir, there is another example in the Ministry of Tourism and Wildlife where an officer of the Government went overseas and was given an imprest. During 1967/68 and 1968/69, an imprest amounting to Sh. 12,500 and Sh. 68,057/15 respectively was given. This money was issued for official duties overseas. Out of this imprest, a sum of Sh. 38,640 was accounted for as having been spent on cocktail parties for overseas travel agents, tour operators and Pressmen to promote Kenya's tourism while another sum of KSh. 12,851 is described as having been spent on inter-city taxi travelling. No invoices were produced. That is why the committee feels that this is a great mistake of delaying the repayment of the imprest for such a long time and not surrendering them during the Financial Year in which they were issued. As you know, if you are given an imprest, as a civil servant, you are expected to refund the money or to account for it within a Financial Year. In this case there was a long delay. However, that is not a very important point. What is important is, as

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far as the question of expenditure on entertainment is concerned, the committee is not satisfied with the evidence given by the accounting officer because he could not produce any documentary evidence to show that this money was actually spent on promotion of tourism. Therefore, the committee cannot recommend this money to be paid from the public funds until such a time as supporting evidence is received.

These are some of the cases and you will find many of them in this report. A public officer thinks that he can just spend Government money and thinks that his words will be taken for granted. Sir, these are some of the observations which I would like the Members to take various views on and accept the recommendation we have given. We have gone into this matter very carefully, as I said in the beginning, and we have met many times and we consider that the recommendations we have given are fair and just to all parties concerned. We have given them in the public interest.

Mr. Speaker, Sir, we went into the details of various matters, for instance, in the Ministry of Local Government we noticed that the accounts of the county councils have not been submitted for a very long time. We also noticed that several county councils have not had their Estimates approved by the Minister for Local Government for a number of years, hence, stopping the development of the county councils in question. There were also a lot of misappropriation of funds by the county council officials. For instance, in the case of Sirikwa County Council, we found that the treasurer, who was responsible for keeping the accounts had gone away because he was an expatriate and the receipt books were not accounted for and, therefore, our Government is not able to tell whether there were any losses of money in this county council. That is only an example because there are many other county councils which we found to be in a similar position. Therefore, we have made a recommendation to the effect that the Ministry of Local Government should take a serious view of these matters and improve the situation of the county councils, especially the control of finances. We could not understand how the Estimates of county councils could not be approved for five or six years in some cases and one wonders how a county council could expand without having the Estimates approved by the authority concerned.

The Ministries which were found to have more or less in excess without the authority of this Parliament were: the State House, Foreign Affairs Branch, Office of the Vice-President and Ministry of Home Affairs, Ministry of Agricul-

ture and Animal Husbandry, Ministry of Health, Ministry of Works, Ministry of Power and Communications, Ministry of Tourism and Wildlife, Ministry of Lands and Settlement, Ministry of Information and Broadcasting, Ministry of Cooperatives and Social Services and Ministry of Education. Nearly all of them. They are 12.

Mr. Speaker, Sir, for the information of the House, and all these figures are on record, during the year 1967/68 and 1968/69, an amount of K£1,093,165-12-59 was overspent by the Ministries concerned, the ones I have just mentioned, as against K£136,877-7-59. So you can see how the expenditure, without the authority of Parliament, has been rising instead of being reduced and in spite of various recommendations made by the Public Accounts Committee and this Parliament.

There has, also, been lack of financial control in missions abroad—our Embassies. I want to quote from the Report of the Auditor-General where he says:—

“In paragraph 29 of my Report for 1967/68, I expressed concern over several purchases of furniture and carpets for Kenya Embassies abroad which I considered to be extravagant. A recent visit to three Embassies revealed a very disturbing state of affairs. The lack of financial control in general was appalling while the actual dishonesty of some officers and misappropriation of cash were disquieting. Further, the stores records were not properly maintained and at one Embassy, I was unable to satisfy myself that the vehicles on charge to the Embassy were being solely used on official running.”

We went into this question and we found out that there were unsatisfactory arrangements about the financial control in our Embassies and that some embezzlement has also taken place. We were assured in this one by the Accounting Officer concerned that the people who were responsible for embezzling the finances of our foreign missions were known, and that action was being taken against them. We were also assured that in future, better financial arrangements will be made.

However, I would like to say that we do not want to be given mere assurances. We would like to see, in the next Public Accounts Committee, a report that things have been actually, streamlined and these kinds of things were not happening again.

Mr. Speaker, in order to give Members time to speak, these are some of the few points that I wanted to bring to light since I cannot speak on every item. However, I would like to speak on

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one very serious matter which also reveals how some Government officials and maybe some Ministers, have been responsible for extravagance and misuse of public funds. I would like to mention the former Minister for Agriculture in particular—we are discussing 1968/69 Report. This is the question of mismanaged and abandoned farms. We went into this question in very, very great detail and we found that a sum of K£402,532 has been lost by the Kenya Government. The reason is: when a mismanaged or an abandoned farm was taken over by the Government—in this case by the Ministry of Agriculture, the Government spent money on developing that farm. A lot of money was spent. After the farm had come to a better state, it was handed over to the owner without recovering the money that the Government had, actually, spent on that farm.

In some cases, the Government was trying to recover the money by selling the crop or the cattle that were on those farms. In actual fact, even if the Government had not recovered all its money, and the farm was sold, all the proceeds from the sale of the farm was given to the original owner of the farm. So, the question we were asking among ourselves in the Committee is: "Why could the Government not recover the money they had already spent on the farm from the sale of that farm and then give the balance to the farmer?" We were told that the law could not allow that. Then we asked ourselves, "Why could the law not be amended to enable the Government to recover." A lot of money was lost that way.

We were also disturbed to find out that some of the owners of the abandoned farms were made managers—and they were paid big salaries—of the same farms. The question then was, "If the man could not manage his own farm so that the Government was forced to take it because of mismanagement, how could he be expected to manage it under the State law." These kinds of things, Sir, we regret to say, we were very disappointed to find that they were going on in our country. It is most disturbing. Thank God, the question of mismanaged and abandoned farms is no longer there because I believe that they have all been sold now and if they have not all been sold, only a few remain.

Mr. Speaker, I beg, therefore, to move that the Members do adopt the Motion. Thank you.

Mr. ole Nampaso: Mr. Speaker, I rise to second the Motion.

Being a member of the new Public Accounts Committee, we had several meetings where we sat down talked about these accounts, in the com-

mittee, which is responsible for the public money. We found a lot of misuse of money, as it has been said by the Chairman of the Committee. Every time we called the accounting officer of the Ministry concerned, and the Auditor-General. We then went through the accounts very slowly scrutinizing how the funds have been used. In actual fact, we found a lot of money was being misused by the accounting officers or by the Ministries concerned without the accounting officers taking care or the initiative to see how the money was being used.

I am sure that all Members of this House have a report of this Committee, because every Member found a copy of the report in his pigeon-hole. I am also sure they have studied how the money has been spent by the Government. I am sure if they have gone through this report very slowly and very carefully, they have found a lot of reports on each Ministry. Some accounting officers from some Ministries have to refund money to the Ministry, if it had been misused. If I could, Mr. Speaker, quote a few parts, you will see in a certain Ministry vehicles ordered from overseas. When they are ordered, the Ministry or the accounting officer of the Ministry concerned had certified the voucher that he had received the vehicles while they were still overseas. He had certified that the record was correct. However, when the Auditor-General came to check on the accounts, he wanted to see the vehicles—whether they had arrived and their registration numbers and so forth. Unfortunately he found and he was told that the vehicles had not yet arrived.

"How did you certify the voucher and say that it is correct and everything has been received?"

Such mistakes, although the vehicles have been received—okay—because they had been told by the Auditor-General to see that these vehicles have been delivered to the Ministry concerned—we do not want them to occur in future. How can an accounting officer certify something without having seen it received by the Ministry?

Another example which I could quote here, if you see under the Ministry of Labour the Auditor's Report paragraph 59:—

"A loss of cash amounting to K£479-12-00 occurred at the office of a Senior Labour Officer, Nairobi. I understand that this loss was due to administrative weakness which I am informed, have since been corrected.

The Committee is satisfied that the administrative weaknesses which occasioned the loss have been corrected and hopes that efforts will be made to recover the loss. The Committee is advised that there are several controls

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which would prevent this kind of thing happening and hopes that the Accounting Officer will exercise the controls and resources available."

Mr. Speaker, with such issues, misuse of money by accounting officers was not rectified immediately until the Auditor-General came to find the mistake. Really, we have warned these people and I am sure if they have read the Report, they must be very careful, indeed. Now, if people do not care about their jobs and possibly these accounts are left to junior officers to process and thereafter the senior officers do not examine the accounts to certify that they are correct they may be asked to pay by themselves and not actually the Ministry concerned. Accounting Officers must be given a warning about this one.

Mr. Speaker, Sir, if you go on scrutinizing this Report, you find a lot of misuse of public funds. With regard to the year 1967/68, although the former Members of the Committee are not here, the present Committee scrutinized every account and found that the accounts were correct. They were, of course, certified by the Ministries concerned together with the Controller and Auditor-General to be correct.

With these few remarks, Mr. Speaker, Sir, I would like to second and support the Motion.

(Question proposed)

Mr. Murgor: Thank you Mr. Speaker, Sir, first of all I would like to thank the Mover of this Motion for the way he made the recommendations.

Mr. Speaker, Sir, I would like to say something about overexpenditure. What happens, Sir, is this: take, for example, field officers who send their estimates to their respective Ministries. Now, when they send these estimates, they know exactly what they are asking for and the jobs the money is going to be spent on. What happens is that when these estimates get to the Ministry, the various Ministries cut them down. After they have cut them down, they send them to the Treasury whereby, in a majority of cases, it cuts them down further. Now, what happens in the end is that certain services which are essential have nothing to do except to continue uninterfered with. Take for example the police. Sir, as far as the police are concerned, you never know when crimes are going to rise up, and you never know when crimes are going to come down. Therefore, when they go up the money the police have been given runs short. As a result police officers only stay in the offices instead of following up criminals because they have no money. Some-

times when reports are made to the police that certain crimes have been committed somewhere, the police say that they have no transport and when you ask them why they do not have transport, they say "We have no money." They cannot go out because if they do, without authority for more money, they may be surcharged. That is one reason why sometimes the over-expenditures arise. I have always laid the blame on the accounting officers who may not have explained their cases properly to the Treasury. Secondly it is the Treasury who, in the majority of cases, are very difficult to accept the estimates sent to them by the various departments of the Government. Mr. Speaker, Sir, as I said, it is very difficult for officers in the field to do their jobs properly if they have not been given the money they have asked for. On the other hand, as I said, it is the fault of accounting officers of Ministries who do not explain properly for what reasons they want the money.

Sir, I do not see any reason why the Ministries should not request Parliament for further sums of money to be spent before they overspend. They can foresee that there is going to be an overexpenditure and therefore why do they not request or put forward their requirements before overspending occurs? That is why, Sir, this House very often complains why should overexpenditure arise and why should money be overspent before the authority of this House! I take it that this House is right in complaining about the overexpenditure. Again, Sir, I think where there are no good accountants, such things occur. It is the accountants who, normally, inform the accounting officers the position of accounts of a given Ministry.

Another thing, Mr. Speaker, Sir, I would like to speak about is payment of officers who have been dismissed. Now, this is a very serious matter because in some cases junior officers, sometimes, dismiss verbally their subordinate officers. For example, in the Provincial Administration, a junior district officer may dismiss a chief or a sub-chief verbally by simply telling him that your services are done away with. He does not take the trouble to inform the higher authorities. As the hon. Mover said, the Public Service Commission is never informed and so what happens? The District Commissioner knows nothing about it, the Provincial Accountant know nothing about it and the dismissed officer continues to draw his salary through his bank because his salary is usually sent by cheque to his bank and therefore it is very difficult to know whether or not he is still in the service. On the other hand, the officer who is appointed to take over from him may stay

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for a year without getting a salary because it is not known by the Ministry or the head office that he has been appointed. As I said, in the first place, no authority or approval for the dismissal of the subordinate officer has been granted by a senior officer of the Ministry, nor has the Public Service Commission been informed about the dismissal. The dismissed officer, therefore, continues to draw a salary—as hon. Gatuguta said—drawing a salary when he is not actually doing any Government work while on the other hand somebody else in his place is working but he is not drawing any salary. It is only known later on when the new officer complains about why he has been working without getting a salary that in the end these things are disclosed to the effect that somebody has been drawing a salary without working for it. That is, Mr. Speaker, Sir, what happens sometimes in the field.

Another thing which is very serious, Mr. Speaker, Sir, is the question of the misuse of imprests. In normal circumstances, if an officer is given an imprest, he is supposed to go and do the job he is supposed to do and when he comes back, he has to show how he spent the money and the balance should be returned. Now, in recent days in the majority of cases, we have seen some officers take advantage of imprests by using them as their own money. They use the imprests as if they were their own money. Later on, these things come to light when auditors go out to check only to discover how some imprest money is missing or has been misused. Although, sometimes, it is replaced, it is totally wrong to use public money in the form of imprest as if it were personal money. As the Mover said, sometimes, even though the auditors make their reports, not very much is done there which means the Accounting Officers are not very serious sometimes with their work.

As far as the approval of the county council's Estimates is concerned, this has been the most serious affair for a very, very long time because as the hon. Mover said, some development works or work have been interfered with. Some area councils have not been able to move ahead; they have not been able to develop their areas because their estimates that they passed to the Ministry of Local Government are not approved in time. Sometimes they are told, "What you spent last year, probably what you should spend now and nothing more." The Estimates for one year after the other remain unapproved for a very, very long time. What has been going on very seriously is the auditing of the county councils' money. As in the case of Sirikwa County Council, which was

mentioned, this took a very long time and was not ready until the officer who was in charge had left and gone away overseas and later on a lot of money was discovered missing. If the Ministry of Local Government had been efficient enough, none of that money would have disappeared. I think it is now time for them to begin doing their work more seriously and see to it that they do not interfere with the development of various county councils because this has been a very bad situation.

Mr. Speaker, Sir, with these few words I beg to support.

Mr. Mwicigi: Thank you very much, Mr. Speaker, Sir. I would first of all like to thank the Mover for the good report he has presented here and also his committee which has worked very hard to see the report produced.

Mr. Speaker, I want to underline one point in this report and this is in connexion with Excess Votes. We have noted that the warning given last year is the very warning that is now given by the committee. I do not see the value of the warning because since the first warning was given the situation has deteriorated and I feel some drastic steps must be taken by the House to see that this trend is going to be arrested. It is perhaps a good idea to think about how this can be controlled. Perhaps one thing which this House should do is to refuse to approve this excess money. However, since the money has already been spent it is going to be very awkward to arrest this, I think the best idea in this will not be to refuse to approve it but to make it a criminal offence against the accounting officer who exceeds his Vote. This is likely to check these officers who are free in approving or overspending the money which the House should first of all approve.

Mr. Speaker, the other point I also wanted to Press here is in connexion with the Local Government for not approving the accounts of local authorities. If the accounts of local authorities are not approved, they do not know how they can proceed with their business and I feel that the Ministry of Local Government should move a little faster in assessing the local authorities in approving these accounts. We have noted that county councils are the worst spenders of public money while at the same time they are nearest to the masses; they are nearest to *wananchi* and they are also the backbone of developments. Their money is not wisely spent and that may have some relationship with accounts which are not approved by the Local Government. I would feel that some action should be taken in each direction.

Mr. Speaker, Sir with these few remarks I support the Motion.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, this is one of the most important documents we have here taking into account the speech made by the Leader of this country, the hon. Mzee Jomo Kenyatta, who is a Member of this House when he made it quite clear in his speech that it is the responsibility of this House to look into the expenditures and safeguard the public money. We will be failing in our duties miserably, Mr. Speaker, if hon. Members do not take keen interest in trying to detect some of the faults we have here. Sir, I would like to contribute by first drawing your attention to the Report of the Public Accounts Committee of the Government of Kenya Accounts for the year 1967/68. If you look on page two, of that, Sir, you will see under the heading, "The Excess Votes reflected in 1967/68 Accounts were as follows—"

And then they give the Ministries and so forth. If you also look at the note of the views of the Committee the Public Account Committee, it says here, Sir, "The Committee notes the alarming rise in excess over the last financial year, which is about four times what it was, and recommends the following:—

- (a) The Treasury should revise financial orders to control funds in the hands of Accounting Officers which are non-voted amounts.
- (b) The Committee will, in future, refuse to allow excess where officers show non-compliance with existing financial control systems.
- (c) The Treasury should examine and where necessary amend the financial system."

This is in 1967/68. I draw your attention, again Mr. Speaker, to the Report of the Public Accounts Committee of the Government of Kenya for the year 1968/69. On page four, this time—the last year's was on page two but this year's is on page four. Here, Sir, under "The Excess of Vote . . .", you will find that almost all the Ministries which were mentioned in the Report of 1967/68 are the same ones also mentioned in that of 1968/69. Still under "The Excess . . ." the committee—probably this time—says the following:—

"The Committee is very concerned with this very serious situation where public funds are being spent without the authority of Parliament".

Here, Mr. Speaker, the Committee warned and also gave ways and means of how the public funds could be better controlled and thereby incur

less loss in the expenditure. It appears that our officers did not make note of it.

Again the Public Accounts Committee comes in once more in 1968/69. This has a more serious observation whereby money was spent without the authority of this House. Mr. Speaker, speaking as a parliamentarian, and speaking as the representative of the people of this country, and being a tax-payer on top of all that, Mr. Speaker, I think this is a serious thing which we have to concern ourselves with. Even the President of this Republic has made it known that it is our responsibility in this House to be quite firm as far as the public expenditure is concerned. To make the matter worse, Mr. Speaker, the Members of the Public Accounts Committee are the Members of this very honourable House. So, in the whole final analysis, Mr. Speaker, as much as we would like to blame the civil servants for these excesses we must, at the same time, Mr. Speaker, blame the Members of this committee and probably this House for not being firm and ready to take some drastic steps to ensure that these votes are not overspent.

In 1968/69, the total excesses were £1,093,165. If you could add up this, Mr. Speaker, you would find that this amount would help a great deal even for providing or starting small-scale cottage industries which could provide employment for the unemployed, or to try and give the less fortunate children who have no parents or guardians to help them to have free education up to Standard VII. But you find that this is used — If you would look at the Auditor's Report you would find that some of the money was used for buying watches, clocks—you see, Mr. Speaker, this is a very interesting situation. It is interesting and absurd which this House cannot try and—

The Assistant Minister for Natural Resources (Mr. Ochwada): But you are in a glass house.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I am serious, but the hon. friend of mine, Mr. Ochwada, says that I am in a glass house. The saying, Mr. Speaker, means that once you are in a glass house you do not throw stones because if you do then your house will be demolished. But, Mr. Speaker, where am I in a glass house? In this report, Mr. Speaker, you will find that there is no place where you will find that hon. Shikuku, the Member for Butere, consumed the public money. I have never even made a false claim anywhere.

Mr. Speaker, I am talking of the excesses of Ministries. If one hon. Member mentions the Ministry of Home Affairs, of course, it is one of the Ministries I am talking about. So Mr.

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

Speaker, we have to look at ourselves and we have to speak on behalf of the people to tell them that there is something which is definitely wrong.

It is even more serious when you spend money without the authority of this House because this House is then completely undermined. There is no point in saying that this House is the supreme authority of this country if all expenditures are not approved by this House.

One of the hon. Member says that there was even an increase on the part of the civil servants' salaries to the tune of £100 each. This was not for for all civil servants but it was confined to the Permanent Secretaries—the superscales.

When some of us point out these things they say we are not good. They say that all the civil servants are being undermined, but now we are specific—we are on the superscales, who got £100 increases. Have you ever heard of it in the whole world? This was without the authority of this House. When the Members consolidated their allowances there is a hue and cry. They even tell the people. "Oh, the Members have increased their salaries." Mr. Speaker, Sir, was the salary ever increased? This was not so; it was only consolidated. As a matter of fact, when you work out—I was doing the exercise—you will find that the Members lose because if we were to sit for 365 days in a year, multiply that by £6, the amount of money the Members would draw in this country will be abominable. But now we can sit for 365 days but we shall still get sitting allowance of Sh. 2,000. It will never be more than that. But if it were to be on £6 per day, multiply that by 365— So, in other words, even if Members were to sit more days they will get the same amount of money, whereas in the past, if they sat more days they earned more. But this one has been approved by the authority of the country. But the increase of £100 to the permanent secretaries and the superscale fellows was not approved by this House. If you do not know, you better know now. It is time hon. Members did a bit of homework because we are the custodians of the Republic and we have to know what happens.

Mr. Speaker, I say this because it is in the Speech of His Excellency that we must safeguard the public funds. That is what I am doing now. Now, Sir, the paragraph I have just read you says, "without the authority of Parliament". I quote, Mr. Speaker, "It appears that there is a complete lack . . ." "Complete! This is the report by a body which is appointed by this supreme authority. "There is complete lack of control . . ." "Complete lack". ". . . of expenditure, and the

situation is deteriorating instead of improving."

In fact, some of the Ministries have repeated excesses in spite of previous warnings. Now, Mr. Speaker, I think we have to pull up our socks. We need the money for various developments. We need money for this thing or the other to enable our people to realize the fruits of independence. But when we look at these excesses, Mr. Speaker, they are very few— When you read the Controller and Auditor-General's Report you will find that there are some very flimsy and very unreasonable excesses which should not have been allowed to take place at all.

Mr. Speaker, I realize that there are sometimes certain circumstances which confront some of the civil servants to make decisions which, probably, they may not have time to bring before the National Assembly. But when you read the Controller and Auditor-General's report you find that some of them are so bad that they are not in the interests of the nation or the public. This is the stage where we, as the Members of this House, the Members of the supreme authority, carry the responsibility of this country so that when it goes to the dogs it is not, in most cases, those that are given the duty to implement the decisions and resolutions passed by this authority. It is us who will have to take back the empty cans.

It is usual, Mr. Speaker, that when there is any chaos, or when there are any problems, it is the politicians and it is the political government that is always faced, the Ministers, the Members of—

Mr. Speaker, Sir, I will continue later. Thank you, Sir.

MOTION FOR THE ADJOURNMENT

DISPLACEMENT OF LANDOWNERS AND PAYMENT OF COMPENSATION IN MURANG'A DISTRICT

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Natural Resources (Mr. Omamo): seconded.

(Question propose)

Mr. Wachira: Mr. Speaker, Sir, in view of the answer given by the Minister for Natural Resources in reply to a question about forest areas in Murang'a I would like once again to raise this matter.

Mr. Speaker, Sir, there are four forest areas in Murang'a or in Makyuu Constituency. The areas concerned are Kawaharura which is known as Karura Forest in Location 17, Kangure Forest in

[Mr. Wachira]

Location 15, Kiamuti Kirima Forest, and Kiambicho Forest in Location 20. Mr. Speaker, Sir, while I call these forests, they are commonly known in my area as not forests because these places are owned by landowners who inherited this land from their grandfathers. I am one of those. My grandfather was born in Kangure Forest and his grave is there. My father was born in the same area and I was also born in the same area. Mr. Speaker, Sir, it so happened that in 1954, as you know there was a state of emergency, a colonial Government officer—a *Mzungu* District Officer came into our area and told us to vacate the area because Government wanted to take that land. Mr. Speaker, Sir, we sent a delegation of 20 people including myself and the secretary of the delegation. Mr. Speaker, Sir, that was in 1954—I said 1954—for the information of what I am talking about. Mr. Speaker, Sir, what happened to the delegation was that the chairman of the delegation and myself were detained on the same day and we were not released until 1959. Mr. Speaker, Sir, it is a pity to know that the comrades, the ten people who were with us paid for this land, if it were to be paid for, because they never returned home. They were killed by the Colonial Government. Mr. Speaker, Sir, 1958 when land consolidation was first being done at Murang'a, we gathered these fragments and to our surprise, when land consolidation was being repeated in 1959 at the same place, we were denied the right of taking part in the fragmented gathering up of these pieces. As you can see, Sir, the four places known as forest areas which I know is our land were taken away from us without compensation. These people have no land. About 800 people were displaced and they have no place where they can get their food or where they can get cash crops or money to educate their children.

Mr. Speaker, Sir, I know that this was done by a Colonial Government but it is shocking to understand from the answer given by the Minister that even our Government is not prepared to look into these grievances. Mr. Speaker, Sir, I know the Minister concerned does not know everything about this matter but I will tell him that in 1959, when he claimed that the land was taken away and no compensation was given—in 1959 there was not a single inch of land in Kikuyu land which was not owned. It is shocking to hear from a very well educated Minister who tells me that these pieces of land had no owner. It is high time that this House considered these poor people who have no place to live. Mr. Speaker, Sir, you can understand that in 1954 when we were arrested and 10 people killed—what happened there after is that a General Service Unit team was sent to

these areas and burned all the houses and killed and shot at sight. Mr. Speaker, Sir, in this operation I lost my uncle, my brother and my lovely sister. It is matter of life that our Government should at least either give these people land somewhere else in the settlement area or compensate them because it is such a sad affair that when I talk about it, I feel like moving or flying like an aeroplane

Mr. Speaker, Sir, I feel I should not go any further other than request Government or the House requests Government that people concerned in this area be compensated for this land and that they be given alternative plots where they can live and at least educate their children.

It seems as if these people are not remembered. When the Minister was answering the question I noticed that he was either uninformed or the answer he was given would have done better or would have been a good answer if we were talking of forests like Nyandarua and the rest. But these so-called forests, these four places are not real forests. The places are right in the locations. What happened,— I understand or I am told that the *Mzungu* decided to take these pieces of land because they were known as strong areas of Mau Mau. If it were not for Mau Mau, I doubt whether we would have had *Uhuru* which we are now enjoying.

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

Before I sit, Mr. Speaker, hon. Kahengeri will second me and also Mr. Mwicigi.

Mr. Kahengeri: Mr. Speaker, Sir, I know I am telling a just Minister something about these forests in this Motion and I know that he is a Minister who is serving under a just Government.

Mr. Speaker, Sir, 800 people are involved in this matter. 1954 was not the time that the Minister could classify as the time that these areas had no owner. It is not true that in 1954 there was a piece of land anywhere in Kikuyuland that was not owned by anyone. Mr. Speaker, Sir, the Minister referred to the former African District Council and said that it was the authority that passed over the areas to the Central Government. The African District Council was very often chaired by dictator chairmen, the district commissioners and the Minister knows who they were. Now, these people owned the land—we are protecting foreigners in this country in our Constitution that their property should be safeguarded. If we are protecting the foreigners who owned pieces of land in our country—so that we cannot even take an inch of it before we pay full compensation—why can we not pay full compensation to our own people when we want to take a

[Mr. Kahengeri]

piece of land from them. This is the big question that the Minister, perhaps, this evening will have to tell the nation. I know that he is quite just and he is going to resolve that but I want to point to him one little thing. In 1959 when the fragmentation was done by the land department, the fragmentation was also done on these pieces of land and it was only refused in 1960 when, again, the consolidation was to be done and the chairman, the dictator chairman I mentioned, refused that the consolidation should be done. Therefore, Mr. Speaker, it is the duty of the just Minister in the just Government of men to look into this question and see why these people were not compensated. How did it happen that a big area of land which many years ago was occupied by the indigenous people of this country—I mean the Africans—was taken by the Central Government without paying anything to them? Perhaps, the 800 people who were displaced are scattered all over the Murang'a area; and perhaps are the people who are starving down at Ithanga Hill and they still remember that the land that belonged to them was taken by the Central Government. Today, they are crying and say, "Well, we have the just Government—our own Government—why is it that the Government does not look into this question?" I urge the Government to go into this question of the 800 people involved in this matter and see whether it was the district commissioner who just wanted to take the land from the people because he wanted to aggrieve them saying, "All right, we shall throw it to the Central Government!" Now it is the Central Government of our own people which we are asking to look into this question.

I think, the Mover of this Motion is not asking the Government just to say, "Take the land or take the compensation while something is being done". However, I think he is asking the Government to look into this question and see the history of the area and then see what happened and ultimately decide on something instead of just saying, "This land was owned by nobody and, therefore, the African District Council of the time handed it to the Central Government"!

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

Mr. Mwiggi: Thank, you Mr. Speaker. I happen to be familiar with the area which the Mover of the Motion is talking about; and I would like to assure the House that the atmosphere in the area is very tense.

There is a problem of people who once owned land but they are dislocated and they now want somewhere to live and it is impossible to have it. What is involved are four hills with an area of

3,000 acres which were owned by about 800 people before; and during the emergency they were moved out of those better areas—those hills—partly as a form of punishment and partly to facilitate consolidation—and they were put in villages. When they wanted to go back, they were told that the Government had taken over those parts. Those people are still landless and they are now urging the Government to do something about it; give them back their land now that the colonialist has gone or compensate them for what previously belonged to them. Mr. Speaker, Sir, these poor people are not asking for extra land because they have no land at all and they are not asking for an area to build summer homes or summer cottages but just a plot where they can live and can be able to plant something to live on—for themselves and their children. I think Government should be considerate and in the name of human rights they should surrender these hills and give them back because the Government can exist without these four hills and besides they are going to be occupied by her citizens. The Constitution protects the individual ownership—private ownership. Since these lands are privately owned or were privately owned before *mbeberu* came, the Government should look at this and consider the constitutional elements involved and find out whether these wrongs should be corrected. With these considerations I feel that our Government should do something about it. Those people are citizens of this country and are waiting for justice.

Mr. Speaker, Sir, with those few remarks, I beg to urge the Government to do something about these people.

Mr. Gichoya: Thank you, Mr. Speaker, Sir. I stand to support the Motion for Adjournment on a single principle: that although we are told that this land belongs to the Government, actually, Government belongs to the people. If the Government belong to the people, then why should they be rendered destitutes by a Government which belongs to them? Here in Kenya, we have generally, the problem of squatters: the people who were not allocated land by anybody and so they had to stay in some cases, on land that belonged to somebody else. However, again on the side of ownership of land, when we take the former settled areas, it was actually, stealing during the daytime because the man who did it had the powers, backed by his own Government, the Colonial Government.

These people, in 1954, as we understand, they were about 800 and the land was segmented or cut into pieces for their own settlement. Why were

[Mr. Gichoya]

they not settled? What are the other alternative arrangements made to make them settled? This is exactly, Mr. Speaker, Sir, why I have stood up to support the idea of trying to help these people who actually thought they had a right to stay where they were, and assuming that they would be settled in those areas, they were never settled. Could they be given an alternative arrangement for settlement? If there is no alternative arrangements, then the answer is simple, let them live where they were. After all, are they not tax-payers of Kenya? Are they not citizens of Kenya? Secondly, it is an area which is adjacent to what used to be known as the "Native Reserve" or "native areas". Mr. Speaker, Sir, these natives are actually, the owners of land. We are the owners today, the former natives and they are so called, "citizens" but I prefer to be called a native to a "citizen" a native of the Republic of Kenya so that the people who have been given the nativity by a piece of paper may understand that they do not belong to this area and they should, if they can make arrangements, to go back to where they originally came from.

Mr. Speaker, Sir, in order to give the Minister an opportunity to tell us what he had in mind in trying to solve this problem of unemployment. I put it like that because when you have a small-holding, and I believe the Minister for Natural Resources has a small-holding in his own home; if he is landless he should cover a small part of any forest of Kenya for his own small-holding so that he may have a place out and claim, "This is my own home".

Therefore, Mr. Speaker, Sir, with these few remarks, I believe that the case of those people has been put forward clearly and the Minister will also sympathize with the sentiments.

The Minister for Natural Resources (Mr. Omamo): Thank you, Mr. Speaker, Sir. When the hon. Member gave notice that he would raise this matter on the Adjournment, I thought that the hon. Member, who, Mr. Speaker, I trust as an honest man, had a new approach, a new idea and completely good news, to tell this House. However, now that he has spoken, and his Motion seconded, I must admit, Mr. Speaker, Sir, that I am rather disappointed.

Mr. Speaker, Sir, the argument that a grandfather's grave is in a certain area, is not in itself, proof that the great grandson or sons should go and live there, despite the changes that have taken place. Mr. Speaker, Sir, I could use this argument, and say that my great grandfather's grave lies in Southern Sudan, and I could claim

that I want land in Southern Sudan. However, so much has taken place, Mr. Speaker, Sir, that my argument would not hold water.

There is a suggestion, that this land comprising the four forest areas was taken without compensation. As I replied, and as I repeat now, this land was acquired by Central Government, using a legal process; a legal process which involved, not only the African District Council at that time, but also other land boards. I do not want to say that this was the best way of dealing with the situation, but this House and this Government has been presented with a *fait accompli*. Here is a process that has taken place; you now want me to undo what has taken place, and I would like to suggest, most politely, Mr. Speaker, Sir, that I will find it extremely difficult. It has been suggested that Government does not appear to be sympathetic. This, Mr. Speaker, Sir, I deny. Our Government is very sympathetic when we discuss land matters.

Historically, Kenya is known to be rather sensitive about questions connected with land; land ownership, who should own this, who should acquire this, etc., etc. This is not a new story in this Chamber; we know it. However, what I would like to refute is the suggestion that our Government is not sympathetic when the question of land is brought up. I have never suggested, myself, that the land in question was without owners. What I have repeated and what I would like to reiterate is that: whoever it belonged to, it was taken over through a legal process. I have already said that this land went to the hands of the Central Government through the normal process, at the time, and I would like, Mr. Speaker, Sir, to lay on the Table of the House, all the relevant minutes and all the correspondence, that transferred, and which, finally, gave the Central Government the authority to acquire the four pieces of land, and finally gave them to the Ministry of Natural Resources, for afforestation.

(The hon. Mr. Omamo laid the document on the Table)

Mr. Speaker, Sir, a suggestion has been made that the Government should think of ways and means of finding land for settlement. Fair enough! Let them say so, but to suggest that I should hand back the land already under forest is to me rather too strong a suggestion. If land is required for settlement, the hon. Members should know the procedure and they should also know which Ministry to approach. The stand of the Ministry of Natural Resources is that we are here to increase and not to decrease the forest estates of this nation.

[The Minister for Natural Resources]

Mr. Speaker, Sir, a suggestion has been made that compensation should be considered for these *wananchi*. However, in my opinion, it would be the most difficult task if it could be done. What I would like to argue is that it is quite unnecessary at this juncture because, if it is just a question of land, the House should be assured that there is quite a lot of land which could be used for settlement.

One hon. Member suggested that these areas are the so-called forests. I think we should be careful when we select this type of words. The so-called "forest" are real forests afforested for the needs of *wananchi* in Murang'a. This is the type of forest that we find in Kapondo/Kasipul in South Nyanza; this is the type of forest that we find in Kisii; this is the type of forest that we find in Elgeyo-Marakwet, a district whose 60 per cent of land is under forest.

Mr. Speaker, Sir, it has also been suggested that this area should go to the 800 people. Were they families or were they individuals? I wish I could be informed. But, suppose they were individuals

and they are 800 in number, the hon. Member suggested that the acreage is 3,000 acres; it is not, Mr. Speaker, Sir. It is 2,362 acres. This figure divided by 800 would give each family 1.9525 acres; which, Mr. Speaker, Sir, is too small. I would, therefore, Mr. Speaker, Sir, like to suggest that this question about settlement; this question about compensation would appear to be a reasonable question but compensation in my opinion is out. Settlement can be considered if a case has been prepared, supported by the established organizations and should naturally be channelled and looked into by the Minister for Lands and Settlement. This is the Ministry that *wananchi* everywhere know as the Ministry of *Ardhi na Makao*.

Thank you, Mr. Speaker, Sir.

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 17th March, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 17th March 1971

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

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

PRAYERS**PAPERS LAID**

The following Paper was laid on the Table:—
The Settlement Fund Trustees Annual Report 1967-68.

(By the Assistant Minister for Lands and Settlement Mr. G. G. Kariuki on behalf of the Minister for Lands and Settlement (Mr. Angaine))

NOTICE OF MOTION

ASSISTANT MINISTER TO BE CALLED DEPUTY MINISTER

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

THAT since Government intends to train its promising sons into actually effective leaders of tomorrow's Kenya, this House calls upon the Government to introduce a Bill for an amendment of the Constitution of Kenya in order to delete the words, "Assistant Minister" and substitute in the place thereof the words, "Deputy Minister".

ORAL ANSWERS TO QUESTIONS

Question No. 75 (1317)

DISCHARGE OF CONSTABLE SYENGO MUI

Mr. Kitonga asked the Vice-President and Minister for Home Affairs if he would tell the House why compensation or gratuity had not been paid to Constable No. 7875, Syengo Mui, who had been discharged in 1959 on medical grounds after he had suffered an eye injury caused by his fellow constable, and lost total sight of one of his eyes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. According to our records, ex-police Constable No. 7875, was Kamau Nduati of Fort Hall District who was dismissed from the force on 3rd June 1959 after a criminal conviction. It is therefore requested that the hon. Member give the correct force number of ex-Constable Syengo Mui to enable us to trace the records. We do not maintain records by names.

Mr. Kitonga: Mr. Speaker, Sir, will the Assistant Minister deny or accept that the number he has mentioned in his answer is the real number of Syengo Mui because I got the information

from the Police Headquarters and the Commissioner of Police did agree that this is the right number? Further to that, Mr. Speaker, Sir, is the Assistant Minister aware that Constable Kamau Nduati, whom he mentioned in the reply, was the same person who was convicted for the crime of injuring Constable Syengo Mui? Therefore, Mr. Speaker, Sir, is the Assistant Minister aware that this was the right number of Constable Syengo Mui and that he was confused by whoever gave him the information.

Mr. Matano: No, Sir, I do not agree. As I said earlier, we went through the records and we found that this number belongs to a different man altogether. Therefore, I do not agree with the hon. Member's allegation.

Mr. Kitonga: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No, you do not have to rise on a point of order if you want to ask a question.

Mr. Kitonga: No, Mr. Speaker, the answer from the Assistant Minister was not quite clear. I did not understand him—anyway, Mr. Speaker, thank you very much. If the Assistant Minister promises that he will reply to this question in this House tomorrow, I will see the Commissioner of Police for a second time because I am sure this is the real number but the Assistant Minister is confusing the House by saying that this is the number of Kamau Nduati. Mr. Kamau Nduati, I believe, is the person who committed the same crime. Will the Assistant Minister promise to give the reply to this House tomorrow?

The Speaker (Mr. Mati): Yes, that, in fact, is a good point of order, Mr. Kitonga. We will put off this question until you clarify that point.

(Question deferred to another day)

Mr. Kitonga: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No! No! No more point of order. Next question.

(Question No. 130 (1429))

STATE LODGES IN THE COUNTRY

Mr. arap Cheboiwo asked the Minister of State, President's Office if he would tell the House how many State Lodges there are in the Republic and how many are proposed to be built between 1970 and 1974 and where.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. There are six State Lodges in the Republic. There are no plans to build more State Lodges in the near future.

Mr. arap Cheboiwo: Mr. Speaker, Sir, out of these six State Lodges, could the Assistant Minister tell us how many were built after 1964 and how much it cost Government to build them?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member should know that is a different question altogether. All that is known, Mr. Speaker, Sir, is that these lodges are found in Eldoret, Nakuru Sagana, Mombasa, Kisumu and there is also a State Lodge in Nairobi. As as I have already said, there are no plans to have more State Lodges in the near future.

Mr. Nthenge: Mr. Speaker, Sir, could the Assistant Minister tell us whether all these lodges are manned; and if so, whether there is any need for manning some of them, particularly those that are never used by the President?

Mr. Munyi: Mr. Speaker, Sir, all these lodges are actually in good use and all that the hon. Member should know is that these lodges were built for the use of the Head of State and they are in good use.

Mr. Koigi: Mr. Speaker, Sir, without intending to oppose the Head of State, because we cannot oppose the Head of State, will the Assistant Minister please tell us how these lodges are used?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member knows that the lodges are being used by His Excellency the President when he visits the areas concerned, and this is a known fact, Sir.

Mr. Lotodo: Mr. Speaker, Sir, could the Assistant Minister tell this House whether the State could sell some of these lodges because His Excellency does not use some of them, for example the one in Kisumu?

Mr. Munyi: Mr. Speaker, Sir, that does not arise because, when His Excellency the President will visit Nyanza Province, or that area, he will use the State Lodge which the hon. Member has mentioned.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that in all these State Lodges there are workers who maintain them, and hence public money is spent in paying them salaries, would the Assistant Minister tell the House how many times His Excellency the President has stayed in the Kisumu State Lodge?

Mr. Munyi: Mr. Speaker, Sir, I have answered— Well, that is a different question altogether. However, all that I would like to tell the hon. Member is that any time when the President will visit that area he will stay in that

particular State Lodge—and the hon. Member knows this!

The Speaker (Mr. Mati): I think the question was: how many times has he stayed in that particular State Lodge?

Mr. Munyi: Mr. Speaker, Sir, that was the question which the hon. Member raised but—Mr. Speaker, Sir, all that I would like to tell the hon. Member is that any time when His Excellency the President will visit that area he will make use of that State Lodge at Kisumu.

Mr. arap Saina: On a point of order, Mr. Speaker, Sir, is it in order for the Assistant Minister to confuse the House by telling us something which does not answer the question, although he is not sure of the dates or the times when the President stayed at the Kisumu State Lodge?

The Speaker (Mr. Mati): The problem is that Mr. Munyi is replying to a question which has not been asked at all. Nobody asked, "When will this lodge be used"? However, the hon. Members want to know whether it has ever been used; and if so, how many times.

Mr. Munyi: Mr. Speaker, Sir, if the hon. Member would like to know how many times it has been stayed in I think what he should do is to table a question specifically on that because I think it is a different question altogether.

The Speaker (Mr. Mati): Mr. Munyi, I do not think that it is a different question at all because it is related to what you said before. Obviously in trying to find out what the lodges are used for you must have tried to find out what has been happening with these lodges—that seems to be the natural inference.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, in view of the fact—

The Speaker (Mr. Mati): Mr. Mwithaga!

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, when a Minister, or an Assistant Minister for that matter, does not know the answer to a given question, or he thinks the question is rather hypothetical or otherwise, is it not fair that he does not answer that question because we cannot compel him to answer it?

The Speaker (Mr. Mati): This is not the first time we have had this kind of difficulty; but there is no point in trying to answer a question which has not been asked by anybody. However, the best thing to say is that you do not know; but if you know, you should tell the House. If you do not know, there is nothing disgraceful about not knowing.

Next question.

Question No. 167 (1498)

RESPONSIBILITY FOR THE GENERAL SERVICE UNIT

Mr. Marete asked the Minister of State, President's Office if he would tell the House the Ministry under which the General Service Unit falls.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The General Service Unit is under the Vice-President's Office and Ministry of Home Affairs.

Mr. Marete: Mr. Speaker, Sir, with regard to the answer which the Assistant Minister has given, it does not show clearly the difference in respect to training of the General Service Unit personnel from other forces. We know exactly under what Ministry the police or the military forces fall but we do not know under what Ministry the General Service Unit falls although he says that it is under the Vice-President's Office and Ministry of Home Affairs.

Mr. Munyi: Mr. Speaker, Sir, I would like to ask the hon. Member to clarify his point.

The Speaker (Mr. Mati): Mr. Marete, could you make clear exactly what you are asking?

Mr. Marete: Mr. Speaker, Sir, we know under what Ministry the police force and the military fall. However, we do not really know under what Ministry the General Service Unit falls.

The Speaker (Mr. Mati): You were given the reply, Mr. Marete.

Mr. Marete: Mr. Speaker, Sir, I wanted to know exactly what the General Service Unit is because we do not know its work although it is under the Vice-President's Office and the Ministry of Home Affairs.

The Speaker (Mr. Mati): What is the General Service Unit there for?

Mr. Munyi: Mr. Speaker, Sir, the General Service Unit is there to maintain law and order and it is well-known for its ability to discharge that important duty.

Mr. Jilo: Mr. Speaker, Sir, I think the Assistant Minister is not answering the question clearly because what I know is that the General Service Unit does a military job since it is only the police force which maintains law and order in this country. Can he tell us what is the actual work of the General Service Unit in the country?

An hon. Member: You were one of the General Service Unit personnel!

Mr. Munyi: Mr. Speaker, Sir, even the word itself—General Service Unit—implies that it is a unit for maintaining law and order and it has been doing that ever since it was created.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. If the General Service Unit is under the Vice-President's Office and Ministry of Home Affairs, as the Assistant Minister says in his reply, why then does the Office of President deal with the question?

Mr. Munyi: Mr. Speaker, Sir, this question was tabled and directed to the Office of the President, which is supposed to do anything concerning organization or reorganization of the Government. I have, therefore dealt with it.

Mr. Kholkholle: Mr. Speaker, Sir, the Assistant Minister, in his earlier reply, said that the work of the General Service Unit is to maintain law and order. Does he mean to tell this House that the Kenya Police force are not able or are not efficient enough to maintain law and order in this country?

Mr. Munyi: Mr. Speaker, Sir, as I have already said, the General Service Unit is supposed to do the work which cannot be done by the police. General Service Unit is, therefore, there to assist the Kenya Police do the work which it cannot do—maintaining law and order.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the General Service Unit is under the Vice-President's Office and the Ministry of Home Affairs, can he deny, right now, that the General Service Unit is under the Office of the President?

Mr. Munyi: Mr. Speaker, Sir, I would like to deny that very categorically.

Mr. Araru: On a point of order, Mr. Speaker, Sir, I am seeking your guidance here. We know that whenever a question is put to the wrong Ministry by hon. Members always transfer it to the relevant Ministry. How did it happen that this question was taken to the Office of the President and they now deny that the General Service Unit is under them?

The Speaker (Mr. Mati): Mr. Munyi made it clear that the President's Office, or rather the President, if you like is responsible for organization of Government and, therefore, he decides under what Ministry or department any unit of the governmental system will be put. So, they are responsible for that organization. Since you wanted to know under what Ministry the General Service Unit falls, then the Ministry in charge of seeing where these departments are put is the Office of the President and that is why Mr. Munyi replied.

Mr. Kitonga: Mr. Speaker, Sir, I am rather surprised because the Assistant Minister has just said that he cannot deny categorically— He has also said that the General Service Unit is under the Ministry of Home Affairs. Mr. Speaker, Sir, now

[Mr. Kitonga]

I do not know which, of the two answers is correct. If he still sticks to the fact that the General Service Unit is under the Ministry of Home Affairs, will he tell us what is the difference between the duty done by the General Service Unit and the regular police force? Will he tell us that?

Mr. Munyi: Mr. Speaker, Sir, I have already answered that when I said that the duty of each of our Armed Forces is defined. That is what I have said Mr. Speaker, Sir. I have denied categorically what was alleged by the hon. Member from Kitui, Mr. Speaker, Sir.

The Speaker (Mr. Mati): No, we cannot spend all the time on one question, because we have to keep moving on.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to challenge me by saying that the statement I made is not true—that the General Service Unit does fall under the Office of the President, yet we know that this is the Ministry responsible for the General Service Unit but not the Ministry of Home Affairs?

The Speaker (Mr. Mati): That is not a good point of order, unless you want to give some evidence to show that the Assistant Minister misled the House.

NOTICE OF MOTION FOR THE
ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 130: STATE
LODGES IN THE COUNTRY

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, due to the unsatisfactory reply to Question No. 130, if the questioner agrees I wish to raise the matter on a Motion for the Adjournment?

The Speaker (Mr. Mati): Any objection, Mr. Marete?

Mr. Marete: No objection.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, I am referring to Question No. 130?

The Speaker (Mr. Mati): Do not try to push us back. There is no need to do that.

Question No. 149 (1470)

SHORTAGE OF FOOT-AND-MOUTH VACCINES

Mr. arap Saina asked the Minister for Agriculture if he would tell the House in view of the fact that there was an acute shortage of Foot-and-Mouth Disease vaccines and realizing the current outbreaks of the disease—

- (a) what action he had taken to see that vaccines for all types of Foot-and-Mouth Disease are available in the country; and

- (b) whether there had been any vaccination carried out in the areas where the outbreak of the disease had been reported.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. There is an adequate stock of vaccines for all types of Foot-and-Mouth Disease and all reported cases of disease outbreaks are handled promptly. Therefore, Mr. Speaker, Sir, I think the question need not have been brought to this House. At present, Mr. Speaker, Sir, for your information, there is Foot-and-Mouth quarantine in the Soi area and inoculation has been carried out and the infected animals isolated. However, vaccination is not compulsory and only those farmers who wish to have their cattle vaccinated or those who can be persuaded to do so are taking advantage of the provision.

Mr. arap Saina: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister that there are adequate stocks of vaccines, will he tell this House why cattle entry to the Eldoret Agricultural Society Show has been cancelled for the last two years because of outbreak of Foot-and-Mouth Disease?

Mr. Wanjigi: I am sorry, Mr. Speaker, Sir, I did not hear what the hon. Member said? However, what was the county council to show?

Mr. arap Saina: Mr. Speaker, Sir, I am sorry for what the Assistant Minister has done, because I thought he heard what I had said. In his reply he said that there is an adequate supply of Foot-and-Mouth Disease vaccines; will he explain to this House the reason why there was no vaccination in time to allow cattle to be entered in the Eldoret Agriculture Show organized by the Agricultural Society of Kenya?

Mr. Wanjigi: Mr. Speaker, Sir, as I have just said, Uasin Gishu area is not a compulsory vaccination area. You vaccinate if and when you want. Therefore, the disease can break at any corner of that district and it is for this reason the Uasin Gishu Show was affected by lack of any entry because of the quarantine restriction.

Mr. ole Leken: Mr. Speaker, Sir, on the understanding that this disease is very infectious, and through my experience as a rancher I have found that we lose quite a lot of cattle as deaths of cattle infected by this disease is as high as five per cent, and the yield of milk goes down by 40 to 50 per cent and, in fact, the infected cattle abort up to about 20 per cent or 25 per cent, what action is the Minister taking to see that he introduces compulsory Foot-and-Mouth Disease vaccination all over the Republic instead of restricting it to certain areas?

Mr. Wanjigi: Mr. Speaker, Sir, I think I have answered that question in this House before. We have already started to isolate areas of compulsory inoculation including, for example Nakuru District, Laikipia District and Trans Nzoia District. Our aim, Mr. Speaker, Sir, is to gradually extend the areas of operation until we can cover the whole country. However, I think the House will appreciate that it is a terribly expensive exercise and it cannot be undertaken at once.

Mr. ole Leken: Right now, for the information of the Minister, in Kajiado District there are so many places where outbreaks of this infectious disease are taking place. We are told that there are enough vaccines, let us say, type "O" and type "A" but another very new type has just come out, that is type "SAT"—that is, South African type two. What is the Assistant Minister doing to see that we do not get all these branded types spread all over the country?

Mr. Wanjigi: There is nothing new about SA 2 type of Foot-and-Mouth Disease; we have known it for quite a long time. It is only that it is not as prevalent a disease as the type O and A, but we do have vaccines for the same.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order, Mr. Speaker, is the word that was used by the Member who has interrupted parliamentary?

The Speaker (Mr. Mati): Order! I do not think I heard the use of the word. Let us skip it for the time being and I hope it will not be repeated again.

Mr. Kitonga: Mr. Speaker, Sir, according to the Assistant Minister's reply and since this disease has become terrible in Kenya, is the Assistant Minister really answering in order to enlighten the country or is he just answering because he has to answer? Last week when I asked whether there was any person who could cure this sort of disease, the same Assistant Minister assured us that the Government was trying to get a qualified person in endeavour to see if they can arrest the disease—Foot-and-Mouth Disease.

Therefore, can the Assistant Minister tell us what policy they have now, since he is answering differently as regards the same type of question?

Mr. Wanjigi: Mr. Speaker, I am sure the hon. Member can be of great assistance to Government if he were to bring this man to us because—

Mr. Kitonga: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! Will you sit down, Mr. Kitonga.

Mr. Wanjigi: Mr. Speaker, we are investigating through our own channels as to what the hon. Member has disclosed to this House. As soon as we are satisfied that he has something we can use, I am sure we will not miss any opportunity.

Mr. arap Saina: Mr. Speaker, Sir, in view of the seriousness of Foot-and-Mouth Disease in the entire Republic, and in view of the fact that it is expensive to produce vaccines for Foot-and-Mouth Disease, particularly of the South African type strain, could the Assistant Minister tell this House whether his Ministry is going to have any plans for subsidizing vaccination so that we can get rid of all the disease in the Republic?

Mr. Wanjigi: Mr. Speaker, the price, in fact, of these vaccines for Kenya is already subsidized. For example, to countries where we export vaccine, it is probably twice the cost.

Mr. ole Leken: Arising from one of the replies by the Assistant Minister, could he tell us—because one of his replies was a bit vague, where he said "We are gradually coming to areas where compulsory service is not now being done."—how long it will take to make sure that all the areas in the Republic, particularly the areas which are potential areas for cattle, are covered? When will this be?

Mr. Wanjigi: I am sorry, Mr. Speaker, I cannot answer that question off-hand because it is dependent on whether we do get successful results on financial negotiations we are carrying on, and also the requirement of (?) that will be required to cover this.

Question No. 150 (1476)

FUTURE PLANS FOR MARIMBA FARM

Mr. Marete asked the Minister for Agriculture if he would tell the House, since Marimba Farm in Nkuene Location had been under the County Council of Meru as an experimental farm for cattle, what the future plans were in connexion with it.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The Marimba Farm mentioned by the hon. Member is a very valuable asset for experiments on cattle-breeding, the results of which are useful not only to the Meru people but to the entire nation. It is, therefore, my Ministry's appeal to the Meru local authorities that they let us retain the farm for that purpose. It would be detrimental to the nation to give up the experiment we are carrying out on that farm, and I would, therefore, also appeal for the support of the hon. Member in putting across the Government's view to the country.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, now that this farm was given by the *wananchi* of Nkuene Location and they were informed that the cows that would be kept there would be sold to them when they are ready for sale. I mean that when a cow bears a calf—I do not mean a heifer—it is killed instead of being sold to the *wananchi* there who gave this farm to the count council.

Now, Sir, what is the use of this farm—this farm for experimental work—to the *wananchi* who gave it free? He is saying—

The Speaker (Mr. Mati): Order! Please sit down and wait for the reply.

Mr. Wanjigi: Mr. Speaker, I think there is a provision that if there are any cattle to be sold from the farm the local people would be given the first refusal. However, I think the most important aspect of retaining such a farm is not necessarily the off-take from the herd, it is the results that may or will be found in terms of feeding trials, breeding exercises to benefit the Meru area. This is much more important than the 20,000 or 30,000 cows that may come out of it.

Question No. 145 (1457)

ROAD SUPERINTENDENT: WESTERN PROVINCE

The Speaker (Mr. Mati): Mr. Ebu. Not there?

Question No. 159 (1487)

TRANSPORT LICENCES' APPLICANTS IN SIAYA AND KISUMU

Mr. Okudo asked the Minister for Power and Communications if he could tell the House—

(a) how many people had applied for Transport Licensing Board licences from Siaya and Kisumu Districts from 1964 to 1970;

(b) how many per district had been granted such licences up to this time.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. Transport Licensing Board licences are granted to routes which, in most cases, cut across the boundaries of districts. Therefore, it is not possible to say how many licences were issued for Siaya or any other district in Kenya.

Mr. Ayah: Mr. Speaker, Sir, arising from that answer which I think is evading the question, would the Minister tell this House whether it is true or not that in the form for application people who apply do give their addresses? Is it not possible from those addresses to know whether the applicants are from Siaya or Kisumu District? *Sema.*

Mr. Ngala: Mr. Speaker, Sir, it is very difficult to know which district the applicant comes from by his address because you may have people living in Mombasa applying for a route that goes between Siaya and Kisumu or Nakuru. They may use a different address. This is not a yardstick by which we can decide. Therefore, we have not used it at all.

Sir, we do not have provincial or district records. So it is not possible to tell this House the number of people who applied for Transport Licensing Board licences from Siaya or Kisumu districts from 1964 to 1970.

Secondly, likewise, the number of licences granted in 1964 are not known. It is possible to tell the number of Transport Licensing Board licences granted on one particular route which, in many cases, will not include just one district.

Mr. Njiru: Mr. Speaker, Sir, is the Minister aware that Asians are using poor Africans' names to acquire Transport Licensing Board licences all over the country?

Mr. Ngala: Mr. Speaker, Sir, this is one of the weaknesses that we are trying to avoid in granting licences to persons. I am very grateful that the Member has asked this question.

In the Ministry and the Government we very much deplore the fact that many Africans apply for Transport Licensing Board licences and they are given these by the Board, but they do not use these licences themselves, they hire these licences to rich Asians, Arabs or Europeans. This includes, with due respect, some Members of Parliament and high ranking officers, and so on. We would like to make it quite clear that Members of Parliament should show a better example to the citizens in this matter.

Hon. Members: Very serious!

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, I believe that this is a very serious allegation made by the hon. Minister, that hon. Members of this House are being used by the Asians, which, in fact, is an insult.

Now, Sir, could the Minister, if he is aware of this substantiate his allegation by naming one Member who is being used by Asians?

The Speaker (Mr. Mati): Yes, I am sure, Mr. Ngala realizes that this is a very serious thing to say. It is a very serious accusation. Mr. Mutiso's request is quite reasonable, that if you know of any case you had better say which one.

Mr. arap Cheboiwo: Or withdraw and apologize.

Mr. Ngala: Mr. Speaker, Sir, I do not say things without knowing them; after all, this is

[The Minister for Power and Communications] my Ministry. Therefore, if the Members will not be embarrassed I will table a list which will give details of Members, even Assistant Ministers, who are being used in this way. I hope the Members will not be embarrassed. I will produce the list.

The Speaker (Mr. Mati): Order! Order! There is no need to get too excited. Mr. Ngala's offer is fair enough. He is prepared to lay on the Table a list of the people he is referring to and Members will have an opportunity to read the list for themselves.

This is a very serious matter and I take a very serious view of it. It is not something to take too lightly because it reflects rather badly on the House, if what Mr. Ngala says is true.

Mrs. Onyango: Mr. Speaker, will it be in order for me to request the Minister to include also the names of the Ministers when he lays the list which will contain the names of the Assistant Ministers and Members of Parliament?

The Speaker (Mr. Mati): What I understood Mr. Ngala as saying is that he will lay a complete list as he can get.

Question No. 160 (1490)

POLICY ON RURAL ELECTRIFICATION

Mr. Magugu asked the Minister for Power and Communications if he could tell the House what the clear-cut policy for rural electrification was.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. The Government policy for rural electrification is two-fold: (a) to supply electricity wherever and whenever the demand is sufficient to justify a supply of electricity at an economic rate.

(b) To supply electricity at a non-economic rate where it becomes very necessary and subject to the availability of the funds allocated for this purpose, which is currently £80,000 p.a.

Mr. Magugu: Mr. Speaker, can I then take it for granted from the Minister that if ever I come across a justifiable project or area which requires electricity, the power will be installed without any delay?

Mr. Ngala: Sir, my Ministry has various teams from the Power Company who are investigating areas where such projects could be taken up viably. If the Member knows some areas where such projects can be taken up viably, I would be very pleased to know and will investigate. Only on the merits of being viable projects, it would be provided under part (a) as I have indicated in the reply.

Mr. Kanja: Mr. Speaker, would the hon. Minister please tell this House, when he talks of viability, why the people of Moruguru Location in Nyeri, where the power station is, have not been given electricity up to now and yet the lines pass through their plots and over their homes?

Mr. Ngala: Mr. Speaker, Sir, I am very interested in looking into the provision of power in the thickly populated areas such as Nyeri and such others, that have the economic capacity to pay for the power. If the Member would care to give me details of the area he is worried about, I will cause an investigation to be carried into this particular case.

However, sometimes power passes over some parts of the country and homes of certain people, and people wonder why it is not stepped down. The reason for this is that stepping down the power costs a lot of money and sometimes the local people who may wish to have it may not be in a position to pay for it.

Mr. arap Cheboiwo: Arising from that answer from the Minister, that he will consider a place where there is a need, could he assure the House that Kabarnet District Hospital which has no electricity will be included in the list of priorities?

Mr. Ngala: Mr. Speaker, Sir, as far as Kabarnet is concerned, Kabarnet is not economically viable as far as the provision of power is considered. However, under the amenities scheme we have put Kabarnet. It is under the non-economic scheme.

Question No. 161 (1491)

ORDERING OF POST OFFICE EQUIPMENT FROM UNITED KINGDOM

Mr. Magugu asked the Minister for Power and Communications if he would tell the House—

(a) why it was that post office equipment was invariably ordered from the United Kingdom;

(b) who determined, and how, the terms of the contracts of expatriate officers working with the Posts and Telecommunications Corporation.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. (a) As hon. Members know, this country on independence inherited systems and equipment which had been manufactured in the United Kingdom. These systems are still in operation and they have to be maintained and expanded. Hence, the need to continue ordering equipment from the United Kingdom.

[The Minister for Power and Communications]

However, it might please hon. Members to know that the ordering of our postal equipment is now made the subject of world tender and any manufacturing country can, if it wishes, tender to supply the required equipment. In fact, most of our recent projects have been contracted to countries other than the United Kingdom. As these tenders are competitive it is almost a common rule that the most attractive tender is accepted.

(b) The recruitment of expatriate personnel and their terms of contract is the responsibility of the Corporation in consultation with the Communications Council in the Community and in conjunction with the foreign governments who aid the scheme.

Mr. Mutiso: Mr. Speaker, Sir, considering the size of Britain and its economy, would the Minister tell this House whether Great Britain will, in any case, compete effectively on a world tender for such equipment with other nations like Japan, America, France or West Germany, if there are no other strings attached?

Mr. Ngala: Mr. Speaker, I want first of all to do away with the allegation that gives the appearance that there could be strings. There are no strings at all attached to this. The tenders, are worldwide; they are submitted by any country that wishes to submit its tenders; a corporation or a company from any country and on the merits of its quality and virtues and offers of cost, they are given. This is something, which I think the United Kingdom—we are not dealing with the United Kingdom as a country, we are dealing with different companies—are as capable of competing as any other country in the world.

Mr. Magugu: Mr. Speaker, Sir, since the Minister says that we inherited this system from the Colonial Government, Britain, why is it necessary that we continue with this system? If that is not the case, would the Minister not agree with me that we should now diversify this system so that we do not necessarily have to think that Britain has the best equipment?

An hon. Member: Why is it always Britain?

Mr. Ngala: Mr. Speaker, Sir, of course, we think we should now change to any other country which is suitable, which is capable of supplying us with the right equipment. However, the hon. Member would be the first one to agree with me that it is uneconomic to order such equipment that would come and the like "a round peg in a square hole", because of what we have inherited. I am trying to do my best—for example, Japan has supplied a lot of equipment to our Posts and Telecommunications system. This is because Japan

has won one of the tenders and it is open to all countries to compete. I agree with the hon. Member that we should not be confined to the United Kingdom just because we are a former colony of the United Kingdom. We are doing our best.

The Speaker (Mr. Mati): Next question, Mr. Mulwa.

An hon. Member: He is not here.

Question No. 145 (1457)

ROADS SUPERINTENDENT: WESTERN PROVINCE

Mr. Ebu: Mr. Speaker, Sir, I apologize for coming late.

Mr. Ebu asked the Minister for Works if he would tell the House whether he was aware that Western Province has a fully-fledged roads superintendent; and if so, why Nyanza Province roads superintendent comes to supervise the badly gravelled roads in Western Province.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I think the Questioner was late and I beg to reply. About our supervisory staff, Kisumu is the headquarters for Nyanza and Western Provinces. As for allocation of our staff, supervisors and so on, these personnel transferred from Western Province to Nyanza Province, and because of the extensive construction of roads, these people are being transferred in order to expedite the completion of the construction. Therefore, Mr. Speaker, Sir, the question of transferring people to help the person who is there is often necessary.

Mr. Ebu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the roads in question are not the major construction work that is being undertaken by the Ministry of Works, but are the roads where work is being done by some local contractors?

Mr. Kuguru: Yes, I am aware that these roads are being done by the contractors. However, whatever we do, whenever we give contracts to other people, our people go to supervise, and therefore it is necessary to increase the supervisory staff wherever we are constructing a road. I think the hon. Member for that area should be grateful because we are sending more people to complete the construction of these roads.

Mr. Barmalel: Mr. Speaker, Sir, why is it that an engineer from Kisumu has to work on Kericho roads which should be worked on by an engineer from Nakuru, Rift Valley?

Mr. Kuguru: Mr. Speaker, Sir, the arrangement in our Ministry is such that we have about six divisions: Kisumu—

Mr. Mwithaga: On a point of order, I believe the Assistant Minister has not understood the supplementary question because the question wants to know why a roads superintendent goes to supervise the other roads superintendent in another province; it is as simple as that.

Mr. Kuguru: Mr. Speaker, Sir, I think I understand and I was giving a reply that our staff are allocated this work. If Nyanza and Western Provinces, which also include Kericho and West Narok, is considered to be quite a large area and if the work is to be carried out properly there is a need of equal distribution of work among the supervisory staff. Therefore, I have understood the question. In order to complete our work in time so that the roads can be brought up to standard, we have to move these people.

The Speaker (Mr. Mati): Now, it is quite clear that it is not a question of one roads' superintendent superintending another one; it is the badly gravelled roads that he meant. Mr. Kuguru has made it quite clear. He is in addition to the one who is already there.

We must go on now. We do not have much time. Anyone authorized to ask Mr. Mulwa's question?

Question No. 164 (1494)

CLOSURE OF TOURIST HOTELS IN THE COUNTRY

Mr. Kivuitu, on behalf of Mr. Mulwa, asked the Minister for Tourism and Wildlife if he would tell the House—

(a) why hotels which are supposed to be tourist attractions like Tsavo Inn and Dolphin Hotel have closed down or were about to do so; and

(b) whether the Minister is aware that the average African in Kenya cannot make use of the hotels in this country because of the high prices.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to reply. The reply to part (a) of the question is: I am not aware of the closure or contemplated closure of Tsavo Inn and the Dolphin Hotel as alleged by the hon. Member. I am, however, aware that there is a temporary financial crisis in the Inns of Africa Limited, a company which owns and operates the hotels in question. This has since been resolved and both the hotels are functioning normally.

Part (b) of the question, Mr. Speaker, Sir, tourism is an international trade and most of our international hotels and lodges are geared to serve

tourists because high international standards must be met. In these circumstances development and operational costs are high and this results in relatively high prices. These hotels and lodges are open to everyone and are not restricted for the use of foreign visitors only.

The price varies from one hotel to another and it is within these prices—

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, we are not hearing very well; I do not know whether the Assistant Minister is too near the microphone or not. We can only hear the noise but we cannot get the words.

The Speaker (Mr. Mati): It could be the fault of the microphone— I do not know.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I will try again. I am referring the part (b) of the question and I hope the Members have heard part (a).

Tourism is an international trade and, as most of our international hotels and lodges are geared to serve tourists, high international standards must be met. Due to these circumstances, development and operational costs are high and this results in relatively high prices. These hotels and lodges are, however, open to everyone and are not restricted for use by foreign visitors only. The prices vary from one hotel to another, and there is, within this price range, an opportunity for the local people to afford hotel services.

Mr. Mutiso: Mr. Speaker, Sir, could the Assistant Minister tell us, because I could hardly understand him, whether it is true or not, that these hotels that are mentioned here are on the verge of closing down or about to do so? I think I heard something, here, to that effect.

Mr. Jan Mohamed: Mr. Speaker, Sir, the answer is no; I only mentioned that there were certain financial crises in the original companies which were operating the hotels. The hon. Member would know that a limited liability company could have a change of shareholders and directors. However, as far as the hotels are concerned, these are functioning normally as before.

Mr. Kahengeri: Arising from one of the Assistant Minister's answers, is it not true that some of the hotels put their prices up deliberately so as to keep out the Africans because they know they cannot afford it?

Mr. Jan Mohamed: Mr. Speaker, Sir, this is completely unfounded. As I said, Mr. Speaker, Sir, there are hotels of different categories in different areas. For instance, Sir, in Mombasa and along the beach, there are hotels which are suited

[The Assistant Minister for Tourism and Wildlife]

to different pockets. However, I have said, Sir, tourist hotels must have international standards maintained and, therefore, the prices in these hotels are higher; but there is alternate accommodation everywhere in the country, which is nice and clean and comfortable and which would suit the pocket of our people.

QUESTIONS BY PRIVATE NOTICE

HARASSMENT OF KAMWENJA FARM SQUATTERS

Mr. Kanja: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

- (a) Why are Nyeri Police constantly harassing Kamwenja squatters by arresting them, including children, under the Trespass Act whereas they have lived on this farm for many years and some of the people arrested were born at Kamwenja Farm, which is owned by Mathari Catholic Mission?
- (b) Will our Government, on humanitarian grounds, order the immediate release of all those people who have already been committed to prison from Kamwenja Farm and stop any further harassment of the squatters until it can find them plots of land of their own?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) It is not true to state that the police are constantly harassing the inhabitants residing on Kamwenja Farm. Only 29 persons were arrested during 1970, of whom 3 were arrested for trespass and 26 for illegal grazing. So far, this year, a total of 37 cases of trespass and 15 cases of illegal grazing, have been dealt with. In all cases the management has complained to the police, who have acted in accordance with the law.

(b) There are no persons in prison, as alleged by the hon. Member.

Mr. Kanja: Mr. Speaker, Sir, with all due respect to the hon. Assistant Minister, can I bring him a list of those people who have already been committed to prison at King'ong'o from Kamwenja Farm, under this Act, and if I do so can he promise to get them released immediately?

Mr. Matano: Mr. Speaker, Sir, my information is that there are no people who have been sent to prison from Kamwenja Farm, on these counts. However, if the hon. Member has a good case, and he can produce a list of names of people who have been imprisoned and the reason why

they have been imprisoned, well, Sir, I am prepared to go into the matter and see what we can do about it

Mr. ole Leken: Thank you, Mr. Speaker. Arising from the Assistant Minister's reply, would Government give first priority in settlement, on the understanding that these people are in a very difficult position, to these people who are being harassed day and night?

Mr. Matano: Mr. Speaker, Sir, as I said earlier, nobody is being harassed. It is wrong to assume anybody is being harassed. There are some people who are illegal squatters; illegal squatters, Mr. Speaker, I may clarify here, are people who—Anybody who was on a farm, particularly this one, before 1965, is regarded as a resident of that place. However, anybody who went there after that date—These are people who flock onto these farms, and bring their animals with them and spread diseases. Now, these are the types of people that we call illegal squatters, and we try always to stop them from interfering with the property of other people.

Mr. Muregi: Mr. Speaker, Sir, is the Assistant Minister aware that some of these residents, who have been harassed by the police, were born on that farm as far back as 30 years ago?

Mr. Matano: Mr. Speaker, Sir, I am aware of this, and the reason why the police took action on some of the residents who were actually born there was because of the question of illegal grazing. They went on grazing on other people's land; they broke the law, and the law took its own course—the law was applied.

Mr. Kanja: Mr. Speaker, Sir, does the Assistant Minister agree with me—he says we should not use the word harassment—that the police from Nyeri, when called by the Bishop, go to Kamwenja, go there at two o'clock in the morning, or four o'clock, and arrest even old women and young children? If this is not harassment—detaining children who are under seven years—what does he call it? These people, formerly, when the Italian *Mzungu* was there, they were not being harassed; and now after an African Bishop has taken over they are being harassed—Why?

Hon. Members: Why?

Mr. Matano: Mr. Speaker, Sir, I said if there was any police action in that area, it was due to illegal grazing and also due to people staying there without permission. Now, of these other things, which the hon. Member alleges to have happened in that area, Sir, I am not aware.

The Speaker (Mr. Mati): Next question, Mr. arap Saina.

DISTRICT AGRICULTURAL COMMITTEES AND
PROVINCIAL AGRICULTURAL FUNCTIONS BOARDS

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

- (a) What led to the sudden stoppage of all District Agricultural Committee functions as well as those of their respective Provincial Agricultural Boards in the following Districts:—

Kitale; Kakamega; Kisumu; Eldoret; Kapsabet; Embu; Kericho; Nyandarua and Laikipia?

- (b) Why did the Ministry's Central Agricultural Board Executive Officer sack 20 African secretarial and clerical staff working with District Agricultural Committees and Provincial Agricultural Board and left one Asian, in Kericho District Agricultural Committee, and one European in Kitale District Agricultural Committee, to continue working?
- (c) What will the Minister now do to get farms which are in the process of being sold and are awaiting Divisional Land Board approval?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. (a) The District Agricultural Committee functions have not, at all, been stopped. However, as a means of control of badly needed meagre funds of the committees, the committees have been directed to meet less often. That does not mean less work for them: the directive is countrywide and does not only apply to the areas quoted by the hon. Member.

(b) The dismissal of secretarial and clerical staff of the District Agricultural Committees and Provincial Agricultural Boards, which was also a countrywide exercise, was partly due to lack of funds and partly the result of an exercise undertaken to determine the necessity of such staff who were considered unnecessary since these committees and boards could function without them since they rely mainly on their executive officers rather than on the secretaries and clerks. It is, however, not true to say that there was any Asian or European not affected by that exercise.

(c) The third question of the hon. Member does not, therefore, I submit, arise, as the District Agricultural Committees and the Provincial Agricultural Boards are functioning normally.

Mr. arap Saina: Mr. Speaker, Sir, arising from that answer given by the Assistant Minister, and in view of the fact that he has stated that only sub-committees were suspended, is he aware that

the Chief Executive Officer of the Central Agricultural Board, Mr. Bhandari, and the Principal Finance Establishment Officer of the Ministry of Agriculture did not submit their estimates in time, and as a result the Ministry has ordered them to submit Supplementary Estimates, which has brought about the dismissal of the secretarial and clerical staff?

Mr. Khaoya: Mr. Speaker, Sir, the hon. Questioner is very interesting in raising this matter. All I can say is that the Ministry of Agriculture, like any other Ministry, formerly brought into this House what our requirements were. To arrive to the Budget which was debated in this House, the Treasury would have to go through each Ministry and reduce as much as they could from the Ministries requirements so that we could get a balanced Budget. In such an exercise any Ministry, and in this particular case our Ministry, particularly the Central Agricultural Board, was affected in that instead of getting £18,000, for instance, we were able to get only £10,000.

So it is not true to say that certain officers in the Ministry had forgotten or did not take their responsibility in producing the Estimates in the manner required. However, as usual, when we find, as a Government, that certain expenditure is necessary, we then bring in Supplementary Estimates. To this end I should like to say that the Central Agricultural Board, recently, has received £2,000 more and we expect a Supplementary Estimate to come in here some time so that we might get more money for the services we are required to perform.

Mr. arap Saina: On a point of order—

The Speaker (Mr. Mati): What is your point of order, Mr. Saina?

Mr. arap Saina: Is the Assistant Minister not incorrect, firstly because of avoiding the fact that his Ministry submitted the Estimates and secondly, because of saying that this House will be receiving a Supplementary Estimate? What for?

The Speaker (Mr. Mati): This will be Supplementary to the previous Estimate and it is nothing new.

Next question, Mr. Kadir.

SHORTAGE OF SUGAR IN ISIOLO DISTRICT

Mr. Kadir: Mr. Speaker, Sir, I beg to ask the Minister for Commerce and Industry the following Question by Private Notice:—

- (a) Is the Minister aware that there has been a shortage of sugar in Isiolo District since February 25th 1971?

[**Mr. Kadir**]

(b) What immediate action is the Minister going to take to correct the situation?

The Speaker (Mr. Mati): Commerce and Industry;

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, may I first of all request the Chair to allow me to answer this question together with a pending question which is coming and which is identical to this one; which is asked by the hon. Member for Moyale—Question No. 272. The wording is identical. Could I take both of them together?

The Speaker (Mr. Mati): No; first of all I think what you should have done was to point this out to my officers. They would have sorted it out. However, when you say they are identical, I doubt whether they could be identical. I really doubt that.

The Minister for Commerce and Industry (Mr. Osogo): I just received the question this afternoon from the hon. Member for Moyale when I was coming here.

The Speaker (Mr. Mati): You are required to answer this question. If it covers the other one, then we will drop that.

The Minister for Commerce and Industry (Mr. Osogo): In that case, Mr. Speaker— Mr. Speaker, I will then answer that question and also request the hon. Members from North-Eastern Province and Eastern Province to note the answer which I am going to give because they are worried about the situation of sugar in that part of the Republic.

The shortage of sugar in that area was first of all—during February—caused by shortage of railway rolling stock. However, it has been worsened because of the ruling from the Kenya National Trading Corporation that the Kenya National Trading Corporation's sugar agents in those areas will not buy sugar, even if they have money, until they have repaid the outstanding loans which they owe the Kenya National Trading Corporation.

Mr. Kadir: Mr. Speaker, Sir, arising from the Minister's reply that the sugar agents for the Kenya National Trading Corporation have failed to pay the money which they owe the Kenya National Corporation, will the Minister give a directive to the Kenya National Trading Corporation to employ other agents instead of those existing agents so that the people of that area can get sugar?

Mr. Osogo: I have given that directive and the Kenya National Trading Corporation is receiving

applications. However, this time they must show their capability of handling this particular commodity and then we will give them the agency.

Mr. Ahmed: Arising out of the reply, is the Minister aware that this shortage of sugar is there because the Kenya National Trading Corporation gives the agency of the supply of sugar for the whole province to only one person and, therefore, if that man has no money then there will be no sugar? Is he aware?

Mr. Osogo: I am not aware of that, Mr. Speaker. Sugar is railed from Nairobi to Nanyuki Kenya Trading Corporation's depot. In Isiolo District, where the hon. Member who is asking this question comes from, there are two Kenya Trading Corporation distributors who have been handlers of this commodity. However, because they owe Kenya National Trading Corporation more than Sh. 500,000, they have been stopped from handling the sugar.

The Speaker (Mr. Mati): Next question.

PAYMENTS TO SPORTS FUND IN MURANG'A

The Speaker (Mr. Mati): Mr. Wanjigi not there?

(Question dropped)

The Speaker (Mr. Mati): Next question, Mr. Murgor.

C.P.E. FAILURES

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

(a) Will the Minister tell this House why many young children who fail the Certificate of Primary Education Examination are not allowed to repeat even in areas and schools where there are vacancies?

(b) What plans or alternatives has the Ministry for such children?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. First of all, under part (a), I would like to make it very clear that no child fails Certificate of Primary Education and I must correct the impression conveyed by the hon. Member that the repetition of Certificate of Primary Education should be considered as a right.

I cannot possibly accept that because this country cannot afford it yet. However, Certificate of Primary Education repeaters are allowed to rejoin Standard VII each year whenever the position allows in individual schools. The criteria for readmission must, of necessity, vary from district to district due to peculiar local problems and the demand for places by repeaters.

[The Minister for Education]

I am satisfied that the right thing is being done by my field officers.

(b) It is not quite clear what this second part of the question refers to.

If it means what facilities has my Ministry devised for absorbing Certificate of Primary Education leavers who could not get places in secondary schools and teachers' colleges, the answer is: at the moment there are no facilities. If, on the other hand, the hon. Member means arrangements for Certificate of Primary Education and the successful candidates to gain places to repeat Certificate of Primary Education examination, it is permissible to have Harambee Standards VIIIs for repeaters. The need is for more classrooms and desks in Harambee secondary schools.

Mr. ole Marima: Mr. Speaker, Sir, can the Minister agree with us that the reason why children seek to repeat in schools is because sometimes they are too young to go on or they have not made the grade to be admitted to high schools and, therefore, they want that one more chance; and not because they can get a place in Form I and continue with life well from there?

Mr. Towett: The problem seems to be, even in my own constituency— The problem is this: those children who are in Standard VI, if, say, they are 50, want to move to Standard VII where there are 50 places. If there were less than 50 pupils in Standard VI, there will be room created in Standard VII because there were not enough pupils in Standard VI. Under such circumstances, Sir, considerations can be made for those who are young and who have not gained enough points to go to secondary schools to repeat.

Mr. Gatuguta: Mr. Speaker, would the Minister agree that the solution to this problem of repeaters would be the abolish of Certificate of Primary Education Examination itself?

Mr. Towett: Earlier on, Sir, I said that no child fails Certificate of Primary Education Examination. That implies that, whether there is Certificate of Primary Education or not, it does not affect this. I agree with the hon. Member that we should abolish Certificate of Primary Education Examination but there will still be no room in Form I's for those pupils after the abolition of Certificate of Primary Education Examination.

Mr. arap Chumo: Mr. Speaker, Sir, could the Minister issue a directive so that the headmaster of every primary school is responsible for processing the affairs of those who may repeat, rather than this being handled by the district education

officer who may not know the situation in every place of a location? Could he give a directive so that the headmaster of every primary school is allowed to handle these affairs?

Mr. Towett: Mr. Speaker, Sir, in my opinion, an assistant education officer will know which schools in a particular location have room for repeaters rather than a headmaster of a school where there is no room at all in Standard VII.

Mr. Murgor: Mr. Speaker, Sir, in view of the fact that these children are many, and arising from the Minister's reply that they should be given places in Harambee secondary schools, and the fact that the Harambee secondary schools are not enough and these children turn into rogues, drunkards and what-have-you, can the Ministry then consider extending the primary education by another two years so that these children are helped?

Mr. Towett: Mr. Speaker, Sir, do we extend it below Standard I or above Standard VII. I will be ready to extend it, Sir, when I have the necessary funds and when this House gives me that money.

The Speaker (Mr. Mati): We must go on now. Next Order.

MOTION

APPROVAL OF PUBLIC ACCOUNTS COMMITTEE
REPORT, 1967/68 AND 1968/69 PART I

THAT this House approves the recommendations contained in Part I Reports of the Public Accounts Committee on the Government of Kenya Accounts for the year ending 30th June 1967/68 and 1968/69 respectively.

(Mr. Gatuguta on 16th March 1971)

(Resumption of Debate interrupted on
16th March 1971)

The Speaker (Mr. Mati): Mr. Shikuku, you were speaking.

POINT OF ORDER

CIRCULATION OF LETTERS TO MEMBERS BY
OUTSIDERS

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, I would like to point out something here and this is in connexion with what appears to be the tendency of some people in Kenya here of circulating letters, writing to Ministers and writing to Members of Parliament, posting them and then we find them in our pigeon-holes.

Mr. Speaker, Sir, yesterday in the afternoon, when I went to my pigeon-hole, I found a letter posted in Nairobi here on 12th March 1971, which

[Mr. Tsuma]

is last Friday and this is when we had gone home. This letter appears to have been cyclostyled, signed by some three or so members of the public. It seems to be addressed to four Ministers of this country whose names are: Dr. Mungai, Dr. Waiyaki, Mr. James Gichuru and the Mr. Koinange. Now, this letter appeared to be accusing or putting across some ideas. Mr. Speaker, Sir—

The Speaker (Mr. Mati): Mr. Tsuma, you see, this is the kind of thing which does not help because I cannot follow what you are saying. You came to see me and you promised to show me the letter before you raised this issue here but I have not seen the letter yet. So, what do you expect me now to do when you promised to let me see the letter first and then, maybe, I would know when you raise it what it all means. I am not likely to be of much use to you now.

Mr. Tsuma: Mr. Speaker, Sir, I intended to follow your advice but was unable because the letter is still with Dr. Mungai. I will give it to you tomorrow, Mr. Speaker, Sir.

The Speaker (Mr. Mati): Then the best thing is to wait until I have seen it.

Mr. Tsuma: He has promised to give me back that letter tomorrow, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! Shall we go on now. Order, Mr. Tsuma. You just do what you have promised to do.

Dr. Waiyaki: On a point of order, Mr. Speaker, Sir, I heard the hon. Member mention my name but I happen to have a letter here which does not have my name and I think he is talking about the same thing. This letter, which I have here, does not at all mention Dr. Waiyaki.

The Speaker (Mr. Mati): Well, I think we should not let this letter disturb us now. We may deal with it later.

Mr. Shikuku.

(Commencement of debate on Motion)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, yesterday, when the House adjourned. I was busy trying to draw your attention to the Public Accounts Reports.

Mr. Speaker, Sir, I had drawn your attention to page three of 1967/68 Public Accounts Committee Report, when the Committee warned that there was an alarming rise in excess expenditure which was about four times what it was in the previous year and put forward some recommendations which I read out yesterday. Mr. Speaker, Sir,

I went further and looked at page five of 1968/69 Report. You will find that the committee realized that the excess, or the money spent over and above what was estimated for by this House, was to the tune of £1,093,165 and Sh. 12.59. Now, again, the committee writes and says this, and I quote:—

The Committee is very much concerned with this very serious situation where public funds are being spent without authority of Parliament. It appears that there is a complete lack of control over expenditure and the situation is deteriorating instead of improving. In fact, some of the Ministries have repeated excesses in spite of previous warnings. The Committee urges the Treasury to ensure that its supply officers are aware of the requirements and needs of the Ministries. The Committee, therefore, recommends as follows:—"

Again here, Mr. Speaker, Sir, they repeat exactly what they recommended in 1967/68. They repeat exactly the same, Mr. Speaker, Sir, and I quote:—

"(a) The Treasury should revise financial orders to control funds in the hands of Accounting Officers which are non-voted amounts."

Mr. Speaker, Sir, that was the recommendation in the year 1968/69, and they said the same thing in the 1967/68 Report which I would also like to quote:—

"(a) The Treasury should revise financial orders to control funds in the hands of the Accounting Officers which are non-voted amounts."

Now, you can see from this, Mr. Speaker, that those concerned and those entrusted with the public funds are not taking heed of the Public Accounts Committee's warnings and they are repeating the same mistakes. The Public Accounts Committee has turned itself into a gramophone, repeating exactly what it says the previous year.

Mr. Gatuguta: On a point of information—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I do not mind being given information.

Mr. Gatuguta: Mr. Speaker, Sir, I would like to put the Assistant Minister right here. We cannot say that the Treasury or anybody violated the 1967/68 Report because it has not been adopted. We are asking the House to adopt it, Mr. Speaker.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I agree with the hon. friend of mine in his information, but it happens to

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

be that it is not helping the situation at all. The point I am trying to emphasize is that those entrusted with the public funds were warned. Whether the Report was endorsed or accepted, the fact remains that the money had been over-spent and they had been warned and they should not have repeated it in the 1968/69 Financial Year. This is the point, Mr. Speaker. Therefore, Mr. Speaker, it appears that the more we talk — And it is true; I have heard that some of the civil servants say that Members of Parliament can only talk, and that they make a lot of noise. But, Mr. Speaker, let it be recorded that we are paid solely for nothing but to put forward the views of those who elected us to this National Assembly and you can only do so when you talk and not when you merely sit in this House.

Therefore, we are doing our job and the civil servants call it talking. They spent public money and then say that Members of Parliament only talk; and when the worst comes to the worst it is the Minister, it is the Member of Parliament, it is the politician, who will be crucified and not the civil servant. It will be them who will say, Mr. Speaker, "General So-and-so, we are civil servants and we are prepared to give our services to any Government in power." Mr. Speaker, Sir, are we, in this House, going to sit back and say: "All right, we take the empty cans back and die on the altar on behalf of the civil servants?" I will say: No, because we are not Jesus. Jesus did it and no one else has dared to do it. It is only Jesus, the Son of God, who can do that—die for the sins of others. We are not prepared to die for the sins of those who have been warned and continue to misuse the public funds, thereby failing to give the people who elected us to this National Assembly what they want in terms of development and, therefore, they do not see any difference between the colonial times and now. Some of them are of the opinion that they were much better off during the colonial times. Why? Because, whenever we ask any question we are told: "There are no funds." At the same time it is quite interesting to note that funds to the tune of £1 million are just dwindling like that. When these officers are warned, they do not take heed.

Mr. Speaker, Sir, if I go further and draw your attention to 1968/69 Report and I am referring to page five. When you refer to page two of the Appropriation Accounts under Public Accounts and the accounts for the funds for the year 1968/69, in this Auditor's Report, page two, under the heading: "Control of Expenditure".

Here the Auditor-General tells us that the number of excess votes during the year were 12 compared with 11 during 1967/68. The total amount spent in excess of that authorized by Parliament was K£1,093,165-12-59. Mr. Speaker, we have entrusted the duties to those who are supposed to execute what we have already passed in this House. However, the talk is "We are doing what the Parliament has passed for us to do." Yet what we have passed has not been done. The developments have not been done. We have not passed that they must overspend money to the tune of the amount I have mentioned. Have we? The answer is no. Now, who gives them the power if this House, the highest authority, has not done so? Who is that, then, spending this money.

Mr. Speaker, Sir, one of the hon. Members was trying to analyse the situation here and said that we are the bridge between the Government and the public. Then he went on to say that the House is made up of Ministers and Members of Parliament. If the House is the bridge—a bridge to what? To the Government. Then, who is the Government if the Ministers and Members of Parliament are not the Government but are just a House as a bridge. The Government must be the civil servants. Therefore, this is where, if we have not authorized them to do anything they go to this extent of by-passing this House because we are only a bridge and the Government is over there.

Mr. Speaker, Sir, it is going to be a serious situation here. A serious situation to the extent that we, here, the custodians of the public funds in this country, will be in very hot soup one of these days. My experience, and the absurd part of it, is that whenever anything goes wrong in various countries we have read about, (and this is contemporary history), it is only the leaders, the politicians, who always get into the jam. The others do not get into the jam. Therefore, we sit here saying hallelujah while somebody else is committing a lot of nonsense and you will find that some of them even paid money buying clocks and buying watches. This is not in the interests of the public. Yes, you can read this in these Reports. I did extensive homework on these big books here and if I want to go through them it will take me not less than seven hours. Some civil servants have bought watches and clocks. Mr. Speaker, Sir, a typical example is that you will find that in the Northern Frontier District, where we are always told they want progress and they want everything—listen to this: "In 1967/68, the Ministry of Health issued an Authority to incur Expenditure to the Provincial

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Commissioner North-Eastern Province for K£10,000 to be used for building 10 health centres at K£1,000 each. Audit inspection, during the year 1969/70, revealed that although the whole amount had been spent, only two health centres had been built. Then, when you go there, as the Member for the area, they say: "Where is this *serikali, bona haileti maendeleo*?" "Where is this *maendeleo* which the Government has said? This is said after we have voted the money for it and only two come out. Then, how do we answer the public? The Auditor-General says that he has not been able to verify the balance of the money which was spent and on what it was spent, K£10,000 for 10 health centres, only two were built and all the money was spent.

Mr. Speaker, Sir, if I go further. As we all know, we need chairs in this country to sit on, but you will learn, from the Auditor-General's Report 1969/70, page 5, on unauthorized expenditure, the Auditor-General says—

The Speaker (Mr. Mati): Mr. Shikuku, I do not know whether that one has yet been discussed by the Public Accounts Committee. You cannot talk on it if it has not yet been touched.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Now, if you feel that I should not go into this one, I will go back to 1968/69, Auditor's Report again to show you some of the funny expenditures which go on even on chairs for the Government to sit on. They need those soft chairs which cost a lot of money. All the hon. Members are invited to my office to look at the chair I sit on. I do not think it can cost more than Sh. 20. It is as hard as stone.

Referring to the Auditor's report, you will find that on page 5, of Report for 1968/69, it says:—

"It is understood that the transfer traffic figures for the amount of customs and excise duties relating to goods transferred between partner states for the months of May and June 1968, were excluded in the amount of 1967/68 and those of May and June 1967, included in the account. As a result, a sum of approximately K£1,375,000 might have been paid to two of the partner states instead of Kenya."

Mr. Speaker, Sir, this is how we lose money. The Auditor tells us that because somebody was not careful enough, this country has lost approximately, K£1,375,000 which, was probably paid to our two sister states instead of coming here. Then, we say, "We have no money". When we say that we want a clinic, we are told "There is no money".

Mr. Speaker, we have to look very carefully. I have taken pains to read these books and what they reveal would almost bring to somebody a very, very, high blood pressure, taking into account the needs of the people of this country. It is very absurd when we need and indeed we require those civil servants to whom I think, Sir, this Government pays very handsome money with all the hope that they will do their job so that the nation can develop if they play their part properly. Now, Sir, when they do not play their part properly and instead lose an amount like K£1,375,000—this is quite a lot of money if you put it into shillings. We say, Mr. Speaker, Sir, we cannot do this; we cannot do the other when we are not even doing our best to get money for whatever we have to do.

They will say, Sir, that Mr. Shikuku is critical of the civil servants. The question, Mr. Speaker, Sir, is that Mr. Shikuku is voted to this National Assembly to safeguard the moneys—the public funds—of this country. This in fact, was said by Mzee in his Speech recently, and if I do not do that, then I am failing hopelessly in my duty. This, therefore, is exactly what I am doing.

Mr. Speaker, Sir, I now draw your attention to the Ministry of Health, still on page 8 of the 1968/69 Auditor's Report. At the same time, Sir, if you look at the Public Accounts Committee's Report of 1968/69—the chairman will agree with me because I have done a lot of homework looking at both sides—on pages 13, paragraph 57 of the Auditor's Report, under the subhead, "Unauthorized Termination of Appointment" you will see what I would like to talk about, Mr. Speaker, Sir, and I quote:—

"In February 1969, an officer of the Ministry had his services terminated by the Accounting Officer without the authority of the Public Service Commission. The officer, however, continued to receive his salary and house allowance even though he was not rendering any service to Government for the period he was improperly dismissed. The action of the Accounting Officer in this case is, in my opinion, highly undesirable and extravagant I have not been informed of the action taken to resolve the situation."

Now, Mr. Speaker, Sir, here is an amount of money spent on somebody improperly dismissed without the knowledge of the Public Service Commission: a body which is also paid—

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, we heard yesterday about the same money and the same amount, and now Mr. Shikuku is talking about it. Now, is he not repeating

[Mr. D. M. Kioko]

the same thing? Mr. Shikuku should go ahead and tell us new points.

The Speaker (Mr. Mati): Well, let us try to avoid repetition: but perhaps Mr. Shikuku has more points to make on the same question.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I am old enough in this House to know that repetition is completely against our Standing Orders. At the same time, Sir, any time I quote something, I have a different point to make. If only the hon. Member could listen to what I am going to say, he would realize that it is a different case altogether.

Mr. Speaker, Sir, you will find that if this is the case, many people may have been improperly dismissed. Even recently, Sir, one person from my constituency working in North-Eastern Province was dismissed to make way for a local man in that area to be employed: not because of any mistake. Now, Sir, how does it come about that a person is being dismissed for no reason other than the fact that it is felt a local man in that area should replace him?

Mr. Araru: Yes, it was all right because he had been imported. He was being localized.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, some hon. Members may take this as a joke: but how we know whether this particular person was dismissed and the local man was, probably, employed at a lower rate so that the balance went into somebody's pocket? Who knows? Probably in the Public Accounts Committee's Report of 1970/71 we may find something to that effect. This is a very serious situation where officers entrusted with public affairs are misusing their powers to humiliate and discriminate against other citizens of this country.

Sir, I go further and draw your attention to the same page, page 58 of the Auditor's Report, under the subhead "Treasury Reallocation Warrants". Mr. Speaker, Sir, I quote:

"The Appropriation Account for Vote 12—Ministry of Local Government—reflects overexpenditure on three subheads amounting to K£1,443,265".

Sir, I am only interested in overexpenditures which range into over a million pounds: I do not mind about those overexpenditures which are under K£1 million. If you listen to me, Sir, you will find that I am only talking of, say, K£1 million and something. Now, if you add up all these over K£1 million overexpenditures, you will be shocked at how much money has been lost.

Mr. Speaker, Sir, I go further and draw your attention to paragraph 59 of the Auditor's Report of the 1968/69 as recorded in the Public Accounts Committee's Report. Under the subhead "Suspense Account", you will find, Sir, that there is also an overexpenditure. However, I do not want to waste your time there because I am only looking for those overexpenditures which are over K£1 million.

Now, Sir, you will find in the Public Accounts Committee's Report, on page 17, under "Awarding Contracts" there is a lot of funny games going on. With your permission, Sir, I quote:—

"In May 1965, a contract was entered into between Government and a construction company for the construction of two roads. About a year later, Government loaned a sum of K£70,000 to the company to save it from going into liquidation. About three months before the conclusion of the contract the company requested for a variation in the price of the contract and received an amount of K£100,000 over and above the original figure contracted for."

When you read the Auditor's Report—this is under the Ministry of Works—you will find something very interesting. Mr. Speaker, Sir, on the Ministry of Works the Auditor-General's Report says: "I am, however, assured by the Accounting Officer that he is satisfied that the Government's interest did not, in this instance, suffer and he considers the present procedure of adjudication and awarding of contracts adequate". Here is a case where an increase in the estimates was asked for by the company and then we paid this money—we feel that it was a very queer state of affairs because even the committee itself was not quite sure what had happened in the deal. It may be that somebody in the Ministry organized something somewhere with the contractors and then something was increased and, of course, the balance must go somewhere. We must never allow this sort of thing. There are many instances, Mr. Speaker, Sir, where people know where they are supposed to get materials, but they do not go and get the materials from the bodies which the Government is aware of but instead they go to the private sectors where they get the material at double the price or at over the above estimated price. Of course, the balance we do not know what happens to it!

Mr. Speaker, Sir, we cannot go on this way because we have to be very, very serious and say things quite openly here. Furthermore, an unauthorized expenditure—this is under the Ministry of Information and Broadcasting—An Appropriation Account for Development

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(Head D12) does not include expenditure of £89,947 11s. 50 cents. which had not been included in the Approved Estimates. This sum was spent by way of credit and has been shown in the Footnote to the account. Mr. Speaker, Sir, how often have we had this exercise? How often have we warned those who are supposed to carry out our duties as far as money is concerned, not to overspend money in an unauthorized manner? Mr. Speaker, the exercise is not helping. If you look through *this* book and read it with the Public Accounts Committee Report, you will find that something is definitely wrong with our system. You will find that even the Accounting Officers agree and admit that it is through inefficiency and inexperience that these mistakes happen. Now, why do they happen? Who promoted these people in these positions, and which costs us so much money, if they were all that inexperienced and ignorant of the job they were supposed to do? Was it through the Public Service Commission? Are we to believe that the Public Service Commission has ceased to see sense as to who is able? In some cases, Mr. Speaker, Sir, you will find that somebody has been promoted even without the knowledge of the Public Service Commission! These are the types of people who make these terrible mistakes and which cost the Government a fortune. You will see that the Treasury even goes as far as saying that this man was promoted without the authority of the Public Service Commission and he has spent so much on his promotion, but the Ministry has agreed to do away with him. Why should people be promoted without going through the Public Service Commission? Is it not through, probably, "brotherization", "friendinization" (?) or "clanization" that we have hopeless fellows who spend our money and eat our money which we badly need?

An hon. Member: You are part of them! Tell them!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, some of the hon. Members talk here and say that we are part and parcel—God knows of what. But, I am the Member for Butere, twice elected in this National Assembly and I may come back the third time again because I do not come through deceiving the public whom I lead. I must give them the truth. The truth must be made known to the people of this country. We must not be told that we have not done this, that or the other. We have voted money for whatever the people want us to do, but the

money has disappeared somewhere. Therefore, is it not only fair that the public should know that the money has been consumed? Moreover, it is not the fault of any Member, nor the fault of the Speaker in this House, that there is no progress because money is disappearing somewhere. We know, Mr. Speaker, Sir, that even some of the civil servants—the Permanent Secretaries and others in the superscale—increased their salaries by £100 without the authority of this House. Do you see how daring these guys are! They consume our money and even increase their salaries! Then, we are told that politicians make noise, politicians *wanapiga kelele!* However, *kelele yetu* is calculated to reveal what they do in order to hinder the progress of this country. When we fought for the independence of this country, Mr. Speaker, it was for the betterment of our people and not for a few individuals who sit in the big chairs and who spend fortunes to buy these chairs. One chair, in one of the Reports, you will find cost us Sh. 11,000—actually over Sh. 11,000; the chair which swings round when somebody is sitting on it! Over Sh. 11,000 is spent on a chair; a chair that swings around in the office when someone is sitting on it!

Mr. Speaker, Sir, the public must know who is their enemy. The enemy of the public is not the politician who is always accused of making noise, but is those who are entrusted with the public funds, to develop this country, but consume it. That is the enemy, but they are always accusing us of being the enemy.

Mr. Munyasia: On a point of order, Mr. Speaker. Sir, I have been very attentive when the Assistant Minister has been speaking and he has said that those civil servants who are senior in the offices sit on chairs which each cost Sh. 11,000. Would the Assistant Minister substantiate by giving one example of such a chair and say where it is because this is very serious?

An hon. Member: He knows it!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The hon. Member did not understand me because I said that money spent on chairs just for sitting on was well over Sh. 11,000; I did not say it was one chair costing Sh. 11,000. I did not say that.

Mr. Speaker, Sir, if the hon. Members could only look at the Auditor-General's Report, they would find—

The Speaker (Mr. Mati): Order! Mr. Shikuku, you will remember I said that if you are referring to the Report of the Auditor-General for 1969/70, then that is out of order. Our Standing Orders

[The Speaker]

clearly state that you cannot anticipate the discussion of a report that will still be brought to this House; which will be subject to investigation by the Public Accounts Committee.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I read about this from *these* two books and I am sure I came across an amount well over Sh. 11,000 spent on chairs for sitting on in the offices. Therefore, I would like the hon. Members to try and read these Reports because they are about five or six chairs in these Reports.

(The hon. Shikuku laid the books on the Table)

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

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

Now, Mr. Deputy Speaker, Sir, what I was trying to develop is that we, in this country, and I, personally, have no malice against anybody; but anybody, be he my brother, my sister or my mother for that matter, when he goes on—

Mr. Mwicigi: On a point of order, Mr. Deputy Speaker, Sir, since the hon. Member has been talking since yesterday afternoon, may we have an indication as to when he is going to stop repeating himself so that he can give the others a chance to speak?

The Deputy Speaker (Dr. Waiyaki): I cannot give that indication until he repeats himself while I hear. I am not in a position to say whether he has repeated himself or not because I have not been here.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, the hon. Member should read the Standing Orders; he just assumes that he understands them when he knows practically nothing. However, when one puts on spectacles like he is doing, he thinks he is intelligent; only to find, later, that he is not!

Now, Sir, I have not repeated anything and the Standing Orders provide that in these types of Motions you can talk even for seven days provided you do not repeat yourself. I wish he would read his Standing Orders!

Now, I am drawing your attention to the Ministry of Health again, on page 13: Lack of control over expenditure. Mr. Deputy Speaker, I do not want to read the rest, but this is what the Committee says: "The Committee considers this to be a case of complete negligence". I have not said that. I have not said that. It is hon. Mwicigi who looks almost—

Mr. Deputy Speaker, the Committee considers this to be a case of complete negligence and failure to recognize that public funds should not be spent in this manner. This could, in fact, lead to Government losing money and sometimes being cheated that goods have been delivered when, in fact, they have not been delivered.

Mr. Mwicigi: On a point of order, Mr. Deputy Speaker, Sir, the hon. Member reads to us the very Report of which everybody has a copy.

The Deputy Speaker (Dr. Waiyaki): The hon. Member is entitled to draw attention to particular sections of the Report. If he does not do that you will never know exactly what is happening.

Hon. Members: Hear! Hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, I am just trying to teach the hon. Member how to debate in this House, and he had better keep quiet.

Mr. Deputy Speaker, the Report goes on:

"This is a very serious practice which should cease immediately, and the procedure laid down by the Financial Instructions should be followed strictly."

Here is a case where they say that so much money has gone to such-and-such a thing, but the materials or whatever articles were ordered have never been received. If the hon. Member, who talks about unemployment, cannot look into this—being the Chairman of the Unemployment Commission Committee—and see how money is being misused, which money could help to alleviate unemployment, then he should have been the Chairman of the Unemployment Committee.

Mr. Mwicigi: On a point of order, Mr. Deputy Speaker, if the hon. Member was listening when I was talking in this House, not taking as much time as he's taking, he would have noted that I said all he is saying, but I took a shorter period. That is my point of order.

The Deputy Speaker (Dr. Waiyaki): Order! Order! Mr. Mwicigi. I will not allow that kind of thing to continue. You will no longer interrupt Mr. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, this is a very serious thing because in this Ministry a sum of £4,209 was spent in respect of vehicles which were not delivered until well after the end of Financial Year, thereby rendering the certificate on the voucher that the goods had been received in good order meaningless.

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

Here is money calculated to meet "X" articles. A voucher is issued when in actual fact the damned things have not even arrived. This, Mr. Deputy Speaker, is very serious, and I agree with the Committee's Report that this is the very thing which should cease immediately. But, has it ceased immediately? You would be surprised, Mr. Deputy Speaker, to learn that during 1969/70—and which the Speaker has ruled that I should not touch on this again—the same thing is happening. Where do the warnings of the Public Accounts Committee go? I think that in order to save the country from these people—a few individuals and not all the civil servants—in the Civil Service who are lucky to hold such responsible positions as a result of our sweat during the struggle for independence, we must, Mr. Deputy Speaker, stop the warnings and the assurances we get, because throughout the Report of the Public Accounts Committee you will find that we have received assurances from the accounting officers that this would not be repeated and the situation is being corrected. This is found throughout this Report. That is what we are going to read.

The only thing we should do now is to change the question of warnings because even your own child, if you talk to him today, tomorrow and the day after, but he does not change, the only thing to do—

Mr. Nthenge: You have to beat him.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I agree with hon. Nthenge. What to do is to beat him.

If we have been telling our civil servants—those who are concerned—from 1963 not to do this, and they are doing it up to this day, 1971, then, Mr. Deputy Speaker, we are not trying to be like Jesus. Even Jesus got tired in a church one day and he beat some people and cleared them out of it. So we would be wrong, Mr. Deputy Speaker, if we changed our tactics because even the Son of God was fed up one day in the temple and pushed out traders: he kicked them and overturned their tables. He was the Son of God. Are we not the sons of God? Is it not time, Mr. Deputy Speaker, our tactics changed whereby we stopped warning and did something to enable our people to enjoy the fruits of the independence of this country?

Mr. Deputy Speaker. I submit very strongly that from now on Government must adopt a different attitude whereby we shall punish these people and not excuse them any more because we have done

that for the last seven years, and that is a long period.

In order to give my friends a chance to contribute to this Motion, I will not go through the whole thing, but I did very extensive homework on it.

I beg to support.

Mr. Araru: Thank you very much, Mr. Deputy Speaker. Sir. I do not have much to say about this report of the Public Accounts Committee. Before I go on, I have to say something concerning our area, if you may allow me, Mr. Deputy Speaker. This is in regard to the drought, especially which has affected our area. I wish to thank our Mzee, President Kenyatta, for acting, himself, through making a call to the public to help, and also the friendly countries to come out to help the people of this country who were facing a dangerous situation. I think our people are now in a better situation because of the appeals made. The people of this Republic of Kenya and other friends came out and contributed whatever they could and we are really happy. The people at home: the fathers and mothers, are now safe and they are very happy. The schools have also been helped.

If I may turn to the question of the Public Accounts Committee's Report, we have heard a lot already. We think that the report was given quite frankly. Regarding the Report of the Controller and Auditor-General, as our hon. Assistant Minister, Vice-President's Office has just said, is very clearly put and we see how he is concerned over expenditures in every department of Government. However, no action was taken because they said this was a mistake. I do not call this a mistake because this is not a mistake; these are responsible people and that is why they were given the responsibilities. They were employed and given responsibilities because of their qualifications. Mr. Deputy Speaker. Then this thing was done and done by people who are clever. They are able to persuade others and say how they want these things to be done, and then call these things mistakes. They can say these things were not done from knowledge. These are not mistakes. When these people were employed, their certificates were examined and it was ensured that they were capable. So, Mr. Deputy Speaker, I cannot call these things mistakes.

I want to know what action was taken, or will be taken, after these reports are produced, by our own Government. Sir, this Government is only seven years old and every time, every year, we hear that our Government goes abroad, appealing for help and negotiating for loans for development of this country. But in the part of Kenya I come

[Mr. Araru]

from the northern part of Kenya, Mr. Deputy Speaker, the people have not seen anything new. They are just as God made them. Those who had camels follow their camels to date; those who had cows still keep cows. They do not know about agriculture, about health, about what goes on in which country. They just move about; some of them cross to the other side, some go to Ethiopia and at times you find them in Somalia. One year they are here and the next they are there and this is because of lack of education, lack of civilization. This all comes because of lack of money.

I cannot blame our Government, it has done what it can, particularly the Ministers and our beloved father of the nation. They negotiate day and night with various governments, with such governments as the United States, the United Kingdom. Every friendly country gives money which is brought here for development. But there are some people, somewhere, who have made themselves clever, those we have given responsibilities, everything, and they do these things. They have everything because we have even given them vehicles and this is included in the budget—yet they do these bad things and call them mistakes. I can never call these mistakes. These things are done in a very clever way. Some people live somewhere and make themselves rich in one year. Something must be done.

If this report is true and is accepted by all of them we should see that the Auditor-General's comments, which says that the matter has to be investigated are followed. All the public money that will be used by Committee when going to every province has to be paid. I can only say that the Government should, as a matter of urgency arrest these people and bring them before the courts. After investigation, and if these people are found guilty, all their property—I know at that times some of them change these things into and register them under the names of their mothers, wives or sisters. This is what has been happening since *Uhuru*. Mr. Deputy Speaker, some people make themselves clever and even borrow money from the Government and then transfer it to a second wife, or some other person's name, maybe somebody in Uganda or Tanzania. This is what is happening—

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, do I understand that all this money which is being misused in this way in this country is being used on the wives?

The Deputy Speaker (Dr. Waiyaki): I do not think all the money we use in this country is used on wives. If that were the case, we would have

little trouble. But I do not think that is the position.

Mr. Araru: Thank you very much, Mr. Deputy Speaker. I ask the hon. lady to excuse me because I was not trying to blame her. I was referring to those husbands who marry more than one wife. They do this so that they can transfer the money into the names of the wives. I ask the hon. lady to excuse me because I am not blaming the ladies at all.

Sir, I say categorically that this must be stopped. Some people have clever ways of doing things and these are not mistakes.

As the hon. Shikuku said, there are some people somewhere who are trying to confuse the public of this country as well as the Government. We are politicians—Some civil servants say, "*Wanakwenda nyumba moja huko Nairobi, Kazi yao kufanya kelele.*" Some people say this. Whether we make *kelele* or not, we are elected and our job is to make that *kelele*. We are told to come here to legislate. It is only in the way we speak that we can legislate. That is all. If they call it *kelele*, that is all right. This is our responsibility to our constituencies, to make legislation through talking. If they think our talk is *kelele*, then one day this *kelele* this talk will go in through one eye and come out through the other.

I appeal to the Government to take immediate steps to see how some people became rich in a short time, within seven years. They have used all the public money while our poor people are still suffering, some of them have no food. Government is trying to do something for them day and night. Kanu promised there would be free education, free health and if this money had not been taken away in this manner our people would have had these free things, health and education. Today we have been told that so many schools will be taken over but nothing can be done. How many pounds and pounds of money have been taken away? Can the Auditor-General tell us how much money is lost?

We have been told that some money has been paid for furniture. Some money has been paid to somebody who has not been employed. Somebody else resigned and he was still being paid salary.

Mr. Deputy Speaker, now all these things are called mistakes. They are not mistakes. There is some responsible person who is doing these things. We know that in Government offices they go by paper and authorize people and these are the people who authorize these things, payment of this money, and so on.

So, Sir, these people must be caught and brought before justice so that we can find out

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who was authorized, how they were authorized to pay this money, to let this money get away.

Sir, I do not want to waste the time of this House. I beg to support very strongly.

Mr. Kanja: Mr. Deputy Speaker, I do not want to go into the analysis of figures, of this or that I am only going to try and ask myself, and ask this hon. House one simple question as to why this has happened. Why are the services deteriorating so badly among our civil servants? Why is this happening, Sir? This is my main question and I am going to try and answer and elaborate in my own way of thinking. If hon. Members agree with me, it is up to Government to try and bring in any correction now while the going is good because otherwise events might overtake us and we shall never be able to retract and make a correction.

Sir, without beating about the bush I would like to say that we inherited a very healthy type of Civil Service from the Colonial Government. Here I give credit to the Colonial Government. A civil servant was a civil servant. He had only to serve whatever government was in power, a political government. Today, however, Sir, our civil servants—here I wish to qualify, not all civil servants but some of them who are really entrusted with responsibility—are the people who have misguided the Civil Service as a whole. Instead of sitting at their desks, in their beautiful chairs—I do not quarrel with that if they were rendering service one 100 per cent—you find a civil servant has an estate in Nairobi, a ranch in Nyeri, a ranch in Lumbwa, a petrol station at Mtito Andei, has hotels in Mombasa and yet he is, at the same time, the highest paid civil servant. Is he really going to be dedicated civil servant for the benefit of this country, for the people who go about naked, for the people who go about hungry daily? Definitely he is not going to do that. He is only there to perpetuate his own interest and exploit the nation.

The Assistant Minister for Health (Mr. ole Oloitipiti): On a point of order, Mr. Deputy Speaker, this is a very serious allegation, that some civil servants have these things. We want to know who these civil servants who have the petrol stations, the ranches, and so are? Could the hon. Member substantiate?

The Deputy Speaker (Dr. Waiyaki): The hon. Member gave an example of a hypothetical civil servant. He did not specify any particular person. He is giving an opinion of what he thinks is causing the trouble in the Civil Service.

Mr. Kanja: I thank you very much, Mr. Deputy Speaker, for coming to my rescue. The hon.

Assistant Minister is trying to sort of confuse me. I do not say things in this hon. House out of the blue, I know what is happening, I am not insane. I represent a very big area and know what is happening.

Mr. Deputy Speaker, as I said earlier on, it is not for me to refer to those books but just dwell on one simple question as to why this is happening. We have created a precedent in this country, that the leadership of an individual is not measured by what he has upstairs *here* but the amount of money he can contribute, what he can buy here and there. This is a very dangerous state of affairs that we are living in because instead of getting people who are dedicated to serve the country, they use their own positions to enrich themselves. As a result they have no time to concentrate on their work. They add 2 and 2, and instead of getting 4 they get 5 or 10. And then they say, "Kenya is very good. Kenya is very stable. Because I have a Mercedes Benz and I live at Muthaiga, I am collecting rents left, right and centre I do not care". Yes, Sir, he does not care. I dare say, Sir, that some people, somewhere have even their bank accounts in other countries, not in Kenya, and they do not care what is going to happen. We had better correct this situation before things get worse. If we do not do that, then we are sitting on a volcano and one of these days the whole thing is going to blow up and the sufferer will be poor Kanja and poor Dr. Waiyaki, and the poor people in the villages who will have no money to pay for their voyage to go to India, Switzerland or any other country.

I know that if I make a reference like the one I am going to make just now people will say, "Oh, can he substantiate?" May I submit, and I want the Government to go and check because we are told the Government has detectives, the Government has intelligent collectors, as to what is happening. Our civil servants, including those in the Judicial Department, including our security officers, are they not really, some of them, involved in business transactions somewhere? If Kenya is attacked today, is a security officer going to worry about his affairs or is he going to start defending this country? He is not going to defend this country first; he is first going to worry about his bank balance sheet and about all his tankers which are running from Mombasa to Nairobi. We cannot afford to pay people for this kind of work, Sir. We have to correct these things. So much money is lost and every time we talk in this House, as other hon. Members have said, they will come and say, "Ah, they are making *kelele*. *Hawa ni watu wa kupiga kelele*." They are just about to say we are lunatics. Sir, we have to make them understand

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that we are the rulers of this country because we have the mandate of the people. We have the mandate, we did not just come in here, we did not just walk into Nairobi and then come through that entrance without the mandate of the people. Unless they change we shall witness events as has happened elsewhere. Before that happens, Mr. Deputy Speaker, we had better correct the civil servants, we had better correct the system now. If we do not do it now, then we are going to find ourselves in very hot soup, as the British say. There is going to be a tug-of-war between the Members of this House and the senior civil servants. The ordinary civil servant who has to be directed has to be told, "I direct you to do this. I direct you to pass this voucher", and the payment voucher might probably amount to something like thousands of pounds if not millions. This ordinary man passes this voucher with trembling fingers and yet what can he do if he wants to keep his job? If he refuses, he gets a sack. And, Sir, no one wants to lose his job at the present time.

Therefore, my very humble submission to this very hon. House and to our noble Government, the Government of the people which is charged with the responsibility of safeguarding the interests and shaping the destiny of this country, is to let the civil servants remain civil servants, let their loyalty be to Kenya and to Kenyans but they should stop doing any kind of business whatsoever. If they want to become transporters, if they want to become politicians, tell them not to do that under the cover of the Civil Service.

With these very few remarks, Mr. Deputy Speaker, I have expressed my opinion. Thank you.

Mr. Ayah: Mr. Deputy Speaker, first of all may I congratulate my hon. friend, Mr. Kanja, for a very eloquent expression of some of the things that I myself wanted to say.

Sir, looking at these reports, I notice that three people or three bodies are involved: one, is the Accountant and Auditor-General, the other is this hon. House and the third one is the Government. Now, Sir, I would like to start by expressing my thanks to the Auditor-General for the rather wonderful work that he has done in exposing the manner in which moneys voted by this hon. House has been spent by Government. I use the word "Government" instead of "Civil Service". I am very happy that we have at least one officer in Government who is honest enough and who is brave enough to say the truth, namely, that money which has been voted by this House has been badly spent. My thanks to him.

Now, Sir, my second body involved in this

venture of misappropriation is this National Assembly. I am not saying, and hon. Members should not misunderstand me, that Members of this House have misappropriated money. I am saying, on the contrary, that I think this House has not taken the Report of the Auditor-General seriously enough over the years. We are, in my opinion, Sir, custodians of public money, we levy taxes from the *wananchi*, we also vote the money. We say how much and for what, the money will be used. Yet, Sir, some people go and misuse this money and we in this Chamber are content only to blame, only to talk about it and do nothing else about it.

I am appealing to hon. Members of this House, my colleagues, that it is now time that this should be the last debate about money misappropriated by Government because the very same Government comes to this House year in and year out asking us to vote the money, giving us specific items which it wants to spend the money on. Yet that same Government, which is partly represented in this House, goes right ahead, misuses that money and all we are capable of doing, Mr. Deputy Speaker, is to do what I am now doing: talking about it. I am not happy about this. I feel that this House has the capacity, has the power—and I think there is the urgency—and we should now stop this kind of thing, and stop it once and for all.

For instance, we have had a part of this House selected to form the Public Accounts Committee. Sir, if you read some of the remarks made by the Accounts Committee, which is a Committee of this National Assembly, you will see what it says. It says, and this is on page 21 of the 1968/69 Report, "The Committee notes the action the Accounting Officer is now taking to recover this money". Now, Sir, nothing could be more serious. The Committee "notes". Mr. Deputy Speaker, Sir, I do not know, but I assume English words must have some meaning, but I do not know what meaning any committee or any person can attach to those words. They are absolutely meaningless. This is a committee of this National Assembly, and all they can say is that they note and they want us to stand up in this House and discuss their report seriously. Mr. Deputy Speaker, Sir, when we select a committee of this House, we want that committee to be serious and, of all committees, this committee is so very important because it deals with public funds, public funds that we are getting out of people who are crying day in and day out that they do not have the money, they do not have businesses, they do not have anything. We get money out of these people, we give it to the Government and we select a committee to go and look

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into how the money is spent, only to come back to us and say, "We note" I am really surprised that hon. Members of this House should go and sit in a committee dealing with public funds which have been misappropriated and the only thing they can talk about is: "We note". Mr. Deputy Speaker, this is why I think we, in this Chamber, are not seriously concerned about the money that has been given to us from the poor pockets of this country to spend for public services.

Now, the third body involved in this, Mr. Deputy Speaker, is the Government. Now, I listened to my hon. friend, the Member for Butere who is also an Assistant Minister talking as if this is the kind of thing you can throw around so that you can push the blame away from the Assistant Ministers, from the Ministers and from the top civil servants. You cannot and hon. Members should not let the Ministers and Assistant Ministers run away with this loose talk that there is somebody other than they themselves and their senior officers who are doing these things. I am getting sick and tired.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to describe speeches by other hon. Members as loose talk when he knows very well that when it comes to the Accounting Committee, it is the Accounting Officer for every Ministry who is responsible and not Members of Parliament?

The Deputy Speaker (Dr. Waiyaki): I am not aware that the word "loose" in relation to talk in Parliament is unparliamentary. I do not think it is unparliamentary. Maybe it is a little hurting as it stands, but it is not unparliamentary.

Mr. Ayah: Mr. Deputy Speaker, Sir, as I have always said, I have never had the privilege of being a teacher and I doubt if the Member for Butere would have benefited even if I had taught him. However, Mr. Deputy Speaker, what I am saying is that I do not want us to excuse an Assistant Minister or any Minister who turns up in this House and pushes the responsibility away from the Government and talks in terms of civil servants. We, as Members of this House, have the Ministers and the Assistant Ministers to account on behalf of the civil servant and, in fact, to act on their behalf. Mr. Deputy Speaker, as we sit here now, we do not have any Permanent Secretary here, we do not have any Under Secretary nor do we have any civil servants here apart from the Attorney-General. However, we have the Ministers themselves to answer for what is done by Government in this House and it is about time

these people—these hon. Members of this House who happen to be Ministers—faced their responsibilities to this House and to the people they have left in their offices. Mr. Deputy Speaker, Sir, I am saying this because, for example, every time we ask questions here, these questions are answered by both Ministers and Assistant Ministers, and it is no good for them—whenever they feel like it—running away from their responsibilities saying that whenever money is misappropriated, they are no longer in the Government and that it is the civil servants who are to blame. Mr. Deputy Speaker, Sir, I want this honourable House to face these responsibilities that there is a Government and that Government is represented in this House and it is the agents of that Government who have misappropriated the money that has been reported to us by the Public Accounts Committee. Now, hon. Members might ask that since the money has been misappropriated, what can we do about it? Sir, my first recommendation is this:— I can see on page 40 in the Report of 1968/69, the former Permanent Secretary of Finance making the following remark:—

"It is not true for accounting officers to come before the Public Accounts Committee and say, we asked the Treasury to allow us to spend so much money but they refused. We have the power and the law behind us. We do this in good faith and we do this in order to ensure that the Government is not embarrassed afterwards."

Now, there is the law, there is the power and there is everything but this is happening because the Ministers or the Government are not looking after their Ministries' finances strictly and, in my opinion, they ought to. Accounting officers are Permanent Secretaries unless some hon. Member who is a Minister in this House can stand up here now and say they have no control over the Permanent Secretaries. Mr. Deputy Speaker, it is not correct to say so and, in fact, in my opinion, rather dishonest for a Minister or anybody else in this House to blame the accounting officers because we are represented in those Ministries, we are represented in the form of Ministers and Assistant Ministers. Why is it that these hon. gentlemen are not making quite sure that the money we have voted for is accounted for in the way we intended it to be accounted for. Mr. Deputy Speaker, I gather from an hon. Member that we are a bridge. We are a bridge for the misappropriation of public funds. This will not do.

Therefore, Mr. Deputy Speaker, my first recommendation is that from now onwards, I plead with Ministers and Assistant Ministers to go right into their offices and check day in and day out with

[Mr. Ayah]

their Permanent Secretaries how the money is used. We have no other ways because, honestly this money has already been misspent. Now, if we did not have anybody in the Ministries who was responsible for this money, we would have said that this money was stolen. However, we, of course, know that we have Ministers and Assistant Ministers there. How comes it that they have waited for years to find out this and even when it was found out, it was the Auditor-General who did discover that the money was misspent? What are these representatives of ours doing in the Government? My hon. friend, Mr. Waruru Kanja made a remarkable point that those Ministers, their Assistants and top civil servants are very busy looking after their own businesses. Now, this is a straightforward fact. They are too busy. If it is said that some of the accounting officers do not understand what is said in this book, how is it that these gentlemen are able to look after their petrol stations, to look after their hotels, to look after their big firms and account for everything and, at the same time, be able to count their shillings and cents, but they are not able to account for the public funds which work they are employed to do? These gentlemen are able to look after their own money, how come that they cannot look after the public money? It is not a question of ignorance because there is no Permanent Secretary, there is no Assistant Minister, there is no Minister who can be described as illiterate. They are all presumably literate people and one can see this by the way they are able to account for the money with which they buy Mercedes Benz and no illiterate person would be able to know how much money he can spend on buying a Mercedes Benz. How is it that they cannot account for the public money which helps to employ them. Therefore, Mr. Deputy Speaker, my second recommendation is that this House should make a law so that any Permanent Secretary together with the Assistant Ministers and Ministers— Oh yes, Sir, the Member for— I am saying this because I am not going to talk about the civil servants and leave out their representatives here. The hon. Jahazi says "Oh no" but whom does he represent in the Ministry of Health if it is not this House? What does he do on behalf of this House in the Ministry of Health? Although I do not know exactly, I know that you misappropriate—an incident that is unfortunate. This is all that we know from the finances only to find an Assistant Minister coming here to say that he does not know claiming. "How should I know?" Mr. Deputy Speaker, Sir, I do not want to get myself involved with my hon. friend because I know he understands these things but his mouth is tied.

I would like to recommend that any Permanent

Secretary, any Assistant Minister or any Minister in any particular Ministry where money is misappropriated should be dismissed forthwith; and having been dismissed, he should be charged in a public court because it is no good saying that the fact that the money was not put in somebody's pocket— Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister would like me to give him some minutes because I have never known him to speak any sense here; but if he wants he can go right ahead.

An hon. Member: Address the Chair!

Mr. Ayah: Mr. Deputy Speaker, Sir, I am always addressing the Chair. I want these officers to be accountable to someone and not to wait until the money has been overspent and then we discuss it in this House. I want some action to be taken on this. I know that we, all over the country, are all concerned that the little money that we have should—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, is hon. Member in order to generalize his ideas without mentioning specific points? For instance, this is very irrelevant. The other day there were floods in Kisumu. Could we wait until money is voted in this House in order to save those people from being washed into the sea. This is how the money is overspent.

The Deputy Speaker (Dr. Waiyaki): Order! At the time when you came in with a point of order the hon. Member was speaking about a Minister, an Assistant Minister and a Permanent Secretary involved in the misuse of public funds as recorded in the Public Accounts Committee's records. That is where he was when you came in. I wonder whether this is what you are referring to. This is where he was generalizing: all should be expelled.

The Vice-President and Minister for Home Affairs (Mr. Moi): Mr. Deputy Speaker, Sir, I was not referring to the other moneys. He stated that the Government should not spend any money until this House approves it, although that is why the Supplementary Estimates are brought in. What I was saying is this: if there is an emergency somewhere Government is bound to spend money to save lives and in that case it is something factual and not the other aspect.

The Deputy Speaker (Dr. Waiyaki): You can rise up and discuss that in the House not on a point of order but on a point of debate if you catch the Speaker's eye!

Mr. Ayah: Mr. Deputy Speaker, Sir, I think there ought to be a law which should oblige the Vice-President and Minister for Home Affairs to be in the House all the time because not only

[Mr. Ayah]

did I not say what he senses I said, but he even did not rise on a point of order. I think there should be a law requiring the Vice-President and Minister for Home Affairs to be here all the time, as the Leader of Government Business.

In any case, Sir, I was suggesting a second recommendation which I think in my opinion would stop this kind of thing. Incidentally, Sir, this is what we call "contingency planning" in the normal business—the Government is a business organization. I think the Government is capable of some contingency planning and, therefore, there is no need talking about floods in Kisumu—nobody has raised that issue. Mr. Deputy Speaker, Sir, my third recommendation is this: we were originally told that public servants should be able to declare their interests before they take up appointments. However, I am not aware whether this has been followed, either originally or in recent times. Therefore, I am contending that because of lack of control over the interests that public servants have in the private sector and other areas they are incapable of concentrating on their work. Therefore, I would like to recommend that public servants—I am not saying that they should lose whatever they have saved or invested but for the time that they are public servants they should divest themselves of whatever holding they have; they can transfer these to their grandchildren if they are old enough, their brothers, wives, etc.—they should not themselves get involved in the day to day running of their businesses—they should be responsible for the day to day running of the business of Government.

Finally, I would like to say once again what I said earlier: I do not want this House to go away with the feeling that any money that has been misspent was due to the civil servants initiative. It was not. Civil servants themselves are involved but they are not the only people. However, we as a House are not directly involved with the civil servants but we are directly involved with the Ministers. I personally do not want this House to keep on hammering on the business of the civil servants because they must and ought to be controlled by this House via the Ministers.

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

Mr. ole Marima: Thank you very much, Mr. Deputy Speaker, Sir. Certainly, I am not going to waste an awful lot of time on this because much of it has been exposed by the Public Accounts Committee to which I must pay tribute to and also the Auditor-General.

I just want to emphasize one thing which I think could be tied in with what other Members have

said. When we come to the question of blaming or to the question of trying to find out how we misappropriate the money and how we fail in this and I wonder whether the question of inefficiency comes in? I do think the question of inefficiency comes in. However, how does it come in? I want to pose that question although I would not like to be asked to say how. I think, we generally accept that we have been employing people that are related to us or are friends, not necessarily because they are qualified, but because we are here. If, for example, I am the Permanent Secretary, I am the Minister, I am the Auditor, the district commissioner and so forth I will get my close relative regardless whether or not that relative is qualified to do that job! I think that is why there are misappropriations of money.

I think, I was robbed here by the hon. Waruru Kanja because I was about to tie the question which he raised with the other one. He has however, done it well. I just want to mention the idea which I mentioned the other day and which was mentioned by many other Members that we have to have a body that would employ everybody without having to go through a Ministry. This should be an independent body which should employ people down to the district level. It must not only be in Nairobi but it must go down to the district level. If we have this body, Mr. ole Marima, for example, will not be able, if he is a chairman of a board, to bring in his brother who has done Certificate of Primary Education Examination and failed to become an assistant accountant. We must be able to do this and there must be an independent body to scrutinize what everybody we employ, in any position in any Ministry, does. Mr. Deputy Speaker, Sir, I think this is the thing which I would like to emphasize and I would like to say that if this House is going to be effective or if this hon. House is going to have its work respected, I think the mistakes which are discovered by the Controller and Auditor-General and the Public Accounts Committee of this House must be corrected and immediate action must be taken, Mr. Deputy Speaker. If anything is going to be noted by the public that we are serious, it must be in punishing people who are responsible for the misappropriation of public funds.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I rise up to thank the Chairman and the Members of the Public Accounts Committee. However, I would like to make a few observations in brief.

The Kenya Government, of course, does not wish to have anything covered. Everything must

[The Vice-President and Minister for Home Affairs]

be done openly and that is the reason why this House is here to safeguard the public money. When I rose up on a point of order, I wanted to speak about a matter which could be considered as an emergency matter. However, this is something which is very important because the members of the public would like to see that taxes paid either as graduated personal tax or indirect taxation or income tax are used properly for the public interest. This House is their safeguard. That is why His Excellency the President from time to time has referred to this House and each hon. Member of this House as the custodian of the interests of *wananchi*. Therefore, I would also like to state here quite clearly that the Kenya Government and particularly we, in Kenya, must be proud of ourselves because we have our dealings done publicly so that there is nothing hidden.

The hon. Members must have read the Controller and Auditor-General's Report which really criticized certain activities of the Kenya Government. This is the reason why he is regarded as an independent person who should scrutinize the way in which Government spends public money. I am grateful indeed, Mr. Deputy Speaker, to the Public Accounts Committee for having done their job. I hope that where criticisms have been directed those Ministries will rectify the mistakes which they have done in the past. We hope nothing will be repeated.

I do not agree with one of the hon. Members that the failure is because we have brothers here and there. I do not have a brother in any of these places that he has mentioned. However, if it happens that—and this is a very good example—one hon. Minister, Assistant Minister or one hon. Member has his sons and daughters in the universities how can you later on prevent them from being employed in the Civil Service?

Mr. ole Marima: On a point of order, Mr. Deputy Speaker, I think the hon. Vice-President has misunderstood me. I did not say brothers or sons who are qualified, but I said unqualified brothers and sons.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Thank you very much, Mr. Deputy Speaker. I did not have any motive, but I wanted only to clarify the point so that everybody in the House can understand that one can have very many brothers and sisters working in the Civil Service who are qualified to do what they might be doing. What is required is actually what one of the hon. Members said—to be responsible and to make sure that wherever you will be placed you will be able to do your job effectively

and efficiently. Therefore, the question of tribe and brotherization or whatever-have-you, do not arise, provided one does his job properly.

Mr. Deputy Speaker, Sir, there are very many things which the Members of the Public Accounts Committee highlighted and I thank them for doing so. I have always stated here that Government appreciates genuine criticisms and constructive suggestions which would go a long way in improving conditions for the future. This is the purpose. I think the purpose of the Public Accounts Committee is to make sure that during the next Financial Year the Ministries concerned will not fall victims of the same mistakes made previously. This should be our role to advise them and make them understand what they are supposed to do.

Therefore, Mr. Deputy Speaker, I do not want to dwell much on this, but I wanted to make it clear that the Kenya Government does not wish to cover up any mistake and everything should be done clearly in the daylight. Thank you, Mr. Deputy Speaker.

The Deputy Speaker (Dr. Waiyaki): I just want to clarify the point that the hon. Vice-President, Mr. Moi has just mentioned and that is the question of the use of funds where an emergency has arisen, for example, as he referred to the dangers of the floods. There does not exist a contingent fund as under section 125 of our Constitution. It states as follows:—

“you can use the money under the direction of the Treasury and the Minister for Finance pending authority from this Parliament in a Supplementary Estimate”.

Mr. Seroney: Mr. Deputy Speaker, Sir, I beg to move that the Motion before us be amended by adding after the word “respectively”—that is the end of the Motion—the following words:—

“but regrets that the said recommendations do not go far enough and have not in practice checked unauthorized spending which has been spiralling from £32,479 in 1966/67 to £1,159,212 in 1969/70; and being of the opinion that continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required; hereby resolves to appoint a select committee to inquire into and recommend immediate revision of relevant Standing Orders and penal and other legislation to empower the House to enforce its authority over public expenditure and deal effectively with accounting officers and Ministers responsible for any future unauthorized expenditure of public funds”.

[Mr. Seroney]

Mr. Deputy Speaker, Sir, hon. Members have indicated what is the most unsatisfactory feature of this, what is virtually an annual exercise. Both Reports before us complain of unauthorized expenditure. If you go back, Mr. Deputy Speaker, you will find that in 1966/67, £2,000 were spent without the authority of Parliament; the following year it rose to £136,827; the following year still, that is, 1968/69, it rose to £1,093,165; in 1969/70, which is the year before the last one, it rose to £1,159,212.

Now, Mr. Deputy Speaker, Sir, I do not know what would be the case in respect of the last Financial Year or the current Financial Year, but it would not be too fanciful to imagine that we may end up with unauthorized expenditure of £2 million. One would like to ask, Mr. Deputy Speaker, why has this unauthorized expenditure increased and is continuing to increase. This is because every year the Auditor-General points out that this is happening but nobody pays any attention; every year the Public Accounts Committee gives warnings and hopes that it will not be repeated and yet the same thing is done again. I believe, Mr. Deputy Speaker, that the mistake lies with this House.

Last year, for example, we legalized in this House unauthorized expenditure of £32,000 which was incurred in 1966/67, that is four years earlier and I am sure that this Government or the Minister is going to come to this House to ask us to legalize the unauthorized expenditure which I have read out, that is; 1967/68, 1968/69, and 1969/70 because they have to do something about it. Mr. Deputy Speaker, Sir, one of our difficulties is we are told that it is not practicable to surcharge. I know when it comes to £1 million, I do not see how Permanent Secretaries are going to be surcharged. In this connexion, I refer Members to a resolution of this House which was passed on the 13th March 1970 which was dealing with measures to curb misuse of public funds. On that day this House resolved, and I quote:—

THAT in view of the fact that the recent Report of the Controller and Auditor-General has revealed the deterioration in the control of Government expenditure as compared with 1967/68, Financial Year, this House urges the Government to institute stern measures to curb further unauthorized expenditure of public funds by accounting officers; to increase the auditing manpower if necessary; to take disciplinary action—including surcharge proceedings against those accounting officers, who have in the opinion of the Public Accounts Committee, failed to control their Votes.

Mr. Deputy Speaker, Sir, that was a resolution of this House and it would be interesting to find out whether the Public Accounts Committee, before making its recommendations which we are now discussing, had questioned the Minister for Finance and Economic Planning, who accepted this particular Motion in order to find out what steps he and the Treasury have taken in pursuance of that resolution passed by this House. We are always reminding ourselves that we are supreme; however, I wonder whether it is just not like a case of an ugly woman who is very pleased to be told that she is beautiful and she believes it even though her mirror tells her that she is ugly.

This is because, Mr. Deputy Speaker, Sir, our Constitution—

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir, is it in order for everything bad to be put on women and yet there are ugly men too?

Mr. Seroney: Mr. Deputy Speaker, Sir, with all due respect to the gracious lady, there are certain facts of life and one of them is that the fair sex are more prone to flattery than the other sex.

Mr. Deputy Speaker, Sir, I was saying that under the Constitution, we are supposed to control taxation and expenditure. But as far as the situation is concerned, it is true that no tax can be imposed unless we agree; so far so good. However, that is the only power we have because we cannot impose taxes on our own initiative, they have to be proposed by Government. When it comes to expenditure, we have the theoretical power under the Constitution to control that expenditure, but how often have we exercised that power? I think the whole mess which we are suffering from is attributable to the first Parliament, our predecessors, which surrendered its authority to the civil servants.

Hon. Members: Hear! Hear!

Mr. Seroney: Mr. Deputy Speaker, Sir, we all know about the *coup d'etat* which took place in Uganda in 1966, but what we do not know and what is not very often realized is the *coup d'etat* which took place here in Kenya between the years, 1965 and 1968. This is because during those years the authority, silently, slipped away from Parliament into the hands of a few civil servants so that the power which we have in theory but which was lost to us by the previous Parliament, at least this Parliament should do something to regain that authority, then we can always talk about Parliament supremacy if not, then that will be just talking, talking, because we are not exercising our powers.

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, on a point of order, I would like to seek your guidance in

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the statement that has just been made by the hon. Member where he says that the authority, meaning the Government of Kenya, has secretly taken away powers—

An hon. Member: Silently.

The Minister for Power and Communications

(Mr. Ngala): It is the same thing.

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir I—

The Minister for Power and Communications

(Mr. Ngala): I am on a point of order.— That we have silently and secretly taken away powers of this House and given them to civil servants. This is a very serious charge to a democratic Government and we would demand a substantiation from the Member.

The Deputy Speaker (Dr. Waiyaki): Order! Order, Mr. Koigi! When we are dealing with a point of order, please, Members must not stand up on another point of order, before we have disposed of that particular point of order. The hon. Member for Tinderet is called upon to substantiate on what evidence he believes that this has been done.

Mr. Seroney: Mr. Deputy Speaker, now, I base my grounds for making this statement on my assessment of events and the situation that has existed from 1965 up to 1968, and replying also, on the fact that this unauthorized expenditure started in 1966, actually, and that this Parliament, and the last one, has been unable to do anything about it. I believe, Mr. Deputy Speaker, that there are certain matters of opinion, depending on personal assessment, and I am entitled to reach that conclusion in my own reading of events, between 1965 and 1968, and as a former Member of that Parliament. I do not really think that we should be diverted into sidelines, to analyse the constitutional position of the Kenya Government today.

The Deputy Speaker (Dr. Waiyaki): Order, Mr. Seroney! On an issue like this, it is not enough to give an opinion; once you have made a statement which we regard as a fact, that the Government has diluted the authority of Parliament secretly or quietly or however else this was done—silently—it is necessary to give, at least, one or two examples, on which you base your own feelings, or your own conviction. It is not just the way you read it; it must be apparent to other Members in the House, whatever way they read it, that that conclusion can be arrived at.

Mr. Seroney: Mr. Deputy Speaker, Sir, my own assessment of the situation is based on the fact in addition to this administrative exercise or lack

of exercise, the Constitution, first of all, was amended by a series of amendments, which made this process possible. I am not suggesting that the Constitutional amendments, which were passed in 1966 and 1968, to regularize the position and to increase the executive power of Government; I am not saying that alone amounted to power being taken away from Ministers. However, surely, Sir, I am entitled to ask them whether I am not entitled to believe that if they were removed today, it would not make any difference to the running of the Government of Kenya, because this is a statement which I have made, Sir.

The Deputy Speaker (Dr. Waiyaki): No, Mr. Seroney; the question of changes in the Constitution has been subject to a two-thirds majority in this House, openly and in daylight. It has never been done quietly or silently, as you originally said. Therefore, unless you want to qualify that first statement, you have not yet substantiated to the satisfaction of the Chair, that you are entitled to that opinion which you gave us first.

Hon. Members: On a point of order!

The Deputy Speaker (Dr. Waiyaki): Order! I am dealing with Mr. Seroney.

Mr. Nthenge: Some Members want to help Mr. Seroney!

The Deputy Speaker (Dr. Waiyaki): No!

Mr. Seroney: Now, may I understand what I am being required to substantiate, Mr. Deputy Speaker?

The Deputy Speaker (Dr. Waiyaki): Mr. Ngala called upon you to substantiate that (Inaudible).

Mr. Seroney: Mr. Deputy Speaker, I have been a Member of this House continuously since 1963, and this is my conclusion as a result of— I mentioned 1963 because we attained our independence in 1963, but I was in the other House even earlier.

However, Mr. Deputy Speaker, during these years, I have seen that our Ministers, and even Parliament, have become mere rubber-stamps for an unseen authority, and I do not know how you expect—

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker.

The Deputy Speaker (Dr. Waiyaki): No, Mr. Ngala is still pursuing his point of order.

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like to pursue this because the hon. Member has

[The Minister for Power and Communications] made an allegation, that this Government has conducted a *coup d'etat* within the country, silently and secretly. This allegation has to be proved because this Government is an hon. Government, with dignity, and it reflects an image which cannot be challenged throughout the world. Secondly, this Government—

The Deputy Speaker (Dr. Waiyaki): Order! You should not use a point of order— Order! Order! Order!

All I was allowing you to do was to pursue where you felt that the hon. Member has not substantiated the facts as he put them, of a *coup d'etat* secretly and quietly. However, under that point of order, you are not entitled to pursue an argument.

The Minister for Power and Communications (Mr. Ngala): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, I feel that the hon. Member has not sufficiently substantiated what I wanted him to substantiate, because, Sir, whatever changes we have made in the Constitution here in this Chamber, we have done it with the full confidence of the Members of the House, and we have followed the provisions of the Constitution to the letter. Therefore, we—

The Deputy Speaker (Dr. Waiyaki): Order! You are still doing the same thing, Mr. Ngala. I will call back the hon. Seroney to substantiate a little further, rather than the fact that he feels he has stayed or been in this House long enough, to get the feeling.

Hon. Members: On a point of order!

The Deputy Speaker (Dr. Waiyaki): Order! We are dealing with Mr. Seroney. Order! I have just explained that when we are dealing with one point of order, we must go through that point of order before we go to another, and we are still— Order! You are not on the same one because Mr. Seroney has not finished.

Mr. Seroney: I will quote a few examples, Mr. Deputy Speaker. One of them affected the Minister himself; we all noted this year that we took a decision in this House and we got the Minister to agree to do something, which was later on undone, without even the matter ever being referred to us.

Hon. Members: Tankers!

Mr. Seroney: I am referring to the case of the oil tankers.

Hon. Members: Hear! Hear! You wait and you will get more!

Mr. Seroney: I will also refer, Mr. Deputy Speaker, to the question of gratuities.

Hon. Members: Hear! Hear!

Mr. Seroney: I will also refer to the question of gratuities, which our committee simply noted. However, hon. Members will remember that this was an action taken without the authority of Parliament, and that it was only when Parliament, later on, became difficult, that a Bill was brought in to rectify this.

Now, those are two examples of things done without the authority of this Parliament, and these unauthorized expenditures—these four I have read out—is also another example. Therefore, I do not know what you want me to substantiate.

Hon. Members: Shame! Shame!

The Minister for Power and Communications (Mr. Ngala): On a point of order; Mr. Deputy Speaker, I would like to seek your guidance on this. When we say the powers of the Chamber here, are eroded, we mean legislative powers, and if we mean legislative powers, we have not eroded any legislative powers of this Chamber, as a Government. To quote the example of me, and the heavy tankers, there was no Act of Parliament involved in the affair. This is where, Mr. Deputy Speaker, we would like to have your clear guidance. Our contention, as a Government is that we have been pure. We have not eroded any legislative powers of this Chamber. We have maintained the dignity of the Chamber. It is true that some money has been spent.

The Deputy Speaker (Dr. Waiyaki): Order! Order!

In the case of substantiation, it is only necessary to give such fact then outstanding, however it looks, as you believe supports the case which you make. The hon. Seroney has, at least given one fact which is that there was money spent by Government without first getting the prior authority of Parliament. If he stops there, he has substantiated enough.

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir. You have just, a little while ago, on the question of food and famine relief, said that there is a contingency fund. Sometimes in the provisions of Government expenditure there are some contingencies on which Government is allowed to spend money and then come and seek consent of the Parliament. Even where a contingency is not provided for—this is very important—even where there is no provision, normally, Government can spend money and then come and seek consent of the House. If the consent of the House is obtained, are we wrong? Is this not the procedure that is followed in many Parliaments of the world? This cannot be taken against the Government's conduct, at all.

The Deputy Speaker (Dr. Waiyaki): I merely want to quote the statement I made earlier on. The hon. Mr. Ngala has referred to Famine Relief and, I think, food which refers and, I think, relates to an emergency, in which case the Government is entitled to use moneys provided in the Contingencies Fund under section 125 of the Constitution and then subsequently come to the House to regularize that expenditure in a Supplementary Estimate. That is the position where the use of money as far as the Contingencies Fund is concerned. However, the matter that the hon. Seroney did bring forward was the question of gratuities, which is not necessarily in the public interest, and which cannot be regarded by any state of imagination, as money which you can use from the Contingency Fund.

I would like to satisfy myself that, in fact, gratuities were spent under section 125 of the Constitution as an emergency. I do not think that was the case.

Mr. Seroney: Mr. Deputy Speaker, what I would like the hon. Members to exercise their mind on is: how can we exercise this authority vested in us by the Constitution—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, we may be treading on a very dangerous line. Are you now ruling that the Government should not spend any money, other than the ones mentioned in the Constitution, without it being approved in this House and that you accept that the Government, between the years 1965/68, has secretly taken away legislative powers of this House?

The Deputy Speaker (Dr. Waiyaki): I have not ruled anything of that kind. We were only concerned about the substantiation and nothing more. I did not rule that the Government cannot use funds available to them. That I did not do. I merely said that as far as hon. Seroney was challenged by the hon. Minister for Power and Communications to substantiate how he thought Parliament's power had been eroded, I felt satisfied that he had quoted one case where finance was used and then powers to use it sought afterwards—not in an emergency.

Incidentally, if it helps, I would like to read it. It is, in fact, in the revised Constitution section 102, but in the Financial Orders, it was referred to as section 120. I propose to read it to help the House and the Vice-President. It says—subsection 1 of section 102 of the Constitution reads:—

102. (1) Parliament may make provision for the establishment of a Contingencies Fund and for authorizing the Minister for the time being responsible for finance, if he is satisfied that there has arisen an urgent and unforeseen need

for expenditure for which no other provision exists, to make advances from that fund to meet that need.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

That is exactly what I have been trying to say. The hon. Member for Tinderet did not talk about this emergency but he talked about the use of funds for gratuities. I think he meant Ministerial gratuities. I hope that is what he meant. These are the only ones that have ever come up for discussion in this House. If that is the case, they are not covered in this section. They were covered by another Act, I think the National Assembly Remuneration Act. Not this particular one.

Mr. Nthenge: On a point of order, is it in order for a Member speaking to be interrupted unnecessarily when he makes a statement which is safeguarding the House including the Ministers?

The Deputy Speaker (Dr. Waiyaki): You are out of order. You are absolutely out of order. It is precisely because a Member must be able to interrupt that there was made a provision in our Standing Orders for a Member to rise on a point of order. That gives a permission to interrupt. I cannot see anything wrong in it.

Mr. Seroney: Now, coming back to the question of control over public expenditure, I would like Members to ask themselves what control, if any, they really have. If they have, how has it been exercised over the last few years?

Our Standing Orders provide for a Public Accounts Committee. However, this Public Accounts Committee merely does a post mortem, six months after the end of the relevant Financial Year. To bring the point home more than that, the Public Accounts Committee is now about to start considering the accounts of 1969/70.

When you do a post mortem, it means, of course, that the whole thing is finished and the person is already dead. If money has been misappropriated and mistakes have been already made, all the Public Accounts Committee is to do is to issue warnings, make recommendations and hope that these mistakes will not be repeated. It is, however, common in the two reports and in the previous reports that you find the Public Accounts Committee recommending that something should not be done and they hope that it will not be done again.

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

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

[Mr. Seroney]

Mr. Speaker, this reminds me of one type of parent who has an unruly child. When this incompetent parent has an unruly child and the child misbehaves and it is simply told "Do not do it again", then the next day he is also told "Do not do it again", and the child repeats it for the fourth and fifth time, then this incompetent parent goes to his friend and asks, "What shall I do with this child because I have kept on telling him do not do this, do not do that, but he still keeps on doing it?"

We are in the same position with regard to Accounting Officers. The Auditor-General has complained, the Public Accounts Committee has complained and this House has complained time and again that the Accounting Officers exceed their votes. Now, the question is. Where is the limit? I entirely agree with what the Member for Kisumu Rural said about creating a situation whereby Ministers will have to be responsible. I say this, Mr. Speaker, because we do not want to come to this House and start criticizing civil servants because they are not here to defend themselves. The people who are responsible for any messes that go on in any Government department are the responsible Ministers. Therefore, if there had been any misconception on the part of the Permanent Secretaries that the Minister is nothing and that they are responsible or they are the bosses or the *bwana mkubwa*, they can just go across to Harambee House and by-pass the Minister. I think this is the opportunity this House must take to tell the Permanent Secretaries that as far as they are concerned we do not recognize them. The people we recognize are the Ministers in this House. Therefore, it is essential to assert the authority of this Parliament by making Ministers individually responsible for anything that happens in their departments. That is why in my amendment I have included Ministers because we do not want to be dealing with Accounting Officers who are not Members of this House.

Now, the amendment also talks about revising Standing Orders. I will just explain in a few words what I had in mind. The Standing Orders do provide for a Public Accounts Committee. But this Public Accounts Committee—as I said earlier—simply deals with past accounts. They wait until the Auditor-General has issued his report with regard to any Financial Year. I think we need to consider carefully about creating another body or giving the same body—the Public Accounts Committee—the power to follow up its own recommendations because it is no good the Public Accounts Committee making recommendations and then laying a report on the Table of this House and then once we have debated it everything is at an end and then they proceed with the next report.

I think there has to be somebody to follow up what the Public Accounts Committee has recommended. For instance, this report has recommended in one case which I can remember, the surcharging of a particular individual as a result of unauthorized expenditure. There should be somebody to follow it up to know whether, in fact, what the committee recommended has, in fact, been done. Also, there are reports that certain Accounting Officers have reported to the Committee that they are taking action. We would like to know, for example, whether these things are being followed up and who is to follow them up. That is why it may be necessary to amend the Standing Orders.

Again, Mr. Speaker, Sir, there is what I think is a contributory factor towards these Estimates and towards these unauthorized expenditures. Hon. Members are aware that they are almost losing a battle they have been fighting for the last one and half years about getting the Estimates presented to this House in a correct and proper form. Our Standing Orders may be amended or revised in order to provide a minimum standard which we are to expect when the Minister for Finance lays his Estimates before this House in April.

An hon. Member: But you are a Member of the Estimates Committee!

Mr. Seroney: The hon. Assistant Minister has said that I am a Member of the Estimates Committee. I am not a Member of the Estimates Committee. I belong to other committees except that one.

Now, coming back to Ministers again, there is one aspect here which I think deserves the attention of the House and that is this question of making Permanent Secretaries political appointments. You may ask what relevance this has to do with what we are debating but it is relevant in this way, Mr. Speaker. Since Permanent Secretaries are no longer permanent, it means that there may be an Accounting Officer in one year and then by the time the Public Accounts Committee meets, there may be somebody else in a particular Ministry because the Permanent Secretary has been reshuffled and sent to another Ministry. Therefore, it is a point to be considered whether our system of a Parliamentary Government as we have would operate better by making Permanent Secretaries political appointments that can be reshuffled along with Ministers or whether we should not revert to the old system where Permanent Secretaries were really permanent.

I referred in my amendment to contempt of the House. Now, although we are a supreme Parliament, yet we are in a position where we cannot

[Mr. Seroney]

do anything against anybody who shows contempt for this House. The House of Commons which is the supreme authority in Great Britain has powers to commit anybody to prison who is guilty of contempt of the House of Commons and no amount of lawyers can get you out once the House of Commons has locked you up. If the House of Commons has locked you up, you can run to any number of lawyers or you can go to a judge to try and get out but you will not be able to get out. All that is required is a certificate from the Speaker showing that you are locked up for contempt of Parliament. That is why very few people in England would dare to flout the authority of the British Parliament. Here we do not have similar powers for dealing with such people otherwise we would have locked up some editors of some newspapers. However, the point I would like to establish is that we should arm this House with the necessary legal powers to deal with those guilty of contempt so, this Select Committee which I am proposing that we should appoint would look into the law and look into the existing Powers and Privileges Act to see how it could be strengthened in order to provide for methods of dealing with those who are responsible for unauthorized expenditures. This is because it should be possible to punish those responsible, firstly, because they are in contempt of the House and secondly, a specific offence called unauthorized spending should be written into the Statute Books and the same penalties should be created as those applicable to the theft of public funds. This is because this is a serious thing, Mr. Speaker, Sir. If we do that—if we arm this House to deal with contempt and if we create a new offence for dealing with unauthorized expenditure—then I am sure, Mr. Speaker, you will find that these incidents of unauthorized spending will certainly drop.

Therefore, with those few remarks, Mr. Speaker, Sir, I beg to move my amendment and I think it is being seconded by Mr. Tsuma.

The Speaker (Mr. Mati): Before your Motion, Mr. Seroney, is seconded, there are about two things we have to do to conform to our Standing Orders. First of all, we will leave out the words "Standing Orders and". They are not necessary because there is a Select Committee in existence which can look into that. The other part is where you say: "Unauthorized spending has been spiralling from some figure, 1966/67 to another figure, 1969/70." Now, it is contrary to our Standing Orders to anticipate the work of a Committee of this House. We have a Public Accounts Committee, which has not yet dealt with this particular report you referred to and until the Public

Accounts Committee has dealt with that, we cannot introduce anything, at this stage, in this particular debate which refers only to reports up to 1968/69. Therefore, if you will change those figures to conform to our Standing Orders so that the figure will spiral from K£32,479 in 1966/67 to, and then you give the figure for 1968/69. That will be in accordance to our Standing Orders.

Mr. Seroney: Mr. Speaker, Sir, this figure was obtained from a report of the Auditor-General, but anyway, it does not help my case one way or the other, therefore, I will replace it with the year 1968/69 and the relevant amount is K£1,093,165, instead of 1969/70 figure.

Mr. Tsuma: Mr. Speaker, Sir, I stand to second the amendment—

An hon. Member: Watch your tongue.

Mr. Tsuma: Mr. Speaker, Sir, another hon. Member here tells me to watch my tongue but he should know that my tongue is watchful.

Mr. Speaker, Sir, the Committee requests this House to approve certain recommendation in this document. My question, Sir, is: What are the duties of the Public Accounts Committee? To endorse what has already been spent or to look at the figures and as well reject certain recommendations by the Ministries. Mr. Speaker, Sir, the question here is: Who authorizes expenditure? If I may go back to the 1963 Government, we had National Assemblies, some of us were members and chairmen in charge of Ministries within those provinces and regarding the spending of money, the provincial officer under that particular Ministry could never spend a cent or authorize expenditure unless the chairman of that particular committee in the Ministry, with a collective responsibility of a committee, under the Constitution, had authorized such expenditure. Why is it that Mr. Speaker, Sir, this is not done by our Ministers in the Central Government. We know that the Permanent Secretaries are the accounting officers in the Ministries. The Ministers have never taken any care to know that the money which is being spent is the public money.

While I second this Motion, I want to say that this Committee, if it is the very Committee, should be given the powers by this House to be able to look into matters of public funds. First of all, before any amount of money is spent, which we now call "unauthorized expenditure" is put before this particular Committee, the Minister, who is a political appointee, should be in a position to certify that amount is required in his Ministry because of a certain job to be done. This is why we want a committee that has powers to look into the matters of public funds.

[Mr. Tsuma]

When we come to the provinces, we cannot help talking about certain civil servants because when money is voted for any development in a province, the provincial commissioner, in that particular province, becomes the accounting officer. When this money is not spent on any particular development, the money comes back to the Treasury. No explanation whatsoever is given in this respect to show that in a particular Ministry and for a particular development, in a particular province, so much money was not spent and, therefore, it is a saving. What we only see here is unauthorized expenditure. I have been going through these reports, Mr. Speaker, and not one Ministry has not overspent any item. Every Ministry has overspent. If we go to the Ministry of Foreign Affairs—

An hon. Member: You should inform him.

Mr. Tsuma: Who is that interrupting unnecessarily? You are responsible for all that.

Mr. Speaker, Sir, if we come to the Ministry of Foreign Affairs, our Committee says: "That was an unavoidable circumstance". Why unavoidable? Why are you called a Public Accounts Committee? You are called so because you have to look into the affairs of the expenditure of the country, on behalf of this House. We want to see a report where it says: "We do not accept this".

Mr. Speaker, Sir, we want, if this amendment goes through, and I hope hon. Members with the Ministers included, for their safety tomorrow, approve this amendment so that what has been recommended here by this committee, if it is honest, and if the committee told the truth, to go and inquire into this and tell us why. You will find that in the Ministry of Foreign Affairs, so many pounds have been overspent. It is said that the accounting officer reported that it was because of insufficient control. If I may quote: "Insufficient control and that is why so much money was overspent in Embassies". They say that it is because of someone who was not able to carry out the job. Could we be able to know who this person was and could we not know why there was not sufficient control and who was to control? We only look at a Permanent Secretary, when they find that he has stolen, then, take him to court. What about these people who go ahead spending money without even referring it to the authority and the authority is the Government and is this House. One person authorizes expenditure of so many pounds and then the committee does not take to court that person who was not able to control the funds. Why was he unable to control the funds. According to this technically, it means that he is inefficient and that person must be sacked and if he cannot explain why, then he has

to go to court. Mr. Speaker, Sir, we want every Ministry, in this committee, to tell us why and where or whether a Minister ever points out that here we do not have the money and therefore we cannot spend this money, or that much, unless the Government so says. Sir, what is the work of the Cabinet? Does the Cabinet not have any concern over the public funds? Why cannot we know whether public money is ever discussed in the Cabinet when Ministers are together; we call that a Government?

Mr. Speaker, Sir, another hon. Member challenged the hon. Member for Butere when he was quoting figures. I, too, go with Mr. Martin Shikuku, the hon. Member for Butere.

Mr. Speaker, Sir, you find that an ambassador in a foreign country, say, Britain buys a carpet alone, for cold weather, in his house at a cost of KSh. 45,000! Cannot we be told whether this is not extravagant or not? Could we be told whether the public money is not being stolen? Yes, Sir, we do not regard this as a clever daylight robbery without violence! You find that somebody goes to Congo Kinshasa where the flight costs the Government over KSh. 2,000 and they say ". . . it is because someone was not able to exercise control and therefore this is unavoidable." Why can we not recover this money when we know the costs for flying to the Congo?

An hon. Member: Even when they go to see their girl friends?

Mr. Tsuma: Yes, and even when they go to see their girl friends, they say they are going to do this and that.

Mr. Speaker, Sir, I want to say one thing which is very serious to this House. This, Sir, I challenge the Ministers; every Minister. You will find, Mr. Speaker, Sir, when you look at every Ministry's expenditure, say, in Western Province the money is spent on State Lodges, money is spent on travelling, so much is spent on Embassies and as a result some of these people think they are going to heaven when in fact people at home have no money. Today, we have no money for controlling famine in the country and yet our own officers go on enjoying. Now, let us come to a province like Western Province. You will find, Sir, that money is voted to put up a police headquarters, but the provincial accounting officer does not spend that money and so you find that at the end of June, the money comes back to the Treasury. The money has not been spent. If that money was to buy a comfortable chair and a carpet for the provincial commissioner's house, definitely it would have been spent; and even more.

An hon. Member: You are right.

Mr. Tsuma: In the Ministry, money is voted for water development in secondary schools, but that is not spent and as a result children go out of school because of lack of water. The money comes back here in the Treasury. Now, Sir, if the money was to buy—

Hon. Members: Carpets.

Mr. Tsuma: No, I know what I am going to say. If the money was to be spent on who is to supply the books and equipment to schools, the supply that never goes to the school, it would be spent, and even spent more but because of the horrible mess, the money comes back here. Nobody reports to us in this House. This is a serious matter. Mr. Speaker, Sir, we want this committee, if given the powers and chance, to act immediately giving us details. It should go through this book and tell us what the Auditor-General says. The Auditor-General, Mr. Speaker, Sir, is the only saviour of the Government. However, the Accounting Officers, who are Permanent Secretaries, deliberately refuse to give us the light when they report to the committee. They do not say that so much money was spent without authority, and without advice of an auditor. I know the auditor's work. Sir, the auditor's work entitles the Government to exercise control by taking him to court to be answerable for what he spent without authority.

Coming to the Public Accounts Committee, I know that some Members in this House, especially the Leader of Government Business does not want to see anybody capable—somebody who understands his work technically—sitting on a committee of this kind because he would be able to challenge the matter before it comes to the House.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member speaking to allege that the Leader of Government Business does not want to see a capable person sitting on a committee? Does it mean that both he and Mr. Seroney are not capable?

Mr. Tsuma: Mr. Speaker, Sir, the hon. Member knows very well that I am not on this committee and yet I am an accountant.

The Speaker (Mr. Mati): No, Mr. Tsuma if you allege that the Leader of Government Business does not want to see anybody capable serving on a committee, then, you have to substantiate that.

Mr. Tsuma: Sir, as a Member of this House, you will allow me to say what is my opinion. Therefore, this was my opinion.

The Speaker (Mr. Mati): Order! Before you go ahead, you will have to substantiate your allegation.

Mr. Tsuma: Mr. Speaker, Sir, this is an opinion, and if I may satisfy the House, I do not withdraw. What have I done? Sir, when the Sessional Committee meets—

The Speaker (Mr. Mati): Order! Order! No, you will not continue with your speech until you have substantiated your allegation. No, I am on a point of order! Will you sit down? I am asking you to give the House an example of a case where the Leader of Government Business said or did anything to show that he did not want anybody who was capable sitting on a committee.

Mr. Tsuma: Mr. Speaker, Sir, this was my opinion and its still remains my opinion. However, if for the good of the House—

The Speaker (Mr. Mati): Order! No, I have told you that it is not a question of your opinion. You have alleged something and the assumption is that you know what you are talking about. So, if you do not know, in that case, you withdraw. Will you withdraw that allegation.

Mr. Tsuma: Mr. Speaker, Sir, because I want to make my point and I have made it—

The Speaker (Mr. Mati): Order! Order! No, Mr. Tsuma will you sit down again. It is becoming a habit with some Members when they stand up to withdraw something to give a condition. Now, that is not allowed. When you withdraw, you withdraw with no conditions whatsoever. If you put a condition, then, it is not a genuine withdrawal.

Mr. Tsuma: Mr. Speaker, Sir, I withdraw and continue. Mr. Speaker, Sir—

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, the hon. Member in pointing out that the Leader of Government Business does not wish to see a capable person appointed on a Committee was, in fact, implying that the Members of this Committee are not capable. This is a very serious allegation. Is he in order to imply an improper motive to the Members of the Committee that they are not capable? I have seen these men at work and, I think they are all very, very capable men. I take a very serious view of what the hon. Member said.

The Speaker (Mr. Mati): Yes, you are right, Mr. Gatuguta. It could be inferred by that, therefore that those who serve on the Committees are not capable by Mr. Tsuma's standards. However, since he withdrew the remarks, we will take it that he withdrew everything.

Mr. Tsuma: I might as well, Mr. Speaker, Sir, inform my hon. friend that I did not really imply that the Members on the Committees are not capable of what they should do on the Committee. I am very sorry if he thinks so.

With these few remarks, I beg to support.

The Speaker (Mr. Mati): I do not know whether you have completed your speech because you can continue next time?

Mr. Tsuma: Mr. Speaker, Sir, I would like to continue next time.

The Speaker (Mr. Mati): All right. You will continue next time.

MOTION FOR THE ADJOURNMENT
EVICTION OF SQUATTERS

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

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

Mr. Seroney: In supporting this Motion that the House do now adjourn, Mr. Speaker, Sir, I would like to remind the hon. Members briefly what the question by the Member for Parklands was all about. In Question No. 42 (1259), the Member for Parklands was trying to seek from the Minister an indication whether the Minister would introduce any legal remedies to enable the squatters on a farm which is being sold to be given first priority.

Now, we have been told time and again that it is the Government's policy that where a farm is to be sold, those who are squatters on the farm are given first priority. This is what the Assistant Minister, no doubt, referred to as a Gentleman's Agreement when he replied to the question. Now, the trouble with a gentleman's agreement, Mr. Speaker, Sir, is that it only operates as long as both parties are gentlemen. This is not always the case because some of the people who are selling land are doing it with a view to raising money and leaving the country. We have had occasions when a non-citizen wants to sell the land he has been occupying, but because somebody from outside has offered him more money than the squatters, then he sells to the outsider even though it means that the squatters will thereby be evicted because they could not produce as much money as the outsider. In any case, this is only a gentleman's agreement which has no legal effect and it is quite clear that something has to be done; some legal remedy has to be provided for in order to place this so-called "gentleman's agreement" on a legal footing, in order to carry out what is, in fact, the policy of the Government. I am satisfied that it is and has been the policy of the Government that squatters should be given first priority. However, in a showdown everybody will be the first to remind you that this agreement has no legal force and that you cannot enforce it,

in view of the existence of the concept of willing-buyer, willing-seller, you cannot force a land-owner to sell his land to "A" instead of "B" simply because there is a gentleman's agreement.

Now, Sir, the answer given by the Assistant Minister amounted, in fact, to saying that I, the questioner, should bring to this House a Private Member's Bill. In fact, that is a summary of what the Assistant Minister for Lands and Settlement said. However, Mr. Speaker, Sir, the Minister knows very well that introducing Private Member's Bills is a costly affair and that the Government is better placed to bring Bills into this House at Government expense. If the Government wants to give its policy legal effect, the best way they can do it is to co-operate with the Member for Parklands and introduce a Bill into this House in order to place the gentleman's agreement on a legal footing. That is why I considered his reply unsatisfactory because this problem is not a problem confined to any one place. You will find squatters in the Rift Valley; you will find squatters in the Central Province; you will find squatters in the Eastern Province and you will find squatters everywhere where the *wazungus* were given land before. I would like the Minister concerned to have a second trial at giving a more satisfactory reply than the one he gave me; that, if I wanted, I could bring a Bill before this House. Of course, I know I can do it but the Government is in a better position to do it.

Therefore, with those few remarks, Mr. Speaker, I beg to move the Motion.

Mr. Kivuitu: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to speak in support of this Motion. I think the Motion is very clear and very simple. The answer given by the Assistant Minister was very unsatisfactory on various grounds, most of which have been covered by the first speaker.

Mr. Speaker, Sir, the Assistant Minister reminded us of the constitutional provisions which provide that somebody's property is protected. I would like, Mr. Speaker, Sir, to quote the section of the Constitution which covers that so as to indicate the obvious intention of the makers of this Constitution. Of course, it was brought to us here and then we adopted it. Now, section 75 subsection (1) says:—

"No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say:—"

Then, it goes on to give conditions. However, it goes on in subsection (4) to say:—

[Mr. Kivuitu]

"No person who is entitled to compensation under this section shall be prevented from remitting within a reasonable time after he has received any payment of that compensation, the whole of that payment (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his choice outside Kenya".

Now, is it not clear that this section was not meant for people who are actually citizens and domiciled in this country. It was only meant to protect the foreigners who own property here. Is that not really the purpose of this Constitution and especially this particular section of the Constitution? If it is, then, are we here, as a Parliament, to protect the property of foreigners or the property of our own people? This is the question. And the Assistant Minister had the guts to stand up in this hon. House and begin reciting constitutions which do not exist! The Constitution protects the property of foreigners. That is why we say why cannot the Government devise a piece of legislation within the Constitution—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to challenge that the Constitution does not exist when he has it with him and again is it not true that he was sworn in in order to defend and protect the Constitution which he is now challenging?

The Speaker (Mr. Mati): No, he is referring to a section of the Constitution which he does not agree with.

Mr. Kivuitu: I remember, Mr. Speaker, Sir, it was the same Assistant Minister who used to be the protector of squatters but he has now become the enemy of the squatters.

Mr. Speaker, Sir, the point I am trying to make is that it is possible for a provision to be made in our law, even if it needs amending the Constitution. We still can amend this Constitution. This is not the Bible. Even the Bibles these days are being produced in a version which reads like a novel. If the Bible can be amended, we can also amend this Constitution. Even the Koran's words have been proved wrong, that people cannot go to the moon. Some people have gone to the moon. This Constitution is not a Bible and it is not a Koran. So, Mr. Speaker, Sir, it is possible to amend the Constitution so that the rights of our own people are covered and protected. Their rights are very simple. This is their country but the foreigners found this land here. Why did God not create the *Mzungu* here. Why did he come here and take our land which

was our own land? We should be able to have the courage to introduce amendments to the Constitution which will definitely cater for the owners of this country—they are the only *wananchi* who are squatters.

The other thing which the Assistant Minister mentioned in his reply was that if in effect we amend this we will be allowing a servant—because he has stayed in your house for a long time—to have a right in that house. Obviously, a servant is not a squatter. I do not know where the Assistant Minister learnt his English! A house servant or a servant living in the servant's quarters is not a squatter. If he is a squatter there, then he must be a farmer, and being a farmer, all his squatters are his servants. I suppose they also cook—which means they actually do more than they are allowed by the law, and he is breaking the labour law.

Mr. Speaker, Sir, the reply by the Assistant Minister was short and showed a lot of lack of interest in the welfare of the people of this country. It is because of this that this matter was raised.

All we are asking the Assistant Minister—I am sure, if it had been given to the Minister for "Action", Mr. Angaine, who is always sympathetic with the poor, the squatters and the landless, I am sure we will definitely get somewhere with this idea which we are trying to suggest to Government. Please try to work out an arrangement—Do not just tell us that we must have a gentleman's agreement. A gentleman's agreement with a buccaneer who is leaving our country and going away with all the property without paying tax, charges and levies because the Constitution says so!

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

Mr. Karungaru: Mr. Speaker, whereas I would not like to quarrel with the Assistant Minister who replied to this question, I would like to advise him because he appears to have not been all that conversant with what is taking place in this country.

We have the Commissioner for Squatters in this country, and this Commissioner is taking care of the interests of our people, who have been subjected to being squatters in their own country. This happens, Sir, as a result of having allowed ourselves, through the so-called Constitution, I am calling it that because if it is—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. Is it in order for the Member to refer to our Constitution as the "so-called"?

The Speaker (Mr. Mati): No, it is not quite in order, Mr. Karungaru. As Mr. Kariuki reminded another hon. Member, all the Members here swore to defend the Constitution. That is, the Constitution of the Republic of Kenya. You may disagree with sections of the Constitution, but it is up to you to see to it that they are amended. But the Constitution as a whole should not be challenged.

Mr. Karungaru: This section of the Constitution is the one which is supposed to be referred to as the "so-called", and it should be amended with immediate effect.

Mr. Speaker, Sir, why do we say this? It is because instead of helping our own indigenous people we are thinking of protecting members of other nations, who are foreigners. Mr. Speaker, for how long are we going to be dominated by the philosophy of the foreigners in this country? If it is the question of a colonial hangover we would like to advise the Assistant Minister and the Minister in charge of the Ministry to change this kind of negative attitude and to help our people who have mandated them and ourselves to be in this House. Without them, gentlemen, we could never be here.

Let us be honest to ourselves and let us not pretend that we do not know the existing problems facing our own people. Mr. Speaker, Sir, we have to behave like hon. gentlemen who know the problems of their own people, and it is only when we do so that we shall solve the problems now facing this country. After all, Mr. Speaker, why should we safeguard some sections of the Constitution if they do not safeguard the interests of our people. This is the question and if this situation is rectified, you will surely, Mr. Speaker, Sir, never hear an hon. Member standing up in this House trying to challenge any section of our Constitution that is supposed to take care of our people. However, this is not the case, because some sections in the Constitution do not take care of our people but rather they safeguard the positions and interests of people who do not have any interest in this country other than milking this country and sucking our blood and I do not know until what time they will do this. Mr. Speaker, Sir, it must be established that we have suffered enough and we cannot tolerate to suffer any more. It is now time for us to say that those who have never suffered should be subjected to suffering and those who have been suffering should be set free. They should be freed from sufferings of this kind and it is only in so doing that we can be regarded as proper custodians of our people in a House like this which I consider to be very honourable.

Mr. Speaker, Sir, we are speaking with bitterness

simply because the situation has already provoked us and we do not want hon. Members who are sitting there to defend what they know pretty well is not for the interest of this country. If they are the defenders of falsehood which is known, they should start changing their attitude and know this; if they are not going to do it in good time, they will be forced to do it and if they refuse, they will be made do it when they do not want to. Mr. Speaker, Sir, it was only this afternoon that we had a debate in which we have been quarrelling with the civil servants as if they are the people who are making all the mess. The Ministers are the people who are supposed to be put on the carpet and be challenged and at the same time be told that they are becoming reproachful and that they are running away from their own responsibilities. Mr. Speaker, Sir, this is why the nation is now in a state of instability, and unless this is corrected and corrected in time, it will provoke us tomorrow. I only hope that we are living within the means of our own understanding and not under any hypothetical philosophy which these Ministers are trying to bring to this House.

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

Mr. Komen: Thank you very much, Mr. Speaker, Sir, for giving me these few minutes to support the Motion. I am very pleased that even people from Embakasi who look after planes know very well that we have a problem of squatters. Mr. Speaker, Sir, we who represent squatters, experience a great deal of difficulties because the Ministers themselves who recognize this gentleman's agreement are causing a lot of problems to us Members who represent farming areas. Mr. Speaker, you find that when squatters settle on a given piece of land, they are troubled by outsiders and these outsiders are the people who do not come to seek help from us but instead keep saying, "You are the Government and you did say that when such-and-such a farm is sold, you are the first people to be considered for that farm". However, Mr. Speaker, even if these people write a letter to the Divisional Land Board, they will never be considered. I do not know what the Minister was doing when he created this post of Commissioner of Lands. I think this post should either be cancelled or they do something about these people. We cannot go on seeing you fill books and files with names of people numbering into thousands and thousands and yet you cannot do anything for them. If you are trying to create jobs for your friends in the offices, you had better say so instead of making people line up for about ten days trying to register them and telling them that this honourable Government of ours will do

[Mr. Komen]

something for them. Unless the Minister comes out with a solution to this sooner or later we are going to tell the *wananchi* that the Ministers who are here are to protect the foreigners but not the ordinary Africans, the *wananchi*. So, we are warning the Ministers because we are fed up with all the implications involved when you are quoting something, clinging on the civil servants.

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

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the two gentlemen, the Mover and the Seconder of this Motion are knowledgeable people who are lawyers—though I believe—but they must understand something: they are the lawmakers in this Parliament and whatever law is made in this Parliament should be stuck to otherwise you will see me as a Minister facing the music in the court because I have not obeyed the law. Then, I will come to you and say, “My lawyers, defend me and I will give you money.” Unless the Constitution is changed in this Parliament there is nothing which the Minister for Lands and Settlement or the Government can do because we are there to respect our Constitution.

Mr. Speaker, Sir, without wasting the time of this House this is the Government's reply: The suggestion that the squatters or persons residing on farms other than the legal owners should be given an absolute right of ownership ignores the fact that the private land can only be taken from its registered owner in accordance with the provisions of the Lands Acquisition Act of 1968; the Limitation of Actions Act 1968 No. 121 and under certain circumstances the Agriculture Act, Cap. 318; and would be contrary to the safeguard in respect to property contained in section 75 of the Constitution of Kenya Act 1969—the one which you have just read to us. In the circumstances outlined by the hon. Member the persons concerned would appear to have been on the land with the consent of the owner; and consequently they could not acquire rights under the Limitation of Actions Act 1968. Indeed, it would be most unjust if in return for permitting the persons to reside on the land by the owners such persons become the owners of the land under the suggested legislation. The immediate result of the introduction of a Bill of the nature proposed would be that all landowners would be forced to endeavour to remove all squatters and licensees from their land for their own protection and ensure that no squatter comes onto the land in future. This would, of course, aggravate the situation seriously; furthermore such proposed legislation would nullify to a considerable extent the usefulness and purpose of the land

and lead to most undesirable fragmentation of the agricultural land. The Government sympathizes with the problem of labourers who have been residents on a particular farm for a considerable number of years and who are required to move at a short notice. However, such a situation must be considered from all aspects and unless the legislators consider the Limitation of Actions Act 1968, inadequate, as Government does not subscribe to this view, it would be undesirable to attempt to introduce such a legislation. In order that we can meet the demands of the squatters and to do away with farm labour we should be given an opportunity of settling *wananchi* in good places. As the hon. Member is aware the Government is actively pursuing a farm purchase policy to accommodate as far as possible landless *wananchi* to farm their own land.

In the circumstances, I must state categorically, Mr. Speaker, Sir, that Government will not consider introducing legislation of this nature as proposed by the hon. Member.

With these few remarks, Mr. Speaker, Sir, I beg to reject this Motion on behalf of the Government.

The Speaker (Mr. Mati): We have only one minute or so.

Mr. Kanja: Mr. Speaker, Sir, with your permission—

The Speaker (Mr. Mati): The Minister has just replied.

Mr. Kanja: Mr. Speaker, Sir, I stand to say only one or two words. The future of our own people the so-called or as they call them, “squatters” is in dilemma because our Government is running away from its own responsibilities and is leaving our own people to languish, to perish and at the mercy of foreign governments because of a piece of legislation in the Constitution that was enacted when we attained independence at the Lancaster House Conference. It is high time our own Government realized this and took steps to abolish or amend this piece of the Constitution so that our own people can benefit from the land which they really fought for and for the land for which their fathers and sons died for. As such they should really be entitled to a piece of land where they can be buried when they die. Otherwise, we are not going to sit back and say that all is well in Kenya when our people are suffering and Government turns round to say that there is nothing that the Ministry can do. Where will these people go, England, or to India while foreigners are occupying the whole of the land in the Rift Valley when our own people are walking on the streets.

[Mr. Kanja]

This is something which should make our Government ashamed. I have every respect for the Minister, but surely as a Government, we have to come to our senses and hold ourselves wholly responsible for the welfare of our own people but not responsible for welfare of the big tycoons sitting in London and Bombay and we continue to say we have a Government. This is a shameful thing, Mr. Speaker, Sir.

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

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is therefore, adjourned until tomorrow, Thursday, 18th March, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 18th March 1971

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

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

PRAYERS

NOTICE OF MOTION

STUDY AND VALUATION OF EDUCATIONAL SYSTEM

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

THAT considering it desirable that our educational system should play the most significant role in the development and consolidation of a truly national cultural economic, political and social system, this House urges the Government to carry out an immediate and careful study and evaluation of our educational system in pursuance of that objective and to report back to this House its findings and recommendations within six months after the adoption of this Motion.

Hon. Members: Hear! Hear!

ORAL ANSWERS TO QUESTIONS

Question No. 170 (1506)

CAUSE OF SCUFFLE AT OYUGIS TRADING CENTRE

Mr. Mbori asked the Vice-President and Minister for Home Affairs if he would tell the House what had led to the scuffle which took place at Oyugis Trading Centre on 12th November 1970 between some African businessmen and an Asian or Asian counterparts.

The Speaker (Mr. Mati): Ministry of Home Affairs?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. On the 12th of November 1970, Mr. Azaria Oduor, a businessman at Oyugis, went to a shop belonging to an Asian to buy some wooden shelves for his shop. The Asian refused to sell the same as he had already sold them to another person. Mr. Oduor, who was with two other Africans, started to abuse the Asian and they, furthermore, assaulted him. All three have been arrested and charged with the offences of, (1) creating a disturbance in a public place and, (2) assault causing actual bodily harm.

Mr. Lotodo: Mr. Speaker, Sir, can the Assistant Minister tell the House whether there was only one shelf in the shop and that is why the fight took place?

Mr. Matano: Well, I am not aware whether there was more than one shelf but at least I know

that the one which Mr. Oduor wanted to buy is the one which had already been sold to somebody else and that is where the trouble started.

Mr. Mbori: Mr. Speaker, Sir, is the Assistant Minister aware that this kind of behaviour displayed by some African businessmen is not quite healthy to their counterparts wherever they may be because I believe the Asian was right to say that he had sold his property? Why should force be used to sell articles out?

Mr. Matano: Yes, I am aware, Mr. Speaker, Sir.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply when he said that the goods Mr. Oduor wanted to buy had already been sold to someone else, why—if they had been already sold—were they still in the shop? Why were they not locked somewhere else?

Mr. Matano: They were still in the shop because the man who bought them had not collected them.

The Speaker (Mr. Mati): Next question.

Question No. 154 (481)

LOANS TO CHIEFS FOR PURCHASE OF VEHICLES

Mr. arap Cheboiwo asked the Minister of State, President's Office if he would tell the House—

(a) whether it was true that chiefs and sub-chiefs in some areas in the Republic are given loans to buy vehicles while in other areas, especially the less developed ones, they are not getting such loans;

(b) if this is true, why is it so; and,

(c) how many have been given loans in Baringo.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. (a) It is not true. The criteria governing the issue of an advance, for purchasing a motor vehicle, to any civil servant is: (1) Funds must be available, (2) whether an advance will cause the officer financial embarrassment as a result of the monthly deductions—and the hon. Members know that—and (3) whether an officer requires a vehicle for the performance of his official duties. Officers on temporary terms of service are, of course, not eligible for advances for very obvious reasons.

The above conditions have to be fulfilled for all officers, chiefs included. This applies to the whole Republic.

(b) This does not, therefore, arise because of the above explanation.

(c) As far as Baringo is concerned, there is one chief in Baringo District who was given an advance to buy a car.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the answers given by the Assistant Minister, that there is only one chief in Baringo District who has been given such a loan, and as we know we have 19 chiefs in Baringo District, what happened to the remaining 18 because these people really need these vehicles for performing their official duties if that is the criteria he wants? They have large locations to look after and they cannot move on foot.

Mr. Munyi: Mr. Speaker, Sir, that is very good and I would like to advise the hon. Member to ask all those chiefs to send in their applications and their applications will be considered on merit.

Mr. Kurgat: Mr. Speaker, Sir, considering the geographical conditions of Baringo District and as the question implies that in other areas chiefs get loans to buy cars—since if you consider Baringo District, as it is, it is not all that easy to visit every area, instead of asking the hon.—

The Speaker (Mr. Mati): Order! Will you ask your question or if you have no question then just sit down.

Mr. Kurgat: The question is this: Instead of the Assistant Minister asking the hon. Member to tell the chiefs to send in their applications, could he authorize that all Baringo chiefs—considering the geographical conditions—are entitled to a car loan?

Mr. Munyi: Mr. Speaker, as soon as they submit their applications, they will be considered on their own merit and action will be taken.

Mr. Onyulo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, did I understand him to say that the availability of funds is also a factor that makes the application not be approved, whereas it is understood that the funds with which vehicles are bought are negotiated by a certain company?

Mr. Munyi: Mr. Speaker, Sir, I would like to clarify one of the points and say that we are only dealing with officers who work with Government. To give more information to the hon. Member, I would like to tell him this: there is a Government ruling that officers receiving salaries of less than £600 per year are not eligible for car advances. The reason is that the officers receiving less than £600 are not likely to bear the heavy monthly costs in repayment of any advance as this might render the officers to be financially embarrassed.

The case of chiefs earning less than £600 is being reviewed in view of their peculiar position and duties.

Chief Marogo arap Cheptain from Baringo is the one who was given this advance, Mr. Speaker, Sir.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that all junior civil servants are not allowed even to conduct businesses while the superscales are?

Mr. Ayah: Mr. Speaker, Sir, arising from one of the answers from the Assistant Minister, where he says that officers earning less than £600 a year cannot be advanced car loans and so on, I am interested to know from the Assistant Minister, upon what authority—part of the law or the Constitution—allowed Government to make that ruling?

Mr. Munyi: Mr. Speaker, Sir, my good friend is aware of Government regulations, which are different from the Constitution of Kenya. There are regulations and directives by Government.

Mr. Ayah: On a point of order, Mr. Speaker, Sir, my question is based on this regulation that Government has made. I am just trying to find out from the Assistant Minister the part of the Constitution or any law passed by this House from which that regulation has arisen. That is what I am trying to ask, and I do not want all these words.

Mr. Munyi: Mr. Speaker, Sir, I would like to tell the hon. Member that there is a difference between Government regulations and the Constitution. There have been a number of regulations or directives—those are different from the Constitution.

Question No. 169

CATTLE DIPS IN MARSABIT DISTRICT

Mr. Kholkholle asked the Minister for Agriculture if he would tell the House—

- (a) whether he was aware that in the whole District of Marsabit there is no single cattle dip and that is due to the people not knowing the meaning and the use of the dips; and
- (b) whether he would consider constructing one to show the people their meaning and use so that in future they could build more dips on Harambee basis.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. (a) The main reason for dipping or spraying cattle with acaricides is to prevent the spread of tick-borne diseases, in particular the East Coast Fever, which is the greatest single killer of cattle in this country.

Marsabit District is fortunate in that East Coast Fever does not occur to any great extent mainly because conditions there do not generally favour the existence of the ticks which carry this disease.

[The Assistant Minister for Agriculture]

(b) Construction of dips or spray races is a costly affair, as also is the regular use of dip fluids, and if no great advantage is gained it is a needless expense.

There is no need actually to panic over the absence of dips in Marsabit because the circumstances do not require them. However, should they become necessary the people of Marsabit will receive the necessary assistance in the construction of the necessary dips.

Mr. Kadir: Mr. Speaker, Sir, is the Assistant Minister aware—though he thinks that Marsabit has no need for dips—that in some settlement schemes, such as the one that were started in forest areas, there is a need for dips and the Ministry has never shown any interest in that area?

Mr. Wanjigi: Mr. Speaker, that is a different question.

Mr. Kholkholle: Mr. Speaker, Sir, the Assistant Minister is trying to make the situation not to look serious, but I would like him to tell this House, if he is sure there are no ticks in Marsabit. I am sure there are a lot of ticks in Marsabit and the cattle do suffer because of these ticks. Therefore, I would like to tell him that it is very necessary to have dips. I would now like to ask him to assure this House that he is going to construct a few dips so that he people can know the use of dips.

Mr. Wanjigi: Mr. Speaker, if the hon. Member listened to my answer, I did not say that there are no ticks in Marsabit. What I said is that there are no ticks which carry the East Coast Fever disease.

Mr. ole Leken: Arising from the Assistant Minister's reply, though there are no ticks which carry this disease in Marsabit we know that there are plenty of them which are parasites to the animals. They suck their blood and, in fact, cause them to lose value and also they spoil the skin of the cattle. Could the Assistant Minister consider establishing dips so that the cattle are kept in a healthy condition?

Mr. Wanjigi: No, Mr. Speaker. We cannot consider that. In fact, the greatest danger in the destruction of hides is not the ticks but is the bad management of the hides before and after the cattle have been slaughtered.

Question No. 162 (1492)

KENYA INCOME TAX DEPARTMENT

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

(a) when the Minister would consider setting up a Department of Income Tax to be

directly and wholly under the Kenya Government while the Income Tax Department of the Community continued to serve the Community;

(b) how much money by percentage was collected for the Community within the Kenya borders;

(c) if the money so collected was distributed proportionately or equally among the Partner States.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. (a) The answer here is "No". The Regional Department of the East African Income Tax Department is already serving Kenya and there are similar Regional Departments serving Tanzania and Uganda. There could not be a Department of Income Tax serving merely the East African Community since the Community is not a country which comprises a population separately taxed from the population of the three countries together.

(b) In the year ending June 1970, the allocation from the General Fund of the East African Community deducted from the tax collected on Kenyan manufacturing and finance companies was K£357,000. This was equivalent to 53 per cent of the total deductions from similar tax collected in Uganda, Tanzania and Kenya.

(c) The question here does not arise because the monies collected goes to financing of the General Fund common services and is not distributed to the Partner States.

Mr. Magugu: Mr. Speaker, Sir, can the Minister tell me why he finds it difficult to set up an Income Tax Department in Kenya to cater for Kenya alone and, as regards (c), why is the money not actually distributed to the Partner States as he mentioned?

Mr. Kibaki: Mr. Speaker, while I do not know if the Member has read the Treaty for East African Co-operation, I would advise him to do so because the formula for collecting money to finance the common services is spelt out there in section 68 of the Treaty.

I have already answered why we do not need an additional department, in addition to what we have now. What we have now is quite sufficient.

Mr. Kanja: Mr. Speaker, would the hon. Minister tell this House why companies and individuals under collection of income tax have to be forced by circumstances to employ their own people and pay them just to do returns for the Income Tax Department instead of the Government incurring expenditure for that particular purpose?

Mr. Kibaki: Mr. Speaker, this of course, is a different question but all over the world the declaration of income has to be made by the one person who really should know about what income he has earned. That is the person who has earned it. The rest of us can only check whether he is telling the truth or hiding some facts.

Question No. 86 (1344)

CONSTRUCTION OF GALOLE/KITUI ROAD

Mr. Kitonga asked the Minister for Works if he would tell the House why the construction of the road from Galole towards Kitui East had been stopped, yet it had been constructed up to the boundary of Galole and Kitui Districts.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The track from Galole to Waldira has been in existence for a very long time; it appears in the road registers as route No. C 99 at least prior to 1950. It is difficult to tell when it was built and why construction did not proceed beyond Waldira.

It is possible that since so much work has had to be done by my Ministry over the last year on many hitherto neglected public roads, members of the public may think that these routes are being built. In fact, they are only receiving some of the backlog of maintenance which was neglected in the past few years.

Mr. Kitonga: Mr. Speaker, Sir, according to the Junior Assistant Minister's reply—

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, would the hon. Member refer to the Assistant Minister as "Assistant Minister" which is the right title, instead of "Junior Assistant Minister"?

The Speaker (Mr. Mati): I imagine since there are constitutional provisions which state clearly what the Ministers are they should be referred to by that term. In this case it is, "Assistant Minister". Otherwise, however, there would be no harm done.

Mr. Kitonga: Mr. Speaker, according to the reply from the Assistant Minister, since he says it is difficult to tell why the construction has not proceeded beyond Waldira, he is not able to tell, would he be able to tell? If he, as the Assistant Minister cannot tell, who would be able to tell?

Mr. Keen: Mr. Speaker, I am grateful for the remarks made by the minor chief, who no longer, in fact, exists as a chief although he continues to ask the House that he should be referred to as chief. He is only an hon. Member of Parliament

representing Kitui East. So, Sir, as far as I am concerned I am not offended by his remarks.

Sir, I am the only one who would be able to tell the House but I have already made the point clear, that some of these roads were constructed by the former local authorities and we had no concern there at that time. Since my Ministry took over the road maintenance we have been heavily committed to a number of useful public roads and we cannot possibly say just now as to what we are going to do, when we are going to undertake the repairs or maintenance of this particular road.

However, Mr. Speaker, as soon as funds are available we will look into it and as far as Kitui East is concerned, where the minor chief comes from—the ex-chief—I would like to say that more attention has been given to roads in Kitui East, probably more than any other constituency I know of.

Mr. Kitonga: On a point of order—

The Speaker (Mr. Mati): No, let us not go into more points of order. Order!

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he always says, "When finance is available", could he now tell us why the construction work on this road was stopped? There is no road for the drivers to take these people when they want to go to Galole. How will they go there?

Mr. Keen: You can fly to Galole if you like. You can get there by air, you can get there also by car.

Mr. Kitonga: Mr. Speaker, Sir, I am not satisfied with the answers of the Assistant Minister and I wish to seek your guidance whether you can be strict and instruct him to answer me, especially with regard to paragraph one where he says, "It is difficult to tell when it was built and why construction did not proceed beyond Waldira." If he does not know, and he is an Assistant Minister in this Government, then who will know? He has not given me an answer and this is embarrassing to the Government. He had better promise to get the answer.

Mr. Keen: I have nothing to add to what I have already said, Sir.

Question No. 166 (1497)

INCREASE OF PRICE OF BEER

Mr. Mulwa asked the Minister for Finance and Economic Planning if he would tell the House, taking into consideration that over 12 million bottles of beer were consumed each month in the Republic, the Minister would consider introducing a tax of one shilling per bottle,

[**Mr. Mulwa**]

and excise which would enable him to raise about K£7.2 million per annum, which amount could be used for reducing the fees payable by parents in primary schools.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. I will be giving a longish reply because this is an important question.

The consumption of beer in Kenya at the present time is approximately 48 million litres per annum or 4 million litres a month on the average. This is equivalent to about 7 million large bottles of Tusker and Pilsner per month.

I am not clear whether the Member for Makueni is proposing that the total excise duty on a large bottle of Tusker or Pilsner should be Sh. 1 or that we should impose an additional duty of Sh. 1 over and above the present rate of excise duty. If he means the former, I am sure that the Member would like to note that the current rate of excise duty on one large bottle of Tusker is 92 cents, and on Pilsner it is 93 cents. This, I hope, meets part of his problem.

If, on the other hand, the Member, as he has just shouted, is seeking for an additional tax of Sh. 1 per bottle, I would like him to note that the level of tax today is 44 per cent of the wholesale price, and if it were raised as he proposes, it would become 92 per cent of the wholesale price. At that rate, Mr. Speaker, we might get people moving to other substitutes, even more effectively, like *pombe* and *chang'aa* for power, and similar things, and I am sure we may not realize the objective the Member has in mind.

Mr. Mulwa: Mr. Speaker, Sir, is the Minister trying to convince us that if we raise the tax on beer by Sh. 1 as I have suggested in my question, that people will stop drinking beer?

Mr. Kibaki: Mr. Speaker, I am not trying to convince the hon. Member about anything. I am merely stating what appear to us the normal educated guesses of how the market will behave.

If the Member for Makueni is saying that he will not stop drinking beer even if it is sold at Sh. 6, I would like to note that and hope that this might be the reaction of many people in the country. But I do not think it will.

Mr. Koigi: Mr. Speaker, is the hon. Minister aware that we are trying to get the nation some money to run primary schools and this is something which we promised in our Kanu Manifesto? We promised that we would provide free education and we have not been able to do so.

Mr. Kibaki: Mr. Speaker, Sir, I am fully aware

that all these proposals are aimed at increasing the revenue available to the country for financing the services the Member has in mind. The only question is whether this particular method of raising the money will raise the money or raise actually less than the Member is anticipating.

Hon. Members: More! More!

Mr. Kibaki: Mr. Speaker, Sir, I do note the interjection.

Mr. Owala-Orwa: Mr. Speaker, Sir, as the Minister has admitted that this question touches a very important issue and as he seems to be afraid of the amount of tax suggested by the hon. Member, is he indicating that a little increase of tax on beer would not be bad? If so, as he is the Minister who is in charge of raising money, what other sources does he think would be used to raise the amount of money suggested by the hon. Member so that this important issue is fulfilled as he has accepted?

Mr. Kibaki: Mr. Speaker, Sir, I think on the last part of the hon. Member's question, he is requiring us to state some budgetary proposals here and now, which I think is a little bit early by about two or three months.

On the other part, we are not afraid of the level of tax or anything. All I am saying is we know of countries where, if the tax on certain consumable goods is doubled— This is what is being proposed, Mr. Speaker, to double, not a small increase. I do not know about the Member's conception of what is small. We are being asked to double, we are not being asked for a small increase.

Hon. Members: Sh. 1.

Mr. Kibaki: Sh. 1, Mr. Speaker, is double the present level of taxation.

Sir, the hon. Members are quite within their rights to propose that they would continue to take the same quantity but would we sell the same volume of beer in the Republic?

Mr. D. M. Kioko: Mr. Speaker, Sir, while the Minister says that the excise duty is 92 cents, and it is 44 per cent or something like that of the excise duty, with the remainder the Kenya Breweries are making billions of shillings as profit, Would the Minister tell us what he thinks would be the loss to the Kenya Breweries if we the consumers shouldered a heavier burden, if we increased Sh. 1 on top of the present price?

Mr. Kibaki: Mr. Speaker, Sir, the hon. Member who is himself a trader understands these matters. When the price of consumable goods is raised by taxation, the traders pass the goods to the consumers at higher prices so that the tax is,

[The Minister for Finance and Economic Planning]

actually, paid by the consumers. This is how the traders behave, and they are expected to behave like that way as rational human beings. Therefore, Mr. Speaker, the tax would be passed on to the consumer.

As regards the profits made, well, Mr. Speaker, I have to remind the hon. Members that of the profit made by the breweries, we take 40 per cent in the form of company tax. Mr. Speaker, Sir, that is a fact despite the interjection by the hon. Member for Makueni, who should be ashamed of himself.

Mr. Boy: Mr. Speaker, Sir, is the Minister aware that every time the price of beer is raised the consumption of the beer has always increased?

Mr. Kibaki: I did not hear what he said.

The Speaker (Mr. Mati): Would you repeat your question.

Mr. Boy: Mr. Speaker, Sir, is the Minister aware that any time the price of beer is raised the volume of the beer that is consumed increases?

Mr. Kibaki: Mr. Speaker, Sir, I am not aware. I do not know how the hon. Member is aware of that because I hear he does not drink beer. Mr. Speaker, Sir, I have said— Mr. Speaker, Sir, we do know— This is the point I am making and I am not dismissing this proposal out of hand. What I am saying, Mr. Speaker, is that the doubling of the rate of tax may have an effect on the level of consumption which will mean that in the end we may not collect the same amount of revenue. That is all I am saying and I have not said any of the other things the hon. Members are suggesting.

Question No. 173 (1511)

REMOVAL OF ARABIC INSCRIPTION FROM
KENYA CURRENCY NOTES

Mr. Araru asked the Minister for Finance and Economic Planning if he would tell the House what led him to remove the Arabic inscription from the Kenya currency notes.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. In the old days, the three East African countries, together with Aden, had one currency. Under this arrangement Arabic characters were needed on the notes to facilitate identification of the notes in Aden and partly in Zanzibar where, as the hon. Member knows, Arabic was the language in the court of the then Sultan. When Kenya secured her independence, Mr. Speaker, Sir, we considered that Swahili and

English were adequate languages within the borders of this country.

Mr. Araru: Mr. Speaker, Sir, arising from the Minister's reply, and while not denying that English and Swahili are our languages, will he also agree or deny that Arabic is also one of the most spoken languages in Africa and we need it?

Mr. Kibaki: Mr. Speaker, Sir, I do agree that Arabic is one of the languages spoken widely in certain parts of Africa, particularly in the North; but, Mr. Speaker, Sir, we are talking about Kenya currency which is printed primary for the convenience of Kenya.

Question No. 146 (1458)

DIVISIONAL AREA COUNCILS IN BUSIA

Mr. Ebu asked the Minister for Local Government if he would tell the House when Government would establish area councils in Busia based on divisions.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The Government has decided that area councils will cease to exist but in their stead there is to be established locational councils based on locational units. In the circumstances, Mr. Speaker, Sir, the question does not arise.

Question No. 152 (1479)

DEMOTION OF EMPLOYEES OF
LOCAL AUTHORITIES

Mr. arap Cheboiwo asked the Minister for Works if he would tell the House whether—

- (a) it was true that there were qualified people working for the local authorities all over the country who had been demoted and had their salaries reduced;
- (b) if it was so, what the Minister was doing about them.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The question of demotion did not arise when Government employed former local authorities employees who were qualified in their work. Employees were offered employment according to their qualifications and experience and their salaries have been adjusted in order to bring them in line with Government Civil Service salary scales. The adjustment of salaries cannot be interpreted as demotion because these officers now enjoy the same privileges as those enjoyed by other Civil Servants.

I cannot propose to take any further action on this matter. However, if a particular employee feels dissatisfied with his terms of service, the matter could be looked into if he brings it to

[The Assistant Minister for Works]

my Ministry. That does not mean that it is a guarantee that he could get the money. This depends on his qualification, experience—cases could be reviewed.

Mr. Kanja: Is the Assistant Minister evading the issue as it stands, knowing very well that there is a collective responsibility and county councils are part and parcel of our Government? Why did those officers who were serving in the county councils suffer reduction of salaries when they started working with the Central Government?

Mr. Keen: I have already stated clearly that the terms of service of the local authorities were quite different from the terms of service of Government Civil Service, and therefore the newly taken over employees of the county councils had their salaries adjusted accordingly.

Mr. Ebu: Arising from the answer given by the Assistant Minister, is he suggesting that the Ministry of Local Government had nothing to do with whatever terms of service the local authorities offered?

Mr. Keen: Mr. Speaker, Sir, certainly, the Ministry of Local Government had something to do with it because the salaries were approved by the Ministry of Local Government, but the terms of service were quite different from the ones of our Civil Service. Furthermore, if I may add here, some of the employees who were under the local authorities and county councils were employed on brotherization basis. All of a sudden, you will find that somebody's salary rose high up regardless of experience.

Mr. Ogalo: On a point of order, Mr. Speaker, would the Assistant Minister substantiate his allegation that some of the councils' employees were employed on brotherization basis?

Mr. Keen: I can produce a list of a number of people, Mr. Speaker, who were given salaries which were not commensurate with their experience.

The Speaker (Mr. Mati): Order, Mr. Keen. You know what you have said now is different from what you said before. If you allege that some people were favoured through brotherization you have to say how you know that. That has nothing to do with somebody having been paid more than you think he deserved. You are alleging that there was a bad motive somewhere.

Mr. Keen: Mr. Speaker, Sir, while entirely agreeing with your point here, I have already said that one of the factors was that salaries had to be adjusted in accordance with the terms of service of all other civil servants. At the same time I did mention that some of these chaps in the

county councils were overpaid; this is through the local authorities not taking into consideration the experience—an employee had.

Mr. ole Leken: On a point of order, Mr. Speaker, Sir, I have observed, with increasing concern, the allegations made on quite a number of occasions in this House in connexion with the local authorities. Amongst all the officers I happen to know who are employed in these local authorities, there is not a single officer whose appointment does not go through the Minister for Local Government, who has equal responsibilities with any other Minister in the Government. If that is the case, why should then the Minister or the Ministry approve the salary paid to these people and yet bring the blame here? Why should they approve the salary?

The Speaker (Mr. Mati): That raises a very wide question because we would have to go into the question of the methods of employment. I do not think we should be pulled into that—Order! I am dealing with a point of order. No, we shall not be dragged into that discussion. You can ask a question, but we cannot go into the whole question of who approves. What we are following up is what Mr. Keen said, that there was favouritism or people were employed because they happened to have brothers holding big posts or something to that effect. That is what I am asking him to substantiate?

Mr. Keen: Mr. Speaker, Sir, if the House so desires, I can lay on the Table—

The Speaker (Mr. Mati): It was only yesterday that I said that we shall not accept conditions when somebody stands to withdraw something he had said because that is not genuine withdrawal at all.

Mr. Keen: Mr. Speaker, Sir, that is the case, but I cannot substantiate right now on this Floor because I have to dig details from the files so as to produce the number of people who were overpaid.

The Speaker (Mr. Mati): No! You cannot say that. Before you said that you should have made sure that you knew what you were talking about, Mr. Keen.

Mr. Keen: I just said so, Mr. Speaker, Sir, at random. However, I know that this has been the case. We could possibly, or my Ministry could not, have just simply agreed to pay salaries to some of the people who were highly paid, but were not up to the required standard. Therefore, we had to reduce their salaries to be in accordance with the salaries of other civil servants.

The Speaker (Mr. Mati): I am asking— You know you are taking the time of this House. This

[The Speaker]

is serious. I am saying that if you do not know of a case where somebody was favoured because someone else happened to know him, then you must withdraw that because you must have heard that the hon. Members are very sensitive about nepotism and brotherization.

Mr. Keen: That is a point I cannot withdraw, Mr. Speaker, Sir, because I know for certain that there have been some cases of that nature.

The Speaker (Mr. Mati): Mr. Keen you will either withdraw since you cannot substantiate or, at least, I might allow you to substantiate tomorrow; but if you defiantly say that you are not going to withdraw, then you will have to leave the Chamber.

Mr. Keen: Mr. Speaker, Sir, I have just said that I wanted to be given some notice so that I can be able to substantiate. I cannot substantiate right now, but I can certainly produce those names. I will do so next Tuesday.

*Question No. 165 (1495)***RENOVATION OF MAGISTRATES' COURTS**

Mr. Mulwa asked the Attorney-General if he would tell the House whether, in view of the fact that Magistrates' Courts were either old buildings or small improvised buildings, he would take immediate steps to renovate these buildings and build proper ones where necessary in order to have buildings for our law courts to match the dignity accorded to the judiciary.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. If my learned and hon. friend has been travelling around the country he would have seen that quite a number of new court houses have been built and a few have been renovated. I cannot do more than we have done at the moment, but if we get sufficient funds we will put up more court buildings.

However, I do not think I agree with my learned friend that buildings have anything to do with the dignity of the judiciary. I think the dignity of the judiciary has more to do with the people in the Judiciary, but not to with buildings because I remember—because I am old enough to remember—when courts used to be held under a tree when justice was being dispensed with.

Mr. Mulwa: I do accept what my learned friend has said, that they have built some new courts. With that, I agree and I give credit for that. Does he agree with me that there still remain some courts whereby the witnesses, in fact, have to be escorted and kept very far away or kept at some distance because if they are near the courts they can hear what the other witnesses are saying, because the courts are just open like that. That is

the kind of thing I am talking about. I can give Kangundo Court, for example.

Mr. Njonjo: Mr. Speaker, Sir, I am quite sure that if this country had a lot of money we would do something because we would like to see a court like the English courts in every corner of the street, but unfortunately we do not have that amount of money. As regards Kangundo, Mr. Speaker, Sir, I am sure that, although I agree with my learned friend, we have courts there and when we have enough money we will put up more courts. However, as I had said, in the days of our forefathers justice was being dispensed with under a tree. I am sure even now when there is no court houses this same thing can be done and there would be very little inconvenience. For the information of my friend who keeps on jumping about like a jack-in-a-box—I do not know why, Mr. Speaker, Sir, an hon. Member should start jumping up and down like a jack-in-a-box while I am still on my feet. I was going to anticipate what he was just about to say, that in Western Province there are number of courts and some of them are very newly built.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Attorney-General's reply, that there were some courts held under the shade of trees, can he not agree that during those days the population was not as large as it is at the present moment? Can he agree also that when rain fell down the courts adjourned at any time and thus interrupting proceedings? In view of the fact that up to now we are still progressing—For example, in Kitale when it rains in the court, which is thatched with grass, the proceedings are interrupted. As a result hearing of cases is interrupted or delayed, Mr. Speaker.

Mr. Njonjo: Mr. Speaker, Sir, I do not accept the hon. Member's theory because our forefathers used snuff and the hon. Member is still using snuff—

Mr. Wabuge: Mr. Speaker, Sir, I seek your ruling here. When I have asked a question I expect to get a reply from the Attorney-General. In view of the fact that the Court at Kitale is thatched with grass and when it rains the judge cannot continue with the proceedings, is the Attorney-General in order, instead of answering my question, to evade my question and instead bring in snuff and whatever it was? Is this correct, Mr. Speaker?

Mr. Njonjo: Mr. Speaker, Sir, I think I am justified in saying what I said because the hon. Member said that times have changed and—I did say that there was a time when justice was being dispensed under a tree. The reason why I referred to my hon. friend and said that he uses

[The Attorney-General]

snuff today is because in certain cases time does not matter. This is because certain things which used to be done 30 years ago are still being done today. I did say that in his area, where he comes from, there are a number of courts and some of them are newly built. If the court he is referring to is not completed, it will be completed when we have enough money.

QUESTIONS BY PRIVATE NOTICE

MONEY SPENT ON FAMINE RELIEF

Mr. Murgor: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office, the following Question by Private Notice:—

- (a) How much money has Kenya spent on relief from the beginning of the famine up to date?
- (b) How much has been donated locally for famine relief?
- (c) How much has been donated from abroad and by whom?

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. As from 17th March 1971, the sum of Sh. 1,026,078 has been spent on famine relief up to date from the Government fund.

The sum of Sh. 150,955.55 cts. has actually been donated locally for famine relief.

And part (c), the sum of Sh. 3,474,000 has been donated from outside.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from the Minister's reply—

Mr. Murgor: Mr. Speaker, Sir, the hon. Minister has not fully answered part (c) of the question: by whom?

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, when I said "locally", I meant this—

Mr. Murgor: Part (c): By whom?

The Speaker (Mr. Mati): These is part (c) how much has been donated and by whom?

Mr. Nthenge: Mr. Speaker Sir—

The Speaker (Mr. Mati): Order, Mr. Nthenge! Will you keep cool?

Yes, part (c): by whom? The last part of the question.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I meant Zanzibar Government, Sh. 1,000,000; China, Sh. 600,000; and CARE—

An hon Member: What is "CARE"?

The Minister of State, President's Office (Mr. Koinange): By that I mean goods and services; articles which are equivalent to money from China are Sh. 1,029,000; Catholic Relief Service, Sh. 36,000; Red Cross Society, Sh. 714,418; Sweden, Sh. 58,575; National Bank of Lusaka, Sh. 1,050; Moniton Committee, Sh. 35,000 and others, Sh. 315 to make a total of Sh. 3,474,372.

Mr. Murgor: Mr. Speaker, Sir, in view of the fact that—

Mr. Araru: On a point of order, Mr. Speaker, Sir, I thought you had given me the first chance?

The Speaker (Mr. Mati): No! You are interrupting and we will not be able to hear.

Mr. Araru: You had given me a chance and now you have called somebody else.

The Speaker (Mr. Mati): No; Never mind. I will call you later, Mr. Araru.

Mr. Murgor: Mr. Speaker, Sir, in view of the fact that this problem was reported sometime ago by the Members from the North-Eastern area and the Eastern Province, and in view of the fact that up to now there are still complaints that there is no transport to transport food to these areas, what has our Government been doing because even the foreign governments have had to be more sympathetic to our people than our own Government?

Mr. Koinange: Mr. Speaker, Sir, I am glad that the Member has raised that point. However, we have spent Sh. 95,342 for transport only and I would like to take this opportunity, not only to thank the people and the individuals who have helped us but, at the same time, Mr. Speaker, we do not like this issue to be exaggerated more than what it is at the moment by any form of group who have been actually helping us. Any information should actually be sought from the Office of the President.

Mr. Araru: Thank you very much, Mr. Speaker, Sir, arising from the Minister's earlier reply when he said that over Sh. 1,026,078 had been spent on famine relief, where has this money been spent; to which district did this money go?

Mr. Koinange: The information of the areas; both in the North-Eastern, Rift Valley and Coast, this amount of money has been spent there.

Now, there is one point, Mr. Speaker, Sir, because I came for that matter and I am prepared—definitely prepared—to give item by item of the places which I did not bring in here of where this transport has been sent to the areas most concerned.

Mr. O'Washika: Mr. Speaker, Sir, in view of the reply by the hon. Minister from the Office of the President, how does this House have specific evidence that the amount which has been contributed from other countries has properly been spent: what evidence do we really have to prove that this money has actually been well spent and there is no accusation going on?

Mr. Koinage: Would you repeat your question?

The Speaker (Mr. Mati): Could you repeat your question briefly, Mr. O'Washika?

Mr. O'Washika: Briefly, Mr. Speaker, and then, I would like the Minister to listen very carefully: we have been told that thousands of money or millions of pounds have been spent on famine relief. However, the only provinces which have been mentioned in this respect are the Eastern Province, North-Eastern Province, Coast Province and Rift Valley.

Now, Sir, how does the House believe exactly that the amount which has come up has totally been spent out; is there any committee which meets to examine this money?

Mr. Koinage: First of all, Mr. Speaker, Sir, there is a committee consisting of a qualified medical officer, district officer and district assistant officer who usually go to the areas and assess whether that particular area is, in fact, definitely in need of food. That is the first point, Mr. Speaker. The second point, Mr. Speaker, Sir, is that—

The Speaker (Mr. Mati): I think you will have to listen first and hear the whole reply.

Mr. Koinage: The second point, Mr. Speaker, is that there is a committee in the Ministry of Provincial Administration and if any hon. Member wants to go there and find out, they will find out this in the Office of the President instead.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): What is your point of order, Mr. Khalif?

The Assistant Minister for Housing (Mr. Khalif): My point of order is this, Sir, in view of the fact that the drought situation had now, in fact, reached devastating proportions and in view of the fact that there has been some haphazard statements—not by the Minister—but by the civil servants in the Office of the President, is it not right, Mr. Speaker, to ask you to order the Minister that henceforth he will, number one, take personal charge of the drought situation and number two, he will not allow his civil servants

to make haphazard statements as spokesmen of the Government.

The Speaker (Mr. Mati): Order! Order! No, I have no power to order the Minister to do that kind of thing, just as I did not have the power to stop you from saying what you have been saying although it is most unusual for Assistant Ministers to ask questions.

Mr. Magugu: Mr. Speaker, Sir, since the Minister did say in his reply that there are committees dealing with the distribution of famine relief food, could the Minister tell the House why these committees have not included Members of Parliament who come from the famine stricken areas because I believe the hon. Members whose areas are involved in this are the ones who brought the issue to light first.

Mr. Koinage: First of all, Mr. Speaker, this is principally the question of food distribution and I was surprised, Sir, that an Assistant Minister could have raised the question of the Government which—

Mr. Mwangale: On a point of order, Mr. Speaker, Sir—

Mr. Koinage: There is no point of order.

The Speaker (Mr. Mati): Will you sit down, Mr. Mwangale. Order! If you raise an issue, you must be prepared to go through with it. Mr. Khalif did raise a point and, in fact, directed me or rather requested me to direct the Minister to do something. Obviously, the Minister, therefore has the right of replying because something was said about him and therefore, he is entitled to say something about what was said about him.

Mr. Koinage: Mr. Speaker, Sir, I was saying this: that the Assistant Ministers or Ministers who are indeed appointed by His Excellency the President should not come here—

Mr. Mwangale: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! Order! I have just said that if something is said about an hon. Member the Member has a right to reply and Mr. Khalif did definitely ask me to order the Minister to do something. Now, the Minister is replying to this and I think it is only fair that you should listen and if you have any question to ask you should do so after he has finished saying what he is going to say.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No more points of order.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): I have just said no more points of order.

The Assistant Minister for Housing (Mr. Khalif): Allow me this one, Mr. Speaker, Sir.

The Speaker (Mr. Mati): No! No! We are dealing with a point of order.

The Assistant Minister for Housing (Mr. Khalif): I will try to be brief, Sir.

The Speaker (Mr. Mati): No! No! Not just now. One thing should be done at a time.

Did you have something to say, Mr. Koinange?

Mr. Koinange: Mr. Speaker, Sir, what I was trying to say is that neither the Ministers nor the Assistant Ministers—who are appointed by His Excellency the President—should stand up in this House to challenge the Government. That is the first point. The second point, Mr. Speaker, is—

Mr. Mwangale: On a point of order, Mr. Speaker, Sir—

Mr. Ahmed: On a point of order, Mr. Speaker, Sir—

Mr. Kioko: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Will you sit down, Mr. Mwangale, Mr. Ahmed and Mr. Kioko?

Mr. Koinange: The second point, Mr. Speaker, Sir, is: when the crisis of the drought went down, a Permanent Secretary who is one of the officers in the President's Office came and joined the Members as well as the District Officer and toured the areas which are affected by drought, we did not hear a word of gratitude for that. Why is this, while we know very well that these people came and saw the thing at the spot and instead of telling the Government the truth, they are not giving respect.

The Speaker (Mr. Mati): No, we are now wasting time. Order! Now, we are taking time for nothing. We just are not getting very far. Mr. Jilo.

Mr. Jilo: Mr. Speaker, Sir, while thanking Government and at the same time the Minister for having disclosed all the figures that were contributed both locally and from some sources outside, may I know the number of bags so far transported to the North-Eastern Province, Tana River District, Rift Valley Province and to other places which involved the Government Sh. 95,342 as transport charges?

Mr. Koinange: Mr. Speaker, Sir, with all due respect to the hon. Member, that is the information I said earlier on that I am prepared to give even if I will be required to do so tomorrow by the hon. Member.

The Speaker (Mr. Mati): Next question, Mr. Mulwa.

Mr. Araru: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No! No more points of order. Just look at the clock and you will know what time it is now.

USE OF LAND BETWEEN HUNTER'S LODGE AND KIBWEZI FOREST BY KIKUMBULYU PEOPLE

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

Since as a result of the drought in Kikum-bulyu area, cattle are dying due to lack of grass and water and since the area between Hunter's Lodge and Kibwezi Forest where 10,000 families were living until late last year when the said area was taken over by the Government and the people removed from there, is still lying fallow, will the Minister allow the people of this location to continue using this area until the Range Management Authorities are in a position to put in their cattle?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to give the following reply. First, I must correct the mistaken statement that the hon. Questioner has made in this question. The area he refers to has never been a part of the Machakos District Trust Unit. It has always been State Land. Having said that, Mr. Speaker, Sir, my investigations tells me that the families have never been more than 20. However, perhaps the 10,000 families the hon. Member is talking about are the number of cattle owned by those people **living there**. The answer to the second part of the question, Mr. Speaker, is: yes, Sir, we shall allow those people to graze there so long as my Range Management Department is not using that area. They are likely to move in there sometimes in July. However, as soon as we move in, I am sure the hon. Member will be the first to go and tell those people to move away from the required area.

Mr. Mulwa: Mr. Speaker, Sir, shall I take it that I can move now and go and tell them to start grazing?

Mr. Nyagah: I did not hear the question. Can the hon. Member repeat it please.

Mr. Mulwa: Mr. Speaker, Sir, my question is. Does the Minister agree that I can even today go and tell them to start grazing in the area?

Mr. Nyagah: Please yourself. You can move in the next second.

SITTING OF RENT RESTRICTION COURT

Mr. Kivuitu: Mr. Speaker, Sir, I beg to ask the Minister for Housing the following question by Private Notice:—

(a) Will the Minister tell the House why the Rent Restriction Court has not been sitting for a long period despite the fact that this has caused a great deal of hardship to tenants and landlords?

(b) How soon will this court sit?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. The reason is that there were some technicalities between the—

An hon. Member: What sort of technicalities?

The Minister for Housing (Mr. Ngei): I am explaining.

There were some technicalities between the 1970 Act and 1971 Act. What really happened, Mr. Speaker, is that formerly, when we amended the 1970 Act, we needed a resolution of the House if we were to continue for a period of a day or an hour. But, it happened that there was a delay before the President assented to the amended Act of 1971. I am very grateful to the hon. Member for Parklands and I would like to assure him that there is an amendment coming to the House in order to make the 1971 Rent Restriction Act be in force and therefore, allowing the courts to proceed with the work which is pending at the moment.

Mr. Kivuitu: Mr. Speaker, Sir, I do not know whether I should say "arising from the Minister" reply because this is a point of order in the sense that part (b) of the question was not replied to. I would like part (b) of the question to be replied to before I ask my supplementary question, Mr. Speaker.

Mr. Ngei: Mr. Speaker, Sir, I said before I sat down that next week, with the permission of the House, the amended Bill will be here and I hope I shall be given the normal support which I have enjoyed in the past from the hon. Members.

Mr. Nthenge: Mr. Speaker, Sir, arising from the Minister's reply he says that there has been some technicalities. Does he mean that these technicalities were such that even the old Act could not be working before the amendment is brought to this House?

Mr. Ngei: Mr. Speaker, Sir, the hon. Member knows very well that the previous Act needed a resolution of the House to continue for another year. What happened, Mr. Speaker, is that the Act was given to His Excellency, the President, rather late when the 31st December had already expired. Therefore, that is why I am saying the delay was there and this was not done.

Mr. Mulwa: Mr. Speaker, Sir, could we know from the Minister whether so far he has Africanized the post of the Chairman of the Rent

Restriction Court? Not that I am interested. I am not, but I just want to know.

Mr. Ngei: Mr. Speaker, Sir, the answer is, No.

The Speaker (Mr. Mati): Next question, Mr. Munyasia.

FINANCING OF FREE PRIMARY EDUCATION
THROUGHOUT THE REPUBLIC

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

In view of the fact that the Minister for Education only requires the sum of £3,743,000 to enable him to give free primary education for one year throughout the Republic, could the Minister get in touch with the Minister for Finance and Economic Planning to set aside the said sum to alleviate the present critical situation caused by drought so as to enable the parents to adjust themselves until next year?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I do not want to question the source of the hon. Member's information but I must tell him that he has his figures wrong.

Mr. Speaker, Sir, as far as I am aware I require an additional £6,000,000 in order to enable me to waive school fees which are accruing in our schools at the moment but not £3,743,000 as the hon. Member says. The hon. Member should have done more homework to know how we arrived at this sum. I mentioned to him in the Library that in our Std. VII classes we have 160,000 pupils. Those are single streams and if we multiply that by Sh. 72, that alone gives me £4,640,000 and not £3,743,000 as the hon. Member states. So, if the hon. Member can go and work on his figures, and if he had more patience to come to my office and do proper checking, Sir, I would have said he was doing his homework well. Now, Sir, the question I am being asked is to get in touch with the Minister for Finance and Economic Planning to set aside the money. I will do so, Sir, once I know that the House has taxed this country somewhere for the money to be made available to the Minister for Finance and Economic Planning.

Mr. Munyasia: Mr. Speaker, Sir, I am surprised and also the House will be surprised to hear such a confusing statement by the Minister. Sir, these are the figures which I was given by the Minister when I contacted him. Mr. Speaker, Sir, the Minister himself told me that this is the amount of money that he requires to give free education from Std. I to Std. VII. How comes it that today he is denying the accurate figures that he gave himself?

Mr. Towett: Mr. Speaker, Sir, I did mention very clearly in my reply that in the Library, while standing and not sitting, the hon. Member asked me how much it could cost us to give free primary education. I told him that all the Std. VII classes in the country are made up of 160,000 pupils. Mr. Speaker, Sir, I said that if we had single streams—I must repeat this—from Std. I to Std. VII this would cost us £4,640,000. But, we have, in some schools, double streams from Std. I to Std. V or Std. VII. Now, the hon. Member just went hurriedly and did his homework without consulting me.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Minister's reply and the Minister knowing very well that this question deals with the difficulties that there are now about drought and famine, and that the cause for this question is whether the whole nation could be exempted from paying school fees if Government could give that much and also, realizing that His Excellency, the President himself announced that certain parts of the Republic will go without paying school fees for this year, can the Minister tell us now why the whole nation should not be granted this exemption of paying schools fees for this year?

Mr. Towett: Mr. Speaker, Sir, the moment the hon. Member gives me that amount, I will waive all the school fees.

Mr. Kanja: Thank you very much, Mr. Speaker. The hon. Minister was in the Chamber when we were discussing the question of tax on beer and other things. Surely, if we were not to misuse Government funds, this Government can afford to set aside £6,000,000 and give free primary education if we are sincere. Mr. Speaker, Sir, what is Government doing to raise that money and ask this House to vote it to them? Mr. Speaker, Sir, we will vote the Government this money so that it can utilize it for this cause.

Mr. Towett: Mr. Speaker, Sir, what I am doing is to wait for that money to come to my Vote.

Mr. Murgor: Mr. Speaker, Sir, arising from the Minister's reply and in view of the recent announcement by His Excellency the President that some drought-stricken areas will have their school fees waived, could Kerio Valley and Baringo District be included in the list.

Mr. Towett: Mr. Speaker, Sir, Government has already waived school fees for the parents who are already receiving famine relief food in the areas which are most affected by famine. We have already done this, Mr. Speaker. However, if the hon. Member for Eldoret South is receiving famine relief food we shall also waive school fees for his children.

Mr. Mutiso: Mr. Speaker, Sir, will—

Mr. Murgor: On a point of order, Mr. Speaker, Sir, is the Minister not confusing the House by mentioning Uasin Gishu. I was referring to Kerio Valley and Baringo District which are dry areas and which are also receiving famine food. I was asking for those two places and not Uasin Gishu.

Mr. Towett: The operative words here, Sir, are, "Seriously famine-stricken areas".

Mr. Mutiso: Mr. Speaker, Sir, since the Minister has said categorically that if the House wishes him to waive school fees the House has to give him the money, would the Minister tell the House where the money, that His Excellency the President has said that will be given to the famine-stricken areas so that they may not pay their school fees, comes from? Who will authorize that money and where is it going to come from?

Mr. Towett: Mr. Speaker, Sir, what His Excellency the President has announced will be carried out and he knows where the money will come from; maybe it will come from the Office of the Vice-President, I do not know.

Mr. Amayo: Mr. Speaker, Sir, arising from the Minister's reply, since he has said that he was waiting for that money to go into his Vote, which means that he knows where the money is going to come from, could he tell the House according to his own philosophy, when he is going to receive the money to his Vote?

Mr. Towett: Mr. Speaker, Sir, when the money is brought to me, even now, I will receive it.

The Speaker (Mr. Mati): Next question, Mr. Kivuitu.

FUTURE OF FORM IV TECHNICAL STUDENTS SCHOOL-LEAVERS

Mr. Kivuitu: Mr. Speaker, Sir, I would like to ask the Minister for Education the following question by Private Notice:—

What plans does the Government have on the future of the students who completed Form IV in technical schools in 1970?

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to reply. Some of the students completing technical secondary school courses, go on to the advanced level courses and eventually join the Faculty of Engineering at the University of Nairobi. Others are trained as teachers, either at the Kenya Polytechnic or Kenya Science Teachers' College practical subjects. It should be noted that the completion of technical secondary school courses, does not in itself give the students the necessary final qualifications for direct employment and therefore, they continue being trained in the industries or in the established institutions of advanced learning.

Mr. Kivuitu: Mr. Speaker, Sir, arising from that very unsatisfactory reply by the Assistant Minister, would he agree with me that the present examination which was done by the students in 1970, is G2 Examination and it is not recognized in the industries; as a result, the children who completed this class are finding it difficult to get into the industries and get further training; is that not a fact?

Mr. Mbai: Mr. Speaker, Sir, I do not agree with that. I have already informed the hon. Member that after the students have completed years on the technical secondary school course, those who have done very well go to institutions like the Nakuru Technical Secondary School and the Kenya Polytechnic for further and higher level training and eventually, they end in the Nairobi University. However, those who do not do so well, Mr. Speaker, Sir, they can register themselves with the Kenyanization of Personnel Bureau which has the arrangement to see who they can fix these students into various industries as apprentices.

Mr. Mutiso: Mr. Speaker, Sir, can the Assistant Minister or the Ministry of Education review the curriculum to include subjects which will enable Form IV students when they complete their course of study, to be directly absorbed in the industries instead of having them prolonged again into another training unnecessarily?

Mr. Mbai: Mr. Speaker, Sir, that point is noted. However, I should inform the honourable House that under our present set-up, we have secondary vocational schools where students go to be trained for special various fields. When they get out from this training, they are easily taken into industries as apprentices.

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

POINTS OF ORDER

CORRECTION OF AND APOLOGY FOR A MISTAKE CONTAINED IN A QUESTION

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, I want to clarify one point arising from the question which I brought to the House on the 11th March 1971, and which was rightly pointed out by my friend, the hon. Karungaru, on the question of reports coming from Uganda that there were some people who wanted to overthrow our Government.

The question was about the alleged plot by the former Government of Uganda, as was raised by the President of Uganda, General Amin; and not the Tanzania Government as it might have been misunderstood. Therefore, Sir, this is what I wanted to clarify and I have to

satisfy my friend that it was not Tanzania, but Uganda.

The Minister for Foreign Affairs (Dr. Mungai): On a point of order, Mr. Speaker, Sir, since this question was discussed here at length, the answers were given, and there was an attempt even to correct the geographical condition of this incident and where it was said at that time, which became impossible; at the same time, maybe I used an inappropriate term which was not the pleasure of the Speaker, and I was man enough to withdraw that. Now, since Kenya has been put to some embarrassment, both in Tanzania and also in Uganda, I just wonder, Sir, whether the hon. Questioner would be man enough too, to withdraw this question and also to apologize for the embarrassment that Kenya has been caused.

The Speaker (Mr. Mati): My impression was that that is exactly what the hon. Mulwa was trying to do. He was trying to point out that he made a mistake in his question. From the way he worded it, it appeared that he was talking about Tanzania when, in fact, he was talking about an issue which had nothing do with Tanzania. I think he has made it quite clear. I do not know whether we really need anything else. My assumption is that nobody can be left in doubt now as to what he meant.

The Minister for Foreign Affairs (Dr. Mungai): Mr. Speaker, Sir, I am talking in terms of the embarrassment that Kenya has been caused because this question was broadly written in Tanzania papers and was also broadcast in Radio Tanzania; it was also written in Uganda papers and broadcast in the Radio Uganda until the Uganda Government had to deny it and said that this information was not obtained from Uganda on Tanzania, a point which was raised over here. Therefore, I am asking that we would like to have an apology because of the embarrassment that we had caused when there are attempts in this House to correct it. Also, Mr. Speaker, Sir, I mentioned that I was man enough to withdraw the statement at that time when I used a word that was not to your pleasure. Now, I think, even this House has been embarrassed and we would like to have an apology.

The Speaker (Mr. Mati): Order! I think this is not a matter where there should be any conflict at all. After all, Mr. Karungaru's aim in raising that point was to have the record put right—

Mr. Kitonga: (Inaudible.).

The Speaker (Mr. Mati): Order!

Mr. Mulwa has agreed to come here and clear up the whole affair. I see no harm, in fact, in

[The Speaker]

asking Mr. Mulwa—for the satisfaction of everybody—he would just say a word of apology if any embarrassment was caused at all. This does not do any harm at all.

Mr. Mulwa: Mr. Speaker, Sir, I quite agree with you that this is not a matter which the Minister should be so irritated about and ask for my apology, as if he wants to equalize because he apologized. Mr. Speaker, Sir, by standing here to correct I do apologize because of the misunderstanding.

The Speaker (Mr. Mati): Not on that issue!

An hon. Member: Only a lawyer can do that.

Mr. Lotodo: On a point of order, Mr. Speaker, Sir, since the hon. Tsuma made an allegation yesterday and agreed that he would bring a document today can he be given an opportunity to do so?

The Speaker (Mr. Mati): Mr. Tsuma is going to continue with his speech; and so before he continues with his speech perhaps he will do so.

TIME NOT RIPE FOR A MINISTERIAL STATEMENT
NO BAN ON TANZANIA CURRENCY

Mr. Abubakar-Madhbuti: On a point of order, Mr. Speaker, Sir, in today's *Daily Nation* it was reported that Tanzania has banned totally the exportation of its currency and, this being the second blow to Kenya, having experienced the first one from Uganda, which is not yet healed when a sister country does the same thing making the *wananchi* of Kenya suffer. Am I in order with your permission to ask the Minister concerned or the Government to give a clarification on this point because some of the *wananchi* are going to be bankrupt?

The Speaker (Mr. Mati): I do not think it is an issue which we can raise here now because all that we know is what we have read in the Press. However, it is a matter which can be followed up with the Minister. I do not know whether Mr. Abubakar-Madhbuti has made any effort to find out what the Ministry thinks about it. However, it is not an issue which we can discuss now. Definitely, we are not sufficiently equipped now to discuss this but it might come up some other time.

CONTRADICTIONARY STATEMENTS BY MINISTERS AND
CIVIL SERVANTS MADE OUTSIDE THE HOUSE—
NOT THE CONCERN OF THE HOUSE

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): On a point of order, Mr. Speaker, Sir, I would like to raise a matter which I hoped the Vice-President and the Minister for Home Affairs as Leader of

Government Business would have clarified if he were here. Not a very long time ago, an Assistant Minister in the Ministry of Tourism and Wildlife—there is no need to go into names—made a statement on tourism which was widely publicized. About two days later a contradictory statement from an anonymous civil servant was also published in the Press corrected this by implying that what the Assistant Minister had said did not reflect Government policy. That is causing a lot of confusion and with regard to this I have found many people wondering; when an Assistant Minister or a Minister for that matter and a civil servant make contradictory statements on policy, so which one is the nation entitled to believe as reflecting the policy of the Government?

The Speaker (Mr. Mati): Were these statements made in this House?

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): No, Sir, these statements were not made in this House.

The Speaker (Mr. Mati): In that case I must say that we are not involved at all. What is said outside this House is not our concern if unconnected with our business but we can deal with it outside.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, yesterday the Minister for Power and Communications undertook to lay down here a list of the hon. Members and the Assistant Ministers and maybe other officers who are being used by Asians. However, I do not see him in the Chamber and we do not, therefore, know when he is ready to do so.

The Speaker (Mr. Mati): I do not see Mr. Ngala around but I hope that he will fulfill his promise some time.

Next Order.

BILLS

First Readings

THE EAST AFRICAN LICENSING BILL
THE STATUTE LAW (MISCELLANEOUS) AMENDMENT
BILL

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

MOTION

APPROVAL OF PUBLIC ACCOUNTS COMMITTEE
REPORT, 1967/68 AND 1968/69—PART I

THAT this House approves the recommendations contained in Part I Report of the Public Accounts Committee on the Government of Kenya Accounts for the years ending 30th June 1967/68 and 1968/69 respectively.

**[The Assistant Minister for Finance
and Economic Planning]**

(*Mr. Gatuguta (Chairman) on 16th March 1971*)

Amendment proposed:—

THAT the Motion be amended by adding after the word “respectively” appearing in the end of the fourth line the following words:—

“but regrets that the said recommendations do not go far enough and have not in practice checked unauthorized spending which has been spiralling from £32,479 in 1966/67 to £1,093,165 in 1968/69; and being of the opinion that continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required; hereby resolves to appoint a Select Committee to inquire into and recommend revision of relevant penal and other legislation to empower the House to enforce its authority over public expenditure and deal effectively with accounting officers and Ministers responsible for any future unauthorized expenditure of public funds.”

(*Mr. Seroney on 17th March 1971*)

(*Resumption of Debate on the Motion as amended interrupted on 17th March 1971*)

Mr. Tsuma: Mr. Speaker, Sir, before I continue with this Motion I would like to reply to the question which the hon. Member posed here with regard to yesterday's letter. Mr. Speaker, Sir, you will remember that I came to your office and told you that I had not had a letter from Dr. Mungai though the question was that I should produce that letter. You advised me that in the absence of that letter from Dr. Mungai I could not continue with this. I have been to his office but I could not get it; and when I contacted him outside here he could not tell me anything about it. Therefore, I would like to say that I will not be able to raise that matter again until I have that letter.

Mr. Speaker, Sir, I would like to continue my speech on this Motion: Public Accounts Committee Reports. Yesterday, I was labouring on the work of the Public Accounts Committee. I would like to give the reason why I said that this House should be concerned about the expenditure of public money which is paid by the poor men. I will quote a case here to show how this House has not been used properly at all—this is under agriculture. There was an overdraft from the bank which was supposed to be guaranteed by this House. However, before the House was approached at all, and permission given, someone in

the Ministry of Agriculture, the accounting officer, went ahead and made an overexpenditure of well over K£190,000. the Public Accounts Committee was not able to comment anything on it because the explanations sought were not enough. That is why I second this amendment which was moved by the hon. Member for Tinderet which stipulates that we should have this Public Accounts Committee empowered to scrutinize and recommend to this House on such overwhelming overexpenditure caused by individuals so that we are able to recover and so look after the money that is paid by the public.

The Minister for Education has been telling us that he has no money to enable this country to have free education for one year during the period of famine. However, if you go through this report you will find that the Government, through the same Minister, overspent but when it comes to a public issue of this kind or a question of development a Minister stands up smartly in this House and says, “There is no money!” What if it were a question of getting money so that a Minister could fly to a particular place without even having another passenger in the plane? He would definitely have the money to pay for that.

Let I forget what we are discussing I would like to say that it is about the amendment which requests this House to approve and appoint a Select Committee—it could even be the same Public Accounts Committee with the same reference and the same powers. This Committee should then report to us on overspending by individuals who are accounting officers, of enormous sums of money. This committee should go back and sit again since we do not receive sitting allowance, which should be an expenditure; it is for Government to sit again, and look at that lump sum of money that has been overspent, and recommend that figure, probably to the Estimates' Committee, and then bring it to this House, without we, hon. Members, being asked to approve what has already been noted as having been overspent without authority. Mr. Speaker, Sir, I can now begin thinking in terms of local authorities— I am right to say, that it is only county councils and municipal councils in this country, which might be looking after the affairs of their money, but when it comes to the Central Government, we in this House become mere rubber-stamps, to authorize money which has already been spent by Accounting Officers.

Mr. Speaker, Sir, if we look at—hon. Members—this file here; this file here has the verbatim report of the committee; this contains the argument of the committee; this contains the report of

[Mr. Tsuma]

he Controller and Auditor-General. We are then only given papers to approve, just because we have not been able to see this; for that matter, Mr. Speaker, Sir, I congratulate the Member for Tinderet for having moved an amendment, and I would request the hon. Members to ask the hon. Minister to accept the amendment, so that even if we look through this, we will be able to know what replies the Accounting Officers were able to give to our committee. You find—

An hon. Member: Those are mere papers!

Mr. Tsuma: They are papers but they carry the report, and hon. Members, you have been here long enough and, therefore, you should know that the public pay the money in the form of graduated personal tax, income tax and the rest of it; they toil hard, and when it comes to know how this money is spent, you do not know. I am sorry my hon. friend, but will you please let me go ahead? This is a very serious matter.

Mr. Karungaru: On a point of order, Sir; is the hon. Member in order to keep on talking about papers—he calls them what-and-what-not—which we do not know, and we are entitled to know what he is discussing; is he in order to corner the whole House, looking at him as though he had something very queer—is he really in order?

The Speaker (Mr. Mati): I do not follow your problem, Mr. Karungaru.

Mr. Tsuma: I know—

An hon. Member: You know what?

Mr. Tsuma: I know some hon. Members like my friend, the Member for Embakasi, like to argue when a reality is mentioned; I do not know whether he is a Member of the committee, because I do not see him here.

Why I referred to this, my friend— Now, this is the Ministry of Lands and Settlement. May I quote, Mr. Speaker, Sir—

Mr. Mwamzandi: On a point of order, Mr. Speaker; in my understanding, the papers the hon. Member is referring to, are entirely confidential. Is he justified to have them here, as though they were here for public inspection, when we actually know they are confidential, that is the committee's report?

The Speaker (Mr. Mati): No, I think the problem here is that not many Members have yet seen these papers. They are not— I would not call them so confidential now that we have the papers, but they are the verbatim reports of the proceedings. However, they have not yet been laid on the Table and I would, therefore, ask Mr. Tsuma not to make too much use of them, because other

Members have not had the opportunity of seeing them. They are available, I think, in the Library but if Mr. Tsuma would confine himself to the two booklets we had, which contain everything he requires, that will be sufficient.

Mr. Tsuma: Mr. Speaker, Sir, thank you very much. I would ask my hon. friends to allow me to go ahead.

As you say, Mr. Speaker, Sir, if these papers are in the Library where hon. Members are allowed to go and read, and they think it is a private and confidential document, then we are completely absent, and we do not know what we are doing in this House.

Mr. Speaker, Sir, this is not a confidential document at all; it is the paper that contains such reports as was discussed by our committee and, therefore, it has nothing confidential.

Mr. Speaker, Sir— I will carry them as usual.

An hon. Member: You will carry them what? What is he talking about?

Mr. Tsuma: Mr. Speaker, Sir, very soon we will be asked to approve some Supplementary Estimates.

Mr. Mwithaga: You are anticipating debates!

Mr. Tsuma: We know there are Supplementary Estimates. We know that someone, somewhere, has already spent the money, and that we are going to approve Supplementary Estimates of overexpenditure. Now, this is the sort of thing we are trying to avoid. We have told the Ministers to have their fingers on their pens, go through and scrutinize every paper that contains a figure that shows the money to be spent in this country, so that when we are in this House, we have explanations from the Ministers.

Mr. Speaker, Sir, you find that in one Ministry alone— And when the explanation is given, you wonder how a Permanent Secretary alone could spend money without the Minister giving permission. Now, the question is: is it true that our Ministers, who represent Government in this House, do not have any eyes at all? If they do not, it is this committee, therefore, that should have the power, and I suggest, Sir, that from now on, any expenditure of any nature, should have authorization from the Minister because each Minister should see that money voted to his Ministry is properly spent, and not only to wait until such time a Supplementary Estimate is required because of overexpenditure, and this is sent to his office, and then he brings the paper here for us to read and approve. I think this is why the Accounting Officers have had, without any reason, to spend the money because there is an allowance; there is an allowance of doing things without someone scrutinizing them at all.

[Mr. Tsuma]

Mr. Speaker, Sir, we are told, in this House, and when we discuss a serious matter of this nature, some hon. Members for some reasons, realizing that all of us are Members of this House, realizing that we were all elected into this House by the people, realizing that we all represent constituencies, but by chance, His Excellency appoints one, two or ten Members to be Ministers, then we are warned. There is a tendency of one standing in this House—when we discuss a serious matter—and try to say, “I warn the Members”. These sort of statements, Sir, when we discuss matters of this nature, should be left out, so that we are free to speak our minds because we represent our constituents. Mr. Speaker, we want, and I know there are some— When I refer to Ministers, there are about one or two, and when I stand to speak, I am asked to substantiate. However, I only say in general terms that we do not want to be warned in this House. We read the papers, and when we mention a matter of this kind, we are told, when one comes to reply or to speak as a Minister, he says, “I warn you Members”; that word “warn” is what we do not want. Today, we want powers to be given to this House, so that we can as well reprimand these Ministers who allow over-expenditure; for me, I say this is corruption and I do not think I am mistaken.

When you look at this, for example, the Office of the President has an overexpenditure of well over £36,000, and you find the information is that the officer controlling the Office of the State was inefficient. Here we are told we cannot question him, even if we are Ministers or Assistant Ministers. When we come to the Ministry of Foreign Affairs, one Minister alone spends well over £40,000 of the money. Now, we are being asked to pass this paper here, hon. Members, which has an overexpenditure of £1 million. When we inform the public, they say, “we sent you to Parliament to speak for us; to give us money for development; to give us money for roads; to give us money for education, we shall never send you back to Parliament because you are doing nothing for us. Mr. Speaker, Sir, it is not our problem, it is not we, elected Members of Parliament, that stand in the way of the money that goes to the public in the rural areas. The money is in the hands of the civil servants; directly from the Permanent Secretaries, to the provincial commissioners to the district commissioners and through their hands to the countrymen in the rural areas. It is not through a Member of Parliament, a Minister or even an Assistant Minister. It is that gentleman who flies the flag in the province that handles the money.

Mr. Mulwa: A funny flag.

Mr. Tsuma: Yes, a funny flag. Those flags have spoiled this Government.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, am I in order to ask the hon. Member to say what funny flag he is talking about?

The Speaker (Mr. Mati): Mr. Tsuma, which is this funny flag?

Mr. Tsuma: Mr. Speaker, Sir, I think the word funny should be that the person flying the flag is the funny person. It is not for him to fly the flag when a Minister also flies the flag.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, I think I am not satisfied with that explanation. It is not the man who is funny. According to his words, it is the flag which he referred to as a funny flag. Sir, which funny flag is this?

Mr. Tsuma: Mr. Speaker, Sir, I would like to remind hon. Members that this was just by the way. I ask hon. Members to go and look at that flag. I think some of us are serious because we got independence through politics, and not the Civil Service.

Now, let me go ahead, Sir—

The Speaker (Mr. Mati): Order! Order! No, what hon. Members want to know is which flag are you referring to because, I think, it might help by reminding you that you must not show disrespect to the National Flag of Kenya today. It is protected by law, in fact, but I do not know whether it is that flag or some other flag that you are referring to?

Mr. Tsuma: Mr. Speaker, Sir, I am referring to the flag that is flown by the provincial commissioners on their cars.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): On a point of order, Mr. Speaker, Sir, in view of the fact that the flag flown by the provincial commissioners has a national colour authorized by the President of this Republic, shall I be in order to ask the hon. Member to withdraw that remark and apologize?

The Speaker (Mr. Mati): Order! Let us not confuse ourselves here. As far as I know, the only flag which Members were worried about was the National Flag. If Mr. Tsuma is referring to some other flag which is not protected by law, then, there is nothing we can do here.

Hon. Members: Hear! Hear!

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, do we understand, therefore, that the provincial commissioners who are the President's representatives in the provinces—this is known to the House—as a result of their flying that flag in the provinces, we should not

[Mr. Mwithaga]

regard it as a part of the national flag? Can the lawyer here explain that to the Member for Nakuru Town?

Hon. Members: Question! Question!

The Speaker (Mr. Mati): Order! Order! No, there is no need to be too sensitive about this. I have explained that the flag which I know, which is protected, is the National Flag. However, there is no need for Mr. Tsuma to refer to any flag as funny or anything like that. So, if Mr. Tsuma you would confine yourself to the speech you were making that will serve the purpose. However, expenditure has nothing to do with flying flags in any case.

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker, Sir?

The Speaker (Mr. Mati): No, I think we are now just taking time for nothing. I have told Mr. Tsuma not to talk about flags because they have nothing to do with the Motion here before us.

Mr. Tsuma: Thank you, Mr. Speaker, Sir, I will go ahead—

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker, Sir?

Mr. Speaker, Sir, I am not trying to labour much on what you have said but it is not true that although an hon. Member has a personal hatred with a particular officer, say, a provincial commissioner it is a known fact that there are flags which are flown by provincial commissioners in every province? As far as you were making a clarification, Sir, is it not that such flags should, therefore, be protected and not individuals? These flags are recognized that they are flown by provincial commissioners and not by individuals as such, Mr. Speaker, Sir. It is known that they are part and parcel of the National Flag, Mr. Speaker, Sir.

The Speaker (Mr. Mati): No, we are drifting to something far removed from what we should be doing here. I have already told Mr. Tsuma to cut out all this talk about flags so that we can get on to the main business of the day.

May I remind hon. Members, that there is a tendency for some Members to interrupt when I am dealing with points of order. I have heard an Assistant Minister trying to prod another and telling him "Do not give way." That is completely out of order! It is disrespect to this Chair, and I am not going to take it lightly if it happens again.

Mr. Tsuma: Thank you, Mr. Speaker, Sir, and

I would like to remind some hon. friends that I have been in politics long enough. I know that when we got our independence, I was a politician and as a result I know our flag and honour it.

Now, Sir, I was dealing with the question of the expenditure of our money. I know that when we touch the question of expenditure, it is time when we should not be silent. It is during this time that we can touch on some of the ways in which some of the public money goes. If by saying this can be one way of saving the public's money, I think, I justified in so doing.

Mr. Speaker, Sir, coming back to the question here before us I would like to point out that when we look at the offices of our embassies—I am dealing with the Ministry of Foreign Affairs—they look like a paradise. I want Ministers to do their homework by reading through this book and be able to tell us the truth because at any moment if any Government came to power tomorrow, we shall be answerable to the expenditure of public funds. When we look at the accounts of foreign embassies, we find that we are trying to make them paradises. They buy houses, they have to fly to and from Kenya, even when they are not required to do so. You find that they spend over £2,800 for their flights when they are not even required for anything; and nobody cares to see to the control of this money.

I would suggest that this House should do all it can to help the Auditor-General because he is all alone. He happens to be a civil servant, he is doing what he can, he wants to save this country but if we were to see to the actual spending, approve the expenditure and we are not prepared to help him, then we are only deceiving ourselves. In this way we do not help our Government at all.

The report we have here, which the Committee is asking us to approve has controversial ideas. The Committee says they cannot accept this and that, it has to go back, it has to be clarified, somebody has to be surcharged. Now, Sir, if this report were to be suspended, amended by this amendment moved here, only when would trouble be taken to go through the whole thing. We know that Ministries have never incurred such overexpenditure that would create chaos, but some are extravagant to the extent of making orders. This is very serious and I want an hon. Member or a Minister to challenge me if I am wrong in saying that some Ministries do order items of material from firms which have not been authorized and approved by the Tender Board. Do you think this is in order?

An hon. Member: It is wrong.

Mr. Tsuma: When a Ministry orders things from a firm which has not been authorized by the authority concerned, and you see a voucher for Sh. 20,000 to pay for carpets, to pay for Mercedes Benz cars, to pay for tyres, and these were directed to firms which were never approved by the Tender Board. Can we really save the situation in this way?

Mr. Karungaru: Under which Ministry? Tell us.

An hon. Member: Foreign Affairs.

Mr. Tsuma: Yes. Here it says, The Ministry of Foreign Affairs. A car was bought, a Mercedes Benz for an ambassador when there was no authority. That money was spent uselessly and nobody seems to care.

This is why I see, and hon. Members who will speak after me will see too, the purpose and the reason for amending this Motion. We want a committee to go through these papers as a committee so that all the overspent money should be made known to the public, not to the Ministers and the Accounting Officers only.

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

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

In so doing we want a committee of this House to see that the reports go back, all the over-expenditure is collected in a lump sum and later when everything is examined we have a report on that. We need to examine the explanations ourselves before we can approve the reports of the Public Accounts Committee.

With those few remarks, Mr. Deputy Speaker, I beg to second the amendment.

The Deputy Speaker (Dr. Waiyaki): I will now propose the question of the deletion, namely that all the words after the word "but" in the first line and extending to after the word "and" in the fourth line be left out of the question.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, I am appreciative of having been afforded this opportunity to comment on this very important matter.

Sir, I am grateful to note that the hon. House has taken such an interest in the question of control over public expenditure. However, Sir, I have a few remarks that I would like to make, which I hope will be in the interests of the House. I have three main points and, strictly speaking, I am not going over all that has been said because it is largely repetitive and, in fact, a good amount of it empty the substance, the first speakers having said what should have been said.

The question of control of public expenditure, Sir, does not just relate to the question of legality and, I think, this is terribly important. 99 per cent of what we have listened to so far relates to the question of legality of expenditure. However, let us pose the question: what is the public expenditure control intended to achieve? To utilize *wananchi's* resources in a way that satisfies more of their demands.

Hon. Members: Oh, no! No! No!

The Minister for Information and Broadcasting (Mr. Onyonyka): Mr. Deputy Speaker, if this is the case, then it is important for me, however elementarily, to inform the House that unless you took into account several other aspects—Essentially I am trying to tell you how to criticize the public accounts because so far, Sir, what has been said has been only marginal to the basic question of public expenditure. I am now going to elaborate.

The legal aspect of it is one of the aspects but it will be totally misleading and, therefore, I totally oppose the amendment because it is misguided and misplaced.

Hon. Members: Oh, no! Oh, no!

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, I want a chance to explain. As far as I am concerned, Sir, you will be able to obtain a more efficient utilization of *wananchi's* resources—

The Deputy Speaker (Dr. Waiyaki): Order! I will have to ask you to take your seat for a while.

I think the Speaker was under the wrong impression and he gave me the wrong information. In fact, what we are discussing is Mr. Seroney's amendment, not what is to come afterwards. In fact, the question I should have proposed should have been the addition of the words,

"but regrets that the said recommendations do not go far enough and have not in practice checked unauthorized spending which has been spiralling from £32,479 in 1966/67 to £1,093,165 in 1968/69; and being of the opinion that continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required; hereby resolve to appoint a select committee to inquire into and recommend revision of relevant penal and other legislation to empower the House to enforce its authority over public expenditure and deal effectively with accounting officers and Ministers responsible for any future unauthorized expenditure of public funds."

These words are to be added at the end of the Motion after the word "respectively".

(Question, that the words to be added be added, proposed)

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, this is what I am speaking on and I am opposing the amendment.

One of the points I am trying to make is this, in terms of substance the amendment simply misses the point. If you wanted an amendment which would make sense, then you need the kind of substance which at least would make it clear to the House, that having controlled the legal aspects you must also look into the question of allocation between different Ministries or sectors and, furthermore and even more important— This is the point that the House, Sir, has missed year after year. This is the question of unit expenditure or unit costs, and this is terribly important. A particular allocation may be worth millions, but you could expend one million to build one mile of road. Is that efficiency? What does this amendment do to the substance of the issue? Absolutely nothing. As far as I am concerned, any amendment of this nature is simply peripheral, it does not go to the core of the matter. Until such time that we are able to propose amendments that go to the core—

An hon. Member: Which core? Tell us.

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, let the Back-benchers do their own homework because I will not do it for them, Sir.

Mr. Ayah: On a point of order, Mr. Deputy Speaker, much as I appreciate the kind of talk I heard when I was at college, is the Minister in order to tell Back-benchers to do what he calls homework. What kind of homework? Is he in order to deliberately provoke us with the teaching stuff that is—

Mr. Karungaru: And we cannot even hear what he is saying.

The Deputy Speaker (Dr. Waiyaki): There is no harm in the Minister's statement. I think he merely made a comment on some things that were being said from the Back Benches. There is nothing wrong in that.

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, I think this particular remark has been uttered by the Back-benchers more frequently than the Front Bench. I think it should be taken in good faith.

Sir, there is another aspect of the amendment which suggests that Ministers become the accounting officers.

Hon. Members: Yes! Of course!

The Minister for Information and Broadcasting (Dr. Onyonka): It is very interesting to hear this from a learned lawyer and a long time ago

accounts clerk. Sir, I get the impression that this is perhaps spoken out of lack of knowledge of what Ministers do or are supposed to do. If they became accounts clerks, then, Sir, you will have to change their title. It is my understanding that Ministers are primarily appointed for the purpose of taking decisions relating to policy.

Mr. Mulwa: Do you? You have no control over your Permanent Secretaries.

The Minister for Information and Broadcasting (Dr. Onyonka): I think most of our—

Mr. Deputy Speaker, I would like to inform the hon. Member that I do and since he does not know this he might just as well shut up.

I think it is very important to note that if this kind of amendment were to be accepted you would have a new set-up in the organization of Government which, in fact, would be unworkable. The distinguished or learned Members ought to know that really there is here lacking a very elementary principle, that of delegation of responsibility. If this is the objection, I would not be surprised if within a very short time the distinguished Members of this House came back here, shouting, saying, "The Ministers have now become powerful because they control even the few pennies that, perhaps, some of them pick up."

I feel very strongly, Mr. Deputy Speaker, that here we might have been presented with an amendment, perhaps in good faith, I do not know, but as far as I am concerned it is a perverted, misled, misinformed kind of amendment that nobody who understands the subject of public expenditure control would support.

The Deputy Speaker (Dr. Waiyaki): Perhaps, I might interject that the hon. Minister did use the words "shut up" and say that perhaps one of the virtues of parliamentary debate is to be a little careful not to use words that generate such words as "shut up".

Mr. Kurgat: Mr. Deputy Speaker, Sir, yesterday when this amendment was moved, the Member for Tinderet used the words "post mortem". Post mortem means not a cure but rather to find out where the disease came from, or what was the problem.

I do not see what is the purpose of the Public Accounts Committee. I am emphasizing the word "public" because public means everybody including us here. It is everybody in here and outside this House. There are people in the street, people in the shanties and they are all members of the public. And this is public money. When money is voted here it is to be spent for public use.

[Mr. Kurgat]

If the Public Accounts Committee is set up— it is appointed by this House, it has a duty to carry out. I am quarrelling with several things. We are asked to approve the Public Accounts Committee Report of 1967/68. We have been asked to approve this and the Members who have tabled this are not here now. I think there are two of them and they should tell us what they passed on that day, they should tell us what happened because the new people are now asking us to approve this.

I would say I totally reject this report because there is only one person who is helping us in this problem, and this is the Auditor-General. Every year he points out that there is overexpenditure. Somebody says, "We are rectifying this". If you are rectifying a mistake, does that not mean surcharging? If it means surcharging, then we would like to know whether this money has already been recovered by the Government, or they are still paying. To rectify a mistake does not mean anything. You rectify something by warning somebody, you give him a first warning, a second warning, a third warning and I do not know whether by giving all these warnings you are recovering the money which belongs to the public.

Sir, I would not have quarrelled with the over-expenditure if this money had been used for development of this country, for projects like "manyattanization" as I hear this word used these days. If it was used for that purpose or for making boreholes, I certainly would have no quarrel. But I find that some person has bought a Mercedes with this money. It is the Government which has bought this Mercedes. But there is something I want to know: what was this man using when he went there? Was he going about on foot before they bought him this Mercedes? It is said here, "... which was not provided in the Estimates". When he went to that place was he walking on foot. I just do not understand what all this is about.

However, I think we are going a bit far by asking the civil servants to account for money which they do not know about. What I mean is, the accounting officer, according to law, is the accounting officer although he does not know what is happening in his department. Who does the overexpenditure before it is authorized? Is it the Chief Accounting Officer or is it the ordinary layman, the provincial commissioner, the district commissioner or the district officer, or even a chief? Even the use of 10 cts., is to be authorized. We have to find out here where we are because, I think,

we are condemning all public servants and it is possible we may be wrong or right in our condemnation.

We would like to know, from reports in future, that what has been recommended now in the report 1967/68 we shall not see any more. We do not want to see such things any more. Anything we see from 1968/69 will have to be different and the Ministers will have to tell us now, because we are punishing one person, the Auditor-General. He recommends every year and, as was said yesterday, this expenditure is spiralling. It is rising higher and higher and we shall rise to £10 million one of these fine days. Nobody is taking heed of these things.

Mr. Deputy Speaker, as I understand it, the Contingencies Fund withdrawal is the responsibility of this House and to be used only in cases of emergency. However, I would like to know how the money was withdrawn from the Contingencies Fund? I know that it is lending out money and when a Ministry runs short of money it will borrow from there. But these accounting officers applied through the Ministry of Finance to use the money from the Contingencies Fund and thought they would recover it when they brought here the Supplementary Estimates. They are using money which they do not have. I have never seen anybody who uses the money he does not have! You find the accounting officers use money, money which they do not have. Do they apply here to use the money from the Contingencies Fund? This Fund is not only for emergencies, but it is for lending and one has to repay. That is the way I see it, and how it is to be used, apart from, for example, a disaster like the one of drought that we have at the present time. I think they are using far too much money and I do not know who authorized its expenditure.

I do not think I am very far from what other speakers have said, that the whole power has been surrendered. I am supporting this amendment and I would like to say that unless we bring back the power, which has been taken out, I do not know what will happen. I am not referring to a *coup*, I am referring to what we are regarded as. We are Members of Parliament, we are here for five years, but after five years that same civil servant will still have the power in fact, from 1967 to date the same person is in power.

I am not ashamed to say that the accounting officer, and the Minister, should be careful. The Ministers should check on the accounting officers before a person from another department comes to check and tells you that you are wrong here and there. Then when you are told what is wrong

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you say you will correct. What can you correct when you have used the money you did not have? Who gave the overdraft? If you apply for an overdraft from a bank you might get it because the Manager knows you will pay it back but when somebody uses an overdraft by using the name of this hon. House, and then he comes here and says, "I have used this. You give me more money". How can I give him the money? I cannot give the money if I did not approve it here in the first place.

So, Mr. Deputy Speaker, Sir, I am worried about the three cars mentioned in page six of this Report whereby the Auditor-General says that there is a particular officer in the office of the Vice-President and Minister for Home Affairs who wanted to use the three cars. I do not know what kind of cars they are. There is no reason given there as to why one officer wants to use three cars. I think, I will congratulate the Auditor-General because he is the person who has mentioned the fact that this officer cannot ride in three cars at a time. If he is riding in one or driving one, who is driving the other ones?

An hon. Member: Who was that person?

Mr. Kurgat: I do not need to tell you. I am telling the House including yourself that I do not know why, on page six, someone in the Office of the Vice-President uses vehicles of the Police Transport Pool and one person is using three cars. The Auditor-General insisted, and I quote, "In November 1967, the attention of the Accounting Officer was drawn to the fact that three vehicles were reserved solely for, and used exclusively by, an officer of the Ministry."

Now, Sir, this is rather difficult because it is another over-expenditure: somebody using three cars, riding in them at the same time. I do not know how that is possible.

An hon. Member: Are you supporting the Motion or opposing it?

Mr. Kurgat: Which Motion? I am supporting the amendment.

Now, Sir, on page seven is an overdraft for the Agricultural Development Corporation which is contrary to the Loans (Guarantee) Act No. 2. If this House did not approve this amount of money, how do we know where the money is even now—K£190,000. This is on page seven if anyone would like to check on this. All that money was not approved and that was contrary to an Act of this Parliament. This is very serious, Mr. Deputy Speaker. I do not have much to say until it comes to the time of the Supplementary Estimates.

With these few remarks, I support the amendment.

Mr. Mulwa: Thank you very much, Mr. Deputy Speaker, for allowing me to say a few words. The hon. Mwithaga here, should not be worried because he should remember that I always stick to the point. He says I am more of a lawyer than a politician.

Mr. Deputy Speaker, Sir, I have no quarrel with the amendment as it is because what it is seeking to do is to give more powers to this House to ensure that the Government or the civil servants who are particularly involved in using Government funds are at least more careful than they have been. Before I come to that Mr. Deputy Speaker, Sir, I want to clear the air about the working of the Committee itself because some hon. Members do not appreciate—by virtue of looking at this small pamphlet—the amount of work the Committee itself had to go through.

Sir, before this pamphlet was compiled as it is, the Committee had to sit and listen to every Accounting Officer and interview many other people and as a result they were able to come up with this Report. Mr. Deputy Speaker, the document which the hon. Tsuma referred to when he was speaking, is the verbatim Report of the proceedings of the Committee. In that Report, if one looked at it—in those papers—one would find that in fact there is a complete interview of each and every officer who came before the Committee and that meant going through all the Ministries and Departments of the Government.

So, Mr. Deputy Speaker, Sir, I am trying to convince the Members that the Committee did as much as it possibly could do. There is nothing more, in fact, the Committee could have done on this matter. It interviewed these people, it made up its mind, and it made the recommendations. So, hon. Members should not think that the Committee did not go into these matters in detail. For example, when one reads and finds that the Committee says that it is satisfied, one should not come to the conclusion, Mr. Deputy Speaker, Sir, that the Committee just took the paper and wrote that without having gone into details of the matter in question. In fact, if you look at the verbatim Report, you will find that there are pages and pages on this particular single line that appears here. There was so much to it but because they had to prepare a comprehensive report as opposed to a verbatim Report, they had to put in briefly what they thought of that particular item.

So, Mr. Deputy Speaker, Sir, I would, in fact, appreciate it if the Members or the House did note that the Committee did a hard work; they

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did as much as they could and they should, in fact, be congratulated for the amount of work they put into this.

Now, Mr. Deputy Speaker, the only thing which is remaining is this: This is not the first Committee which has done this. There have been other committees which have done this. What we should ask ourselves is this: Have the Reports of these Committees been heeded by the people concerned? If so, have they stopped or followed the recommendations of the committees? I think that is the question we should ask, and that is why, right from the beginning, I accepted the amendment because it is seeking to pinpoint these people down in order that they may adhere to what the Committee has recommended.

If, for example, Mr. Deputy Speaker, Sir, you look on page five on the question of unauthorized expenditure, you see that there was an unauthorized expenditure amounting to K£887-2-15 which was incurred on hiring a car for the Minister while attending the 22nd Session of the United Nations General Assembly. Now, if you look at that, you will find that the Committee went into that thoroughly and as a result came to the conclusion that this expenditure was unwarranted. The Committee then did the only thing it could do and that was to penalize that particular Minister. What else could the Committee do? As a result it recommended, "The Committee recommends that the sum of K£887-2-15 be recovered from the Minister himself". So, in fact, you can see that the Committee did the only thing it could do and, for this, it should be congratulated. I would like to congratulate the Committee for this work on behalf of the House.

But, then, Mr. Deputy Speaker, Sir, we shall notice that as the amendment says, year after year, despite the recommendations of these committees, the Accounting Officers still overspend money without the authority of this House. We think they do not care a hoot about what those committees recommend to this House. I think that is the trouble; that is the crux of the matter. Then, Sir, let us ask ourselves; why? Is it because they do not read the Reports or is it because they think that we are just Members of Parliament shouting, as one hon. Minister said here? I think that is the attitude they have. I will not be surprised if the Accounting Officer from that particular Minister's Ministry says that the Committee is just shouting and we do not care what they recommend. You heard that Minister say it here himself, so, I shall not be surprised if his subordinates have the same attitude about Parliament. I think that is the truth: that they think what the House says or what the

Members of Parliament say does not matter because they are the people who are with the money and have the power; so what? We Members of Parliament can go on shouting. That is why I agree that this amendment should be accepted and I am pleased to hear that the Minister for Finance and Economic Planning himself has indicated that he is welcoming the amendment. Something must be done because if we do not do anything what the committees recommend will not matter anyway. It does not matter what this House approves or what the Committee says. These Accounting Officers will repeat the same thing next year, again and again. Those who have been in that Committee know the attitudes these Accounting Officers have towards the whole thing. They come there with an air of "we do not care. Please, finish this as quickly as possible, we want to go back". That is the attitude they come with to that Committee because they know that what you say does not matter and, at any rate, Parliament is going to approve the expenditure and even if they overspend another shillings 12 million it will be approved.

Therefore, I accept the amendment of hon. Seroney and, I think, it is a good amendment. As I said, I am pleased that the Minister for Finance has said that he will accept it.

Nevertheless, there is something about the amendment which I think is not fair to the existing Committee. I am referring to the words, ". . . but regrets that the said recommendations do not go far enough and have not in practice checked unauthorized spending which has been spiralling from £32,479 in 1966/67 to £1,093,165 in 1968/69".

Mr. Deputy Speaker, Sir, what that particular sentence is trying to do is penalize the Committee which is here on behalf of other committees which have gone. Not only that, it is condemning or criticizing the Committee before the House accepts the recommendations. If the House had accepted these recommendations then after that it would be appropriate to say that notwithstanding that the House has adopted these recommendations and they have not proved an effective check to these overexpenditures. Therefore, Mr. Deputy Speaker, Sir, I think is a bit unfair to the existing Committee, and I am pleased to announce to the House again that the Mover of the amendment, the hon. Member for Tinderet, Mr. Seroney, whom I must congratulate for bringing this amendment to pin down these people who seem to think they are also Members of Parliament, has accepted that we should amend this amendment by removing the words immediately after the word "but"

[Mr. Mulwa]

up to the word “and”, which is after the figures “1968/69” so that it reads like this:

“but being of the opinion that the continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required; hereby resolves to appoint a Select Committee to inquire into and recommend...”

and the rest should read as it reads. In other words, I am just trying to remove all the words from “regret” up to the word “and” so that we do not condemn this Committee, which deserves congratulations because, as you can see, it has already penalized a Minister and he must pay from his own pocket. If he does not pay his salary is going to be attacked. So this Committee is really worthy of praise and I would move an amendment to this amendment which, I hope, the Members will accept as the hon. Member for Tinderet, who moved this amendment has already accepted it. I move that we amend that amendment so that we may not condemn the Committee.

In order that I may give other Members a chance to speak, with these few words, I beg to move the amendment as aforesaid.

I beg to move.

Mr. Magugu: Mr. Deputy Speaker, Sir, before I make my points to second the amendment there are a few things I would like to point to the hon. Members. This particular point arises mainly from ignorance of some Members as to the working machinery of Government. There have been a lot of criticisms and attacks on the civil servants particularly in this Motion. Mr. Deputy Speaker, what I do not think is fair is for some Members who, in fact, have themselves been civil servants, standing in the House and without any good reason attack the civil servants on the lack of control of public funds. This brings me to the very important point which, even the Members who have been attacking the civil servants, have not been able to bring out. These are the persons who are solely and wholly responsible for the control or the accounting for the public funds.

Mr. Deputy Speaker, in the Financial Orders—this booklet here—it is very precisely stated that an officer of Government, not necessarily a Permanent Secretary, is personally appointed to account for the Ministry's Vote. If I may quote a few lines, Mr. Deputy Speaker—this is the Permanent Secretary to the Treasury, who is responsible for appointing Accounting Officers—it says:

“Appointment of Accounting Officers. I am directed to inform you that you are hereby

appointed Accounting Officer for the following Vote or Votes...”

So, this is directly put to an individual and, therefore, it is wrong for us here to stand and say, “The civil servants are responsible for the misappropriations of public funds” because there are certain individuals who are charged with those responsibilities. We have them and they are known to us not only by their designations but by their names also.

It goes on saying:

“The officer is the person whom Parliament and the Treasury regard as primarily responsible for funds in the custody of the Ministry or department...”

Therefore, if the Parliament has to blame anyone, if Members of Parliament have to blame anyone for all purposes, let us blame the persons who are responsible for controlling these funds and these people who are—

Hon. Members: Who are they?

Mr. Magugu: The people who are responsible for controlling and looking after the Votes are the Accounting Officers. These are the people who are appointed in person or personally and they are the ones who should be blamed. Hon. Members, you cannot make sweeping statements—that all public servants or civil servants are responsible for squandering public funds. I am also surprised to note that a former civil servant does not even know who they are. Now, Mr. Deputy Speaker, this very man was responsible and answerable to the Public Accounts Committee. Mr. Deputy Speaker, I thought I should bring this to the notice of the hon. Members.

The other point which I was going to talk about is that even when the hon. Members stand here in this House and start saying civil servants, civil servants—this is a straightforward document here which has given very clearly the legislative power. Now—no wonder—if you gentlemen can listen I will make a point—this has the legislative and the executive position. Now, hon. Members you can look into it and see. Therefore, what I am saying is that some people are just standing here to throw words to the civil servants without any good reason.

Now, Mr. Deputy Speaker, coming to the amendment of the amendment which I understand is now perfect, Mr. Deputy Speaker, I am very grateful to the hon. Member for Tinderet who thought it wise to move the amendment to the Motion which I supported, and I now also support the amendment to the amendment. This amendment to the amendment or the former amendment

[Mr. Magugu]

would have given the implication that the work of this House—the hon. Members of the Public Accounts Committee are hon. Members of this House—it would have implied or given the impression that they did not do the work they were entrusted by this House to do. Hon. Tsuma had the verbatim Report and although he was told not to quote the Report, it is very clear from this Report that the Committee did a very intensive and exhaustive work in interviewing and recording whatever evidence that was brought forward by the various Accounting Officers. It is one thing to have this Report made and tabled here, but it is another thing to have the same Report and the recommendations put or sat on by Government even when the Report was tabled here—the recommendations which are going to be handed over to Government for action.

Mr. Deputy Speaker, I would, therefore, without necessarily wasting time say that this amendment to the amendment has not just been pushed into the amendment; it has been discussed by the hon. Members with the original Mover and we have supported the amendment and I have again supported it and I would ask all hon. Members to kindly support this amendment.

(Question of the amendment to the amendment that the words to be left out, be left out, proposed)

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, thank you very much for having given me this opportunity to air my views on this Motion. Mr. Deputy Speaker, Sir, I will take this opportunity to speak both on the Motion of the amendment, on the amendment to the amendment and the main Motion in case I do not get time when the question of the amendment to the amendment is put.

Mr. Deputy Speaker, Sir, we have been discussing the Public Accounts Committee Reports for almost over six years today. I have seen there has been no changes with regard to what recommendations the Committee gives. Mr. Deputy Speaker, Sir, I will never quarrel over over-spending provided the Ministry concerned has accounted for that overexpenditure. That means that there are some immediate cases or some impromptu cases which would, of course, need expenditure when the money voted for is not sufficient. If, in such instances, a Ministry spends more, but on reasonable services which are profitable to the public, then I have no quarrel with that. My main quarrel here, Mr. Deputy Speaker, is with public funds where money has been used for personal benefits, so that particular people benefit out of this.

Mr. Deputy Speaker, Sir, it has been reported

in the 1967/68 Public Accounts Report that there were instances of broad irregularities. Mr. Deputy Speaker, Sir, this is very, very serious, particularly, when it shows that these broad irregularities do not occur or happen to the lower class people. This is mainly caused by the senior superscale officers. The Committee which discussed this report did not, really, put it very clearly before this House as to how the responsible people will—whether they are going to pay back this money or what is going to happen or whether some of them have been taken to court. What happened we were not told. So, I really agree with the amendment to the Motion that there should be a Select Committee to go into this so that we get detailed report about this.

Another thing, Mr. Deputy Speaker, is that we have been speaking on Government vehicles being misused. I will tell you, Mr. Deputy Speaker, that up to now this is still happening. I remember a certain officer who drives 30 miles to go and see his wife and then takes a bottle of beer in a certain bar in a Government of Kenya vehicle. Mr. Deputy Speaker, Sir, we become very much embarrassed, particularly, when we are in the district and see these things. When his working time was over, that officer should have parked that car around the Government offices but we see that car chasing women here and there. There is a lot of misuse of public funds up to now. So, this should be really checked—

The Assistant Minister, Vice-President's Office and Ministry for Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. If I heard rightly what the hon. Member said, I thought that he said that they chase women in Government vehicles. Could we be told of who in the Civil Service uses Government vehicles to chase women?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I said that Government vehicles are being used during outside office hours and the officers go as far as chasing women in Government vehicles.

The Deputy Speaker (Dr. Waiyaki): You are called upon to substantiate that Government vehicles have been used by officers to chase women.

Mr. Mwamzandi: Mr. Deputy Speaker, I will substantiate in this case, but it is entirely useless to the Ministers because whenever something is to be substantiated it is left for the House to—

The Deputy Speaker (Dr. Waiyaki): You have to follow the Standing Orders. You will have to substantiate.

Mr. Mwamzandi: I remember, Mr. Deputy Speaker, Sir, in my district the Land Adjudication Officer who is stationed at Kikoneni while his wife is working at Msambweni—at four o'clock—4 p.m.—he drives to Msambweni where his wife is working in a hospital and in the evening we see him in the bars while he is still using the same Government vehicle. In the morning he drives back to Kikoneni. Is this not a waste of public funds?

The Deputy Speaker (Dr. Waiyaki): I do not know whether it is in order to say when a man goes to see his wife he is chasing women. He is chasing one official woman. This is a good thing.

Mr. Mwamzandi: A wife, Mr. Deputy Speaker, is still a woman.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, in view of your ruling and since this officer might feel very much embarrassed, can the hon. Member withdraw that statement?

The Deputy Speaker (Dr. Waiyaki): In fact, I did not go as far as I should have gone in asking him to substantiate because there was another statement he had made just before that one which I thought if he had substantiated it would have caused a lot of embarrassment and I did not wish to pursue it. We will leave the matter at that point.

Mr. Mwamzandi: Mr. Deputy Speaker, there is no embarrassment. In fact, the officer concerned is not a Kamba so the hon. Member should not be worried.

Mr. Boy: On a point of order, Mr. Deputy Speaker, Sir, although I do not have any dispute with your ruling, if I have understood clearly that the officer in question, although he was not chasing women he was looking for his wife, is it right when an officer is going to visit his wife to use the Government vehicle? Is it in order to do so?

The Deputy Speaker (Dr. Waiyaki): That is a very difficult thing for us to know when we are in this Chamber because we do not know under what conditions the officer used the Government vehicle in the process of visiting his wife, it might not be once, but many times he did so. We cannot decide from here what were the circumstances of the many visits he made.

Mr. arap Saina: On a point of order, Mr. Deputy Speaker, I wonder whether I would be in order to ask my colleagues, particularly the Back-benchers, for the good harmony between the Members of Parliament and the civil servants when they make a specific attack on a particular civil servant to substantiate instead of making allegations?

The Deputy Speaker (Dr. Waiyaki): That is superfluous because that is what exactly we have done.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, touching on another point, I can see in the Report there is an unauthorized expenditure. As I said earlier on, I have no quarrel with unauthorized expenditure provided it is incurred for the public benefit, for example, in such cases where we cannot control. For example, we have cholera now. If we had to wait until the Government came to this Parliament for it to allocate some money for anti-cholera campaign, it might be too late for our people to survive. We might be losing our friends at Galole who are now dying — In such circumstances, Mr. Deputy Speaker, Sir, I agree that the Ministry should be allowed to use emergency funds for such cases. With this I have no quarrel, as I said. What I am against is money used for someone's benefit, for example, what I can see here in the Report, overseas subsistence allowance. It is said in this Report much more money had been paid, as over-payment, to an officer who knew exactly what his subsistence allowance was for one night. But to claim twice as much as he was supposed to get for one night is very bad. Such a person should be brought to court for justice because he is misusing public funds.

Mr. Deputy Speaker, Sir, we are told in this Report that there are a lot of unnecessary expenses incurred by our "foreign Embassies". I wonder, Mr. Deputy Speaker, Sir, why this man should have hired a plane from Kinshasa to Nairobi—as stated in the Report—when there were no passengers travelling in that plane.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, may we know who in our "foreign Embassies" are spending our money as contained in the hon. Member's statement? Which Embassies are these?

The Deputy Speaker (Dr. Waiyaki): It is a slip of the tongue. I think he means our Embassies situated in foreign countries.

Mr. Mwamzandi: I meant our "foreign Embassies abroad".

Mr. Deputy Speaker, as I had said earlier on, a charter plane was booked from Congo-Kinshasa to Kenya and there were no passengers travelling in that plane. This cost the Government a lot of money. The Report—

The Deputy Speaker (Dr. Waiyaki): Order! I want to remind the hon. Members of our rule in the House that an hon. Member may not cross between the Chair and the hon. Member speaking because he will obstruct the view of the Speaker or of the Deputy Speaker. In such

[The Deputy Speaker]

case, the Speaker or his Deputy cannot see the hon. Member speaking although he should be in his view all the times.

Mr. Mwamzandi: Thank you very very much, Mr. Deputy Speaker, to have reminded the hon. Members of that fact. It is said here that the Treasury declined to authorize or to give authority for the payment or to be charged from the public funds. We do not know why this should have happened. The amount involved was £2,100. Mr. Deputy Speaker, this to me, it is very serious. I wonder why this should happen.

Another report from the Controller and Auditor-General says, in connexion with extravagances, the Kenya Embassies abroad have incurred— These Embassies, Mr. Deputy Speaker, purchase unnecessary things like sofas for their officers. Mr. Deputy Speaker, we are not as well up or as financially sound as Britain or China are. These people should know that we are poor and we borrow from those countries. Therefore, they should not take our class to be— We live in debt here. They should not take our class to be like that of the British Embassy anywhere. They should also know that even our skin is black and it is not like that of the British people. Why should they spend a lot of money of the Government when our people are dying. They should know that we wait for donations from the governments of Zanzibar and China while our Embassies are incurring unnecessary expenditure when we need this money for famine relief here. This is very serious and these people should be called back to be rebuked; they should be remanded and not to be left just like that and so become more extravagant. They should be called here to give reasons why they have incurred this expenditure. I agree that the Committee will be responsible if I have to be on that Committee. If I happen to be on that committee, Mr. Deputy Speaker, Sir, I will not sit back until these people are summoned to come and give statements as to why they have incurred such expenditures.

Mr. Deputy Speaker, Sir, out of this same Report, I have seen the most extravagant Ministry is the Ministry of Foreign Affairs because it is just squandering money like that. If I go to another point, I will say that I become very much ashamed here in seeing this Report that there are some dishonoured cheques from the Government officials. Mr. Deputy Speaker, Sir, this is shameful. Do these people in the Government offices— Mr. Deputy Speaker, Sir, here I must be very specific because these are not the Government people of the class of messengers or office boys,

but they begin from the provincial commissioners to the Permanent Secretaries. It is very shameful because if they think that we chase our public to pay taxes so that they can draw their cheques on their accounts where there is no money, this is wrong. Some of our people do not sleep in their houses because they fear that during tax raids they are chased here and there. Yet, we find that these people write forged cheques and draw money from the public funds. This is very wrong and if the Ministers do it, they must stop it although it has not been said here that the Ministers do it. However, if they do it, they must stop it forthwith.

The Assistant Minister for Works (Mr. Keen): On a point of order, Mr. Deputy Speaker, Sir, do I understand the hon. Member as having referred to Government issuing forged cheques? I do not know whether that is exactly what he said, but could he tell the House a little more about that?

The Deputy Speaker (Dr. Waiyaki): It is not clear to me either whether he is referring to cheques which bounce; cheques issued by Government which bounce or whether he means cheques issued by high officers of Government which bounce. That is personal matter and it is not our concern.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I thought that the Assistant Minister had read this and when we talk of honoured cheques he would be able to understand what we mean. However, here I gather that he has not even read it.

Mr. Deputy Speaker, Sir, if a cheque which has been issued by a Government official or their personal cheques which are not honoured by the banks—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, is he in order to refer to personal cheques in relation to Government business; what relationship is there?

The Deputy Speaker (Dr. Waiyaki): Order! Mr. Mwamzandi, would you still further clarify what exactly you are discussing; is it personal cheques in relation to private business or is it personal cheques with regard to payment of money for Government?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, this is a personal cheque where an officer would withdraw Government money first; put his cheque there; if I can explain in a different way to the Vice-President. Mr. Deputy Speaker, Sir, there is Government's—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order

[The Vice-President and Minister for Home Affairs]

to say that he is explaining to the Vice-President when he should be explaining to the House?

The Deputy Speaker (Dr. Waiyaki): No!

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I am explaining to the House now.

However, according to this Report, Mr. Deputy Speaker, Sir, an officer writes his own cheque, puts it to Government money, he draws money hoping that the Government would get money from that cheque from his bank account whereas there is nothing.

Mr. Deputy Speaker, Sir, this Committee failed to tell us here what measures have been taken because this is very serious. We first of all complained that they are too corrupted and they are proving their corruption by giving forged cheques. They should be taken to court for answering as to why public funds should be used that way.

Mr. Deputy Speaker, Sir, in ending my speech, I would like to give a very, very good lesson to the Government and particularly to the Assistant Ministers and Ministers. Civil servants are very dangerous people to the politicians. If we say that these civil servants are faithful to any politician, from the rank of a President to a Backbencher, then we are deceiving ourselves. However, whenever we hear Government blamed, it is not from politicians, mind you, but it is blamed because there are civil servants who are doing bad things to the public. The public, however, would normally blame the Government and particularly the politicians because we do not—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, I think the time has come when a ruling could be given because generalization of civil servants as such is not fit because we have about 8,000 civil servants and not all of them have made mistakes. We owe them our gratitude and, therefore, if anyone has something against any one particular civil servant, then he had better name him instead of generalizing.

The Deputy Speaker (Dr. Waiyaki): Yes, I welcome that intervention by the Vice-President because it has been pointed out repeatedly by some Members and, in particular, I remember the hon. ole Leken and the hon. Magugu, that it is not fair to generalize on civil servants. They cannot defend themselves here. Therefore, it is only right that when Members of Parliament speak about them, they had better pinpoint who it is they have in mind. It is also bad for us in the country because the Government can then deal

with that particular civil servant about whom you feel aggrieved.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I really put it very clearly when I said that our people are not very happy with the administration first of all; that is the provincial administration throughout the country. The reasons why I said that, Mr. Deputy Speaker, Sir, if the Government is blind and we have read; we have heard and we have seen *coups* in every country, but when *coups* happen it is only the politicians who suffer and, yet every Act here has been executed by these civil servants who misuse it and blame the whole Government.

Therefore, Mr. Deputy Speaker, Sir, I was going to say here that whenever we talk of civil servants here, the Minister should take into account that if they do not reprimand these people we are ruining ourselves.

The Deputy Speaker (Dr. Waiyaki): With an amendment to an amendment, I allowed you to speak on both the amendment to the amendment and also to the original amendment. However, you have gone back to the debate on the Presidential Statement which was carried on here last week. I would like to draw your attention to the fact that we are dealing with a Motion which appears in Order Number Seven on the Order Paper and which has been amended and amended again. That is the Motion we are dealing with. Therefore, would you confine your speech to that Motion.

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, Sir, I thought as this particular Motion which concerns public funds is a wide matter. Therefore, it is difficult for one to confine oneself to one particular thing. Mr. Deputy Speaker, Sir, I am not trying to challenge your ruling.

The Deputy Speaker (Dr. Waiyaki): I have made a ruling and if you challenge that ruling, I will confine you to the amendment to the amendment, in which case, you will find yourself in very deep waters because you will not have much to say. I would ask the House to confine itself to the original amendment and to the amendment to the amendment, otherwise, we shall be here for two weeks and get nowhere.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir—

Mr. Boy: On a point of order, Mr. Speaker, Sir, I have heard the Assistant Minister, the hon. Anyieni saying that the hon. Mwamzandi is fighting Mr. Mathenge, the Coast Provincial Commissioner. How far is this true? Can the hon. Anyieni substantiate that allegation? I have heard him saying this from that side.

The Deputy Speaker (Dr. Waiyaki): Did you say that, Mr. Anyieni?

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Deputy Speaker, Sir, I do not know why the hon. Member is after me. I have not had time to speak and when I do, I will reply to what he has said.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I do not fight anybody here and if I have a specific case, I am not afraid to mention anything in connexion with it. Mr. Deputy Speaker, Sir—

An hon. Member: You are exhausted.

Mr. Mwamzandi: I am not exhausted. I can entertain you for the whole night. Mr. Deputy Speaker, Sir, as I said here earlier, the Report itself was not enough to have safeguarded the public funds. Mr. Deputy Speaker, I am saying this because the same Report was there in the last Parliament and nothing has been done since then. No payments have been effected and we are now seeing from this new Report that the same things have been noted. However, Mr. Deputy Speaker, Sir, we have not received any information as to whether this money was over-spent by fraudulent claims, or whether some of this money was drawn from dishonoured cheques from some people. It has not even been shown here whose those dishonoured cheques were. I am saying this, Sir, because the members of the public would like to know those people who give out dishonoured cheques to their banks. We fail to understand and if I may guess here, the people who are doing this may be the super-scale people because the lower class people do not have bank accounts for cheques, but the higher class people do. Mr. Deputy Speaker, Sir, it has not been made clear here because we understand that some people have resigned. Mr. Deputy Speaker, you find a Permanent Secretary resigning from Government service and joining the private sector. Such people may have had debts with Government and we do not know whether or not this money had been cleared before such people left Government service. This should have been made clear and that is why I fully support the amendment to this Motion so that, since Government does not like generalization of things, we know who these people are, and we should even have their photographs taken, if it is possible.

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

The Deputy Speaker (Mr. Waiyaki): Mr. ole Oloitipitip.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir, would it be in order to move that the question of the amendment to the amend-

ment be now put?

The Deputy Speaker (Dr. Waiyaki): Yes, I think it is an opportune time to deal with that and, therefore, I will do so.

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

(Question of the amendment to the amendment, that the words to be left out be left out put and agreed to)

(Question of the amended amendment proposed)

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Deputy Speaker, Sir, without wasting the time of the House, I must start by congratulating the Mover of the amendment. At the same time, Sir, I wish to congratulate the Mover of the amendment to the amendment. Mr. Deputy Speaker, Sir, this amendment is a straightforward amendment and, I think, every hon. Member in this House with proper thinking should support it. Mr. Deputy Speaker, Sir, I did a bit of my homework when I went through this blue book, and this blue book, Mr. Deputy Speaker, Sir, is a Government blue book. I also did my homework when I studied the Public Accounts Report by a Committee of this House and I very highly congratulate the Committee of this House which studied the Public Accounts. I also would like to congratulate the Auditor-General of our Kenya Government for the work he did.

Mr. Deputy Speaker, Sir, coming to this amendment, I would like to say this: Mr. Deputy Speaker, Sir, I think it is high time that we, hon. Members of this House who have been elected by our people, realized that we are the supreme authority of our nation. Therefore, Mr. Deputy Speaker, we are responsible for any expenditure that is incurred by our nation and, therefore, if anybody is going to mess about with the public funds, we are equally responsible for this money and we have the mandate to say no and bring it to a full stop. Mr. Deputy Speaker, Sir, I think this is a very genuine amendment and all it is asking the House is to bring to a full stop or rather to bring to an end the misuse of the public funds.

Mr. Deputy Speaker, Sir, we have been warned time and again by our hon. Mzee Jomo Kenyatta, the father of the Nation, about corruption. We have also been warned about the misuse of public funds and, therefore, Mr. Deputy Speaker, Sir, I think it is high time we curb every such situation which can involve this nation into unnecessary expenditure of our public money. Mr. Deputy Speaker I read this blue book which

[The Assistant Minister for Health]

has been written by the Auditor-General, and I found that in every Ministry, expenditure has been condemned by the Auditor-General. Mr. Deputy Speaker, Sir, if the Auditor-General of our Government condemns the activities of our own Ministries and we just by-pass it, what is the use of us sitting in this House?

Mr. Deputy Speaker, Sir, I think it is high time we allowed this amendment to go through without wasting the time of the Government or the time of this House, so that tomorrow we can select this Committee to go into this matter very deeply and then bring the report back to this House, and we shall penalize anybody who will be responsible for Government over-expenditure.

Mr. Deputy Speaker Sir, I think I am not going to labour much on this because I feel very strongly that it is the high time that every civil servant, every Minister, who is charged with the responsibility of caring for public funds should be really responsible and if he is not responsible there is no point why Government should keep on paying people of that nature.

An hon. Member: But you are one of them!

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Deputy Speaker, Sir, if I am one of them I should be brought before a court of law and be made to reimburse the money which I might have taken the other time.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): What about Loitokitok Hospital?

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Deputy Speaker, Sir, the Vice-President is asking me about Loitokitok Hospital. The hospital is progressing very nicely—

An hon. Member: Through that method!

The Assistant Minister for Health (Mr. ole Oloitipitip): Not through that method, Mr. Deputy Speaker, Sir.

An hon. Member: Through what method?

The Assistant Minister for Health (Mr. ole Oloitipitip): This is a different thing, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, another point I wanted to make is about the generalization of civil servants. Mr. Deputy Speaker, Sir, there is no point for us here in the House, as responsible men, to generalise that every civil servant in the country is bad. They are not all bad. Most of them, are not bad. Some of them are bad just as some of us here. Members of Parliament, are bad. We must admit this, Mr. Deputy Speaker,

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

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

Sir, If we say that all the civil servants are bad, we must also admit that some of us here are not all that good. But, what we are trying to—

Mr. Ogalo: On a point of order, Mr. Speaker, Sir, could the Assistant Minister substantiate that there are some Members of Parliament who are as bad as some civil servants.

The Speaker (Mr. Mati): No, I do not think in this case it is necessary to substantiate because Mr. Oloitipitip said there are some of us who are not all that good which includes himself. So, you cannot ask him to substantiate something that he has admitted himself.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I feel that we must give credit where it is due. Most of our civil servants are very honest men, very active men and very punctual men. But, we know in all walks of life, there must be some failures. If I said that in this House, I am a failure myself and I admit this. Therefore, if you want me to substantiate this, there are some times when you meet me here and in my farm.

Therefore, Mr. Speaker, Sir, what we want to do and what we want the nation to know is that we are really responsible Members. We want the nation to know that we do not want money to be misused or overspent so that when we have the money we can know where to put the money to develop the nation. That is all we want here, Mr. Speaker, Sir.

Therefore, Mr. Speaker, Sir, without tiring the House more or without labouring very much on this matter, I request the whole House to accept this Motion. I think Government is going to accept this Motion straightaway. If I am not anybody in Government, I request somebody in Government who is somebody, to accept the Motion.

Thank you very much, Mr. Speaker.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, is it really in order for the other Members to stand when the Member speaking is still on his feet? This is becoming an almost deplorable habit, Mr. Speaker, Sir.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, could it therefore, be that, in future any Member who stands on his feet for along time before the speaker on the Floor has finished his speech, should also not catch the Speaker's eye?

The Speaker (Mr. Mati): I will consider that advice in future.

Mr. Koigi: On a point of order, Mr. Speaker, Sir, despite what hon. Mwithaga says, there are many Members here who are not caught by the Speaker's eye.

Mr. Muregi: Thank you very much, Mr. Speaker, Sir, for giving me this chance to put across a few observations inot this Public Accounts Committee Report which to some of us seems rather odd if it has been going on in the way it appears in the 1969/70 Report and also in the 1967/68 Report.

I am just referring, Mr. Speaker, Sir, to an item here that some money, in the 1967/68 Report paragraph 26 that a Minister attending the United Nations General Assembly spent £887 on travelling and that he was ordered by the Public Accounts Committee to refund that money. Now, in this Report here—the Current Report—nobody shows whether this money has even been recovered or not. It is a situation whereby I would seek from the chairman of this committee, that next time any recommendations must be fulfilled and that this House should be informed about any recommendations which have not been fulfilled. This is because this might be kept in this way without knowing as whether they have been fulfilled or not, which does no good to this House nor to the public. I feel very strongly that we should be faithful and what is stated here and what is shown here in such a Report must be fulfilled to satisfy the public. We must understand our responsibility. We all understand our responsibility because we are responsible people elected to this House by the public through a popular vote. Our duty is to safeguard the interests of the public and whatever money that we account for are the taxes from the public. I mentioned here sometime back that my constituents were harassed when they were being asked to pay the graduated personal tax. I think that those who were harassed would feel ashamed if they heard their money was overspent and, misused extravagantly by a single fellow in the Government.

Mr. Speaker, Sir, I go further to observe another point on expenditure. Though this one had been quoted by another speaker, it is absurd to note that a single sofa set cost Sh. 11,142 and 85 cents. A carpet only, costing Sh. 20,535, was bought, Mr. Speaker, Sir. This is a very serious situation and, I think, the amendment which has been introduced in our resolution might serve the purpose. I feel very strongly that next year, when we discuss this sort of situation again, a stronger resolution to imprison these people who are spending money extravagantly will be passed. This is a very bad

situation, Mr. Speaker. If a mere carpet is bought at a cost of Sh. 20,535 when our people are starving, when our people are demanding water and when people want *shambas* which cannot be found for them because Government cannot spend money to buy *shambas* this is a shame to our Government. Mr. Speaker, Sir, I think we must be rather ashamed of ourselves because this is a situation whereby the Colonial Government might think that we were not fit to rule ourselves. If a colonial officer, who used to look after these accounts noted that there is very bad extravagancy in expenditure, he would be surprised. I think we should be ashamed of ourselves because this is a situation which we should avoid as much as we can and every effort should be made by the Ministers and the Assistant Ministers to curb this situation. We are an independent Kenya and we must prove that we are able to run the affairs of our country. But, when we show this sort of image to outside countries, I think, we shall be accused of not being fit to rule ourselves, if we cannot take care of public money which, of course, the same Government harasses the people to pay taxes and the same Government claims that we can take care of ourselves.

Mr. Speaker, Sir, the other item I would like to hammer in very much is that of the 1968/69 Expenditure and likewise in the other report of 1967/68, it was stipulated clearly the over-expenditure of every Ministry, in paragraphs 13 and 14. As it is stipulated here, I think the Public Accounts Committee should be able to show us how some of this money was spent. Although the Vice-President said here the other day that floods made Government overspend some money, that would be a very genuine overexpenditure and it is necessary for such reports to be shown in this Report so that we can also keep a record of why such money was overspent, rather than give us a vague report whereby the Public Accounts Committee states that they have noted such reports and recommended the recovery of some money and yet they do not show whether this money has been recovered or not.

Mr. Speaker, Sir, on the same Report, I would like to congratulate the Auditor-General for extending his hand to audit local authorities' accounts. Over the years and since we achieved our independence and started running our local authorities, the big problem has been to audit local authority accounts. As a result, a lot of misuse of the money which was due to unexperienced officers who have been taking care of local authorities' accounts. This has been a problem and many local authorities had gone

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bankrupt because of these inexperienced officers. At the same time the Ministry of Local Government has been understaffed and has been depending on expatriate officers doing these accounts. I am sure this is why many local authorities were completely misled and could not keep their books properly. Now, with the help of the Auditor-General, I am sure the local authorities will be very, very careful and will observe this point without fear. This is because our Auditor-General seems quite a gentleman who can even criticize the Government. However, I hope it is just because he is rather protected by the Constitution, otherwise if he were a simple man he could have been harassed and we would never have had this type of Report.

The Minister for Local Government (Dr. Kiano): When did I have some expatriates in my Ministry?

Mr. Muregi: You had some expatriates some time back. people like— I knew them.

Mr. Speaker, Sir, the Minister for Local Government denies that he has some expatriate however, since 1963, I know the whole Ministry was filled with expatriates who misled the local authorities from then. This is what resulted in Government taking over their services—local authority services—and I hope the Minister is not to blame for he is doing very well at the moment.

Mr. Speaker, Sir, I feel I do not want to labour very much on this issue, however, I must put across some points. The first one, is that we must be very careful about the public funds. It is clear that the public these days, are very keen in listening to the radio to hear what we speak. Therefore, there is no doubt the public is going to be very angry and very disappointed by the some discussions that we have made here on the Report. This is because what we are talking about in this House is about the money which is paid by the public through graduated personal tax and many other taxes. If this continues, Mr. Speaker, Sir, I feel the members of the public will lose confidence in us and immediately they lose confidence with our Government, I do not know where we shall be. Maybe, we politicians will be the sufferers because we shall be the people to be kicked out from this House.

With these few remarks, Mr. Speaker, Sir, I beg to reserve my comments.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir—

Mr. Mutiso: On a point of order, Mr. Speaker, Sir—

The Assistant Minister for Works (Mr. Keen): What is the point of order about?

Mr. Mutiso: Mr. Speaker, Sir, since we have debated this issue almost exhaustively, from the amendment to the amendment on the amendment, shall we be in order to move that the question of the amendment be put?

Hon. Members: No, no!

The Speaker (Mr. Mati): Actually, what Mr. Mutiso is proposing does not end the debate. He is only proposing that we put the question of the amendment to the amendment.

Hon. Members: No, an amendment to the amendment had been put.

The Speaker (Mr. Mati): Was question of an amendment to the amendment put?

Hon. Members: Yes.

The Speaker (Mr. Mati): Right, therefore, I think I will entertain Mr. Mutiso's proposal. I will put the question of the amendment and the debate can continue from there depending on what happens.

(Question of the Amended Amendment put and agreed to)

(Question of the Motion as Amended proposed)

Mr. Mutiso: Mr. Speaker, Sir, thank you very much for giving me this chance to really air my views on this very important Motion. Sir, I think I am not going to waste any more time. All I am going to do is go join the chorus which the hon. Members have been singing so beautifully and musically in this Chamber, trying to explain and point out the mistakes of Government on the public funds.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, since the hon. Member was an Assistant Minister during the time of over-expenditure can he declare his interest?

The Speaker (Mr. Mati): I do not see any connexion there.

Mr. Mutiso: Mr. Speaker, Sir, if the hon. Mwithaga would like me to declare my interest all that I would like to say that I was left out because I opposed this unnecessary expenditure. I was not left out because I was not capable of holding that post; and so the hon. Member can know the reasons.

What I would like to say is that for several been debating in this House Ministerial Votes and there has been several Ministries which I think have deliberately refused their votes to be discussed by this House in order to scrutinize and point

[Mr. Mutiso]

out the mistakes of misappropriation. This is the reason why we find that over the years this misappropriation of funds—misuse of funds if you like it—has been piling up and, therefore, the figures have been soaring up. I think it is high time that the House is given a chance to debate and scrutinize all Votes of respective Ministries because I know that the Ministries which have been pointed out by the Auditor-General are the worst culprits and are the Ministries whose Votes have never been scrutinized by this House. I have seen this practice of guillotining the Votes when the Supply days are ended and many important Ministries are always left behind so that they will never be scrutinized. This is why we discover these mistakes in the long run.

I would like to state one particular point: our country is a very small one which is in fact very poor because we are dependent on loans from Britain and other countries. I wonder why our Government, particularly the departments which have large numbers of staff, have to use very expensive cars. Mr. Speaker, Sir, you would be surprised to note that certain Ministries—I do not know which ones—I note that even the police are now using Mercedes Benz—I do not know whether it is Mercedes 250 or Mercedes 290—as “99 cars”. This is ridiculous because these cars are highly expensive and you find that the cost of maintaining these cars is enormous. This is why, Mr. Speaker, Sir, there has been this question of over-speeding because when the Votes come here the money which the House authorizes to be spent is not the amount of money which the Ministry spends eventually, this is because they decide to buy for example, Mercedes 250 when perhaps the Vote was aimed at buying a Toyota Crown. Hence, you will find the deference is enormous. This is why these things are there, and have happened.

You find also, the Vice-President—I see him with two Escort 999 cars. I do not know whether these things are really necessary, Mr. Speaker, and this is—

Hon. Members: Hear! Hear!

Mr. Mutiso: They employ so many other Government officers, Mr. Speaker, to be in these 999 cars unnecessarily. I do not know what fears the Vice-President or any other Government officers have. Mr. Speaker, if we are honest with ourselves, and we are sincere with the service that we are giving to the country, we must not fear our people; we must not have all these unnecessary security precautions, Mr. Speaker. I will not

question, Mr. Speaker, the security of His Excellency the President, but I also feel Sir, that it is really too large, and especially when you see the President going to the Coast, you see a convoy; a real convoy of cars and people, and when you calculate the tyre wear of these cars, and the number of staff involved, it is really too large. Mr. Speaker, this is another thing where I would like to find out why these unnecessary expenses have occurred.

Now, we see the Provincial Commissioner for Eastern Province with the entire Eastern Province, the whole lot of it, driving from every other Ministry, from the department of Agriculture, Veterinary, what have you; the whole lot; the police including the National Youth Service, and every other Government department. All these people, Mr. Speaker, Sir, have to drive down to Mtito Andei, and also meet the other entire battalion from the Coast Province. Now, Mr. Speaker, what are all these things? This is why, Mr. Speaker, this irresponsible expenditure has to happen, and I want to caution the Vice-President and the Government, that the public is keeping a very sharp eye on these things. Now, I think this Motion will, Mr. Speaker, try to curtail these things, because if, the House gives this authority in the Select Committee, and appoints the Committee which will revise the Amendment of the Act or revision of the Act, and after that, then we find these things are being abused, then I do not know whether the public of this country will continue to be justified in tolerating this kind of exercise.

Mr. Speaker there are many things which can be said and some of them are very sad. I would like to ask the Vice-President and Government to try and really be serious, because I cannot see why an Accounting Officer, where the Minister is responsible— Mr. Speaker, when I was in the Government, I used to see that when, perhaps there are some important things that want to be discussed or passed for expenditure, our Accounting Officer was very strict, and quite often, Sir, he refused or he turned down the request of the Minister. Now, I cannot see how this unnecessary expenditure happens; maybe, there are some other irresponsible Accounting Officers, who perhaps are being driven from left to right by their Ministers, who perhaps can authorize some expenditure without taking into account whether this, Sir, falls within the Vote. Now, these, Mr. Speaker, are things which the country and Government must watch.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Give us specific cases.

Mr. Mutiso: Mr. Speaker, the Vice-President is asking me to give specific cases, and I have just given them. I have no time because there are many Members. Mr. Speaker, who want to air their views. However, what I wanted to say, Sir, is this: that this issue, Sir, has been discussed; the views that the House has expressed, through the hon. Members in this Chamber, are very important, and I want only to stress one particular point: that is, the Vice-President and all the Ministers who are here, must not take this as a mere Motion that we have passed here, so that Government will sit on it; this is a very serious issue; it is not a Motion like the one of tarmacking the Machakos/Kitui Road, which Government has sat on. This is a different Motion and if, Sir, Government will sit on this one, then they only live to regret it when the time comes.

Thank you, Mr. Speaker.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, there is no doubt that the entire question of public accounting and overspending is highly disgraceful. We have to accept this, and this somehow, does put us into a very embarrassing position as Members of Government here, not knowing what to do, whether we would be in a position to defend these civil servants, who are responsible for this system of accounting. Mr. Speaker, Sir, the misuse of public funds is a crime that has no parallel and it is a crime that cannot be forgiven whatsoever. Everything should be done now and in future to ensure that we are not going to have a repetition of this ugly situation again. When the public read in the newspapers about the overspending of public funds, Ministries overspending, people begin to question the whole theme of us being in Parliament. We are elected by our people to ensure that their money is wisely spent and not on merely prestige projects.

Mr. Speaker, Sir, the question of civil servants has been mentioned here generally, and I know that many of them are responsible. However, at the same time, you will find that we have, I think, one of the finest Civil Services in the country compared with other Civil Services we know of in Africa today. As in every society, there are a few black sheep here and there and we cannot generalize entirely to frustrate our civil servants who are actually hard-working in the field, all the time. It would be very unfair for the House and for hon. Members just to speak at random here and throw a lot of insults at our civil servants. It is bad because these poor fellows who are not in

a position to defend themselves in this House will be frustrated and will be absolutely unable to do the amount of work they have been doing. For those civil servants who have been irresponsible or who have been seriously concerned with the misuse of public funds, the only way that they could be put right is by severe prison sentences. I would like to pay tribute here to the manner in which the Auditor-General has presented the entire facts of our accounting system. It has shown that a number of civil servants in these accounting offices are not entirely serious in their use of public funds. This is a situation we cannot allow to continue. Whatever we say in this House, Mr. Speaker, Sir, I hope will not be minimized but will be taken seriously by Government. I observe that all of us here, collectively, as a matter of concern, are concerned; Ministers, Assistant Ministers, and Members of this House are concerned about the misuse of Government funds. Mr. Speaker, Sir, I would like to point out that we should do everything possible to support the amendment here and ensure that a proper accounting system is set in motion so that we will not have this kind of repetition again. It is absolutely ugly and it will put us, as I have already said, Mr. Speaker, Sir, in an extremely embarrassing situation of not knowing how to defend these civil servants. We would like to defend civil servants as much as we can, when they are in the right. However, in matters like the one an hon. Member mentioned here, where a carpet costing KSh. 20,000 was bought, this is an act of irresponsibility. Mr. Speaker, Sir, KSh. 20,000 is enough to feed 200 African families for one year. I cannot see how for one moment I can support such ridiculous overspending of Government funds. I do sincerely hope, Mr. Speaker, Sir, that everything possible will be done to ensure and to support this Motion so as to get a select committee working and have its recommendations implemented. In future, Mr. Speaker, Sir, I hope this House will not, again, be in a position where they will have to discuss this disgraceful atmosphere.

With this, Sir, I beg to support.

ADJOURNMENT

The Speaker (Mr. Mati): For the convenience of the House, I think, we will adjourn now. The House is therefore adjourned until tomorrow Friday, 19th March, at 9.00 a.m.

The House rose twenty eight minutes past Six o'clock.

Friday, 19th March 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 174 (1517)

ADULTERY TO BE A CRIME

The Speaker (Mr. Mati): Mr. Mulwa. Not here?

(*Ordered to receive a Written Reply*)

Question No. 85 (1343)

LOANS FOR ERECTION OF HOUSES
IN SOMBE

Mr. Kitonga asked the Minister for Commerce and Industry if he would tell the House, since the present Sombe Trading Centre is to be shifted to another place because of the destructive river which overflows in this area, the Government could supply loans to the people who own business houses at present in order that they may be able to erect other houses at the new proposed market.

The Speaker (Mr. Mati): Commerce and Industry?

An hon. Member: He is not here.

Mr. Kitonga: He is afraid of me!

Question No. 168 (1501)

ERECTORIONS OF SHANTY EATING HOUSES

Mr. Ebu asked the Minister for Health if he would tell the House why the Ministry allowed shanty eating houses to be erected in Nairobi and in other big towns while similar structures or even better ones were not allowed in the rural centres.

The Speaker (Mr. Mati): Ministry of Health? Not here?

Question No. 178 (1522)

WORKERS' ACCOMMODATION: THIKA
PLANTATION ESTATES

Mr. Kahengeri asked the Minister for Health if he would tell the House if he was aware that workers in plantation estates, particularly Komothai Estate, Gitamayu Estate, Pillion Estate and Kalimoni Sisal Estate in Thika Division, were living in almost uninhabitable huts which were dangerous to their health.

Mr. Kahengeri: This question is addressed to the same Ministry and there is nobody to reply.

Question No. 171 (1507)

CONTROL OF HYENAS AND WILD PIG IN
KASIPUL/KABONDO

Mr. Mbori asked the Minister for Tourism and Wildlife if he would tell the House what

steps he was taking urgently to control wild pigs and hyenas in Kasipul/Kabondo that were killing people and destroying their crops.

Mr. Mbori: Front Bench, what about collective responsibility?

QUESTIONS BY PRIVATE NOTICE

EMPLOYMENT RECRUITMENT THROUGH
NAIROBI CITY COUNCILLORS

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following question by Private Notice:—

(a) Is the Minister aware that, with effect from February 1971, the Nairobi City Council employment recruitment is done through the councillors rather than through the normal administrative machinery?

(b) If the answer to (a) is in the affirmative, what is the legality of this procedure?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. I am not aware that with effect from February this year Nairobi City Council employment and recruitment is done through the councillors. What I am aware of, Sir, is that the normal employment machinery as approved by the Council is being followed.

Mr. Karungaru: Mr. Speaker, Sir, since part (b) of the question has not been replied to, would the Assistant Minister tell us which is which he thinks in regard to the procedure to be followed? And, Sir, is it not contrary to the law of this country for this kind of thing to be channelled through the councillors instead of the legal machinery?

Mr. Munoko: Mr. Speaker, Sir, I am surprised, because the Council is empowered to appoint its staff, except that certain categories have to be done with the approval of the Minister. These are, the Clerk, the Treasurer, the Engineer, the Medical Officer of Health, the Health Inspector and their deputies. The others can be appointed by the Council.

Mr. Karungaru: On a point of order, Mr. Speaker, since we know pretty well and it is clear in our minds that Council does not mean councillors, because councillors are elected, would the Assistant Minister make it clear to this House whether it is the councillors who are supposed to recruit instead of doing this through the machinery of the Council?

The Speaker (Mr. Mati): I think, here, I am not quite sure myself that I understand what Mr. Karungaru wants to know. Mr. Karungaru did not make it clear whether he meant that people were being appointed by individual councillors

[The Speaker]

or whether he would still object if this was done by a committee specially chosen to make the appointments.

Mr. Karungaru: Mr. Speaker, individual councillors send people for employment to the City Council. Nobody can employ them otherwise. Is this recommended by the Government and also by the Council and, if so, when did the Government and the Council make this regulation?

Mr. Munoko: Mr. Speaker, under the terms governing the appointment of staff in the City Council, there is a clause which states as follows:

"Canvassing a member of the Council directly or indirectly for any appointment or promotion under the Council shall disqualify the candidate for canvassing".

Now, if any candidate goes to any member for canvassing, he will be disqualified.

However, Sir, the appointment of staff in the City Council is governed by the Local Government Regulations under which some other regulations appertaining to each particular council—and as far as Nairobi is concerned, to the City Council—are laid down and must be followed.

I am not aware, Mr. Speaker, that there has been any departure from this. If the hon. Member has any specific cases he should put them up and we will examine them.

Mr. Mutiso: Mr. Speaker, Sir, I think there is some confusion here. As far as I see under the question, it says that the individual councillors send individual people for employment wherever there are vacancies in the City Council. They themselves recommend their own people rather than have this channelled through the Council. It is not the staff of the Council but rather the other employees, the people who are in the lower grades. This is what has been happening. I think the Assistant Minister is confused.

Mr. Karungaru: He is aware of this.

Mr. Munoko: Mr. Speaker, Sir, I am not confused. I am quite clear in my mind of what I am talking about.

The fact is that there are certain categories of staff who have to be appointed by the Council, not by individual councillors. A councillor, individually, does not constitute the Council and he cannot, as a councillor, order the staff about.

The others, Sir, are appointed by senior or heads of departments because the Council has delegated its powers of appointment to the senior staff or heads of departments.

Mr. D. M. Kioko: Mr. Speaker, Sir, from the answer of the Assistant Minister, since canvassing is one of the disqualifications for employment of an applicant, would the Assistant Minister tell us what method do the officers of the Council use or exercise to find out whether a candidate has canvassed or not canvassed with any councillor before applying for this particular employment? Which method do you use?

Mr. Munoko: Mr. Speaker, if it comes to light, in other words, if the officer responsible finds out that a certain person who has applied for a post and has canvassed, then he can be disqualified.

I know, Sir, it is difficult as the hon. Member knows.

Mr. Ayah: On a point of order, Sir, the hon. Questioner, hon. Member for Embakasi has made a very specific allegation in this question, namely that from a certain date this year, individual councillors have been employing people rather than using the machinery employed by the Council itself.

Would it not be in order for the hon. Member to give an example to substantiate this allegation since it is a serious one? Which councillors have been recommending people individually for employment in the City Council, and which are these other people?

Mr. Karungaru: Mr. Speaker, Sir, this is not the first time I am being asked to substantiate. I want to substantiate now in this case.

Sir, with effect from February this year, the councillors of Nairobi City Council undertook the responsibility of recruiting instead of allowing the administrative machinery to recruit. Today, for the information of the House, no person or persons can be employed by the City Council as a labourer, a cleaner or a sweeper without having been given a recommendation by the councillors as to where that person comes from.

The Speaker (Mr. Mati): Order!

Mr. Karungaru, we just do not have that amount of time to keep on repeating the same thing. What you are saying is exactly what is in your question, you have not told us anything new.

What you are being asked to do is to give an example of where a councillor recruited a worker. You will name the councillor by name as well as the worker. That is all you are asked to do.

Mr. Karungaru: Mr. Speaker, it is not only one councillor that is involved, it is all the councillors.

The Town Clerk to the Council left for Canada for training and the Deputy Town Clerk agreed

[Mr. Karungaru]

with the councillors that all the labourers should be recruited through councillors. They even go further, they ballot—by paper—for the names of the councillors so as to determine who will do the recruitment. If there is any employment, then councillors are asked to write names on pieces of papers and put them in a balloting box so that it can be determined, who, among them, will do the recruitment. That is how they are now employing people in the City Council. If you do not belong to the area of any councillor or where he comes from, then you cannot get employment with the City Council.

An example is the cleansing department. This is what they are doing and the whole council is now a mockery of such things. The whole business is an entire mockery.

Hon. Members: Shame! Shame!

Hon. Members: This is serious!

Mr. Araru: Arising from the earlier replies of the Assistant Minister, in view of the fact that the hon. Mr. Karungaru has already substantiated, what is the Assistant Minister going to do so that he can tell this House that all the legislative machinery which has been going on in the City Council will continue or whether we will now have this new regulation which has been made locally by the councillors for employing our people?

Mr. Munoko: This has come to light and I promise that I will investigate it.

PAYMENT OF CARETAKER COMMISSION STAFF
SALARIES IN SOUTH NYANZA

Mr. Owala-Orwa: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following question by Private Notice:—

Is the Minister aware that the staff of the Caretaker Commission on handling the services of the locational councils in South Nyanza are working frustratedly because they have not had their salaries since 1st January 1971? How soon will they get their proper dues?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. There has been a delay in salary payment to the staff mentioned by the hon. Member because of a number of unforeseen factors. In the first instance, Sir, revenue collection, especially the local poll tax, in the affected areas has been poor. Consequently, the amount collected could not meet the regular payment of salaries.

Secondly, Sir, there was, recently, in unexpected rise in the scale of nursery school teachers. These increases which were recommended by the Joint National Negotiation Committee of the Associa-

tion of Local Government employees and the Local Government Workers' Union, were not budgeted for and they were quite steep, rising from Sh. 70 per month to Sh. 225 per month.

I am, however, examining the whole matter of salary payments in relation to the Estimates of the County Council of South Nyanza with a view to having the situation rectified immediately.

Mr. Owala-Orwa: Mr. Speaker, Sir, is the Assistant Minister aware that the same situation had arisen before and that it was failure to establish proper machinery that delayed the collection of funds to pay the same members of staff? Is he also aware that the Ministry had undertaken and promised that they would see to it that the situation does not arise again and today these people are under the same situation simply because of delay in establishing this machinery? Therefore, will he undertake, and promise again, that they will organize their machinery in such a way that such a situation will never repeat itself because I am sure if he does not, it is bound to repeat itself once more.

The Speaker (Mr. Mati): That is enough. You are repeating yourself.

Mr. Munoko: Mr. Speaker, the local authorities are empowered to collect their revenues. I cannot, therefore, guarantee on their behalf that revenue will be collected if the staff in that particular local authority does not want to discharge its obligations. I can, however, promise that we will push them.

Mr. Mbori: Mr. Speaker, Sir, now that this Caretaker Commission is causing the staff of the locational councils embarrassment, will the Assistant Minister undertake to dissolve this Commission immediately so that the people resume the locational council functions?

Mr. Munoko: Mr. Speaker, Sir, as I said before, the Government has decided that the locational councils will be reinstated and everything possible is being done to have elections carried out as soon as possible.

ANTI-CHOLERA IMMUNIZATION

Mr. Masibayi: Mr. Speaker, Sir, I beg to ask the Minister for Health the following question by Private Notice:—

- (a) What steps is the Minister taking to ensure that all the clinics, health centres and hospitals throughout the country have sufficient anti-cholera jabs to immunize *wananchi* from this horrifying disease?
- (b) Is he aware that people from Kenya are being debarred from entering Uganda if they have not had cholera vaccination Certificates?

The Assistant Minister for Health (Mr. Jahazi):
Mr. Speaker, Sir—

Oh! Who is answering?

An hon. Member: You.

The Assistant Minister for Health (Mr. Jahazi):
Mr. Speaker, Sir, I beg to reply. The hon. Member, like myself, is a layman and must, therefore, trust the professional advice of doctors as we have stated previously. It is not the intention of the Ministry of Health to carry out mass anti-cholera vaccination in the whole Republic at once. At present anti-cholera vaccination is only being carried out in the affected areas; that is the whole of Coast Province, the North-Eastern Province and some of the adjoining areas including the northern parts of Kenya, some parts of Nairobi where sanitary conditions are very bad, it has also been decided that Nairobi should have a mass vaccination programme.

The situation in the other parts of Kenya will be reviewed from time to time and when the Ministry of Health considers it necessary, vaccination will be carried out in any other area without hesitation.

(b) Arrangements have been made so that any person wishing to visit a neighbouring country may be vaccinated and given a certificate of vaccination.

Mr. Masibayi: Mr. Speaker, Sir, is the Assistant Minister aware that despite the fact that Busia is at the Kenya/Uganda border, the Uganda Government cannot allow people from Busia township to move freely into Uganda unless they are vaccinated against cholera?

Mr. Jahazi: Mr. Speaker, Sir, I am aware that Uganda, and even Tanzania, have taken precautions to ensure that anybody from Kenya does not go across the border until he is vaccinated. Mr. Speaker, this is not the first time such a thing has happened. All countries can apply this international precaution. However, I would like to say that we have instructed our District Medical Officer at Busia to give cholera jabs to genuine travellers as is normally the case.

Mr. Wabuge: Arising from the Assistant Minister's reply, and in view of the fact that this disease is very rangelous, would the Assistant Minister, instead of waiting until an area has been affected, make it compulsory that all people in the Republic should be immunized against this disease rather than waiting to rush to areas which have been affected?

Mr. Jahazi: Mr. Speaker, Sir, everybody knows that the Ministry of Health did not wait until there was an outbreak in Kenya. We had started anticipating the areas where we thought cholera

could break and we carried on with immunization. That is why we started, I think, as far back as October, with the immunization in the North-Eastern and the Coast Provinces. The few cases which we have had come from the areas in which we thought cholera could start. Unfortunately those people had not come forward for their jabs. Therefore, I want the House to trust us because we have nothing to hide from them and our officers are on-the-spot working at the moment. However, we have to start immunization where cholera is most likely to affect our people rather than having a mass exercise: in the Ministry we do not have enough personnel to start jabbing the 11 million people of Kenya at once today, Mr. Speaker.

Dr. Munene: Mr. Speaker, Sir, since we know that we have enough vaccines against cholera in Kenya and that we have a large number of medical practitioners in the country who are practising, will the Assistant Minister assure this House that, as it has been the usual practice before, he will give signed certificates to the medical practitioners who will give these jabs privately so that they can, themselves, issue the certificates on behalf of the medical officer in charge of each district—as has been the case on other occasions when we have had an outbreak of a disease of this nature?

Mr. Jahazi: Mr. Speaker, Sir, these certificates are given to travellers who are going outside this Republic. Our duty is to give the jab to prevent cholera but not to give somebody a certificate which he will not need to show anywhere in Kenya. So, those people who want to travel outside Kenya will have the certificates. We do not want to give the city council's job to private doctors. Anyone who wants to travel outside Kenya can go to the city council or to the Airport where he will get a jab and buy the certificate. He will pay, I think, Sh. 10 for the certificate when he wants to travel outside the Republic. There is no need for a certificate for anyone who takes the jab just as a preventive measure.

Mr. Kioko: Mr. Speaker, Sir, is the Assistant Minister not trying to confuse us here when it is true that nobody can go to Malindi now without showing a certificate that he is immunized against cholera, even if he has had the jab from Nairobi. What is going to happen now? Shall I have to get another jab at Mombasa, when I have already had one in Nairobi, simply because I was not issued with a certificate?

Mr. Jahazi: Mr. Speaker, Sir, I do not know where the hon. Member got the idea that you cannot go to Malindi without a certificate. All we know is that people from the cholera affected areas cannot come this way, and for those who

[The Assistant Minister for Health]

want to come, there are already arrangements through which they can get certificates. For instance, we do not want people to come from Galole area, where there has been an outbreak of cholera without a good reason. Those are the people we have prevented from coming this way. However, I can assure the hon. Member that I can drive him to Malindi tomorrow at my expense if he wants.

Mr. Migure: Arising from the Assistant Minister's reply, Mr. Speaker, can he tell us how he would know that Central or Rift Valley Provinces would not be affected while the people who might be affected from Nairobi are travelling to these parts of the country from time to time? Since even people coming from North-Eastern Region are travelling to different parts of the country from time to time, Mr. Speaker, how will the Assistant Minister know?

Mr. Jahazi: Mr. Speaker, Sir, nobody is coming from North-Eastern or other affected Provinces who is allowed to do so without a certificate. We do not say that nobody is allowed to travel, but those people who come from these affected areas, before they travel, we must make sure that they have certificates allowing them to travel from our teams in these areas.

Mr. Wanjigi: Mr. Speaker, Sir, since the advertisements in the papers and over the radio imply that the whole country needs these jabs, would the Ministry pick out the districts which are affected because in other districts people are already travelling to their headquarters to get these anti-cholera jabs? Would the Ministry of Health pick out the districts where people should not panic because they are panicking and when they travel to the hospitals they do not get these jabs?

Mr. Jahazi: Mr. Speaker, Sir, if the House will recall the Minister's words when he made a Ministerial Statement on cholera here, he did ask the hon. Members to help stop this panicking which is unnecessary. Sir, he assured the House that the nation is in the good capable hands of the people who are running the Ministry of Health. We are, therefore, looking into every aspect of preventing cholera spreading: we are not waiting to come to this House to be advised where cholera will break out because our officers, who are using all the basic scientific knowledge possible on preventive measures, are on the ground looking into the preventive measures. Sir, I would also like to repeat this request, that there is no need to panic because in the Ministry of Health we are not hiding anything. When a situation demands that our teams move into any other district where we are not operating at present, we shall do so immediately.

The Speaker (Mr. Mati): Next Order.

SETTLEMENT OF PEOPLE LIVING AT KIBOROA AND ADJACENT PLACES

Mr. Wabuge: Mr. Speaker, Sir, I beg to ask the Minister for Natural Resources the following question by Private Notice:—

Is the Minister aware that over 6,000 families have been and are still residing at Kiborua and other adjacent places in Mount Elgon Forest and that they have repeatedly requested the Government, through their local and administrative leaders, to be given a portion of the area for their settlement in order to be able to make a decent and secure living and educate their children? If the answer is in the affirmative, would he tell the House—

- (a) why the forest staff during the week ending 13th March, 1971, burnt down houses causing damage to the property belonging to the people, thus rendering them homeless and destitute;
- (b) what plans the Government has to settle the people; and
- (c) whether he could allow them to remain therein until the Government has found alternative settlement.

The Assistant Minister for Natural Resources (Mr. Ochwada): Mr. Speaker, Sir, I beg to reply. The Government is aware that about 10,000 acres of land have so far been occupied by between 3,000 and 4,000 trespassers at Kiborua and some of the adjacent places in Mount Elgon Forest. In this connexion, I wish to bring to the notice of the House that as a result of this illegal settlement about 40 million cubic feet of commercially exploitable timber has suffered damage. The Government is also aware that among these people some of them may be genuine landless cases and every effort is being made through the Ministry of Lands and Settlement, to obtain for them land just as for any landless *wanachi* living elsewhere in the country.

In reply to the hon. Member's specific questions, I wish to state that, (a) my Ministry is not aware of the burning down of houses belonging to the people in question by the Forestry staff during the week ending on 13th March, 1971.

(b) As I have stated above, Mr. Speaker, Government, through the Ministry of Lands and Settlement, in consultation with the provincial administration, is currently undertaking an exercise with a view to looking for genuine case of landless people amongst the trespassers in the Kiborua area. Any genuine landless cases found in this area will be sorted through having the

[The Assistant Minister for Natural Resources] people of affected, settled wherever land can be found.

(c) My Ministry does not consider it to be in the interests of both the squatters and the forestry economy for these people to be allowed to remain in this area until the Government has found an alternative settlement for them because: (1) The estimated area of about 10,000 acres which the trespassers have occupied in this area would suffer great damage through thoughtless destruction of trees thus resulting in the loss of fuel and timber, and (2) the catchment area of Mount Elgon and the adjacent area would be in great jeopardy. My Ministry and the Government at large will not allow this to take place

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, particularly where he says that his Ministry is not aware of the burning down of the houses, is he aware of the fact that during or over the last weekend those people who happened to have their houses burnt down came to see the district commissioner, and there were 100 of them crowding into the district commissioner's office? In view of the fact that the district commissioner had to convince them to go back—which resulted in my coming to raise this question here—has he checked with the administration to confirm that the houses were not burnt?

Mr. Ochwada: Mr. Speaker, Sir, we have definitely checked with the administration and found that the houses were not burnt by the Ministry's staff. If there was any burning of houses in the area, Sir, it could have been caused by the recent outbreak of forest fires, which did not only happen in the Mount Elgon area but in other forest areas as well. Mr. Speaker, if I may add, there has been a quarrel among the trespassers themselves as to who should occupy which piece of land and this could have resulted in the burning down of the houses.

Mr. ole Marima: Mr. Speaker, Sir, could the Assistant Minister—who has admitted that these people are landless and they have no other places to go to, and that the Government is looking for a place for them—actually tell us, if they are not going to allow these people to stay in this forest any longer, what immediate steps are being taken to find out an alternative habitat for them?

Mr. Ochwada: Mr. Speaker, Sir, my Ministry is definitely not going to allow these trespassers to continue staying in these areas; and if I may answer the second part of the question, Sir, the Government is seriously looking into the cases of genuine landless squatters or trespassers who are staying in this area and active discussions are

taking place amongst the Ministries concerned, especially between the Ministry of Lands and Settlement and the administration to try and find them alternative places where they can be taken and settled.

Mr. Kanja: Thank you very much, Mr. Speaker, Sir. Considering the collective responsibility that the Government or the Ministries have, can the Assistant Minister tell this House how he and his Ministry are going to see that the genuine landless people who are already occupying part of their land in that particular part of the country are going to be settled bearing in mind that the hon. Minister of Lands and Settlement, hon. Angaine, did say in this House that he has no land at all to give to the landless people, and yet the Assistant Minister calls them trespassers? Where are they supposed to go if they are trespassers in their own country? Where else are they supposed to go?

Mr. Ochwada: Mr. Speaker, Sir, I am not aware of the statement made by the Minister for Lands and Settlement that he has no land on which to settle genuine landless squatters or trespassers. What I am aware of, Sir, is that the Government is actively considering settling the genuine landless squatters who are trespassing in this particular area. I want to assure the House that the Government is sympathetic with the landless people of this country and whatever can be done will be done within the shortest period possible to settle the landless people who are settling in this area in question.

ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Mati): We will go back to Mr. Kitonga's question.

Question No. 85 (1343)

LOANS FOR ERECTION OF HOUSES IN SOMBE

Mr. Kitonga asked the Minister for Commerce and Industry if he would tell the House since the present Sombe Trading Centre is to be shifted to another place because of the destructive river which overflows in that area, whether Government could supply loans to the people who own business houses at present in order that they may erect other houses at the new proposed market.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, let me first of all apologize for having come a few minutes late; I think I came in at five minutes past nine when the question had already been called, and therefore, I apologize to the House for that lateness.

Sir, I beg to reply. Since the market or the proposed trading centre and the traders from

[The Minister for Commerce and Industry]

Sombe who intend to move fall under the local authority and the Lands Department, it would be unwise to direct, at this juncture, that the business premises be built from Government funds until such time that both the county council and the Lands Department will have finalized matters related to title-deeds or ownership of plots by every individual or group of traders. After this, our Ministry will then decide whether the market will be viable for any investment purposes to warrant any kind of financial assistance from my Ministry.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Minister's reply where he has said that until the matters related to ownership of title-deeds by each individual will have been settled—until such time that the Lands Department will have agreed with Kitui Council—no financial assistance will be given from his Ministry, can the Minister tell the House if that is finalized he will step in and help? Do we take it that his answer is a promise to this House? If this will be the promise, would the Minister tell us whether I should try to hurry up the Ministry of Lands and Settlement and Kitui County Council for the necessary action in order to see what the Minister for Commerce would do?

Mr. Osogo: Mr. Speaker, Sir, that is a very long and juggled up supplementary question. However, Sir, the question of granting financial assistance to the traders who will acquire plots at this new market does not arise at this time. It will be considered just like any other market place which we are considering to give funds for building purposes. This particular area will not be given special consideration from the others. As I have replied, when the exercise that has to be made by the Ministry of Lands and Settlement and the relative county council, has been finished, we will consider the viability of the place and the case will be considered on its own merit.

Mr. Kitonga: Mr. Speaker, Sir, I think it is our Government's policy to help our people. Since I heard the Minister saying this will not be considered as a special case and our Government's policy is to give first priority to remote areas, the places which were neglected by the Colonial Government, I wonder why the Minister tries to act contrary to our policy?

Mr. Osogo: Mr. Speaker, Sir, I am not going contrary to Government policy. What I have said is that this case will be considered on its own merit. However, I would like to inform the hon. Member that my Ministry has not reached a stage where it should assist traders in building trading

premises. Of course, we are aware—and he has confirmed that the place in question was neglected before, but if we assist them to build the premises they will not raise money to put goods in those shops and so they will not be able to pay back the loan. They should raise money to build on the plots themselves and we will help them with loans to put goods in their shops.

Question No. 168 (1501)

ERECTING OF SHANTY EATING HOUSES

Mr. Ebu asked the Minister for Health if he would tell the House why the Ministry allows shanty eating houses to be erected in Nairobi and in other big towns while similar structures or even better ones are not allowed in the rural centres.

The Assistant Minister for Health (Mr. ole Oloitipiti): Mr. Speaker, I beg to reply. First of all I must apologize for coming late. I also came five minutes late and found that the question had already been called, and so I beg to apologize to the House.

Mr. Speaker, Sir, Government views regarding shanty development in both rural and urban areas have often been stated and I would like to refer the hon. Member to recent Government statements on this matter. One thing that should be pointed out is that responsibility for the day-to-day administration of buildings in urban and rural areas is given to local authorities, which should enforce by-laws regarding this matter.

Mr. Ebu: Mr. Speaker, Sir, since it is obvious that certain authorities, such as Nairobi and Mombasa and few others, are unable to enforce the by-laws, and in view of the fact that health conditions in some of these shanties could cause an outbreak of diseases such as cholera, is there nothing Government can do to rectify the situation?

Mr. ole Oloitipiti: Mr. Speaker, Sir, it is not quite true that county councils or the City Council of Nairobi and Municipal Council of Mombasa are not able to do anything about shanties. I may refer the hon. Member to the recent activities by the Nairobi City Council which demolished very many shanties in the town. Therefore, the question of local authorities not being able to enforce these by-laws is out.

Mr. Mnene: Mr. Speaker, Sir, is the Assistant Minister aware that the shanties he is referring to are not the eating houses referred to in this question? The Assistant Minister is referring to the shanties which were pulled down and were used as dwelling houses, not as "small, funny hotels".

Mr. ole Oloitiptip: Mr. Speaker, Sir, any unplanned, unauthorized buildings—unauthorized by City Council or by local authority—are all shanties.

The Speaker (Mr. Mati): Next question, Mr. Kahengeri.

Question No. 178 (1522)

WORKERS' ACCOMMODATION: THIKA PLANTATION
ESTATES

Mr. Kahengeri asked the Minister for Health if he would tell the House whether he was aware that workers in plantation estates, particularly Komothai Estate, Gitamayu Estate, Pillion Estate and Kalimoni Sisal Estate in Thika Division are living in almost uninhabitable huts which are dangerous to their health.

The Assistant Minister for Health (Mr. ole Oloitiptip): Mr. Speaker, Sir, I beg to reply. It is known that housing conditions on the estates mentioned—except Kalimoni Sisal Estate—are far from satisfactory. Our health staff have been visiting these and other estates and have pointed out to the management of these farms the need for improvement to their staff housing.

Mr. Kahengeri: Mr. Speaker, Sir, may I submit to the Assistant Minister that perhaps lack of investigation made him exclude Kalimoni Sisal Estate from this list perhaps because it has many temporary housing lines and that is perhaps because these people did not build some of them. However, may I ask—

The Speaker (Mr. Mati): Will you ask a question and not make a speech.

Mr. Kahengeri: What powers has the Minister for Health—since if he confirms the condition of houses for the people in those farms is not satisfactory—to enable him to compel the estate management to put up good houses for the workers?

Mr. ole Oloitiptip: Mr. Speaker, Sir, the Minister has the powers to compel these people to demolish unsatisfactory buildings which the workers are living in. However, at present the procedure is that our field officers go there and warn them of the same, and if they do not respond to the warning given by our field officers, then the matter comes to us and we take action. I promise that if the hon. Member came to our office and gave us some real information on this matter we would take action straightaway.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that the Ministry of Health has officers in all these plantations, why did they take so long to know this? Since these officers are always

working there, why did they wait for the hon. Member to tell them instead of them knowing exactly what the situation in that particular place is like and then do something about it?

Mr. ole Oloitiptip: Mr. Speaker, Sir, all I know is that our health officers have visited this place and warned these people in the plantation to get the staff good houses. However, Mr. Speaker, as far as I know, nothing has reached our Ministry to the effect that these houses have not been demolished according to our instructions. Once we know that this is the case, definitely, we shall take action.

Question No. 171 (1507)

CONTROL OF HYENAS AND WILD PIGS IN
KASIPUL/KABONDO

Mr. Mbori asked the Minister for Tourism and Wildlife if he would tell the House what steps the Minister was urgently taking to control wild pigs and hyenas in Kasipul/Kabondo that kill people and destroy their crops.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, first of all I would like to apologize to the House for not having been here when the question was asked. Mr. Speaker, Sir, descending from the tenth floor of the New Jogoo House is very dependent on the movement of the lift and I also apologize to the hon. Member.

Mr. Speaker, Sir, it is not normal that wild pigs kill people and hyenas destroy crops. On the other hand, if wild pigs are destroying crops and hyenas are killing people, then I would like the hon. Member to give specific instances because I am not aware of this and no reports have been made to my field officers. On the question of control, these two species of animals are classified as vermin under the Wild Animals Protection Act, Cap. 376. As such, Mr. Speaker, Sir, anybody threatened by these animals is at liberty to destroy them. My officers in the field also are always prepared to help those who seek their help when necessary.

Mr. Mbori: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister that I should be able to give specific cases and places where these animals have caused incidents of this nature, there are six sub-locations involved in this, and these are: Kodera/Karabach, Kodera/Kamiyawa, Sino Kagola, Kachieng' and Kasewe. Mr. Speaker, Sir, the people in these sub-locations are from time to time being troubled by these wild animals. Some of these animals, particularly wild pigs, destroy people's crops, and the hyenas kill the people. Therefore, Mr. Speaker, Sir, could

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the Assistant Minister tell us what steps he is intending to take to bring these animals under control. For example, Mr. Speaker, Sir, would the Assistant Minister allow the normal way of African hunting? We can use *rungus* and dogs to chase these animals away.

Mr. Jan Mohamed: Mr. Speaker, Sir, I have already said that these wild animals, namely, wild pigs and hyenas, are termed as vermin and if they are genuinely destroying crops or killing people in a particular area, the people in that area are at liberty to take action. However, Mr. Speaker, I would like to make it very clear that we have our field officers in that area and game scouts and game officers are stationed at Homa Bay and I am not aware whether the hon. Member or the people from Kasipul/Kabondo have made any report to them. Now, Mr. Speaker, these officers are there to help the people, and therefore I would urge the hon. Member to tell the people in that area to approach the game officers in the area.

The Speaker (Mr. Mati): We will go on now.

Mr. Munyasia: On a point of order, Mr. Speaker. Mr. Speaker, Sir, I am trying to seek your guidance regarding to questions asked in this House. Mr. Speaker, Sir, when you approve the questions, the pro formas are sent to various Ministries. Mr. Speaker, I received the pro forma of my question of 15th March 1971 and the question was directed to the Attorney-General. At the same time, Sir, I have received a note from the Clerk to the National Assembly informing me that my question has been dropped, under what section of our Standing Orders I do not understand. If you will allow me to read it—

The Speaker (Mr. Mati): Order! Mr. Munyasia, this is the kind of thing you should have come to explain to me. It is not of any particular interest now to the House and, again, I am not likely to follow what you are saying without reading the papers you have in your hands.

Mr. Munyasia: May I read them, Sir?

The Speaker (Mr. Mati): There is no need. It is only taking the time of the House for nothing when we could talk it out in my office.

Mr. Wachira: On a point of order, Mr. Speaker, Sir, last time the Minister for Natural Resources laid some documents on the Table which were related to the forest area in Murang'a District and I thought that the documents then became the property of this House. Unfortunately when I looked for the documents, I could not find them. Would you, Mr. Speaker, Sir, advise me on this?

The Speaker (Mr. Mati): I am afraid I do not seem to follow what you are trying to raise.

POINT OF ORDER

PAPERS LAID ON THE TABLE BECOME THE PROPERTY OF THE HOUSE

Mr. Wachira: Mr. Speaker, Sir, as you remember, when the Minister for Natural Resources was answering a Motion in connexion with the forest area in Murang'a District, he Tabled some documents relating to the forest areas in Murang'a District; however, thereafter, he took the documents away. Mr. Speaker, I thought that when any books or papers relating to any issue being discussed in this House are laid on the Table, they normally become the property of the House.

The Speaker (Mr. Mati): All documents which are Tabled here become the property of the House. So, there is no question of anybody having taken those documents away, and if that did happen then, it is wrong. It cannot be done because these documents are there so that Members can refer to them.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 171:
CONTROL OF HYENAS AND WILD PIGS IN
KASIPUL/KABONDO

Mr. Mbori: On a point of order, Mr. Speaker, Sir, in view of the fact that the answer I have received to my question was so inadequate, would I be in order to raise the matter on a Motion for Adjournment?

The Speaker (Mr. Mati): I do not know how many times I am going to repeat this. I told you it is not necessary for you to say that. All you have to do is to give me a written notice. It only takes up the time of the House for nothing.

Let us go on now.

IMPRISONMENT OF MR. D. OSHE BY THE DISTRICT COMMISSIONER FOR MOYALE

The Speaker (Mr. Mati): I have received a written notice from Mr. Araru, the Member for Moyale, of his intention to raise on a Motion for the Adjournment, a matter contained in a reply received to this question by Private Notice concerning illegal imprisonment of Mr. D. Oshe by the District Commissioner of Moyale. I shall call for the Motion for the Adjournment at the time of interruption of Business on Tuesday, 23rd March 1971.

CREATION OF HOUSING MANAGER'S POST BY
NAIROBI CITY COUNCIL

The Speaker (Mr. Mati): I have also received a written notice from Mr. Mutiso, the Member for Yatta, of his intention to raise on a Motion

[The Speaker]

for the Adjournment, a matter contained in a reply received to his question by Private Notice concerning the creation of the post of Housing Manager by the City Council of Nairobi. I shall call for the Motion for the Adjournment at the time of interruption of Business on Wednesday, 24th March 1971.

POINTS OF ORDER**AUTHORITY FOR ASKING A QUESTION ON BEHALF OF ANOTHER MEMBER**

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, when a question is called and the Questioner happens not to be in the House, what is wrong if another hon. Member asks the question on behalf of the questioner since even we, the Back-benchers, have a collective responsibility?

The Speaker (Mr. Mati): The practice is quite clear unless Members like to forget so quickly. If an hon. Member knows he will not be present, he makes arrangements with another Member to ask the question on his behalf. Quite often an hon. Member stands up and just asks the question or claims that he has been authorized to ask it. We do not go too deeply to the question of authorization, and normally the question is answered. Now, we went through this question twice. I called it first when we came in, and neither the Questioner nor the Minister were present. We then went right through the questions, completed the whole set of them and then I came back again and called the question and nobody stood up to say he was authorized to ask it, and again at that particular moment the Minister was not in the Chamber; he had just disappeared—

Hon. Members: He was here.

The Speaker (Mr. Mati): No, Mr. Nthenge did come wanting to ask this question after I had called it for the second time. At that time Mr. Njonjo was not in the Chamber; so Mr. Nthenge sat down and I told him that the question could not be asked again. So the blame lies with the Questioner, and perhaps the Minister for not having been there at the time when Mr. Nthenge wanted to raise it.

TIME FOR ASKING A QUESTION ON BEHALF OF AN ABSENT MEMBER

The Assistant Minister for Natural Resources (Mr. Ochwada): On a point of order, Mr. Speaker, can you make it clear when exactly a substitute Member can stand up and claim to have been authorized to ask a question by the Member who is supposed to ask it? When can he stand up? Is it at the end of question time or when a question is called? I think there seems

to be some slight difference between what used to happen before and what happens now. If you can clarify that I think it could help the Back-benchers.

The Speaker (Mr. Mati): When the question is called and if there is any likelihood that the Member concerned will turn up, then we go over it until we come to the end. Then we go back and the question is called again. This is exactly what happened because you will recall that we went right through the Oral Questions but there was not even a single Minister present and ready to answer these questions, and so we turned to questions by Private Notice; and when we finished I came back and started right from the beginning of the Oral Questions. Mr. Mulwa's question comes first and when I called it nobody claimed that he had been authorized to ask it; and so we went right through the other questions. However, I could not go back again because I had already done what is required.

MOTION**DEVELOPMENT OF MARSABIT, TURKANA, SAMBURU AND ISIOLO DISTRICTS**

Mr. Kholkholle: Mr. Speaker, Sir, the intention of this Motion is to draw the attention of Government and the Minister for Finance and Economic Planning to the fact that the areas in question are very backward and cannot, therefore, compete with other more developed areas. With a view to following the Motion point by point I would like to say that the areas in question are very backward in education. We have only a few schools, most of which were built by missionaries—they are boarding schools from Std. I to Std. VII because the people in those areas are nomadic, moving from one place to another and, therefore, the children must be left behind to study. The missionaries are not very financially strong but they have been very kind to build these schools and, therefore, it is the duty of the Government to come in and assist or take over these schools from the missionaries because it was stipulated in the Kanu manifesto of 1963 that the people in those remote areas, for example Turkana, Boran, Rendille, Samburu etc., will be given priority in development. However, this promised priority by the Kenya Government or the ruling party has not been fulfilled and therefore we cannot compete with the other more developed areas because we are not of the same standard: for example, last year only 12 pupils sat for their Certificate of Primary Education Examination at Loisamis Catholic Primary School, and out of those 12 pupils in Std. VII who sat for the examination only two passed who, nevertheless, are not originally from Marsabit but they are from other areas—I think

[Mr. Kholkholle]

they come from Meru. However, I am not very jealous to ask why they are admitted there. However, you can see the comparison. I do not know what was wrong with the pupils from those backward remote areas that they did not pass. However, they are in the first phase. These two pupils might had repeated their examination somewhere else and, possibly, it could be that they were repeating for the second time or the third time. In some of these schools, which were built by the missionaries, you can find some children sleeping on the floor or on Vono beds without mattresses! Therefore, this House would like to urge the Government to take over these schools. Since we do not have Harambee schools to be taken over we would like these missionary schools to be taken over by the Kenya Government and run them properly so that we can catch up with the other areas which are more developed. I can only blame the Kenya Government from the time we achieved our independence, but before then it was not the fault of the Kenya Government. I can remember that when I was a Headmaster in a primary school in Marsabit, I was told by one of the colonialists that they could not educate people from those areas because they had had a very hard time with Kikuyu and therefore they could not allow us to get education—children were expelled before reaching Std. IV. Even in my Motion you can notice that I am blaming the colonialist. Therefore, it is high time we are given priority in order to catch up with other areas. Therefore, I would like to urge the Government to come and take over these schools—support them financially—so that we can catch up with other areas.

Mr. Speaker, Sir, I would like to go to the second point: employment. Though we are very backward, I think we have some few people who are employable in the Government or in the private sector. I would like the Government to train these people—the few people that we produce—so that they can work with the Government in order that we may also have our chance to participate in the running of our Government. Mr. Speaker, Sir, it is quite unjust to bring people from other areas to be employed in those areas in question. Mr. Speaker, Sir, we have a few people with Cambridge School Certificate, a few others with Certificate of Primary Education and these people should be given priority when it comes to employment in the Civil Service. If Government only considers those people who have very high qualifications, then we shall never take part in the Kenya Government, Mr. Speaker. It is quite unjust, quite wrong, to say that they can only employ the

people who come from the more developed areas or from the areas where people are highly educated—we shall always remain behind and we shall never march side by side with the people from other areas. What we want is to see all the citizens in Kenya matching side by side instead of some of the people being behind.

Mr. Speaker, Sir, if I may go ahead to my third point—my third point is about medical facilities. Mr. Speaker, Sir, as I mentioned in the first sentence, these people are nomadic; they move from one place to another. Mr. Speaker, Sir, why are these people who are in the remote areas never attended. It is because there are no health centres in their areas and they move from place to place. What is wanted here, Mr. Speaker, is mobile units which would go around in the remote areas attending the people. These mobile units can take the more serious patients from the remote areas to the district hospitals. Now, Mr. Speaker, in this remote areas, Turkana, Samburu, Marsabit and Isiolo, people die because they are not attended, they are left like animals in the bush. It is high time that we are given the same treatment with the more developed areas. These mobile units can go around and treat the people and we shall have the same medical facilities with the more developed areas.

Mr. Speaker, Sir, there are no health centres, for instance, in a place like Marsabit. Marsabit District is 42,000 square miles and there is only one district hospital. There are people who are more than 300 miles from the district hospital and they are never attended, Mr. Speaker. Therefore, you can see that it is unfair that these people are not attended and they die like animals in the bush due to lack of medical facilities. Therefore, Mr. Speaker, I think it is high time the Kenya Government should see that those people are attended and are given the best medical facilities.

Mr. Speaker, Sir, my fourth point is about the water supplies. Mr. Speaker, Sir, the drought has been made more severe by lack of water. Mr. Speaker, even if the people are given food, raw food, they have nothing to cook it with in terms of water. What is the use of that food? If somebody is given *maize* or posho and he has no water for his consumption or for his livestock this does not help. Mr. Speaker, Sir, we have Lake Rudolf—Lake Victoria is very far away: we have nothing to do with Lake Victoria. Mr. Speaker, Sir, we have Lake Rudolf, there is water there and all that is wanted—

The Speaker (Mr. Mati): Do you want to interrupt, Mr. Munyi?

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker. My point of order is this: is it in order for the hon. Member to refer to Lake Rudolf when it is known that it is a salt water lake and it is not fresh water lake like Lake Victoria?

The Speaker (Mr. Mati): No, you can disagree with him when you come to speak on the Motion.

Mr. Kholkholle: Mr. Speaker, Sir, we have Lake Rudolf there, Mr. Speaker, and the water in that big lake can be used for irrigation purposes and for human and livestock consumption. Mr. Speaker, Sir, I think it is high time the water policy is reviewed. It should be reviewed so that those people who are dying from thirst are given water, Mr. Speaker. There must be a **special committee to look into this**; I feel this is the way the water policy should be reviewed. People in this area depend on livestock and if their livestock die because of lack of water, Mr. Speaker, it will be very serious and very bad. Therefore, Mr. Speaker, I urge Government, or I call upon Government or this House calls upon Government, to see that the water policy is reviewed and the districts in question are given priority in the water supply policy. We require **more boreholes, Mr. Speaker, which should be dug at an interval of about 30 miles or 40 miles** so that our people, the Kenya citizens, do not suffer through having to go for 100 miles or more than that looking for water with small vessels and when they come back they rest for one day and the next day they go back to look for water again. Mr. Speaker, I would like Government to consider reviewing the water policy and these areas must be given priority in the policy, or a team should be sent to every district in question to construct boreholes.

Mr. Speaker, Sir, my fifth point is about the roads. Mr. Speaker, Sir, the roads are impassable even during the dry seasons. Why this is so is because the roads have never been repaired, Mr. Speaker, since we got our independence. We are being told that a road is being constructed. I am very grateful that the main road is being constructed from Nairobi to Addis Ababa but, Mr. Speaker, Sir, what about the feeder roads, the roads which are used by the people in the districts? The lorries are unable to move within the district because the roads are so bad and they have never been repaired. Mr. Speaker, Sir, this main road is only useful to the people going from here to Marsabit and Moyale. What about when going to North Horr, Elred Loyangalani or the inner parts of the district?

Mr. Speaker, Sir, for the development of these areas, I think communications are very import-

ant and the roads must be improved and be constructed properly so that the traders can move freely within this district and reach anywhere easily instead of being stuck on the road now and then. If a lorry goes from Marsabit to North Horr, Mr. Speaker, by the time it gets back it is without tyres, all the tyres being completely worn out.

Mr. Speaker, Sir, if a trader wants to hire a lorry within Marsabit District, or within the districts in question, the owner of the lorry will say that he cannot go to that place because the road is very bad. Mr. Speaker, I therefore, urge Government, or this House urges Government, to give priority to these four districts in question, so that they can be considered first in development, or for the sake of development of those areas.

Mr. Speaker, my sixth point is about livestock improvement. Mr. Speaker, as I said earlier, these people completely or totally live on livestock, and the livestock in those areas are dying from diseases. Sir, if Government is not going to improve the livestock in those areas within a few years, all the animals will disappear and the people will be left destitute. They will be left very poor because in those four districts there is no cultivation—nothing can be grown in those areas, Mr. Speaker. Therefore, what Government should do is improve the livestock there, which is only the economy of those areas on which the livelihood of those people depends—for instance, cattle, camels, sheep and goats, Mr. Speaker, these animals—The areas in question, if I can say this, are overstocked; the areas are so overstocked that they are becoming a desert, and Government should start range schemes so that these animals are better kept, and the people can enjoy the fruits of our independence. Now, if you go to those areas, Mr. Speaker, you will find the livestock wandering here and there, without food, and without water. They die from all sorts of diseases; from Foot-and-Mouth disease, Blackwater, Anthrax, and from so many other diseases, and, Sir, if the livestock in those areas is not improved, within a few years you will find that everything will be in a mess.

Another thing, Mr. Speaker, which I want to say is this: Sir, I think the four districts deserve to be made into a province. Mr. Speaker, Sir, the four districts should form a separate province because, if North-Eastern Province comprise three districts I think the four districts in question should also be declared a province so that they can have their own provincial commissioner who can then concentrate more on the development of these areas. Mr. Speaker, Mar-

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sabit, for instance, has a population of 52,000, Samburu 85,000 people, Turkana 150,000, Isiolo more than 30,000 people; we have more people than the North-Eastern Province. If north-eastern areas can become a province, and Government concentrates on them, Sir, I do not see any reason why we should not become a province so that we can have our own provincial commissioner somewhere in these four districts, who would concentrate on development for the area.

The Speaker (Mr. Mati): Order, Mr. Kholkhole. Mr. Kholkhole, may I remind you that you have not yet moved your Motion. You move your Motion by reading it through; you first say you beg to move and then read it through. All you have been doing is talking on it but you have not moved it, and if the time goes by before you do that, then there is no Motion.

Mr. Kholkholle: Mr. Speaker, Sir, I therefore, beg to move the following Motion:—

THAT in view of the fact that Marsabit, Turkana, Samburu and Isiolo Districts are parts of Kenya which were neglected and used as a buffer by the colonialists for the protection of former White Highlands, this House calls upon the Government to give the four districts special treatment in education, employment, medical facilities, water supply, roads and livestock improvement, in order to enable them to catch up with the other parts of Kenya.

I call upon Mr. Mbori to second the Motion.

The Speaker (Mr. Mati): Order! It is not for you to do that.

Mr. Mbori: Thank you, Mr. Speaker. I thank the Mover of the Motion very much for having brought it here, and before I say much about this Motion, Sir, the following points are observable in the areas concerned.

The first is that it is a drought and famine stricken area; the second, the people themselves are nomads; the third, it is true the colonialists actually left these districts, namely Marsabit, Samburu, Turkana and Isiolo, lagging behind for reasons that were best known to themselves. Mr. Speaker, the fourth point I want to mention is that it is the duty of Government to adjust its system of services to these four districts, so that they are brought into line with the remaining parts of Kenya, which are much more advanced. The fifth point, Mr. Speaker, Sir, is that there is a very large population—if I take my friend's figures to be correct, the population numbers more than 300,000 people.

Mr. Speaker, having looked at these facts, I

would like to state the following things: it is true that if we wish to have a system which would help the people in these four districts we require to adjust the educational system in these areas. Even in the Kanu Manifesto of 1963, Mr. Speaker, it was emphasized that the educational system, the educational development in these four districts, would be adjusted, and would be given top priority so as to enable the people in Marsabit, Samburu, Turkana and Isiolo districts to advance alongside the advanced parts of Kenya. Provision of education should be speeded up, and the educational system, I think, should offer adequate facilities. First of all, it is not enough for an area like this to have only a few secondary schools; it is not enough for an area like Marsabit to have a handful of 10 primary schools. I do not see why these should not be increased, to double the number, and once this is done, an equivalent system of promoting existing secondary schools should be made. At the moment there are 10 primary schools which are manned by missionaries. I understand these schools are all boarding. I think Government would do better to take over the administration from the missionary bodies, so that the areas, actually, feel that Government is helping them. The missionaries have established the schools; the missionaries have been running these schools. Mr. Speaker, you will agree with me that their resources of running the schools can run down to exhaustion, and once the funds are deflated, Sir, you will agree with me, that the system of education will slow down. I feel that it should be the duty of Government, to take over these schools, which are actually boarding schools because, as we know boarding schools are very expensive. The Government should take them over so that people in these areas are given the necessary delivery of goods, Mr. Speaker.

The next thing I would like to point out, Mr. Speaker, is the question of water. I think water supplies in the areas are very necessary. A system should be formalized so that a water project is introduced in the four districts in order that arrangements can be made for introducing irrigation schemes to make the land which is available productive. The land should be productive to enable these people to reduce famine; the land should be productive to enable grass to be available, so that the animals, which are actually the mainstay of the area, can be kept healthy all the year round. You will agree with me, Mr. Speaker, that this area requires water supplies so that human beings in that area can enjoy a good life. This is lacking in this area, Mr. Speaker, and I think it should be the duty of the Kenya Government, and indeed the duty of this hon. House, to

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treat these four districts as parts of Kenya, and very important parts of Kenya. The people there should be enabled to live a life which will make them proud Kenyans. Where water is lacking, I think Government would be pretending much too much, to send, for example, relief supplies like food, maize flour, etc. Now, without water, with what will these people cook their food? With what will they cook their maize? Therefore, the first thing, the first primary thing that Government should do is, to establish a system of water supply, which will be permanent in Samburu, in Turkana, Isiolo and Marsabit, to enable the people themselves to live well and to keep their animals healthy. Mr. Speaker, Sir, this area could be productive. If the Government establishes a water system in this area, which is permanent, you should agree with me that later on it would not be necessary for Government to send famine relief supplies to this area during what may be called the drought season; during famine times. If there would be famine later on, after the Government has supplied a water system in this area, it would be the people's own laziness and they would have themselves to blame, not the Government. At this time, I am sure, they can blame the Government. Therefore, we call upon the Government to take care and provide a water system in this area.

The next thing, Mr. Speaker, Sir, is that for an area to develop pretty fast it requires a communication system which is reliable; a communication system which serves the people; which goes into all the areas where supplies and services are required. This means that there should be at least a few motorable roads which are passable at all times of the year—this should be at all times; whether during drought; whether during the rainy season or whether there is sand. These roads should be made motorable. However, I have just learned from the hon. Member that the roads have never been constructed and the few that are there have never been kept in good repair. Now, how do you expect these people to communicate with the rest of Kenya? How do you expect them to move into Nairobi; how do you expect them to go to Nanyuki and all these other places if there are no roads which are made to serve them well? So, I would support the Mover of the Motion that there should be a reasonable number of roads which should be kept in good repair and a few more should be constructed. There should not be many roads which are not classified.

Mr. Speaker, Sir, livestock is the mainstay of the people of Marsabit, Samburu, Turkana and Isiolo as I said before. These should be given the

necessary services; for example, a veterinary officer should be posted there in order to reduce live-stock diseases. If there are veterinary officers there, I think there will be more animals and the people will be able to get enough supply of necessary products; for example, milk, hides and skins and so on. Mr. Speaker, Sir, it is necessary for the Government, at least, to help them to find out how ranches can be established in these areas so that the animals can be kept alive and, therefore, they can supply more products in the areas.

Finally, Mr. Speaker, Sir, I would like to point out that the Government should provide more medical services to the people themselves. We understand that they are nomadic people and it is true that they are. However, these people can also be trained to be sedentary. They can live in one particular spot. If the Government has a mobile unit travelling in various areas supplying medical supplies and giving them the necessary medical services, it can, at the same time, be used to tell them to live in one particular spot. This would mean the Government would be doing much more than is being done at the present time. I think, perhaps, somebody may put up an argument later on and say, why are they nomadic? Certainly, due to the environment and the nature of climatic conditions in these areas, these people are bound to be nomadic. Sometimes they go in need of food; sometimes they go in need of water; sometimes in need of the animals food. So they are bound by nature to be nomadic. Sometimes they go in need of some things and sometimes in search of what they can feed on. So, the only thing the Government can do is to provide them with mobile clinics to go to various places supplying medical services, and at the same time, the people themselves can be trained to live a sedentary life as people in other parts of Kenya do.

Mr. Speaker, Sir, I think the people in these areas will require that we relieve them of the dangers of life that they face, particularly drought and famine. The Government will do best if a system was started right now to enable them to live in the resistance of drought; in the resistance of famine and, at the same time, while bettering the educational system in these areas. After the educational system is adjusted, Mr. Speaker, I am quite sure the hon. Member from Marsabit will have no difficulties in enabling his people to get employment in the private sector or in our Government.

With these few remarks, Sir, I beg to second the Motion.

The Speaker (Mr. Mati): You were seconding the Motion, Mr. Mbori?

Mr. Mbori: Yes, Sir, I was seconding.

The Speaker (Mr. Mati): All right.

(Question proposed)

MINISTERIAL STATEMENT

DETAILS OF FAMINE RELIEF DONATIONS AND TRANSPORTATION EXPENSES

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, with your permission, I would like, first of all, to place this information on the Table here which I promised yesterday, to make available to Members. However, I am doing so with an apology because there were some points—two points—which I made mistakes in presenting.

First, when I used the word "the National Bank of Lusaka", that was actually wrong because the money was donated by officers and all the staff under our High Commissioner in Lusaka. They processed it in their bank in a hurried way, it was so written and, therefore, I apologize for the mistake of attributing that money, Sh. 1,050 to that bank; it was contributed by our High Commissioner in Lusaka.

The second correction, I want to make is the use of the word "C.A.R.E.". I misled the House when I said that the donation made by "C.A.R.E." came from China. That is not true. The fact is that the meaning of "C.A.R.E." is Co-operative for American Relief Everywhere, and this Co-operative donated Sh. 1,029,000. So, it was the word "C.A.R.E.", in which I made a mistake. With those two corrections, Mr. Speaker, Sir, I beg to make this information available to the Members as I promised.

(The hon. Mr. Koinange laid the document on the Table)

(Resumption of Debate on Motion)

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, first of all, we have arranged that the hon. Balala would officially reply to this question.

Mr. Speaker, Sir, first of all I want to say that this is a very, very good Motion and the only objection that this House will agree with me on is that if an area, at the time of a crisis, requests a very special type of treatment, that is the only point that I think the person who will reply to this Motion will make an objection to.

Now, on the question of looking after the area—I feel that the Mover, with all due respect to him, should have informed this House the price of cattle during the colonial days and the price of cattle today, so as to show whether there

has been a degree of improvement. Then again—

Mr. Kholkholle: On a point of order, Mr. Speaker, Sir, the Minister is confusing the House by saying that the price of cattle has improved while people are now exchanging a cow for a bag of *posho*. Is he in order—

The Speaker (Mr. Mati): Order, Mr. Kholkholle. We have rules here, Mr. Kholkholle. You will have an opportunity to reply to your Motion and that is the time you can correct whatever you think is not correct. You do not have to interrupt on those grounds now.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, the second point is that I fully agree with the hon. Member who supported the Mover of this Motion because, first of all, he expressed gratitude for a certain degree of improvement which has been done there. He went ahead to point out some of the things that Government could help with. Now, in his criticism it is noted, Mr. Speaker, Sir, that he does not show how much his own people and he, as a Member of Parliament, are actually doing except repeatedly saying Government should do this or that for them. With all due respect, he, as a Member of Government and a leader of his people, should co-operate with Government. If there is that road which has been built recently, going through his area towards Ethiopia, he should recognize that. It is only yesterday when we sent about 15 tons of maize to Marsabit. At least that provision of food should be given recognition, apart from the other point which the hon. colleague of mine, Mr. Munyi, mentioned. If we serve our people and consistently, and then we get no appreciation, that is not good. What I am suggesting, with due respect, is that the hon. Member should balance what has been done, what is being done and what should be done. Mr. Speaker, I am not going to say more on that but I think we require co-operation between the Government, the Members of Parliament and the people there. The Assistant Minister here will give some of the facts and the hon. Member should show appreciation of these facts. I am deliberately avoiding giving these facts because I do not want to dilute the hon. Member's speech. He should really appreciate this. The facts which will be revealed here will be revealed not for the purpose of letting the hon. Member down but to show that this Government has done something today for our people in North-Eastern Province. It has done something not only in that area but—

An hon. Member: It is Eastern Province.

The Minister of State, President's Office (Mr. Koinange): Yes, in the Eastern Province.

Mr. Speaker, Sir, this will reveal that Government has done something not only in that area but also in other areas. I would like to state here that "Rome was not built in one day". We are not saying that we have completed everything that we would like to see done. If our brothers from Masailand could come here, they would say that they want water. The other day, Mr. Speaker, Sir, I made an appeal here—not my own appeal but an appeal made by Mzee, His Excellency the President, that our priority today should be to supply people with water. Water is life, Mr. Speaker, Sir. Our brother here says that he wants water for his people. Our leader and the father of the nation—Mzee Kenyatta—has said that water, not only in his area but also throughout the country, is the first priority. Therefore, we cannot say that the supply of water must be exclusively started in the hon. Member's area until all his people get the water they need. The service must be provided throughout Kenya, Mr. Speaker.

Mr. Speaker, Sir, I will leave the last comments to be made by the hon. Balala.

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to say something on this Motion.

Mr. Speaker, Sir, we are debating a very important Motion and I would have liked our Minister, who has just sat down, to say what the hon. Mover of the Motion should have appreciated: what Government has done for us. But, the Member forgot this, Mr. Speaker. The hon. Member was talking generally about what is happening in that part of the country. I am sure some of our Ministers, and even some of our Government officials, do not know where that part of our country is situated, or even where Marsabit is. Most of them, when they are writing letters to us, refer to that place as being in the North-Eastern Province. Even the Minister who has just sat down was referring to it as being in the North-Eastern Province, Mr. Speaker. It seems nobody knows where Marsabit or Moyale, are. They think we are in the North-Eastern Province, Mr. Speaker, while we are really in the Eastern Province. Mr. Speaker, Sir, in this part of the country we have been forgotten completely. The question is not whether this or that has been done for us but the fact is that we have been forgotten completely.

Mr. Speaker, Sir, the point here is this. If the Minister who has just spoken can go back to the office and consult his books, he can see that in the Kanu Manifesto of 1963, just before we became independent, which was laid down in

writing and not by talking, we were promised that the Masai people, Turkana, Boran, Gabra and Redille would be given first priority in the fields of education, roads, health and development as a whole, Mr. Speaker. Today, Mr. Speaker, Sir, we have been forgotten. Mr. Speaker, Sir, since we attained our independence, seven years ago, the hon. Minister, Mr. Koinange, who has just sat down, has been to Wajir in North-Eastern Province only once. He has never been to Marsabit, Isiolo, Moyale or Samburu. If he has ever been to that part of the country, let him say so here. Let him tell the House when he went to those places, Mr. Speaker, Sir. Mr. Speaker, Sir, since we are all the same people—and that is what I always appeal to the House to note—we should have justice everywhere on the soil of this country. All human beings of this country should be accorded the same justice, Mr. Speaker, Sir. We should all get the fruits of independence and all other facilities offered by the Government of this country. Our Government should remember one thing. That part of the country was being claimed by Somalia during the *Shifta* time. Mr. Speaker, Sir, do you know what we were being told during those days by the Colonial Government? They used to tell us that the Kikuyu and the Luo people can never have us as we are. They used to tell us that since we are Moslems we shall be neglected, our religion will be neglected and our culture will also be neglected. They told us it was better for us to join Somalia, to which they said we belonged since we had a common language and a common religion. That is why the *Shifta* movement was started, Mr. Speaker, Sir. Mr. Speaker, Sir, I was one of those who were very much against secession and I am known in every book of this country. Also, the book written by Qaush Amin, who was the Chairman of the Borders Commission, bears my name together with names of some other Members. Not all the people in the country were supporting that, Mr. Speaker; it was only supported by propagandists.

Mr. Speaker, Sir, we were promised all these services in the Kanu Manifesto and I do not know why our Government has forgotten us. I do not know what our Government is doing. Mr. Speaker. Mr. Speaker, Sir, there is this Nairobi-Addis Ababa Road which is now under construction. But, which one individual has this project helped? Mr. Speaker, Sir . . . (Inaudible) is 250 miles from Marsabit and is within the district, and there are no roads between those places. Let the Minister for Works open his books and tell us whether, since 1963, anybody has been to that place. The people who are living there are from Marsabit.

[Mr. Araru]

The people who are living there are from Marsabit (Inaudible) is 310 miles from Marsabit up to the other parts of Lake Rudolf which borders Ethiopia. Let the Minister for Works tell this House whether any of his surveyors, or anybody else, has ever been to that part of the country. Mr. Speaker, Sir, if we come to North Horr, 110 miles away, nobody has ever been to that part. South Horr, Mr. Speaker, which is 170 miles from Marsabit Town has never been visited. It is only recently when something was done for Moyale, Mr. Speaker, Sir. It is 30 miles from Moyale and up to now there is no one who has reached there to do anything. Mr. Speaker, Sir, we are talking about the problems that, in general, face the whole North-Eastern Province. Let the Minister for Health, who is here now, tell us whether there is even a single qualified doctor working in any of these four districts. Let him tell us just now there is no qualified doctor working in Isiolo. In Marsabit, there is a missionary doctor who is helping the Government in providing health services to the people there. However, this missionary doctor is expected to cover 43 square miles. In Moyale there is not even a single qualified doctor working there. The same thing applies to Samburu District. Even in Turkana District, about which the Minister for Health talked, during the Presidential Address debate, there is no qualified doctor working there. He said that there was some money which was voted about four years ago to build a dispensary, a clinic or a ward, but that money has always been returned to the Treasury because the Ministry of Works did not do its duty. Although the money was allocated by the Government for the purpose of building a dispensary in Turkana District, the Ministry of Works failed to make use of that money. The Assistant Minister for Health stated here that those areas are too far away from Nairobi and roads connecting those places are impassable. I know that Moyale is 600 miles away. Some of these places I have mentioned are over 900 miles away.

However, Mr. Speaker, Sir, either we are going to govern those areas properly or we leave them free. That is the only question left to the Government. When I say to govern I mean that it must be a one government—just like this building like the Parliament Buildings, the hon. Members inside this room. If there was no such building like the Parliament Buildings, the hon. Members would be out in the open. If our Government is unable to govern these people, then it must leave the area in the hands of those other people fighting to have that place. They want

to take that area. If that is the case, then the Government must be careful.

I would like to mention something about livestock which the Minister has just mentioned. He said that there was a time when we used to have a lot of livestock. However, Mr. Speaker, Sir although I agree that we used to have a lot of livestock, times have changed and conditions and the standards of living have changed. Is the cost of living the same as it used to be in olden days? If you go to Marsabit you will find that the standard of living is as high as it is here in Nairobi. If you go there you will need a nice place to live in, you will need nice food. However, what has happened is that there is nothing to be marketed in that area. The livestock, which we used to sell in those days have died because of drought. We only hear some civil servants saying that there is enough money and food. However, why does our Government not introduce irrigation in those areas. What does a poor man do there if his cattle are sick? Where will he get medicine from because there is not even a single veterinary officer working there. The other day I said that there is not even a single drug you can buy from the veterinary officer in Marsabit or Moyale. Where will this poor man who is 600 miles away in the reserves get medicine from? This is what we are asking the Ministry. It would be better for the Minister to go there and see for himself instead of hearing from other people.

Mr. Speaker, Sir, the cases I am mentioning here are serious, especially the one in connexion with the lack of qualified doctors. Our people are dying, just like that. If you come to Moyale, even on Sunday, you will see about 60 kids with mothers lying on the floor of the dispensary. There is no qualified doctor there. They are only given Quinine and one injection. It is no wonder to hear that the first cases of cholera were reported in that area, in Galole. We ask the Minister for Health why he does not send one qualified doctor to every corner where this disease has been reported. We were told by one hon. Member from Mombasa that when the first man to catch cholera was taken to Galole Hospital, the people working there did not know what disease the man was suffering from until he was transferred to the General Hospital in Mombasa where the man was discovered to be suffering from cholera. This is because the man working in Galole Hospital is just a clinical assistant and we cannot expect him to know so much.

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

Mr. Nthenge: I am glad to have a chance to say a word on this Motion. It is a Motion on

[Mr. Nthenge]

which, I believe, I would have much to say. It is a Motion which is similar to another one, or another discussion about which I heard about eight or nine years ago during the colonial rule. The position is that these areas have been neglected. I do not think there is anybody who will try to argue that there is no negligence as far as this question is concerned. In the north-eastern part of Kenya people hardly know what "ABC" is in the modern world. They hardly know anything— They know so little that it can be said they know nothing. Therefore, if they have been neglected, what should we do? Once we accept the truth that they have been left behind and they have been neglected, is it proper and fair for us to tell them to come and run against us, catch up with us or to compete among themselves? I do not think that will be proper.

Mr. Speaker, Sir, there is a necessity for having a special plan for these backward areas so that we have uniformity in development in Kenya. Mr. Speaker, Sir, if we do not do that there will never be uniformity in Kenya. I hope there is no hon. Member in this House who would like to see some areas being left behind. I think everybody would like to see uniformity in development. Everybody would like to see uniformity in development in Kenya. How can we achieve it if we are going to help those people who are still lagging behind, who even do not recognize the value and importance of education? Even if you went and built a school there, they would not send their children there because they do not yet understand the value of education. How should we go about it, Mr. Speaker, Sir? I am mainly speaking on the approach we should adopt. If we, in this House, all agree that there must be uniform development in Kenya, we must, therefore, have a special approach of tackling the problem facing the backward areas because they have been neglected. We cannot go on neglecting them because the longer we do so, the more the other areas will advance. Then at the end it will be almost impossible to develop them. What is my proposal, Mr. Speaker, for tackling these problems? I do not want the Government to say that it accepts this Motion on general terms, or to say that it is doing something.

I am proposing that the first thing to be done is to make these people understand what education is. I would like the people to understand the value of education. They should be made to understand where we are now, or how the world is today so that they can have an interest in learning or in doing other modern scientific things. If you took the most qualified doctor, those people

might say that they do not want to go to the hospital because they do not understand what a doctor is. First of all, therefore, I want them to understand this general education. How are you going to give them this type of education? Mr. Speaker, Sir, I am a believer that there is nothing greater than propaganda. First of all, we must establish a propaganda machinery to give them the general principles of education. Let us have cinema vans and things like that going around there showing what is going on in other places so that people over there might take an interest in these things. When they see a child getting into an aeroplane and then fly in it, then their own children, we feel would like to try such a type of thing. Then when he asks how can he go about it, he will be told that he has first to go to school. This will make him wish to go to school. This in return will make his mother feel that if her child can become such a wizard as to fly an aeroplane, then that is a good thing, and therefore she must allow him to start at "A" of it, and that is, by going to school. This will make them have an interest in sending their children to school— Merely building of schools I do not think is good enough. Let us first of all educate them generally; let them understand or admire things like medicine; let them be shown films of people in hospitals getting cured so that they can get the idea that a hospital is a very good thing. This will make them go to the hospital whenever they are sick. That is what I would like to see happening there. I would like to have general education.

When they go to school, I do not want them to learn as we do in Central Province or in Ukambani but I want them to learn something different. I would like them to learn in a slightly different way from the others. I have already proposed, and I propose again, that they must feel that there is something else they are achieving. That is, in those areas mainly they are pastoral people. Let us have a lot of cattle, *ngamia*, and goats belonging to Government so that any child who goes to school and finishes a year he qualifies for two or three goats. In this way the children will go to school so that after a year they know they will get a goat. After finishing two years, he gains two or three goats. As you go on raising the numbers, by the time he passes the Certificate of Primary Education he has several goats, after completing Standard VII he qualifies for a cow or bull so that his parents feel that they are getting something which they understand. But if you tell them that they are getting the education to end up as doctors, they are not interested as they do not understand that.

[Mr. Nthenge]

They do not understand these complicated things, but if you tell them that after completing Standard VII they will get a camel and a cow, each parent will tell his own child, "Please, go and acquire this camel for us. Do not leave school until you have acquired a camel".

Now, what is going to happen? Some people will tell me that these people will be very rich or they make Government poor. After they have been very well educated, these same people will be taxed. Government will more or less get all the things they gave them by propaganda, but by then they will have qualified as doctors. They would have seen the value of education. This is one of the ways I feel we can have the children in those areas go to school.

If a Masai child is told that by the time you pass your Cambridge School Certificate you are going to get five cows and two bulls definitely each parent will have to see that his child reaches that stage of getting five free cows—just because he stays at school he gets five cows and two bulls. They will send their children to school.

This is my idea, Mr. Speaker, I feel that by telling them that education is good and they have to go to school that will not do very much. I want us to approach it from the propaganda point of view. We are handling human beings and they are what they are. They are sensitive to psychology and we must use it so that we may capture them. Once we have captured them then this programme will only last for about 12 to 15 years, and then we will cancel it because everybody will have accepted education. In fact, what happened with places like Ukambani, Central Province, the Coast and the rest, people were given sugar to go to school. Small boys were given sugar to go to school. So a boy went to school, not only to learn but to get sugar too. He could not leave class until he had some sugar, which they only got after finishing classes.

Now, what is the "sugar" that can be understood by the people in Isiolo—the neglected areas and Turkana? They will understand a cow and a goat. So at the end of the first year a boy qualifies for a goat and then if he hears that in the following year he will get three goats if he finishes he will stay on. After spending a long time in school he will be qualified so well that he will be able to earn a good salary, and we shall then not need to use the same propaganda because the child will have developed into a parent who appreciates and accepts education. That is the suggestion I am giving to Government so that we may not simply go and build schools and then come back here.

Mr. Speaker, should these people catch up or should they not? I feel that they must catch up because the Motion calls for catching up and you cannot catch up until and unless there is something new put to you.

I beg to support.

The Speaker (Mr. Mati): It is now time for the Government Responder.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I think it has been indicated that Government has no quarrel whatsoever with the Motion as it stands. But it has also been indicated that the areas mentioned in the Motion; that is, Marsabit, Samburu, Turkana and Isiolo are not the only districts in Kenya that were neglected and used as a buffer by the colonialists as a protection of the former White Highlands.

Mr. Speaker, Sir, hon. Members should realize that we have other areas in this country which were also neglected and, in fact, were oppressed during the colonial days and, therefore, they must have equal treatment and equal attention as these areas.

As I have said, I do appreciate the sentiments expressed by the hon. Member, but it is not true to give an impression that since the attainment of independence Government has not been doing anything. Government is guided by its Development Plans and that is, to try and remove the existing gaps between the rural and the urban areas in this country. Government is also committed to removing the imbalance between the poor and the rich in this country. It is with this in mind that Government has its Development Plan laying emphasis on paying special attention to the rural areas in this country.

However, Mr. Speaker, Sir, Government has, since independence, embarked vigorously on various development projects in the rural areas. Referring specially to Marsabit, Samburu, Turkana and Isiolo, I would like first to dismiss the allegation made by the hon. Member for Moyale, who said that there is not a single doctor in these four districts. I would like to assure this House and say that Marsabit has a doctor called Dr. Cox, who is already working in that district. In Isiolo we have a senior clinic assistant. In Samburu we have Dr. Bitcher Green, who is working on a mobile unit costing the Government Sh. 240,000. In Turkana we have a doctor covering the area also with a mobile unit. There is also a doctor from Lakori Mission.

So, from this information, the hon. Member should realize and see that Government is, in fact, taking care of these four districts from the medical point of view.

[The Assistant Minister for Finance and Economic Planning]

Mr. Speaker, Sir, in addition to this there are already Government hospitals in Marsabit, Moyale, Lokitaung, Maralal and Isiolo. During the current Plan period the following facilities will be provided in these hospitals where they are lacking. That is, an X-ray unit, a kitchen, a laundry, staff housing projects, a theatre, a maternity ward, an out-patient department, administration block, mortuary, isolation ward and stores. Further to this, Mr. Speaker, Sir, Government will not only continue to run the existing health centres but will construct more health centres as appropriate in order to reduce the great distances the people travel to get health facilities.

On the question of vegetation, Mr. Speaker, Sir, the Government is also aware of the nomadic way of life in these areas. It is with this in mind that we are planning to construct 14 boarding primary schools, of which four are already completed.

The position as at present with regard to schools is as follows: in Marsabit there are 13 primary schools, two boarding and one secondary school; in Turkana there are 12 schools, 10 boarding schools; in Samburu there are nine schools, four of which are boarding and one is secondary school; in Isiolo there are nine, three boarding schools, one secondary school. Sir the Members will also be aware, and they are aware, that the Government has completely removed the requirement of payment of fees by the parents of the children for the whole of 1971. As regards the other years, their rate of remission for these four districts has been the highest compared with other districts in the country.

Mr. Speaker, Sir, regarding water supply, the Government, in Marsabit is embarking on five boreholes which are being restored to operation at Sololo, Burgabo, Bolbias, Jaldesa and Halisurua. The county council, in the past, used to operate this but allowed the machinery to break down. There are also 14 pans which have been cleaned up and are now ready to receive rain water when the rains come.

In Turkana, Sir, the main concentration of efforts is on developing water supply for Ferguson's Gulf for the development of a fisheries camp there. Later this supply will be adequate for the township. Wells are now being dug and will be ready in July. A borehole has been completed at Likhard, the drilling machine will now go north to Lodwar to undertake the work of five boreholes.

In Samburu, Sir, the Wamba pipeline which was broken by elephants is being repaired. A

team is preparing a plan to develop five boreholes in the area, for which Swedish finance is already available in this financial year. Three boreholes at Seroleli, Litata, Leisot which were put out of action through being filled with rocks, are being redrilled for restoration to service.

In Isiolo, Sir, the only present activity is the maintenance of two boreholes. There are new requests from this area for additional work and the Government is concentrating to provide these facilities to the people of the area.

On the question of livestock improvement, Mr. Speaker, Sir, this includes ranching schemes and general improvement of the quality of cattle through disease control and organized marketing. The Government is making efforts and is concentrating, in fact, in trying to improve the marketing system in that part so that the people of the area can easily and conveniently market their livestock.

As I said earlier, these things which I have mentioned were already realized and some are already being worked on, and will be completed during the Plan period.

I would like to point out to the hon. Member, too, that the roads which are, in fact, now being constructed in addition to the general Government maintenance of existing roads are as follows. The following development will take place largely as part of the Nairobi/Addis Ababa Road which is already half completed. By such construction, Sir, access to roads and road facilities will have improved in that area.

As the Member for the area perhaps, might be aware—and other hon. Members—the Government is spending almost £4.49 million in this scheme because in Marsabit 255 kilometres of trunk road at a cost of £2.8 million is under construction. In Isiolo 14 kilometres of trunk road, at a cost of £150,000 is under construction; in Samburu 190 kilometres of trunk road, at a cost of £1.3 million; in Turkana five kilometres of trunk road at a cost of £240,000. This will open up these areas and link them with Kitale and Eldoret and stimulate further the general development of the area.

Sir, I would like to emphasize here that it is true that the Government, through the ruling party, has stipulated in the manifesto that special attention will be given to the neglected areas, and it is with this view that the Government has embarked on development projects in these areas, and not only in Isiolo, Marsabit, Turkana and the other districts, but also in the other neglected areas prior to independence. The Government is

[The Assistant Minister for Finance and Economic Planning]

still planning to do more and the hon. Member can be assured that whatever is in the Kanu Manifesto, whatever has been promised by the Government will be fulfilled. However, Rome was not built in one day, and here more will be done in the areas mentioned by the hon. Member.

I, therefore, Mr. Speaker, welcome the Motion.

The Speaker (Mr. Mati): Mr. Mwithaga. The Mover will be called on to reply at 11.20 a.m.

Mr. Mwithaga: Mr. Speaker, this Motion is an interesting Motion to me. I have lived in the Northern Frontier District and I know the area. I have travelled extensively in the area and I understand it well, including Baringo.

The area is a needy area and at one time, in 1958, I had to charter a plane to go to Mandera to see for myself the difficulties these people were experiencing. One would have said then, that the time was an emergency period and, therefore, the situation could not have been otherwise. Although it is understood that the intention of the British Government, when they left Kenya in 1963, was to create a situation like the one which is in India, between India and Pakistan, where there was only one state or one colony then, and the British left the two countries. This meant they had some independence pregnancy in that their baby was always born on the eve of independence. The pregnancy here was to set aside

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

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

a given province, namely the Northern Frontier District. That area was a completely abandoned area so that there could be two countries in one. If you visited those areas before independence you would have learnt one very important thing: people were made to believe that they were not Kenyans. Indeed, the "closed areas" passes were used for that purpose and the passes were there to be understood as if they were passports. The prices of goods, livestock and other commodities were higher because that area was not considered to be Kenya.

This kind of feeling, Mr. Deputy Speaker, was a deliberate feeling and, therefore, the baby that was born was the eruption of trouble in the area. In fact, nobody was thinking of development along the lines of other developed areas. The colonialists were only interested in the Highlands, what they called the White Highlands. They were interested in other areas where the people

seemed to be slightly politically awakened. One Member said they were made to believe that Islam would have been the only religion for them and, therefore, if they knew the Koran there was no need to know anything else. To them salvation out of the Koran was very important. Therefore, if you can have the Koran what else would you want on earth? This was a kind of indoctrination and the Member for Moyale rightly said so.

I do realize, Sir, that our Government has done all it could during the time despite the emergency, that our Government has tried to use every means available to try and intensify development. The area has not been forgotten in the current Development Plan; this we know. At Mandera you will find a tarmac airstrip which we do not have at Nakuru. You will find that the water system has started to operate in the area despite the fact that there is scarcity of water. However, those are elementary undertakings and there must be some other organized intensification of development, not necessarily as specified by the Member—or intempered—but a complete overhaul so that there is an intensification of a new development approach in the area.

When I tried to call for the establishment of the Nation Builders' Brigade in this House, I said one of the intentions of this Brigade would be to move to the north and convert the whole place into an agrarian area rather than have it termed as a desert. There is no desert in Kenya. If anybody has travelled in those areas he will know there is no desert in Kenya, and the Members from that area will bear me witness. The one time so-called Northern Frontier District is not a desert. Some of us who have seen deserts, in Israel and North Africa, would not believe that Israel could be developed to the extent it is now, although it was a desert. But to say that the Northern Frontier District here is a desert and cannot be developed is not correct. All we need to do to develop that area is to have compulsory education and, at the same time, have a brigade which goes and works with the people in the *manyatta*, works with the people in the schools, make use of the education. Most of the idle boys and girls are being wasted in those areas and they can help our brothers and sisters to develop. Most of the knowledge that these young people have today, if used in those areas, by a kind of brigade, which is regimented to do that kind of work, could produce a big change in five years' time.

Other programmes by Government would be to have as many boreholes as possible in the area,

[Mr. Mwithaga]

spend a lot of money there rather than have it spent and squandered, and overspent here and there as we were saying in this House the other day. Spend that money in those areas, spend it on boreholes, establish artificial lakes or dams, establish water reservoirs, and from those reservoirs pipe water to the areas specified for irrigation. This can be done by a hydraulic system. It is not difficult but the only thing is: who is going to initiate the programme? Who is going to find the money for initiation of the programme? Are hydraulic plants not available in Kenya? Sir, the southern waters of Lake Rudolf are fresh waters and they can be piped to the dry areas. There is the river on the frontier between Kenya and Ethiopia. This water can be piped by hydraulic system or even by huge multi-c.c. Lister engines to some of these areas. All you need is to demarcate the areas for initial development, establish those hydraulic plants, build reservoirs and artificial lakes and then the whole area can be tremendously developed.

On the other hand, Sir, while the Government would do that the local community would have to accept one challenge: that the time of nomadic life is gone and should be forgotten. Our leaders should establish or cause to be established a system whereby people are centred in a given area so that the services for those areas could easily be reached. When you have people scattered, it is most difficult, technically, to move the development programme to their own doorsteps. There are Ministers, there are Assistant Ministers and, I am sure, the Mover of the Motion has a wonderful calibre of thought, and he will bear me witness that if people are centralized in a given area—not by a compulsory village system which is a *manyatta*-type of establishment—by a new system of establishing villages which is based on the development of new towns, it will be easy to carry the development to the doorsteps of these people. It will also be easy to call on them to render their support and their services to the programmes and the projects the Government would undertake.

But, Mr. Deputy Speaker, I want this old idea of calling the Northern Frontier District a desert to be completely removed from the minds of the hon. Members who do not know what those areas look like.

With those few observations, I support the Motion wholeheartedly.

The Deputy Speaker (Dr. Waiyaki): It is time now for the Mover to be called on to reply.

Mr. Kholkholle.

Mr. Kholkholle: I would like, first of all, to oppose what the Minister in the President's Office said, that we are not grateful. Sir, we are very grateful for what the Government has done. It was only on the 7th of this month when His Excellency the President was in Embu and I requested him to allow the parents of children in the drought-stricken areas not to pay school fees. He has so directed and I am very grateful, indeed.

I am very grateful to the Government for all it has done.

On the subject of education, the Government Responder said that in Marsabit we have 13 schools. But these 12 primary schools and one secondary school—Probably the Government is running one or two primary schools and a secondary school. My intention is that I would like the Government to take over these schools from the missionaries and retain and run them properly.

Another thing is medical facilities. The Government Responder said that we have doctors, senior hospital assistants. For instance, in Marsabit, we have only one district hospital, one doctor to serve 42,000 square miles! Sir, we are grateful that the doctor has been posted there but, I think, it is not sufficient for one doctor or one hospital to serve 42,000 square miles. Therefore, I would like the Government to establish more health centres in this area so that our people can be served better with medical facilities. What we want, Mr. Deputy Speaker, is equitable distribution of services.

On water supply. The Assistant Minister, the hon. Balala, said that Marsabit had five boreholes. These five boreholes have been in existence for a long time. They have been operating for a long time although they have been breaking down every now and then. What we want, Sir, is a new system of water supply. The five boreholes are not enough to serve the people in 42,000 square miles. They are not enough to serve 52,000 people. We want more boreholes; actually we want a new system of water supply.

About roads. The hon. Assistant Minister said there are some hundreds of kilometres of road construction going on in Marsabit. I have seen nothing, it is only the main Addis Ababa/Nairobi highway which is under construction.

For these reasons, I want the Government to give a breakdown of development plans for each district by means of roads, education, water supply, employment, livestock improvement in these four districts in question.

I do not want to speak at length, because I want to give a chance to other hon. Members. I would like only to say now, Sir, that I am very grateful for what the Government has done.

[Mr. Kholkholle]

Probably, one obstacle to development might have been the shifta menace, but now there is no longer this shifta problem. So, I want the Government to come forward and do something more so that these areas are given more facilities, the best facilities.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker (Dr. Waiyaki): When the Mover replies there is no more time given.

(Question put and agreed to)

MOTION**EXTENSION OF PRIMARY EDUCATION**

Mr. arap Cheboiwo: Mr. Deputy Speaker, I wish to thank you very much for giving me this opportunity to remind the Government of this very late Motion.

Therefore, Mr. Deputy Speaker, I beg to move:—

THAT in view of the national concern about the Certificate of Primary Education holders who are too young to obtain jobs or are compelled to re-sit the examination owing to the lack of adequate Form 1 places within the Republic and noting that the parents are subjected to social and domestic problems in maintaining such pupils by having to spend large sums of money for their welfare, and since our Republic has entered the new scientific and technological era, this House urges the Government to extend the present Primary Education course from Standard 7 to Form II.

Mr. Deputy Speaker, this Motion is self-explanatory and the intention of moving it is to kill the words Certificate of Primary Education. The examination should be abolished forthwith.

In Kenya, today, we have small children who are starting their education at the age of 5, 6 or 7, for that matter, I do not disagree with those who are mentioning five—and then they finish their primary education at an age of, say, 12 or 13, when they are still very young. When they sit their Certificate of Primary Education examination and they complete the primary education, even if they pass, no matter how many points they get, and they do not get places in secondary schools, they suffer a lot. This is because if they do not get places in Form I, they are not allowed to repeat and, on the other hand, they cannot be employed because of their low age—because of being too young that they cannot work anywhere in the country—they suffer a lot. As a result, they go back to their parents to do domestic chores.

I appeal to the Government, through the Ministry of Education to find a way of abolishing this

Certificate of Primary Education examination to see that these children can continue from Standard 7. They should change the method and have a new way of letting these children go on with their education up to Form II or Standard 9, so that when they finish their Standard 9—

Mr. Migire: On a point of order, does the Chair not consider it a very unusual matter if we are discussing this Motion when there is nobody from the Ministry of Education in the Chamber; and again we do not have a quorum?

The Deputy Speaker (Dr. Waiyaki): It is unusual not to have a Minister when we are discussing any matter. However, this is a Motion and the Minister will be able to read the HANSARD and, I am sure, he will reply to the full record of what is spoken here.

Mr. arap Cheboiwo: Mr. Deputy Speaker, I quite agree with the hon. Member. I thought he was interrupting me on another matter. However, his point of order was a very genuine and valid one.

What I was saying is that if these children can be allowed to continue their education from Standard 7 to Standard 9 or Form II, for that matter, so that when they finish their education, they will have enough education and they can be employed anywhere. They will be about the age of 15 or more which will enable them to obtain jobs in this country. Today, you know very well, Mr. Deputy Speaker, that if one goes to a certain Ministry to ask for employment, the first question that he will be asked is: "How old are you?" If he/she says that is 13 or 14 years old, nobody will employ that man or lady, because of low age. However, if one is over 17 or 18 he can be considered for any employment in this country. This is a big problem which we are facing in Kenya today.

Mr. Deputy Speaker, we have followed so many things which the British people do. In this case I do not imply that we should be aligned to the British Government. No. Mr. Deputy Speaker, there are so many things which we have just copied from foreigners, especially from Britain. If you go to Britain today probably, you have been there, I am one of those people who have been there—you will learn that in Great Britain they do not follow this method of classes. What they do is that they group the children, say children of the ages ranging from three years to five years, they say that these children are of three to five years age group. Then they have those from five to seven years age group and from seven to 11 years age group. By so doing, their children have a good standard of education and on completion of 11 years or 11 courses, they get employment and the high standard of education. In

[Mr. arap Cheboiwo]

Kenya, we should adopt the same way because it is a very good thing and something that is going to help our youngsters who are known as tomorrow's leaders.

Mr. Deputy Speaker, as I said earlier on, this is just a reminder to the Government because, I am very sure this Motion should have been brought long, long time ago because it is overdue. It was in 1963—

The Deputy Speaker (Dr. Waiyaki): Order! I reminded Members yesterday, not to cross between the Chair and the Member speaking without bowing so that they do not obstruct the view.

Mr. Kitonga: I apologize, Mr. Deputy Speaker.

Mr. arap Cheboiwo: He is my great friend. I do no quarrel with him because— He should be forgiven. I am sure he was not using his position as a chief.

Mr. Deputy Speaker, it was in 1963 when Kanu prepared the Manifesto of free education. We have been crying in this House that we should have free education. By killing the Certificate of Primary Education examination, however, and having these children of ours continuing from Standard 7 to Standard 9 or Form II, it will be one way of helping our children. By this, I wish to state or to appeal to the Ministry concerned that when they accept this Motion, they should accept it bearing in mind that we need these children to be educated freely without paying the school fees.

I know, in his reply, the Minister will say he does not have money, but I am sure if he is willing, he will get the money within a short time. For, example, in 1970, there were so many children—more than 100,000 children—who sat for Certificate of Primary Education examination and very few were taken for secondary education. Where are the remaining children? They are just in their homes probably with their parents who will keep them in their homes and then after a year, if a parent does not have money to pay for his child's school fees, a child will be embarrassed because of losing one year's time and by the time he goes to school it may be too late for education. So, I would only appeal to the Government through the Ministry of Education to see to it that they find ways and means of getting a method of educating our children from Standard 7 to Standard 9 or Form II.

Mr. Deputy Speaker, the Government has been telling us that there is no money. However, when one hon. Member suggested there should be an increment in the price of a bottle of beer in order to get this money, it was refused because if we increase beer price, it will make those people

who drink, drink less beer. However, that is one way which we recommend. The other way is that of graduated personal tax. We are prepared to pay higher income tax in order to see that our children are educated freely up to Form II level or onwards.

It is said that where there is a will, there is always a way. I am very sure, and double sure, that if the Government accepts this Motion, they will find the way of doing that easily. It is only that if they do accept it—and I appeal to them to accept it and find ways to implement it—there will be no problems at all.

Mr. Deputy Speaker, in this country we have so many organizations which are talking about this problem of education. One of them is the Kenya National Union of Teachers. They have met several times—I have met them personally—and they are in full agreement with it. There is also another organization, Sir, which is known as the Association of Kenya Heads of Secondary Schools. They have had so many conferences and they are in full agreement with this. They support this demand and so many other organizations like the National Christian Council of Kenya, the Parents' Association and other educational and cultural organizations which strongly support this demand. I do not see the reason why this House should not support it.

So, Mr. Deputy Speaker, I appeal to this House to support this Motion. I do not want to waste a lot of time because this is a very clear Motion and I appeal to my hon. colleagues to support it. Although the Minister concerned is not here, Mr. Deputy Speaker, he said that he will read it in HANSARD and then look at what I have framed in this House and will just automatically accept it without any amendment so that by Monday or next week or by next year we shall see that these children of ours will have their school period extended from Standard VII to Standard IX, as I have just proposed in this Motion.

Mr. Deputy Speaker, what I do not want to hear from the Minister is that the Government has no money to accommodate these children in different schools. What I should like to hear from him is that we should all find ways and means of getting it. Let him accept the Motion and the way of finding the sources of getting money will be so simple. Sir, I do not want to say much on this because as I have said, this Motion is self explanatory and I ask for the support of all hon. Members on this Motion.

With these few remarks, Sir, I beg to move and the seconder is hon. Kanja.

Mr. Kanja: Thank you very much, Mr. Deputy Speaker, Sir. I rise to support my colleague, hon.

[Mr. Kanja]

arap Cheboiwo, and in supporting this Motion, as he has very ably put it; it is self explanatory, I have only a few observations to make to support my case, Mr. Deputy Speaker. Sir, we as elders of this hon. House, are charged with the responsibility of catering for and shaping the destiny not only of ourselves but also of the future generations of this nation.

Mr. Deputy Speaker, it is a known fact by now that thousands and thousands of our sons and daughters are passing the so called Certificate of Primary Education at the age of 11 or 12 years. Where do they go? They just get lost in the streets, drinking *chang'aa*, taking *bangi* and doing all sorts of things because they are nothing more than babies. No employer is ready to take a child of 11 or 12 years and employ him or her. It is the responsibility of this nation, it is the responsibility of this hon. House to see that something is done and this has to be done now, Mr. Deputy Speaker, Sir. Sir, if those thousands of our souls are going to be lost in the wilderness, we are going to be called to account for all the criminal activities that are going to take place in a number of years to come. They will be uneducated, they will be jobless, they will be miserable and the only source of income that they will really be able to get will be either by robbing you or stealing your car tyres or stealing your chickens or even an egg just to enable them to live. Are we going to sit back and say, "All is well and they can just go back to their fathers or their parents who can cater for them?" No, we have to do something now and that something is what the hon. arap Cheboiwo and the hon. Members of this House have really to support and tell the Government, in no uncertain terms, that it must be done. There is no question of begging. We are the Government and we have to tell that Government which is the Government of this country that we must give two extra years to these young children so that they can become employable and useful citizens of this nation.

As Mr. arap Cheboiwo has put it, Mr. Deputy Speaker, Sir, there is no point in saying that there is no money. The Government has to find money. If the Government can surely find money to buy a carpet for Sh. 20,000, how is it that we cannot afford to get money to educate our own children who are going to defend this country. There is no point in turning round to the entire nation and say, "We cannot discharge the responsibilities that have been entrusted to us by those who voted for us to this House."

Mr. Deputy Speaker, all of us know that in the world not everybody can really get the necessary education but we, as a young country—

Kenya—should not be dragged back and just look back and say, "Because the other nations cannot do it we also cannot do it." Yesterday, one hon. Member made a good suggestion that those who can afford to drink 10 to 12 bottles of beer in a day, if they could only be taxed at least Sh. 12 extra, they could provide money for free education for this country. Beer is not a necessity, it is nothing but a luxury for people who can afford it. Where they will get the money will be their own *shauri*, but they should be taxed even at 101 per cent so that the money we can collect can be utilized to give educational facilities for those who cannot afford to educate themselves. Mr. Deputy Speaker, this is the responsibility that we have. It is better to end up with an educated class of people rather than ending up with people who do not know what to do because they are uneducated.

If those people in Kajiado, Narok, Samburu, Turkana, Marsabit, Moyale and the rest were educated, they could have known that the world is round and they would have moved here and there. Instead, they think the world or our Kenya is like a table and if they go beyond Isiolo, they will fall over the side. This is only because they have never been to school. We must give adequate educational facilities to our young generation; our future generation so that this country will be led by educated people.

Mr. Deputy Speaker, I do not want to labour much on this because I can see that hon. Members in this House want to say something. One of them is saying, "Particularly hon. Mr. Migire wants to address the nation through this House." Mr. Deputy Speaker, I will take my seat while emphasizing again that if we do not give education to our future generation, we shall pay through our noses and it is better to do it now rather than to try and curb criminal elements in the future.

With these few words, Sir, I beg to second.

The Deputy Speaker (Dr. Waiyaki): Sit down, Chief Kitonga. I have to propose the question first.

(Question proposed)

Mr. Araru: Mr. Deputy Speaker, Sir, thank you for giving me this chance to speak on this Motion. I am not going to take much time. The question in this Motion is a very good example of the new world. For instance, these days, if you have anybody to come to this City and he is not educated, he can never go anywhere; he is just like a blind man. This is because if you tell him to go to a certain street, for example, the Parliament Road, when you tell a man, who does not know how to read, to go to Parliament Road, he can never know where that Parliament

[Mr. Araru]

Road is unless you go with him and show him that this is the Parliament Road. This means that he is exactly like a blind man.

Mr. Deputy Speaker, Sir, this is very important. Today, we are in Government, although at the beginning when we attained our *Uhuru*, we told the nation that we were going to have free education—Leave alone the Motion, this is just an example. We told the electorate that we would give them free education which we have never done. In fact, every year we go on increasing the school fees so that now the fees are twice the amount the Colonial Government used to collect. This is a very nice Motion and it is very clear.

When a boy or girl gets to about 12-13 years that is the time when he or she is beginning to understand the nature of human life and also to start to know about the world; where he or she could go or what to face. However, when they reach this age, they are then subjected to an examination which was brought by the colonialists, the Certificate of Primary Education, which they fail.

Mr. Deputy Speaker, Sir, just where I am staying—Eastleigh—I have one young boy who failed and has nothing to do. The family has been suffering by paying for his education. Since he was born, they took him to a nursery school up to primary school only to find that he fails and has now nothing to do. He is roaming about. This is the time when he should be going to start life in despair because, as one of my friends has just said, when there is nothing for him to do he will start smoking and going with other bad boys to roam about the town and later on become a criminal, a robber and, therefore, an enemy to the family. The family which has been praying to God day and night, saying, "Oh, God help my son or daughter . . ." only to find that he fails the examination and has nothing to do.

Mr. Deputy Speaker, Sir, this is a very serious case. We want to train our people before something happens. Government means we have to govern because some things were done by mistake. What is the use of waiting until a person has become big and that is when we start realizing that we have to find him a job and so on, when we can put a nice system and change the colonial way of treatment so that we have these examination put forward for example, that one of Certificate of Primary Education should come in Form II or Form III.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, do not you agree with me that it is unusual when a Motion is directed to a given Ministry not even a Minister or an

Assistant Minister is in the Chamber and yet they left this Motion when it was going to start and now we are debating it without them?

The Deputy Speaker (Dr. Waiyaki): You were out.

Mr. Araru: I think my colleague was not here when this point was raised, however, you have told us that the Minister will read it because there are records here. He will be rightly informed because this is his duty. We are not concerned because if the Minister knows his duty he would be here to care for himself. This is up to the House to decide on whatever it wants.

Mr. Deputy Speaker, Sir, we are supporting this Motion as it is. We are not accepting any slight change and we want Government to carefully think on education, particularly the promises which were made, before we attained our independence, to the public—that we were going to give them free education in which we have failed. This is now just like a system we want to bring to Government and the Member has put it nicely in the Motion. I think Government will accept it as it is.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, I do not see what the Member for Baringo North is worried about. I have a right to speak on this Motion just as he has. Mr. Deputy Speaker, Sir, I would like to make a few observations on this Motion. One thing, Mr. Deputy Speaker, I do believe that children who leave school at the Certificate of Primary Education level are too young to be employed. It does not matter whether we talk about ways and means of employing them, as it was agreed by this House sometime ago, it is definitely impossible to employ these children because a good number of them are between 11 and 13 years old. Now, Mr. Deputy Speaker, at that age it is very difficult to employ them. The hon. Member from Nakuru Town is a very good advocate about his brigade. Now, at that age, Mr. Deputy Speaker, if the hon. Member has any children at all—and I have no doubt he has some—he ought to know how old or how big a child of 11 is.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, could the Assistant Minister substantiate the allegation that he does not think I have any children, and if so, why?

The Deputy Speaker (Dr. Waiyaki): I doubt whether that is what he said.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker,

[The Assistant Minister for Information and Broadcasting]

Sir, I said this: and even this can be checked from HANSARD, if the hon. Member has any children at all who are at the age of 11 or 13, and I have no doubt he has some— This is what I said, Mr. Deputy Speaker and he would have known how mature those children are and, therefore, to advocate that they should go to the brigade, it is impossible. We have the National Youth Service where these children cannot be accommodated because they are too young. Mr. Deputy Speaker, Sir, I believe that the education system we have adopted in this country at this stage does not suit us. Mr. Deputy Speaker, I would like to see a system whereby a child has enough school education and when the child leaves school, his age is good enough so that he can get employment, so that the child can go and farm so that he does not become a burden to his parents. Mr. Deputy Speaker, this is why in the reserves, instead of sending children to school at the age of five, parents send their children to school at the age of seven so that they can come out at a good age. Now, instead of progressing, we are really going backwards and I would like to see a more positive attitude from our own Government so that we may help these young children.

The other day, Mr. Deputy Speaker, we were told that no child fails the Certificate of Primary Education examination. Yes, we agree to that because we do not want them to fail but to get certificates. However, Mr. Deputy Speaker, Sir, what can a child at this age do with the certificate? The child goes back to his parents, and unless he repeats in Std. VII, he is rendered hopeless. If he cannot get a place in Std. VII he goes to Std. V and start repeating from there and this is happening in certain parts of this country and if this is not done the boy or girl is rendered helpless. What do we therefore see in our girls? At the age of 11 or 12, because they cannot obtain any job, they turn out to be barmaids. Now, I do not think that in a healthy society, which is what we want to develop, we need to encourage our girls to adopt that attitude. If we are going to allow this trend of things to go on, I am sure, Mr. Deputy Speaker, we are creating a society which in future is bound to be dangerous. Mr. Deputy Speaker, if we cannot afford to educate our children up to Form II level, then, let us filter them into technical schools so that as soon as they do the Certificate of Primary Education examination, they can be taken to technical schools where they can be absorbed to learn technical jobs. Let us have village polytechnics so that when these children leave school at a reasonable age,

they can work well for this nation. However, Mr. Speaker, I think we are wasting a great deal of manpower in this country because the minute a child fails the Certificate of Primary Education examination or rather misses a place in secondary school, the father assumes that the child has failed and it does not matter what sweet words we tell him. It is not like the old days when you either passed and went to a secondary school or you failed. These days are quite different from those old days and I agree with hon. Members here who have supported this Motion. I believe that our own Government which has the welfare of our people in heart will find ways and means of dealing with this situation.

Mr. Deputy Speaker, Sir, we have another problem—which I think somebody is bound to argue—where do you get the teachers? Mr. Deputy Speaker, with the crash programmes that we have been told about training teachers from PI to SI, surely, Form I and II students can be taught by SI teachers. With the crash programmes, we shall be able to devise ways and means of alleviating the situation. Mr. Deputy Speaker, I am sure, you know as well as I do, that at the moment a child of Certificate of Primary Education level cannot be admitted into an agricultural training school. They want students of School Certificate level. At the time I did the Kenya African Preliminary Examination, as it was called at that time, I could have gone to an agricultural school. At the moment he finds it difficult to get a job in the East African Power and Lighting Company because they want holders of School Certificates, in a Ministry like mine Certificate of Primary Education holders were employed in those days but in these days we want holders of Higher School Certificates and the poor boys do not know what to do—the girls are not even employed as sweepers because they are too young. I believe that it is high time we found ways and means of getting our poor boys and girls in the villages some jobs to do. I would, not blame some of these boys in Nairobi streets who try to earn a living by showing one where to park a vehicle. It will not matter whatever we do to remove them because tomorrow they will come back because they have nothing to do apart from waiting at home, assisting their mothers to cook, being employed as barmaids or going out to look for some ways and means of earning their living.

I hope sincerely that the Minister for Education instead of rejecting this Motion will think of ways and means of how best to deal with the children who sit for their Certificate of Pri-

[The Assistant Minister for Information and Broadcasting]

mary Education at a young age. Let this Government devise ways and means of finding out what they can do, for example, to get teachers. Let us devise a crash programme so that we can get teachers who can teach these children. As I said before, if all of them cannot go for academic education, then let them be given technical education. I know, as a chairman of board of governors of technical schools that before—two years ago—we were taking holders of Certificate of Primary Education but now we are told that we should only take holders of Kenya Junior Secondary Examination certificate. What shall we do with the holders of Certificate of Primary Education?

I think, Mr. Deputy Speaker, Sir, that it is high time that we devised a new method of education whereby our own children, including, of course, the children of hon. Rubia, will be in a position to leave school and be employable. I can recall the words of the hon. Minister for Labour, who one day said here, "Some of the children are unemployable". If the Minister for Labour is satisfied that they cannot be employed, we must put them on the labour market or in a casual labour market so that we are in a position to help them.

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

Rev. Kalume: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to air my views. I have only a few observations to make.

There is something very wrong in Kenya with our educational system. Many years ago children went to school and they were taught useful things right from the beginning and when they left school they could have something to do, for example, during my time in school, children were taught right at primary school level such things like carpentry, tailoring, agriculture, animal husbandry etc., but all this has been abandoned and, therefore, you will find that so many children who leave school have nothing to do—they cannot be employed and they cannot employ themselves. Therefore, there must be something wrong somewhere. However, adding two extra years will not help this country unless the whole educational system is revised in order to accommodate pupils in such a way that they will do something when they leave school. Even if we increased the years up to school certificate level or university level whereby everybody would have free education the problem of unemployment will still be there. I had an experience in India where I met someone who was a cobbler and when I looked at his shop

I found one of his certificates written, "So and so M.A.—Master of Arts degree!" I asked him why he was working as a cobbler while he had a Masters degree. He said, well, although I have a Masters degree, there are so many people in India who hold certificates of Masters degrees that we cannot all be employed in Government. That is why I became a cobbler. So, you see, Mr. Deputy Speaker, that the problem will still be there until we devise a method whereby these children will be able to look after themselves when they leave school. This must start from the beginning.

There must be some type of education that will accommodate children living in towns and those who live in the rural areas. Kenya is known as an agricultural country. There are many parts which have not been developed yet. There are many areas where children could learn simple agricultural methods so that when they leave school they could go and farm but this is not encouraged. What is being encouraged is that a boy or a girl is educated so that she or he can be employed and get a white-collar job. This mentality must be removed by introducing many types of education so that in areas where agriculture can be done a boy or a girl can respect manual labour. There are many boys and girls in this country who after Certificate of Primary Education think that holding a *jembe* and digging in a garden is below their dignity. They also think that becoming a carpenter, a tailor, a mason is below their dignity. Schools should have these kinds of trades so that we can at least reduce the burden of unemployment. Whatever we do, we must begin with our education system.

The question is where will the money come from? Where will the teachers come from? Well, I am quite sure and I agree with the proposer of this Motion who said that wherever there is the will there is a way. Why can we not get money to educate our children? There must be something wrong somewhere. I am quite sure that even if we cannot increase Sh. 1 extra for a bottle of beer we can increase 50 cents or 30 cents or 40 cents for the purpose of educating our children, we shall get the money. This is one of the ways of getting the money but there are many other ways. My contention is that there is something wrong with the educational system. Children must be taught trades right from the beginning, in Std. I so that they grow with that kind of mentality and when they leave school they will look after themselves. The problems will never be solved by giving them academic education only. They must begin to respect manual labour and everything that can be useful

[Rev. Kalume]

Our President has said many times that people should go back to the land. How can a boy or a girl, after Certificate of Primary Education go back to the land unless, he or she was taught how to look after that land? In our country we have plenty of land in some areas and that land is not utilized to teach boys and girls to make use of it.

We have minerals in Kenya and children should be taught how to prospect them so that when they leave school they can go and look for this kind of trade and employ themselves. At the moment they are only taught English, Geography, History, Mathematics and after this they cannot use the subject they were taught at school.

My observation is that the educational department or the Ministry of Education should sit down and think of ways and means of revising the educational system so that we can make full use of the manpower we are losing at the moment.

With those few remarks, I beg to support.

Mr. Ebu: Thank you, Mr. Deputy Speaker, for giving me this opportunity to say a few words in connexion with the Motion before the House.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker. Is it in order for the hon. Member, Chief Kitonga to carry an instrument which looks like a weapon.

The Deputy Speaker (Dr. Waiyaki): Order! that instrument are you referring to.

Mr. Mwithaga: The one Chief Kitonga is carrying in his hand.

The Deputy Speaker (Dr. Waiyaki): Oh, that is a walking stick, and it is all right.

Mr. Ebu: Mr. Deputy Speaker, I have a few points I would like to make in connexion with this Motion. To begin with, Mr. Deputy Speaker, I understand the problem facing Kenya is about the school-leavers. The Motion before this House, as we have it right here, I think, is trying to get Government to do something because I believe a lot has been said, a lot of people have complained—you know—there are a lot of school-leavers, a lot of jobless people around the country, and they have asked Government to do something about it and, apparently, not very much is being done. Therefore, all the Mover is trying to do here, is to ask Government to do something at least. I feel, Mr. Deputy Speaker, that at the moment, the Certificate of Primary Education is not marketable at all, and this is true. Therefore, if we are going to have a number of pupils coming out of school at Certificate of Primary

Education level, we are going to aggravate the situation, as far as unemployment is concerned. Therefore, since this Certificate of Primary Education is not marketable, could we not think, as the Mover has requested, of, maybe, giving these children two more years in school, in view of that fact that many of them, at the time they leave Standard VII, are under age; they cannot be employed anywhere.

Another point, Mr. Deputy Speaker, I would like to mention here is that we have been crying; we feel that a lot of places, a great many parts of this country were neglected during the colonial time. Now, I feel that if education was extended by two more years, even places that do not have many educated people now, will at least, have some people who have actually received secondary school education. I think this is one of the ways of ensuring that at least as many of our children as possible, will taste the secondary school education that is being provided. Mr. Deputy Speaker, I mentioned this point because I know that every day Members go out, whenever we leave the Chamber here, we find a lot of our children outside. Most of them are Standard VII school-leavers, and they are out there to ask you, "Mheshimiwa, what can you do for me; I want a job in Nairobi", and the poor boy is not marketable. There is nothing you can do; if you try to explain the situation to him, he just does not understand. Now, this is something very serious, Mr. Deputy Speaker, and I feel that this Motion should be supported by the other Members of this House, because we realize that the age at which these children leave Standard VII is too low, many of them are between the ages of 11 and 13, as has been stated before. Now, we also realize that the Certificate of Primary Education itself is not marketable anywhere and, therefore, it is worthless; so, what is the use educating children up to that level of education, and then they just disappear into the country-side, and they become robbers and what-have-you.

I also feel, Mr. Deputy Speaker, that if this Motion is approved, it is going to help, at least, to reduce unemployment to within limits; it will defer it; if it cannot reduce unemployment, it is going to defer it. Meanwhile, Government is going to think of ways and means of helping to solve the unemployment problem. If the present children in the primary schools can be given an additional two years, if we can call it compulsory, in secondary school, there will be a period of at least two or three years, in which Government is going to think of what to do, to solve or even to reduce the problem of unemployment. These,

[Mr. Ebu]

Mr. Deputy Speaker, are some of the observations that I wanted to make. I realize there are a number of my colleagues here, who would like to add an item or two, to what others have said before and, therefore, I do not want to take much time, because I feel the Motion itself is straightforward, and I do not think anybody is going to reject it.

With these few remarks, I beg to support.

Mr. arap Chumo: Thank you very much, Mr. Deputy Speaker, Sir. I have said it before and I would like to say it again that our educational system, the planning of the education for our nation leaves so much or a lot to be desired. I think this Motion is taking the first step that, we as a nation, must take, in order to travel the very many miles that lie before us before we can correct and improve our educational system. Education is a very vital thing for our nation. We all know this and we have to think; think for ourselves and plan for ourselves so that the education we provide for the children of this nation, is the type of education that will develop our nation into a society that is not grouped into classes. We want to develop our nation so that we can get rid of the class system because this is one thing that our system of education is aiming at in our present country. We have been supplied with this type of education by our colonial masters who are so sensitive about the class system. They like grading their people into classes. This is one thing we, as a nation, must try to avoid in our society.

To support what a number of speakers have said, we must try and educate our people or give them an opportunity for education that we, or many of us, many hon. Members of this House, have achieved. We must not try to suppress them. There was a time when the Colonial Government started to plan our education, they gave our children four years of education; a child started at seven years and after four years they sat for an examination! Any right thinking person wonders what a child who has had only four years of education is really worth!

Many people talk about unemployment. Yes, we know, this is true. Mr. Deputy Speaker, Sir, we know that this is going to be the case because unemployment has been there and it will always be there. However, Mr. Deputy Speaker, Sir, I wonder if a society which is educated and has no jobs is not better than a society without education and without jobs? If we can give education to our children to a certain age, say, of 15 years, a continuous type of education so

that these people can plan for their future life, they would be in a much better position to continue with education on their own. If, as we are doing now, you give them the type of education of up to Standard VII, and mind you, what the children of this nation are trying to do is to achieve 36 points in their Certificate of Primary Education examination. So, they have been geared into a mechanical way of thinking. They are training themselves to do those things which they are supposed to do in order to achieve the highest marks because this is what we call "survival of the fittest". They have to try, Mr. Deputy Speaker, Sir, to do that. The system of education is aimed at making children memorize and fall into a pattern of trying to gain the highest marks in order to go on with higher education. But, if we did not have this type of thing—if the Certificate of Primary Education was removed which I think is unnecessary, and we have been told time and again that no child fails the examination—which is true—Mr. Speaker, because it does not test anything—then people can have a much healthier outlook into what things to study so that by the time they are in Form II they would be able to have an initiative to go on, even on their own.

Mr. Deputy Speaker, Sir, there is no need for us to have the Certificate of Primary Education and then two years later we have another examination—Kenya Junior Secondary Examination—and then in another two years we have the East African Certificate of Education examination. I know the main problem which we are told that prevents us from having primary education up to Form II is the question of money. But, Mr. Deputy Speaker, Sir, have we really exhausted all the ways and means in which we could look for money to meet the expenses of our education? Have we done this, Mr. Deputy Speaker? I do not think so. I think we could plan like other countries. We could impose some indirect tax on some of the things which are really luxuries in this country. There was a question about tax on beer and most of the time we have talked about trying to encourage our people not to dwell into too much drinking, not to stay too long in bars and such places. Personally, I do not see why we cannot tax such things. Cigarettes is another thing whereby we could get money. We could impose a higher tax on them too. We could also impose taxes on things like jewellery, cosmetics and many other things which are not really necessary for our lives. If we do this, Mr. Deputy Speaker, Sir, we can raise a substantial amount of money. In other countries there is a tax on almost everything sold. With

[Mr. arap Chumo]

this money we could develop our society so that at least, our people can be educated. Another thing, which we could do, Mr. Deputy Speaker, Sir, is to make work in the rural areas attractive. There is no use telling the people to “go back to the land” while the work which they do there does not offer them what they require. We must put up a reasonable price on the produce of the farmers so that they can have a good income.

With those few remarks, I beg to support.

Mr. Koigi: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to say something on this Motion.

Mr. Deputy Speaker, Sir, many things have been said about the education of our children in this House by hon. Members. It was only yesterday when many Members realized that it is possible to give this nation free primary education if we cannot cut down unnecessary expenditures, Mr. Deputy Speaker, Sir. Nobody can question me and ask me what these unnecessary expenditures are. Some have been mentioned—

An hon. Member: We know them.

Mr. Koigi: I am sure you know them.

There is no need giving a youth a half-baked education. What I mean by a half-baked education is that if you cook your arrowroot half-way, the salivary glands will not accept that arrowroot. The reason is because that half-cooked arrowroot does not give the taste which it gives when it is properly cooked. Education is similar to that, Mr. Deputy Speaker. When you do not educate your youth well, they tend to become bad citizens. If we give our nation a better education we are investing and to educate a human being is an investment in itself. We shall have no cause for fear when we give a better education to our youth, Mr. Deputy Speaker, Sir, when we stand up and ask questions—and I am not accusing the Government—we are told that there is no money. I would like to say that we need a committee to seek ways and means to try to get money. I am glad that the Assistant Minister for Education is here. When we are told that there is no money, it is like saying that the Ministry has not organized a team to work towards that end. I call upon the Ministry of Education, the Ministry of Finance and Economic Planning to sit together and formulate or to give this nation a formula on how we can get the money. Mr. Deputy Speaker, Sir, I am sure that we can get money. More light was thrown here yesterday when the calculation of 12 million bottles of beer was made in a Motion yesterday. We were told by the Mover of the Motion that we can provide primary education. This was supported by the

Minister for Education when he said that he needs £6 million to provide primary education in this country. After the calculation of the bottles of beer it was found that we can raise £7 million we can do away with other expenditure or we can set aside a certain amount of money from tourism. We are told that we should get £6 million. Why do we not spend this money in providing free primary education which we promised to our people?

When we were campaigning we told the country that we were going to Parliament and we shall see that we provide free primary education. I would like to state that if we want to educate our people, then we must give them a sound education. When I say “sound education” I mean that we should allow the youths to study up to Form VI. After they have attained School Certificate, I think at that stage, they can profit when they go out of school. That is the standard from which, if you leave a student, he can educate himself to the degree level and he can become anything in this country and in this world too, in general terms. Mr. Deputy Speaker, Sir, I deplore hearing—and I do not want to hear this any more—that we cannot educate our youths. Kenya is not a poor country. We call it poor because we have not organized our human manpower. There are very many people loitering about in Nairobi when we have forests in which they can work and get a lot of money. These people are loitering on the streets when we can use them in planting a lot of maize and other type of cash crops which we can export outside the country and in return we get imports. Through such economic trade we can get money to educate our people.

I promise this nation that when we wake up together but, of course, we should be alerted by the Government—The Government should not do what the Ministry of Education, Ministry of Labour and the Ministry of Finance and Economic Planning do, because they always tell us that they are planning—I have been questioning always, why we do not give the whole nation work to do? I would encourage that to a certain extent a degree of force should be used so that we can get money to educate our people of this nation. To begin with, it would appear that when we practise working hard it is like when a nation is engaged against an enemy when we have a war. We have a war in this country to educate our people; to see that we build schools, hospitals and other things in this country. What can make us do this and render services to the nation, is only through hard work. If you borrow too much, you become the servant of the lender and his strings will tie you so that you always go to him like a boy and he will say, “Arms back” and you

[Mr. Koigi]

will do so and say, "Thank you very much". Instead of saying "Thank you very much" to lenders, we should say so to our soil. We must work hard.

Therefore, what I am asking this nation to do is to be prepared. I am sure the whole nation is prepared to pay for free education, only the Ministry of Education has not decided—and they should be decided—to tell this nation, "Well, if you can pay such-and-such amount" as we were told here yesterday by the Minister for Education, we can do so. Not only that, we have to tell our people to work hard and pay what you may even call heavy tax, so that we may educate our people.

Mr. Deputy Speaker, I am sure that there is not too much to be said about this Motion because every politician in this country promised his constituency and the country that we were coming into Parliament to find money to give free primary education. I add that not only free primary education but we have to find money to educate our people up to Form IV. That is what I consider a suitable standard of education that we can give our people.

I would like to remind this House, Mr. Deputy Speaker, that all white children in this country, Asians, and Chinese are getting full education. You cannot find a child who belongs to these people staying at home. They are all at school. It is a shame to our people and Government to see that there are some people in this country who are not getting education. It is not because we cannot pay for the education of our children, but it is because we are still undecided. Government has been dragging its feet saying that they cannot get money, yet they get money to invite

people to big parties. If, especially, you go to London—eh, my Lord—you will find how many people who come to the parties to consume Kenya money and then you will know that what I am talking about is true.

With these few remarks I beg to support.

The Deputy Speaker (Dr. Waiyaki): Chief Kitonga, you have two minutes.

Mr. Kitonga: Thank you, Mr. Deputy Speaker, Sir. First of all I would like to support this Motion very seriously. This Motion has been tabled by the honourable and experienced Member, whom I support by all means.

Mr. arap Cheboiwo: Thank you very much.

Mr. Kitonga: Mr. Deputy Speaker, Sir, I also thank the Ministry of Education for having three straightforward and militant people who are the hon. Mr. Towett, Mr. Rubia and Mr. Mbai. Unfortunately, there is something wrong in our Government, and this thing must be called an evil which should be removed from the policy of our education system. I appeal to this Government that this country needs a revolutionary system of education. One of them, like this which has been tabled. We have been shown, and it is the duty of Government now—not the Minister whom I have mentioned—especially the Cabinet of this Government—

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): You will have time to continue next time, Mr. Kitonga.

It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 23rd March 1971 at 2.30 p.m.

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

Tuesday, 23rd March 1971

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

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

PRAYERS**PAPERS LAID**

The following Papers were laid on the Table:—
Coffee Research Foundation Annual Report and Accounts 1969/1970.

(By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Agriculture (Mr. Nyagah))

Legal Notice of 1971—The Companies (Amendment) Regulations, 1970.

(By the Minister for Housing (Mr. Ngei) on behalf of Attorney-General (Mr. Njonjo))

Survey of Kenya Annual Report 1969.

(By the Minister for Lands and Settlement (Mr. Angaine))

ORAL ANSWERS TO QUESTIONS

Question No. 89 (1349)

PROCESSING OF CITIZENSHIP APPLICATIONS

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

- (a) how many applications for citizenship were still pending from 1964 to 1966;
- (b) what had caused the delay in processing them; and
- (c) how long it would take to finish processing those old applications for citizenship.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. Government has decided not to grant more citizenships except in special circumstances.

Rev. Kalume: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could the Assistant Minister tell us which these special circumstances are?

Mr. Shikuku: The special circumstances, Mr. Speaker, for the information of the House, are cases such as those persons who are not of age or those who were not 21 years of age as at 12th December, 1965.

The other special circumstance is in connexion with women who want to get married to citizens—we cannot refuse somebody who is getting

married—we will consider that. Also, in some special circumstances when such individuals or groups of individuals' citizenship would promote the prosperity of this country.

Mr. Mutiso-Muyu: Arising from the Assistant Minister's reply, Mr. Speaker, would he tell us whether all pending applications fall under these special circumstances or there are some of the applications which do not fall under these special circumstances.

Mr. Shikuku: Mr. Speaker, Sir, I did not understand his question.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, I meant to ask the Assistant Minister to tell us whether all the pending applications fall under these special circumstances that he is talking about.

Mr. Shikuku: Mr. Speaker, Sir, not necessarily.

Mr. Mackenzie: Mr. Speaker, Sir, is the Assistant Minister aware that it is unfair to treat a female differently from a male? He has said that if a female is getting married to a citizen, it is one of the exceptions. What happens if it is a male non-citizen—the other way round—does he get this help?

Mr. Shikuku: Mr. Speaker, Sir, that is a very interesting question, but for the information of the hon. Member, we always take the father to be head of the family. In Africa, it remains as such. Women do not marry men but the men marry women.

Mr. Kitonga: Mr. Speaker, Sir, since this is a very important issue, and it seems that the Assistant Minister is taking it as a very easy matter—Mr. Speaker, Sir, first of all, could the Assistant Minister answer my question because up to now, for your information he has not answered it. My question as it is—

The Speaker (Mr. Mati): Order! Will you ask your question and wait for the reply.

Mr. Kitonga: Mr. Speaker, Sir, could the Assistant Minister answer my question? My question is this: How many applications for citizenship are still pending from 1964 to 1966?

Mr. Shikuku: Mr. Speaker, Sir, the reply that Government has given is that it has decided not to grant more citizenships. Therefore, the question of how many does not arise.

The Speaker (Mr. Mati): Now, let us not waste time.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that the Assistant Minister is trying to evade the question, would he please answer the question which asks how many applications?

Mr. Shikuku: Mr. Speaker, Sir, the question of the number, here, does not really matter. We have decided not to give any more. So it does not arise.

Question No. 172 (1508)

OVERTURNING OF GOVERNMENT LAND-ROVER AT
RAMBIRA STREAM

The Speaker (Mr. Mati): Mr. Mbori not here? We will leave his question until the end then.

Next question.

Question No. 155 (1482)

LIQUOR LICENSING COURT FOR BARINGO

Mr. arap Cheboiwo asked the Minister of State, President's Office, if he could tell the House how soon Baringo District would have its separate Liquor Licensing Court instead of issuing licences jointly with Nakuru.

Mr. Kitonga: On a point of order—

The Speaker (Mr. Mati): No point of order, Mr. Kitonga. Will you sit down please?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, Baringo District has now a separate Liquor Licensing Court. The hon. Member should be happy that Baringo District, has a separate Liquor Licensing Board.

Therefore, the question, Mr. Speaker, Sir, does not arise.

Mr. arap Cheboiwo: Mr. Speaker, Sir, while being happy and appreciating what the Assistant Minister has told the House, would he tell us since when this court started operating?

Mr. Munyi: Mr. Speaker, Sir, for the information of the House, I would like to let the hon. Member know that Baringo District was declared a Liquor Licensing area in Legal Notice No. 40, dated 8th March 1971 and the members of the Baringo Liquor Licensing Court appointed by Gazette Notice No. 460 of Kenya Gazette dated 8th March 1971.

Question No. 185 (1533)

POOR CHIEFS' OFFICES IN MERU

Mr. Marete asked the Minister of State, President's Office, if he could tell the House whether—

(a) he was aware that all Chiefs in Meru, and especially Meru Central have poorly constructed offices which can easily be broken into;

(b) he could tell the House when he was going to put up proper offices and safes.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. I would like to tell the hon. Member that when chiefs' offices were built, they were made as strong as they could be made. They are not different from others in the country. There is, of course, always the need to improve and sometimes to rebuild them.

It is the intention of the Government to continue to improve and build new offices. This is a continuous process and the limit is only the availability of funds.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, since we all know that nowadays, the chiefs and sub-chiefs are the people who collect graduated personal tax and school fees, and they still use shanty offices, if these shanty offices are broken into by thieves, who will be responsible for the loss of the money stolen by the thieves?

Mr. Munyi: Mr. Speaker, Sir, I have already explained the case and all the hon. Member should know is that whatever money used, in putting up any building for the use of chiefs or sub-chiefs as offices, is always debated in this honourable House. However, Mr. Speaker, all that the hon. Member has said is fully noted and, in future, this will be looked into.

Mr. O'Washika: Mr. Speaker, Sir, in view of the fact that this kind of question has been brought to this House from time to time, and in view of the fact that the same Assistant Minister, and, even his Minister have both failed to give a better answer to this House, when Members of Parliament are asking for the improvement of the offices used by their own chiefs, will the Assistant Minister declare and particularly the Minister, that—

The Speaker (Mr. Mati): Order! Will you ask your question, Mr. O'Washika?

Mr. O'Washika: Mr. Speaker, Sir, my question is this: where are we going to get this money because from time to time the Assistant Minister has tried to evade the question by saying that there are no funds available, when we know very well that these offices are too scattered all over the country? Therefore, Mr. Speaker, would the Assistant Minister declare that he has failed in that Ministry so that somebody else can take over?

The Speaker (Mr. Mati): That is not a question, Mr. O'Washika.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, that this question will be looked into, and particularly in Meru District, would the Assistant Minister

[Mr. Cheserek]

tell the House how many chiefs' offices are under construction? I am asking this, Mr. Speaker, Sir, because the Assistant Minister has just said that they are going to look into the matter. Could he tell the House how many are under construction, and at the same time assure this House that they are going to complete the rest?

Mr. Munyi: Mr. Speaker, Sir, I would like to give an assurance to the hon. Member that all chiefs' offices in Meru District are being occupied. The only question which I think the hon. Member should have asked, Mr. Speaker, Sir, is when we will attend to the modernization of those offices. However, Mr. Speaker, all these offices are there and all that is needed is to have more funds to put up the most modern and beautiful offices, but all the required offices are there.

Mr. Araru: Thank you very much, Mr. Speaker. According to the answer given by the Assistant Minister, I do not think he answered the supplementary question which was asked by the hon. Questioner when he asked who would be held responsible if thieves break into these shanty offices and steal all the graduated personal tax money. Could the Assistant Minister tell the House who would be responsible for the loss of this money?

Mr. Munyi: Mr. Speaker, Sir, the necessary precautions have already been taken because there are always administrative police who are taking care of that and they are always armed, and therefore there is no question of trying to say that the offices can be in any danger of being broken into. They are not in any danger at all, Mr. Speaker.

Question No. 186 (1534)

TITLE-DEEDS IN MERU CENTRAL

Mr. Marete asked the Minister for Agriculture if he would tell the House why people with less than six acres and title-deeds in Meru Central had been refused loans for the last three years.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. It is not clear from the question as to what kind of loans the hon. Member is referring to. I presume, however, that he has in mind the short-term crop credit loans, which are commonly known as Guaranteed Minimum Return Loans. Should this be the case, I would like to advise the hon. Member, and this House, that although for administrative and financial reasons the minimum acreage that is qualified for short-term crop credit is 15 acres, we have directed the Agricultural Finance Cor-

poration not to apply this rule rigidly and advance credit to bona fide land owners on the merit of their applications. I should state, however, that this cannot be made a general rule and every case must be treated on its own merits.

Mr. Marete: Mr. Speaker, Sir, arising from the answer which the Minister has given, which is not correct because in Meru Central a man who has acres of land—

The Speaker (Mr. Mati): Order! Mr. Marete. Will you please learn how to ask a question? You are not expected to make a speech.

Mr. Marete: Mr. Speaker, Sir, since we know that the source of Kenya's economy is farming, could the Minister tell this House and the nation at large that these people will be given loans just as others are being given loans because they are *wananchi* of this country? They should not give loans only to the rich people who own big farms.

Mr. Nyagah: Mr. Speaker, Sir, the Member for Meru Central is introducing another element to this question. If he did listen to my answer, I said that we are prepared to examine each case on its own merit. I did not, at any time, introduce the question of rich or poor, but we are not going to dish out the *wananchi* money—the public funds to anybody that will not be able to pay it back.

Mr. Ogalo: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that these people who own six acres of land are not entitled to be given Guaranteed Minimum Return Loans?

Mr. Nyagah: Mr. Speaker, Sir, I am very much aware, and if the hon. Questioner had listened to my answer. I said that for administrative reasons we had restricted the acreage to 15 but we have authorized the Agricultural Finance Corporation, who are the people who process these loans, to examine each case on its own merit.

Question No. 180 (1526)

AFRICAN ACCOUNTS IN COMMERCIAL BANKS

Mr. Wabuge asked the Minister for Finance and Economic Planning if he would tell the House:

In view of the fact that after Kenya attained independence more Africans started making use of facilities provided by the private commercial banks than before independence—

- (a) how much money has been, so far, banked by the Africans in the last ten months; and

[**Mr. Wabuge**]

(b) how much money has been withdrawn by Africans in form of loans and overdrafts for the same period.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to reply. It is difficult to define what really is meant by an African deposit since the deposit may be by individual Africans, by co-operative societies with majority African participation or they may also be by firms that include African participation. Besides, the commercial banks themselves do not maintain records on racial basis. I should like to say, however, that the indications are that the total deposits by the board group of African depositors is over £40 million. The answer to part (b) of the question is that the same problem of definitions apply to advances as for deposits, but this is more complicated since loans advanced to the African sector are also made by Government corporations which borrow from the commercial banks. However, the indications are that the loans are over £10 million and may be much higher than this: but unfortunately, we do not have sufficient statistics. However, Mr. Speaker, I would like to say, in this connexion, that we have been encouraging commercial banks to increase their lending capacity to the indigenous sector and I appeal to the Members to educate their constituents to regard commercial banks not only as deposit institutions, but also as institutions which could and should be used for loans and advice. Besides, the Government participation in the commercial banks has been started so as to see that commercial banks in the country make more advances to our people.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is the Assistant Minister aware of the fact that immediately after independence, the Africans who were engaged in business or in farming are always finding it very difficult to get some money from the banks in this country, and hence the banks make their business or farming rather difficult?

Mr. Balala: Mr. Speaker, Sir, yes, I do agree with the hon. Member that there have been difficulties for the indigenous people to obtain loans from the banks and this is why we have been trying to concentrate very much on pushing the commercial banks to give as much money in loans as possible to the indigenous people. At this stage, Mr. Speaker, Sir, I would like to assure the hon. Member that although there is progress made towards this direction, we are still not satisfied and we will try all we can to see that more advances and more loans are extended to the indigenous people.

Mr. Gatuguta: Mr. Speaker, Sir, it is all very well for the Assistant Minister to tell the House that they are doing all they can to make the commercial banks give loans to the Africans. However, could he tell us what exactly they are doing? Are they giving firm instructions or what are they doing because we know that the commercial banks are reluctant to give loans to the Africans?

Mr. Balala: Mr. Speaker, Sir, as I have said, despite the pressure applied by the Ministry of Finance and Economic Planning on the commercial banks to extend and also to be liberal in giving loans to the Africans, we are still not satisfied with the rate of progress. However, I can assure the hon. Member that the measures we are taking are such that we have given strict instructions that the conditions attached to giving loans to the Africans should be liberalized. I can assure the hon. Member that we have given stern warnings to the commercial banks to heed the Government call so that Africans can make headway towards this direction.

Mr. Abubakar-Madhbuti: Could the Assistant Minister tell this House why it is easier to secure a loan from a foreign bank in Kenya than from our commercial banks; which are our own banks?

Mr. Balala: Mr. Speaker, Sir, I do not agree with the hon. Member that it is easier for people to get loans from the foreign banks here than our own banks. In fact, Mr. Speaker, Sir, when one applies for a loan from a foreign commercial bank, usually the approval of such a loan takes a very long time and the process through which such applications go are very lengthy. In fact, in some cases such applications go to the extent of being referred to the banks London head office. However, in regard to our own Government banks, such loan applications are processed much faster and usually loans are extended on much easier terms than from the foreign banks.

Question No. 187 (1535)

GRANT PROMISED TO ANGURAI HEALTH CENTRE

Mr. Ebu asked the Minister for Finance and Economic Planning if he would tell the House—

(a) why had the KSh. 30,000 grant which the late Minister for Economic Planning and Development, Hon. T. J. Mboya, had promised Angurai Health Centre has not been released yet; and

(b) whether the Minister's successor would assure the *wananchi* of North Teso who, at the moment have only one Health Centre that that promise will be fulfilled at once.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to reply. In reply to the hon. Member's question, part (a), I would first like to make a correction. The late Minister for Economic Planning and Development, Hon. T. J. Mboya, promised KSh. 20,000 to Angurai Health Centre and not KSh. 30,000 as the Member alleges.

The late Minister made this promise in his capacity as a Kenya Government Minister and I am pleased to inform the hon. Member that the Government fulfilled this promise in 1968 when the Ministry of Health paid the amount to the Busia County Council for the construction of the Health Centre.

Mr. Speaker, Sir, in reply to part (b) of the question, I hope the hon. Member will visit Angurai to see for himself that the construction of Angurai Health Centre is now nearing the wall plate and that, in addition to the assistance already given, Government has, through the Community Development Department, given adequate iron sheets to complete the roof of the Health Centre.

Mr. Ebu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, since he tells the House that the Sh. 20,000 promised by the late Minister has already given to the county council, and noting that the county council no longer takes care of the Health Centre, would he tell us where the money is because I know the Health Centre is right now going up through self-help and that the Sh. 20,000 has disappeared?

Mr. Balala: Sir, I have said that the money has already been put into the construction of this Health Centre and the Health Centre is almost completed.

An hon. Member: Have you been there? He does not know where it is.

Mr. Tsuma: Could the Assistant Minister tell this House whether his Ministry has really checked well through the county council accounts and seen, himself, that the Sh. 20,000 has really been spent on the Health Centre in question because I know that this has never happened?

Mr. Balala: Mr. Speaker, Sir, we have checked and we are satisfied that the money has been put into use.

The Speaker (Mr. Mati): Next question.

Question No. 156 (1483)

NUMBER OF REGISTERED JOB-SEEKERS

Mr. arap Cheboiwo asked the Minister for Labour if he would tell the House—

(a) what was the total number of the registered job-seekers as at 31st October 1970;

(b) what was the number in Baringo District; and,

(c) how many had been offered jobs in the whole Republic.

The Speaker (Mr. Mati): Ministry of Labour? Not here.

Next question.

Question No. 175 (1518)

GOVERNMENT PARTICIPATION IN BRODERICK FALLS PULP AND PAPER MILLS

The Speaker (Mr. Mati): Mr. Mulwa not here?

Question No. 176 (1519)

MANAGEMENT OF CO-OPERATIVE MOVEMENT

The Speaker (Mr. Mati): Mr. Mulwa not here again?

Question No. 184 (1531)

SANTA CLAUS—FATHER XMAS AND AFRICAN CULTURE

The Speaker (Mr. Mati): Mr. Magugu not here?

Question No. 179 (1523)

GOVERNMENT TAKE-OVER OF KYUSO HARAMBEE HEALTH CENTRE

The Speaker (Mr. Mati): Mr. Matiko not here? We will go back to Mr. Mbori's question.

Question No. 172 (1508)

OVERTURNING OF GOVERNMENT LAND-ROVER AT RAMBIRA STREAM

Mr. Mbori asked the Vice-President and Minister for Home Affairs if he would tell the House what had led to the overturning of a Government Land-Rover involving four persons who were seriously injured as a result of that road accident on 3rd November 1970 at Rambira Stream, North-East of Kendu Bay.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. On 3rd November 1970, a motor vehicle belonging to the Ministry of Works and attached to the District Hospital, Homa Bay, overturned whilst the driver was trying to cross the stream and its four occupants, including the driver, received serious injuries. One of the occupants, an Assistant Health Inspector, received treatment in Nairobi.

The driver later charged for careless driving but was acquitted.

Mr. Mbori: Mr. Speaker, Sir, before this vehicle was used, was mechanical inspection carried out on it, and why was this vehicle, belonging to the Ministry of Works, used instead of the one belonging to the Ministry of Health?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member should realize that these are all Government of Kenya vehicles, and with Government duties one can use any vehicle that is available.

Mr. Mbori: Was a mechanical inspection carried, done prior to the time the vehicle was used? I want the Minister to answer this.

Mr. Shikuku: Mr. Speaker, Sir, vehicles are normally checked and they do not have to be checked every time when they go out. When they go for servicing they are checked; they do not have to be checked every time they go out otherwise no work would be done.

Mr. Lotodo: Mr. Speaker, Sir, could the Assistant Minister tell the House whether it was driving at a high speed that made the Land-Rover overturn?

Mr. Shikuku: Mr. Speaker, Sir, that is contained in my reply. We charged him for careless driving but the court acquitted him.

An hon. Member: Why?

Question No. 156 (1483)

NUMBER OF REGISTERED JOB-SEEKERS

The Speaker (Mr. Mati): Anyone ready to reply to Mr. Cheboiwo's question?

(Question deferred to another day)

The Speaker (Mr. Mati): Anyone authorized to ask Mr. Mulwa's questions?

Mr. Kivuitu: Yes, Sir.

The Speaker (Mr. Mati): All right.

Question No. 175 (1518)

GOVERNMENT PARTICIPATION IN BRODERICK FALLS PULP AND PAPER MILLS

Mr. Kivuitu, on behalf of Mr. Mulwa, asked the Minister for Commerce and Industry if he would tell the House—

(a) the amount involved in Kenya Government's participation in the pulp and paper mills which were being established at Broderick Falls;

(b) in view of the Government's intention to achieve economic independence if the Minister would re-negotiate with the International Factory Co-operation to be repaid from the profit of the company.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. (a) The Kenya Government is contributing KSh. 19 million which is approximately 29 per cent of KSh. 66 million equity capital.

(b) The second part of the question does not

arise because that is exactly what the Government is doing.

Question No. 176 (1519)

MANAGEMENT OF CO-OPERATIVE MOVEMENT

Mr. Kivuitu, on behalf of Mr. Mulwa, asked the Minister for Co-operatives and Social Services if he would tell the House—

(a) accepting that the co-operative movement was essential in the development of this country as the only means of uplifting the standard of the common *wananchi*, what steps the Minister was taking to ensure that co-operatives in this country are properly run since in most cases our people who ran them were illiterate;

(b) whether it was true that there had been an exodus of officers from his Ministry, particularly in Eastern Province. If so, why these officers were leaving.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply. (a) It is indeed true that the co-operative movement is essential in the development of this country and that the co-operatives should be run properly. With this in mind, the Government has intensified training programmes, both for the employees and officials of the co-operative societies at the Co-operative College of Kenya and also at the provincial and district levels.

(b) The answer to the second part of the question is, "No". I know only of officers who have recently been transferred to various stations of my Ministry.

(b) The answer to the second part of the question is, "No". I know only of officers who have recently been transferred to various stations of my Ministry.

Mr. Kivuitu: Arising from the hon. Minister's reply, does he agree that the co-operative movements are not running as efficiently as they should be, particularly with the number of liquidation notices which are being exhibited in the Official Gazette every Friday?

Mr. Muliro: What we want, Mr. Speaker, and the Government is interested in is that the hon. Members who are enlightened by the hon. Member who is the Questioner, should be interested in the co-operative movement. However, hitherto the co-operative movement has been the responsibility of the many people who do not know anything. If the co-operative movement is not running efficiently, and it has been established by a few people for the sake of being established, we liquidate them. However, if they are genuine co-operative societies we try to assist them in every way possible to make them more efficient.

Mr. Owala-Orwa: Mr. Speaker, Sir, will the Minister assure this House that while taking steps

[Mr. Owala-Orwa]

to train the people who run co-operative societies, he will also take steps to punish any who might or will in future misappropriate the societies' funds in order that the people are not discouraged?

Mr. Muliro: It is very true that under the Co-operative Act any official of the co-operative movement who tries to embezzle the money can be prosecuted. We are taking every possible step to see that no *wananchi* who would like to come together should be frustrated by some individuals who would like to be rich quickly by embezzling money from the co-operative movement. We punish them very severely too.

Mr. Jilo: Arising out of the reply by the Minister is he aware that co-operatives have failed in areas where the *wananchi* have easy access to markets?

Mr. Muliro: Mr. Speaker, what the hon. Member says is possibly true, but the problem is that where co-operative societies have other competitors, black, white or *banyanis*, they find it very difficult to move forward. Here is the only place where, I think, the co-operatives may have failed. However, the Government is convinced that short of the co-operative movement there is nothing that can uplift the African in general business and marketing.

Question No. 184 (1531)

SANTA CLAUS—FATHER XMAS AND AFRICAN CULTURE

Mr. Magugu asked the Minister for Co-operatives and Social Services if he would tell the House how Santa Claus—Father Xmas—was related to African Culture.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply. Santa Claus, or Father Christmas, is not related to African culture in one thing, but it is very much related to African culture because any act showing generosity and good assistance to those who are in difficulties is very much like being Santa Claus.

It is stated that Saint Nicholas who, was Dutch, was a Bishop who lived in the fourth century. Little is known of his life but he is supposed to have been a patron of the seafarers, prisoners and children. According to European concept he is said to be a person who is supposed to fill the stockings with presents for children on Christmas Day. Anybody in need, on Christmas Day, and wishing for some good Christmas present used to get from his stocking a gift in the morning.

Any good assistance, when someone is in need,

a person who gets something nice to eat or to wear says this is good.

To that extent I said, "Yes" and "No" in that Santa Claus is related to African culture.

Rev. Kalume: On a point of order, Mr. Speaker, I do not understand why such a question has been brought to Parliament because this seems to be more of a religious matter than a political issue. Sir, since we do not have a Ministry of Religious Education, why has the question been answered by the Ministry of Co-operatives and Social Services?

The Speaker (Mr. Mati): Order! Religion could be a social service, too.

Mr. Magugu: Mr. Speaker, Sir, since it is not in any way compulsory for any religious group to teach its religion in any school, I wonder why this Santa Claus affair is more or less formalized, even by the Kenya Government?

Mr. Muliro: Mr. Speaker, what the hon. Member alleges is not true. Normally during Christmas presents are given freely and free. Even the Mayors of various municipalities, the chairmen of various urban councils, the chairmen of various county councils, organize free presents for the needy children in their respective areas. Honestly, Sir, that is not a religious affair, it is a social service to the *wananchi* so that they can feel happy on an occasion such as this.

Question No. 179 (1523)

GOVERNMENT TAKE-OVER OF KYUSO HEALTH CENTRE

The Speaker (Mr. Mati): Is any hon. Member authorized to ask Mr. Matiko's question?

(Ordered to Receive Written Reply)

QUESTIONS BY PRIVATE NOTICE

DISAPPEARANCE OF CONSTABLE HASSAN MOHAMED ALI

Mr. Araru: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following question by Private Notice:—

Is the Minister aware of the disappearance of Constable No. 7759 Hassan Mohamed Ali of Moyale Police Station whilst on patrol with one of the Chief Inspectors from Marsabit Divisional Headquarters between 13th and 18th February, 1971, and who has not reappeared?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. It is true that Constable No. 7759, Mr. Hassan Mohamed Ali, stationed at Moyale was among the party of policemen that took part in an operation in Alibay (?) area from 13th February, 1971 to 25th February, 1971. On 18th

[The Vice-President and Minister for Home Affairs]

February 1971, at about 5.00 p.m., the constable in a group of 12 other constables under the command of a non-commissioned officer were instructed to drive some stock recovered from raiders to the operational headquarters at Asumwalanga. On their way the constable, who was armed with a rifle and 50 rounds of ammunition, told the officer in command that he was going to obey nature's call. The constable was left behind while the main party carried on.

However, when the party arrived at the headquarters it was discovered that the constable had not turned up. A police party was sent out to search for him but he was not found. A further search was carried out for him for 16 days by a ground party, assisted by police aircraft but he was still not found.

The police are still investigating this matter.

Mr. Araru: Mr. Speaker, Sir, this is a serious case when a man patrolling such parts of the country was left behind alone. Could our Vice-President tell this House whether the Constable was sick before he was asked to go on this operation? Did he not report he was sick and had this trouble with the stomach but was told he had to accompany this operation group? He was left behind in the jungle and I do not know whether he is alive or he is dead. As the Vice-President says, I agree the police are still looking for this constable and investigating the matter.

Mr. Speaker, but what shall we tell the relatives of this man because the wife of the constable is in my office every weekend, crying about her husband and the kids she has?

Mr. arap Moi: Mr. Speaker, I have already answered the question and said fully that there were 12 other constables with this constable under a non-commissioned officer, who is a Boran Corporal. When they discovered that he did not turn up at the headquarters an entire police party went to look for him.

Mr. Speaker, I have also stated that the police are still investigating. This is not the Government's fault.

Mr. Ahmed: Mr. Speaker, arising out of the reply, is the Vice-President denying or agreeing to what has been said by the Questioner, that that man was sick and he reported to his group but they just neglected him and left him behind while he was in the bush?

Mr. arap Moi: Mr. Speaker, the Government does not want to hide these things. There were 12 other police constables under a non-commissioned officer.

An hon. Member: But they were not looking for him.

Mr. arap Moi: The question is—

Mr. Ahmed: On a point of order, Mr. Speaker, the Questioner has stated that this man was sick and he had reported to his superior officer that he was sick but no action was taken and the sick man was left in the bush. So why does the Vice-President not speak about that? And was that inspector not asked about this matter?

The Speaker (Mr. Mati): I gave you the opportunity to ask a question, and you did not.

Mr. Koigi: Mr. Speaker, Sir, is the Vice-President satisfied that the search which was conducted by the police and other people was properly done?

Mr. arap Moi: Mr. Speaker, I said the search still continues and we are trying to find out— If the hon. Member has any proof that the person was really sick why does he not take this information to the people concerned?

Mr. Koigi: On a point of order, Mr. Speaker, the Vice-President has not answered my question.

My question was this: is the Vice-President satisfied that the search which was made by the Government and police was properly conducted?

The Speaker (Mr. Mati): He said it was still going on.

Mr. Mutiso-Muyu: Mr. Speaker, will the Vice-President tell this House how long this search has been going on and what favourable information he has received so far about finding this lost victim?

Mr. arap Moi: Mr. Speaker, can the hon. Member please repeat his question?

Mr. Mutiso-Muyu: Mr. Speaker, will the Vice-President tell us how long this search has been going on and what favourable information he has received about the lost man?

Mr. arap Moi: If the hon. Member had been listening; he would have heard me say that a police party was sent to search for him but he was not found. A further search was carried out for 16 days. An aircraft was sent there. If the matter was not serious an aircraft would not have been sent to the place to search for the Constable. We are still investigating how this person came to get lost.

CONFISCATION OF PROPERTY AT NGOLIBA
SETTLEMENT SCHEME BY NATIONAL
YOUTH SERVICEMEN

Mr. Kahengeri: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following question by Private Notice:—

[Mr. Kahengeri]

- (a) Why did a contingent of National Youth Servicemen at Yatta Field Unit on 11th March, 1971 confiscate tools and over 650 bags of charcoal, the property of Ngoliba Settlement Scheme residents who were authorized to clear and burn charcoal on on the Unit's land?
- (b) As the agreement was to clear the bush and burn charcoal to sell as the price for clearing, when is the Minister giving the charcoal back to the owners to enable them to purchase food in this critical time of hunger in that settlement scheme?
- (c) Why did the same contingent on 12th March 1971, burn ten houses at the Juja/Yatta Constituencies border on the bank of Athi River, which belonged to fishermen who lost some of their belongings in the fire and were rendered homeless?
- (d) What steps is the Minister taking to re-house these citizens and to pay them compensation?

The Speaker (Mr. Mati): Ministry of Labour? Is there anybody prepared to reply to this question?

An hon. Member: What about collective responsibility?

The Speaker (Mr. Mati): Next Order.

(Question deferred to another day)

Mr. Koigi: On a point of order, Mr. Speaker, last week a question was asked by Mr. Nthenge and we asked him to substantiate. He has not done so yet. He was to name a person, who he did not want to name.

POLLUTION OF NYANDO RIVER BY MOLASSES FROM CHEMILIL SUGAR FACTORIES

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

I must deal with this point first. You are quite right, there is still one question by Private Notice left on the Order Paper which has not been dealt with.

The problem here is that I was informed that this question has now been directed to the Ministry of Agriculture which is responsible for water. The Ministry of Agriculture is not quite ready to reply today and have asked for a day or so to prepare themselves.

I am sorry, I forgot to explain that earlier.

(Question deferred to another day)

POINT OF ORDER

METHOD OF DEALING WITH BREACH OF CONSTITUTION ON PERSONAL LIBERTY

Mr. Kanja: On a point of order, Mr. Speaker, I rise to seek your guidance.

We have all sworn to safeguard the Constitution, this Constitution which I now hold in my hands. As Members of Parliament of this hon. House, occasionally it has happened, and in this particular case I am referring to the incident in hon. J. M. Kariuki's house, when the police raided that house and expelled all the guests. Mr. Speaker, if you are in my house as my guest—and there are so many others too—and all are sent away without any explanation at all, what kind of Government are we going to look to? Can we be told by the Government what our rights are, what liberty we have as Members of Parliament?

Mr. Speaker (Mr. Mati): I do not think you can deal with this matter in this way, Mr. Kanja. We do not have that system of asking questions directly in this way and expecting a reply. However, I understand there is an hon. Member who has already indicated he is putting up a question on the issue. So, perhaps we should wait for that.

Mr. Mwithaga: On a point of order, Mr. Speaker, I want to seek your guidance here. Now, clauses 71 and 72 of the Constitution of Kenya provide for protection of rights to personal liberty. Now, Sir, when an encroachment on that personal liberty is carried out like that, which is absolutely a breach of the Constitution, does this House have to wait for a question by Private Notice, rather than discuss the issue at once when we are the custodians of this Constitution?

Hon. Members: No!

The Speaker (Mr. Mati): No, but— Mr. Mwithaga, first of all, you have not even tried to use the normal machinery in raising this issue. You cannot blame anybody for having stopped you from discussing the issue when you have not raised it according to our Standing Orders. However, I know, perhaps, what you wanted to say was whether you could discuss it as a matter of national importance. Now, in my opinion, you have to consider exactly what it is you want to achieve by this. To raise a matter under Standing Order 20, which must be urgent, and of national importance, you know you have only a limited amount of time— Now, if you do not keep quiet, you will go out Mr. Komen!

Now, we only give a limited number of minutes to such issues. This is not the kind of issue which can be discussed in that limited amount of time. It is true, if it is raised as a question you still have an opportunity of raising it differently. However, if you raise it under Standing Order 20, then you are stopped completely from raising it again; you cannot raise it, either as a Motion for the Adjournment or as

[The Speaker]

a Substantive Motion. If Members feel so strongly that this is a matter that touches on the Constitution—I imagine Mr. Mwithaga was referring to sections 80 and 81, under the chapter he is probably thinking of—now, you might then consider whether, if you really wish to raise the matter, you could do it on a Substantive Motion; in which case, then, you are better able to, probably to hear more and you also have a better opportunity of saying more. However, I see no point in interrupting Business today, to go into this for just a few minutes and, as we know, no conclusion is ever reached on Motions under Standing Order 20. I do not know whether you agree with me.

Hon. Members: On a point of order——

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

Mr. Wabuge: Mr. Speaker, I think we all took the oath to defend the Constitution, that is the Kenya Constitution. Now, having done so, Mr. Speaker, we are here to defend the Constitution under any circumstances; in other words, Mr. Speaker, any attempt of infringing the Constitution must be discussed at the earliest available moment.

Therefore, Mr. Speaker. I am of the opinion that we should have this matter discussed under Standing Order 20 because it is very serious.

The Speaker (Mr. Mati): No, let us get things clear here. There is no question of anybody stopping you from defending the Constitution, but there is this question: which is the best method of doing so? First of all, must you raise this matter now, and under those circumstances, or would you rather raise it more convincingly, differently? This is all I am trying to say, which, in fact, does help the situation. If you argue that this matter is urgent, you have to ask yourself whether it cannot really wait another day; in which case, if Members regard it as of national importance, they might even decide to put it as a Substantive Motion, and give it priority over other Motions; in which case you are better able, in those circumstances, to defend the Constitution than just by talking for a few minutes here, and then walking out; no resolution, nothing. It is up to you, anyway.

Mr. Ogalo: On a point of order, Mr. Speaker, although you have ruled that the question should be answered by the Ministry of Agriculture, I think——

The Speaker (Mr. Mati): Order! What are you talking about?

Mr. Ogalo: I am talking about the question——

The Speaker (Mr. Mati): We have finished that; we will not go back to that.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, since today we have the Minister for Power and Communications in the House, who had alleged that some Members of Parliament have hired their licences to some other people or Indians, I wonder whether today, while he is in the Chamber, he will lay on the Table the list of all those Members and Ministers, if possible, who have hired their licences out?

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Yes, it is quite true Mr. Ngala promised to lay on the Table a list of Members who he alleged were involved in obtaining Transport Licensing Board licences and giving them to other people and I think the House is entitled to know how far you have gone with your research and whether you have the list now.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I have the facts now in the files I am holding here, but I am combining them into a small statement, which I will give tomorrow.

Mr. Ayah: On a point of order, Sir, Mr. Speaker, I do not know whether we have left this business we were trying to raise earlier, because I wanted to ask for your guidance. You were saying, for instance, that there might be some better circumstances of raising this affair on a Substantive Motion, and the House giving it priority. However, Sir, I have noticed that when Members have tried to use this method, the Chairman of the Sessional Committee and even the Sessional Committee itself, have used their other capacities to thwart this. What guarantee do we have, that when we try to raise this we will succeed?

The Speaker (Mr. Mati): No, no; there is no point now, in raising this issue. I think we can sort it out: I am of the opinion that the urgency in this case is not such that it requires we deal with it today. I am quite sure it can be dealt with in a better way than in interrupting Business today.

PERSONAL STATEMENT

SUBSTANTIATION OF ALLEGATION: PROMOTION AND DEMOTION OF LOCAL AUTHORITIES' EMPLOYEES

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, during last week's question time I made reference to irregularities on the way of payments and gradings of former county councils officers, employed by the former county councils and promised the House that I would give that information today.

[The Assistant Minister for Works]

Mr. Speaker, Sir, towards the beginning of 1970, when road works were transferred from local authorities to the Ministry of Works, a technical interview board, comprising of a senior road engineer, chief personnel officer, three other engineers, provincial engineers of respective provinces, interviewed all former county councils' staff with a view to assessing their technical capabilities, as well as suggesting their grades and salaries commensurate with their qualifications and in line with Government Civil Service Salary Scales. During their interview it was noted that many officers were grossly overpaid without necessarily their qualifications being taken into account. It was equally noted that some were grossly underpaid and, consequent to this, their salary grades were adjusted to the proper scales. An example to this is of a work's officer employed by one of the county councils, who was graded as a road foreman, and his assistant, who did so well during the interview, was upgraded as an inspector.

It is not true that these officers were all downgraded or their grades were reduced and consequently had their salaries reduced. In some cases, during the interviews it was noted that some of the officers were grossly underpaid during the county council times, and were up to standard, and their salaries and grades were raised. For instance, this one who was a road foreman, who was the work's officer of a certain county council had his salary chopped to whatever grade fitted him, and his assistant was promoted. We had to move the assistant from that district to avoid embarrassment of this newly promoted chap continuing to work under his former officer.

Mr. Speaker, Sir, a further clear example is as follows: we had a Mr.— If you want me to refer to them by name, I could do so. Mr. Francis Pessop had the designation of county engineer, and yet he had no qualifications in engineering whatsoever, with a salary scale of K£1,221, which was adjusted to fit his shoes by reducing it to K£1,068. Another case was of Mr. Alan M. Muchai, who was acting works officer and had a salary of K£1,135—foreman—but it was cut to the appropriate size, K£828. Mr. A. M. Mwereria who was in the Department of Works was a foreman on K£858 but it was reduced to K£280. Also, Mr. Speaker, Sir, Mr. Washington M. Mwangi was being paid K£1,024 in the county council service as a foreman, but we reduced him to K£828. Similarly, Sir, Mr. Anthony Alois was a road foreman on K£859 but was reduced to K£828, and so was Mr. Peter Ondieke. I could give you, Mr. Speaker, Sir, 100 names, however—

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): This is a point of order we are dealing with just now.

The Assistant Minister for Works (Mr. Keen): Why can they not pay attention instead of shouting unnecessary points of order? However, Mr. Speaker, Sir, as I said before, if a particular person feels dissatisfied with his terms of service, his case could always be reviewed if there is merit. We have already, in many cases, done so and sometimes their salaries are adjusted. It may also be appropriate, Mr. Speaker, Sir, to mention that these officers are now entitled to privileges which they were not entitled to while they were employed by the county councils. They now have free pensions and free house allowances. However, we cannot continue to dwell on the past, but what we do, as cases are made, is to review such cases as they come. Thank you, Mr. Speaker.

Mr. D. M. Kioko: Mr. Speaker, Sir, I thought that what hon. John Keen was going to substantiate to this House was brotherization and not the salaries of individual officers. Now, could he say what brotherization was used in these cases?

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, it is just anybody's guess because these officers were interviewed by qualified engineers and found to be with unsound engineering knowledge and therefore not commensurate with their grades. Therefore, it is anybody's guess. I do not wish to mention that Mr. "B" was a brother of Mr. "C".

POINTS OF ORDER

MATTER CANNOT BE RAISED SINCE A QUESTION ON THE SAME SUBJECT HAS BEEN SUBMITTED

Mr. Abubakar-Madhbuti: On a point of order, Mr. Speaker, Sir, today a report appeared in the *Daily Nation* that the Kenya Government has put a restriction on its currency. Now we find we have a total blockade of movement of currency in East Africa. Mr. Speaker, Sir, could the Minister concerned give clarification on this point because we do not know what money to use. We cannot go to either Tanzania or Uganda with our money and vice versa, and this is affecting the locals on the street. It is now becoming just like travelling from New York to Peking where you have all these restrictions!

The Speaker (Mr. Mati): You have to do it in the proper manner laid down in our Standing Orders. We do not do it that way, Mr. Madhbuti. However, I understand that someone had already put in a question on the issue.

DETERMINATION OF WHETHER SUBSTANTIATION
IS SATISFACTORY

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, I wonder whether you are really satisfied that hon. John Keen could not go further and substantiate fully? He promised to substantiate an allegation he made but has come here only to tell us lies. The methods which were used, as he claimed, were brotherization and this is what we want him to prove.

The Speaker (Mr. Mati): Order! Now, you see some of these issues take a lot of time which could, perhaps, be more usefully used. Mr. Keen has given the grounds on which he based his allegations that he thought there was brotherization. He was probably using the term very broadly. However, I think he has said enough for now, but you do not have to believe him. You do not necessarily have to agree with him, but he has done his best.

Hon. Members: Hear! Hear!

MOTION

APPROVAL OF PUBLIC ACCOUNTS COMMITTEE
REPORT, 1967/68 AND 1968/69—PART I

THAT this House approves the recommendations contained in Part I, Reports of the Public Accounts Committee on the Government of Kenya Accounts for the years ending 30th June, 1967/68 and 1968/69 respectively, but being of the opinion that continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required; hereby resolves to appoint a Select Committee to inquire into and recommend revision of relevant penal and other legislation to empower the House to enforce its authority over public expenditure and deal effectively with accounting officers and Ministers responsible for any future unauthorized expenditure of public funds.

(Mr. Gatuguta—on 16th March, 1971)

(Resumption of Debate on the Motion as amended by the Messrs. Seroney and Mulwa on 18th March 1971 interrupted on 18th March, 1971)

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, thank you very much for giving me this chance to speak on this very important Motion. Mr. Speaker, Sir, before I come to very important points, I would like to comment on something which was said by hon. Members. Some of the points which were raised, Mr. Speaker, Sir, were not correct at all.

To start with, Sir, one of the points raised—and the hon. Members will agree with me—is on the security of the Head of State of the Republic of Kenya. In this connexion, Mr. Speaker, Sir, the hon. Member for Yatta would be the first Member of Parliament to question this House if the security of His Excellency the President was not adequate, especially in regard to His Excellency's movements. Therefore, Mr. Speaker, Sir, all I would like to tell the hon. Member is that since the President of the Republic of Kenya is liked, loved and admired by entire people of the Republic of Kenya, it is the responsibility of this hon. House to see to it that the security—

Mr. Mutiso-Muyu: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): What is your point of order Mr. Mutiso-Muyu?

Mr. Mutiso-Muyu: Mr. Speaker, Sir, my point of order, is this: I heard the hon. Member speaking now mentioning the hon. Member for Yatta. Did he imply that the Member for Yatta is not interested in the President's security? Is that the implication he has?

The Speaker (Mr. Mati): No, you should tell us what you have and not what he said.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, the hon. Member speaking said that the Member for Yatta would be the first to question the security of the President during His Excellency's tours. Now, did he imply that the Member for Yatta is not interested in the President's security? That is what I am trying to find out.

The Speaker (Mr. Mati): There is no implication there. There is nothing he has implied. However, you may disagree with what he is saying but do not interrupt for nothing please.

The Assistant Minister of State, President's Office (Mr. Munyi): Thank you very much, Mr. Speaker, Sir, if the hon. Member was not in the House at that time, he should have listened to me explain. All I was saying is that the security of the Head of State should be adequate. In other words, Sir, the Head of State must be fully protected and that is a known fact not only in the Republic of Kenya but also in every other country in the world. The Head of State must be protected and must have enough security men to protect him. For that reason, Sir, all I would like to emphasize, is that the Head of State should not only be protected from our citizens, but also from foreigners. This is so because there might be enemies from outside, Mr. Speaker, Sir, who might threaten the security of the Head of State. Therefore, Sir, for an hon. Member to come to this hon. House and start saying that the security

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men of the Head of State are too many is unreasonable. This is something which is not only happening in the Republic of Kenya but in other countries of the world; and if there are heads of state even on other planets they must be quite secure. Therefore, it was not in accordance with the dignity of this House for an hon. Member to come here and start criticizing the members of security, who are protecting the head of state—the President of the Republic of Kenya who is admired and loved by the entire population of the Republic of Kenya.

I would like to come to another point. It is a little bit meaningless for the hon. Member to come and give another allegation: His Excellency the Vice-President and the Minister for Home Affairs has two escort cars. This is a fact which is well known. All that is in the Constitution will remain there. I am very happy that one of the hon. Members stood up armed with the Constitution of the Republic of Kenya. If all Members can read that Constitution, they will find that it is stated very clearly that the security of the head of state should be protected. The security of the Head of State is the responsibility of this hon. House and everyone in the Republic of Kenya. Secondly, it is stated in the Constitution that there should be a Vice-President of Kenya. Therefore, Mr. Speaker, Sir, his existence is known; and so it is no use for a person or for a Member of this House to come here and start launching criticisms which are meaningless.

Mr. Speaker, Sir, I would like to come to other important points and comment on what is in this report—Public Accounts Committee Report. I would like to remind the hon. Members that presently there is a menace—health menace—which is threatening the Republic of Kenya: Cholera. If there was no money which was voted to deal with cholera, which is commonly known as *kipindupindu* by *wananchi*, and somebody in the Ministry of Health spent some money in buying doses of the vaccine, this cannot be called misappropriation of funds but using funds for a good purpose. There is a great difference between using money extravagantly and using money for a good purpose. The hon. Member who is now looking at me knows this very well. If we overspend money which has been voted for the Ministry of Health to deal with cholera and thus help our people because nobody knew that cholera would be a menace in our country—two months ago we did not know that cholera would be a menace in the Republic of Kenya although now it is—it cannot be called extravagance; people are being vaccinated against cholera

all over the country. If money is used for a good purpose, that is not misappropriation of funds but usage of more money for a good purpose—which is reasonable.

I would like to give another example. Today there is famine which has hit the whole country. If more money from the fund is used for the purpose of helping the people who have been hit by famine, that is not misappropriation of funds but usage of extra money for a good purpose. Every hon. Member will agree with that point.

When hon. Members are attacking civil servants they should attack those civil servants who have been involved in misuse of money which was voted for a certain Ministry but they should not condemn civil servants wholesale on what is going on. I think this is common sense. Questions have been raised, for instance, concerning the Ministry of Natural Resources. It is very good that the hon. Minister, who is known as *ndovu* and who is a man of action the other day told this hon. House that forests have been burnt to the ground. We were even told that animals from Elgon area, which attract tourists, have run away to Uganda because the forest was burnt to the ground. If the Ministry of Natural Resources uses more money in getting a unit to control the burning of forests, is that going to be translated to mean misuse of public funds? The answer is, "No". That is money which will have been used for a good purpose. I would like to appeal to the Auditor-General that in future he should specify things, for example, this is something which happened and which an hon. Member raised as a question in this House in which he wanted to know how much it had cost the Government as a result of the fire which burnt the forest. The loss is something which can be calculated to be more than 20 million shillings. Was any money voted to deal with such a thing? Did we put in one of the clauses that if there is an outbreak of fire in a certain forest area we shall use more money? Was it put in the Estimates? It is not there.

People have stood up here in this House and attacked the Ministry of Health. I know of health centres which are now running and there are some personnel working there although there was no money voted for them. When money was voted in this House no money was allocated for such health centres, which might be in South Nyanza, Central Province, Western Province, North-Eastern Province and so forth. However, was the money for that purpose voted? The answer is, "No!" However, is that money not being used for a good purpose? The answer is: "That money is being used for a good purpose".

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Hon. Members who have been reasonable, and one of them is looking at me would like more police stations to be erected on the borders because of raids from other areas. If more money can now be voted for so that some temporary police stations can be erected on the borders, would that money be termed as being used in a bad way? Is that misappropriation of public funds? The answer is, no, because this money is going to be used for a good purpose. This is what our electors want.

Therefore, I would like to appeal to the hon. Members, who are respected all over the country and know the sufferings of our people, when they come to this House, they must be logical. I remember it is written in the Bible that when Jesus was questioned by the Pharisees and other people and was asked whether it was good to do a good act on a Sunday, for example to help a suffering person—

Mr. Cheserek: On a point of order, Mr. Speaker, Sir, could the Assistant Minister speak slowly so that we can understand what he is trying to say? He is speaking so fast that we find it difficult to follow him.

The Speaker (Mr. Mati): If possible, Mr. Munyi try to confine yourself to the main subject. It is not necessary to do too much preaching.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, the hon. Members do attend the Sunday services and this is why I quoted the Bible. If you see someone suffering, you cannot say that because it is a Sunday you will attend the Sunday services and not the person who is suffering. For instance, at this time of the year, our country has been hit by famine. If extra money is used to help *wananchi* in this country, particularly in areas which have been hit by famine, that money has been put to a good use. That is all I wanted to explain to the hon. Members—

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, I have been sitting here listening to the hon. Member on the floor, but to me it appears that he is repeating the same thing in various versions, money being spent for a good purpose all the time. For the last fifteen minutes he has been speaking on the same issue. Is that really not over-doing and over-repeating it?

The Speaker (Mr. Mati): Mr. Munyi, there is a danger of over-stressing one point too much. I think Members now follow exactly what you are trying to say, but this question of money being used because of the present drought has nothing to do with what we are discussing here.

The Assistant Minister of State, President's Office (Mr. Munyi): In any case, I have been telling the truth and the truth always hurts. Truth is always bitter. Why should we, Mr. Speaker—

Mr. Cheptai: On a point of order, Mr. Speaker, Sir, what the Assistant Minister is trying to tell the House is quite contrary because in the last Saturday crisis, the top civil servants accused the Parliament for—

The Speaker (Mr. Mati): Order, Mr. Cheptai. That has nothing to do with what is being said here. That is not a point of order. You are complaining about civil servants. You are out of order, Mr. Cheptai.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, your wisdom is compared to the wisdom of King Solomon the Great about whom we read in this Bible. All that I am saying is very true. I have been dealing with one point after the other and now I am going to deal with the Ministry of Works.

Mr. Speaker, Sir, if there is flood and a bridge has been washed away in South Nyanza or another area, for instance, and extra money is spent to rebuild it, could this be termed as misappropriation? This is what I want to know—

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, I am just wondering whether the Assistant Minister is really not misleading this House with the argument he is advancing now because section 102 of the Constitution provides clearly how this money, in a situation like the one he keeps on referring to, is to be raised. It is to be obtained from the Contingency Fund and an **Appropriation Bill** is brought here thereafter and the Bill is passed. Now, that has nothing to do, whatsoever, with the Motion before this House: but he has kept on this for so long and we want to speak and contribute and not just talk.

The Speaker (Mr. Mati): Mr. Munyi, I think you have made your point absolutely clear. If you do not mind, try to wind up your speech so that others can have an opportunity to speak.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, what the hon. Member should know is that I am following one point after the other. For instance, what the hon. Member has said, if the House has gone on recess, how can you recall the House when there is a catastrophe? This is all I am saying. I am also aware of the section of our Constitution he is referring to and I have even quoted it.

To come to another point, Mr. Speaker—

An hon. Member: Drink a glass of water.

The Assistant Minister of State, President's Office (Mr. Munyi): We Africans never mind about water. We do not drink water even when we are thirsty.

I want to talk on the Ministry of Tourism and Wildlife. It was just last Friday when the hon. Mbori came to this House and said that in his own area there were very many wild animals attacking people and domestic animals and he wanted to know if the Ministry concerned could do something about it. Now the situation is under control—

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, what is the position of the Chair when a Member persistently goes on speaking on the same thing despite the Chair's rulings and Members' points of order? He is now bringing in the issue of wildlife and the money which can be spent, and therefore getting out of the debate; he is not relevant to the Motion we have. Can he not conclude and give way?

The Speaker (Mr. Mati): I think Mr. Munyi you are in danger of repeating yourself. I also think you have made your point quite clearly.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, there is only one last thing which I would like to tell the hon. Members. To comment on what the hon. Member was saying, I remember when we were in the Senate, a person could speak for more than one week. In any case, I do not want to go back to that.

Now, I want to speak on the Ministry of Finance and I am referring to paragraphs 25 and 26. I want to note these two paragraphs very strongly. This is what I was saying should be done in the Republic, Mr. Speaker, Sir.

Mr. Speaker, Sir, as regards the Ministry of Foreign Affairs, I do not want to repeat what has been already said by the other hon. Members, but—

The Speaker (Mr. Mati): Mr. Munyi, I think that cannot really be defended because I could hardly follow what you were referring to. It seems you are now repeating yourself. Therefore, we will ask you to end your speech there. That means, Mr. Munyi, your speech has really ended there because you have been repeating yourself.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, with all those important points I have raised, I beg to support—and I stand firmly on the comments I have already made.

Mr. Mwithaga: Mr. Speaker, Sir, I think it is right that we have a change from a tall man to

a short man to see what the change could bring to the House.

Mr. Speaker, Sir, this Motion has been treated like a very important Motion all the time it has been debated in this House. The amendment by my colleague hon. Seroney, to the Motion which was tabled by hon. Gatuguta is very timely and relevant also. Mr. Speaker, Sir, honestly, we do not need to go page by page or paragraph by paragraph in order to be able to analyse what the whole Report contained and what the House would like to hear. It is understood, Mr. Speaker, that I, as a Back-bencher, including my other hon. colleagues at the time were being carried away by emotions. Mr. Speaker, why I say emotion because when we start attacking, in general, the whole of our Civil Service without reservations or without specification we are treating that organization in such a way that it can have its own defences. Mr. Speaker, Sir, when we teach the Civil Service to defend itself, it will in the end try to put us to our defences. In that case, who will be in the vacuum, Mr. Speaker, Sir?

I have said in this House before—if the hon. Ochwada can keep peace—that the Civil Service is a branch or creation of a political machinery: by that I mean that this being a political Republic there are various branches which have been established by that political machinery. Mr. Speaker, if we do not want the system of the Civil Service we have, it is just we here in this House, who can make it look different from what it is, and that is what we should do rather than failing everybody in that Service. I would say, Mr. Speaker, that those people whom we know—and of course there are such people; they are human beings like others—do wrong or have misappropriated public funds or overspent or used their positions to acquire the things which have been stated by the Controller and Auditor-General, they should be placed on the carpet and brought to justice. If we do not mention those individuals in this House during a debate like this one, Mr. Speaker, and we happen to know them, then we are as cowardly as they are. Mr. Speaker, it is no good to be a political coward. If you know what is wrong, then you have to expose it so that it can be tackled by others who might be in favour of it or against it. Mr. Speaker, I am saying this because as a result of the debate in this House we have now seen two warring sections of the Civil Service, that is the Kenya Civil Servants' Union and the Kenya Senior Civil Servants' Union. Mr. Speaker, does that help to remedy the morale of the administration or of the Service? I would say that it

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actually tampers with that morale. If it tampers with that morale, Mr. Speaker, Sir, then in the whole Civil Service between the junior officers and the senior officers there shall be a complete distrust. Therefore, Mr. Speaker, the whole morale will be affected.

Mr. Speaker, despite the fact that the Kenya Civil Servants' Union has backed what the House said and the sentiments in their statement, Senior Civil Servants' Union in their statement attacked this House and accused us of everything. We are going to have a completely non-effective Civil Service if the break which exists between the junior officers and the senior officers continues. This will mean that the morale will obviously go down. In fact, those words which I am using ought to have been used by the Assistant Minister in the President's Office instead of preaching to us a "Bible third class". Mr. Speaker, Sir, I am saying this because he ought to have understood what organizations and methods he needs— In fact, I was in the seminary for four years, for the Vice-President's information, and I do not need that sermon from him because he went to the wrong school. Mr. Speaker, Sir, what I was saying is that the Assistant Minister in the Office of the President ought to spend a bit more time learning organizations, methods and public administration.

Leaving that point aside because I was trying to bring him back on the rails, Mr. Speaker, I would like to say that the Report by the Controller and Auditor-General is clear. I am very pleased with the way that "constitutional gentleman" has come out to expose the issues. Mr. Speaker, Sir, when money is spent without the authority of this House, in the first place it is contempt of the House and, secondly, it is a breach of the Constitution. Mr. Speaker, Sir, those are two bitter words: that is the contempt of the House and a breach of the Constitution. If anybody in the service, political or civil, misappropriates the State money or the public funds. Mr. Speaker, Sir, and we do not settle that issue with a lot of concern and we start behaving here as if we were in the Donovan Maule Theatre, Mr. Speaker, we shall be answerable because we are here to defend and protect that Constitution. We have all agreed here, Mr. Speaker, that this House shall be a supreme authority but there is a struggle in this House to try to acquire that authority as provided in the Constitution. Therefore, Mr. Speaker, Sir, if anyone overspends money or misappropriates the public money, what should we do with such a person? Mr. Speaker, Sir, all you have to do is to seek all your refuge in the law and in the Constitution and place that man where he is supposed to be.

The moment a nation tampers with the Constitution, or the moment the provisions of the Constitution and the law of the land are avoided by the same people who make those laws, or the ones who are supposed to execute the same laws, that country goes to the dock. Therefore, Mr. Speaker, we who are seated in this House must be told categorically and specifically by the Government what action will be taken against those persons who have been exposed by the Controller and Auditor-General. Mr. Speaker, Sir, some of the sections, the reports or the notes therein indicate that our Public Accounts Committee does notice what has happened and they have perhaps received a promise from, maybe, the Permanent Secretary or from the Minister that the necessary or relevant action will be taken. This is what the notes indicate. Now, Mr. Speaker, the Report we are debating here, as you can see from the Motion, is based on 1967/1968 and 1968/1969 finances. Mr. Speaker, Sir, if action has not been taken very respectably just because this matter had not been debated in this House, what is going to happen to 1969/1970 and 1970/1971 Financial Years? Things will be worse, then. We remember, Mr. Speaker, Sir, that we had several cases of this nature when we were debating the other reports in the previous Parliament. What action was taken as a result of that? Mr. Speaker, what I believe should be done is that this House should have a Motion intended to set up a Select Committee to scrutinize every business which has been passed by this House from 1963 hitherto and find out what action has been taken and what action has not been taken and then place the gentlemen concerned on the carpet if we are not satisfied, which is impossible. This is because there are things which were discussed in other debates in connexion with the Public Accounts Committee Reports. I remember, Mr. Speaker, some of those things. However, now again we find the same anomalies or the same mistakes being exposed by the Public Accounts Committee. Therefore, what do we conclude? We conclude that, as an hon. Member rightly said the other week, we shall continue to be accused of talking and this House will always remain being referred to as a talking House, so literally as it means in France. Mr. Speaker, this minimizes the importance and the authority of the House. Since we realize that, we shall therefore—I think I might be forced to bring a Motion—

The Assistant Minister for Natural Resources (Mr. Ochwada): You are shouting.

Mr. Mwithaga: On a point of order, Mr. Speaker, is the hon. Member, Mr. Ochwada in order to say that I am shouting?

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Mr. Speaker, Sir, I wish he was sitting in his right place. He is hiding himself in the Back Benches.

Mr. Speaker, Sir, what I was saying is that I might take the initiative to bring a Motion calling for a Select Committee to scrutinize all these records. This is because it is no use our sitting here— We have read history and although we do not want to quote or to be victims of history, we might be accused one day, and I say “might”, after having spent ten years in this House— from 1963 to 1973—and having not been able to achieve anything. This is because what Parliament says here—other than Public Bills which are enacted into law and other Government Motions—all the other things—have not been implemented. Just why? Because nobody thinks that there is supremacy in the House or there is supremacy in our Parliament. Mr. Speaker, I am saying this with a bit of pain and I, therefore, believe that the Motion, as it stands now, is very timely and very important too, because it resolves to appoint a Select Committee appertaining to the business of the Motion right here so that those people who will be found out to have offended will be dealt with— The offenders will be questioned.

Mr. Speaker, it is not actually enough to have a Motion of this nature, though we agree that the sentiments are all right. This House will need, and I am sure you will agree with me and the Members will, to have its supremacy to the extent where it can impeach the personalities involved in some of these issues here in this House, and they should be tried in this House. I believe that if we are the legislators for the nation, we can similarly impeach the offenders here, if we believe in the opinion of Parliament, that there is no other machinery available to impeach such gentlemen or such offenders. Therefore, the House should be authorized by the Constitution to acquire those powers in order to impeach some of these men. If we can do that, Mr. Speaker, which I believe is, by implication, the intention of this Motion, then the House will start doing its work as entrusted to them by the masses of this Nation.

This Motion will be passed. I agree and I know it will be passed. When it is passed, Mr. Speaker, the Select Committee—

An hon. Member: We want to speak.

Mr. Mwithaga: Mr. Speaker, the gentleman here says “they want to speak”. They have been here since the debate started. I have not stopped speaking.

Mr. Speaker, what I was saying is that the

Select Committee will be appointed—but do you know, Mr. Speaker, I want to provoke a situation here that the first offenders will be our Ministers?

An hon. Member: Why so?

Mr. Mwithaga: I promised a provocation and I am making it. The first offenders will be the Ministers because by virtue of the business they have and the less time they have due to much work in their offices, they may find it difficult to come to the Select Committee.

An hon. Minister: Never.

Mr. Mwithaga: Mr. Speaker, a Minister says “never”. I hope he will keep that word.

Therefore, with a hope that they will not do just as I am trying to suggest and that they will appear before this Committee, then we believe that they will start to realize the power and the authority of the House.

Mr. Speaker, what reasons can one give to his electors when some psychological warfare is being waged in the Press and when a hue and cry are being raised over the salaries of the Members of Parliament as an excuse to cover the issues that the House has exposed. Those who have not been reading papers can examine the papers of the last one week and see what is there: That just because Members of Parliament increased their salaries we are trying to use other people as scapegoats to cover that increase. Now, Mr. Speaker, Sir, did we misappropriate? Were the salaries given to all Members of Parliament— by that I mean including everybody elected from his constituency—not legalized by this House? Was it against the law? Can anybody challenge that Act in the court of law? However, we can challenge these other issues in the court of law. That is a law of the land. Whoever passed it, that is immaterial and it stands the law of the land.

Therefore, if any ground of persons attack the Members and attack them for that reason, then the Minister for Home Affairs should tell us why such people cannot be charged with breach of law because they are trying to accuse the Members of having committed an illegal act which, on the other hand is a legal act. I believe this is the method which we should use so that people become law conscious in the country. We know of a case where some gentlemen were earning £2,800 but they are now earning £2,900. Which Parliament authorized the increase of £100? Kenya Parliament? The Minister for Finance should be able to tell this House what action he is taking against the gentlemen who increased those pounds over their salaries. He should be able to tell us how the £100 was increased on the salaries of the

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superscale group without the legal sanction of this House.

An hon. Member: They do not need to come here.

Mr. Mwithaga: I agree with the gentleman who tells me that they do not need to come to get the authority to increase themselves £100. Mr. Speaker, if they do not need to come here, then all we can say to improve the ignorance of my colleague here—is that we should let anybody do what he wants with Kenya money. It is too much—and the hon. Member, who was a trade unionist, should be ashamed of saying that.

Mr. Speaker, what I was saying is that that trend of events; that kind of approach, if not checked and corrected, can continue because it is a precedent. If it is a precedent, what other authority do we use to check on such an issue and correct it before it goes very far? Who initiated that kind of move?

An hon. Member: Two errors do not make a right.

Mr. Mwithaga: Mr. Speaker, I agree that two errors do not make a right, and the hon. Member knows what is wrong. He believes with those people and agrees with them that the law of the land which makes him earn what he is earning is an illegal act and he was part and parcel of that illegality. Therefore, Mr. Speaker, Sir, I question his brain.

Mr. Speaker, because I believe we should not really debate pages and pages of this document and I just wanted to advance some of these points. I quite agree with the sentiments contained in the Motion, but I doubt the effectiveness of it because similar Motions have been passed when you and me have been in this House in the previous Parliament and this one but the gentlemen who are supposed to see that action is taken have not taken action. It is very wrong, and it is even unbecoming for any Minister—or for that matter even an Assistant Minister who might become Deputy Minister if my Motion goes through on Friday—being charged with a responsibility to run a Ministry or a given department to come to Parliament and begin crying over some of the officers or claim that he does not know what goes on in his Ministry. If he does not know what happens with the finances of his Ministry and cannot be able to check on the documents, I will suggest a system which these hon. Gentlemen can follow. There is a system in most of the effectively organized offices whereby, Mr. Speaker, not a single letter is sent out without a copy on the daily file. Mr. Speaker, Sir, this enables the boss to know exactly what documents have been

sent out, what communications there have been during a particular day—not necessarily from his own particular office but from the other officers who are supposed to work under him. That way, Mr. Speaker, Sir, the person concerned can be able to check on what his officers have been doing.

Mr. Speaker, Sir, the accountants would say it is going to be a complicated job to have copies of invoices and documents, and even Local Purchase Orders in daily file so that the Minister for Finance can know what has been going on, as far as finances are concerned, in his Ministry. Mr. Speaker, Sir, I would like to challenge the Minister for Finance to tell me whether he knows that the Ministers and Assistant Ministers do not keep that file which I am talking about. If you ask them what an Under Secretary wrote yesterday they cannot tell you.

An hon. Member: How do you know that?

Mr. Mwithaga: Mr. Speaker, Sir, I am being asked how I know that. I belong to Kenya and as an elected Member of this House I am supposed to know what goes on in Kenya. Now, Mr. Speaker, Sir, how can I be an effective representative of my people if I do not know what hon. Ngala does in his office. Mr. Speaker, Sir, I am saying, with sincerity and authority that some hon. Gentlemen here do not keep that daily file. Therefore, Mr. Speaker, Sir, they cannot follow up cases, some of the finances which are being squandered here and there. We have seen cases in courts where some gentlemen have been committed to goal. We have seen how a Ministry or a department is exposed in court and how a given gentleman, who ought to have known how a given sum of money was overspent cannot know and yet it was happening in that office where that hon. gentleman was sitting. This means, Mr. Speaker, Sir, there is no serious complete counter-check on finances.

The Minister for Finance and Economic Planning (Mr. Kibaki): There is!

Mr. Mwithaga: Mr. Speaker, Sir, the Minister for Finance and Economic Planning keeps on saying that there is a counter-check. He should speak for his own Ministry but he should not speak as an authority for the other Ministries. They are individuals, as far as they are concerned, with their Ministries. He is in charge of their money but he does not have a constant check on the Authority to Incur Expenditure Order.

Mr. Speaker, Sir, I am suggesting that the officers who deal with Authority to Incur Expenditure Orders should be gentlemen whom the Government believes, without the slightest doubt, can exercise the Authority to Incur Expenditure

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without allowing anybody under them to overspend or to misappropriate public funds. They should be effective and able to be effective—the hon. Ochwada should know what his officers with Authority to Incur Expenditure Orders are doing in the field with that authority. This is because, Mr. Speaker, Sir, giving a gentleman an Authority to Incur Expenditure Order is like giving him a blank cheque and you tell him “All right, I trust you. Write the correct amount”. But, if that gentleman, Mr. Speaker—

An hon. Member: You are critical.

Mr. Mwithaga: If I am critical, Mr. Speaker, Sir, it is because I would be efficient and able to check on what he does each day and take him to task. Mr. Speaker, Sir, the Authority to Incur Expenditure Order is a very dangerous document when you give it to an officer and you expect him to carry out his work honestly.

An hon. Member: You have been speaking for a very long time now!

Mr. Mwithaga: Mr. Speaker, Sir, I can speak here until Doomsday comes. The hon. Ochwada here should hold his peace, Mr. Speaker, Sir.

Mr. Speaker, Sir, I am suggesting to these hon. gentlemen, who like playing with me all the time, that they should be able to know how that Authority to Incur Expenditure Order is used. They should not take it for granted that the trust they have vested in that gentleman is going to be observed with honesty and sincerity. I know some gentlemen are very sincere and are very honest. Some gentlemen, Mr. Speaker, Sir, will feel it a breach of their own conscience if they abuse the authority they have been given but, as individuals are known to be individuals and human beings, this thing can happen. Mr. Speaker, Sir, I am trying to put those suggestions forward because there is no point in merely generalizing without finding methods of curing the situation. However, Mr. Speaker, Sir, when we say these things, some of our colleagues here make it a joke. They make it a joke and go to their offices with a very smiling face. This is serious, Mr. Speaker, Sir.

An hon. Member: How is it serious?

Mr. Mwithaga: Watch your words.

Therefore, Mr. Speaker, Sir, if a Minister and an Assistant Minister cannot exercise that authority which he has been given by His Excellency the President, then he has failed to be a Minister or an Assistant Minister, or a politician for that matter. Mr. Speaker, Sir, weak men of that nature should quit the Ministries and come

back to the Back Benches.

An hon. Member: We shall not quit!

Mr. Mwithaga: Mr. Speaker, Sir, I am promised by one of them here that they will not quit.

Mr. Speaker, Sir, I was appealing to them to use a bit of their conscience and think as politicians. If I cannot exercise this authority properly, I had better quit rather than becoming a laughing stock or a picture on the wall. Now, Mr. Speaker, Sir, what is the point of becoming a picture on the wall and you will never talk? Therefore, if the hon. colleague of mine, Arthur Ochwada, finds himself in trouble and cannot control his department or his section, he cannot scrutinize or he cannot summon his officers to his desk and say to them “I want an explanation on how this issue went this way and why? Why was that money spent? Was it necessary to spend it? I want an explanation”. If he cannot tell them that, how will they feel the authority of a political government, and that you are a Minister or an Assistant Minister? You go out telling the masses that you are ruling and when you come to this House you forget the pennant on your car and start crying. Mr. Speaker, Sir, it is high time my colleagues here stopped crying and started putting things right by checking on their officers properly. Mr. Speaker, Sir, when you do not check on them, then they acquire the authority and you continue saying that this country is being ruled by civil servants. This happens because of the weakness of the politicians. This happens because of the weakness and the cowardice of the politicians. They do not want to question anything because they think they will lose popularity here and there. During the time you have been given authority to rule, you must rule effectively, and let he who comes later, rule otherwise.

Mr. Speaker, Sir, I am giving those concerned a lecture so that if we want an effective check on our finances we do not have to come to this House as Ministers and Assistant Ministers to cry. I was ashamed Mr. Speaker, and that is why I have been stressing on that point, to see some Ministers and Assistant Ministers crying time and again in this House. They have been crying that they have been overpowered and they do not know what is going on yet they come from Jogoo House, Harambee House, New Jogoo Wing and all these other offices to cry in this Chamber when they leave the authority they have in their offices. It is no good and I do not agree with that kind of approach in politics. Mr. Speaker, Sir, the moment you show you are in power and you are ruling, you know your job, nobody will question you. But, the problem is this, Mr. Speaker, Sir. Some

[Mr. Mwithaga]

of our colleagues work with graduates, technicians, specialists and others. These people tell them, "Now, you see, Sir, we are spending this money because the drugs we wanted there are called this and that". Mr. Speaker, Sir, these drugs are all in Latin. Unfortunately, my colleague, the hon. Mbai does not know Latin and cannot understand this. Now, he told—

An hon. Member: How do you know that he does not know Latin?

Mr. Mwithaga: Well, I said perhaps he does not know Latin. Now, when he is told this he says, "Well, that is all right. We will verify that issue next time". Now, Mr. Speaker, Sir, the gentleman goes out saying, "I have overcome that dormant Minister". He feels very happy, Mr. Speaker, Sir. But, who is to be blamed later? The gentleman with authority—that is me and you—is the one to be blamed later. Therefore, Mr. Speaker, Sir—

An hon. Member: Be specific!

Mr. Mwithaga: Mr. Speaker, Sir, I do not know want to be emotional and my dear colleague should know that. I am trying to be specific so that we do not take these issues as lightly as we are doing, Mr. Speaker, Sir, because we know a Motion of this nature was not absolutely necessary, or the additional amendments would not have been absolutely necessary if political power was being exercised. I, therefore, challenge my colleagues to use the power they have been vested with and that they stop crying.

Mr. Speaker, Sir, in the hope that this is going to be done—

An hon. Member: You beg to support.

Mr. Mwithaga: I believe that is out of order, Mr. Speaker; but I leave him alone; he is as short as I am and that is why he wants some wrestling. Sir, if he wants some wrestling, we might have an exercise outside.

Mr. Speaker, I was saying in the hope that the House will agree with the sentiments in the Motion and that the Select Committee will be appointed immediately this Motion goes through, and that the Committee will be respected by the gentlemen responsible, we will support this Motion and also seek powers to have some penal powers on the part of this Committee so that our Parliament can impeach, question, scrutinize if not sue the gentlemen involved in squandering and misappropriating public funds. In the hope, too, that my colleagues, the Ministers and Assistant Ministers will use the political powers they have, and not be cowards—raising hues and cries for no reasons—I beg to support.

Mr. ole Leken: Mr. Speaker, Sir, I rise to support the Motion as it stands now. I think, in the first place, I must thank the Auditor-General for the exposition in his Report which appears to indicate that the Committee which also looked into these affairs only did in some sort of capacity as an advisory board. I do not see it to have been effective enough. The accounting officers, it seems to me, have honestly assumed a strong independent autonomy which is beyond the powers they are given. It is even reported that some of them sometimes used money even without referring to the Treasury. Now, they forget even the Treasury and they even think that they are above Parliament. Surely, even the effectiveness of this House—as the hon. Member for Laikipia was for the last six, or seven years—is questionable because how can an amount of money which is not provided for in the Estimates be spent as this Report shows very clearly? Mr. Speaker, if you know it, therefore, we are practising the jungle law. We have gone to savage law. We are, in fact, departing from the principles of democracy. If something that is not provided for in the Estimates can be incurred in this manner, I do not know what sort of language can be used. Is it illegal, unconstitutional or what? I should perhaps ask my learned friends—the lawyers—who are here to suggest something to the House which might put this House into an effective motion.

Mr. Speaker, this kind of autonomy which I referred to a few minutes ago is something which has been adopted. I know if you refer back to history, like that of the Roman Empire, people who had been given the authority to look after public funds used them so luxuriously, in the way they wanted. I think we are also now training ourselves to go the same way through which they went. Sir, this is because it goes even further and the Committee even reports, "the Accounting Officer is not unaware of regulations laid down. He just seems to ignore them". This is somebody who is educated and is working as a professional for that matter, but he sees it fit to use public funds to buy something which is not provided for in the Estimates. Surely, this kind of autonomy which has been assumed by some few civil servants must be brought down now and somebody should be cut to fit his shoes.

Mr. Speaker, in another place you will find that—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Tell the Masai to stop stealing cattle.

Mr. ole Leken: The Masai have nothing to do with this Motion in so far as what you are telling them is concerned. This is a national matter.

[Mr. ole Leken]

Mr. Speaker, we are not stealing and I do not think we steal. He should tell the Kikuyu not to rob the banks. The Masai only steal cattle; they do not rob the banks. The Member for Laikipia West should have advised the Kikuyu not to rob their fellows. I will also tell the Masai not to steal cattle now. Mr. Speaker, I think the hon. Member for Laikipia West has a habit of interrupting me; I do not know why he likes to talk to me when I am speaking in this House.

It is interesting to note that in the year 1967/68 the Votes which were excessively used were 11; it is interesting to note, too, that there was no improvement made at all. The following year 1968/69 the Excess Votes rose again to 12 which, in fact, indicates—as far as I can see—or amounts to the fact that we are getting worse and worse. The amount of money involved, Mr. Speaker, which was not actually authorized by this House is quite large.

Now that we have this Motion, I must thank the Member for Tinderet for bringing this amendment which I hope will give the House a bit more power to look into this matter very seriously because I feel the excessive Votes came about unnecessarily and there are some things too which are not brought for auditing. This is a very awkward way of keeping records. I therefore, feel Sir, that this Committee, when it is selected, should not only look into the activities of public expenditure. I think it should go a bit further—as the hon. Member for Nakuru suggested—and look into the effectiveness of even this House. It appears as if Parliament is not, in fact, effective.

An hon. Member: It is more effective.

Mr. ole Leken: It is not. If a Vote which this House has not authorized can be incurred, what effectiveness is here?

Mr. Speaker, I think this Select Committee should consist of penal experts, whom I know with no doubt that we have in this House. We have very competent professional men in economics and nearly in all fields of life. We are very proud to have such a mixture of people here.

Sir, the Member for Laikipia should be excused for the noise he is making. But I think he should be warned now.

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

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

Mr. Deputy Speaker, Sir, I support this Motion.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker,

Sir, I think I also should join my friends in congratulating the person who brought this Motion here because the sentiments expressed are quite good. However, the way in which the recommendations are made, I do not think they will be of any use at all. Why I say this, Sir, is for the following reasons. What the hon. Member is asking for is this: to appoint a Select Committee to look into the affairs of public expenditure. However, the point is this, Mr. Deputy Speaker. In the Constitution it is stated that Parliament is the supreme authority of giving Government power to spend money. So any Committee which is then appointed by this House to consider the same thing, will, I think, be a waste of time.

The Constitution has clearly explained what powers this House has as far as public expenditure is concerned and there is no point, therefore, in appointing a Committee to do this same work. For example, if hon. Migure is appointed a member of the Committee, we do not expect any recommendation apart from the one which may be for considering amendment of the Constitution and putting in something else which is not in the Constitution. What is in the Constitution, Mr. Deputy Speaker, is quite enough for the House to be able to control expenditure.

This habit of coming here, complaining and crying about the civil servants is a matter of wasting valuable time. So there is no point for hon. Members of this House, or the Ministers and Assistant Ministers to come here and start complaining that civil servants are overspending money or misusing public funds. I do not agree that overspending is the same as misusing public funds. What hon. Members should now start considering is whether this money is actually misused or overspent because there is a colonial tradition still present somewhere in our Treasury. Here you have officers sitting in the offices and just rejecting the Estimates that have been put to them by the Ministries.

What I think should be done and what Members should actually stress is to have Estimates which are proposed by the Ministries adhered to because the Ministries know the duties which they have to carry out in the Ministries. So they should be allowed this money. Say, for example, there is need to establish a police station somewhere and if hon. Shikuku or His Excellency the Vice-President recommend this thing so that money can be given by the Treasury, and then you find the Treasury rejects the project, what is hon. Shikuku going to do? He needs to spend this money in the interests of the public. This is the problem we have. That is why I say that the purpose of this Motion will not help anybody.

[The Assistant Minister for Lands and Settlement]

For us, Mr. Deputy Speaker, to stand here and attack civil servants, attack the others is not good. Some hon. Members said here that the first victims will be the Ministers and Assistant Ministers. I did not understand the logic of the hon. Member because I do not think we will be victims at all. We are there as politicians and we must make this House the House to rule, not a House where people are given the chance to cry and shout from. You are given power by the public, you are given the power to appoint civil servants. We are given the power to direct the civil servants in what they ought to do. So why should we surrender our powers? Why should we surrender these powers? The moment we start crying we are, in effect, surrendering these powers we have. My hon. friend, there, who is saying, "Question?" should realize that hon. Members, Ministers and Assistant Ministers should appear as people who have power, people who can direct others.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, I have heard on several occasions, and I have listened to this very patiently, Members more or less mislead the House as to the actual powers of Ministers and Assistant Ministers. Is it not true that it is provided that in every Ministry there is an accounting officer who is completely different from any other officer? When hon. Members talk of power, they must realize they have given power to an accounting officer upstairs there to get their allowances sanctioned. So is it true that no hon. Member, Minister or Assistant Minister can pretend that he has power when his power is under the accounting officer and it is only the accounting officer who can be sued if things go wrong.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, with due respect to my hon. friend over there. I do not think he had a point of order. This power he is talking about in relation to the accounting officer, who gave the accounting officer this power? Is it not the hon. Ministers and hon. Members? If the hon. Member is so ignorant then it is up to him to find out. I know that any power a civil servant in this country has is given by this House, by the Members of Parliament. This is true.

Therefore, Sir, it is important that we merely congratulate the officer who has done this good work to try to expose this overspending of public funds without the permission of this House. I feel this Motion should be treated as a warning to the people who might continue spending money

in this way. I am sure the House would agree with me that this Committee we are talking about will serve very little purpose.

I, therefore, beg to oppose, Mr. Deputy Speaker.

Mr. Kivuitu: Mr. Deputy Speaker, Sir, I am supporting this Motion but with certain reservations. I do agree with those who tend to feel that there may be very little to be achieved by this Committee. I say so knowing very well that this Motion is moved by one of our ablest parliamentarians and it is a Motion which obviously took a lot of thinking. The sentiments expressed there are shared by all of us, but I do question very seriously the effects or the results which this Committee will bring about.

I think before we really go into the question of what we are going to achieve and also before we criticize the misuse of public funds we have to consider first what are the reasons which have brought about the present situation. One of the reasons, as far as I can see from the way the report has been written—I refer in particular to those sections of the report which say the Controller and Auditor-General was informed that it was due to the inexperience of the officers concerned. These, I think are some of the matters we are raising in this Parliament, that certain persons are given powers in Ministries, not because of merit but because of other considerations. And it is because of those considerations which are not really relevant to the matters we are dealing with which cause this inexperience and inefficiency, and the resulting misuse of public funds. It is time our Government realized that if a man is to be in control of any Ministry or any particular department, then he must be a man who is qualified for such job; not because he is related to the Minister, or to the Permanent Secretary, not because he is of a particular tribe or not because he supports So-and-so to be the President of the future, but purely because he is an able person. That must be the consideration. If we follow that, you will find there will be no excuse for a man to be inexperienced. If he is inexperienced why is he given that job? It is because of considerations which are not relevant to the issue, and this is what we are questioning and saying in this House. It is because of that that some of these things do happen.

The other reason, Mr. Deputy Speaker, Sir, is that it is a blame which must be shared by all of us, including the civil servants, Members of Parliament and even Ministers. We must all share this blame: that because of our laxity, because of lack of interest and lack of that sense of the powers given to us that certain officers have gone about their jobs the way they want. If I may suggest, Sir, there is no other power which is so

[Mr. Kivuitu]

well preserved by Parliament than the power to control the expenditure of public funds. That is really the sole power upon which Parliament bases its authority. It is by saying, "You will not spend money this way", that it can control the Government. In history, we know even in Britain at one time, the King dissolved Parliament expecting to raise money the way he wanted. He found, however, that he could not raise money. After about two years he had to recall Parliament to give him money and also to tell him how to spend it. It is because this power is so great. But are we using this power, Mr. Deputy Speaker, Sir? We are not using this power at all. It is time that when things are brought here for us to approve we scrutinize them carefully, from the time we are debating generally to the Committee Stage, and what we do not approve, we dismiss. We tell them. "We cannot accept that". It is time that we took these matters very, very seriously. This is the only time we can exercise our powers, but are we doing that? It is because we are not interested in these matters that the gentlemen whom we have been criticizing also become lax, they also relax. While we relax they also relax. We should not blame them without blaming ourselves.

Mr. Deputy Speaker, I must also mention something about the Ministers. The Constitution of Kenya on which all other things revolve, including the powers of accounting officers, which was mentioned by that able Assistant Minister, Mr. Shikuku, clearly states in section 21— It says, if I may quote:

"Where the Vice-President or any other Minister has been charged with the responsibility for any department of Government, he shall exercise general direction and control over that department."

Are they doing that?

Hon. Members: No! No!

Mr. Kivuitu: Let me continue.

"And subject to such direction on control . . ."

Subject to such direction. That is above everything. Below that, every department shall be under the supervision of the Permanent Secretary. Now, the Permanent Secretary is obviously under the general direction and control of the Minister. This is laid down in the Constitution. Surely, when we are moving in this House that the Ministers be made responsible for the Ministries we are stating what the Constitution actually states. We are expressing a sentiment. In expressing a sentiment are we achieving anything? We are merely expressing a sentiment. That is why I say I support

this Motion, but I only support it to express the sentiments. The Constitution gives us all the powers. Parliament has the power to control these funds; we have the power to ask the Minister, "What are you doing to effect the power which you have been given by the Constitution"? All these things are here.

We go further and we say we want this Motion to see whether we introduce penal provisions in our criminal law so that we can punish these accounting officers and other officers concerned. Now, this is a matter where, I am sure, we will not even succeed because when we recommend, who is going to draft these laws? I ask again: who is going to draft these laws? It is the Office of the Attorney-General. How many Motions have we passed here for amendment of the laws and these have not been amended. Recently we passed a Motion on the law of trespass. Has it been amended up to now? People are still being bugged about all over the country on a matter on which we expressed our sentiments. We keep on expressing sentiments here but what else can we do? I would say what we require is quite a different arrangement of our powers. We must have a permanent committee for drafting of our laws, to draft laws for this House. We must have that and whenever we pass something and we say this law will be like this, then the committee is given that duty immediately. It drafts the necessary Bill, it is brought here and we pass it. Unless we have that, if we are going to depend on departments like the Attorney-General's Department, which is occupied by *wazungu*, I do not know where we are going to end. As far as I am concerned, Mr. Deputy Speaker, Sir, this is just an expression of sentiment which will take us nowhere.

There are certain other matters which were mentioned during the debate, which I think must be explained. For example, there were allegations of misuse of funds by certain Embassies and other people. There was, in fact, that matter which I thought was quite important which was mentioned by an hon. Member here, and that was that these people who are in our embassies must know that we are a poor country and must live within our means. We are Members of Parliament, Sir, and some of us come from places where people walk about with only a sheet across their bodies. When we come here do we walk about with those sheets around us? I mean, Sir, we must remember one thing. When we send a man overseas he is not going to live the way we live here. What exactly do you mean by the way we live here? He must live in the same way as people live there so that

[Mr. Kivuitu]

if he invites the Ambassador for Japan to his residence for a party this ambassador does not think he is visiting some person who has just arrived from a poor country. He must feel he is the representative of an embassy of an independent sovereign country. That is why you find some of these expenses are justified. Some of them are extravagant, I will admit. However, I am sure that within certain means we must allow these Embassies to spend money to certain extent. Rather than simply say that we cannot spend money, we must spend money within our means without defining exactly what we mean. We do not say they should live in gold or silver but we say they must be allowed to live in such a way that whenever our Embassies are visited the visitors do not feel they are lost in some jungle.

But there are certain matters which are very disturbing, Sir, and I want to refer specifically to two matters in the report. This is because the hon. Mover was challenged to support an allegation he made that there were flagrant violations of the laws passed by this House.

I refer to page 10 of the report of 1968/69 where there is a report on the gaming machines. It is headed: Gaming Machines. There we are told certain things which must be done according to the Act of Parliament have not been done for the past three years. People have been given licences without paying certain levies which are laid down there. The question is: how does this happen, that certain people get licences without paying levies provided for under the Act? How does this happen? Is this not a matter which is so serious, so grave that really it should move the Minister in that department to think what he should do about it. If there are any criminal offences disclosed, they should be reported to the police for immediate action. You do not need a Motion like the one we have here to deal with that. It is a matter which is very clear.

The other thing, Mr. Deputy Speaker, is in the same report in page 21. There is the report about higher education funds. It is stated there that certain things have been done contrary to the provisions of that Act. If they are contrary to the provisions of the Act are there no methods to deal with them? And what is the effect of those contraventions of the Acts of this Parliament? It is clear contempt of this House, and those are matters which I believe, Sir, be taken seriously and dealt with immediately.

You also find in page 20 of the same report that there is a report on loan repayment. Certain plots called "Z Plots"—I do not know what the Z

stands for—are mentioned here. We are told that there are certain very suspicious matters going around with regard to the repayment of these loans because the people involved are very senior people in the Government. These are things which have been specifically mentioned. They are very grave. If they involve senior Government officers, why can they not be disciplined? What is there which prevents Government disciplining these officers? I cannot see anything, Mr. Deputy Speaker, Sir.

We also find in page 14 there is mention of a certain secretarial bureau which was employed to carry out typing for a certain Ministry. Why should a Ministry go and look for private concerns which are out for profit? Why ask them to come and help with typing? Why can they not employ people? There are a lot of people who walk into my office and say they know how to type at about 30 words per minute. They would be cheaper and would still produce the same stuff. Must we go to these particular institutions who charge at a profit so that they do our work? I cannot see the necessity for this. Yet we are told we have our own secretarial colleges where people are being trained for this kind of job. This is a clear misuse of public funds and this must be condemned.

I still find myself in a dilemma. Here we have a Motion which says what the Constitution lays down— What do we do with it? You vote for it probably because in supporting it you are also voting for the Constitution and thus you are defending the Constitution. I think we should be thankful to hon. Seroney because, one thing, he is trying to restore some dignity in ourselves which has gone. The Ministers are finished because the accounting officers are doing whatever they want and hon. Members of Parliament are finished because we have been doing nothing when these things happen. We must thank hon. Seroney and must also thank the Controller and Auditor-General for disclosing these matters. One can only pray that one day he does not fall prey to what others have previously been placed under and, therefore, become involved in misfortune and stop to disclose those things that we would like to know.

We hope that he will continue with the same spirit and I am glad that he is an African. I hope you know that there is nothing that can happen to him except death. Even if he dies, he will still be buried here.

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

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you very much, Mr. Deputy

[The Assistant Minister for Foreign Affairs]

Speaker, Sir, I would like to congratulate the Controller and Auditor-General for the Report and also the Chairman of the Public Accounts Committee and his Committee for drawing the attention of the House to what is happening, and especially, to the hon. Member for Tinderet, Mr. Seroney for adding an amendment to the Motion which really points out what should be done if the situation is to be brought under control.

I do not think that any of us in this House, Mr. Speaker, Sir, would like to condone illegality. Therefore, all illegal expenditures must be discouraged. I have risen to speak on this Motion, because my Ministry has come under constant criticism and I am going to try and speak, not to defend the illegal expenditure but to try and bring out a few points which might make it easier for the House to understand why some of those things have happened.

I would like to say, from the start, that the Ministry of Foreign Affairs in Kenya, ever since independence has used a very small portion of the National Budget in comparative terms, there are countries in Africa where a similar Ministry consumes 20 per cent—even in one country the Ministry consumed over 50 per cent of the National Budget.

Kenya Government has held the expenditure on foreign affairs to either just under 1 per cent or 1 per cent. I think this must be taken into account when looking at this.

Foreign affairs is a very expensive exercise. It is the kind of investment in which you put money without knowing whether you will gain or lose. It is an exercise in public relations. You have to spend money advertising yourself. We, as a country, have spent very little money in doing this, therefore, when hon. Members, Mr. Deputy Speaker, Sir, look at what has happened they must know that it is the aim of this Government not to spend too much money on foreign affairs.

There are three matters that I would like to refer to. The question of general overexpenditure—while being condemned, we must understand that we, as a country, must develop an attitude of strict control in whatever we are doing. If we, as Ministers are lax, we cannot expect the civil servants, the accounting officers to be strict. If the House is lax, if we are free when things affect ourselves—if when it comes to dealing with those matters that affect us we are a bit lax, we cannot expect the civil servants to be any stricter. Therefore, while we condemn the illegal expenditure we must not be over-virtuous. We must not speak as if there is a group of people that is interested in overexpenditure. We

are not innocent because the truth is that we are as guilty in certain ways as civil servants are. When Ministers travel, when hon. Members of Parliament travel—I wish we could be stricter. When you go to our Embassies overseas, I wish you could tell our ambassadors just to spend a little money on tea party and not to throw a cocktail party in your honour. This would reduce our expenditure.

Mr. Deputy Speaker, as far as I am concerned, it is the question of a philosophy which we as a nation wish to pursue—I will be speaking as an ambassador in a minute—as a former ambassador in a minute. We must develop an attitude of mind of spending very little money if we can help it.

Mr. Deputy Speaker, Sir, the two matters that I wanted to refer to and the points that have repeatedly been referred to are that the Minister who led our Delegation to the 22nd Session of the United Nations General Assembly—the Public Accounts Committee had the pleasure of surcharging him for having used a hired car.

Secondly was that we have spent—there has been some money spent on buying chairs and carpets. The third point is that there is a general overexpenditure in Embassies.

Now, dealing with the first question, Mr. Deputy Speaker and I would like to speak with all humility on this particular point—all Ministers who lead delegations to the United Nations General Assembly Session have limousine cars hired for them by their respective Governments. Unless we treat Kenya, out of 126 countries, as a unique country—all countries whether communist, non-communist, fascist, poor countries—much poorer than Kenya hire a limousine car for their Minister. How can we take a Kenyan, a leader of his delegation, and ask him to pay for the car which he used because we paid for this car out of the public funds? Which Minister from Kenya, today, would be prepared, in these circumstances, to lead a delegation to the United Nations General Assembly and see his colleagues from the close countries to us riding in a limousine while he is moving in, may be, a volkswagen car?

I would suggest, with all seriousness, Mr. Deputy Speaker, Sir, that if this is the attitude then I think that the House must ask that we do not need a Minister to lead a delegation to these functions so that we are saved from the kind of embarrassment in which our ambassador would be placed if he had to put his Minister in a car other than that which is in keeping with his dignity. Mr. Deputy Speaker, Sir, this is one of the points which was raised and I have tried to explain this.

[The Assistant Minister for Foreign Affairs]

Secondly, Mr. Deputy Speaker, Sir, when we are talking about buying carpets, when we are talking about buying chairs, we must know that we are dealing with Kenya currency. When you convert Kenya shilling into the currencies of the countries in which we happen to have established embassies, you will realize that the items are not as expensive as they look. The purchasing power of a shilling in Kenya is equal to the purchasing power of a dollar in America, a rouble in Russia, a zaire in Congo or a kwacha in Lusaka or even a yen in China.

Hon. Members: So what?

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Let me just do some simple arithmetic for the House, Mr. Deputy Speaker. Seven shillings in Kenya is equal to one dollar in America. Therefore, what I pay for in Kenya with seven shillings, I need seven times the amount to be able to buy a similar article in America. Now, in Zambia—

An hon. Member: Are you supporting overexpenditure?

The Assistant Minister for Foreign Affairs (Mr. Nabwera): I am not supporting overexpenditure, Sir, I am opposed to it even though it affects my Ministry and I am with you but I am only explaining to you why the figures look fantastically high. Mr. Deputy Speaker, the House consists of elected representatives who must understand the problems that face our representatives overseas. When you go to Lusaka with ten shillings, it is reduced to the purchasing power of one shilling in Kenya. When you stay at a hotel—and hon. Members who have been to Lusaka will bear me out on this—a cup of tea may cost you half a Kwacha which is equal to five Kenya shillings or even a kwacha which is ten Kenya shillings. Therefore, Mr. Deputy Speaker, Sir, in trying to understand why the figures look so high, we must take this fact into account.

Mr. Deputy Speaker, Sir, I would like to request the House when it votes money for my Ministry to take all these facts into account so that we can vote enough money for each area where we have established an embassy and if this is done, we will not have the problem of overexpenditure. I am saying this, Mr. Deputy Speaker, because we as Members of this House are anxious to avoid overexpenditure because this is illegal and nobody would like to encourage illegality. However, Mr. Deputy Speaker, when an ambassador wants to buy a piece of carpet and he goes to a shop, he is told, "This carpet costs 500 dollars". Mr. Deputy Speaker, 500 dollars in America is

like Sh. 5 here and if I buy the carpet with Kenya currency, I will spend Sh. 3,500 and to an observer in Nairobi, this would look terrible, but it is not. Mr. Deputy Speaker, Sir, this is why the figures look all that high.

Mr. Deputy Speaker, Sir, I would like to make another and the last point. The question which we are dealing with—I will never cover up anything. Mr. Deputy Speaker, the question we are dealing with is a very fundamental one and that is: **We should avoid overexpenditure.** Mr. Deputy Speaker, in supporting this Motion, I would like to suggest that to avoid overexpenditure, we must make sure that the Treasury takes into account the various recommendations made by all Government Ministries so that when the Estimates come to this House for our approval, instead of getting bogged down with our small things in our constituencies, we look at each Ministry carefully and approve enough money for that particular Ministry, believing that by so doing, we shall be serving the national interest. If the Ministries find that they have to spend more money, then the Treasury must be prepared to present Supplementary Estimates, which I hope, we as a House, will approve.

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

The Minister for Housing (Mr. Ngei): Thank you, Mr. Deputy Speaker, for allowing me this opportunity to say a few words about this very important Motion and at least to bring myself up to the present attitude of my colleagues. I am sure they will bear with me that I have been rather quiet, neither because I do not like this Motion, nor because I dissociate myself with the things that have been said about the civil servants, the Ministers etc. but because I have been just watching and thinking over the whole thing. Mr. Deputy Speaker, Sir, before going direct to the Motion, I want to say a few things which must be said because they are there. First of all, I would like to take this opportunity to say how grateful I am, as a parliamentarian, to those civil servants who are doing a good job, like the Auditor-General, Mr. Njoroge and others and say, that apart from the parliamentarians, these are the number two watchdogs of the public money. It is true that no country or Government will run with spending money which is coming from the taxes of the people without the presence of a big watchdog to say that this is not to be done and that is to be done. We have the Kenya Constitution setting aside the work of the Public Accounts Committee. In other words, there is a clause in the Constitution controlling the finances of this country, whether collected from taxes or other sources—and at the

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same time controlling the expenditure of the whole financial system of the Government. It is true that some civil servants and, of course, some of us Ministers can be reckless and give the powers of controlling the finance of our Ministries to a particular accounting officer in a particular Ministry. The blame is both on those who spend the money recklessly and equally on the shoulders of those who are responsible for the Ministries because they do not check their Ministries. Therefore, Sir—

An hon. Member: Have you checked yours?

The Minister for Housing (Mr. Ngei): One hon. Member is asking whether I have checked my Ministry. Unless you are too illiterate you must have seen that I have not been quoted in the Ministry of Housing as having overspent any money. Mr. Deputy Speaker, I have no over-expenditure at all because I have not left the civil servants to boss me up. I boss the Ministry, and I do not sign any paper that comes to me blindly. I read and see what paper I am signing because I may be signing my death warrant. Mr. Deputy Speaker, Sir, if I do not have any interruptions from that uninterested hon. Member over there, I can say a lot of things. However, Mr. Deputy Speaker, Sir, I would like to make an impression before this honourable House that civil servants cannot be blamed wholly, but there are some who are big-headed who think that parliamentarians are illiterate because a Member of Parliament or a Minister does not hold a degree and since they have several degrees with them, they think they are better off. Mr. Deputy Speaker, I want to say that the highest degree is experience in dealing with these matters and not a piece of paper put on a wall, and which does not mean anything, at all.

Mr. Deputy Speaker, Sir, it is true that some civil servants are really good and I want to put it on record that this House must recognize the services of those civil servants who have their country at heart. I also want to say a few things about the big-headed civil servants who really want tall chairs to show that they are really provincial commissioners or district commissioners or they are this and that. I also want to say that they must be controlled. I said once in this House that if a Minister must be censured by the Parliament because of the financial expenditure, if the Ministry was told to account for the money which is spent, I do not see any exception in the Kenya's Constitution where it says that a civil servant, either a provincial commissioner or a district commissioner, must go on spending money in buying rocking chairs and expensive carpets for his house without really

being accounted for.

Therefore, Mr. Deputy Speaker, Sir, I am saying and I am giving a warning to those officers who are in public office and who do not really recognize their responsibilities. I know—I am not mentioning anybody and I am not afraid of mentioning anybody because the only one person who is above me is the President, the rest are down!

Mr. Deputy Speaker, Sir, I am remarking this because somebody will prod me. I do not have to deal with—I am a tall, gigantic fellow and I do not have to bend to pick a child down; I have to deal with the top ones, like the Members of Parliament here!

Mr. Deputy Speaker, Sir, if I can be given a chance—I am coming back to the Ministers. I do not—

An hon. Member: What happened with the civil servants?

The Minister for Housing (Mr. Ngei): Well, I finished with the civil servants. I have already said to hell with those who are spending money, they must be brought to the right position. However, I am saying here to those civil servants who have the hearts of the *wananchi*, to help them. Think, Mr. Deputy Speaker, Sir, of a Minister or a civil servant buying a carpet while we have brothers over there without water; in North-Eastern Province, in Ukambani, in Kitui, in Masai, in Turkana and so on; and spending money for the pleasure of walking on a carpet? I think this sort of expenditure should be completely overruled.

Mr. Deputy Speaker, Sir, I would like to give a little example: I was very surprised the other day when I was coming from Embu, I went to a place where there was a party while on my way home. I found people watering the road because the party was there; they were watering the road because they did not want to raise the dust. When I saw that water I remembered that people were really suffering in the North-Eastern Province without a drop of water; people walk a distance of 20 miles without a drop of water, then, I realized how we had sold ourselves from our political principle of helping our brothers and sisters! We, in Nairobi here, with the piped water can go on spending money. Government money, is a little thing; luxury thing; we can go on spending money without really knowing that our brothers are thirsty up in the North and in Masai, in Ukambani, in Kitui and the rest, where the water is scarce; they are really suffering. However, because we, the responsible ones, are not really putting our feet, the right feet, on the civil servants, we are afraid of them, we are

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thinking that they are going to uproot us; this is serious! And, I—

Mr. Kitonga: How many brothers and sisters?

The Minister for Housing (Mr. Ngei): I do not know what the hon. Chief is saying.

The Deputy Speaker (Dr. Waiyaki): Order, Mr. Kitonga! You are not allowed to shout like that in the Chamber.

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, this is an honourable House; it is not really a shouting House; it is an honourable House and must be respected. Anybody with a degree of respect—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that in a few minutes time you have been bringing the hon. Member to order, is he in order still to go on shouting as if he is sitting somewhere in a market place?

The Deputy Speaker (Dr. Waiyaki): No. I think he is getting too used to this idea of shouting across other Members. I want to draw the attention of Mr. Kitonga that this is an honourable House which wants to keep its dignity.

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, Sir, I remember Mr. Deputy Speaker, Sir, it was just recently when Mr. Shikuku was sleeping in this House and he said that there was no Standing Order that rejected anybody from sleeping or shouting; what happens today if I am shouting in the Chamber?

The Deputy Speaker (Dr. Waiyaki): It so happens that you are dealing with Dr. Waiyaki; I am not Mr. Shikuku. I have given a ruling that you will no longer shout when the hon. Minister is speaking! That is the end of the matter.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the Member to say that I did say that it is in order to lie on the Bench and also to shout when I did not say so?

The Deputy Speaker (Dr. Waiyaki): I do not know what happened, actually. I cannot imagine the hon. Shikuku saying that. I know that he has insisted that he has the right to lie on the Bench, but there is nothing against that in our Standing Orders.

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I thank you for that ruling. All that I can say is that let the country take note of the shouting Members of the Parliament

The Deputy Speaker (Dr. Waiyaki): There is a point of order.

Mr. Somo: On a point of order, Mr. Deputy Speaker, Sir, as I have been in this House for the last seven years, I think there is no section in our Standing Orders that prevents any hon. Member from shouting when cheering a Member of Parliament and I wonder why the Chief has been stopped from shouting?

The Deputy Speaker (Dr. Waiyaki): I do not know which Standing Orders you study, but the ones I study specifically maintain order in the House. I think that is disorder. I am controlling the House.

Mr. Kitonga, one more last chance.

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I said that let the country as a whole take note of the shouting Members of Parliament and wait for their time when the elections come and see what effective leadership they have provided in the way of being representatives of the people.

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, Sir—

The Deputy Speaker (Dr. Waiyaki): I have said no more points of order! Mr. Kitonga, order! If you shout any more, I will order you out!

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I am speaking on a very serious matter which has been brought into this House by the Chairman of the Public Accounts Committee and those Members who strenuously made this report available through sitting and trying to look and hearing evidence to see whether the money that had been voted by this Parliament has been wisely spent. If, Mr. Deputy Speaker, Sir, I need cheers when I analyse and speak on this particular one, then this is one moment when I will say that I do not need any applause because I am very serious on this matter.

Mr. Deputy Speaker, Sir, expenditure can be overspent, if it is expenditure spent, say, on the question of famine, as we have now, or on a question of water, for the use of *wananchi* throughout the dry areas and even those places where water is not available, then, no one, of course, will doubt. However, if it is a question of reckless and improper accounting then, of course, I am with my colleagues here—the parliamentarians—to check and see that these expenditures are really properly done.

I am, therefore, Mr. Deputy Speaker, Sir, directly associating myself with the motive contained in this Motion except that I am saying

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that no more legislative powers are needed because it is constituted in our holy book called "The Constitution of Kenya"; if I may call it the holy book, as far as the legal aspect and also the distribution of responsibilities are concerned. I have dealt ably, with civil servants, for the good ones, I say hear, hear. And the bad ones, as I have said, must be watched by this Parliament and, if possible, be answerable for these overexpenditures.

Mr. Deputy Speaker, I would like to go a little further; I would like to speak a little on responsibility. If we are entrusted with a responsibility, it does not matter whether as Members of Parliament or Members of this Committee, Ministers or Assistant Ministers, we must see that we carry out our responsibility without fear, without favour, but rightly. We must not be afraid of exposing "my brother"; because he bought a carpet—I want to cover him up. I have been listening to my colleague, the Assistant Minister in the Ministry of Foreign Affairs. I have been very impressed, and he is a man of experience. However, one argument that did not impress me is that if I have to go to the United Nations and make an impression of my country, is that I must have a limousine, if I understood him well; I am not criticizing him; I am only saying that prestige of a country is not bestowed on limousines or Cadillacs or what-have-you. The prestige of a country is really entrenched in the stability of the country, because of the social services which are given by that particular government, to the people of that particular country. I can go to the United Nations in a volkswagen and a flag on top of the car; not on the bonnet because it will not be seen. However the impression will be made for how much we have done for this country, not by the size of the cars I drive or the dress I wear. It is a question of establishing an economic stability and services in that particular country that brings prestige; it is not the limousine cars I drive in Washington, to go and represent Kenya.

If there are Ministers who go and hire Cadillacs and so on, to show up Ministerial prestige or Kenya's prestige, this is a wrong approach. We must be guided by the service of our people; we must be guided, not by selfishness or big-headedness, but by our motto to serve our people. I can see the hon. Assistant Minister, Mr. Khaoya, laughing over there. I know—

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order; Mr. Deputy Speaker, Sir, is it not in order, for a Minister to look Ministerial when he goes to the United Nations?

The Deputy Speaker (Dr. Waiyaki): Yes, it is in order to look dignified, if you represent your country in the United Nations.

The Minister for Housing (Mr. Ngei): However, Mr. Deputy Speaker, is it not right that dignity is within the Minister and not in the car? This is the question.

Anyway, Mr. Deputy Speaker, I abide by your ruling. I can see the hon. Khaoya, having successfully dealt with the maize price, sitting comfortably; that is the sort of service that Ministers are required to do. That is why Mr. Khaoya is very happy because he has successfully sat through—
Mr. Deputy Speaker, I am having very unnecessary interruptions from the very famous, controversial advocate of the movement against rocking chairs. I wish he could leave me alone, because my continuity in thinking is being interrupted.

Mr. Deputy Speaker, if I may go back to the hon. Masinde Muliro, it is quite true that Ministers must look Ministerial; but they must not look Ministerial to overspend Government money.

Mr. Deputy Speaker, I now want to say a few things before I close my speech. Government is always guided by a policy; always, we must have an agreed policy in matters that touch our country. Of late, I have seen that there is a tendency to criticize Government. If it is true criticism, then this is a very healthy sign, like the one here. I like to be criticized so that I do not exceed my boundary. However, on the other hand, Sir, responsible people like these hon. Members of this hon. House have not told the *wananchi* what Government has done. I know they are criticizing Government, and they have been true in their criticisms, as far as this Motion and other things are concerned, but what about telling the people what Government has done? There is very little information about how the money has been spent; the roads that have been built by Government; the Ministry of Works, which has done first-class work; the other Ministries, which have done very good work. Why is it that these hon. Members are not saying thank you to Government where it has really shone; why is it that it is only criticism which is levelled against Government? You must have the spirit of give and take; you must say thank you, in order to get another one; you see? All that happens, Sir, is that we are only being given one side of the story; there is nobody who has said that Government has done this, Government has done that; the public is not informed.

If I may appeal to my colleague, the Minister for Information, for whom I have a very high regard. I think it is high time we spoke our mind,

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instead of being bulldozed all the time; because I fear hon. Masinde Muliro, because he is a close friend of mine. Instead of hearing Congo music all the time, why can we not be told what Mr. Masinde Muliro, on behalf of Government, is doing, about helping here and there, giving out Government money; why are we not told about the Assistant Minister, hon. Khaoya, with his maize story and Agriculture; why are we not being told about Mr. Nabwera, about Foreign Affairs; only Congo music throughout. Why are we not told about the farmers; why are we not told about the successful farmer, who is doing well and producing about 40 bags per acre, because he has received a loan from Government; what about that successful trader, who has been given Sh. 150,000, to stock his shop, and he has succeeded, and he is driving a beautiful car because of his sweat and the help of Government; why are we not being told of this; why are the Members of this hon. House not being just to themselves and talking about Government, the good side of Government? It is only the black side of Government we hear of. Suppose you are in the Government tomorrow, the hon. Member for Mbita, and you are an Assistant Minister; will you behave the way you are really behaving? I am asking you if you could do that, if you were sailing in the same boat as myself?

Mr. Migure: I would resign!

The Minister for Housing (Mr. Ngei): Therefore, I am appealing to this House, and I am saying it is high time, instead of having Congo music—I am not saying Congo music is bad, but too much of it tires my ears. I would like to hear about the successful traders the Africans who are now taking over from foreign traders. I would like to hear of somebody in Mbita, I would like to hear of somebody in Kisumu doing extremely well in agriculture, in commerce, in health, I would like to hear of a successful doctor, who has become a consultant because he had been given a bursary by Government. We are getting tired of Congo music. We want other things, and more must come from you, in your public meetings, and as an elder in this House—

An hon. Member: Are you now criticizing Government?

The Minister for Housing (Mr. Ngei): I am not criticizing Government. I am not criticizing your Government. I am only pointing out a weakness. I am only—

An hon. Member: Resign!

The Minister for Housing (Mr. Ngei): These are not points for resignation. I would like to tell you

that I am not resigning. I am sitting on my chair firmly. However, I am telling you to take your part. Mr. Deputy Speaker, Sir, all I am doing is that I am asking this hon. House to go out to the constituencies and talk about the Government.

Hon. Members: How?

The Minister for Housing (Mr. Ngei): How? I would like an hon. Member with guts to say "How"? What about the road that is being constructed in your area by the Government? What about the money which is being given? What about the sugar at Kano? What about the fishing boats on Lake Victoria? I believe that if the hon. Member went fishing, he could fish a crocodile!

Mr. Deputy Speaker, Sir, I would like to associate myself with the spirit of checking and reporting and where necessary take a firm action on any overexpenditure. However, I would like to put a big "But" here because I would like to say "Yes" to constructive criticism. I am also saying that hon. Members must say what the Government has done! Let us not sell only one side!

Mr. Deputy Speaker, Sir, I want to come back to some civil servants who spend Government money in touring areas only to come back and say that there is no famine in Kikumbulyu, Kitui, and Kajiado. Do they really know that there is famine? It is not their duty to make judgement whether there is famine or not. Theirs is only to report the right thing to the Government. It is only the top fellows in the Government, after having been informed, that can take effective measures in trying to feed our people. It is no use leaving our brothers unfed. This is an independent Kenya and, indeed, a *mwananchi* Government. If it is a *mwananchi* Government led by Mzee, let Mzee feed the *wananchi*. Sir, Mzee is saying that where there is famine I can take *chakula* there, but why does a little civil servant tour around and make himself a representative and say "We have plenty of food". Who does not know that for two seasons, now, areas which are drier than Kitale have not had any crop at all? In places like Machakos, Samburu, Lamu and Malindi the people have not realized any single crop for the last two rainy seasons! At the same time a little official goes round and comes back to say that there is no famine or there is very little famine. He goes on to say that only 200 people need to be fed. They must report their findings to the Central Government and say no more. They are not the judges to say what action should be taken. It is only the President and his Cabinet, the Ministers, who are the judges to say what steps should be taken, after getting a fair

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report and not a report that is exaggerated or minimized.

Last, Mr. Deputy Speaker, Sir, I am very grateful for the money which has been spent very wisely in constructing roads around my constituency. I am very grateful to the Minister for Works, his officials and the Government as a whole. I sit comfortably when these gentlemen, the Minister and this hon. House authorized the money that is spent on such services in my constituency together with Machakos and Kitui Districts as a whole. I would like to take this opportunity to associate myself with a further expenditure by the Government in trying to take care of the famine. I would like, at the same time, to associate myself with the statement which was issued by seven Members of Parliament from the southern part of Kenya who said the other day that they wanted to see *wananchi* from that part of the country fed. I request, most humbly, those who are responsible to go ahead, especially the Office of the President, and look into the affairs of famine. Let us not leave the whole affair to relief organizations. This is a governmental matter and it must be handled by the Government at top Government level.

Mr. Deputy Speaker, Sir, sometimes we say that we must make an impression, but at times I wonder whether we are really doing the right thing? I think that is why there is this Parliament so that it can criticize so that we come back to the right road. At times, Sir, I see very junior officers touring a district with a convoy of cars of a length of, say, from the New Stanley Hotel right up to this House. You see, Sir, petrol is consumed by the big convoy. I wonder how we are going to control this? If Government wants to make an impression, it can do so through the media of Television, the Voice of Kenya—let it not be the Voice of Congolese music but the true Voice of Kenya—and other Government machinery. Let us have Ministers going around to preach what the Government has done. Sir, let us have the political image of the people who have been elected by the people. However, let us not have people who run around in convoys wasting Government petrol and yet they have nothing to sell to *wananchi*! They only go to *barazas* and say *jambo* to *wananchi* and go away. They have nothing to tell *wananchi*. When they do this, say, K£1,000 goes on petrol after having been on a tour of about 2,000 miles. It is high time we had somebody to say this and no more. It is high time the system which is operating in Ministries about log-books was fully checked in the field otherwise we

will only throw away our money and we shall be left with no more for development.

Mr. Deputy Speaker, Sir, I do not want to be selfish. I am saying that I associate myself with the resolution of the Public Accounts Committee and at the same time the chairman, hon. Gatuguta, and his Members for their sharp eyes. I would also like to thank civil servants who are really trying to check these things. I would like them to continue providing their national service to *wananchi*. Lastly, Sir, I appeal to hon. Members to sing the Government song for at least two months.

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

Mr. Amayo: Mr. Deputy Speaker, Sir, thank you very much. First of all Sir, I will not take much time; I would be very brief because I would not like to preach.

Now, Mr. Deputy Speaker, Sir, first of all, I would like to thank the Public Accounts Committee for their work which has been very good and we cannot overlook it. Another point is to thank the Auditor-General for his work. I agree that we cannot stamp out overexpenditures like these in the Report. However, this should only be allowed in emergency cases but not in cases which are known, say, buying a chair. I do not think that buying a chair is an emergency case or hiring an aeroplane from Kenya to Congo. These are not emergencies! These are the things which we would like to tell the accounting officers. We are only concerned with all those who account for the public funds. We are only concerned with accounting officers and, therefore, if Ministers and Assistant Ministers are accounting officers, then, they are included. However, if they are not accounting officers, they should not be included. So, Mr. Deputy Speaker, Sir, there is one thing which I would like to say.

Now, we are complaining that public money is being misused or there is overexpenditure. I think there is something here which we are overlooking. The thing is, Sir, that it is only a group of civil servants who account for the money that we are dealing with. As regards to power, if you can refer to what hon. Kivuitu said in the House, the House has the power although we are trying to ask for a Select Committee to do a bit of work to stamp out overexpenditure. However, there is something here which I would like to warn the House about. We claim we have power in this House, Sir. Ministers are claiming that they have the power; and even one of the Ministers has just said that he has power in his Ministry and cannot, therefore, overspend his accounts. I quite agree if he has done so this will be an example to the

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others. However, what we are experiencing in Kenya now is that a group of civil servants—not all because we are not condemning all of them—has already taken the power of the Cabinet and *wamenyakua* the power of the Parliament. So, there is only one thing which we should do: the House should only look for a way of getting the power back because these people have already taken the power from Ministers and that is why you are crying! Why should you cry if you have the power? If you are really a sensible person—a sensible Cabinet Minister or an Assistant Minister with the power invested by this House, then who is the Government—why should you cry of somebody who is junior? This is bad; and in so doing, you are actually lowering the dignity of this House by complaining about a civil servant who is under you. So, there is only one thing which should be done: if they have already taken the power from you—you whom we trust, wherever you are in your Ministry, you are our eyes looking after the public money—should report to this House so that we can see the ways of getting back the power. I do not see the reason why a person with power should complain. It is like an unarmed person chopping my head off although I have the *panga*. This is very wrong indeed.

There is only one thing which I would like to say: if you find that this way is not successful, then amend the Constitution, which is the only alternative, because you have the power. You have already been preaching that because there is no money we cannot do this and that. Even the hon. Minister for Housing has always been replying, "No money".

The Minister for Housing (Mr. Ngei): On a point of information, Mr. Deputy Speaker Sir—

Mr. Amayo: No, I cannot give way for a point of information. Sit down!

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Deputy Speaker, Sir, can the hon. colleague substantiate that I have at one time or another said that "I have no money" in view of the housing problems around Kisumu, let alone the ones at the shores of Nyanza?

Mr. Amayo: I think the hon. Minister is only trying to forget that. He only needs to refer to his files where he records replies to questions in this House. We are sure because we have a place where we keep all your replies. So, if you are not aware of them, just go and do a bit of homework tonight.

Mr. Deputy Speaker, Sir, there is only one thing which I would like to say. Let us take a

case here. Somebody from the Office of the President is reporting that there is an over-expenditure in the accounts because of an inexperienced officer. You, as a Minister, is the one who comes to the House but not the accounting officers and you represent them in this House. When you come here you think this House will accept your Supplementary Estimates without proper explanations—

The Deputy Speaker (Dr. Waiyaki): I appreciate what you are trying to say but please, speak through the Chair.

Mr. Amayo: Thank you, Mr. Deputy Speaker, Sir. I will speak through the Chair—facing you directly!

Mr. Deputy Speaker, Sir, how will it be possible for a Minister to have the confidence of this House for the Supplementary Estimates to be approved by this House if when this House is trying to help them stamp out overexpenditure they side with the civil servants without giving us proper explanations? Where will you escape and get the money back to your Ministry? You will not. I am addressing the Minister for Housing through the Chair: take note of that.

If you go to the Ministry of Foreign Affairs you will find that an aeroplane was hired for one person to fly from Kenya to Congo. Whatever, duty he was going to perform on behalf of the Republic of Kenya—which would force him to hire an aeroplane is questionable! Then, a Minister stands up here with confidence trying to defend the fact that the money has not been utilized properly. What did we get from Congo? They have not reported in this House matters which caused the expenditure of such money. So, take note of that, so that the next time you are in your Ministry you may control it. If you feel that you have no power, resign because there are capable Back-benchers who can control ministries. There is no need of stooping down and complain of a civil servant who is performing his duty, and who only needs somebody to control and give him a guideline. It is you who is responsible for that. So the weakness of your Ministries—

The Deputy Speaker (Dr. Waiyaki): Order! Order! There is a point of order.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir, will you advise the hon. Member to address the Chair instead of addressing us?

Mr. Amayo: I think the direction of sight of the hon. Member is contrary to what God gave him and that is why he is noticing me not addressing you properly.

The Deputy Speaker (Dr. Waiyaki): I think I ought to draw the attention of the House to the fact that it is not facing the Speaker that constitutes addressing the Chair, but it is speaking in the third person. It does not matter whether you are facing the Chair or not as long as you speak in the third person about somebody else so that some of the heat rolls out of the body before it reaches the man intended.

Mr. Amayo: Thank you very much, Mr. Deputy Speaker, Sir. I did not want to speak for long as I have done, so that I may give time to other hon. Members but I would like to thank the Controller and Auditor-General for his work; and I would recommend to the House that this sort of work—the work of the Controller and Auditor-General should not be confined to the Government Ministries only but should be extended to the statutory boards and at the same time to the University of Nairobi because the public is concerned about possible wastage there as has been the case in the Government offices. So, I would rather like the office of the Controller and Auditor-General to be given more powers and more personnel to cope with the work of auditing the accounts of the statutory boards and the accounts of the University of Nairobi as well.

The other thing is that we have said a lot of things in this House, we have also passed resolutions, and Motions but no action is taken. So, I would like to recommend to the House that His Excellency the President should be approached and be advised or asked kindly to appoint a Minister for Action, who will be following up each and everything which we pass in this House because some of the Ministers are heading towards being worse than the civil servants simply because the Motions which we pass in this House and which demand Bills introduced in the House have not been effected, although some were passed last year. So, we need a Minister for Action who will be following up each and everything and see that everything is done in order to give this House its dignity. It is very wrong for the House to pass something and then the public wait to see it in action only to find that year after year passes, until the current Parliament is gone and another one comes in, and nothing is effected. This will make a mockery of the whole thing. I do not wish to dwell very much on that, but I want to thank the Auditor-General as such, and thank the civil servants who are doing their work properly. They should continue without any fear. I would also like to advise that if there is any civil servant, who is so clever and who can execute his duty properly and after overspending the money, he can draft it on a piece of paper and give it to his Minister or the Minis-

try of Finance to bring to this House and succeed to go ahead, I should say that, that civil servant is a very good civil servant and should go ahead making use of that office because the Minister or the Assistant Minister who is there is just like a picture on the wall and does not know the use of being there.

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

Mr. Marwa: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to record my views.

Mr. Deputy Speaker, Sir, I think it is very necessary that I should, first of all, thank the Committee which, of course, did good work in conjunction with the Auditor-General. I think without them, we could not have all these recommendations brought to this House. Therefore, I wish to thank the Chairman and the Committee who sat and scrutinized these public accounts and the expenses which have been incurred by the Government.

Mr. Deputy Speaker, Sir, I would like to speak on one Ministry, the Ministry of Local Government. This Ministry, as it stands and as the Committee has shown in their recommendation, it seems as if the Ministry of Local Government is not doing its work properly. We find that, for years, the Ministry of Local Government has failed to approve the Estimates for the county councils. As a result, some of these county councils have not made any progress at all. Most of them have run bankrupt. Others have overspent their money which they estimated, because without the proper approval and scrutiny of their Estimates, they could not know exactly how much they were going to spend.

Mr. Deputy Speaker, in my view, this is very serious. The Ministry of Local Government should be told to see to it that the Estimates for the county councils and municipal councils are approved immediately they are brought to the Ministry because if they are not approved immediately, the councils will overspend their Estimates without knowing they are doing so. These county councils are the ones working with the people living in remote areas where we want more constructive and proper duties of the Government enforced.

Mr. Deputy Speaker, Sir, the amendment which has been brought to this House is quite good and the person who brought this amendment should be thanked for the good work he has done. What we want in this House is that, as the President has said here repeatedly, this House should be the supreme House. It is the supreme House of this

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nation. Therefore, whatever is done in this country, should be approved by this House. What we do not want to see happen is that someone, somewhere, overlooking this House goes ahead spending public money without caring whether this House is here or not. We are here to be used for any duties of the Government. That is why we were elected to come to this House. We were brought here by our people to see that the public funds are spent properly and that is why we are here to see that this money is not misappropriated.

Mr. Deputy Speaker, Sir, according to the Public Accounts Committee, more than £1 million has been overspent without the approval of this House. This is why the Members here are very bitter. What we want the Ministers to do is to take time and see that the Estimates brought to this House are properly estimated so that they do not overspend without the authority of this House. If, however, something needs immediate attention, a Supplementary Estimate should be introduced in this House immediately. Therefore, I think the Motion before the House, is to give us more power to deal with those civil servants and those Ministers who overlook the powers of this House. What we are trying to do, in this House is only to protect the powers given to us by the *wananchi*. This should be used as the supreme House on the land and it should not be overlooked.

What other Members have said is quite true. We have passed, in this House, some Motions and some resolutions. However, these things have not been implemented. It is quite embarrassing for a Member who has brought here a Motion, because, he brought the Motion, not jokingly, but because he was serious about it. He wanted his area to have something. Maybe, he wanted a school and then we agreed, in this House that such a school should be erected. It is very surprising later on, to find that such a Motion was passed in this House and yet the Minister or the top civil servants never cared to implement this. When it is not implemented, it makes a mockery of this House. People will be asking you what happened. They will say that you only go to the House to make noise, that a Motion was passed in the House for a secondary school to be built and they keep on wondering when it will be built.

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

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

Therefore, Mr. Speaker, Sir, what we are asking is that whatever has been passed in this House

should be implemented immediately so that the Members should be respected by their constituents and that this House is not made a mockery House as some Members have referred it as a noise making House. We want this House to be a very effective House and the House which should control the Government.

Mr. Speaker, Sir, it is very true that some of the expenditures have been done unreasonably because, as it has been said in this Committee, you find that an officer has spent some money which he does not account for. This is quite wrong. A businessman or a Government officer, who has been given an imprest, should produce the receipts showing how he spent the money because the money should not be used without being shown how it was used. Therefore, I do not see the reason why Members of the Front Bench should come here and try to oppose this amendment, which is giving us and them more powers to look into the expenditure of the public funds. This is not wrong, it is not fighting against the Government or the Members of the Front Bench, but it is giving them more powers to deal with anybody misusing Government money. The person who is misusing Government money is just like a person who is stealing Government's money. Therefore, Mr. Speaker, Sir, I do not see the reason why a Front-bencher should stand up and try to oppose what other hon. Members are trying to say because we do that in good faith. I think the amendment was introduced so that we can scrutinize and, at the same time, give us more power to abolish these loopholes which make it easy for the civil servants or anyone else to misuse the public funds. We are all concerned because most of us, or almost all of us, are elected Members. Therefore, the Ministers should not think that when we are bringing this amendment we are doing it merely to oppose them. That is not true at all, because today some of us are Back-benchers but when this becomes a law or an Act in Kenya most of us might move to the Front Bench and we might even become Ministers. Therefore, Mr. Speaker, if we have helped to pass this it might affect us if there is anything wrong. Therefore, Ministers should not think that the hon. Members are doing so in order to spoil their work or to criticize what the Government is doing. However, we are just doing it to see that we have given them more power to deal with the people who are misusing public funds.

Mr. Speaker, Sir, I think what the amendment has asked for is a good thing and we should pass it as it is. I would not like the Ministers or the Front Benches to oppose it. Instead they should

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all join with us and support us so that we can pass what has been tabled in this House.

Mr. Speaker, Sir, I would like to mention something in connexion with our provincial administration. We have seen that the powers given to the provincial or district commissioners are too extensive. This is because this, being a political Government, I think that position should be given to the politicians and by that I mean that they should be appointed by His Excellency the President who should make sure that the politicians represent him in the provinces and in the districts, but he should not be represented by civil servants. This is because in the first place we find that these people become too powerful because they are given facilities, first as civil servants who are appointed and cared for by the Public Service Commission and at the same time they are appointed by the President to represent him. This type of representation of a provincial commissioner representing our President as a political figure in a province is a colonial inheritance. I do not think this is a good thing that we should inherit. We should not inherit something which was just being practised by the Colonial Government. This is because, Mr. Speaker, we have found that during the colonial time when the Queen was the Head of the Government this was a monarch representation whereby the Government was representing the Queen in their colonies—

The Speaker (Mr. Mati): I think what is happening in here is that, more or less, we have exhausted the main issues. However, let us not drift to irrelevant matters. We are not discussing the administration or anything like that but we are discussing accounts, that is something to do with money used excessively. There is nothing to do with arrangement of the Government whether there are provincial or district commissioners or anything of that kind.

Mr. Marwa: Thank you very much, Mr. Speaker, Sir. What I was trying to say is that we find that some of these administrative heads in the provinces even go ahead spending money which otherwise would have been used on a worthwhile thing or something that could help *wananchi*. Instead of posting someone in a province just to earn a lot of money— This type of person does run to and fro without executing any duty for the public. That is the reason I was trying to touch that point so that it could help in the relevant matter. This is because, Mr. Speaker, Sir, the money being contributed by the *wananchi* should be properly utilized. This money

should be spent on a worthwhile or a beneficial thing. It is not good, Mr. Speaker, Sir, for poor people to pay money just to be overspent by people who are just sitting in offices doing nothing. That is the reason why I touched on that point.

Mr. Speaker, Sir, I do not think it would be very wrong to say that we should support the Motion. This Motion should be carried without further amendment because it is very essential that we give this House the powers which it needs. This House should be respected. It should also be regarded as the supreme body in the Republic of Kenya.

With those few words, I beg to support very strongly the amendment.

Mr. Migire: Thank you very much, Mr. Speaker, Sir, for allowing me to speak after standing up for about two days. Mr. Speaker, Sir, my colleagues have already spoken on this Report. However, I would only like to include a few facts.

Mr. Speaker, Sir, the first thing I would like to express my views about— The work that has been done by the Controller and Auditor-General has made us know some of the outstanding problems in some of the Ministries. Mr. Speaker, Sir, I am going to be brief because some of the points which I wanted to dwell on have been discussed by my colleagues.

The first Ministry I would like to begin with is the Office of President. Mr. Speaker, Sir, I am very sorry—

Mr. Onyulo: On a point of order, Mr. Speaker, I would like to seek your guidance on this issue as to whether it would be possible to fix some lights up here because this corner appears to be very dark and probably if some lights were fixed up here it might be possible for us to catch the Speaker's eye?

The Speaker (Mr. Mati): You are still in the light, Mr. Onyulo.

Mr. Migire: Mr. Speaker, Sir, the first office I would like to start with is the Office of the President. Mr. Speaker, Sir, I am very, very sorry and this is a very serious matter in this country, in fact, to find that there is some financial mess in the Office of the President which, of course, was explained by the accounting officers that it happened because of inexperienced officers being employed there and due to inefficient control. Mr. Speaker, Sir, the Office of the President is the highest office in this country and expect whoever is employed there to look after the public finances. Such a person should be completely competent because we have accountants and administrative officers who can look after

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finances. In fact, if we are going to have messes in such high offices in the country due to a simple fact that the people we have controlling the money in that office are inefficient, that will be very unfortunate.

Mr. Speaker, Sir, touching on the Ministry of the Foreign Affairs. If you look at page five, you will see that we have Sh. 17,642/15 which was spent on hiring cars for the Minister while attending a meeting at the United Nations. Mr. Speaker, Sir, this particular paragraph has not been explained to this House or to the members of the public of this country. For how long did the Minister stay at the United Nations and how many people were there who spent this Sh. 17,000 in hiring cars. I think my colleague who is the Minister for Housing explained here, Mr. Speaker, that the public fund is supposed to be public fund. Members of the public in this country contribute money with a view that this money is spent on useful purposes or duty. We want to know how many days did this ministerial team spend at the United Nations which made it necessary for them to hire cars for Sh. 17,000. This has not been explained. This is the reason why I am telling even the Controller and Auditor-General that next time we shall need a full explanation. We want to know each and every detailed explanation as to why such an amount was spent. This is because, in my opinion, Mr. Speaker, Sir, I think the best way we can do that is either to ask ourselves whether our Government could afford to spend about Sh. 100,000 to buy about three cars which could be used by our Ministers or our delegation when they go to America or use cars used by the staff stationed at the United Nations. I say that, Mr. Speaker, because if we are going to spend Sh. 20,000 every year for hiring cars, after about 20 years we are going to spend a lot of money. That is completely impossible in a small nation and a poor country like Kenya where our people are still crying that they want their children to go to school. They need health centres and quite a lot of other things. Mr. Speaker, Sir, I do not agree with anybody who tells me that we must look ministerial. Most of us have lived in the outside world. I have, myself, lived in Europe and even Asia and I have seen how other ambassadors behave. It is not necessary that you must drive around in a Mercedes car when you go to attend a conference outside the country so that you look ministerial. What we need is the role that Kenya plays in the world body and what the Government does to its people here at home. If we are doing an injustice to members of the public in this country, then there would be no point in saying that we must look minis-

terial when we go to attend meetings in the United Nations.

Therefore, in this case, Mr. Speaker, Sir, I would ask the Minister—it is unfortunate that both the Minister for Foreign Affairs and the Minister to the Office of the President, are not here. I would ask the Government to examine and find the best way of spending this money.

To make it worse, there is a point here which I do not agree with. "The Committee recommends that the sum," which is Sh. 17,000 "should be recovered from the Minister concerned." Mr. Speaker, this is ridiculous. Ministers do not stay in the office for years and years. They are the people who go after the voting time and sometimes they meet accidents. If my colleague, Mr. Morara, who was sitting here was a Minister and he has already passed away—Some Ministers were defeated during the last election and they are the people who were responsible. Do you mean to tell me that if hon. Otiende or hon. Migure who has left Parliament and who was a Minister who is now in his *shamba*—Are you going to get this Sh. 17,000 from him? This is ridiculous. We cannot make it this way, Mr. Speaker. We are now dealing with the accounts of 1967/68 and some of these Ministers are already gone. Therefore, we do not want the Committee to make a mockery of itself. We want the Committee to look at this problem from a very logical point of view because the Minister himself was not using this money from his own pocket.

I think it should be the policy of the Government to review how best they can spend this money.

I know how expensive it is for our delegates who go outside the country. I know how expensive it is but it is the duty of the Ministry concerned to review and find out the best policy. What we are fighting against here, Mr. Speaker— I am a former civil servant. I was in the authority to spend money and I had my own Vote. Therefore, I know the problems. However, what we are trying to discuss here, Mr. Speaker, is not that the money is overspent but the method in which this money has been overspent and the purpose for which it was overspent. This is what we are against. Even the Parliament knows very well that at least we cannot expect a Minister to see people suffering and see things which are wrong happening in the country and then wait until the Parliament approves the needed expenditure which, of course, is the provision in the Constitution. What we are against here is the method of spending and what that money is spent on.

[Mr. Migure]

Mr. Speaker, Sir, I would like to deal with another point here which is very important. Just as my colleague said that at least—if you look at page five—there was a Comet hired from here to Kinshasa at Sh. 42,000. We are not told why this was necessary. Are there no scheduled flights from here to Kinshasa so that anybody could find it worth having the Comet? We need a detailed explanation. We are going to explain this to the members of the public what is happening to this fund. Up to this time, if you ask me to explain why this Comet was hired, I cannot explain. Yet, I am supposed to tell Mbita people, who are contributors to the fund, how this money was spent. In this case, Mr. Speaker, Sir, we are asking the Ministry to give the details. The details are not enough here.

I now come to the question of buying furniture. Mr. Speaker, Sir, this is ridiculous. I see here that the Foreign Office spent a lot of money on buying furniture whereby one sofa set is costing Sh. 11,000. Here in Kenya, the most beautiful sofa sets cost Sh. 1,500. If it is impossible for our country to get some of these things at a cheaper price, why do we not pack them from Nairobi and send them by air, which may cost us about Sh. 2,000 only. Mr. Speaker, it is ridiculous for a nation like ours which has so many problems to spend Sh. 11,000 on buying sofa sets. What are we doing with these sofa sets, Mr. Speaker? This is very extravagant and I am glad that even the Committee recommended that this was too extravagant. It is too extravagant for us to afford and we cannot govern this country like that. In this case, you cannot expect me to say anything about the good things which have been done, when other things are going on in this way. I think that something should be done.

Now buying carpets for the officer's houses: a carpet is also costing Sh. 11,000—one small carpet. Well, I think, at least this Ministry—The Ministry has not even told us whether these sofa sets were bought in America, Ghana or Sudan. This is because I have lived in Sudan for some time, and I do not think there are such expensive sofa sets. We have, however, not been told from which part of the world they were bought. Was it America or Great Britain where they bought a sofa set—only one—costing Sh. 11,000? This is what we have to be told because my people, the Mbita people, would like to know why these people spent this money? They have to know this because it is my duty. This is why I represent them here. They have to know what type of sofa set this was. Was it a sofa set where you can sleep and dream or what type of a sofa set? Everybody is asking this. Even in our Parliament,

which is, of course, the supreme authority, we do not have such costly types of sofa sets. In this case, Mr. Speaker, we would like to know what happened to this money.

Mr. Speaker, Sir, there is another one, if you look at page 6. It says that Sh. 15,740 was spent by Kenya High Commission in London for hiring taxis. This was between July 1967 up to January 1968. It is a period of about five or six months. This Sh. 15,740: in fact, we want to know whether there was no Government vehicle in London or what happened. When I was in London, last year but one, Mr. Speaker, I went to that office and I saw some vehicles. We want to know why Sh. 15,000— If you tell the ordinary man in this country that it was used for hiring cars! Mr. Speaker, why cannot they buy a car?

Unfortunately, I will begin tomorrow.

MOTION FOR THE ADJOURNMENT

IMPRISONMENT OF MR. D. OSHE BY THE DISTRICT COMMISSIONER FOR MOYALE

The Speaker (Mr. Mati): Mr. Mukuna, since there is no other Minister around, will you please move that the House do now adjourn.

The Assistant Minister for Housing (Mr. Mukuna): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki) seconded.

(Question proposed)

Mr. Araru: Thank you very much, Mr. Speaker, Sir, for giving me this chance to raise this matter on the adjournment today.

Mr. Speaker, Sir, the day I raised this Question by Private Notice the Minister of State, President's Office, the hon. Koinange who is not here nor his Assistant Minister, agreed that it was quite in order for a chief to arrest anybody who defies his order and take him to court. have him jailed for two months or fined Sh. 200. However, Mr. Speaker, Sir, the law which applies to such cases is shown in Chapter 28 of our Penal Code which I was reading today. Mr. Speaker, Sir, it is quite clearly shown that this is a colonial law which only applies to Africans. It does not mention anything about, say, citizens who are registered in this country, it only affects Africans. If an European or an Asian does not carry out these orders, Mr. Speaker, Chapter 28 of our Penal Code does not say anything can be done to him. It does not say whether a chief can order such a man to do anything or will come under that Ordinance, Mr. Speaker, Sir.

Mr. Speaker, Sir, I want to come to this case of Mr. D. Oshe, of Moyale, who was jailed.

[Mr. Araru]

There was a *baraza* and the District Commissioner for Marsabit, Mr. M. Mugambi, who always stays 165 miles from Moyale Town at Marsabit Township which is the District Headquarters of Marsabit District, came that day and stayed there for the night. Unfortunately, he told the district officer that he wanted to hold a *baraza* in that area without prior notice to the people of the town. Mr. Speaker, Sir, the chief who was concerned with the arrest of this man was only appointed to that post less than six months ago, and they have been political enemies. Mr. Speaker, Sir, even when this chief was appointed to this post, Mr. D. Oshe was opposing him and he even went for the same interview with that chief. Mr. Speaker, Sir, since this chief was appointed—about four months ago—he has always been looking for an opportunity to arrest Mr. D. Oshe and whenever he gets an order, he makes sure that he goes to Mr. D. Oshe. He has been waiting for a day when he will have a chance to arrest Mr. D. Oshe and put him into trouble. On the day in question, Mr. Speaker, Sir, I asked how this man was arrested and some people told me that he was arrested while he was playing a game of draughts in town. This is normal Mr. Speaker, for people who have no jobs to play a game of draughts in the market place. Mr. Speaker, Sir, on that day the chief in question accompanied by two Administrative Police constables passed through the town informing people that there was a meeting to be held by the district commissioner at a certain place. When the chief came to where Mr. D. Oshe was sitting he pointed to him and said, "Mr. Oshe, are you hearing that there is a meeting to be addressed by the district commissioner?" Mr. D. Oshe told him, "Well, what are you telling me? Why should you point at me when there are other people here who are hearing?" The chief told him, "Well, I was just asking you whether you are aware that there is a meeting this morning to be addressed by the district commissioner". Mr. D. Oshe told him that he had heard about the meeting just like everybody else had heard. After this, Mr. Speaker, Sir, the chief and his two askaris went away. Everybody then went to the *baraza* but no sooner had Mr. Oshe seated himself at the *baraza*—just in front of the district commissioner—than the two askaris who had accompanied the chief arrested him and sent him to the Police Station. That same chief went to the Police Station and said that Mr. D. Oshe had to stay in the police station until the *baraza* was over so that he could later be released. The police kept him in because Chapter 28 of our Penal Code states that a chief has powers to put somebody in custody. Therefore, when the meeting

was finished, the elders went to the chief's office to ask what had happened. They were told that Mr. D. Oshe was arrested through a chief's order. The elders argued that Mr. D. Oshe was at the *baraza* and they could not see how he was arrested when he was sitting with other people at the *baraza*. The elders were told, "Well, Mr. D. Oshe was arrested because when he was sitting with other people in the market place, he spoke to the chief in a rude way".

Mr. Speaker, Sir, after that, the elders requested the police to give this man bond. I myself thought this was a simple matter which would be finished without any trouble. However, in the end, Mr. Speaker, Sir, Mr. D. Oshe was jailed. He was jailed for one month, without a fine. The public contributed money to have him released but they were told, "Well, this man must be kept in goal for one month." Mr. Speaker, Sir, I was surprised. That was my first time to hear such a thing. I went to the Minister of State in the Office of the President to explain the matter clearly to him. I also went to the Attorney-General—who deals with laws in this country—and explained the trouble which is facing my people. If the Attorney-General, Mr. Njonjo was here today, he could bear me witness to that effect, Mr. Speaker, Sir. Mr. Speaker, Sir, I asked him what I could do in such a matter and he told me that the only thing I could do was to lodge an appeal in that matter. He told me that they have come across cases of that nature and when appeals are lodged, they have been acquitted in most cases. However, Mr. Speaker, Sir, I was late in lodging an appeal within the 14 days which are specified in the court but I still paid Sh. 40 to lodge the appeal. That is the position of the matter, Mr. Speaker, Sir.

Mr. Speaker, Sir, I want to be told clearly in this House whether we are under an emergency. This is because always, when a district commissioner or a provincial commissioner is visiting our area he orders that all shops, hotels and other businesses be closed. He tells people to close their businesses from eight o'clock in the morning up to four o'clock in the evening, Mr. Speaker. For instance, this happens when the Provincial Commissioner for Eastern Province visits our area. He always goes by air and has never gone by road. Even today he is in Moyale and he flew from here this morning. What happens is that he has very many places to visit during his rounds. He goes to Isiolo, makes his presence known there and perhaps gives some orders, he goes to Marsabit and leaves some of his orders there and then goes on to some other places. So, when he says that he will arrive at nine o'clock, he actually arrives at three o'clock. So, Mr. Speaker, Sir, you

[Mr. Araru]

can see that this brings a lot of inconveniences for the poor people who close their businesses for all those hours. Take a case of a lady whose husband is dead and who is running an hotel. She closes her business from morning until four o'clock in the evening, Mr. Speaker. Are we undergoing an emergency in this country, Mr. Speaker? This House must tell us this, Mr. Speaker. As a Member for the area I must know everything that is going on there. If this Government is run from this House, this must be made known to me. Mr. Speaker. Mr. Speaker, Sir, even when Mzee Kenyatta, the President holds public meetings at Kamukunji here in Nairobi, people are not told to close their businesses. I have gone around and I have never seen businesses at Majengo, Makadara and other places closed. Everybody goes on with his business as usual. Mr. Speaker. If the President does not order businesses to close when he is holding a meeting, why do provincial commissioners, district commissioners and district officers give orders for the closure of businesses? These people make radiocalls from their places to inform people of meetings, Mr. Speaker. but people wait for them for hours. People can wait from 8.30 in the morning and this man will turn up at one o'clock, in the afternoon, Mr. Speaker. This is very inconvenient. Mr. Speaker. Since I was born, 40 years ago, I have never seen this happen. Mr. Speaker. I have never been out of this country even for one year but I have never seen this happen. Even during the colonial days, I never saw such laws, Mr. Speaker. I agree that during the shifta menace it was proper for Government to hold meetings without prior notice in a certain area. This was happening and nobody brought any complaints, Mr. Speaker. We know that a law to that effect was passed in this House and, therefore, nobody brought complaints. But now, Mr. Speaker, Sir, what happens is that meetings are held without prior notice to the public. People are not told that a provincial commissioner or a district commissioner will address them at such and such a time so that they can be ready. They are only taken by surprise, Mr. Speaker, Sir. Mr. Speaker, Sir, people should be informed of such moves by chiefs beforehand so that they can be prepared for such meetings. Some of the people even want to see their district commissioners and provincial commissioners, Mr. Speaker. Mr. Speaker, Sir, what used to happen during the colonial times, the district commissioner who used to stay at Isiolo used to inform the people beforehand if he

wanted to address them so that people could be prepared with their memorandum and problems to present to him. The chiefs used to gather all these problems beforehand to present to the district commissioner when he came to address the people. That was what the Colonial Government used to do, Mr. Speaker. When people applied to the Transport Licensing Board for licences or for shop licences and they were not given, they waited for the district commissioner to present their complaints to him when he arrived. The district commissioner used to give a three months notice before he came to address the people. But, now, Mr. Speaker, the meeting of a district commissioner or a provincial commissioner is announced the same day he is to address the people. When that time comes, you see askaris running everywhere ordering people to close their shops.

Mr. Speaker. Sir, since my time is up, I would like to say that my seconder will be hon. Migure, Member for Mbita.

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

Mr. Migure: Thank you very much, Mr. Speaker, Sir. I know my colleagues would like to talk on this Motion. The first thing I might appeal at that Office as the highest office in this country at that Office as the highest Office in this country and we hope that the officers who are under this office realize and know that they are dealing with members of the public who are the owners of this Republic. The administrative officers normally manage affairs on behalf of members of the public.

Mr. Speaker, coming back to this Motion, my colleague has already outlined what happened in this case. The situation here, in a simple term, Mr. Speaker, is as follows: here is a case where a chief was in disagreement with the person concerned. He told this man that you come and attend a *baraza* and used his power under section 18 of the Chiefs' Authority Act. This, section, Mr. Speaker, says "Any African—because this is a colonial law—who without reason lawfully refuses, disobeys or fails to comply with any lawful order issued or given by chief or sub-chief is guilty of an offence and is to go to prison for two months". Mr. Speaker, Sir, I would like the Assistant Minister in the Office of the President to be very attentive because this is a matter which is affecting even his own people.

Mr. Speaker, Sir, this section of the law outlines that Orders are given under section 17 of this Act. Section 17 also deals with Section 10, 11, 12 and 13. In all these sections of

[Mr. Migure]

the law that I have mentioned here, Sir, with their sub-sections, there is nothing which says that when a member of the public fails to go to the *baraza*, he should be prosecuted. This one only talks of things like prohibiting or restricting the holding of drinking and brewing beer, and things like cutting trees. This is all that this section is dealing with, Sir, I am not saying that I am a lawyer, but I have been a student of prosecution and, therefore, I think I can analyse the legal implications involved in this section of the law, Mr. Speaker, the power they use—which is section 18 of the Act—only deals with the Orders which are given by the sub-chief and they are outlined here. Nothing says that a member of the public must be forced to attend a *baraza*. Now, under which law are these people acting, Mr. Speaker? This is the question, Sir, if I am wrong, I am sure the legal experts in this country will disapprove me, one of these days. Now, can the Office of the President tell us in the day light in this hon. House under what section this was done, because section 18 which was mentioned here only deals with the powers? There is nothing—I have been studying this section very closely and even if the Assistant Minister is rather serious and would like to take it to either the Deputy Public Prosecutor or the Attorney-General to look at—which says anything about the compulsory attending of public meetings which he mentioned in this House. Now, we are asking: are we serving the country or are we acting on our own law? Now, Mr. Speaker, Sir, do we expect co-operation from members of the public in this country or do we expect only antagonism?

I am not trying to criticize the Government for the sake of criticism, Mr. Speaker, Sir, people have mistaken me in this country. They say that normally when I talk, I say bad things. I appreciate what the Office of the President has done. I know what they have done but where things are wrong, Mr. Speaker, Sir, we cannot afford to fail to say so. Now, Mr. Speaker, can we be told, under these unfortunate circumstances, whether we are dealing with human beings? Is the chief responsible for making his own laws or is he acting according to the law enacted by the Parliament of this nation? Is this Parliament not for the members of the public? Why should people be victimized, Mr. Speaker, Sir?

There was an incident—and Mr. Speaker, I am glad to inform this House that I am proud of our district commissioner; he is a competent district commissioner and he is not prepared to accommodate all this sort of nonsenses—which

happened some time back at Homa Bay whereby the district officer went and ordered the public to close their shops, hotels and bars. Now, we say, these people normally pay for their licences. Why should they close their shops, hotels and bars? They want money to pay for their graduated personal tax, they want money to take their children to school and whether the provincial commissioner is coming or not why should they be forced to close up their shops, hotels and bars? Which is the Act that says they must close up? Mr. Speaker, I hope that my colleagues will also contribute but I am really very optimistic about the Office of the President and this must be made very clear. We want to know the truth, Mr. Speaker. This incident which happened at Homa Bay, when it was reported to the district commissioner and he himself, being a civilized district commissioner who knows that he is serving his people proved to be a district commissioner who would like to investigate into his people's problems. He said, "No this thing cannot happen." He called the district officer and told him that what he was telling the people could not happen. If they would like to save this country, what they can do is to check on these things and look into the relevancy of the law.

Mr. Speaker, Sir, I know that my colleagues would like to contribute to this Motion.

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

Mr. Onyulo: Thank you very much, Mr. Speaker, I would like to say two things. The first point is that the law is enacted for a purpose. This Act was enacted, I think, in 1950—the Act that gives a chief unweilded power. The Acts were enacted during that time when the colonial era was in power. This was to protect the colonialists by making the chiefs their spokesmen.

Now, we have an elected Government—I think there has been a slip in the Office of the President that they have not seen it fit to remove the law. I am sure that the Assistant Minister in the Office of the President, the nationalist that I know, is going to tell us that this law is going to be revoked.

We are here, Sir, to see that the image of Government is displayed to the public—this is their Government. If during the colonial era the chief was the spokesman, the chief was representing the Queen or the King in England—this is independent Kenya and we have a political Government. The people elected us but are we still going to perpetuate what was there? I am

[Mr. Onyulo]

sure this is not what we want to do. We want Government's image to be seen that it is the Government for the people where people are not forced to go to *barazas* because they do not need to go. A man wants to go and do his business. In this case, in particular, this man had a natural rivalry with the chief and the chief was taking his revenge. The man is suffering. Are we going to tolerate this? Can such people say that this Government is good. We are going to say that this is the law which is being misused for the benefit of others to blackmail our Government and it must be removed.

With these few words, I beg to support.

The Assistant Minister of State, President's Office (Mr. Munyi): In actual fact, Mr. Speaker, Sir, I have listened to the Mover of the Motion hon. Araru who, actually, gave some points—also, Mr. Speaker, Sir, I did listen to the speech which was delivered by the Secunder of the Motion hon. Migure and hon. Onyulo who has just spoken on this Motion. In any case, Mr. Speaker, I think the explanation which was given by hon. Araru—some of the points were not correct and they were misleading because all that we know and this is a fact, Mr. Speaker, is that the member or the *mwananchi* in question Mr. D. Oshe was arrested, Mr. Speaker, because he failed to attend a *baraza*. This is in the chief's order and this order was, actually, amended under the Chief's Act—Kenya Law Cap. 128—I would have liked hon. Migure to note this very clearly—section 2 (e) which reads as follows “Any chief may from time to time issue orders to be obeyed by persons residing within the local limits of his jurisdiction for any of the following purposes: requiring any person to attend a meeting for any purpose in the interest of the good Government before an administrative officer at any time and at any place appointed by him”. This order, Mr. Speaker, Sir, is in that very book and I would like the hon. Member to read because it is there. In actual fact, Mr. Speaker, when an amendment was brought to this House, hon. Members were given all the freedom to speak as it is stated in our Constitution that Members of Parliament have the freedom of amending any order in the Constitution and this was done in 1967.

Secondly, Mr. Speaker, Sir, in part (b) of section 18 of the same Order reads:—

“Any person, who without lawful excuse, disobeys or fails to comply with any lawful order issued or given by a chief or a sub-chief under this Act, or by an administrative officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding two months or to a fine not exceeding Sh. 150.”

In default of that, Mr. Speaker, payment of the said fine or imprisonment for a term not exceeding two months or even to both such a fine or such imprisonment. This is there, and as the hon. Member stated, this is as clear as daylight and even the order from the chief is as clear as daylight and I am sure the hon. Member has already read this because it is there and this is why this man was arrested. Therefore, Mr. Speaker, this was not an illegal arrest, because the order to arrest this man was in accordance to what is in that order. When an order has been given, Mr. Speaker, Sir— There was another allegation that this man was a rival of the chief—

Mr. Araru: On a point of order, Mr. Speaker, Sir, I do not want to waste the time of the hon. Member, but what I want to say is that I am not refuting the fact that the law is there. What I said is that this man was arrested in the *baraza* and, therefore, is the Assistant Minister in order to say that I misled the House? After this man agreed to obey the order, he came to the *baraza* and he was arrested there.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, in any country in the world taking into consideration that we are all members of the human race, there has never emerged a single person, even if you go to the next planet— Whenever a person is taken to a court of law, he must always say, “No, I am not guilty”. This is common sense, Mr. Speaker, Sir, and it is what the hon. Member is trying to explain. However, all that is known is that the man was within the township and did not attend the meeting. Mr. Speaker, I would like to challenge the hon. Member by telling him that he was not at that meeting. This is displaying only one side of the picture. Also, Mr. Speaker, Sir, when this man was taken to the court of law, he was given time to say whether the charge was true or not and he pleaded guilty and said he did not attend the meeting and we cannot argue on that because that is why there is a court of law—

Mr. Araru: On a point of order, Mr. Speaker, I am seeking your guidance on how we can get to the truth of this matter because the Assistant Minister said the man pleaded guilty when he actually pleaded not guilty. Mr. Speaker, Sir, could we, by your help have the court proceedings on that particular case brought to this House because here we cannot get to the truth of the matter. Mr. Speaker, I know the man was not guilty although he was arrested and I can even bring names of a hundred witnesses who saw this man being arrested at the *baraza*.

The Speaker (Mr. Mati): No. You can still get the records from the court where he was tried.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I would like to tell the hon. Member, who is a great friend of mine, that if he goes to that court, he will be shown the proceedings of what took place on that very day because it is there. If he goes there it will be given to him. That is one side of the picture. In addition to that, I am now also giving an explanation of what took place on that very day. That is the truth, Mr. Speaker, Sir, and I have explained. The hon. Member has also explained that it is also very true that there was an order by the chief that this man did commit an offence. However, the fact is that this man did commit an offence.

Therefore, all that I would like to tell the hon. Member, Mr. Speaker, Sir, is that there are some of the points he raised when he was speaking which are good points and we have taken note of all those good points which the hon. Member gave when he was moving the Motion. However, also

the Seconder of the Motion has given good points; and also the hon. Onyulo has given very good points——

Mr. Kitonga: On a point of order, Mr. Speaker, Sir——

The Speaker (Mr. Mati): Mr. Kitonga, will you sit down, please! We have not enough time.

The Assistant Minister of State, President's Office (Mr. Munyi): In actual fact, Mr. Speaker, Sir, I was going to end and say that with these few remarks, I wish to reject the Motion very categorically.

ADJOURNMENT

The Speaker (Mr. Mati): For the convenience of the House, it is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 24th March, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 24th March 1971

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

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

PRAYERS**ORAL ANSWERS TO QUESTIONS**

Question No. 182 (1528)

VAGUE AND EVASIVE ANSWERS TO QUESTIONS

Mr. Mulwa asked the Minister of State, President's Office, if he would tell the House, since it had become the practice of some Ministers to give vague or evasive answers to questions by hon. Members, what action he contemplated taking to ensure that Ministers did their preparation properly, with a view to giving full and relevant answers.

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

Hon. Members: Where is the reply? You have no answer!

The Assistant Minister of State, President's Office (Mr. Munyi): There is an answer, Mr. Speaker. I only wanted the hon. Members to get prepared. Therefore, I beg to give the following reply.

The question by the hon. Member is based on a false premise. Ministers give complete and relevant answers to all hon. Members' questions.

Mr. Mulwa: What I had in mind, Mr. Speaker, Sir— In fact, he is one of the Ministers I was complaining about, in this question. Since it affects him, although he is denying that they do not give irrelevant answers, including the Assistant Minister himself, would it be good, or would he accept the proposal that they hold some evening classes for Ministers who do not answer their questions properly, like him?

Mr. Munyi: Mr. Speaker, Sir, it is not true at all; even the hon. Member knows that very well and, therefore, Sir, I would like to deny that statement by the hon. Member, very categorically and say, with all due respect to him— Mr. Speaker, the hon. Member is alleging that Ministers give vague and evasive answers. This, I disagree with completely, and I am not being vague or evasive.

Hundreds of questions are answered by Ministers in this hon. House, and a lot of time goes into the preparation of these questions; even when a question is not very clear, the Ministers take the trouble to do their homework.

I cannot say I know how the hon. Member comes to the conclusion that they are vague and evasive answers: but I can say without fear that this is a very wrong judgment.

Finally, Mr. Speaker, Sir, a lot of money is used to telephone to various places so as to get information from the country-side.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that sometimes we ask questions, and they give us wrong answers, which are not true?

Mr. Munyi: Mr. Speaker, Sir, that is not true because a lot of time is spent on them, and even public money is used, to telephone, and also to make contact with people in the country-side, and sometimes it is so difficult that we use radio-calls, to get collaborative information.

Mr. O'Washika: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No, let us get somewhere; there is no need to interrupt this now.

Mr. Njiru: Arising from the Assistant Minister's reply, Mr. Speaker, would he assure this House that Ministers and Assistant Ministers are not going to dance around with questions in this House, because these questions are of national importance and, in fact, instead of helping the situation, Sir, it has been well understood that when a question is brought to this House, the case it is intended to correct is ruined; would you assure this House, that this will not happen?

Mr. Munyi: Mr. Speaker, Sir, that is why a lot of time is spent by Ministers trying to work so hard and do their homework. Sometimes they do homework for 24 hours, Mr. Speaker, just to get information. Therefore, this is a known fact, Sir.

The Speaker (Mr. Mati): Order! Now, it is quite clear that this is the kind of issue which is not easily resolved, in the way we are doing it, and it is clear that Back-benchers will hold the view that their questions are not answered well, and Ministers will hold the view that they answer them fully. Therefore, may I suggest that instead of taking so much time on it, we shall try some other better machinery for dealing with this whole question, so that we can move on.

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Next question, Mr. Marete.

Question No. 192 (1541)

RESULTS OF THE SALARIES' COMMISSION

Mr. Marete asked the Minister of State, President's Office, if he would tell the House whether he was aware that the whole nation was anxiously and impatiently waiting for the results of the recent Salaries' Commission.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Yes, I am aware, and, I would like to add to this and say that when the Commission was appointed, it was ordered to make its report to Government as early as possible. The Commission is working very hard, Mr. Speaker, so that its findings may be out as required; for this, I am referring the hon. Members to the special issue of the *Kenya Gazette*, which was published on 9th January 1970, and now, Sir, almost every day, meetings are held under the chairmanship of the Chairman of the Commission.

Mr. Marete: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister, can he let us know exactly why there has been a delay in the results of the Salaries' Commission for civil servants only, while the Teachers' Salaries Commission came out about two years ago, while civil servants are waiting for their Commission because they do not have any way in which to speak; and if they do speak you are going to sack them from their jobs. Why should they wait for two years?

Mr. Munyi: Mr. Speaker, I would like to give an assurance to the hon. Member and tell him that every member of the Civil Service has the right to go to the Salaries' Commission and give his views; that is why there has been a very minor delay, Sir, but the findings will be out very soon.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that by delaying the result of the Salaries' Commission he is encouraging over-expenditure of Government money and this is a tactic which is quite known?

Mr. Munyi: Mr. Speaker, Sir, that is not true because we want to give the Commission more time so that almost every section of the Civil Service will be given a chance of giving their views, Mr. Speaker, Sir, if we do not do that then others will not be given a fair share.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the answers given by the Assistant Minister that the report of the Salaries' Commission will be out as soon as possible, is he not now contradicting himself when he says that the Commission should be given more time? Could he tell the House how long this report will take to come out; is it in a matter of weeks, months or years?

Mr. Munyi: Mr. Speaker, Sir, the words which I have used are "as soon as possible". Mr. Speaker, Sir, "as soon as possible" means as soon as the report is ready; and that will be very soon.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is it true that this

report is supposed to come out after the Tripartite Agreement has expired?

The Minister for Housing (Mr. Ngei): You are a lawyer—

Mr. Kivuitu: Yes, Mr. Ngei, I know I am a lawyer; I know that very well.

Mr. Munyi: Mr. Speaker, Sir, I think there has been a rumour to the effect of what the hon. Member has said. However, I would like to give assurance to this House that even today, a meeting was taking place under the Chairman of the Salaries and Remuneration Commission and this report will be out as soon as possible.

Mr. Munyasia: Arising from the Assistant Minister's reply that this Commission was set up in January, 1970, and in view of the fact that His Excellency the President wanted this Commission to give a full report in early December, what causes the delay, or prologing of the period given by the President by another year?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member will agree with me that there are very many points, very many opinions, and very many other things, which must be considered by the Commission because this is going to be a very important report which will affect this country not only in two years to come, but will cover a long period. Therefore, due consideration must be taken.

The Speaker (Mr. Mati): Mr. Marete, your next question.

Question No. 193 (1542)

OVERTIME PAYING TO SENIOR CIVIL SERVANTS

Mr. Marete asked the Minister of State, President's Office, if he would tell the House why, since companies and Local Government employees are paid overtime if they work to and beyond scheduled time, the senior civil servants who work far past the scheduled time are not either—

(a) paid overtime; or

(b) given their salaries adjusted accordingly.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. (a) The overtime element of senior officers in Government service is regarded as an integral part of the overall remuneration granted to them.

(b) Part (b) of the hon. Member's question does not, therefore, arise.

Mr. Munyasia: Mr. Speaker, Sir, in view of the fact that in a week's time all civil servants are supposed to work for 39 hours, why is it that in Parliament Buildings all civil servants work for 42 hours?

Mr. Munyi: Mr. Speaker, Sir, I would like to give a further explanation to the hon. Member so that he knows the position. The salaries of senior officers in Government are determined after full consideration is taken into account in that the officers holding senior posts may from time to time be required to work longer hours than junior officers. In very exceptional circumstances overtime allowances may be considered for officers whose salaries are below £820 per year. This will have to be extremely—and I repeat, “extremely”—exceptional circumstances, where such officers are required to work up to and beyond office hours in order to complete any particular exercise or project.

Mr. Marete: Thank you, Mr. Speaker, Sir. Arising from the answer given by the Assistant Minister, and arising from the fact that our President said there are no free things, why are the senior civil servants who work up to and beyond the scheduled time not paid overtime while the junior officers are paid, and yet there are no free things in Kenya?

Mr. Munyi: Mr. Speaker, Sir, as the hon. Member knows very well, we have a limit as far as the financial position is concerned and I would like to refer the hon. Member to the slogan, “Harambee”, which means that every person should contribute in his own way to the nation building. Therefore, civil servants should also do the same, and they have been doing that.

Mr. Onyulo: Mr. Speaker, Sir, since the counterpart who heads these boards—company managers and Local Government employees—who work with these senior civil servants are also paid servants and they are paid more handsomely than the senior civil servants, can the Assistant Minister agree with me that the senior civil servants are being exploited and that this exploitation should be corrected immediately?

Mr. Munyi: I am very thankful, Mr. Speaker, Sir, because the hon. Onyulo, or the organization which he leads, has submitted recommendations to the Salaries' Commission. All the important points which they might have raised will be considered. That is one of the reasons why this commission was set up.

The Speaker (Mr. Mati): Next question, Mr. Wabuge.

(Question No. 189 (1537))

BUYING OUT BRITISH FARMERS IN KENYA
CURRENCY

Mr. Wabuge asked the Minister for Agriculture if he would tell the House, in view of the fact that Kenya gets loans from the British Government to enable the Agricultural Deve-

lopment Corporation to buy out British farmers in the Republic, whether these British farmers are paid in Kenya currency.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. 15 per cent of the purchase price is paid in Kenya currency subject to existing Exchange Control Regulations. The remainder is paid in British Sterling free of Exchange Control Regulations.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House under what condition the Government of Kenya reached agreement allowing these British farmers to be paid for their farms in British Sterling instead of Kenya currency?

Mr. Wanjigi: There are very good reasons, Mr. Speaker, Sir. The first and the most important is that when these people sell out they have, as human beings, to establish themselves in their own country of origin, and that is Britain. Therefore, it is fair that they should be paid the profits of their sales in the manner that would enable them to do this.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from the Assistant Minister's reply, where he said he had very good reasons, is this only with the British Government or is it also with other countries like Holland, Germany and other nations of Europe?

Mr. Wanjigi: Mr. Speaker, Sir, other nationalities do not come into this programme.

Mr. Kanja: Mr. Speaker, Sir, as the hon. Assistant Minister has said that other nationalities do not come into this programme—they are not considered—is it because we borrow money from the British Government, the same British Government we fought against in order to get our land? We have to buy the same land that is our birth-right—is it because of this that we cannot get other nationalities compensated? How long is this going to continue?

Mr. Wanjigi: Mr. Speaker, I think there is a lot of misunderstanding about the programme.

Hon. Members: No! No!

Mr. Wanjigi: If the House will please listen to me for a second; this programme of land purchase is a joint programme for joint interests. The British agreed to finance this programme because of the interest they have in their own citizens and the future of their own citizens. If, therefore, another Government in another part of the world has citizens of their own origin in this country, they may as well approach this Government in order to finance a similar programme.

Mr. Gichoya: Arising from one of the Assistant Minister's replies that these farmers are given part of the money in their home country and the rest is given here in Kenya; why, then, has it become a practice that the same farmers who have been bought out and have been given money to settle themselves there are re-employed as managers by the Agricultural Development Corporation?

Mr. Wanjigi: Mr. Speaker, this practice was utilized during the land settlement programme which required a great deal of experts but it is no longer employed now.

The Speaker (Mr. Mati): Next question.

Question No. 194 (1544)

RANCHING SCHEMES IN MARSABIT

Mr. Kholkholle asked the Minister for Agriculture if he would tell the House what had delayed the utilization of 1,000,000 acres set aside by the Marsabit County Council for Ranching Schemes.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. As far as I am aware, there has been no delay in the project in question. As soon as the local authority agreed on the setting aside of the one million acres for ranching, the Ministry of Agriculture started a survey to determine the precise range potential and water requirements of the land, which was an essential exercise before taking any steps to establish the scheme. This survey is now nearing completion and we will soon be in a position to determine what steps are to be taken in the project.

Mr. Kholkholle: Mr. Speaker, Sir, though I am very happy to hear that the survey is nearing completion, these one million acres were set aside by the county council four years ago. Now, will the Assistant Minister indicate to this House and give a definite time when this one million acres' ranching scheme is going to start?

Mr. Wanjigi: Mr. Speaker, I wish I could give a definite time when this project will start, but I am afraid this is not possible because the timing will depend on how quickly we can negotiate the necessary funds to support the programme, and this is not entirely a matter of the Kenya Government.

Mr. Kadir: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and since this problem has also affected my area, Isiolo, would the Minister for Agriculture, in collaboration with the Minister for Lands, try his best to see that title deeds for the schemes which have been allocated for the people of that area, Isiolo and Marsabit, are issued

to *wananchi* so that the people from that area can get the right of ownership of that land which has been allocated by the county council?

Mr. Wanjigi: Mr. Speaker, that is another question.

The Speaker (Mr. Mati): I thought so. Next question.

Question No. 156 (1483)

NUMBER OF REGISTERED JOB-SEEKERS

Mr. arap Cheboiwo asked the Minister for Labour if he would tell the House—

(a) what was the total number of the registered job-seekers as at 31st October 1970;

(b) what the number was in Baringo District; and

(c) how many had been offered jobs in the whole Republic.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to give the following reply. The total number of registered job-seekers is 29,110.

Hon. Members: What? What is that?

The Assistant Minister for Labour (Mr. Kubai): The total number of registered job-seekers is 29,110. Sir, although the number of registered job-seekers is very big, we should take into consideration that in most of the big towns, during the course of the registration, large numbers of people who were in employment took off-duties to go and present themselves to be registered as job-seekers. So in this case the Ministry cannot definitely state that all those people registered during that period were bona fide job-seekers or were jobless.

As regards to Baringo District, 2,500 people—

Mr. Kitonga: On a point of order, Mr. Speaker, is the Assistant Minister speaking with confidence or he is not sure of what he is replying to? Would he speak with energy like an Assistant Minister?

The Speaker (Mr. Mati): Could you speak a bit louder? Members cannot hear you, Mr. Kubai.

The Assistant Minister for Labour (Mr. Kubai): As regards Baringo District 2,500 people were registered, 61 of whom were found employment.

(c) People placed in jobs in the whole Republic under the Tripartite Agreement are 43,603.

Mr. Speaker, Sir, to satisfy all such questions which might arise in future would I be in order, and with your permission, to lay on the Table, a paper containing details of towns and places of registration, the number of people registered and

[The Assistant Minister for Labour]

number of those placed in jobs because it is far too long for me to read out?

The Speaker (Mr. Mati): Yes, do lay it on the Table; it will be sufficient.

(The hon. Kubai laid the paper on the Table)

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by the hon. Fred Kubai and with reference to the numbers he has given, could the House be told exactly how many have been employed through the Tripartite Agreement, that is the Kenyanization Bureau, and how many have obtained employment through their own means?

Mr. Kubai: Mr. Speaker, Sir, that is another question altogether. All that I was asked to reply to was the number of people employed under the Tripartite Agreement which came up to 31st October 1970.

Mr. Mutiso: Would the Assistant Minister agree with me that the figure he has just quoted before this House is roughly $\frac{1}{2}$ million unemployed and registered job-seekers and that this is a very serious matter, and the Government ought to look seriously for an alternative method of creating jobs for the job-seekers of this country?

Mr. Kubai: Mr. Speaker, I do not agree with the hon. Member because the number registered is not $\frac{1}{2}$ million, it is 291,110.

Mr. Mutiso: On a point of order, Mr. Speaker, is the Assistant Minister in order to misquote me? I said $\frac{1}{4}$ million, I did not say $\frac{1}{2}$ million.

Hon. Members: You said $\frac{1}{2}$ million.

Mr. Mutiso: I mean $\frac{1}{4}$ million.

The Speaker (Mr. Mati): It was your fault.

Mr. Jilo: Mr. Speaker, arising from the reply by the Assistant Minister, does he agree with me that many of those who have been employed under the Tripartite Agreement have been discharged because they were not employed on permanent terms, thus creating more unemployment?

Mr. Kubai: Mr. Speaker, I do not agree with the hon. Member. I am not aware.

Mr. Mutiso: On a point of order, Mr. Speaker, my question has not been answered.

The Speaker (Mr. Mati): You asked your question wrongly, you worded it wrongly. You over-exaggerated.

Mr. Kubai, would you like to reply to the amendment question by Mr. Mutiso?

Mr. Kubai: Mr. Speaker, Sir, the Government is doing all it can to put these people into employment.

The Speaker (Mr. Mati): In view of the fact that Mr. Kubai has laid on the Table more information, it is no use carrying on with this question. You can follow it up later if you want to, Mr. Mutiso, after reading the paper that has been laid on the Table.

Mr. ole Leken: On a point of order, Mr. Speaker, in the record that has been put down by the Assistant Minister, and the places of registration where the unemployed are registered, there are places like Kajiado which are not on the list, areas like Magadi which he puts down and gives the number as—

The Speaker (Mr. Mati): Order! Order! Please sit down, Mr. ole Leken.

It is true that I have allowed a bit of latitude in this but the question specifically deals with Baringo, it all revolves around Baringo. He gave the reply to the first part, which is general and the figures as they relate to Baringo. You cannot now introduce new places which were not asked about. He will need notice of that. That information was in addition to what he had to say in order to answer some of the questions which could not be raised under this question now.

Mr. ole Leken: Mr. Speaker, for part (b) of the question he says very clearly, the number for other areas within Kenya. That is given to satisfy all such questions which may arise in the future. So, it is absolutely incorrect because the areas are not included and, in fact, in parts like Magadi they show the figure but nothing for employment, and I know people have been employed because I have been to Magadi.

The Speaker (Mr. Mati): What are you referring to in the question? I am talking about the question.

Mr. ole Leken: I am referring to part (b).

The Speaker (Mr. Mati): I am talking about the question. Part (b) of the question says:

“What is the number in Baringo District?”
And (c) says:

“How many have been offered jobs in the whole Republic?”

He gave the total number for this as 43,603.

Mr. ole Leken: What he says is incorrect, Mr. Speaker.

The Speaker (Mr. Mati): Next question.

Question No. 188 (1536)

SETTLEMENT OF VICTIMS OF UGANDANIZATION
POLICY

The Speaker (Mr. Mati): Mr. Ebu. Not here?

Question No. 110 (1401)

REFRIGERATION FACILITIES: MACHAKOS AND KITUI HOSPITALS

Mr. Kitonga asked the Minister for Health if he would tell the House why the Machakos Provincial Hospital and Kitui District Hospital had no refrigeration facilities for preserving dead bodies.

The Speaker (Mr. Mati): Ministry of Health not here?

Mr. Kitonga: They are afraid of me!

Question No. 190 (1539)

DRUGS FOR RAMULA HEALTH CENTRE

Mr. Marwa, on behalf of Mr. Mbori, asked the Minister for Health if he would tell the House—

(a) what plans he had to improve the inadequate supplies of drugs to Ramula Health Centre in Kabondo Location;

(b) when he was planning to complete the maternity wing of the same health centre.

Mr. Marwa: Mr. Speaker, the Ministry of Health is not here to reply.

Question No. 195 (1546)

STAFF OF KENYA EXPORT PROMOTION COUNCIL

The Speaker (Mr. Mati): Mr. Wabuge has informed me that he wishes to withdraw his question No. 195 (1546) as it has been overtaken by events.

(Question withdrawn)

The Speaker (Mr. Mati): Is anyone ready to ask Mr. Ebu's question?

Question No. 188 (1536)

SETTLEMENT OF VICTIMS OF UGANDANIZATION POLICY

Mr. Masibayi, on behalf of Mr. Ebu, asked the Minister for Lands and Settlement if he would tell the House, in view of the fact that the recent Ugandanization policy had rendered many Kenyans jobless and taking into account the fact that there were already thousands of jobless Kenyans registered, the Minister could consider, as a matter of urgency, creating more settlement schemes both in Western and Rift Valley provinces to accommodate these unfortunate persons so that they could comply with the call to "Go back to the Land" and reduce the problem of unemployment.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. My Ministry is aware of the urgent need for creating

more settlement schemes both in Western and Rift Valley provinces to accommodate landless and unemployed persons so that they can comply with the call to "Go back to the land".

Negotiations for the purchase of the requisite land on which to establish more settlement schemes are receiving constant attention and when progress has been made, the necessary information will be passed to hon. Members.

Mr. Masibayi: Mr. Speaker, Sir, arising out of the reply by the Minister, would he kindly consider this question as a matter of urgency because most of the people who have been removed from Uganda had already acquired land there and as such they do not have any land at all in Kenya? They do not have any land at all and I think their cases are more urgent than those of any other Kenyan.

Mr. Angaine: Mr. Speaker, Sir, the hon. Member is aware, as I am aware, that the money we have been negotiating for has only recently been released from Britain. Prior to that I had no money for land purchase. Since this money has now been released action will be taken as soon as possible. So, you wait and see.

Mr. Murgor: Mr. Speaker, Sir, arising from the Minister's reply, will he tell this House whether there are still any farms for settlement schemes and whether in actual fact settlement schemes do solve the problem of the jobless, the landless and the rest?

Mr. Angaine: Mr. Speaker, Sir, I do not know whether settlement will solve all the problems but I do know that our people want settlement. This Government will settle as many people as it can. By that I mean, whether land is found, whether land can be made available, land which is agriculturally suitable for settlement, this Government has promised to buy all the available land for settlement purposes. If the land gets finished, then there is nothing Government can do. We cannot make more land but people can go out and look for jobs.

Hon. Members: Where?

Mr. O'Washika: Arising out of that very satisfactory answer from the Minister for action, that something has been done and money is available, people who are affected in particular provinces, how will they know that money is now available so that they can be settled? Will the Minister communicate direct with the provincial commissioner in a particular province and the Member representing the particular area so that the people can be told that the money is now available and they will be settled in due course?

Mr. Angaine: Mr. Speaker, Sir, the hon. Member knows as well as I that in every district there is a selection committee under the chairmanship of the district commissioner of that particular district. Therefore, it is up to the selection committee to select the genuine landless people—I repeat again, genuine landless people—who can get first priority in the settlement schemes.

The Speaker (Mr. Mati): Next question. Mr. Kitonga, will you ask your question.

Mr. Murgor: On a point of order, Mr. Speaker, the Minister did not answer a part of my question which was, whether there are any lands which could still be used for settlement. If there is, where is it?

Mr. Angaine: Sir, the land is still there and—

Hon. Members: Where? Where?

Mr. Angaine: Listen to me. Listen to me, gentlemen.

Land can be found anywhere in Kenya provided your people are willing to move anywhere. I am going to direct them.

Question No. 110 (1401)

REFRIGERATION FACILITIES: MACHAKOS
AND KITUI HOSPITALS

Mr. Kitonga asked the Minister for Health if he would tell this House why the Machakos Provincial Hospital and Kitui District Hospital had no refrigeration facilities for preserving dead bodies.

The Minister for Health (Mr. Okeru): Mr. Speaker, Sir, I beg to reply, but before I do that I would like to apologize to the House for being late.

I wish to give the following answer. The Ministry is currently engaged in a programme of improving and modernizing our hospitals. A new mortuary has been built at the District Hospital, Kitui and a new one for the Provincial General Hospital at Machakos. In fact, if the hon. Member cares to inspect the District Hospital, Kitui he will find that there are very good refrigeration facilities there. Also, if he cares to get some experience, all he needs to do is to die.

Mr. Mutiso: On a point of order, Mr. Speaker, I take it when questions are asked on the Floor of this House and when they are answered they are genuine and without any improper motive.

So, Sir, was the Minister in order to advise the Member that if he wants to experience the fact that the hospital has refrigeration facilities, all he has to do is to die? Was that proper?

The Speaker (Mr. Mati): Seriously, I do not think, Mr. Mutiso, you can make things so serious. Mr. Okeru was applying the well known teaching principle: that you learn to swim by swimming.

Mr. Munyasia: On a point of order, Mr. Speaker, I wish to seek your guidance. Is it in order, as the question is answered, for a Member to ask a question when all the facilities referred to in the question are there? Does he still then need to ask the question?

The Speaker (Mr. Mati): I really do not know what to make of that. You are saying that the hon. Member who asked this question had not checked his facts? That is it, is it?

Next question.

Mr. Kitonga: On a point of order, Mr. Speaker, this is very embarrassing—

The Speaker (Mr. Mati): Order! No point of order. Mr. Kitonga, will you please sit down? I am telling you to sit down, Mr. Kitonga.

Question No. 190 (1539)

DRUGS FOR RAMULA HEALTH CENTRE

Mr. Marwa, on behalf of Mr. Mbori, asked the Minister for Health if he would tell the House—

(a) what plans he had to improve the inadequate supplies of drugs to Ramula Health Centre in Kabondo Location;

(b) when he was planning to complete the maternity wing of the same health centre.

The Minister for Health (Mr. Okeru): Mr. Speaker, Sir, I beg to reply. (a) The steps that are being taken by the Ministry of Health to ensure that we have regular and adequate supplies of drugs in the health centres that were taken over by the Government include a better supervision by regular visits by the provincial medical officers and—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, could you . . .
..... (Inaudible)?

The Speaker (Mr. Mati): Order! Order! Mr. Kitonga, will you move back to your seat.

(The hon. Mr. Kitonga returned to his seat on the opposite side of the House)

The Speaker (Mr. Mati): Do continue, Mr. Okeru.

The Minister for Health (Mr. Okeru): Mr. Speaker, the steps that are being taken, really, are those of supervision and this is done by getting the provincial medical officers and their

[The Minister for Health]

staff to pay regular visits to these health centres to ensure that the requirements of drugs are met as regularly as possible.

It does also involve ensuring that a central medical stores which is here in Nairobi is now organized to make purchases and to keep regular records of the needs of the health centres all over our Republic.

(b) The question of the maternity wing at Ramula Health Centre is as follows. This particular health centre was being built on a self-help basis and quite obviously both the House and I would be very grateful for any information that the hon. Member can give us regarding the progress of this worthy effort.

Mr. Marwa: Mr. Speaker, Sir, arising from the Minister's reply, would he now tell the House what assistance he is giving to this maternity wing which was being built as a self-help project?

Mr. Okero: Mr. Speaker, Sir, none.

QUESTIONS BY PRIVATE NOTICE**EXTENSION OF WORK PERMIT NO. 774**

Mr. D. M. Kioko: Mr. Speaker, Sir, I wish to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

(a) Will the Minister revoke the extension of Work Permit No. 774 dated 19th March 1968 which was accepted for renewal on 11th March 1971 for two more years?

(b) What action is he contemplating taking against the applicants and officers who had flouted our Africanization policy by issuing this permit?

(c) Why was the co-operation of the Kenyanization Bureau not sought by the Immigration Department in the matter?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, we have further information coming to the Ministry and would like your permission, Sir, to reply to this question tomorrow. More information is coming in.

The Speaker (Mr. Mati): Yes, that is fair enough.

(Deferred to another day)

CONFISCATION OF PROPERTY AT NGOLIBA SETTLEMENT SCHEME BY NATIONAL YOUTH SERVICEMEN

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

(a) Why did a contingent of National Youth Servicemen at Yatta Field Unit on 11th

March 1971 confiscate tools and over 650 bags of charcoal, the property of Ngoliba Settlement Scheme residents who were authorized to clear and burn charcoal on the unit's land?

(b) As the agreement was to clear the bush and burn charcoal to sell as the price for clearing, when is the Minister giving the charcoal back to the owners to enable them to purchase food in this critical time of hunger in that settlement scheme?

(c) Why did the same contingent on 12th March 1971 burn 10 houses at the Juja/Yatta constituencies' border on the bank of Athi River which belong to fishermen who lost some of their belongings in the fire and were rendered homeless?

(d) What steps is the Minister taking to rehouse these citizens and to pay them compensation?

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, before I reply to this question I would like to take this opportunity to apologize to the House for the fact that neither I nor my colleague were here yesterday to answer this question. Unfortunately I was slightly ill and so was my colleague. I do not know how we were both ill on the same day.

Mr. Speaker, Sir, I hope the House will excuse us.

I now beg to reply.

(a) and (b) The people who were given permission to clear the bush together with others, not given such permission, were found cutting down valuable trees and making charcoal and this is where my National Youth Unit is. Those who did not have permission were arrested by our National Youth Service Officers, assisted by Administration Police and taken to court. Others ran away and left behind their pangas, axes and so on. These tools are safely stored and can be collected by the owners but I doubt whether they will do so as they might likewise be taken to court. Those who had permission were not arrested but their charcoal, not product of the bush authorized to be cleared but of valuable trees, was confiscated and cannot be given back. If any of the people in the area are suffering on account of the prevailing drought in the country it will be the question of whether they qualify for famine relief assistance or not, and I am sure the hon. Member is aware of what is being done by the Government to alleviate the problem.

(c) During the same operation, other people were found having illegally constructed make-shift huts near the bank of the river on the Government land and were warned to move out imme-

[The Minister for Labour] diately. On checking the following day, the officers found the huts abandoned and empty, when these were pulled down and burnt.

(d) Under the circumstances, no compensation is due to the people concerned who were dealt with according to law.

Mr. Kahengeri: Mr. Speaker, Sir, since the Minister has agreed that these people were allowed to burn charcoal, and some of the charcoal was taken by the Youth Servicemen from the lorries by which the charcoal was being transported to Thika, how did these men make out that the charcoal on particular lorries was the one burnt from the valuable trees, and not from the permitted bush?

Mr. Mwendwa: Mr. Speaker, the people were arrested on the spot in the area where permission was given. When these people were given permission to clear the bush it was to be really bush—the small trees—which could not make charcoal at all. But then because the Member seems to encourage law-breaking, and also these people, having the mentality of law-breaking, Mr. Speaker, they went—

Mr. Kahengeri: On a point of order, Mr. Speaker, is it really in order for the Minister to imply that I am encouraging the people down there to break the law while I am a staunch law-abiding hon. Member?

The Speaker (Mr. Mati): It is absolutely improper to suggest that the question was asked here by the Member with the intention of encouraging people to commit crime. That is imputing an improper motive. Mr. Mwendwa, I hope you will withdraw that now.

Mr. Mwendwa: I withdraw that part of my remark with pleasure.

Hon. Members: Apologize.

Mr. Mwendwa: Having withdrawn the remark there is no use to go on.

The people who were arrested, as I said before, went on, because of their own mentality of breaking the law, and started cutting down the trees they were not told to cut and burnt the charcoal, which was not in the agreement. Therefore, there was nothing else to do but to arrest them and take the charcoal as well.

Mr. Mwamzandi: Arising from the Minister's reply, that those people who were given permission to burn charcoal went on to burn it in another place where they were not permitted to do so— According to the Minister he says that the charcoal was confiscated; will the Minister tell this House whether this charcoal was confiscated by a court order or the National Youth Servicemen took the law into their own hands?

Mr. Mwendwa: Mr. Speaker, let me put the record right. I did not say in my reply that these people were given permission to burn charcoal. No. They were given permission to cut the bush which could not be used for burning charcoal at all—little trees. They were told clearly to leave the big trees but they did not do so. They went round and cut a big tree and started burning charcoal, which was not within the agreement. Therefore, they were arrested and the charcoal was taken by the National Youth Servicemen.

Dr. Munene: On a point of order, Mr. Speaker, I seek your guidance on the answers to this question. The question is very clear: the people were given permission to cut bush which had big trees, but the Minister says there were no big trees, in which case there was a contract then that they were going to be paid for cutting the bush. If they were not going to be paid, then they were going to repay themselves with the charcoal. Which is which, Mr. Speaker?

The Speaker (Mr. Mati): What you are saying is that you agree with the Questioner, but that is what the Minister is disputing.

Mr. Mwamzandi: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Yes, Mr. Mwamzandi, and let that be the final point of order.

Mr. Mwamzandi: The Minister is evading the truth and he has not yet answered my question which was asking whether the charcoal was confiscated by a court order or the National Youth Servicemen took the law into their own hands.

Mr. Mwendwa: Mr. Speaker, Sir, these people, having been arrested, they—

Hon. Members: Answer the question.

Mr. Mwendwa: I am going to answer, Mr. Speaker. These people were taken to court. Eight people were fined Sh. 30 each, and the court did not tell my officers to give back the charcoal. They went away and paid the fine, and the others have not paid the fine—33 people were convicted but discharged under section 35 of the Penal Code: that is conditional to their not repeating the offence in the next year. 12 people will face charges on 25th March 1971.

Mr. Speaker, if the court tells us to give these people the charcoal, which is still stored, they will be given it. Eight people will face charges on 29th March 1971. If the court tells us to give them the charcoal, then we will give it to them. It is for the court to say that.

One person was found with a game trophy and he was jailed for nine months. All charcoal, found in possession of these persons and that which was left behind by others who were

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not given permission, is still in the compound. If the court sits down and orders us to give these people back the charcoal, we will do so.

Mr. Mutiso: Mr. Speaker, Sir, can the Minister agree with me that the charcoal burners had a contract with the former National Youth Commandant in the area to the effect that they would clear the bush and pay themselves by cutting the trees and burning the charcoal? If he denies that, Mr. Speaker, would the Minister then tell us what is contained in that agreement—what kind of trees were not to be cut and their names?

Mr. Mwendwa: Mr. Speaker, I assume—and the hon. Member should also assume—that our courts are quite efficient to see whether the agreement has been broken when these people are taken to court.

The Speaker (Mr. Mati): In view of the fact that some of these people are still to appear in court we cannot go on now with that.

Next question.

REINSTATEMENT OF "LOCKED OUT" EMPLOYEES
OF PAN AFRICA INSURANCE COMPANY

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:—

- (a) Will the Minister direct reinstatement of 64 employees of Pan Africa Insurance Company Limited who were locked out by their employer on 19th March 1971 and issued with quit notices on the same date without proper reasons from the employer?
- (b) Why was a formula signed by the union and the company under the guidance of the Ministry's officers to check discrimination in the above firm after a previous walk-out never applied?

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. (a) The question of reinstatement of the 64 employees of Pan Africa Insurance Company Limited, Mombasa is being actively investigated by a senior officer from my Ministry.

The said employees were not locked out—as the hon. Member seems to think—by the company but they were issued with letters of dismissal when they failed to heed the employers' warning that they should abandon their strike action and resume duty on the 19th March 1971.

The employees went on strike on 19th March 1971 in protest against the renewal of a work permit in respect of an expatriate employee of

the firm whose work permit had expired and it was renewed on 11th March 1971.

(b) Mr. Speaker, the hon. Member was not well briefed by whoever told him the story because the formula he is talking about was signed in May 1970. Therefore, it has no relationship with this one. However, I am going to answer that part of the question bearing that information in mind.

The formula which was signed by the Company and the union in the presence of an officer of my Ministry on 5th May 1970—which is not related to this one—was applied in that after the dispute had been considered by the Tripartite Committee Meeting in accordance with the provisions of the Trade Disputes Act, an official of my Ministry was appointed to carry out investigations into the allegations about discrimination against certain employees of the Company. The matter is, therefore, *sub judice*, as the investigations have not been completed.

The investigation proceedings have been delayed because the union insists that the dispute should be subject to a Board of Inquiry, which my Ministry does not think is warranted.

The Speaker (Mr. Mati): Just to deal with one part, I think the question does indicate that Mr. Kioko is referring to a previous walk-out. He does not mean the latest one in the second part of the question. Also, I heard Mr. Mwendwa say that the matter was *sub judice*. Unless it has been taken to court, it cannot be *sub judice*. I think we had better get this very clear. The matter is not *sub judice* simply because somebody, including the police, is investigating it. It is only when it has been taken to court that the House does not interfere with it because we do not want to interfere with the outcome. Investigation by anybody else before court action cannot mean this.

Mr. D. M. Kioko: Thank you, Mr. Speaker.

I wonder whether the Minister will not agree with me that the attitude that the employer had when these people walked out—the first walk-out time—was very bad and it is the same attitude that the same employer was trying to show because these people walked out on the 19th of March and they were issued with quit notices on the same day—19th March—even without the consultation of the union?

Mr. Mwendwa: Mr. Speaker, there are two things which I wish the hon. Members here to review. The action of walk-out is just as serious as the action of lock-out. Both are equally serious. When an employee walks out, the employer is bound to do two things: if the Minister for Labour is not taking any part, he is bound to

[The Minister for Labour]

warn the employees to come back or else they will be locked out because, in the first instance, they have walked out. These employees were given notice. They were told, "Please, this action of yours is illegal and if you do not come back and start working, we are going to dismiss you." This is the only channel open to any employer, should employees walk out. Any unionist here knows that.

However, the employees refused to come back after they had been given notice and a period, which is usually 12 hours. Therefore, the employer had nothing else to do except to tell them, "All right, you are *kwisha*."

Mr. Akumu: Mr. Speaker, in view of the fact that the Minister had not declared the strike illegal yet, even though the employer had not given notice of discharging the 64 people, would he assure this House that the 64 people will not be dismissed before his Ministry has chaired a joint meeting between the union and the employer?

Mr. Mwendwa: The hon. Member, who is the Secretary-General of Central Organization of Trade Unions, knows very well that when employees walk out, or when the employer applies the action of lock-out, serious action has to be taken. It does not matter whether the Minister declares the strike illegal or not so long as the employees have been given notice of a certain number of hours to come back to work. If they do not come back the employer, according to the Geneva Convention, I think, section 121, has the right to fire because he has the right to fire.

Mr. Munyasia: On a point of order, I am trying to seek your guidance. Is it in order for the Minister to address the Secretary-General of Central Organization of Trade Unions directly? He is addressing the Secretary-General of Central Organization of Trade Unions instead of addressing you.

The Speaker (Mr. Mati): In any case, we must move on now.

Mr. Yunis Ali.

SETTLEMENT OF RESIDENTS OF TOI IN KIBERA

Mr. Y. Ali: Mr. Speaker, Sir, I beg to ask the Minister for Housing the following Question by Private Notice:—

- (a) Is the Minister aware that the National Housing Corporation has commenced the clearing of the area in Kibera known as Toi which is earmarked for a housing development scheme and that tractors are busy uprooting trees and crops belonging

to the *wananchi* who are occupying the area?

- (b) If the answer is in the affirmative, what arrangements are being made to re-settle the *wananchi* who are affected?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I am aware that this is taking place.

The hon. Member has answered himself in his first few sentences when he says that this is being done for development.

Mr. Y. Ali: Arising from the Minister's reply, would the Minister assure this House— Would the Minister not agree with me and this House that these *wananchi* have already been subjected to harassment and disturbance by machines which are working around and causing dust, at a time when this nation is mobilized to fight cholera and that this is dangerous to the nation?

The Speaker (Mr. Mati): Do not, please, make a speech when you are not supposed to.

Mr. Ngei: Mr. Speaker, the best thing is when a Minister does a service to the Government and to *wananchi* in an area like that and a Member does not appreciate it—I think this hon. House is entitled to know the real facts. I would, therefore, like with your permission, Mr. Speaker, to tell the House about the preferences which have been given to the Kibera people.

Mr. Speaker, the Government, through my Ministry, has given the people of Langata, or Kibera, very many privileges which the other *wananchi* are entitled to, if they knew. First, Mr. Speaker, these people have been given houses and they have been given loans of 100 per cent with a one year's moratorium. The hon. Member for Langata has been to see me and I have told him, on the question of giving plots to these people, that I have to discuss the matter with the Minister concerned. I have discussed the matter with the Minister concerned, the hon. Angaine, Minister for Lands and Settlement, and we have agreed that we will put up a case to the President recommending that these people be given extra plots. The Member, having known that, has been exchanging letters with civil servants and they have been quarrelling because the civil servants have been trying to go there to see that the development which is being done by the Government is not delayed.

I want to assure this House that the people around that area have taken much more of Government money than the people around Parklands, Embakasi and others. The hon. Member for Mathare, Dr. Waiyaki would, also, if he knows and he knows this well, would like to see the

[The Minister for Housing]

same treatment given to his people. Mr. Speaker, Sir, we cannot give preference to individuals. I am sure that the hon. Member has the facts. Therefore, Mr. Speaker, Sir, the hon. Member must be very thankful for what we have done. I invited the hon. Member to come and take me to the place to see whether these blocks are blocking the houses of *wananchi* and when I went there I found that there was nothing of the sort.

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance, while I appreciate what the hon. Minister has told this House. I must take this opportunity to seek your guidance on whether I am in order, as an elected representative of the people, to put a question in this House. Why I say this, Mr. Speaker, Sir, is because prior to my asking this question, the Minister had come here, at my seat—and my friend here can bear me out—and talked to me in a very hard way, or using strong words amounting to intimidation. Mr. Speaker, Sir, this is very serious and that is why I am seeking your guidance as an elected representative of the people. I live in Kibera: I am a slum dweller. I am not living in an ivory tower; I am not living in any decent house. Sir, I know the problems of the people. Therefore, Sir, when a Minister stands in this House and says that he has sent someone to come and call me to his office, when I was with him here yesterday, is he in order?

The Speaker (Mr. Mati): Order! All right, that is sufficient. No, it is absolutely out of order for any Member to intimidate another. Hon. Members have a right to bring questions and question any Minister on any matter relating to the department he is in charge of. It could be very serious, in fact, if what Mr. Yunis Ali is saying could be proved. Intimidation is a very serious affair. However, I notice that both the Questioner and the Minister replying have drifted into this personal sort of exchange which we try to avoid here, in the House. When questions are brought here, they are brought for the good of everybody. In fact, they become the property of the House and are no longer the property of the Member who asked them. So, we must avoid speaking as if the Member has some special personal interest in the matter he brings here. If it so happens that the Member has a personal interest, the best thing is to challenge him to declare his interest in the normal way we do. However, I am not going to allow a long debate on this because we have taken far too much time, unnecessarily, because we are really being given information which is not called for here now.

Mr. Ngei: On a point of order, Mr. Speaker, Sir, I would like to make it clear that I did not intimidate the hon. Member and I have never intimidated any Member in this Chamber since I came here. However, Mr. Speaker, Sir, I seek your guidance on this one; I would have liked to give more information regarding the hon. Member but I behaved well and gentlemanly. He says that he is a slum dweller but, Mr. Speaker, Sir, for the information of the House, he has a house No. 88 in Phase 3 and this is a Government scheme.

The Speaker (Mr. Mati): Order! We are not really interested in this personal exchange. Mr. Kanja, ask your question.

Mr. Kanja: Mr. Speaker, Sir, while I rise to thank the Minister and the Ministry for everything he is trying to do for Kibera residents, can the hon. Minister, having told the House that they have given various privileges to Kibera some of which are 100 per cent loans, can he assure this House that similar privileges will be extended to Mathare Valley, Nyeri, Machakos, and other towns because we are all part and parcel of the same Government?

Mr. Ngei: Mr. Speaker, Sir, that is a straightforward question. The Answer is "Yes". If I may add, Mr. Speaker, Sir, we are examining—now examining—and have gone a long way in the development of Mathare Valley. I think the hon. Member for the area, Dr. Waiyaki, knows very well that we are about to complete the sewage and lighting system and so on—

The Speaker (Mr. Mati): We are coming to Dr. Waiyaki's question and so you can reserve that answer. Next question.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, I want to seek your guidance on the statement the hon. Minister made when he was challenged by hon. Yunis Ali that he was intimidating him. Sir, the Minister stood up and said that he does not intimidate any hon. Member here as it was alleged. However, Sir, was he in order when we know pretty well that he does not only intimidate hon. Members, but he, in fact, fought one hon. Member here around the Chamber?

The Speaker (Mr. Mati): Order! That is not of interest here Mr. Mutiso. If you are interested in that you can raise it.

DEMOLITION OF HOUSES IN NAIROBI

Dr. Waiyaki: Mr. Speaker, Sir, I beg to ask the Minister for Housing the following Question by Private Notice:—

(a) Would the Minister inform the House why the Government has ignored appeals made

[Dr. Waiyaki]

to it in this House against the continuation of demolitions of houses in Nairobi without providing any alternative accommodation whatsoever? Is he aware that these demolitions have caused great hardship and will he order that they be stopped forthwith?

- (b) Will he further see to it that a site and service scheme is established for those made homeless or that they are given farming plots?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply.

The Government has not ignored any appeals made by this House regarding demolition of houses in Nairobi. Sir, Nairobi is growing and will continue to grow as time goes. This means that all buildings: shanty and slums have to give way to more modern buildings. This House is constituted to ensure development, not to retard it. The hon. Member is already aware of what the Government is doing in housing people in Nairobi, especially his area, where he has taken keen interest to see that his people get the benefits of the new housing scheme.

The Government will not, under any circumstance, allow indiscriminate buildings or shanties in Nairobi or elsewhere. The question of providing a site and service scheme will be considered, when found appropriate, taking into consideration the general overall development of Nairobi. For the information of the hon. Member, I would like to say that we have changed from the old system to a new one which we are going to try in his constituency, Mathare Constituency, as soon as the lighting and the sewage system is completed. This will be very soon, Mr. Speaker.

Dr. Waiyaki: Mr. Speaker, Sir, the Minister knows very well that I understand that there is a housing scheme which is going up for the residents of Kaburini, who are not my constituents. I am specifically discussing the question of those who have had their houses demolished recently. They have had their houses demolished in Kinyago, Mbiyo and Ngei Villages—his own village—and also (Inaudible) house at Garden Estate. Can he deny that, in fact, not one of those people who occupied those houses previously has been rehoused and therefore all these people are sleeping in the cold? Sir, between them and God, there is nothing!

Mr. Ngei: Mr. Speaker, Sir, it is true that this was done by the City Council, and it is true that the officers are sitting in my Ministry and people from Kaburini, and Ngei Estates in Mathare came to see us yesterday. I have already, on behalf of

Government, given materials and plans for these people to build their houses properly. We are also discussing the question of bringing water in this area. I should be very pleased if the hon. Member would accompany me, after Question Time, so that I can show him that the work is going on. I am very concerned, like any other *mwananchi*, to see *wananchi* staying outside. However, at the same time—if I may say so, in relation to the question Dr. Waiyaki knows that farming plots have been given to his own people especially those who are at my Estate. I took the names—he knows that very well—and they were given plots near Laikipia but some of them came back leaving their ten-acre plots which they had been given.

Dr. Waiyaki: Mr. Speaker, Sir, can the hon. Minister substantiate that, in fact, anybody who took a plot in Laikipia, or anywhere else came back to sleep in the open in this area? Can he substantiate that?

Mr. Ngei: Mr. Speaker, Sir, all I said is that they came back and I did not say that they came back to sleep in the open. They came back to build the same shanties where they were before because, at that time, the City Council had leniently allowed them to come back, but at the moment, there is a Government decision—a Cabinet decision—saying that people cannot build houses as they want. However, as I have said, Mr. Speaker, Sir, materials are being given to these people to house them.

Dr. Waiyaki: Mr. Speaker, Sir, can the hon. Minister promise to bring the names of those people who came back from any settlement to re-build shanties in any area in my constituency?

Mr. Ngei: Mr. Speaker, Sir, if I am allowed to go and get the names of these people—for example, one is Mr. Musyoka—I can help Dr. Waiyaki. Musyoka was given a plot with other people; not really in Laikipia, but around Uplands, a little bit further on. They were given plots there and some of them came back. However, a Mr. Musyoka and a Mr. Kamau are still farming there whereas others have come back.

An hon. Member: Who are those, a Mr. Musyoka and a Mr. Kamau?

Mr. Koigi: Mr. Speaker, Sir, would the hon. Minister agree with me that he is paying lip service to this House and that he is doing nothing to help the people whose houses were demolished?

Dr. Waiyaki: Yes, he has not done anything.

Mr. Ngei: Mr. Speaker, Sir, I have not paid lip service, I have acted within the means of my Ministry. Money does not grow on trees and, therefore, I have tried every possible means of

[The Minister for Housing]

getting more money. The moment I have money I will house the people who the hon. Dr. Waiyaki is very much concerned about and I am also very much concerned and the House is as well very much concerned. I assure this House that what I am saying is a statement of fact. We have had leaders, what they call "The Council of Elders" from these villages, and I have given instructions that they should be helped; to be given cement, iron sheets and plants to do the work.

Mr. Koigi: On a point of order, Mr. Speaker, Sir, could the Minister house these people within a period of a month because saying—

The Speaker (Mr. Mati): That is not a point of order, Mr. Koigi.

Mr. Wanjagi: Mr. Speaker, Sir, while we agree with the Minister that it is in the interest of his Ministry to develop and not to retard the development of the projects, and while we know that we have large tracts of land undeveloped would he undertake, before demolishing these shanties, to build the houses and only demolish the shanties after he has built the houses so that he can then move the people to the houses?

Mr. Ngei: I have said, Mr. Speaker, Sir, that I am acting on this particular issue; but the question of demolishing shanties, which are now being built like mushrooms, is not my own personal decision; but that of Government. I take responsibility to see that those people who have had their houses demolished will get their houses built properly and according to the plans.

Dr. Waiyaki: Mr. Speaker, Sir, the hon. Minister has not answered the part of the question which I consider most important: before the Government has dealt with those who have had their houses demolished, can he promise the House that he will stop demolition forthwith until such time that he has dealt with the bulk of the work that he has to do?

Mr. Ngei: Mr. Speaker, Sir, I have said that this is a Government decision and all that I can say is that I will look into the matter.

The Speaker (Mr. Mati): No more now on that. I think we must go on now.

Next Order.

MINISTERIAL STATEMENT

SUBSTANTIATION OF ALLEGATION: MEMBERS HIRING THEIR TRANSPORT LICENSING BOARD LICENCES TO NON-CITIZENS

The Speaker (Mr. Mati): I think Mr. Ngala had something to tell the House?

The Minister for Power and Communications

(Mr. Ngala): Thank you very much, Mr. Speaker, Sir.

Mr. Speaker, Sir, as the hon. Members of this House are aware, it is the Government's declared policy that all efforts will be made to ensure that our people fully enjoy the fruits of our economic independence. To this end, the Transport and Licensing Board has, therefore, been instructed to ensure that applications submitted by citizens for transport licences are given top priority and that non-citizens should never be given transport licences unless it could be proved that there are no Africans who are willing and able to undertake that business.

Unfortunately, Mr. Speaker, Sir, and to the disappointment of the Government, it has been discovered that a number of our people who have come forward with requests for transport licences are not interested in participating in this business, but instead they hire their licences to the non-citizens or to the Asian companies. This practice is not in the interests of Africanization of the transportation industry in Kenya and it is the most sure way of ensuring that our economy will continue to be dominated by foreigners.

I would, therefore, like to condemn those persons who are involved in such irresponsible and shameful practices in the strongest terms possible. Such people are enemies of the progress of *wananchi* of this country because they are inhibiting the advancement of the well-being of our people and I would like to assure this House that my Ministry will not leave any stone unturned to ensure that the practice is brought to an end.

It would be understandable, Mr. Speaker, Sir, if a person who genuinely wanted to participate in the transportation business was, due to some circumstances beyond his control, forced to hand over his licence to his wife or a relative. But it is a great shame for a true Kenyan to apply for a licence which he is fully aware he does not require and only intends to hire it to a non-citizen. We must here and now condemn this practice unreservedly. I have instructed the Transport Licensing Board to investigate all cases where such malpractice is involved and ensure that all those concerned are identified so that severe action could be taken against them. I will not hesitate to authorize the cancellation of any licence which is not being used by the owner, but instead is being hired to a non-citizen.

Mr. Speaker, Sir, now to the names—

Hon. Members: Hear! Hear!

The Minister for Power and Communications
(Mr. Ngala): Mr. Speaker, Sir, I have promised

[The Minister for Power and Communications]

this House that I will produce evidence of some transport licences issued to some Sitting Members of Parliament which are now being hired to non-citizens or Asian companies. I will now mention the following examples:—

(a) T.L.B. No. 4454—Kitui New Haulage Co.

(b) T.L.B. No. 628—

Hon. Members: Who is the owner?

The Minister for Power and Communications

(Mr. Ngala): You will get all that information; you just wait!

(b) T.L.B. No. 268—Polar Properties Limited.

(c) T.L.B. No. 12936—Coast Hauliers.

Transport Licensing Board licence No. 13826, hired to Daramushi Transporters.

Mr. Speaker, Sir, the above are the only few cases of hon. Members of Parliament who have misused licences, but it will serve as evidence that Government is aware of those persons who are involved in the practice and they will have nobody to blame if their licences are revoked.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):

Mr. Speaker, Sir, we were told in no uncertain terms that the names of those concerned will be made known to the House. The House is made up of Members of Parliament. The hon. Member is referring to Members of Parliament only and this is a shameful thing since hon. Members of Parliament who are here have their names. Could he tell us which hon. Members of Parliament?

The Minister for Power and Communications

(Mr. Ngala): Mr. Speaker, Sir, I see that hon. Members of this House are pressing me and, therefore, I hope that they will not blame me if I—Mr. Speaker, Sir, Government is not interested in embarrassing its own hon. Members and this is why I am reluctant to give specific names. It will not serve any useful purpose if specific names are divulged at this stage. Now that the Transport Licensing Board licence numbers together with the relevant companies or persons to which the licences have been hired, have been read to the hon. Members this is a sufficient substantiation on such a delicate matter. I ask the House not to press me to read the names.

Mr. Mwangale: Mr. Speaker, Sir, can the hon. Minister deny or confirm that, in fact, he himself is also involved?

The Minister for Power and Communications

(Mr. Ngala): Mr. Speaker, Sir, I would like him to produce—if the hon. Member produces evidence

that I have hired any licence to any Asian company or to a non-citizen, I would be very interested. The allegation that the hon. Member has made is very serious. If you want me to say something, I would say that definitely I am not concerned and I am not involved because I have not hired any licences to anybody. I have made it quite clear that under any circumstances any hon. Member, any Assistant Minister or a Minister who is issued with a Transport Licensing Board licence can hand it over to his wife or relative to do the business under certain circumstances. I have no objection to that. It is the hiring of the licences that I am against.

The Speaker (Mr. Mati): Order, now if you look at that clock you will see that we have taken quite a lot of time and we must find a way of bringing this to an end. It does not help when everybody stands up on a point of order and such like. One thing that does not help is when an hon. Member stands, like Mr. Mwangale has done, and he himself alleges something which he should have substantiated if he had any evidence. Let us not have that kind of point of order. I think the problem here was that when Mr. Ngala was speaking he made a promise which, perhaps, required more than what he is giving now. This is why hon. Members are pressing on this. Mr. Ngala, I do not know whether you have anything to add.

The Minister for Power and Communications

(Mr. Ngala): Mr. Speaker, Sir, if I can remember well, all that I promised was that I would provide evidence to the effect that hon. Members of Parliament and some Assistant Ministers—the substantiation that I have given now shows beyond any doubt that these licences were all issued to hon. Members of Parliament. Do your home work and find the names.

The Assistant Minister for Housing (Mr. Khalif):

Mr. Speaker, Sir, I thought that the whole idea was to produce the names. The Minister did really mention Coast Hauliers, Kitui Hauliers, Wajir Hauliers but those are not names of hon. Members of Parliament. Mr. Speaker, Sir, the Minister was challenged to produce names of hon. Members of Parliament, Assistant Ministers and Ministers in this honourable House. That was the challenge, Mr. Speaker, Sir, and I think the essence of challenging a Minister or an Assistant Minister, or an hon. Member of Parliament, to substantiate—he is really to substantiate and not beat about the bush.

The Minister for Power and Communications

(Mr. Ngala): On a point of order, Mr. Speaker. I realize that my honourable colleague is heated

[The Minister for Power and Communications] about it but there is no reason in being emotional. Mr. Speaker, Sir, what I want to emphasize is this. Transport Licensing Board licence No. 451 was given to an hon. Member of Parliament. Transport Licensing Board licence No. 628 was given to an hon. Member of Parliament.

The Speaker (Mr. Mati): Order! We have the duty to see that we do not misuse our time here. We still have business to do. What happened last time was that Mr. Ngala was challenged to produce the names. He was challenged and then he said that he could prove his case by laying on the Table a list of hon. Members of this House who had done what he had alleged. Now, obviously, in that case Mr. Ngala had promised to lay the names on the Table. That I remember very clearly. He did not say that he was going to read the names in the House. He did promise to lay the names of hon. Members on the Table. In these circumstances, therefore, we will leave the matter there and hope that Mr. Ngala will lay on the Table a list of these names.

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker. I would like, with due respect to the Chair—all that I said was that I was going to provide evidence to the effect that Members of Parliament are issued with licences, which they hire out. There is no further evidence I can give as far as that is concerned.

The Speaker (Mr. Mati): Order! Again I think I can remember quite clearly—I would hesitate to try to put any words into Mr. Ngala's mouth but I have put the case as I heard it, and if there is any doubt I am prepared to check from HANSARD and if I am wrong I am prepared to apologize to this House myself. If it happens to be true, then it will be more serious because it will mean that we do not mean anything we say in this House.

Dr. Waiyaki: On a point of order, Mr. Speaker, Sir, since the hon. Minister has indicated in his last statement that he did not promise to lay on the Table the names of Members and since he has not substantiated, are we not, as Members of Parliament left with a stigma which we are not willing, all of us, to bear because we do not—any of us—know any Member who happens to be the owner of these Transport Licensing Board licences? Is he not swindling us now, Mr. Speaker, Sir?

The Speaker (Mr. Mati): Yes, the issue is serious and that is why when Mr. Ngala was challenged before I asked him to go and prepare himself to come and substantiate; I did indicate that this was a very serious matter—I took a

very serious view of it myself as I knew it could cause embarrassment but Mr. Ngala still insisted that he was going to do it. So, having committed himself that far, I am afraid it is too late now to retract and Mr. Ngala will have to lay on the Table the names so that we can know that we do not just come here to waste time.

Mr. Nthenge: On a point of order—

The Speaker (Mr. Mati): No, let us deal with one point at a time.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I have already said that Government is not going to lay the names on the Table.

The Speaker (Mr. Mati): Order! Order! No, I think this is the worst challenge that could be put. If, in fact, now we are being told that Government has said that you are not going to lay the names on the Table when you promised here that you would do it and you repeated it again yesterday and then you come and say that you are not going to lay the list on the Table, this shows that this House is regarded as of no value at all. It goes to indicate what opinion Government has of this House if that is what Government thinks. I am afraid it is something that we least expect from the Government of Kenya.

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker, Sir, with due respect to your Chair, my stating that Government is not divulging any names at this stage does not show any disrespect to your Chair, Sir, or to the House.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir. A Minister, in his capacity as a Cabinet Minister, comes to the House and promises to take a certain action and promises the House that he will go ahead and produce the names, as a Government—now again he comes and seeks refuge in that Government—the Government he is mentioning—in order to avoid telling the House what it is supposed to know. Is this, Mr. Speaker, Sir, not a contempt of the House?

The Speaker (Mr. Mati): Now, I think the only thing which is open to Mr. Ngala now is, if he feels that he cannot do what he promised before the world, which he promised freely and he was not forced at all to say what he said, if he feels that he is not in a position to fulfill that promise, is to withdraw it.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, if you order me to withdraw it I will withdraw.

The Speaker (Mr. Mati): No, Mr. Ngala. I am ordering you to do nothing. I am only asking you to do the right thing. I am only asking you to do the very thing you would press any other Member to do, and that is, when you fail to substantiate something you have alleged in this House you withdraw and apologize to the House, especially now that we have taken so much time on this issue.

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker, Sir. With due respect to the Chair I have not failed to substantiate. I have given you the numbers of licences which were given to Members of Parliament. I never promised names, Mr. Speaker. This is true evidence of the records which are there.

The Speaker (Mr. Mati): Order! Order! We cannot take the whole afternoon on this issue. Now that Mr. Ngala says that he never promised names, we will leave the matter there until I check from HANSARD and if we find, in fact, that he promised names then we will still follow up this matter.

An hon. Member: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No, let us leave that matter alone now.

Let us go to the next Order.

MOTION

APPROVAL OF PUBLIC ACCOUNTS COMMITTEE REPORT 1967/68 AND 1968/69—PART I

THAT, this House approves the recommendations contained in Part I Reports of the Public Accounts Committee on the Government of Kenya Accounts for the years ending 30th June 1967/68 and 1968/69 respectively; but being of the opinion that continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required, hereby resolves to appoint a Select Committee to inquire into and recommend penal and other legislation to empower the House to enforce its authority over public expenditure and deal effectively with accounting officers and Ministers responsible for any future unauthorized expenditure of public funds.

(Mr. Gatuguta on 16th March 1971)

(Resumption of Debate on the Motion as amended on 18th March 1971—interrupted on 23rd March 1971)

The Speaker (Mr. Mati): Mr. Migure, I think you were speaking before we adjourned yesterday.

Mr. Migure: Thank you very much, Mr.

Speaker, for allowing me to continue with my speech which I was making yesterday.

Mr. Speaker, Sir, yesterday I spoke for 15 minutes and I think I am going to take only a very short time today.

Mr. Speaker, Sir, before I complete my points on the Ministry of Foreign Affairs, I would like to stress one particular point which is mentioned by the Public Accounts Committee. Mr. Speaker, Sir, this is lack of control of finance in the Ministry of Foreign Affairs. I have dwelt much on this Ministry because it is a very big Ministry with offices scattered all over the world. Mr. Speaker, Sir, the Committee recommended and viewed that there are some dishonest officers in embassies in various parts of the world. Mr. Speaker, Sir, this is what I am putting to the Minister concerned that he should check and find out that the financial systems in embassies and in the Foreign Affairs Ministry here are completely up to date because we are not prepared to contribute money in this country and then the way in which that money is spent is not in the interests of this country.

Mr. Speaker, Sir, I would now like to turn to the Ministry of Home Affairs. Mr. Speaker, Sir, if you look at page 10 of the 1968/69 Report, it says that gaming machines' licences should be approved by the Betting Control Board. In this report, Mr. Speaker, Sir, we find that about 1,759 licences had been issued without even referring this to the board. Mr. Speaker, Sir, this is against the Act which is governing the gaming machines. This is very serious, Mr. Speaker, Sir. Why should the Chairman of the Betting Control Board issue licences without referring to the board? Has he some personal interest with these people to whom he is giving the licences or what is happening? What is wrong with the Ministry of Home Affairs? Why can they not refer these licences to the board? Why should the chairman sit in the office as one person and then begin to issue the licences? Is he having any private dealings with these people or what is wrong, Mr. Speaker? This is very serious because we cannot have a department like this one in Government which is just doing things without even observing what is in the regulations governing the office. We would like to have some explanations from the Vice-President and the Minister for Home Affairs as to why these licences were issued without referring them to the board. Now, who are these people who are doing this? Does it mean that if his friend, Patel or somebody else telephones his office and says, "Look, I want a licence", he says "it is all right, you just come"? Now, do we know what they are doing in that office if they are two people? Do

[Mr. Migure]

we know it really, Mr. Speaker? Can we have departments in Government which do not even care about Government regulations, in this country, Mr. Speaker, Sir? For how long are we going to continue with this practice? We want regulations to be followed. Government makes regulations or this Parliament makes regulations. We make laws and these laws must be obeyed. If Government cannot obey the laws—the Ministry of Home Affairs cannot observe its own regulations—then what do they think about people who are committing robberies with violence in Nairobi? They are not going to pay attention to what the law says because first of all, the Ministry in charge of this does not even pay attention to regulations. I am saying this, Mr. Speaker, Sir, because I would like the Minister for Home Affairs to explain this, and he is going to do it. This is not his own department but it is a department belonging to this country. He has to explain to us, Mr. Speaker, Sir, and we must be told why licences are just being issued without any reference to the board concerned.

The other point which I would like to mention is also about the Ministry of Home Affairs. The Committee noted that there are three police vehicles which are only reserved for the Commissioner of Police. In fact, the Committee was not satisfied that the three vehicles should stand by for the Commissioner of Police only. The Committee also recommended that these vehicles should be used by any other officer of the department and, in case they are not required, their number should be reduced. Mr. Speaker, Sir, I assume that these three vehicles are costing members of the public in this country about Sh. 200,000. We cannot have a country whereby we spend such a lot of money. These are public funds and we should not buy vehicles and then reserve them for only one particular officer. The police department is not a personal department for the Commissioner of Police. Who says that, Mr. Speaker? Why should three vehicles be there reserved for one officer? What for? Mr. Speaker, Sir, this should not be done and these vehicles should be used by other officers as well and, in case, there is any danger involving security, there are very many police vehicles in this country, and particularly in Nairobi here and even in Central Division, which the police could use. However, there is no point in having three vehicles reserved for one particular man. I think this is very extravagant and I quite agree with the Committee which recommended that this should not be done in the way it is being done.

Mr. Speaker, Sir, I see that the Minister for

Home Affairs also hired a machine at Sh. 150 and then Sh. 80 for services. Mr. Speaker, Sir, the Committee disagreed with this point because this is very extravagant. Mr. Speaker, after 13 months, the Ministry paid Sh. 7,740. What was the need for hiring the machine even if it cost Sh. 10,000? Why do they not buy their machine instead? Therefore, Mr. Speaker, you can see there is money in this country, but the way the money is being spent by our Government is not fair enough. I am saying this because this money belongs to the public. I am a tax-payer and I cannot pay tax and then allow people to spend it in any way they like. This is completely impossible, and we are not going to accept it. The Government has to employ competent people and I am sure you realize this is why Members of this House have been complaining because jobs in this country are not provided on merit and efficiency, but on nepotism. I hate somebody who talks about tribalism, because if you say that all jobs are taken by one particular tribe, say, from Nyeri, it is not true that everybody from Nyeri, where we had freedom fighters, is getting a job in Nairobi. I am talking about the question of nepotism, Mr. Speaker, Sir, and this is why you find inefficiency where people cannot sit down and plan how to use money. Therefore, Mr. Speaker, Sir, we want the Minister for Home Affairs to come out and tell us why his Ministry is so incompetent like this.

Mr. Speaker, Sir, turning to the Ministry of Health, when I look on page nine of the Report, I find that the Ministry of Health spent Sh. 15,743 on buying tyres from a firm which is not a Government contractor. In fact, it is provided in the regulations that there is a Government contractor who normally gives a discount, and that Government must buy tyres from that specific firm. Members of the public usually receive 40 per cent discount from such a firm and Government normally is given 50 per cent discount. Now, Mr. Speaker, Sir, we fail to understand why the Ministry of Health bought tyres worth Sh. 15,000 from a firm which is not known to the Government. Mr. Speaker, why is this? Do they have some friends who store tyres along River Road and they tell these friends of theirs that they have some extra money in their Vote and, therefore, they can buy tyres from them? Is this what it amounts to? The Government must follow its regulations. We have regulations which control finance and these regulations must be observed, if not, Mr. Speaker, Sir, it clearly means that if a Permanent Secretary or the Director of Medical Services has a friend along either River Road, Kericho, Homa Bay, in Kajiado or wherever it could be, all he does is to go to such a friend and tell him,

[Mr. Migure]

“Look, I have some money in my account and, therefore, I can buy some tyres from you” if this is not true, Mr. Speaker, Sir, why should they buy tyres worth Sh. 15,000 from a firm which is not a Government contractor? This also means that these people cannot give Government any discount, but even if they do, what for?

Are we going to penalize the people who normally go along Kaloleni route when they have taken one Kimbo tin of African liquor? Are we justified when we arrest these people and later on fine them just because they are drunk and, therefore, they have disobeyed a certain regulation, when the Government itself, which is supposed to be responsible, does not observe regulations? Mr. Speaker, Sir, are we being fair? If we want our citizens to be disciplined, we as a Government have to be disciplined first and, therefore, the Minister for Health must come out with a clear explanation about this. Mr. Speaker, Sir, this is why I am supporting this Motion because we want whoever is going to be found responsible for any overexpenditure—be he an accounting officer or a Permanent Secretary, he should be demoted or even be made an executive officer grade three. That is all, and then we can wait and see whether he is going to apply for a job in any of the private firms. We can even block his chances for getting any job. If such a person thinks that he can mess about with the Government finances for two years and after that he gets a job in a private firm to frustrate the *wananchi*, we can even lock him in. We want these people to tell us why the Minister for Health purchased tyres from his personal friends and failed to observe the Government regulations.

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

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

Mr. Deputy Speaker, Sir, I would like to come to the Ministry of Works. Now, Mr. Deputy Speaker, Sir, the Provincial Engineer, Central Province just decided to buy goods, that is, furniture, carpets and other non-standardized items of furniture amounting to Sh. 24,475. These items, Mr. Deputy Speaker, Sir, were bought without any reference to the Central Tender Board. This is another Government Department which decided to ignore the regulations. Mr. Deputy Speaker, where do we go now? If we keep on doing things like this when I go to Mbita my people will ask me if what they saw on the Report of the Accounting Committee is really correct, what the Government is doing about it. Is this how you want the tax

money to be spent? Mr. Speaker, this is tax money which the chiefs are robbing the *wananchi* in the reserves. Sometimes you find somebody, has no money and further to that he has about ten children and only owns about two *ngombes*, is told to pay tax, and when he pays the tax, somebody just sits in his office on a sofa set with a cigarette in his mouth and then he says he is going to buy furniture worth Sh. 27,000 without referring to the Central Tender Board. The Central Tender Board is the body which represents the *wananchi* and this is why the regulations say that the Central Tender Board must approve the purchase. I quite agree with the Committee's recommendation that this money should be recovered and I am glad that about £5,000, that is Sh. 100,000 has already been recovered. Mr. Deputy Speaker, you can see for yourself that if we are careful in this Government, and I am saying this because I have been a civil servant and I am sure they cannot tell me that I do not know what regulations are, we are going to run this country down. Mr. Deputy Speaker, if we are not going to watch closely what is happening in this Government, we are going to run down this country. When the *wananchi* want jobs the Government says there is no money. When we need maternity hospitals, when we want free primary education because our fathers cannot afford educating their children beyond that level, they say there is no money. Where does this money come from? Mr. Deputy Speaker, are we really helping the nation or what are we doing?

Mr. Deputy Speaker, Sir, we cannot have departments which are not prepared to observe the regulations governing this country. We do not know whether these people who are buying things without referring to the Central Tender Board have their friends there. How do we know that the goods are costing Sh. 15,000 and the rest, Sh. 12,000, they put into their pockets? How can we know this? Mr. Deputy Speaker, we are suspicious. This House must know all about it. How do we know what they discuss over a glass of beer? Do we know it? We do not know what they discuss and then we sit in this National Assembly and discuss our financial implications. This is the kind of discussion I would ask hon. Members to be very much concerned about. The Members must be concerned about these discussions because this is the centre of our Government. We can run down the country by being extravagant and we can promote this country by being economical. We cannot do this because of inefficiency. In fact, Mr. Deputy Speaker, if I was given this Government for one year, you would see how I could deal with these people. We cannot allow this sort of fiddling to

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go on. How can we allow this? The Auditor-General is doing his duties well and these people are not even prepared to listen to what he is saying.

There is another thing which the Auditor-General is complaining about in this Report, that the police department was in 1968 unable to audit the document in the Provincial Headquarters. Mr. Deputy Speaker, Sir, why were these documents not audited and where were the documents? We want to know why, for instance, the Police Department, the documents are not even ready for auditing. We want to be told this because the Auditor-General is doing his best. He has done his duty and, in fact, I praise him. He is a man of prestige and I wish I could promote him. I could make him the Permanent Secretary for the Audit Department. I do not mind calling him the Auditor-General. This man knows his job and has given us the accurate Report. However, we want more information. If somebody is not willing to tell us, even if he is a Minister or a Permanent Secretary, what the Ministers can do, if they want to save Kenya, they should make sure there is a proper control of money now. However, formerly it was difficult for the Ministers or their Permanent Secretaries to know because of their chief accountants. It is the duty of the Minister and the Permanent Secretary to take complete control of finance, because when there is no *kodi*, they will come and tell us: "Oh, look, where are we going to get *kodi*, where are we going to get this and that?" and when we give them money, they just go and swindle with it and sit down. I wish I could be given this Government for about 20 days. I would take them to detention camps.

Mr. Deputy Speaker, Sir, I am coming back to the office of the Attorney-General. This is the law office whereby all laws which regulate this country are supposed to be. This is the central part of all the laws of this country. However, the Report says that the Attorney-General's Office spent Sh. 42,480 to buy some stores costing that much, without reference to the Central Tender Board. This means they just decided to buy things the way they wanted. Now, do we know from whom they bought these things? We are supposed to know from where they bought them. If the Attorney-General's Office is messing about, and that is the law office, how do we expect the ordinary man, who is living in Kariakor not to mess about? This is funny, Mr. Deputy Speaker. This is the office which we least expect to mess about and if they are messing about like that, what about an ordinary man like Migure, who can take some *chang'aa* around Kaloleni and then

get drunk. Mr. Deputy Speaker, this is frustration. We want the Auditor-General to tell us from where these things were bought and how much was the cost. For your information, we learn from the Report here there are some vouchers which are missing from Attorney-General's Office and the Auditor-General's Office was not able to audit these. Therefore, Mr. Deputy Speaker, this is ridiculous. I think this is the money because of the way these things are done, they are done in such a way that you cannot even detect. They make it quite impossible to check by getting rid of these vouchers so that they are not seen. They also make it impossible by buying things from places which are not even known to the Government. We must be told from where these things are bought. We must also be told what is happening in the Government as far as these cases are concerned.

Now, Mr. Deputy Speaker, Sir, I think I have already mentioned my few points, from yesterday up to today, although my yesterday's address was not reported by the Voice of Kenya, and I wish the Voice of Kenya good luck. I know they do not report, it is up to them. They hardly report, this much I know.

Mr. Deputy Speaker, Sir, I now want to talk on the Ministry of Tourism and Wildlife and this also refers to the entire Government departments. I wish to talk on the imprest. There is a Treasury circular, and I have it in my house, which says that those officers with an imprest, who have not surrendered their imprest within 48 hours, that money should be recovered from their salaries. This, Mr. Deputy Speaker, Sir, is what is in the Treasury circular. This means that if somebody had Sh. 99 million as an imprest in this country, then, the next time he does not surrender that imprest, it means that this money will be deducted from his salary. Mr. Deputy Speaker, this is ridiculous because the procedure we have in our Government at the moment, is not quite sufficient and cannot protect the public money. We want the Government to tell us why they are taking some people to court and then the circular comes out and says that this money should be deducted from the salaries of such officers. Mr. Deputy Speaker, Sir, I am asking the entire Government to find out what is the best way of running this nation. Kenya is a nation composed of all sorts of human beings and we must have a proper procedure. We do not want a country whereby, if it happens to Mr. X, it is dealt with in this way, when it happens to Mr. Y, it is done this way. We have not been given the information as to what is happening to the imprest in the Ministry

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of Home Affairs. We would like the Auditor-General to inform us. We understand there are some people with about Sh. 200,000 imprest and that some of them are written off. We do not know how far this is true, but we want the Auditor-General to submit his report about this regarding those people who have an imprest account and those people whose salaries are being deducted and we also want to know from the President's Office why the same people have not been taken to court while others have been taken to court. This is very important because we must know. This is a Government for all of us and not that when it is happening to Mr. Y, it is like that and when it is happening to Mr. X, it should be like that. We want to know. Already we have a case of this nature pending in the court and I think when this case is over, we shall be able to produce some documents in this House.

Mr. Deputy Speaker, Sir, I have already talked much about the Ministry of Foreign Affairs and I am asking the Minister for Foreign Affairs to be very careful. We do not want this question of entertainment, overseas people buying beer for their friends and then they charge to the public accounts. This must be stopped. It is difficult to get money and we want that Ministry to have some competent officers and also the Office of the President must have competent officers. We do not want Government officers who do not follow the regulations laid down for them.

Mr. Deputy Speaker, because my colleagues share the same views with me and they would also like to participate in this debate affecting this country on financial matters, I beg to support the Motion.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would also like to speak on this very important Motion.

Mr. Deputy Speaker, Sir, it appears as if all the points relating to the Report, have already been covered and all we can do now, is to emphasize, if not to stress, some of these points.

The point I would like to touch on is particularly the Ministry of Local Government. This Ministry has completely been disorganized for a long time. I wonder whether a son of an angel will come from heaven to save this Ministry because all those who come to that Ministry seem to have been inculcated with some evils. That is why in that Ministry, it does not matter who goes there, the same mistakes which started taking place in 1963 are still carried forward to the present date. Now, the whole Ministry is no longer a Ministry. It is a Ministry where all the evils are being cooked. It is fair that from now onwards

these evils will be done away with so that we can have a clean Ministry.

Sir, to make the matters worse we hear that some books of county councils are held by the Ministry concerned for three years without being examined and without being approved. Then, the only conclusion we are left to arrive at is that the whole Ministry is not interested in the welfare of the people of this country. Perhaps, there are some people who are representatives of foreign forces in that Ministry and that is why there is no work being done there.

We know pretty well that in this country there is what is called under-employment, apart from unemployment. So, Sir, when we hear there are some books being held back by one Ministry for three years, then we are confused and we fail to understand how the question of unemployment comes in. How does the question of under-employment come in? Surely that Ministry should have employed more people, it should have been in a position to employ more people if it is under-employed. We want that Ministry to give these views a careful hearing so that they can do something.

Mr. Deputy Speaker, I do not know whether much will be achieved by this House always debating these things. Ever since the Government of Kenya was formed, in 1963, we have never had any Minister who has been demoted or dropped as a result of negligence of his work. This is the tendency which makes the whole of the Cabinet misbehave. Even if they do wrong nobody is prepared to drop them, to demote them. If that cannot happen, then why should we be asked to come here and waste public funds by being paid for the work of talking here, only to find that after having advised our own Government it is not prepared to heed our advice?

The other day, one of the Ministers was dancing with the whole House, trying to think that the mistake was not that of the Ministers. The mistake does not lie within a section of the Civil Service—call it the Senior Civil Service or any other sections—but rather with the Ministers who come here to represent them. The civil servants do not come to this House, neither do they have any representative in this House. They do not come here but they undertake to do whatever they are told to do. So whatever Ministers express in this House reflects on what they do, because they are supposed to be in co-operation. But is there any co-operation between the civil servants and the Ministers? The answer is, NO (in capital letters).

Mr. Deputy Speaker, we are now discussing a problem of the Ministers and Assistant Ministers

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in this House. I have seen some of the Assistant Ministers here behaving as if they are not part and parcel of the mistakes that have been made. The people to be blamed are the Ministers and the people in the superscale grades of the Civil Service. Otherwise, Sir, it would be meaningless for us to come and debate anything here. In order to solve this problem let us accept the principles of demoting and removing a person if he becomes a problem. That is one solution.

The other solution is that we should have a Ministry charged with the responsibility of implementing any resolution, any Bill passed by this House. Otherwise—because the Government has a very tricky method of calling itself a group, having “collective responsibility”—if you are asked to make a distinction between the work being done by one Minister as opposed to the work not being done by another, you will end up not knowing who is at fault. Therefore, it is only fair that we have some sort of parliamentary Minister in charge of implementing anything this House approves or passes. If this is not done we will dance and sing Hallelujah until perhaps heaven and earth meet. And, mark you, Mr. Deputy Speaker, Sir, the two will never meet. If we are to behave in that way, surely we can arrive at a certain conclusion. If things are not done properly, then time and again, we will be coming to this House to say that we are at loggerheads with Ministers. We will also go outside this House and attack members of the Civil Service. Attacks, alone, will not help us to solve this very painful matter. All that we have to do is this: the Government should give this House a hearing. Something Government is not now doing.

Government should also do away with this lame excuse of “collective responsibility” and have a Minister charged with the work of this House. That will solve the problem and there is no doubt about that.

Come to the class of civil servants in the Civil Service who are on the superscale with their President, Mr. Opondo. Sir, see how confused the whole machinery is. There are two trade unions under one employer, one calling itself superscale and the other one, senior whatever-it-is. This is the class which messes about with things because this is the class which has people who keep their jackets on their chairs to represent them during their absence. This is the class which should be criticized very strongly. The other class, after all, never enjoys anything. If there is anything to be increased for the members of the Civil Service, it is only the superscale which is in charge of dividing the

share. The other class which is the common class, which belongs to the majority, is completely oppressed. We were told this very afternoon that the report of the Salary Review Commission is being sat upon by the very same class of superscale people. And, Mr. Deputy Speaker, the other day, without the permission of this House, they increased their salaries and authorized the salary increases. Where did they get permission from? They behaved just like their fellow colleagues, the Ministers who paid themselves a big heap of money by way of gratuities. They also got away with it. That is why I am saying we have only to get two persons and if we can solve the problem with these two persons, then the whole thing will be as good as—

An hon. Member: Kangaroo!

Mr. Karungaru: I will ignore that.

Otherwise, Mr. Deputy Speaker, Sir, it will be useless for this House to be asked to approve anything. Even if we approve this Report I am still doubtful whether it will be implemented. Therefore, if I am allowed I would go so far as to say that we have noted the Report but we feel the Report should not be adopted because, after all, it does not cover the whole thing.

Much as I would like to congratulate the Chairman of the Committee and also the Member who amended the Motion, I would be failing in my duty if I did not congratulate the Auditor-General who has made it possible for everything *here* to be known. We have been told *here* that a certain Ministry, the Ministry of Agriculture, spent a lot of money, and it is not known whether the money used in the transaction of land was between African and African or between European and European because we understand that the valuers of the land are Europeans, the settlers on the land are also Europeans. Who knows what kind of deal these two gentlemen arrived at? Who, then, can say whether this is one of the reasons why that Ministry has lost a lot of money? It also happened that the Minister also was of the same racial group. The whole thing, therefore, was in a mess. God is great and we have now an African Minister there. Now it is obvious that God does sympathize with us. It is because of our prayers that God has come to our aid. We are going to continue praying and we will not be tired of praying. One day God will come to our aid and some of the Ministers will be dropped, some of the Ministers will be demoted, some of these superscale people who are misusing their responsible positions will be dropped and some of the other members of the Civil Service who are in the majority now will be promoted. After all, who went to God and said he should be the only person who

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should rule others while others should not ever get the chance to rule? Who is that person? I can sit *there* and answer questions, I can also move Motions and other things from *there*. It does not mean that those Ministers have super, super brains! It does not mean that we do not have similar brains.

Mr. Deputy Speaker, if we are prepared to solve the problem we now have, let us not continue to pretend that there is nothing wrong when obviously things have been brought into the open for anyone to see. The tendency, Sir, is to pretend that we do not know. How long are we going to continue pretending? That is the question.

If you calculate the money being overspent since 1963, you will find that the amount is more than Sh. 100 million, and this money has been spent without the authority of this House. If we go into the question of finding out about the money which is being misused, you will find that there is plenty of money being misused and yet the Ministers come here and say, under the usual pretext, "Under collective responsibility I am not in a position to say", and so forth. For how long is this question of collective responsibility going to continue? We must be told whether or not the Ministers are prepared to work for *wananchi*. After all, every time they come here they come to defend the foreigners. They have no shame. Instead of defending their own indigenous people, they defend the foreigners. Even if the foreigner does something wrong they come here and argue with the whole House and try to defend the mistakes. Time is now catching us unaware and it is only fair that we try to change and change in advance. Otherwise, as I said before, we will be caught unaware.

Another point I would like to bring up is the question of the Public Accounts Committee. In the first place, Sir, Parliament is blaming other institutions. Some of the reports of the Public Accounts Committees, of 1967, 1968 and 1969 have never been debated in this House. This now is a belated attempt to try and solve things. It is an absolutely belated attempt. We are trying to solve things when they are completely out of our hands. The last Parliament did not finish the work and, perhaps, even this one will not finish the work. There are so many lame excuses put forward. We are told, "There is no work. You Members of Parliament can go home." So many lame excuses! They have no shame, they even use a very senseless expression, "Oh, you can go home now to plant." Do these Ministers know what they tell us? Do they know what they mean when they tell us to go home and plant?

Do they want us to go away so that they are free to overspend in our absence? Do they want us to go back home so that misappropriation can go ahead? So that misuse of public funds can go ahead? We are no longer going to continue giving them a blank cheque. We have tested you and we have seen you are no longer to be trusted. So it is fair that the trust you have betrayed and misused should be taken away from you. Mr. Deputy Speaker, if we do not do that, honestly, we are not going to solve the problem. If we continue to sympathize with such a situation, then the hard work on which we are now pronouncing will not achieve anything. It will only be an evil philosophy for any of us to think that if we leave things as they are now this situation will be solved.

Sir, you will remember, we had a Ministerial Committee and if this Committee could have continued, surely some of these overexpenditures would have stopped. If the Ministers are prepared to give a hearing to the Members of this House, then a problem such as this would be arrested. But I do not think the Ministers are strong enough to digest any advice they are given by the Members. This is the whole trouble.

First of all, this Assistant Minister who is looking at me—

The Assistant Minister for Finance and Economic Planning (Mr. Balala): On a point of order, Mr. Deputy Speaker, is the hon. Member in order to stop me from looking at him?

Mr. Karungaru: Mr. Deputy Speaker, I do not like his face.

He is in charge of the Ministry which we are now debating, the Ministry which is now in a mess like nobody's business. And we do not want this kind of thing. Every time he comes here you hear him talking about, "Oh, we must now go abroad and get more loans." Sir, do you know that Kenya is almost mortgaged by some of these loans? Our children will be responsible for repaying some of the unnecessary debts. We are paying money to some fellows who are not supposed to be paid. This act of brutality should be condemned. We will not continue welcoming it any further. We want to cut our coat according to cloth. No more going abroad for loans unless this House has been approached on that matter and has approved it. Otherwise, the whole thing will be the same as it was during the Lancaster House Conference, when the whole country was mortgaged.

I believe, Sir, we do not have the Great Britain ambassador in this House who will dare to represent them so that our people may go naked,

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our people may go with empty bellies while other nationals in foreign countries and British nationals are well fed. Some of the people are now sleeping in the open air; in Nairobi, some people have no houses. When they demolished the so-called shanties, the people are now sleeping in the open air. If they were to come here— If there was an Act allowing them to come here and present their views, that is when you could know that surely, you are irresponsible.

Mr. Deputy Speaker, if we are to accept the sentiments which I have expressed, surely, we will be solving this problem. However, Mr. Deputy Speaker, this is not going to be possible, because I have never seen any African Minister, after having been proved wrong, who is all that daring enough to resign. I have never heard of any African Minister or Assistant Minister, who is so daring, despite the fact that he says that he loves the country. In Great Britain, if a Minister is proved wrong, he resigns; he tenders his immediate resignation.

An hon. Member: How about Kaggia?

Mr. Karungaru: It is only Kaggia and Dr. Waiyaki who did it; the rest are still dancing, even when there is a mistake.

Mr. Speaker, we want them to learn a lesson from other countries; we do not want them to sit on fire, only to find, after they have burnt their buttocks, that is when they start crying, and nobody can then help them. You must be daring enough to tell His Excellency the President the mistakes which are happening in your Ministries, and that is only when we can solve the problems we have in this country. First of all, you do not see the danger of unemployment; this is the one which is going to face you, with the young people when the elections come because these are the most affected people in this Republic, and these are the people who will put this country right, because they are the future leaders; you cannot deny that.

Mr. Ayah: On a point of order, Mr. Deputy Speaker; I hate to interrupt my hon. friend, but is he in order to refer to other hon. Members' buttocks in this House— I said other hon. Members' buttocks, is he in order to refer to them?

The Deputy Speaker (Dr. Waiyaki): I did not hear— I do not want to hear about those; I do not think there is any necessity.

Mr. Karungaru: I do not know whether we have a better word that we can use; anyway, you should call a spade a spade.

Mr. Deputy Speaker, I do not want to wage a war with my colleague, the hon. Member, but, Sir, this is a matter which we should not joke about; this is a serious matter, and we must be serious when debating it.

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker; since the hon. Member has been irrelevant for about 10 minutes now, can you give a directive to the effect that he should be relevant to this Motion?

The Deputy Speaker (Dr. Waiyaki): No, I do not think he has been irrelevant to the Motion.

Mr. Karungaru: Never (Inaudible).
Mr. Deputy Speaker—

The Assistant Minister for Health (Mr. ole Oloitipiti): On a point of order; Mr. Deputy Speaker, Sir, since the House has really laboured on this very straightforward Motion last week and today, could I be in order to call upon the Mover to reply?

Hon. Members: No! No!

The Deputy Speaker (Dr. Waiyaki): We can consider that; the question is that the Mover be now called upon to reply.

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

Mr. Karungaru: Just see the sentiments expressed by this House! Some of the Ministers who are sitting in the Front Bench think that this is a simple matter; that this is not a serious matter; just see how they behave, Mr. Deputy Speaker, Sir! When the House is serious, they are not serious at all. You will be made serious one day! Yes!

Mr. Deputy Speaker, time and again, we hear of the places, according to the report, where some recruitment was carried out without the administrative machinery's authority. Why did this happen? It is because the Ministers, instead of going to read their files in their offices, they do not do so; they trust their Permanent Secretaries and trust other people. Now, that is why I am saying that the deal was being made by two persons, and they should not at all, try to run away from that responsibility. We are not going to continue asking members of the Civil Service any more questions; we are going to face Ministers, who are with us in this House, and who have a tendency of joking with the House, even when the House is serious.

Mr. Deputy Speaker, coming to the question of the Ministry of Home Affairs, the other day, this Ministry had to go and rally policemen at somebody's house, simply because that person

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was having a birthday party; without any shame, whatsoever, even going as far as to infringe and violate the Constitution, which we are all supposed to defend in this House. Are we really talking two kinds of languages in this House? Is that not overspending— Who had authorized this? Who authorized them to do that; they are overspending, and the following day they come with Supplementary Estimates, and then ask us, "Oh, gentlemen, we overspent." You overspent; who authorized you to go into these petty businesses? Who was to be helped, by the police being rallied at somebody's house, when criminals were attacking people, when criminals were busy breaking into banks, when they were busy breaking into houses, and so forth. They could only, without any shame whatsoever, go and rally police officers, with more than 20 vehicles, with all this kind of—

An hon. Member: Overspending!

Mr. Karungaru: Overspending money unnecessarily, on somebody who is innocent; a citizen of this Republic, and they had no shame; no shame whatsoever!

Mrs. Onyango: Were you one of those people who were chased away?

Mr. Karungaru: They had no shame that they could even ask a Member of Parliament, like the Member for Embakasi, "What is your car number?" They could ask what was my car number, instead of them reading it. Under what rules of the laws of this land, could they ask me such questions?

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order; is the hon. Member not anticipating a debate, which is likely to come to this House?

The Deputy Speaker (Dr. Waiyaki): I do not know whether there has been any Notice of Motion; if there has not been a Notice of Motion, then I am not aware, in fact, that there is a debate likely to arise.

Mr. Karungaru: (Inaudible). presented in this House, and we will reject it because we did not ask anybody to go and misuse public funds.

Mr. Deputy Speaker, again, the Member concerned has been in this House for a long time; he knows very well that a Member who can anticipate something which he is aware of is the one who can be questioned, but do I know whether there is any Motion coming or there is anything coming. I am interested in overspending; after all, I am not interested in anything else.

Mr. Deputy Speaker, time and again, the Treasury should be told in the strongest terms possible, that these are not the days of the colonial régime; yes! This is because Kenya did not attain its independence without damned hard working. The people worked hard for it; it did not come from heaven. Yet some people are still dancing—

An hon. Member: What kind of dancing?

Mr. Karungaru: They are dancing in a foreign manner, instead of dancing traditionally to please their fellow friends. Sir, some Ministries are not interested in making sure that the public are provided with the services for which they are entitled to get. A lot of money is not spent by some of the Ministries; instead they send it back to the Treasury. Sir, even the Treasury itself could be the cause of the mess in the matter that we are debating. This is because if an accounting officer goes to ask the Treasury, "We want to spend this money on this or that", the Treasury is as difficult as it used to be in the colonial days. But after having spent the money, that is when the Treasury gives the okay. Could we not subject this kind of serious matter to the Treasury? This is because it is the Treasury which is causing this unnecessary embarrassment to this Government. Mr. Deputy Speaker, Sir, the man in charge— I do not know where he went. However, we are having another man whom we think is going to put things right.

Mr. Deputy Speaker, Sir, with these few remarks, I beg to support the Motion.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir—

The Assistant Minister for Health (Mr. ole Oloitipiti): You can expect "bullets" now.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, thank you very much for giving me this opportunity to say something on this very serious Motion. I want to congratulate the Members of this House because of the serious concern they have expressed as far as the expenditure of public funds is concerned. This is a clear indication, Mr. Deputy Speaker, of the maturity of the Members of this House in matters affecting public expenditure in our country.

It is true, as one hon. Member said, and I think it is only fair and just that the Central Tender Board should be the only authority through which every purchase of Government should go; and not through private individuals who might be friends of other private individuals in responsible positions in Government. This is because public funds are

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public funds and they do not belong to a single individual. However, Sir, I am not very happy about the way in which some hon. Members have attacked the public servants. Mr. Deputy Speaker, Sir, public servants are not angels, and they will never be angels. They are human beings like any one of us. They might have made a mistake without knowing that it was a mistake. Mr. Deputy Speaker, Sir, I think some of the mistakes which public servants might fall into arise from this House.

Kenya as a developing nation, Sir, has many and varied problems. When the Budget is prepared, it is prepared with certain things in mind. However, when this House comes to debate the Estimates and what ought to be done by Government, hon. Members of this House from their respective constituencies, bring forward more demands on public money, public revenue and therefore, some items have to be included after the preparation of the Estimates is completed. Mr. Deputy Speaker, Sir, for very genuine cases like that, we have to prepare a Supplementary Estimate from this House. Therefore, if hon. Members of this House honestly, say that no Supplementary Estimates should come forward because there has been overexpenditure here and there, this is not going to be the answer. Hon. Members of this House know very well that they are custodians of the interest of this country as a whole. Whatever ought to be done in this country, has to be proposed by the hon. Members of this House.

An hon. Member: Question?

The Minister for Co-operatives and Social Services (Mr. Muliro): The hon. Member says, "question". I accept there are questions on me, Mr. Deputy Speaker. However, I know very well how Members of Government, Cabinet Ministers and the civil servants become very worried about that "question". When that hon. Member says, "question", with that word Government becomes very concerned. Therefore, in Kenya as a developing nation, we must accept one thing that we must not be rigid in our views as far as development is concerned; that in the case of development in the course of the year problems might arise; projects might arise and those projects will demand some money and therefore, we must come forward for Supplementary Estimates. Secondly, Mr. Deputy Speaker, Sir, we must also accept that Kenya is being governed and that Kenya has a political Government. A political government is subject to political pressure and because of the political pressure, the Government might do certain things which some hon. Members might con-

sider as overexpenditure and come before this House to complain. But we do that in the best interests of this country, not in the best interest of individuals or civil servants.

An hon. Member: No!

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir, some hon. Member says, "No". I will quote one simple example.

Last year, Mr. Deputy Speaker, I was touring a given constituency accompanied with a given Member of Parliament. We then visited a given school and left. After this visit the school was burnt, when the children were trying to get *asali ya nyuki*. That hon. Member had to go to Government to ask for some money in order to put up a school for those unfortunate children. The Government would have not refused to grant the funds. This was political pressure and we do not want political criticisms.

Mr. Deputy Speaker, Sir, another point I would like to talk on is this: yesterday it was very much emphasized here about our Ministers who have been leading Kenya delegations to the United Nations. Ever since Kenya became independent, the following Ministers have led delegations to the United Nations. The first man to lead the Kenya delegation to the United Nations was, the now detained, Mr. Oginga Odinga who led the delegation in 1963; in 1964, 1965, 1966, the former Minister for Foreign Affairs, Mr. Murumbi led the delegation. In all those four years, Sir, these Ministers used a Limousine or a Chevrolet or whichever good car was available. In other words, Mr. Deputy Speaker, once a precedent has been made, when you change it, you have to explain. Therefore, Sir, Kenya, having made a precedent, had to explain.

Mr. Deputy Speaker, in 1967 when the hon. Mr. Nyamweya led a Kenya delegation when he was in the Ministry of Foreign Affairs he also used the same vehicle which the other Ministers had been using. Sir, in the following year, in 1968, the late Mr. Argwings-Kodhek led a Kenya delegation and he used the same vehicle which had been used in 1963.

An hon. Member: Are you teaching us history?

The Minister for Co-operatives and Social Services (Mr. Muliro): Well, if I am a historian, it is unfortunate that I happened to be a student of history but I am just trying to make a point.

Sir, in 1970 the present Minister for Foreign Affairs, Dr. Mungai used the same vehicle, a Limousine. Now, Sir, the point I want to make is that there is no value in the heated argument,

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singling out one individual, the Minister. It should have been that the senior Government officers had been wrong. That senior Ministers have been wrong from the beginning to the day when they—

Mr. Ayah: On a point of order, Mr. Deputy Speaker, the Minister has made a specific statement that a certain vehicle has been used over the years by certain Ministers, can he state which vehicle it is and what registration number it bears and so on, because he is making a very serious statement?

The Minister for Co-operatives and Social Services (Mr. Muliro): What I have said Mr. Deputy Speaker—I am sorry if I mentioned a definite vehicle—those large vehicles called limousines are the ones which have been used all these years. A given make is what I meant Sir, and so my hon. colleague, the Member for Kisumu Rural should bear with me.

What I was trying to put forward Sir, is that there is no need in this House to single out any individual Member for either political assassination of character or trying to minimize an individual, a Kenya Government Minister or a Kenya Government representative. If the mistake has been there, what hon. Members in this House, be they—

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, Sir, I am not interrupting the Minister deliberately but I think it is necessary to make this one point clear because, I think, he is misleading the House. When the Ministers go to the United Nations, they either use the Ambassador's car or they are given allowances to hire their own cars. In this particular case, the Minister used a private car instead of using the Ambassador's car, and if he used a private car he had to pay for it from the allowances given to the Ministers.

Hon. Members: Hear! Hear!

The Minister for Co-operatives and Social Services (Mr. Muliro): Well, Mr. Deputy Speaker, the hon. Mr. Gatuguta who is the Chairman of this body is a permanent representative of the United Nations. Why other people are never sent in his place I do not know.

Mr. Nthenge: On a point of order, Sir, can we get a clarification from the two statements? Mr. Muliro, the hon. Member for Kitale East has said that the leaders of the Kenya delegations have used the same make of cars and now another Member who has a personal knowledge—because he was there—has told us that they were hiring

other cars. Which of the two stories are we supposed to believe as the correct one?

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, if I made an error, then I am sorry but I said they have been using big vehicles. They might be Chevrolet, Cadillacs, they might be Limousines, they might belong to the Ambassador of Kenya, they might belong to a private firm in the United States but the fact is that they have been large vehicles.

Mr. Deputy Speaker, Sir, another point I would like to raise on this Motion is that the Government Ministers are policy makers and as policy makers they can be rightly criticized in this House for not controlling their civil servants to behave in a given manner. This I accept as a responsibility of Members of the Cabinet. However, Mr. Deputy Speaker, there are smaller details. Ministers are never accountants; they cannot sit at a desk all the time. A Minister has to formulate a policy and if something is derailed in the Government machinery he can never go through all the Government civil servants' work to know where things have gone wrong. Honestly, we, the Ministers of the Kenya Government can never be looked upon as the accounting officers. The accounting officers today, through the Ministries—

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, Sir, is the Minister really in order to confuse the House saying that the Ministers are not civil servants to sit down and be responsible while we know that the meaning of being responsible is being the controller and it is the controllers' duty to check up everything? Why should the Minister confuse the House.

The Deputy Speaker (Dr. Waiyaki): The Minister has clearly stated what is a fact. The accounting officers of the Government are Permanent Secretaries in the Ministries. The Minister is responsible for formulating policies which the Permanent Secretary is supposed to abide by. But, in fact, the man who is responsible for accounting for expenditures within a Ministry to the Treasury and to the Public Accounts Committee is the Permanent Secretary, except where the Minister, of course, is personally involved in expenditure, for example throwing parties in the National Assembly which possibly may exceed the amount he is allowed to spend or in the case that has been quoted by Mr. Gatuguta—the use of a vehicle which he pays for by using money not within the personal accounts that he is given. Apart from that the accounting officers are given specific letters by the Treasury which authorizes them to look after the accounts of the Government. That is a fact.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, since we are operating a Parliamentary Government is it not a Constitutional position that a Minister, in this House, is responsible for whatever his own civil servants under him do and, that he cannot come and tell this House that he is not responsible but his subordinate is responsible?

The Deputy Speaker (Dr. Waiyaki): There are two issues here. The control of Government is specifically in the hands of the President and his Cabinet. That is clearly understood. Mr. Muliro was trying to raise the point that he does not scrutinize, day to day, the small, big or medium expenditures within his Ministry. It is the duty which is given to an accounting officer within his Ministry but the overall coverage, of course, in this kind of Government is accounted for by the Ministers.

Mr. Seroney: On a point of order, Sir, take for example a Minister's own Ministry. Is the Minister for Co-operatives and Social Services not responsible to this House for anything done by his own Permanent Secretary?

The Deputy Speaker (Dr. Waiyaki): That is exactly what I said; that a Minister has the overall responsibility for formulating policies and for whatever goes on in his own Ministry, after all he is in charge of the administration of that Ministry. However, Mr. Muliro's point—and this is where the difference is—was that he does not scrutinize day by day what goes on in his Ministry and hence the overspending for which he is being questioned to explain to the House.

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, Sir, since we know that even the Permanent Secretaries are "Ministers", what will prove the irresponsibility of the Minister if he is not responsible enough to know how to control his Ministry? What will prove his irresponsibility?

The Deputy Speaker (Dr. Waiyaki): I do not quite get the point there. Perhaps you might explain further.

Mr. Kitonga: Mr. Deputy Speaker, Sir, I am very sorry. I have been very angry.

Hon. Members: Speak in Kikamba.

Mr. Kitonga: Yes, even Kikamba is all right.

Mr. Deputy Speaker, Sir, my point of order is, I would like to know, if it is suggested that the Minister is not responsible for knowing what is going on regarding the accounts, how can we know the Minister who is irresponsible in his Ministry?

The Deputy Speaker (Dr. Waiyaki): This kind

of problem, of course, requires a little study. It is not possible to be replied to and get all the details here by raising a point of order. But if the hon. Member would like to study this a little further, study the Constitution and the Financial Orders he will find that, in fact, the accounting officer is not the Minister. The accounting officer is the head of his Ministry in the Civil Service but not within the political side. But, of course, the Permanent Secretary is responsible to the Minister for what goes on within the province for which he is responsible. Therefore, the Minister in his turn has to explain to this House where things go wrong within his Ministry's administration—in other words, within his Ministry.

The Minister for Co-operatives and Social Services (Mr. Muliro): Thank you very much, Mr. Deputy Speaker. The defence has not been a bad one.

Mr. Deputy Speaker, what I said is very simple and straightforward. I said that Ministers in this House are responsible for defending their Ministries. We defend those Ministries simply because if the Ministry is being derailed we put it right as policy formulators. That is so much and so good, for the time being, Mr. Deputy Speaker.

The other point which the hon. Member for Embakasi has said is that the President of this Republic must abolish completely the whole idea of collective responsibility. The British Cabinet system, Mr. Deputy Speaker, is based on collective responsibility. The hon. Member—

Mr. Mwangale: On a point of order, Mr. Deputy Speaker, Sir, would I be in order to ask either you or the Minister speaking to define in the context of this Government what is meant by collective responsibility, and give examples of what has been the collective responsibility of the Front Bench?

The Deputy Speaker (Dr. Waiyaki): I think Mr. Muliro is more qualified than I am to explain what the Cabinet, as a Member of the Cabinet, regard as collective responsibility either inside or outside this House.

The Minister for Co-operatives and Social Services (Mr. Muliro): Well, Mr. Deputy Speaker, Sir, collective responsibility means that a decision made by the Cabinet as a Cabinet is binding to all the Ministers in that Government. If it is not binding on that Government as a Government— If one disagrees, Mr. Deputy Speaker, with such a stand one has to resign. One cannot disagree with the collective stand and remain in Government.

The other point of collective responsibility is when a Motion comes into the House like this

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which challenges the confidence of Government. The Cabinet Ministers and Assistant Ministers have to vote for Government. If one of them does not vote for Government he has to resign. Unless it is a free vote, Mr. Deputy Speaker, he will have to resign.

Mr. Mwangale: On a point of order, Mr. Deputy Speaker, that appears to be a fairly elaborate definition of collective responsibility. Will I be right in asking the Minister now speaking to confirm or deny that we have had several occasions here when that collective responsibility has been converted into a cunning and evasive method of dealing with some affairs?

The Deputy Speaker (Dr. Waiyaki): I think that is outside the Motion that we are discussing. Perhaps, this can be pursued outside the swinging doors at the end of the Chamber. But this is not a matter that we must pursue at this stage. This is an academic or political issue that should not be pursued within this Motion.

The Minister for Co-operatives and Social Services (Mr. Muliro): Thank you very much, Mr. Deputy Speaker. I am a political scientist and my friend is a chemist. So we do not understand one another.

The point I was making was that my colleague, the Member for Embakasi had said that we must abolish the system of collective responsibility. I said that under the present Government my friend is just crying for the moon. Although the moon seems to be very near now—the Americans have gone to the moon several times. What the hon. Member should have put forward possibly would have been that if Government fails to do what is collective then he should criticize Government from that side. But it is not fair to say that we do not want to have here— Our system of Government is that we accept a Ministerial Government and a Parliamentary system based on collective responsibility. As far as we are concerned in Kenya we will continue like that until things change.

The hon. Member for Embakasi also made a very big play of the troubles which are impending in this country that might overtake us if we do not look after the funds properly and if we do not take matters of Government seriously. But, Mr. Deputy Speaker, we should accept our responsibility as Members of this House collectively because if the Government of this country is overtaken today none of us will be in this House. Therefore, the more vigilant we are as the House, irrespective of whether one is a Minister and another one is a Back-bencher, we

are all bound in one basket. In other words, we have to build this country together.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, is the Minister not misleading this House by pretending that even the Back-benchers, who are not charged with any responsibility of running the Government—the Back-benchers do not have any offices in Government Ministries—are to be blamed if the Ministers mess up the whole thing? Is he not misleading the House?

The Deputy Speaker (Dr. Waiyaki): It is not true that Members of Parliament can altogether escape blame for what goes wrong with our finances in this country. After all, one of the big functions of this Parliament is a critical function. That is why we have the Public Accounts Committee and that is why there is a debate passed to us on the findings of the Public Accounts Committee. If we do not deliberate and express ourselves in the proper manner as to the expenditure and then arrive at the right conclusions, naturally we do not escape blame.

Mr. Karungaru: On a point of order, now that you have ruled that we will never escape the blame, is it not also fair that Ministers, from today, should try to give Members of this House a hearing, which they do not now give?

The Deputy Speaker (Dr. Waiyaki): That is a point of argument. I did not say that Members of Parliament will never escape the blame. That is the point of this discussion. Members of Parliament are expressing themselves in on uncertain terms on certain findings of the Public Accounts Committee Reports of 1967/68 and 1969/70. Members of Parliament are in the process of blaming Government for any misdeeds and also exonerating themselves. However, all together, if matters are not corrected from year to year, Members of Parliament cannot hope to escape the blame.

The Minister for Co-operatives and Social Services (Mr. Muliro): Thank you very much, Mr. Deputy Speaker.

The truth is, Mr. Deputy Speaker, that all Members of this House, be they Ministers, Assistant Ministers or Back-benchers, have a responsibility and a duty to this country as far as public funds are concerned. We cannot avoid it. After all, every Vote comes before this Parliament and if we do not want a given Vote, we, as Members of Parliament, can say "No." This is because this House is the only body in the whole Republic that can determine the tune of expenditure of this Republic. Therefore, we cannot avoid it. This is why I have said that Members of Parliament expressing themselves

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freely in the way they have done is a great service to this country. We, some of us, as Ministers, definitely take note— And any Minister who cannot take note of what Members have said in this debate for the first time in this House since Kenya became independent—such a Minister would be a fool. I would use the word, “a fool”, if it is parliamentary. He would be living in a fool's paradise.

So, Mr. Deputy Speaker, with these few remarks, I wish to note what is going on.

Mr. Mwangale: Mr. Deputy Speaker, Sir, I would like, first of all, to thank all the hon. Members who have done a tremendous job in discussing the Public Accounts. I want to point out that my speech will be very short and very brief.

We have reached a stage which, as far as public expenditure and the relationship between the Civil Service and the political arm of the Government—as represented by this House—is extremely dangerous.

Mr. Speaker, Sir, Members of Parliament have levelled accusations against civil servants for good reasons and for bad reasons. I want to point out, after speaking to quite a number of senior civil servants, the problems which they think have been incorporated in our own system of accounting and in our own system of the so-called Constitution, which make it impossible for overexpenditure to be avoided.

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order, Mr. Deputy Speaker. Is the hon. Member in order actually, to describe Kenya Constitution as “the so-called Constitution”?

The Deputy Speaker (Dr. Waiyaki): He is terribly out of order. We have all sworn to respect and honour our Constitution and so we cannot use words which mildly or even severely criticize our Constitution. The only time when we have a chance to do that is when we change or discuss certain parts of the Constitution. However, we have to use a language that honours our Constitution.

Mr. Mwangale: Thank, Mr. Deputy Speaker.

Hon. Members: Withdraw.

Mr. Mwangale: I was mentioning, Mr. Deputy Speaker, Sir, that one major set-back which contributes to overexpenditure arises from the fact that when Ministries prepare their estimates and these estimates are forwarded by the accounting officers to the Treasury, usually, these Votes are

cut down or reduced by the Treasury. We gather that in most cases the accounting officers are not informed or called upon to come and have it explained to them why such a decision has been taken by the Treasury. It is also argued that because we have, I think about five accounting units throughout our Government, it is not possible for the accounting officers in the individual Ministries to be able to follow the pattern of expenditure in their individual Ministries.

It is also argued that the overexpenditure, as it is reported in the Public Accounts Report or the Auditor-General's Report, is mainly on useful development projects which have been proposed by the hon. Members of this House.

Mr. Deputy Speaker, Sir, taking all these facts into account, I have few observations to make. The first one is that in some respects, the accounting officers and other officers—administrators—in the various Ministries have failed to observe the regulations and the accounting procedures which they themselves have laid down, as a matter of policy.

Several examples have been given here. I am not going into details but I can mention one or two, including the Ministry of Co-operatives and Social Services, which do not say very much about the responsibility that our Ministers have in so-called accounting systems in their individual Ministries.

I want to, particularly, point out one area, Mr. Deputy Speaker. First, we have just been told in this House by an hon. Member that various vehicles were ferried to a certain Assistant Minister, whom all of us are aware of, and that 20 vehicles or so cordoned off his house and police officers were asked to turn away guests and so forth. Mr. Speaker, Sir, that Ministry—I should assume that the police come under the Ministry of Home Affairs. That is one aspect of which overexpenditure must be carefully scrutinized. Is it really serving any useful purpose for us to begin to play with political fire in this House by not only utilizing public funds to do the wrong jobs but also by violating the very Constitution which we have sworn to protect? We have seen another example of wastage of public funds through wastage of public time as we saw hon. Ngala waste about an hour discussing an issue that should have taken exactly one minute. Sir, if that one hour were converted into money, Mr. Deputy Speaker, Sir, and was calculated over one Financial Year coupled with many Mr. “Ngalas” coming up like the one we saw, how much money would we spend on wastage of public funds in that manner?

[Mr. Mwangale]

Mr. Deputy Speaker, Sir, we pass Motions here. We spend the whole Friday morning here discussing Motions, but some are not implemented by the Government. If the Government is not prepared to implement those Motions which are debated in this House passed by a majority vote of Members in this House, and taking into consideration that we are paid to debate those Motions, Sir, why are we prepared to spend public money in that way? Mr. Deputy Speaker, Sir, it is a great shame and, I think, we have reached a stage where we must be able to control our own finances. Now, if we do not control our own affairs, I think it is high time somebody packed up this House and we went home.

I want to mention some other points which some senior civil servants happened to put in the papers. I would like to point out that the civil servant in that particular case was irresponsible. In the first place, Sir, he claims that hon. Members of this House or some hon. Members in this House are bankrupt politically and that they are using this particular issue to enhance their positions in their constituencies. I want to point out that this very senior civil servant not only did he look at the very accounts we were discussing, but also, Mr. Deputy Speaker, Sir, he is flat bankrupt upstairs. In the first place, Sir, we know that there is direct overexpenditure. This comes because of the various points which have been given in this booklet and also in the Auditor-General's Report; it was very detailed. Now, if he wanted to find out why this overexpenditure took place, he could have taken the Public Accounts Committee's Report to analyse it in public, say, a Press conference including the verbatim report of the accounting officer who were interviewed by this Public Accounts Committee.

The second part is that of unauthorized expenditures. An example of this is that of some senior civil servants who take an imprest of KSh. 38,000 or so—

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir, I am rising to seek your guidance on the term "so-called". Is it really proper to refer to an actual thing as "so-called" because it gives an impression that it is not actual? Is it an overexpenditure or is it simply so-called? I am getting a bit confused, Sir.

The Deputy Speaker (Dr. Waiyaki): Well, I think the hon. Member is used to using the words "so-called". Sometimes he possibly does not mean to discredit what he wants to say. However, if you would avoid using the words "so-called", when they do not apply, that will save you from

interjections.

Mr. Mwangale: Thank you, Mr. Deputy Speaker, Sir, I mean direct overexpenditures, hon. Nthenge, and unauthorized expenditures together with misappropriations.

We have in our Kenya Constitution Chapter 7, section 99 up to 106 clearly defined how money can be appropriated for the purposes of Government expenditure. It is also stated in section 102, if I am not wrong, Mr. Deputy Speaker, Sir, that in cases of emergency—when votes that have been voted in House have been completely exhausted—a Ministry can resort to what they call "Civil Contingencies Fund" and be able to collect money from that Fund for the purposes for which they want to use it. Mr. Deputy Speaker, Sir, I do not see any excuse whatsoever why an accounting officer can claim that he had overspent simply because he had to do it. We have provided for in our own Constitution ways and means of collecting money to be properly spent with the authority of this House. It is also, Mr. Deputy Speaker, Sir, known that if our Pay Master General, who is attached to the Treasury, and acts as a clearing house for all Government cheques that are written by our Government could exercise his responsibility by informing the accounting officers of individual Ministries that they had overspent and that their cheques could be referred to drawer, we would not be having some of these unnecessary overexpenditures. Mr. Deputy Speaker, Sir, I think that we have been responsible for causing unnecessary expenses without laying control at the right places because we have the machinery although that machinery is not as good as it should be; we have abused the system itself.

Another point which I note from reading this Public Accounts Committee's Report, Sir, is that the Committee has not been as stringent as it should have been. If you read an item, say, the Kilifi County Council there is a detailed analysis on why there has been an overexpenditure in this particular section. However, all you get from the Committee is that it only suggests that the Ministry ought to take immediate steps and that is all. I think that it is high time that the Public Accounts Committee became much more realistic and much more practical in appraising the problems of our Financial Estimates year by year. I would also, Mr. Deputy Speaker, Sir, looking from what has been said here, say that the Permanent Secretaries who are accounting officers should make it their jobs, their business, to scrutinize from month to month, item by item the amount of money they have remaining in their votes so that they have at least a knowledge as to whether they are over-

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spending, underspending or whether they have enough money in their kitty in order to continue with the projects for which the money has been voted.

The other point, Mr. Deputy Speaker, Sir, which I have noticed in this particular Report is a lack of actual control in the spending of money. In other words, Mr. Deputy Speaker, Sir, the extravagancy. We have heard of rocking chairs being bought by certain officers against the wishes of this House. We also see in the Ministry of Co-operatives and Social Services that an amount of KSh. 14,798 was spent on purchase of foodstuffs from unauthorized sources and that the Government would have saved more than KSh. 2,000 or KSh. 3,000 if these purchases were made through the right authorities. It looks as if we have become conscious of luxury. We want carpets. I think next time the Ministries will be asking for air-conditioned offices. I think that it is now time we scrutinized our own priorities and see whether, indeed, what we are choosing is not a luxury and we are not being extravagant against the limited financial resources that this country can afford.

I want also, Mr. Deputy Speaker, Sir, to say that in order to have a proper system for the future Financial Years starting with the coming Financial Year, a definite appraisal of the problems of this Financial Estimates and what-have-you, the Select Committee which has been proposed in this Motion should be formed immediately. As soon as this Motion is over and it is adopted, Sir, the Select Committee should be appointed immediately and that Committee should call every accounting officer to explain why there has been overexpenditures and also, if necessary, it should ask the Auditor-General to tell us how we can go about introducing a different system of accounting such that we do not have these types of overexpenditures. I am also told, Mr. Deputy Speaker, Sir, that in certain cases it becomes difficult for accounting officers to meet the deadline for handing in all their supplementary estimates by the end of May. I think this House should look into the possibilities of adjusting the timing; the timing for the deadline for handing in their supplementary estimates so that we can give them maximum time to finalize their supplementary estimates so that we can avoid any overexpenditure.

Mr. Deputy Speaker, Sir, with those few remarks, I want to point out one point—just one point—that we have also been told that there are some Ministries which are overspending whereas we have a certain very important branch

of this country which is the Army and which I gather or has been rumoured that they have been denied finance to buy new and more advanced equipment in order to defend our country.

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

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

Here, Mr. Speaker, Sir, we are spending money in the wrong places and we are refusing money to the right people. I think, Mr. Speaker, Sir, this is a very serious matter if we are going to have certain Ministries freely overspending the public funds and other Ministries or certain departments being refused money to spend in the right form. I think, Mr. Speaker, Sir, there is something wrong with our Government. I think, Mr. Speaker, Sir, this question of Army equipment is an important part of our Army defence for defence purposes. I believe, Mr. Speaker, Sir, if we are going to continue to deny this particular section some things for fear—purely because of fear—I think, we are making a very serious mistake. Therefore, this is what I want to find out: why is that fear there because they cannot be given money to buy new equipment.

I also want to finalize by thanking the Auditor-General for his very good Report and I think he could also do a little better by being much more practical by suggesting how we can modify the system because I understand he has done it to the Public Accounts Committee and that this has not been taken note of. Therefore, I hope that this Public Accounts Committee will do a better job in the future.

Thank you, Mr. Speaker.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I would like first to correct certain impression made by the hon. Member who has just sat down.

I think, Mr. Speaker, Sir, some of the accounting system is good, but the failure is with the Ministries. Therefore, having been in the Ministry of Economic Planning and Development, I think, I had better outline the way it works. As early as January, every Ministry is asked to put to the Ministry of Economic Planning and Development its Development Estimates and its Recurrent Estimate for the following year. What happens, Mr. Speaker, Sir, is that in various Ministries, the officers sent to negotiate with the Treasury are not conversant themselves with what they want in the Ministry. This is really the problem, Mr. Speaker, Sir, it is not that the Treasury cuts down the money. I have had an experience, Mr. Speaker, Sir, sitting on a table: a person is

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sent by a Ministry to discuss with the Ministry of Economic Planning and Development and the Treasury; he does not know what he is asking for and, therefore, the Treasury, naturally, reduces the money.

Mr. Mwangale: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Assistant Minister to claim here that an accounting officer, who is a Permanent Secretary, when presenting his Estimates to the Treasury sometimes he does not know what he is doing; I think this is a very serious allegation, Mr. Speaker, Sir?

The Speaker (Mr. Mati): That is not a point of order, Mr. Mwangale. There must be people who do not know what they are doing.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I did not say "accounting officers". I said "some officers" who are sent to negotiate with the Treasury do not know what they are doing. Now, if the hon. Member was a civil servant, as he claims he was, and I have no doubt that he was one, those ones who go to negotiate for money are not the Permanent Secretaries, not even the Deputy Permanent Secretaries, not even the Under-Secretaries; the ones who go are Assistant Secretaries.

Mr. Speaker, Sir, the hon. Member knows the quality of our Assistant Secretaries. I do not say that they are not intelligent. However, when they go to negotiate with the Permanent Secretary in the Treasury, who sits there himself— Mr. Speaker, Assistant Secretaries are transferable from one Ministry to another. This is the point I am making because here the problem does not lie— If that civil servant who told him that the Treasury does cut down the expenditure, it is just because that particular officer himself does not take the trouble to go; he sends his junior officers and when they are defeated, he blames the Treasury.

I have known, Mr. Speaker, Sir, and here I must commend the Ministry of Agriculture because they send their most senior officers to do the job and, therefore, they get all the money they want. This is why there is a difference. If the hon. Members here are honest, the Ministry of Agriculture gets more vehicles; gets more drivers than any other Ministry in Kenya.

An hon. Member: And they overspend!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Now, Mr. Speaker, I am just saying that they go and the money is deducted, I think this is untrue.

Now, the other thing, Mr. Speaker, Sir, is this: here we are not quarrelling with civil servants because they are overspending money for genuine cases. The simple problem is that they are spending money without the authority of this House. This is the only problem. If, for example, like the hon. Member for Kitale, the Minister for Co-operatives and Social Services, who should have been very knowledgeable; if a Ministry does submit a Supplementary Estimate, those are approved by this House and we have no quarrel with these people. However, our real quarrel is with these fellows who spend money without even adhering to the financial orders; without listening to the Treasury; without even consulting Parliament. I think, Mr. Speaker, Sir, this is a very serious matter. I believe, Mr. Speaker, Sir, those civil servants who gave a Press statement should sit back and find out whether they are really protecting themselves or whether they are helping themselves or whether they are just blaming themselves. I am sure we are helping them in this House by telling them their mistakes. It is pointless to go to the Press and start talking about the salaries which the Members of Parliament increased for themselves; just trying to cover up an issue in which they have made an error.

I should say that if they have any complaints to make, they should have made them through their relevant Ministers and that the relevant Ministers would have come here and made their cases clear. However, Mr. Speaker, Sir, to go to the Press and, say, you condemn the attitude of Members of Parliament— After all, Mr. Speaker, Sir, those same civil servants, some of them voted for us in the election and we are back in this House. It does not matter how many times they go to the Press, we might still come back. So, I think it is pointless. Therefore, if they think that they have a problem, let them go to their senior officers and work together and make sure that they do not overspend without the authority of this Parliament.

However, I think, Mr. Speaker, Sir, there is much more to this. When we really want to control the finances of Government, we must make sure that when we are in those positions, we sit on the chair. Mr. Speaker, Sir, it is surprising if you walked into certain offices: the files are there on the table, but somebody is handling something about a farm in Nakuru, his farm in Nyeri, his house in Mombasa and about four hours of his time he has taken in doing his private business. So, what do you see next? A file which has been sent to him to read; he just looks at it and then he asks the officer who sent it, "What were you talking about inside here? I think it looks good."

[The Assistant Minister for Information and Broadcasting]

Then he signed it. Now, Mr. Speaker, Sir, this is not a healthy sign. Some very good civil servants sit and read; they see what their officers are recommending and they take action, but some, Mr. Speaker, their positions are really appalling. It is high time a method is found and, if necessary, sack them from their jobs so that we have clean, good service. Mr. Speaker, Sir, so that we do not have the whole of the Civil Service blamed because of the mistakes of a few. Just a few lazy—I call them lazy civil servants who are making the whole Civil Service be blamed, because they do not want to do their job. What happens to the good civil servants? They say that they are doing their job properly but they are being criticized because of the laziness of the lazy civil servants and so, they shall also be lazy. Now, this is not a healthy sign. I think, Mr. Speaker, we must consider how much private business a public servant can go into. Even if you are a Minister, Mr. Speaker, on 37 boards you cannot perform your duties there effectively. I do not see how a civil servant—let me give an example of a provincial commissioner, Mr. Speaker, suppose he is living in Nyeri and owns *shambas* in Kisumu, in Mombasa and Nakuru, what has he to do? He has either to do the farming by telephone, as we are told some do, or he has just to forget the office and go to his *shambas*. Therefore, what happens to his office? The office is left alone. When an hon. Member says that the civil servant does both, then, one of the duties must slip off his hands because he has to think about his tractors, his cattle, his labourers and so on, and lastly is when he thinks about the province.

I think, Mr. Speaker, Sir, the whole system—When the Select Committee sits down the Controller and Auditor-General should be in a position to advise which ways and means will help so that money is not spent without the authority of this House.

Mr. Speaker, Sir, you will also see the other type of civil servants who, by virtue of having been too long in that office, I think, have become what I might call old-fashioned and tired. If it is necessary, Mr. Speaker, Sir, they should be slowly retired. I think there is one tendency, Mr. Speaker, we take certain civil servants who perhaps we know are not efficient to Statutory Boards. This is the big danger, Mr. Speaker, which we might also put ourselves into. When they get onto these statutory boards a few mis-

takes are bound to take place. Where do we send them next? We do not know and I hope that God will help us one day.

Now, Mr. Speaker, Sir, if this Select Committee is convinced by the Report they have that certain civil servants need to be retired so that the rest can do a good job—I think this is one of the things I would welcome, myself to see done. Mr. Speaker, Sir, there is one thing more on why some of these officers should not blame this House very much. There is always overspending in the Recurrent Expenditure. This is the surprising part of it. On development, money is always returned. Mr. Speaker, Sir, this is a surprising aspect where one can afford to spend money in the normal way which is not for development but the money for development is not overspent. The money is not spent at all but it is taken back to the Treasury and he says that the work was too much. How much work does he do in the office if he does not do any job for development; I think, Mr. Speaker, that we must look at it this way. I would have had great sympathy if after reading the Report I was convinced that all this money which was overspent without the authority of Parliament was for development. How much of the overspent money was for development? Mr. Speaker, Sir, we want to find out what is happening.

Mr. Speaker, Sir, in one of the pages in the Report of the Controller and Auditor-General—he recommends that a certain officer ordered goods and was invoiced, a voucher was made and the money was paid but the goods were collected 20 months later. Now, Mr. Speaker, Sir, this is a very serious matter which I think if those Senior Civil Servants Association officials were serious they could look into their own Civil Service. I think we must commend the Kenya National Union of Teachers because when their members go wrong they always tell them. They do not just defend them. I think this is why the teachers union is very popular and very effective. This civil servants union is—when you touch a civil servant, Mr. Speaker; they all come around you but when they are back-biting hon. Members of Parliament they feel they are doing glory in this world. Why should they not, also, let us do our own. If they are wrong let us tell them. I believe, Mr. Speaker, that instead of them trying to clarify their position in the Press they should see that they do not repeat the same mistake next year and they will definitely get congratulations from this House. If they continue to make the same mistakes, I think Mr. Speaker, they will not get the congratulations from this House. I hope this Select Committee which is going to sit and find ways and means

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of controlling the overexpenditure would recommend very strict measures so that if somebody plays about with money he is surcharged.

Mr. Speaker, Sir, let me come to another point which hon. Members here, perhaps, might not be aware of. Mr. Speaker, Sir, I agree—

Mr. Akumu: On a point of order, Mr. Speaker. I am anxious to know, Mr. Speaker, if the Assistant Minister is telling us that it is impossible for the Ministers today to control civil servants working under them. They need more power.

The Speaker (Mr. Mati): That is not a point of order, Mr. Akumu.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, let me leave that hon. Member who belongs to the Central Organization of Trade Unions alone because he needs to sort out the mess in his own house properly.

Mr. Speaker, Sir, let me come to another point. Here I do agree that a Minister is responsible for running the Ministry, and he is answerable to this House as the hon. Member over there was questioning, but let us look at it this way. How many times does a Minister look at the vouchers which are being made? Let us be honest. There is no point in a Minister or an Assistant Minister coming here to say that he is responsible for the accounts. How many times do we see those vouchers? After travelling to Mombasa and back and I want a voucher, before that same civil servant signs the voucher hon. Kase does not get the money. Let us have the facts clear. I agree that when a Ministry overspent in 1966/67, the Minister should feel ashamed and should tell the civil servants that they are making a mistake and ask them to amend it. When you come here and say that the Minister is completely responsible for this over-expenditure, Mr. Speaker, Sir, I beg to differ with anybody who says that, because when a Minister makes a claim that is more than required, the civil servant should be courageous to tell the Minister that the claim is not in order and he will not pay it. They are very courageous to do this. Why can they not be courageous when they are overspending and tell one another?

The hon. Member from Kwale Central is asking me whether it is true. I have lived long enough here and, I think, I know better about this. Mr. Speaker, I feel that as much as we here would like to blame the Ministers, I think that

any Ministry which keeps on overspending money year after year should feel ashamed and the Minister should control his civil servants. On the other hand, Mr. Speaker, the matter does really lie on the civil servants. This matter does not lie on politicians but it is upon the civil servants because in the final analysis the one who answers the questions from the Public Accounts Committee is the civil servant.

Now, Mr. Speaker, Sir, let us look at this point. Do we really want to do a job because looking through the Report of the Public Accounts Committee we have seen very luxurious chairs bought? Very luxurious and I mean that, Mr. Speaker. Are we going to the offices for luxury or are we going to the offices to work for this Government? How many of our *wananchi* are sitting on those chairs, Mr. Speaker? Some of the *wananchi* are walking naked today, as I speak. Some of them have one piece of cloth to put on and we, here, think in terms of very luxurious chairs that if we do not sit on luxurious chairs our buttocks will pain us. Mr. Speaker, Sir, there is something interesting here. One day I travelled to somebody's home who used to live in Nairobi. He used to tell them that he could not go to work without taking tea in the morning. But when I went to his home, Mr. Speaker, the house in which he was living left much to be desired. I think if we want to work for this nation, Mr. Speaker, we must make sacrifices. We must devote ourselves even if it means working overtime—after all, all of us here are employed for 24 hours and instead of us thinking in terms of having a carpet for the office so that it looks dignified, having big luxurious chairs to sit on, the table must look very big—I think this is not what we are looking for, Mr. Speaker. Even if you work under a tree and give us the fruits—the goods we want—I think this is all that we want from the Civil Service.

I would, therefore, Mr. Speaker, appeal to all those in the Civil Service to make sure that where they think that their friends are going wrong they should advise them. But, I think it will be wrong for we, hon. Members of this House, to condemn all of them wholesale.

Mr. Speaker, Sir, I think the last gentleman I would like to thank is the Controller and Auditor-General. Like what has been said by my colleagues, I think this gentleman needs to be congratulated wholeheartedly because if it was not for this man, all of us in this House would have never known where money was overspent without our authority. I think and I do hope, Mr. Speaker, that the Controller and Auditor-General will continue, in future, to show to this House

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what is wrong in the Government system where money is not being spent properly. I also hope that, because of pressure from his fellow civil servants, he might not feel guilty and refuse to expose them. I do hope, Mr. Speaker, that with the courage he has had before to question and scrutinize Government expenditure, to criticize his fellow civil servants, he will in future continue to do so. By, so doing, Mr. Speaker, Sir, he will be doing our job.

Finally, Mr. Speaker, Sir, I would like to come to the point which was raised by some friends of mine as to what the Motion will do or how effective it will be. Now, Mr. Speaker, we say that we control the expenditure of this Government. Yes, we do.

An hon. Member: In which way?

The Assistant Minister for Information and Broadcasting (Mr. Kase): We are given the powers to do so in the Constitution. But what do we do, Mr. Speaker? Estimates are presented to us by the Minister for Finance. How many Estimates have we ever amended in this House? We have never even said that certain projects should be started in such and such a place. Mr. Speaker, Sir, I feel that when the Estimates are made, be they **Development Expenditure or Recurrent Expenditure**, we should have our Parliamentary Committee of Estimates to sit, Mr. Speaker, so that they can see where under-estimation is taking place. This is one way through which we can avoid over-expenditure. It should be stipulated somewhere that this regulation must work. But this question of living in piecemeal form, Mr. Speaker, might not help us. There should be some time, Mr. Speaker, when the Estimates Committee of Parliament sits and talks to certain Government officers from various Ministries, question them whether the money they are being given by the Treasury is finished, whether the money they are requesting from the Treasury is enough and if it is not enough why they cannot do some amendments. If we do not marry these two things, Mr. Speaker, Sir, I think we might not solve the problem, and if we do not solve that problem we shall still have overexpenditure. I do feel myself that there is something wrong, Mr. Speaker. When I estimate that in the next Financial Year I shall spend £70,000 and when I come to spend I see that I need an additional £50,000, there must be something wrong in my head, Mr. Speaker. If there has never been any emergency, then it means that I was incapable of preparing those estimates. This is what we do not want to see, Mr. Speaker. Instead of confining these estimates

to a few people in the Treasury or to a few officers within the Ministries who are sent to the Treasury to negotiate these funds, we should make it broader, Mr. Speaker, whereby a group of people—and especially parliamentarians here who talk freely without thinking in terms of how much money will be spent but in terms of whether a certain project would be worthwhile in the following year or not—I am sure, if we get to these stages, Mr. Speaker, we shall help our country. But, if we do not do this, Mr. Speaker, Sir, we might not help ourselves. I sincerely hope, Mr. Speaker, Sir, that all of us who have heard what hon. Members have said will take this into their heads and hope that in future we shall not repeat these mistakes.

Thank you very much, Mr. Speaker.

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir, for giving me this chance to speak on this Motion which is a very clear Motion, and a Motion which is asking Members about something which is very important.

First of all, the Motion talks of, and I quote:—

“THAT this House approves the recommendations contained in Part I Reports of the Public Accounts Committee . . . etc.”

Now, Mr. Speaker, Sir, we have to adopt and approve this Report because it is worthwhile. This Motion, Mr. Speaker, Sir, was amended; a lot of other words were added to it. These words are words which are very important, and are words which show that something should be done because it originates from our mistakes. To make a mistake, I agree, is human and anybody can make mistakes, Mr. Speaker. There are many ways of making mistakes, Mr. Speaker, Sir. One, you may make a mistake purely because of ignorance. In such a case any judge, although ignorance is no defence, will always pass his sentence with great leniency because it is purely due to ignorance. Two, one could make a mistake due to negligence. Simply because somebody neglects to check his figures, he makes a mistake. A mistake made through negligence is a greater mistake than the one made through ignorance. Three, one could make a mistake because of a show-down or with the intention of harming somebody. This is, strictly speaking, not a mistake. It is just purported to be a mistake but the intention is to annoy somebody else. Mr. Speaker, Sir, most of these mistakes which are contained in this Report are made in that manner. You can either pretend it is a mistake because you want to steal, or because you want to cheat or you can make a mistake because you want to harm somebody somewhere.

[Mr. Nthenge]

That is a different kind of mistake and it is worse than the first two, Mr. Speaker; the one of ignorance and the other one of negligence. A mistake with an intention of harming somebody is very great, Mr. Speaker. Most of the mistakes which we see here in this Report fall in the third category which is very harmful, Mr. Speaker. There is also a very big element of a show-down, Mr. Speaker. Somebody knows very well that he cannot spend money which does not belong to him but belongs to the public, Mr. Speaker. To that effect there is a spokesman of the public and that spokesman is this hon. Parliament. This hon. Parliament is the spokesman of the public, Mr. Speaker, Sir. Somebody knows that the money is not his, it belongs to the public, the spokesman has not given its okay and yet he spends it. That is what Mr. Speaker, I call a different kind of mistake. It is a mistake that goes very deep, Mr. Speaker. One simply makes a mistake while he knows that he is making a mistake. That person requires a great punishment, Mr. Speaker. There is no single senior servant who does not know that we are the custodians of public funds, and before he goes on spending these public funds, he should check with the custodians whether he is right or wrong. Some of the civil servants have failed to recognize the importance of a Minister. They say, "Who is a Minister after all. I am more educated than he is. He told me to be careful but who is he after all. I run a better car than himself". All sorts of things do appear, Mr. Speaker. These civil servants have these feelings, Mr. Speaker. They make such mistakes, Mr. Speaker, Sir, through such backgrounds. These people, Mr. Speaker, Sir, say, "That House is full of fools. Who are they after all. They are not as learned as myself". These are the kinds of mistakes which I am mainly speaking on. I am worried because I know this is what is happening. Mr. Speaker, Sir, I happen to have a special privilege and that is that I know human beings from A to Z. I have been the lowest type of a man, Mr. Speaker. I have been a hawker and have risen from a hawker to a Member of Parliament, Mr. Speaker.

The Speaker (Mr. Mati): Time is up, you will continue next time.

MOTION FOR THE ADJOURNMENT

CREATION OF HOUSING MANAGER'S POST BY
NAIROBI CITY COUNCIL

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Power and Communications
(Mr. Ngala) seconded.

(*Question proposed*)

Mr. Mutiso: Mr. Speaker, Sir, I rise to speak on this very important Motion, which arose as a result of the question I asked the Minister for Local Government in connexion with the newly created post of the Housing Manager in the Nairobi City Council. Mr. Speaker, Sir, the reply given to this House by the Minister fell far short of the expectations of this House. Mr. Speaker, Sir, after the Minister had made a series of statements in the House and laid various papers on the Table of this House, the Director of Social Services and Housing of the Nairobi City Council wrote an article which appeared in the *Daily Nation* of Wednesday, the 17th of March, this year, of which the heading was to the effect that I was against that post. However, this was overruled. Now, Mr. Speaker, Sir, if you read the contents of the article, which I do not want to tire the House by quoting, except perhaps later when I will quote just a few paragraphs, you will learn and understand very clearly that the councillors of the City Council who approved the appointment of this particular post were motivated in my view, by tribal feelings, as I clearly expressed, and which the Minister laboured to challenge. However, Mr. Speaker, I said that out of the councillors who voted in favour of this appointment in the City Council, 11 councillors represented all the other tribes, but the rest, who were, in fact, the majority—and this is the whole mistake of the Nairobi City Council—were all from one tribe plus one. Mr. Speaker, Sir, I must, however, say that the plus one can be clearly and correctly said to be allies of the Kikuyu tribe and, therefore, they are not different from them.

Mr. Speaker, Sir, this is the problem we are having in various departments when an issue which concerns the nation and the country as a whole is decided and the judgment influenced by tribal consideration. Mr. Speaker, Sir, there were a great deal of rumours immediately after this post was created to which the Minister, as we read in today's newspapers, has already given his sanction. Mr. Speaker, the rumours have been that the whole idea of creating this post is to deny members of other tribes the right of owning the City Council houses in Nairobi, with a political motive that when the time comes for the registration of the voters in the various municipal wards, and it happens that you do not reside in a particular estate, then you are automatically disqualified from being a voter in that particular area. Therefore, Mr. Speaker, because the post

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is headed by a Kikuyu, who has been influenced by most of the Kikuyus in the City Council, the rest of the Kenyans will have to lose the right of receiving housing from the Nairobi City Council. Now, Sir, this is the whole trouble with our nation. Mr. Speaker, when I put forward this question, I thought the Minister for Local Government would see sense and realize that we are trying to create a country where tribal consideration must not influence our decisions.

Mr. Speaker, Sir, in fact, the hon. Minister has had a very bad record in this particular aspect. I am saying this, Sir, because if you take into account the several requests that the House has made to the Minister not to take a decision which has been influenced by tribal considerations, he has always refused and evaded the facts, and several examples can be given. Mr. Speaker, Sir, last year we had the question of the 12 heads of secondary schools around Nairobi, where he, in fact, instead of Africanizing these heads of secondary schools, he Kikuyunized them. Mr. Speaker, this is terrible! He has now jumped into another very sensitive Ministry of Local Government. What do we see? He is making the same mistakes he made when he was in the Ministry of Education. Mr. Speaker, this is terrible, and I would like to ask, in fact, His Excellency, through this House to consider really the position of this particular hon. Minister. I am saying this, Mr. Speaker, because he is becoming too notorious and the worst tribalist. Mr. Speaker, when we were together in the Ministry of Education, again, in the City Council here, there was another post of the City Education Officer, and his predecessor had categorically refused to appoint the gentleman who holds this post now because he insisted that he needed a graduate for that particular post. When the Minister took over, he went straight-away and sanctioned the post. Mr. Speaker, Sir, this is very serious, and what do we see in some of the schools now? I have heard from several school-children, Mr. Speaker, in these mixed schools under the City Council that the "good morning" is always in Kikuyu. This is terrible.

The Minister for Local Government (Dr. Kiano): On a point of order, Mr. Speaker—

An hon. Member: You are wasting time for nothing.

The Minister for Local Government (Dr. Kiano): I am not wasting time.

An hon. Member: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! Will you sit down!

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, in the first place, officers of the City Council are appointed by the Ministry of Local Government, and therefore the post the hon. Member is referring to, when he and I were in the Ministry of Education, was confirmed by the Ministry of Local Government. Secondly, Mr. Speaker, we are talking about the post of the Housing Manager, and I do not think that all these other aspects arise.

The Speaker (Mr. Mati): Yes, we must confine ourselves to the issue at hand. This is, in fact, a requirement of the Standing Orders. There is no need for introducing extraneous matters. If you can make a case on your own problem now, that will be sufficient.

Mr. Mutiso: Mr. Speaker, Sir, what I was trying to emphasize was that point so as to show the Minister that he should, in fact, try to clean his record because this is what we have been seeing wherever he has been. I am not trying to mix up the issue because I know this quite clearly, and this is, in fact, not helping him. Mr. Speaker, Sir, I would like the Minister to know that the Report he tabled in the House where it is said that the director did agree on the creation of this particular post, I have read both reports, one by the director himself, where, in fact, he did recommend very important changes and these were, and I am sure you have read in that newspaper, rejected and overruled by the Council. What we see, Mr. Speaker, is the other report that the Minister has now sanctioned the creation of the post. This report was not from the Director of Social Services and Housing, but was from the Organizations and Methods Officer. This is now the Report that the Minister has approved and this is serious because all that the report is asking for is the creation of a particular post just to suit one individual but not really improving efficiency or introducing any changes in the City Council Housing Department. This is what the Director of Social Services and Housing had recommended.

Mr. Speaker, Sir, if I read one particular comment here from this particular report, he says: "It is not considered that the time has come to recommend to council that a separate housing department be set up at present. This decision is arrived after having regard to the size and number of the housing problems, which forbid the creation of another housing department—"

The Speaker (Mr. Mati): Your time is over. Who is supporting you?

Mr. Akumu: Mr. Speaker, Sir, in supporting the Motion, even if the Minister had a full council

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backing, the ill-feeling that the creation of this office has caused in Nairobi, and the fear it has caused among the residents of Nairobi and particularly the workers is great. If this is challenged, I will produce a petition here that workers fear that there would be tribalism when it comes to the allocation of houses. We feel that the Minister should have taken this one into consideration, and more so when the House here expressed very strong views that creating this office would not be in the interests of this nation, and even more so since there are no houses to be allocated by this Housing Manager.

Why do I say the feeling is so strong and should not have been ignored? This move was made first on 8th May 1970, not by the Director of Social Services, but by the Chairman of the Housing Committee, who was, then, Mr. Waitthaka. In his reply, the Director of Social Services and Housing informed the Committee that as a head of the department, members of the council should approach him in regard to all housing problems. In reply to complaints of people who were on the waiting list for long, he said there were no houses to allocate. He did not, in these minutes here of 8th May 1970, say that this department should be created.

Mr. Speaker, Sir, also, to show that there has been a strong feeling about the issue, the Government of Kenya nominated a representative in the council, and this is in the name of the District Commissioner, Nairobi. In the Finance Committee recommendation, based on a meeting held on 20th January 1971, the district commissioner registered his objection to the creation of this job, and indicated very clearly and recommended very strongly that this is likely to cause ill-feeling, and even flare up bad tribal feelings. In the main council, because they were pressed, he was not able to register his objection, but he abstained from voting with the council. That is a very important point.

Now, it is important to state whether or not we are not asking the Minister the impossible. Are we asking him to do the impossible? The answer is no, Mr. Speaker, Sir. There has been precedence, as the newspapers have said. There has been the occasions when the Rolls Royce was approved by the council, but Ministers have ruled against this. Therefore, this House and what our people are voicing here is as if the council has passed something, which this House, or for that matter the Minister, who is supposed to reflect the national feeling, feel that this is likely to generate more tribal bitterness and ill-feelings and we expect the Minister to act in the interests of the

nation and thereby reject the proposal of the City Council. That he did in the case of the Rolls Royce.

Now, why do I say this and why have I stood to correct this? It is because I have gone through the minutes and I have tried to meet some councillors. In the trade union movement we have four councillors. One of them is councillor Murugu, the other one is councillor Ong'ero; Murugu happens to be a Kikuyu; councillor Ong'ero happens to be a Mluhya, and we have two councillors who are Luo; one is councillor Ochino and the other is councillor Omoth. They used to go there and speak as representatives of the workers; but because of this ill-feeling, these people do not even speak to each other. Is this what we want to create; is this a spirit of Harambee?

Hon. Members: No!

Mr. Akumu: I think we want to appeal to the Minister that it is in the interests of the nation, even if there were 28 votes against 11, supporting the creation of this post, we want to ask him, Mr. Speaker, as the Minister responsible, that he should rescind this decision. In any case, the Housing Manager has no houses to allocate, and it is not fair that the salary of £2,400 is going to be spent that way; it would be better spent in clearing Mathare Valley and other places, where people lack houses.

With these few remarks, Mr. Speaker, I want to appeal, once again, that there is a very strong case for rescinding the decision of appointing a Housing Manager. Thank you, Mr. Speaker.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I have taken into very deep consideration the points that have been made by the Mover of this Motion, and also his Second. It is unfortunate that Motions on the Adjournment are always given such a brief time that not enough Members get an opportunity to air their views. I will try, myself, to confine my remarks, as much as I can, to the substance of the Motion, and not go outside, as much as I would have liked to, because the hon. Mover was my Assistant Minister and, therefore—

Hon. Members: He knew you very well!

The Minister for Local Government (Dr. Kiano): I hope the hon. Members will also allow me to speak without interjections, because I did not interject except when I asked for the hon. Members to keep to the substance of the Motion.

In the first place, I would like to make it very clear that no new department of housing had been created and, therefore, the report that was read by the hon. Mover, that no separate department

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be created, is absolutely correct. When we had the suggestion that some people wanted a separate housing department in the City Council just because they felt that perhaps because we have the Ministry of Housing, therefore, we should also have a separate department of housing, that was not approved, either by the chief officers of the City Council or by ourselves. Therefore, there is no question of a new department being created. I said that very clearly when I was replying to the hon. Member's question, so—

An hon. Member: What about the Manager's post?

The Minister for Local Government (Dr. Kiano): Mr. Speaker, I am coming to all these points; I hope that my friends will show patience, so that they can evaluate the situation after I have finished my remarks. Therefore, that is one point that the House must be clear on.

After that was done, it then came to the question of re-allocation and re-organization of duties within the department of social services and housing, and the paper I laid here— One of the three papers I laid on the Table was the paper by the Director himself, indicating the way he would like to see the housing section of his department re-organized and, as I stated at that time—and I shall go even to the details that the hon. Mover has said—he suggested, in that particular report, the housing manager and his duties, but there were also other suggestions; it is not a one-page paper, it is about three or four pages and the hon. Mover has a copy as to how these duties could be re-organized and even what scale of salary the person doing this job might receive. That report was followed by another report which I laid on the Table of the House, which the hon. Mover has quoted, and which was by an office known as the Office of Organization and Methods. It was this report that suggested the re-organization of the Housing Section of the same department. This one was followed by a comment—which the hon. Member has read—by the Director of Housing and Social Services himself, criticizing the proposals by Organization and Methods. In one place they all agreed that no separate department was to be created. They were mainly arguing on how to re-organize the duties of assigning houses to the tenants, assigning hire-purchase; who would do such kinds of work—just what the duties would be of various people working in the department. That was much of the debate.

However, as this went on, it all came to the question, of at what level— Both groups having agreed that there would be a Housing Manager, but disagreeing on the specification of duties, it

then came as to what he was going to be in the hierarchy of the department. I believe the Director of Housing and Social Services himself had suggested—if I am technically wrong I am sure the Mover will check in the report—something like Scale 8, which is not a very high scale. The Council suggested Scale 3 or 4. Scale 3 is now the salary of the Deputy Director of Housing and Social Services; Scale 4 is the salary of the Assistant Director of Housing and Social Services. It was at this stage that the debate got hot. The conclusion of the council was that there shall be a Housing Manager and he shall be a person occupying the present position of an Assistant Director of Housing and Social Services—only that—instead of being an assistant, generally helping the Director, he shall have the duties of housing assigned to him and that his salary would be Scale 4, which is the current salary of the Assistant Director of Housing and Social Services, which he is already receiving. It is already being received by whoever is the Assistant Director of Housing and Social Services. Therefore, there has not been any supplementary estimate sent to my Ministry for approval. It is a salary of £2,400, already being paid to that post of the Assistant Director of Housing and Social Services.

Sir, the hon. Mover—I wanted to make that point clear due to the fact that the hon. Mr. Akumu was talking about extra money that will be spent in this reorganization. No extra money has been asked for; no extra money will be approved. It is one of the Assistant Directors of Housing and Social Services who will be assigned the work of looking after houses. I must also make it clear that above him there will be a Deputy Director of Housing and Social Services, and above this one there will be the Director of Housing and Social Services himself. Therefore, whatever he will do in his sub-section—if I may call it so—will still be under the Director of Housing and Social Services. No separate department has been allowed; no separate department will be allowed; no extra money is being paid. This is what I wanted to make very, very clear to the House because this is not what is being said outside.

Now, Sir, we come to the question of the person whom as I said is equivalent to an Assistant Director. There are rumours that this person's duties will be to fill the houses with people from one area. Now, in the first place, Mr. Speaker, the Director of Social Services and Housing will continue to be there. If anyone among his subordinates, begins to play a game like that, he will certainly come under the disciplinary action of the Director. This should be made very clear.

Hon. Members: How? Question!

The Minister for Local Government (Dr. Kiano): Sir, let me also say this: if an officer is junior to another, it would appear to me that—and I do not want to make any implications on rumours because this is simply a way of arguing one way against the other—I cannot agree, and in fact I cannot envisage, in this big city of ours, all people being denied a house by an officer who is under the Director of Social Services and Housing for purposes such as were implied by the hon. Mover. This kind of suspicion—Are we to believe that if somebody is from Western Province, then people from outside that province will never get services from that person? Mr. Speaker, are we going to believe that if somebody is from a certain province all the houses will go that way? I think if we are going to operate our Government, Sir—

Mr. Munyasia: On a point of information—

The Minister for Local Government (Dr. Kiano): Information? Well, I will allow it.

Mr. Munyasia: Now, Mr. Speaker, Sir, I would like to set an example here. Today, I had a lady, a Mukamba, who went to the Housing Department and she was told by a Kikuyu, "If you prefer to work, we have no house; you choose one of these two things, either you resign and go home or you work without a house".

An hon. Member: You see that?

The Minister for Local Government (Dr. Kiano): Mr. Speaker, as I said, I am always ready, as the hon. Members know, to listen to any genuine cases; I have also been denied a house myself. I was trying to get a house for one of my employees and I was even ready to pay the down payment, Sir, but they could not get the house for me although I am the Minister concerned; I did not say, "You must get me a house".

So, I also have been turned down, Sir, in an attempt to get a house for somebody although I was even ready to pay the down payment required for tenant-purchase houses. Even I even sent another note this morning trying to get a certain Government driver a house and I was informed that there were no houses available irrespective of the tribe of the driver.

Mr. Wabuge: On a point of order, Sir, I know that under the Standing Orders a Motion like this one is only allowed 30 minutes. In view of the gravity of the Motion, which is causing a national crisis, shall I be in order to ask that we extend time so that we can get the opportunity to speak on this same subject?

The Speaker (Mr. Mati): This issue was raised here, we took quite a lot of time, we have had the Mover's side and now we are about to conclude the Minister's side. Such an action having been taken, there is hardly anything you are likely to add to this now except just repeating, perhaps, your complaints. Again we have another difficulty. No notice was given to our HANSARD Team and we cannot do anything now because they come in on shifts. As you can see we have only one person there and it was expected that we shall close on time. We cannot do anything now.

The Minister for Local Government (Dr. Kiano): So, Mr. Speaker, Sir, I was saying that I do not, therefore agree with the Mover of this Motion.

Hon. Members: Shame! Shame!

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is now adjourned until tomorrow Thursday, 25th March, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 25th March 1971

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 208

NATIONAL ASSEMBLY DISPENSARY

Mr. Nthenge asked the Minister of State, President's Office to tell the House why they did not have an infirmary or dispensary with a doctor attached to it for the use of Members of the National Assembly similar to those in parliaments in other countries.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. It is not considered advisable to have an infirmary or a dispensary for the exclusive use of the Members of the National Assembly.

Mr. Nthenge: Mr. Speaker, Sir, can we know why it is not considered reasonable and where was it said that we wanted it for the exclusive use of the Members of the National Assembly?

Mr. Munyi: Mr. Speaker, Sir, one of the reasons is that it will involve money, personnel and many other things. Secondly, the Government of Kenya does not initiate things or projects because some other countries are doing so. I hope that the hon. Member is not implying that the hon. Members of this House are so unhealthy as to require a dispensary. For the information of the hon. Member, an infirmary is defined as a place for the care of the sick, injured or infirm. It is my considered opinion that our hon. Members of this House are among the healthiest people in this world.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that most of the Ministers are so fat and they are likely to have heart attack, does the Assistant Minister not think that the medical officer will help them if he were near to them?

Mr. Munyi: Mr. Speaker, Sir, I think that is not correct and what I would like to tell the hon. Member is that he is one of the healthiest Members we have in this House.

Mr. O'Washika: Mr. Speaker, Sir, arising out of that reply by the Assistant Minister, does he agree with me or not that this particular question does cover him too, as a Member of this Chamber?

Mr. Munyi: Mr. Speaker, Sir, as I have already replied, we have hospitals and dispensaries all over Nairobi and it is not advisable that we should

have one dispensary which should be attached to Parliament buildings or, for that matter, which will only be treating Members of Parliament.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister agree with me that one single Member of Parliament would delay the business of this House, costing the country so much, if he went to a far place for treatment and yet he would not do so if we had an infirmary nearby where he could get a quick treatment and come back to the House?

Mr. Munyi: Mr. Speaker, Sir, this is not true because we have hospitals everywhere in Nairobi, we also have dispensaries. If you move one mile, from here, you will get to a dispensary.

Question No. 158 (1485)

MONEY SPENT ON KERIO VALLEY EXPERIMENTAL PROJECT

Mr. arap Cheboiwo asked the Minister for Agriculture whether he could tell the House exactly how much money had been spent by his Ministry on Kerio Valley Experimental Project since it was started.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. It is not clear what experimental project in the Kerio Valley the hon. Member is referring to. If the hon. Member is asking about the on-going small-scale experimental projects in the Kerio Valley, the answer to it is that these experiments are still continuing at the rate of £2,000 per annum. On the other hand, there is a general Kerio Valley Development Project, in the same area, which is a comprehensive project and falls under the special rural development committees of Elgeyo and Baringo and these are currently drafting plans to be submitted to the national rural development committee for review and as soon as this is approved, work will start.

Mr. arap Cheboiwo: Mr. Speaker, Sir, could the Assistant Minister tell us how soon he thinks these reports will be given, because we are very interested in this comprehensive report?

Mr. Khaoya: Mr. Speaker, Sir, the hon. Member, by virtue of his Membership in this House, is a member of these district committees and I would urge him to push these committees to bring their reports so that we can deal with them immediately.

Mr. Murgor: Mr. Speaker, Sir, arising from the answers given by the Assistant Minister, is the Assistant Minister aware that so many experimental plots and projects have been carried out in the Kerio Valley for the last 30 years and up

[Mr. Murgor]

to this time nothing has been done as a result of these experiments? Could he tell this House how much longer we are going to continue with these experiments without any action to follow them up?

Mr. Khaoya: Mr. Speaker, Sir, I can understand the anxiety of the hon. Member, who wants quick action. I cannot agree that the Kerio Valley people can complain because already some work has been going on and is still going on. All that we are saying is that if the hon. Members want specific things to be carried out by this Government, it is up to them to come forward with suggestions.

For instance, over the last few years we have been trying to find out whether cotton, groundnuts, canna, cassava and castor seed could grow or not in these areas. Now, we have the useful information which we wanted and it is up to the leaders in that district to come forward and tell us which of these things they want. If they want water, let them say so and we can start—

Mr. Murgor: On a point of order, Mr. Speaker, Sir, these experiments— I am seeking your guidance whether the Minister is in order to confuse the House—on groundnuts and other crops have always been carried out there ever since I was a schoolboy. Now, how much more time do they still want before they get into action and get things going? Sir, when I was a schoolboy going to and from school, groundnuts were being experimented, including cotton and so on. For how long do we have to wait for these experiments to end?

The Speaker (Mr. Mati): Order! You have already made your point Mr. Murgor. Next question.

Question No. 203

ALLEGED CORRUPTION IN NAKURU COUNTY COUNCIL

Mr. O'Washika asked the Minister for Local Government if he would tell the House what action he had taken as a result of an open letter addressed to him by three councillors of Nakuru Municipal Council asking him to institute a commission of inquiry to investigate the alleged corruption in the council as reported in the *Daily Nation* of Friday, October 9th 1970.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, I would like to emphasize that as the hon. Member has clearly stated, this was an open letter the contents of which were

obviously exposed for public consumption. There were, therefore, no details regarding specific cases of the alleged corruption and it is consequently very difficult to institute a commission of inquiry without first consulting with the council. The Minister, therefore, asked the Mayor to meet him at his office on this matter and on 21st October 1970, the Minister met a delegation of four councillors and two senior council officials headed by the Deputy Mayor who gave him their detailed report on the circumstances surrounding the alleged corruption. The allegation seems to have emanated from one or two individual councillors dissatisfied with the municipal council's decision to discontinue the services of the former Director of Social Services, Mr. John Omumbo.

However, the Ministry is satisfied that the case of the Director of Social Services was properly investigated and the action taken by the Nakuru Municipal Council to retire him was justified. This action has already received the approval of both the Ministry of Labour and the Local Government Workers' Union which had previously threatened strike action.

Mr. O'Washika: Mr. Speaker, Sir, arising out of that reply by the Assistant Minister, I would have liked the Minister, himself, to answer. If the Minister met the Mayor and there was a discussion over this affair, how does the public know that the Minister is satisfied that the alleged corruption did not take place? Why has that report not been publicized to the public so that we know what went on?

Mr. Munoko: Mr. Speaker, Sir, there is no requirement that the public should know what went on—

Hon. Members: No! No!

Mr. Munoko: Mr. Speaker, Sir, the point here is that there are certain matters which are so personal and if it were so necessary that all those should be made public, they might not be in the interests of the person concerned.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, would it not be in order for hon. O'Washika, rather than generalizing, to declare his interest on this question and be honest to the House?

The Speaker (Mr. Mati): Order! Order! No, Mr. Mwithaga, you have to say on what grounds you think he should declare his interest.

Mr. Mwithaga: Mr. Speaker, Sir, despite the statement the hon. Member is referring to, which came from the council, hon. O'Washika brought this question deliberately—I am saying this with authority—just because of an officer who was

[Mr. Mwithaga]

sacked out of an issue of corruption and it is a matter that he knows and has an interest in it. He knows it.

Hon. Members: What interest?

The Speaker (Mr. Mati): What interest, that is the question?

Mr. Mwithaga: Mr. Speaker, Sir, when the former Director of Social Services, Mr. John Omumbo, was sacked from the Municipality, he came to this House and first saw me and tried to find out whether this matter could be raised in the House. Then, Sir, he moved on to hon. John O'Washika and that is why I am saying that he should declare interest because—

Mr. Nthenge: He was bringing it as a Member of Parliament.

The Speaker (Mr. Mati): Order! Order! Mr. Mwithaga you have been here long enough to know what it is that is required when you challenge somebody to declare his interest. You must show that he has a personal interest or some pecuniary interest of some sort in the matter. It is not enough just to say that because he interested himself in a problem therefore he had an interest. Of course, every questioner here has an interest in the question he asks. So, you must tell us more. Mr. O'Washika have you asked your question?

Mr. O'Washika: Mr. Speaker, Sir, I have been challenged by the hon. Member for Nakuru Town to declare my interest—

The Speaker (Mr. Mati): Order! Order! We are not going to have challenges. If you have no questions, that is enough.

Mr. O'Washika: Now, the point, Mr. Speaker, Sir, is that as far as I am concerned I have nothing to do with Nakuru Municipal Council whatsoever. I raised this particular question as a nationalist. It is only my friend Mark Mwithaga who has an interest because he is a Member of that particular council. I have not done so because I am a Member of Parliament representing area; he is—

The Speaker (Mr. Mati): Order! Will you then desist from making those remarks? Mr. Nthenge ask your question.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister not tell us why he feels that the public should not be concerned with corruption which in the end will interfere with public funds? These are public funds and yet the same public is being denied to know what is going on.

Mr. Munoko: Mr. Speaker, Sir, I do not think that I said that the public should not be concerned. I thought the hon. Member had asked

whether the public had been informed. That is why I said that it was necessary that the public should be informed.

Mr. Boy: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he says that this was an open letter written to the Minister and that it was published in the papers, do you not think that it would have been proper if the Minister publicized the discussions between himself, the Mayor and the Deputy Mayor?

Mr. Munoko: Mr. Speaker, Sir, I do not think that is necessary.

The Speaker (Mr. Mati): Next question.

Question No. 202

UNSCRUPULOUS ORGANIZATIONS DECEIVING AFRICANS

Mr. Mulwa asked the Minister for Labour if he would tell the House whether, since our illiterate Africans were being exploited mercilessly by the unscrupulous organizations which deceive them that they would give them jobs on payment of some money and since it was the Government's responsibility to protect its citizens against such persons, the Minister would arrange with the Minister for Information and Broadcasting to have a small programme on the radio for purely warning or educating our fellow Africans against consulting such bodies.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. I am aware of and concerned with the exploitation, by some unscrupulous organizations, particularly in large towns, who receive money from job-seekers in the hope of finding jobs for them. A number of these organizations known as "Labour Consultants" are registered under the Companies Act. My Ministry, on its part, has done its best to dissuade the unfortunate *wananchi* from being their victims. I have no doubt all those concerned know that free employment services are provided by my Ministry in the way of obtaining employment for job-seekers as well as assisting wrongfully dismissed workers. As the hon. Member has rightly pointed out, it is often the illiterate people who continue to pay money to these consultants against our advice and thus deny themselves the opportunity of our free services. I agree that there is need to expose these vile practices through the use of mass media and the advice of the hon. Member in this connexion is well taken.

In the meantime, Mr. Speaker, Sir, the employers and also job-seekers will be advised by me, once again, not to deal with these labour consultants but to recruit or seek recruitment through the Government Labour Offices.

[The Minister for Labour]

I expect, Mr. Speaker, Sir, the hon. Members of this House will also help warn and educate the *wananchi* in their respective constituencies accordingly.

Mr. Kanja: Mr. Speaker, Sir, could the hon. Minister for Labour be specific and tell this House what is easier, to ban the "labour consultants", or the so-called "labour consultants", so that they do not exist and do not exploit our poor Africans, or to educate the 80 per cent of our illiterate Africans not to consult those bodies?

Mr. Mwendwa: Mr. Speaker, Sir, the Members of Parliament, who actually pass amendments to the laws in this House, can help in two ways: either to cause an amendment to this Act or to educate their fellow Africans to use free services which we give them, which we always tell them to use. There are two ways. We have tried our best because we have done a research. My Ministry, Sir, having great concern on the question of unemployment, is trying to find ways and means of alleviating this and we have found out that one way or the other the employers do actually give a few job-seekers some work. So we are a bit reluctant to cut them off completely because in this way some people do get jobs.

Mr. Somo: Mr. Speaker, Sir, in view of the fact that the Minister has admitted twice, in his original reply and in the second reply, that his Ministry has done its best, can he tell us "how best"? "How best" has he done to educate these people? "How best"?

Mr. Mwendwa: "How best"; how do I answer that? I will give an example of one instance that has taken place today, not tomorrow.

One of the Members from the Northern Frontier District came to my office today with two people who have been robbed of Sh. 37 by these people. I advised and told them that they had been wrong to go to these people when my labour officers were there to give free service. This is the help we give.

Mr. Karungaru: On a point of order, Mr. Speaker, whereas I do not like to quarrel with the Minister, could we seek your guidance on this matter?

When a Minister, on the Floor or the House, alleges that members of the public have been robbed of by an organization which has been legally registered under his Ministry, according to the law, could he as Minister in charge of Labour—on behalf of Government—go further and tell this House what steps he has taken to make sure that no more robberies of this nature will continue?

The Speaker (Mr. Mati): Order, Mr. Karungaru, you must learn to distinguish between a question and a point of order.

I hope Members have received my circular letter. If you have not, it is still on the way. Therein, I have suggested how we can avoid some of these things, if we try.

Mr. Nyaga: Can the Minister undertake to bring the Act to this Parliament so that it is amended to take care of those job consultants as not to cheat our people?

Mr. Mwendwa: Mr. Speaker, Sir, today's applause from the Members of Parliament does actually show me that there is a need for immediate amendment.

Question No. 157 (1484)

TITLE-DEEDS TO SABATIA COMPLEX
RESIDENTS

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

(a) if he was aware of the fact that there were settlers at Sabatia Complex who had already paid their loans in full, but had not been given their title-deeds;

(b) if he could explain the reasons for not issuing these title-deeds.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. (a) I am aware of the fact there are settlers in Sabatia Complex who have already paid their loans in full but have not yet been issued with their title-deeds.

(b) Hon. Members will appreciate that the Director of Surveys is making rapid progress with the survey of plots in settlement scheme areas and has to date surveyed and published a total of 29 settlement schemes although he has not yet dealt with the Sabatia Complex.

There are many demands for the survey of plots in various areas around the country, and all of these must be satisfied with a relatively small force of experienced staff surveyors. Hence the delay in issuing title-deeds even to those settlers who have completely paid their loans.

Mr. arap Cheboiwo: Arising from the answer by the Assistant Minister, Sir, that 29 settlement schemes have been surveyed, could he tell the House whether these people have been issued with title-deeds; and if so, why Sabatia was not included in this? When will these be surveyed?

Mr. G. G. Kariuki: Mr. Speaker, after the survey has been completed, the next stage is to prepare documents for issuing to the owners.

Mr. Cheserek: Mr. Speaker, arising from the Assistant Minister's reply, could he tell this House how long a plowholder has to wait, after paying his loan in full, before he gets his title-deeds?

Mr. G. G. Kariuki: Mr. Speaker, there is no time limit. When everything has been done, then the Government is ready to present these documents to the respective owners.

Mr. Barmalel: Arising from the Assistant Minister's reply, is he aware that, and does he understand that, once they have completed their payments, these farmers might require to borrow more money for development of other things, and is it not a delay for these people by not giving them their title-deeds in order to allow them to go to the bank and obtain loans?

Mr. G. G. Kariuki: Mr. Speaker, the Government is much more aware than the hon. Member that these people need title-deeds in order to develop their plots. That is why I am saying that as soon as the documents are ready, the people the gentleman is talking about will be given their title-deeds.

Question No. 203A

REMOVAL OF SQUATTERS FROM VUGA,
KWALE DISTRICT

Mr. Boy asked the Minister for Lands and Settlement if he would tell the House whether he was aware that 32 families staying at Vuga, in North Location of Kwale District, which is state land, were being removed by the Government and had nowhere to settle.

Since the families had been there for over 40 years, if the Government could consider—

(a) allowing the families to remain at their farms; and

(b) give them that part of the land.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. The land concerned is Government land situated at Matuga, two miles north of Vuga. These families have been in unauthorized occupation of the portions of land concerned which is required by the Veterinary Department for a holding ground. Consequently, those families who are within the 9,000 acres now being fenced will have to leave the land. A settlement scheme has been under consideration in respect of adjoining privately owned farms and as soon as these have become the property of Government, it is the intention to implement a settlement scheme on the land. Accordingly, any persons displaced by the Veterinary Department should register with the Assistant Commissioner of Squatters, Coast, who will see if they can be accommodated on adjoining land.

Mr. Boy: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that these families have been there for over 40 years and they have permanent crops on that land? What will happen to their crops if they have to move, and where will they go?

Mr. G. G. Kariuki: Mr. Speaker, the question of their crops will be taken care of. As I said, the Government has an alternative way of settling these people.

Mr. Mnene: Mr. Speaker, arising from the previous answer of the Assistant Minister, and since it is a fact that the Veterinary Department belongs to the Government, and the people of Vuga belong to the Government, how did this Government see fit to care for cattle and remove human beings?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the Government is taking care of the cattle, of movement of cattle and also of squatters. Therefore, there is no problem here.

Mr. Munyasia: Mr. Speaker, Sir, would the Assistant Minister agree with me that it would be proper to tell this House that before they moved these people they would first find alternative settlement places for them?

An hon. Member: But why remove them to put cattle there?

Mr. G. G. Kariuki: We have given an undertaking in this House that these people will be registered if they appear before the Assistant Commissioner for Squatters who is stationed in Mombasa.

At the same time, Sir, there is a farm adjoining that one which has been declared a mismanaged farm, and this is the farm Government is considering to give to these people.

Mr. Akumu: Would the Assistant Minister agree that it is cheaper to let the people stay on their land, where they have their crops and homes, and use the mismanaged farm as a holding ground for cattle?

Mr. G. G. Kariuki: Mr. Speaker, that suggestion is quite good but we have already done something else before the hon. Member came forward with this suggestion.

Question No. 197 (1549)

QUIT NOTICES TO EUROPEAN BUSINESSMEN

Mr. Magugu asked the Minister for Commerce and Industry if he would tell the House how many European businessmen traders had been served with quit notices in Nairobi during the period 1967-1970.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I beg

[The Assistant Minister for Commerce and Industry]

to reply. 11 businesses owned by Europeans have been served with notices during the period 1967-1970. I would remind the House that there is a very small number of Europeans conducting businesses that fall under the definition of "business" as contained in the Trade Licensing Act. For this reason very few Europeans have been affected by the Act as compared with other communities like Asians.

Mr. Magugu: Mr. Speaker, Sir, could the Assistant Minister tell the House whether or not the 11 traders or businessmen of European origin who were served with quit notices had the notices effected? In other words, did they quit?

Mr. Anyieni: Mr. Speaker, I beg your pardon. I did not understand the question.

Mr. Magugu: Mr. Speaker, the question was, if they were served with quit notices, did they leave the businesses? They could have been served with notices and stayed on. I wonder if even one of them is doing business or have they all quit?

Mr. Anyieni: Mr. Speaker, it is normal, when a businessman has been served with a quit notice he has the right to appeal to the Appeals Committee. Some of these people did not appeal but there were some who did appeal. Of those who appealed, three had their licences granted again, but since then, of their own accord, two have closed down and one is still trading because of other reasons.

An hon. Member: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, can he tell this House why his Ministry gives quit notices and allows the people who have been given quit notices to appeal against these notices?

The Speaker (Mr. Mati): That is a different question altogether.

Question No. 198 (1550)

AFRICANIZATION OF GOLD TRADE IN THE COUNTRY

Mr. Magugu asked the Minister for Commerce and Industry if he would tell the House how he intended to Africanize the gold trade in the country's main towns.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I beg to reply. The gold trade is controlled by the Government and no individual trader can buy or sell gold without authority from the Government. Importation of gold is restricted to only goldsmiths who are allowed to import only the amount they require for manufacturing purposes.

As a goldsmith is an artisan it will not be possible to Africanize this trade until we have

enough African artisans to provide the services currently provided by non-African goldsmiths.

Mr. Mulwa: Can the Assistant Minister tell the House what steps he is taking to make sure that we have these Africans who have the knowledge of dealing with gold; for example, does he have any plans in mind to train Africans?

Mr. Anyieni: Mr. Speaker, Sir, the hon. Member knows that the Government has industrial estates where we train some of these people. But Sir, I think the best way is that the people who are working with these foreigners as apprentices, if they feel they know enough, should approach the Government with a view to being issued with licences to trade as goldsmith.

Mr. Magugu: Can the Assistant Minister tell the House whether or not there has been any applications from any Africans for the said trade?

Mr. Anyieni: Mr. Speaker, Sir, I am not aware of any applications; in any case, the applications do not come to me, but if the hon. Member has any applications in mind to which he would like to draw our attention we shall look into the matter Sir.

Mr. Kahengeri: Does the Assistant Minister mean to tell the House that none of the Africans who work in the gold trade are licensed?

The Speaker (Mr. Mati): What he said amounted to that. Next question.

Question No. 200A

SHORTAGE OF CEMENT IN WESTERN PROVINCE

Mr. S. Lugonzo asked the Minister for Commerce and Industry if he could tell the House the reasons why cement had been unavailable in the Western Province for the last one and half months.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I can give the information the hon. Member is asking for.

The Speaker (Mr. Mati): I am sorry I could not hear you, Mr. Osogo.

Mr. Osogo: Yes, Sir, I can give the information required.

The Speaker (Mr. Mati): Mr. Osogo, I do not know what you are trying to do. The question asks very clearly, "Can the Minister explain to the House the reasons why cement has been unavailable in the Western Province for the last one and a half months?" You have, therefore, to explain.

Mr. Osogo: Sir, the question is asking me if I can, and I am saying that I can.

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

The Speaker (Mr. Mati): Order! It is all right. I can see that Mr. Osogo is defended by the word "can", but at least he should not take too much time of the House when he knows what the question is asking for.

Let us have questions. Mr. Nthenge.

Mr. Nthenge: Arising from the Minister's reply, can he now give the explanation required?

Mr. Osogo: Yes, Sir. In fact, Mr. Speaker, hon. Members should make their questions precise so that we can give the information right from the start rather than just asking whether we can or cannot. Having been a teacher, myself, that was the answer to the question as it was tabled. However, to give the information, Sir, cement has run short in the whole Republic. It is not only in Kakamega District or Western Province where the shortage has been experienced. The shortage has been experienced in the whole Republic. The reasons for this are:—

(1) Road constructors in the Republic decided to use cement instead of the other materials they had been using before. It can be witnessed by hon. Members who have been driving on these roads that cement has been used by road constructors. They found it more useful to use cement than the material that has been used before and this contributed to the consumption of cement to the extent that the factories producing cement could not cope with the purchases that were being made.

(2) The building rate that is now going on in the country is so high that the factories cannot cope with the production, and this can be proved by the buildings that are going up in various towns and rural areas.

(3) One of the East African countries, and this is Tanzania, ordered a lot of cement from us to help it in the construction of the Tazara—this is the railway commonly known as Tanzam but is now called Tazara—and this also contributed to a high rate of consumption of cement.

(4) In Malagasy the contractors ordered a lot of cement from Bamburi Factory for the construction of roads there and we had to honour the order that had been placed simply because Malagasy is one of our best markets for cement and because they had put in this order to us and refused to put it to South Africa. So, these, Mr. Speaker, greatly contributed to the shortage of cement. We have not been able to supply much cement to the Middle East after they decided to put up the buildings that had been destroyed in the little war of June 1966 simply because we do not have enough cement, but we are doing our best to send there a little cement too.

Dr. Munene: Mr. Speaker, Sir, I am glad the Minister has satisfied us with the reasons for not having enough cement not only in Western Kenya but even in this place. But Mr. Speaker, Sir, a problem arises: cement is sold by agents appointed by the Kenya National Trading Corporation and quite a number of these people have borrowed a lot of money to continue with their trade. What is the Minister doing to see that the little cement that is available and which can be supplied in Kenya, is handled strictly by those agents so that they do not go bankrupt?

Mr. Osogo: Mr. Speaker, Sir, I would like, first of all to correct myself. The country I mentioned is not Malagasy; it is Mauritius. I am, very sorry I made this mistake, because we take cement to Mauritius and not to Malagasy. I can make a mistake because I am not a deity; I am not God and to err is human.

To answer my friend's question, the Member for Thika, the little cement that can be made—

Mr. Wachira: On a point of order, Sir, Thika is the place for the Mzee. Dr. Munene does not represent Thika, he represents Kigumo.

Mr. Osogo: Mr. Speaker, I thank my spectacled hon. friend for that correction. The Member for Kigumo has asked—

Hon. Members: Tell us about cement.

Mr. Osogo: We are doing all we can, Sir, to supply the little cement that can be made available to Kenya National Trading Corporation cement distributors. I am informed by the distributors themselves that the supply is almost being normalized although there are shortages here and there. Yesterday, I was informed by the distributors that it is almost coming back to normal.

Mr. Owala-Orwa: Mr. Speaker, Sir, may I find out from the Minister what he is going to do to ration the supply of cement so that Western Kenya and Homa Bay may have a little share because the scarcity of cement though it is normalized in Nairobi is making the building costs in Western Kenya very expensive?

Mr. Osogo: Mr. Speaker, we have arranged with the cement manufacturers that the Athi River Factory is now going to supply Nairobi with cement and what was being supplied to Nairobi from Bamburi will now be going and is, indeed, going to the western part of the Rift Valley.

Mr. S. Lugonzo: Thank you very much, Mr. Speaker. Sir, while there was a shortage of cement in Western Province, there was a lot of cement in Nairobi and other areas. This, I witnessed myself Mr. Speaker, Sir. Now, we feel that it is due to the—

An hon. Member: Ask your question.

Mr. S. Lugonzo: I am going to ask the question.

Does the Minister agree with me that it is this centralized distribution of cement that caused Western Province delay in getting cement which actually delayed building industrial developments as compared to other areas?

Mr. Osogo: No. I do not agree with what the hon. Member is saying because my records show and the local papers will bear me witness on this issue that Kisumu District was short of cement and the Mayor of Kisumu had to come to Nairobi to ask about this shortage. Therefore, it is not only Kakamega which was short of cement. My records also show that Kitui was very short of cement although it is very near Athi River. Therefore, the question of centralized distribution causing the shortage does not arise. However, the hon. Member knows that we allowed during the time there was a shortage people in Western Province to import a little cement from Tororo in Uganda which is very near his home.

Mr. Njiru: Can the Minister tell this House the reason why he found it necessary to export cement to Mauritius and to Tanzania when we needed cement in this country just as we did with maize?

Mr. Osogo: Cement is different from maize because maize is subsidized when it is exported. Money is paid from your pocket and from my pocket to subsidize the export of maize, but cement, on the other hand, brings in foreign exchange. Mr. Speaker, Sir, this being our traditional market we did not supply cement to their satisfaction. However, I maintain we want to retain those traditional markets. Indeed, Tanzania/Zambia Railway construction is going to use a lot of cement and, therefore, we thought it would not be good to disappoint them, otherwise, they would have run to China to get cement from there.

The Speaker (Mr. Mati): Next question. Mr. Kholkholle, is not here?

Mr. Araru: Mr. Speaker, Sir—

The Speaker (Mr. Mati): You may ask the question, Mr. Araru, if you know that he is not coming at all.

Mr. Araru: He is not coming.

Question No. 200

MARSABIT SECONDARY SCHOOL SCIENCE
LABORATORY

Mr. Araru on behalf of Mr. Kholkholle, asked the Minister for Education if he would tell the House—

(a) whether he was aware that the Marsabit Secondary School Science Laboratory caught fire and was reduced to ashes on 29th November, 1970;

(b) if the answer to (a) was in affirmative, what were the immediate steps he was taking to build a new science block for the school; and

(c) whether he would tell the House what was the cause of the fire.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. (a) Yes. I am aware that the science laboratory at Marsabit Secondary School was destroyed by fire on November 30th, 1970.

(b) Arrangements have been made for the conversion of a classroom into a temporary science laboratory. This improvised laboratory will serve the needs of the school adequately until a new laboratory is built.

(c) So far, the cause of the fire that destroyed the laboratory has not been discovered.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell this House how soon this science laboratory, he has promised, will be built because a science laboratory is very important in a secondary school?

Mr. Rubia: Yes, I would like to assure this hon. House that everything is being done and, for example, a sum of Sh. 39,000 has been set aside to improve one classroom. This is actually being done now. A further sum of Sh. 16,000 has been set aside to buy the laboratory equipment.

Mr. Araru: Arising from the Assistant Minister's nice reply, but in connexion with part (c) of the question in his reply, he said that up to now they have not discovered the cause of the fire, can he tell us exactly what steps Government is taking to discover the one who set fire to the laboratory, because as far as we know, this fire was started by a student who had left the same school in the same year because of some jealousy he had?

Mr. Rubia: I think, I should begin by thanking the hon. Member for that piece of information he has given to me. However, we are unable to establish what caused the fire because everything was destroyed except the four walls. Therefore, there is very little that we can use in order to establish the cause of the fire. However, if the hon. Member has that piece of information, we will convey it to the police because that amounts to arson. However, as the text of the question refers to the convenience of the students, once again, I want to confirm that there will be no inconvenience caused to the students.

Question No. 177 (1520)

ADVERTISEMENT OF AMBI

Mr. Mulwa asked the Minister for Commerce and Industry if he would tell the House when he would ban immediately the screening of an advertisement currently being shown in our cinemas, advertising Ambi and, at the same time urging people to join "The New Africans," meaning the light skinned Africans who had used Ambi, this being derogatory and an abuse to the dignity of Africans.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, this question was passed on to the Ministry of Information and Broadcasting and a copy was sent to Parliament in December.

The Speaker (Mr. Mati): All right, it will appear again on the Order Paper.

(Question deferred)

Question No. 137 (1440)

RESIGNATION OF HEALTH DEPARTMENT STAFF

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

(a) he would give a breakdown of trained African medical officers, African health inspectors, African assistant health inspectors, African health visitors, African registered nurses and midwives who had resigned from the Government since we got independence; and

(b) he was aware that the resignation was a result of the bad salaries paid to them and the attraction of heavy salaries offered by the private firms.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. (a) It is not possible to give a breakdown of the qualified medical staff who have left the Government service.

Regarding the paramedical staff, the majority who left Government service did so to join county councils or municipalities. The majority of them are now back with the Central Government since the functions of county councils were taken over at the beginning of 1970.

(b) On the question of remuneration, I would refer the hon. Member to the statement by the Minister for Education during the Budget speech when he said that this matter has been referred to the Commission which is inquiring into the structure and remuneration of the public

Mr. Kanja: Will the hon. Assistant Minister agree with me that diseases will not wait for any commission and if there is going to be a continuation of resignations by our qualified medical

personnel, our people are going to die continuously due to the lack of medical personnel to take care of them?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I will not agree with the hon. Member. I know that diseases will not wait until the Commission of Inquiry's Report is out, however, we in the Ministry also will not wait. We are capable of tackling any disease which may attack even the hon. Member himself tonight.

Mr. Kitonga: I would like to seek your guidance because my question has not been replied to. In his reply to part (a) of the question the Assistant Minister claims that it is not possible to give a breakdown of the officers in question, why does he not give a breakdown as requested by my question? In his reply to part (b)—

The Speaker (Mr. Mati): Mr. Kitonga, one question at a time because that is exactly what we do. Order! Will you sit down?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I said in my reply that it is impossible to give a breakdown of those medical staff who have resigned from Government service. This is simply because once a person has resigned from a particular Ministry, it is no longer and it is not going to be any longer the responsibility of that particular Ministry. Once somebody resigns, he is finished. Why should I take care of somebody who has finished his work with my Ministry?

Mr. Kitonga: Mr. Speaker, Sir, will you please listen carefully to the second part of my question. Mr. Speaker, Sir, as my question stands, part (b) of it did not ask about the officers who resigned and joined county councils which I know are under the Ministry of Local Government. As far as those are concerned, we know very well that they were seconded to the Central Government and now they are being paid according to the Government Regulations. Mr. Speaker, Sir, my question was asking about private firms. Are county councils private firms, Mr. Speaker? I want an answer to that part of the question or else my question will be put on for further inquiries.

Mr. ole Oloitipitip: Mr. Speaker, Sir, it is not the responsibility of my Ministry to take care of those members of the staff who have resigned from the Ministry.

Mr. Kitonga: Mr. Speaker, Sir, will—

The Speaker (Mr. Mati): Order! Will you sit down, Mr. Kitonga?

Mr. ole Oloitipitip: Mr. Speaker, if the hon. Member could only be patient, I will give him a satisfactory answer.

Mr. Speaker: Sir, as a Ministry, we are charged with a duty to care for our own staff, the staff

[The Assistant Minister for Health]

who are employed by the Ministry. Those who are not employed by the Ministry, whether they were formerly employed by the Ministry or not, we do not take care of them.

QUESTIONS BY PRIVATE NOTICE**BEATING UP OF INNOCENT PEOPLE BY DISTRICT COMMISSIONER, GARISSA**

Mr. A. A. Mohamed: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office, the following Question by Private Notice:—

Why did the District Commissioner, Garissa, find it fit to beat up innocent people on the streets of Garissa Township on 11th March 1971?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The District Commissioner, Garissa, either in his person or office has not beaten people in the streets of Garissa Township as alleged by the hon. Member.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he specifically tell us why he says that the question is based on untruths?

Mr. Munyi: Mr. Speaker, Sir, the answer is very clear. I have said that the allegation which has been given by the hon. Member has been found to be untrue after a thorough investigation had been carried out.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, I want to seek your guidance in this matter. According to the Questioner, he alleges that the district commissioner beat the people in the streets of Garissa Township and the Assistant Minister has denied this categorically. Now, could the Member substantiate these alleged beatings? I would like the Member to substantiate this because the Assistant Minister has denied it completely. This is very serious, Mr. Speaker.

Mr. A. A. Mohamed: Mr. Speaker, Sir, we have evidence to that effect. There were some people who were present when this incident took place in the streets of Garissa Township, and I have the names here with me.

An hon. Member: Read the names out!

Mr. A. A. Mohamed: Yes, I have the names here with me and I am going to read them out.

Mr. Speaker, Sir, the following is the list of names:—

1. Abdi Shuria.
2. Alio Garesh.
3. Surer.
4. Dile Sheikh Mahash.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, Sir—

An hon. Member: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! I am dealing with a point of order.

Mr. Moi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, this is a very important point. I do not know whether the House can only accept the names without having a medical certificate to show that they were bruised? Is it in order for the hon. Member to give names only without giving some documents to support his case?

The Speaker (Mr. Mati): Order! No, our Standing Orders are quite clear on this to the effect that a Member holds himself responsible for whatever statement of fact he makes here or whatever allegation he makes and when he is challenged it is up to him to substantiate. Quite often, I require that before a question like this is put at least some commitment on the part of the Member concerned is made. In this particular case, for instance, the Member himself, after I had said that I still wanted to get more information, said he had enough evidence, and he has already read those names out. But, this is a matter which, it is for the other side to investigate. If it so happens that the hon. Member deceived the House or misled the House, then the House can still deal with him. But, I am not in a position to know every fact and if it were to be said that every question that comes here must be proved to the Speaker before he approves, then no question would ever come here because I am not an unlimited reservoir of knowledge.

Mr. Munyi: On a point of order, Mr. Speaker, Sir, is it not true that whenever an allegation has been made, for instance when an hon. Member alleges that people might have been beaten somewhere, one of the proofs which is real evidence is to bring a document which is signed by a doctor and you sign Form 3. That is what happens, Mr. Speaker, Sir, and it is known that a document is written that So-and-so was beaten and he was possibly injured.

The Speaker (Mr. Mati): No! You can require the Member to do that but it is up to the House here. Anybody could ask that such a document be produced but that is no reason why he could not bring the question. He could be disproved wrong here and this often happens. But, he has every right to bring the question and then be challenged as he was challenged by somebody to

[The Speaker]

substantiate. Then, what I went further to explain was that if, in fact, we discover that people are bringing questions here based on false allegations, then the House still has the power to deal with such people. So, it is up to those who do not believe what an hon. Member is saying who are supposed to find out exactly what the truth is and let the House know.

Mr. Jilo: On a point of order, Mr. Speaker, Sir, since this matter, as I hear, is still being investigated and the Ministry concerned has not enough or sufficient information to furnish this House, could we now leave this matter until the Minister furnishes this House with more information?

The Speaker (Mr. Mati): Order! Order! We are not going to allow ourselves to drift to this kind of disorderliness. The Minister categorically stated that he did not agree with the Member. So, there is no question of investigation anywhere.

An hon. Member: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! No more points of order on that matter.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he agree with me that when this question was put to his Ministry it should have been passed to this District Commissioner for Garissa to answer, but because he could not have answered, "Yes, I beat these people", the Assistant Minister, therefore, has misled the House; would he agree to that?

Mr. Munyi: Mr. Speaker, Sir, it is a known fact that even the hon. Member knows very well that there is not even a single person who went even to the nearest police station at Garissa to report that people had been beaten up. There was no such report at all, Mr. Speaker, Sir.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! If we have so much shouting, I will just move on.

Mr. A. A. Mohamed: Mr. Speaker, those people have enough evidence; they have "P.3" forms from the police and I can bring them to this House when I go back to Garissa as soon as possible.

The Speaker (Mr. Mati): Yes, I think we will leave it at that. Mr. Mohamed will produce medical evidence to show that these people were beaten up.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! It is quite clear that my appeal to Members not to waste time is not being heeded. We can cut down on questions if you like because we are taking too much time on things which are unnecessary; just shouting.

So, Mr. Mohamed has said that he was going to produce evidence to show that what he is saying is the truth and, therefore, you can follow up the matter from that point when he brings this evidence.

POLLUTION OF NYANDO RIVER BY MOLASSES FROM CHEMELIL SUGAR FACTORIES

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

- (a) Is the Minister aware that Nyando River which is the only place where the majority of people in Nyando Constituency get their water for consumption has been badly polluted by molasses from sugar factories particularly the Chemelil Sugar Factory?
- (b) If the answer is in the affirmative, what corrective steps is he taking?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. The Government's Chief Chemist has been directed to test samples of water to determine the precise nature of pollution with a view to advising the Government just how unhealthy the water is. No doubt, his report will include precise corrective measures to be taken if it is established that the pollution is injurious.

The hon. Member can, therefore, be assured that the Government will not hesitate to take any possible corrective measures as the Chief Chemist may advise. Our investigations, so far, reveal that all possible measures have been taken by the factory and if the hon. Member has any concrete complaints to make, we are willing to investigate with him.

Mr. Ogalo: Arising out of the Assistant Minister's reply, for how long are we going to wait because up to now people are dying and some are suffering?

An hon. Member: How long; next Monday?

Mr. Khaoya: Mr. Speaker, Sir, first I would like the hon. Member to substantiate that people in his area are dying as a result of this pollution?

Mr. Ogalo: Mr. Speaker, Sir, during the week-end, I did my homework and I have the names here, if I am allowed, I can read them out.

An hon. Member: Which doctor told you?

Mr. Ogalo: Mr. Speaker, Sir, in the North-East Nyando, the following people have died of dysentery:—

[Mr. Ogalo]

- (1) Socleah Ogelu.
- (2) Mangi Ogudu.
- (3) Joash Ouma.
- (4) Margaret Ogele.
- (5) Sabina Okungu.
- (6) Obwaka Okudu.
- (7) Numia Naoko.
- (8) Elijah Oloo.

Mr. Speaker, Sir, in the same Location, North-East Nyando, the following people are still suffering:—

(1) —

The Speaker (Mr. Mati): I do not think it is necessary to go all over the names again.

An hon. Member: Read all of them out!

Mr. Khaoya: Thank you, Mr. Speaker, Sir, I am glad that the hon. Member has given us a list of names of people who have died of dysentery. The Ministry can only extend *pole* to the families of those who have lost their relatives. However, we understood that they have died of dysentery and, as I have said, our Chief Chemist, will go to investigate the matter. If the question from the hon. Member was “when”, I will say, “immediately”. Perhaps, it is on the way now; perhaps it will be there tomorrow but, definitely, immediately. I will see to it that we establish once and for all that, in fact, the pollution is not responsible for the deaths. If it is, we are as much concerned as anybody else to take all corrective measures.

Mr. Masibayi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is the water free of germs or not, because of the fact that the water has been coloured or has changed its colour and cannot be accepted by the people as fit for consumption?

Mr. Khaoya: Mr. Speaker, Sir, I would like the hon. Member to repeat his question so that I may be able to follow him?

The Speaker (Mr. Mati): Would you repeat your question, Mr. Masibayi?

Mr. Masibayi: My question is that whether that particular water is free from germs or not—the fact that that particular water has changed its colour through this sort of pollution from the factory and because of this colour alone that water cannot be accepted by the people as fit for consumption; do you agree or not?

Mr. Khaoya: Mr. Speaker, Sir, this raises two questions: one is that of colour; I do not know which colour is dangerous and the other one presumes that there is pollution there. This is again,

as I said, what we wish as Government to establish because we do not know. The investigations so far reveal that any of the molasses that remain on the ground are put in a large pit so that there is no possibility of any of it going into the Nyando River. Secondly, any factory fluid is directed to some ponds there and we expect it to remain there. However, because we are as concerned as the hon. Member, we have directed a specialist to go to the area to investigate. I think it is only fair that the hon. House bears with us and waits a little longer and lets us get all the facts because colours may not be the danger.

DRIED-UP DAMS IN NORTH NYOKAL LOCATION

Mr. Owala-Orwa: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following question by Private Notice:—

Is the Minister aware that the dams in North Nyokal Location in South Nyanza which provide water to the Ndiru Health Centre have all dried up because of this long drought? If the answer is in the affirmative, what remedial step is the Minister taking to save the worsening situation at the Health Centre?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Yes, I am aware that dams in most parts of Kenya, and North Nyokal Location in South Nyanza is no exception, have dried up as a result of this long, unexpected drought. However, I am informed that this has not seriously affected Ndiru Health Centre which among other sources gets its supply of water from water catchment roofs. It is said that there is still some water in the tanks but how long it will last is anybody's guess.

The hon. Member may be assured, therefore, that the Government is fully aware of the water needs of the Health Centre and even if the existing supply ran out the hon. Member should approach first the local authorities on the spot who might be able to take appropriate action to put things right. We, however, hope and pray that the rains will come soon to fill the dams of Nyokal with water.

Mr. Owala-Orwa: Mr. Speaker, Sir, is the Minister aware that they have been rationing water and, therefore, they have been using very dirty water to wash their hands which is against the hygienic standards—in order to save the few *debes* that are left there? Could the Minister take a remedial step to see that this is not repeated, as this is not the first time that they have had difficulties in getting water?

Mr. Nyagah: Mr. Speaker, Sir, I think the hon. Member must be very lucky that there is still

[The Minister for Agriculture]

some water to be rationed. If only he could go to a place called Mutomo, where my old friend comes from, he would see that there is no water to be rationed. Things have gone wrong.

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

An hon. Member: Count your blessings.

The Speaker (Mr. Mati): No, let us not have this sort of thing.

COMMUNICATION FROM THE CHAIR

DISTINGUISHED VISITOR IN
THE SPEAKER'S BOX

Hon. Members, may I draw your attention to the presence of the distinguished guest in the first Box to my left; the hon. Mallelieu, a Member of the House of Commons and Member for Brigg, who is visiting Kenya briefly. I would like to take this opportunity of wishing him an enjoyable stay here. I hope you will be meeting him later.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, yesterday the hon. friend of mine, Mr. R. G. Ngala, tried to tell the House that he did not promise to lay a list of Members of Parliament and Assistant Ministers engaged in the selling of Transport Licensing Board licences to Asians, Arabs and Europeans. I took pains, Mr. Speaker, to dig out what the hon. Member said, and I have the HANSARD here.

Mr. Speaker—

CONSIDERED RULING

PROMISED SUBSTANTIATION MUST CONTAIN
NAMES OF MEMBERS OF PARLIAMENT
INVOLVED

The Speaker (Mr. Mati): Order, Mr. Shikuku! It might not be necessary to go through all that report. I made a promise that I would find out whether Mr. Ngala had said what it was thought he had said. I promised that if I was wrong I was prepared to come and apologize to the House because I said I thought he did promise to lay on the Table a list of Members who he alleged had obtained the Transport Licensing Board licences and hired them out to some other people—non-citizens—to trade with.

Now, I think it is important that I should state this so that nobody remains in any doubt. I have checked and the HANSARD clearly records that Mr. Ngala did say that. I have copies here, but I do not want to tire the House going through the report. He did say exactly as I said, but if there is any doubt I am prepared to go through all the recording.

I have also counterchecked—we keep tape recording of what goes on here—this particular tape clearly repeats what appears in our written record. So I do not know what Mr. Ngala would say about this because he categorically denied that he did say this.

I am appealing to the House to treat this matter calmly because we have to clear it up. We do not want to keep it hanging on unnecessarily and, I am sure, Mr. Ngala can help in that.

Hon. Members: Hear! Hear!

The Minister for Power and Communications

(Mr. Ngala): Mr. Speaker, Sir, there might be some misunderstanding in the English that was used. However, with due respect to the Chair, Mr. Speaker, I would like to say that it is true that I said I would produce a list of Members. In my interpretation there were no names of Members. I did not mean the names of Members of Parliament, but a list of Members. Mr. Speaker, Sir, therefore, I would like to get some guidance from you on this matter because, to me, "names of Members of Parliament" is different from a "list of Members". It is this technical wording which I would like to be clear about.

Secondly, Sir, I would like to submit to the Chair that I substantiated my allegations adequately, but if the extent of the substantiation does not satisfy the Members it is not my fault.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker—

The Speaker (Mr. Mati): No, Mr. Shikuku, just—

Order, order. Let us get over this. I am now referring to the HANSARD report of 17th March, 1971.

An hon. Member: He has not substantiated.

The Speaker (Mr. Mati): I do not want to be disturbed.

Mr. Ngala is reported to have said, when he was pressed by Members to withdraw and apologize:

"Mr. Speaker, Sir, I do not say things without knowing them. After all, this is my Ministry and, therefore, if the Members will not be embarrassed I will table a list which will give details of Members, even Assistant Ministers, who are being used in this way. I hope the Members will not be embarrassed. I will produce the list."

That is exactly what was required; lists of Members and Assistant Ministers. It cannot in any stretch of the imagination be interpreted to

[The Speaker]

be a list of Transport Licensing Board licence numbers.

Hon. Members: Hear! Hear!

Mr. Ayah: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): No, I am still dealing with a point of order.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I am glad that you have read what I said, which shows that I said a "list of Members", but not a "list of names of Members".

Mr. Speaker, Sir, yesterday I gave the numbers of Transport Licensing Board licences. Each number is identical to a Member of Parliament who was issued that licence.

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

The Speaker (Mr. Mati): Order: I do not think it is worth taking the whole afternoon on this matter. Mr. Ngala says that he never said this, and I have just quoted part of it. It is now left to the House to decide.

If Mr. Ngala feels that we are misinterpreting him, that he never meant to give a list of Members, then I differ. Obviously a list of Members would be names because he could not line the Members up on the Table. We are trying to get a solution to this issue because hon. Members feel very strongly about it. This is not a Back-bencher's affair. Let us get this clear that the reflection already made was made on the House as a whole, including the Ministers. It is because of this since it is putting the House—the credibility and the honour of this House in question that I am concerned about it. It is because I want the name of this House cleared that, at least, we should get some assistance from Mr. Ngala in clarifying the position. That is why I went to that long extent of inviting him to either do what he promised or if, for some reasons he felt that he could not do it, to withdraw and apologize to the House for having taken their time. That would have been the end.

Apparently, so far, this is to no avail and, therefore, I shall leave the matter there and hope that the House will decide on how to handle this matter.

The Assistant Minister for Agriculture (Mr. Khaoya): On a point of order, Mr. Speaker. Mr. Speaker, Sir, my point of order is that in similar circumstances, two years ago, this House had to seek the advice of the learned Attorney-General. I do not know, Mr. Speaker, whether on this occasion you would agree that this House seeks the advice of the same learned Attorney-General.

The Speaker (Mr. Mati): Order! There is no question of law here. This is a question of fact.

POINTS OF ORDER

REFUSAL TO SUBSTANTIATE AS ORDERED BY THE CHAIR—OR TO WITHDRAW AN ALLEGATION—MATTER TO BE REFERRED TO COMMITTEE OF PRIVILEGES

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. I rise on a point of order which I consider to be very important. I have taken pains to do my home-work and indeed, you have done yours, Sir. Here in this HANSARD it is stated very clearly that even the Assistant Ministers—this means that all Assistant Ministers are Transport Licensing Board licence sellers. This also refers to hon. Members of Parliament which means that any Minister or any specie of humanity in this House is involved. Now, the Standing Orders clearly say that if an hon. Member, that means Ministers, hon. Members of Parliament—we are all hon. Members of Parliament here—if he makes an allegation that he cannot substantiate he has to withdraw it. Are we going to leave or to create this precedent where somebody will refuse to substantiate according to the Standing Orders and leave it like that? Is it not time that the hon. Member who is involved is named to the House so that some of us who have never sold or have never even applied for Transport Licensing Board licence could be cleared? We cannot be sacrificed on the altar of a few Ministers, Assistant Ministers and hon. Members of Parliament who have sold these Transport Licensing Board licences.

The Speaker (Mr. Mati): No, this is not a matter where the Speaker can take action on his own because the hon. Member himself has denied, categorically, that he ever said what we say is recorded in the HANSARD. I have tried my best to find a solution to this and now that it has come to this point, the only solution is to hand it over to the Committee of Privileges.

Mr. Magugu: On a point of order, Mr. Speaker. My point of order is this. Would it be in order, in that case, Mr. Speaker, for you to use your privileges while we wait for the recommendations of the committee to ask the hon. Minister to stay out of this Chamber until the committee has brought the report?

The Speaker (Mr. Mati): No, that would be prejudging his case. The whole idea of having the matter investigated by the Committee of Privileges is to find out who is telling the truth and then a

[The Speaker]

decision can be made. I cannot now pre-judge the case.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Speaker. I wish to seek your guidance here. I do not know, under these circumstances, why this matter should be referred to the Committee of Privileges. I have seen before, in this House, that when an hon. Member makes a serious allegation against another hon. Member or for that matter against Government and he refuses or is unable to substantiate his allegation, the Speaker has always ordered him to go out, if he does not want to apologize. I do not see, on this particular occasion, why we should not deal with the hon. Member who made that serious remark as we deal with all other hon. Members here.

The Speaker (Mr. Mati): No, it is because I take a very serious view on this that I would rather have the House make the decision in the sense that there is a direct contradiction in what we have said. The Minister claims that he never said this and I say he said that he would lay a list on the Table and hon. Members say that he said that. The records are there. So, the only solution is to go through the whole process and find out the truth about it and then appropriate action will be taken. There is no point in—

An hon. Member: On a point of order—

The Speaker (Mr. Mati): No, I think there is no point in talking over this. I have already made that ruling and so we should not go too far with it.

**TIME FOR DEMANDING SUBSTANTIATION—
IMMEDIATELY AFTER AN ALLEGATION IS
MADE**

Mr. Koigi: On a point of order, Mr. Speaker. A few days ago hon. Nthenge alleged that in this honourable House there is an individual who prevents the progress and the development of this country and he went further to the extent of saying that this very hon. Member does not want to see any good thing coming from any other area except his own area. I, therefore, rise, Mr. Speaker, to ask hon. Nthenge to substantiate this destructive statement.

The Speaker (Mr. Mati): Hon. Nthenge, I was not here when you made the allegation but if that is what you said, are you now prepared to substantiate?

Mr. Nthenge: Mr. Speaker, Sir, I do not remember when I alleged this because I speak quite often. The hon. Member did not raise the matter then but if he wants to follow the issue, may be

he can see me later and draw my attention to the record where I will check and if he will want me to substantiate what I said, I will have no objection of doing so.

The Speaker (Mr. Mati): Mr. Koigi, if you did not raise the issue when Mr. Nthenge made the allegation you are now saying he made, then, it was too late if you waited until the following day. We cannot follow this.

Mr. Koigi: Mr. Speaker, Sir, I did raise this issue the following day because it was—

The Speaker (Mr. Mati): It is now too late. Order—

Mr. Koigi: Mr. Speaker, Sir, may I know why hon. Nthenge should not be asked to substantiate?

The Speaker (Mr. Mati): No, Mr. Koigi. You were too late. You should have raised it while hon. Nthenge was speaking.

We will go on now.

NOTICE OF MOTION UNDER S.O. 45 (i)

CONTEMPT OF NATIONAL ASSEMBLY PRIVILEGES

Mr. Seroney: On a point of order, Mr. Speaker. I wish to raise, as a question of privilege, the matter of a letter from a certain Peter Gachathi, dated 16th March 1971 and dealing with the resolution of this Parliament on the University of Nairobi adopted on the 12th March 1971. This letter is also quoted on page one of the *East African Standard* of today in an article titled "Members of Parliament University Demands Shelved".

The Speaker (Mr. Mati): Yes, Mr. Seroney wants to raise this issue and I think it is now public knowledge, most hon. Members might have read about this reported letter by the Permanent Secretary of the Ministry of Education which, if it has been correctly reported said that certain people should not take action on a decision of Parliament. Now, I have seen this report and it is quite clear, and if that is what the letter says—it is definitely a disregard of the authority of Parliament if public officers will go and write letters and these letters are published saying that "You should disregard the resolution of Parliament and Government will take no action", and this is by somebody who claims that he is acting on behalf of Government. Copies of this letter apparently have been sent to various people including the Minister himself who is in charge of the Ministry. Now, in view of the seriousness of the matter it is only fair that Mr. Seroney should be allowed to raise this issue (Inaudible).

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): —it looks as if it reduces this House to what has been often repeated, "just a talking House" and puts it in a position of a shameful ignominy. Therefore, I will allow Mr. Seroney to raise this issue. However, I would rather instead of raising it right now, we first of all dispose of the Motion which has been on the Order Paper for so many days, the Motion on the Public Accounts Report. Members have had enough opportunity of discussing this; there has been a lot of repetition. Therefore, if Members will go through that Motion, then I will allow Mr. Seroney to raise the issue he wants to raise.

Mr. Migure: On a point of order, Mr. Speaker.

The Speaker (Mr. Mati): Mr. Migure, what is your point of order?

Mr. Migure: Mr. Speaker, Sir, this matter being a very serious issue would it be in order if the House would suspend any other business in order to debate this issue today?

The Speaker (Mr. Mati): Perhaps, the Members have a difficulty in following what I am saying, but the whole idea of disposing of this Motion is so that the hon. Members will have enough time to deal with this. If Members regard this issue as so important and since we have discussed this other Motion for so long, there is no reason why we should not dispose of it in a few minutes' time.

Hon. Members: On a point of order—

The Speaker (Mr. Mati): This is only going to take time which could be otherwise utilized.

Mr. Mwithaga: Mr. Speaker, Sir, on a point of order, in view of the situation—

The Speaker (Mr. Mati): No, Mr. Mwithaga, you perhaps cannot do that right now because we have not yet moved to the next Order.

Next Order.

MOTION

APPROVAL OF PUBLIC ACCOUNTS COMMITTEE
REPORT, 1967/68 AND 1968/69—

PART I

*(Resumption of Debate interrupted
on 24th March, 1971)*

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, now that the Order has been called, and in view of the prevailing situation right now and, further, in view of the fact that the Motion has been discussed for a very long, long time by very many Members—

An hon. Member: (Inaudible).

Mrs. Onyango: You go ahead.

Mr. Mwithaga: —would I be in order, Mr. Speaker, Sir, therefore, to move that the Mover be called upon to reply?

Hon. Members: Yes, yes.

The Speaker (Mr. Mati): Yes, that is a fair request in view of what has gone on. I know Mr. Nthenge was speaking, but still it is up to the House to decide. I will therefore, put the question of the closure.

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

The Minister for Commerce and Industry (Mr. Osogo): On a point of order, Mr. Speaker, Sir, I would just want to have the record clear. Is it in order for anybody who has spoken on a Motion to move a closure of that Motion in which he has spoken?

The Speaker (Mr. Mati): Well, really, this is nowhere in the Standing Orders. It is just common practice, but it was clear that it was the wish of the House that we should come to the conclusion.

Hon. Members: Hear! Hear!

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, is it not true that we all did not want anything else to come prior to this Motion, by Mr. Seroney; and for that reason everybody wanted everything else suspended and that is why—

Mr. Ayah: What is your point of order?

An hon. Member: It is too late, "Mister".

The Speaker (Mr. Mati): Mr. Gatuguta.

Mr. Gatuguta: Mr. Speaker, Sir— There is too much noise in the House. Sir, I see that hon. Members are very keen to discuss some other issue which is very important, therefore, I shall be very brief in my remarks.

I would like to start by thanking the Members who have spoken on this Motion in support of it— Mr. Speaker, Sir, as I have said, I would like to thank the speakers who had spoken on the Motion and who have supported the recommendations of the Public Accounts Committee. I would like, however, to make certain observations. The hon. Seroney did make an amendment to this Motion which in my opinion is quite good. I have spoken to various Members of the Public Accounts Committee and we have accepted the amendment given. We believe that the amendment as had been proposed, will give more powers to the Public Accounts Committee if they can bring about legislation and suggestions which would empower this House to take action. At the moment the action we can take as a House, is simply to accept the recommendations of the Public Accounts Committee, but cannot take legal action against accounting officers. I hope the Select Committee that will be appointed by his House will go into the question of financial orders, and other legislation and see the weaknesses and try to strengthen them.

[Mr. Gatuguta]

However, during this debate, Sir, there have been a number of points that Members have made, which I think should be clarified. First of all, there have been certain Members, during their speeches, who have created the impression that the recommendations of the Public Accounts Committee, have not gone far enough. For instance, there are some places where the Public Accounts Committee stated that they are satisfied by the explanation given on certain expenditures. Because the Members have not read the verbatim report of the proceedings, they failed to appreciate the fact that certain accounting officers appealed before the Public Accounts Committee—

Mr. Speaker, Sir, may I seek your—

The Speaker (Mr. Mati): Order! There is too much noise around.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, is it not fair that what the Mover is now telling us is what we know; could he not just finish so that we can go to the other business?

Mr. Gatuguta: I realize, Mr. Nthenge is very impatient on this matter. But it is my right and privilege to make the points I have here.

An hon. Member: You are right.

Mr. Gatuguta: As I said, if hon. Members were to read the verbatim report, they would see that on certain expenditure the accounting officers came before the Public Accounting Committee and explained the reason why there were over-expenditures and the Committee seemed to be satisfied that those accounting officers had no alternative but to spend that money. That is why in some cases we were satisfied that this was rightly done. Even though, we still feel that this practice of overspending, even if there is a good reason for it, serious efforts should be made to refer the matter either to the Parliament or to the Treasury as the case may be. There are some other hon. Members who have been confused about the matter and they think the money has been misappropriated. Mr. Speaker, Sir, overspending, misusing and misappropriation of money are three quite different things. The accounting officers have spent the money in the public interest and the only mistake they have made is that they had no authority to spend some of this money. However, Mr. Speaker, no hon. Member should have the impression that the accounting officers misappropriated the money. The money has not been misappropriated in any way at all. What has happened is that money has been overspent for public services without the appropriate authority being sought.

Mr. Speaker, Sir, the other point that I would

like to raise—

Mr. Gichoya: On a point of order, Mr. Speaker, Sir, is the hon. Member trying to tell us that there has not been any case of misappropriation of public funds when we know very well that today we have a case of a certain accounting officers going on regarding misappropriation of public funds. Is the hon. Member in order, Mr. Speaker, to try and make this House believe that what has been spoken of in this House did not have any sense at all?

The Speaker (Mr. Mati): Maybe he was going to introduce a matter which is before the court regarding this.

Mr. Gatuguta: Mr. Speaker, Sir, I was talking about over-expenditure and I am trying to distinguish between over-expenditure, misappropriation and misuse of public funds. What I am saying is that some people who spoke on the over-expenditure were trying to create the impression that the money has been misappropriated. However, the money has not been misappropriated, but it has merely been over-spent.

Mr. Speaker, Sir, the other thing which I want to say is that during the debate, there has been very serious attacks on civil servants generally. Mr. Speaker, I want to dissociate myself completely from this kind of attitude because those hon. Members who tried to condemn the civil servants wholly are trying to create two classes of people in this country—the class of civil servants and the class of politicians. Mr. Speaker, if we do this, we are going to harm this country. I want to make this very clear, let us not try to create those two classes of people. However, Mr. Speaker, I want to say this: if a civil servant makes a mistake, let us single him out, condemn him and take legal action against him, but let us not have this wholesale condemnation. Mr. Speaker, we should be responsible being elected Members of Parliament. If you say that we should lay the blame wholly on some people, this is not correct and, I am sure, some hon. Members will agree with me that some of the civil servants have been very good and they have done a great deal for the hon. Members and for the country as a whole. Therefore, Mr. Speaker, Sir, I want us to remember this.

Mr. Speaker, Sir, on the question of overspending which we are discussing here—

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, would I be in order to move that the question be now put?

The Speaker (Mr. Mati): I guess Mr. Gatuguta was just about to conclude his speech. Would you allow him to do so?

Mr. Gatuguta: Mr. Speaker, the point I was making is very important. You will see that the Report of the Accounting Committee provides that only 12 Ministries have overspent the money. In other words, only 12 accounting officers were not capable of controlling their votes. However, Mr. Speaker, Sir, others did control their votes properly and, therefore, we must appreciate the work of these accounting officers. Mr. Speaker, Sir, I want to put this on record that we really appreciate their work because they have been able to control the expenditure of the Government properly. At the same time, Sir, I want to ask those other accounting officers who have overspent the money to follow the steps of other accounting officers and much more, to respect the resolutions of this House, to respect the authority of the House under the Constitution and every thing else. I am saying this, Sir, because it can be seen that our report on this matter has been clear. We have been quite fair to them and we have been fair to the House. Therefore, Mr. Speaker, since I know hon. Members are very anxious to speak on this Motion, I would finally like to urge them to support the Motion. In conclusion, Mr. Speaker, Sir, I would like to ask the civil servants concerned to take our recommendations very seriously and try to implement them.

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

The Speaker (Mr. Mati): I will now put the question.

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

Resolved accordingly:

THAT this House approves the recommendations contained in Part I Reports of the Public Accounts Committee on the Government of Kenya Accounts for the years ending 30th June 1967/68 and 1968/69 respectively; but being of the opinion that continuing unauthorized expenditure is a serious contempt of the House for which drastic remedies are required, hereby resolves to appoint a Select Committee to inquire into and recommend penal and other legislation to empower the House to enforce its authority over public expenditure and deal effectively with accounting officers and Ministers responsible for any future unauthorized expenditure of public funds.

MOTION UNDER STANDING ORDER 45 (i)

CONTEMPT OF NATIONAL ASSEMBLY PRIVILEGES

Mr. Seroney: Mr. Speaker, Sir, in today's *East African Standard* there is an article with the

heading, "M.P.s University Demands Shelved"
Mr. Speaker, this article says:—

"No actions will be taken by the Government to implement a Motion passed in Parliament on March 12th demanding the dissolution of the present council of the University of Nairobi, the Permanent Secretary in the Ministry of Education, Mr. Peter Gachathi, said yesterday.

This decision was contained in a letter addressed to the chairman and all members of the University Council. Copies of the letter were sent to the Minister for Education, Mr. Towett, the Vice-Chancellor of the University of Nairobi, Dr. Karanja and the Permanent Secretary in the Office of the President, Mr. G. K. Kariithi."

Mr. Speaker, the article goes on to quote a letter which I will quote directly. I have a photostat copy with me here. This letter was dated on the 16th of March 1971, addressed to the Chairman and to all members of the University Council. The letter says:—

"Dear Sirs", the head subject is "University Council Membership".

"Some inquiries have been received from Members wishing to know their future following the Motion recently debated in Parliament about the composition of the Council and extremely adverse and unfair remarks about its work. I have been directed to state that after careful consideration, the Government has decided that it has no intention of acting on this Motion and this letter should, therefore, serve to allay fears of Members arising from the views expressed in the Parliamentary debate. Yours faithfully, P. J. Gachathi, Permanent Secretary."

Copies have been sent to G. K. Kariithi, Permanent Secretary in the Office of the President, the Vice-Chancellor, University of Nairobi, the hon. Taita Towett, Member of Parliament and Minister for Education.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, this House is becoming very unruly. Would you, Mr. Speaker, advise hon. Members to stop shouting so that we may hear what the hon. Member is trying to say.

The Speaker (Mr. Mati): Mr. Kariuki is quite right. The whole purpose of allowing Mr. Seroney to say what he is going to say is because we thought hon. Members would be interested to listen. If they are not willing to listen, there is no point in going on.

Mr. Seroney: Mr. Speaker, hon. Members are aware that on Friday, the 12th of March, there

[Mr. Seroney]

was a Motion in this House which was moved by the hon. Member for Bungoma East in connexion with the University of Nairobi. This Motion recommended the dissolution of the present Council of the University of Nairobi and appointment of a new one based on provinces; and secondly, the appointment of a commission to inquire into the affairs and the running of University of Nairobi; and thirdly, the establishment of more constituent colleges.

For the purpose of this Motion—I am not actually concerned with the substance of that Motion. We know that it was opposed by the Ministers but it was eventually passed by this House. However, what concerns me and what I believe concerns everyone in this House is the principle behind this action on the part of a Government official. Now, not only did Mr. Gachathi write this letter on the 16th March 1971, but it appears that yesterday he must have called a Press conference or issued a statement in which he released the contents of this letter, which he had sent earlier on thereby publicizing the contempt which certain civil servants have for this House. As far as I can see, and I will lay this letter on the Table, the only interpretation of this letter is that it is in fact an incitement to public officers to disregard the resolutions and recommendations of this House.

During the last week we were discussing the actions on the part of certain senior civil servants in flouting the authority of this House. The Debate has just been finished but before it was finished a Permanent Secretary rushed to the newspapers and tells the world that he does not take the House seriously, and that as far as he is concerned everybody else should disregard what the House has recommended. Mr. Speaker, Sir, this is a very serious state of affairs and contempt. We said in this House the other day that some civil servants had usurped the authority of the Government which should be exercised by politicians. Now, this was challenged by some Government spokesmen; but before this thing died down, we have a Permanent Secretary demonstrating the truth of our allegations. Now, this particular Permanent Secretary has a notorious history. During the last Parliament he became very famous as a Government spokesman; and in 1969, on behalf of other senior civil servants he issued a statement to the Press threatening it in order to discourage it from reporting the proceedings of this House. However, the House took a very serious view of it; but since the matter had been raised under

Standing Order No. 20, no conclusion was reached, although a lot of hot air was raised and that is why I am raising this issue in a different manner.

As the Speaker explained yesterday in another connexion, Standing Order No. 20 has its limitation. You can raise a matter of national importance in this House under Standing Order No. 20 but no decision is reached.

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

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

Therefore, that is the reason why I am raising this matter now as a “question of privilege” because I think it is time that some of these Permanent Secretaries, particularly this one, are taught a lesson since he flouted the authority of the House. It is because he was in contempt of the House in 1969 and nothing happened to him that he repeated this contempt yesterday and hoped that he will get away with it! I sincerely hope that this House will demonstrate that it is made up of sterner material than the past Parliament and that it will bring this particular Permanent Secretary to book. Therefore, Mr. Deputy Speaker, Sir, I do not want to waste a lot of time because I think the whole issue is self explanatory. As I have said, we want to apply a specific remedy and that is why— If the hon. Members will be a bit patient I have a Motion to move which I have not yet moved. That is why, Mr. Deputy Speaker, Sir, I am moving a specific Motion which, if accepted, will lead to some positive action. I, therefore, beg to move:—

THAT this House considers the letter dated the 16th March 1971 written by a certain Peter Gachathi to the Chairman of Nairobi University Council, copied to the Minister for Education, and published to the Members of the University Council and in today's (March 25th) *East African Standard*, in which he incites public officers in the name of the Government to disregard the resolution of the House adopted on the 12th March 1971 on the University of Nairobi, a gross breach of privilege and its publication a serious contempt of the House; and resolves that the question of the said letter and its publication be referred to the Powers and Privileges Committee which is directed to summon the said Peter Gachathi, examine him and other witnesses under powers conferred in section 9 of the Powers and Privileges Act, and report with recommendations to the House.

Mr. Deputy Speaker, Sir, the contempt speaks for itself and those of you who have read the article and those who have heard me reading

[Mr. Seroney]

the letter will not have to argue about the contempt in question. However, the reason why I am recommending what we should refer it to our Privileges Committee—and after all that is why we created this particular committee—is so that if the Committee can recommend appropriate action to ensure that this is the last time that Mr. Gachathi, or any other Permanent Secretary, will tell the world to disregard the wishes of this House.

With those remarks, Mr. Deputy Speaker, Sir, I beg to move—and Mr. Ayah will second.

Mr. Ayah: Mr. Deputy Speaker, Sir, I would like to thank my friend, the hon. Member for Tinderet for bringing this important Motion on the Floor of the House.

I know that hon. Members would very much like to speak on this Motion; and, therefore, I will not take much time. My attitude at the moment is that I am particularly sorry that this kind of Motion, at this time should have come to this House because it is just this week and last week that Members of this House have been discussing relationships between this House and the Civil Service; and on some occasions we had to be very reserved and restrained because Members have had very strong feelings that in some places in the Government civil servants have disregarded the competence; supremacy and importance of this House. Now, Sir, I will not generalize because this is a specific Motion dealing with a specific situation which has been caused by a specific individual. As the Mover has said, this Permanent Secretary has had a very dubious history both as a Permanent Secretary and, as I know him personally, as a person. I happen to have known him when he was a student at Makerere. Those who knew him then were not particularly impressed. It is unfortunate that the circumstances of our independence, the rush to Africanize, Mr. Deputy Speaker, made it necessary for men like this Permanent Secretary to become Permanent Secretaries. However, Sir, it would be unfair, because the gentleman is not in the House, for me to go into his personal history.

I would, however, like to say this: I will not allow his Minister to defend him if he is genuine because the letter has been copied to him. In other words, the Minister himself does not fall under the category of the so-called Government that has decided on the action the letter is referring to.

Hon. Members: Poor Minister!

Mr. Ayah: Therefore, Sir, we are in an embar-

assing situation as a House, that we are dealing with a situation where a civil servant and, therefore, a servant of a political Government which is represented in this House, now takes it upon himself to announce publicly that the Government, as a matter of policy, is not going to act on something decided by the Government in its capacity as the National Assembly. This is the question before the House: that somebody in this country has the audacity and, in my opinion, the bad manners, to announce publicly that the Government in its capacity as the National Assembly, having decided on a certain question, that this arrogant man now announces to the world that that very same Government, or some other group outside the National Assembly calling itself the Government, now says this is not true, it is not going to be acted upon.

I want to plead with my hon. friends that the question before us is a most serious one. We are involved with our own servant who has decided on his own authority to call himself the master. This is very serious.

Therefore, Mr. Deputy Speaker, as I read this letter and as I read today's Press statement I asked myself the following question: this man, this Permanent Secretary, when he made that statement, when he wrote this letter, I was thinking in my own mind, the possible alternatives, what could have led to this kind of statement. First, Sir, I thought that surely somebody, somewhere, must have told him. Although some people say, possibly, he was illegally outside Mathari, I am sure he was not mad when he wrote this letter. However, assuming he was sane I am therefore saying that he must have had some authority for saying this, that somebody or some group of people have instructed him to write this letter. Since I disregard that possible alternative for the simple reason that he copied this letter to his Minister, I am assuming that the Government did not instruct him.

The other alternative, Sir, is that the gentleman in question is just downright ignorant, that he does not know the difference between the Government and the National Assembly or, alternatively, that he does not know which one is constitutionally superior to the other. I am assuming that the man—and I tend to think that this is the more positive, believable alternative—is just arrogant and ignorant. He does not know the difference, as I have stated. This leads to this conclusion, that he is not fit to be a Permanent Secretary.

The third alternative, Mr. Deputy Speaker, is that the man who wrote this letter, the Permanent Secretary to the Ministry of Education is deliberately out to bring enmity between this

[Mr. Ayah]

National Assembly and the whole Civil Service, he is deliberately trying to make this Parliament think that the whole Civil Service is just downright rotten which, God bless us, is not the case. I know straightforward, hard-working, honest and loyal civil servants, competent too. And here is one of them who is deliberately trying to make this National Assembly, to make the citizens of this Republic take the view that the whole Civil Service is just rotten, just disobedient, just ignorant and arrogant.

And I want these words to ring from here to all corners of this nation: that we of this National Assembly are confident that the majority of our top civil servants are doing a good job but also, Sir, I want the words to ring from this National Assembly and to all corners of this Republic, that we categorically refuse to allow any particular individual in the Civil Service, however high he is, to assume the position of looking down upon this House, letting the name of this Republic down and, above all, letting the name of the whole Civil Service down.

Mr. Deputy Speaker, with those few remarks, I beg to second the Motion.

(Question proposed)

Mr. ole Leken: Mr. Deputy Speaker, Sir, I rise to support this Motion.

You will recall that during the course of my speech on Tuesday last I said a few civil servants have, in fact, assumed a strong, independent autonomy. This is a clear demonstration whereby a resolution passed by this House, the National Assembly, a House which under the Constitution has supreme powers, a House which represents the masses of this country, has been ignored and this is very, very serious. This contempt must be dealt with accordingly.

It would help if we were told who is the greater in the Ministry, the Permanent Secretary or the Minister.

Hon. Members: Permanent Secretary.

Mr. ole Leken: The Minister, therefore, in that respect, is a rubber stamp. Can you imagine your own Permanent Secretary giving you a copy of a letter which says, "I am directed . . .". Who directs?

An hon. Member: Very serious!

An hon. Member: Ask the Minister.

Mr. ole Leken: Who directs? It is not the Minister. So this House is being reduced to nothing, it is of no value. Even resolutions passed here are turned aside by a mere Permanent Secretary. This Permanent Secretary, who is just appointed

to hold a senior post, has the audacity to speak against the wishes of the representatives of this country, the wishes of the people of this country.

Now, Sir, I am surprised to note again, the gentleman referred to said very clearly "I am directed . . ." What I want to find out—and, I am speaking seriously—is who directed this gentleman because the letter says, "I am directed" and is copied to his Minister. That means there is somebody above who must have directed him.

An hon. Member: Who is that?

Mr. Mutiso: The invisible!

Mr. ole Leken: We are not even practising the system of Government which normally lays down what must be done. Mr. Deputy Speaker, if the hon. Members can listen to me for a while I will give them a chance to speak.

Mr. Deputy Speaker, I consider that the steps taken by the hon. Member for Tinderet constitute the best course for the moment. It should be stressed that any resolution passed by this House should be given first priority without any condition. This is the House of representatives, not the House of Permanent Secretaries. It is we who are the policy-makers of this country. We are given the authority by the public but a few Ministers are shying away from the powers they have been given.

The Minister for Education has completely failed, he is unable to perform the duties of his post and the Permanent Secretary has been given all the powers. The Minister is a first class theorist because, honestly, now can he allow this to happen?

Sir, I therefore request the House to take this seriously and hope that the Committee which will look into this matter will go into this deeply and sincerely so as to make sure that—

Mr. Koigi: On a point of order, Mr. Deputy Speaker. Is it true that the Minister for Education has surrendered his powers to his Permanent Secretary?

Mr. ole Leken: With those few remarks, Sir, I beg to support the Motion.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, we in this House, as has already been stated, are reasonable people who were selected from among many other people because we are capable to come to this House and talk and legislate on behalf of those who elected us to come here. As other Members have said, we in this House, last week and this week have expressed our fears: that the powers are

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

being usurped by some of the top civil servants. Amongst us, there are those who thought that if some of us did not say what some of us said, they would be in the good books of those they fear. Some of us said that some of the top civil servants were so big for their boots that they disregarded Members of Parliament, Ministers, Assistant Ministers and they thought they were the ones meant to run the Government. Evidently, there are very many of them. However, I want to be precise on this because other Members have to speak too.

Civil servants today, Sir, some of them, at least, we know their background. We know that during the struggle for independence they acted as "Special Branch" on us, they reported us to their masters, they did all sorts of things during the emergency. Despite that, Mzee Kenyatta told us to forgive and forget. Of course, forgiving is not forgetting. We gave them promotions; the positions they hold they would never have dreamt of holding during the colonial era. The results as the Swahili people say are, *ahsante ya punda ni teke*. Let the few *pundas* among the top civil servants know one thing: that we know what they did, we have forgiven that but we have not forgotten. We shall accuse them to the public at large and they may find that Kenya is a very small place for them to stay in. Today it looks very big for them because some of them can get themselves photographed with the Head of State. They can push the Ministers and even Members of Parliament aside and go near the Head of State and get photographed with him. Then they think they are bigger than the people elected to represent the views of the masses in this distinguished House.

I want to inform the hon. Members that one civil servant had the audacity, when I was trying to solve a problem of one of the constituents of a certain Member, in Mombasa—I am a public servant in terms of politics and, therefore, I am prepared to deal with any problem that is brought to me. When I asked this civil servant to do me a favour for one member of the public who wanted his services to be extended because he had reached retirement age, this man was so fussy. I telephoned the civil servant and asked him kindly to telephone me back, and he refused. This went on for a second and third time. The fourth time I told him I was an elected representative of the people and I expected the civil servants to respect me and telephone me. He refused. I telephoned again only to find his

Secretary telling me that he was there in the office. When I spoke to him he was so rude that he banged the telephone in my ears. Mr. Deputy Speaker, you can see the danger here. I am trying to help a civil servant to get his service extended because he had some problems with his children's education. This other man would not even listen to me and yet even the colonialists would have listened to us. But this one who has been trained by the colonialists had the audacity to bang the telephone in my ears.

Now, Sir, if those top civil servants think that what happened in Uganda can happen here, they should wake up because in Uganda, we are told, they used to do a two days' job in two months' time. When somebody else took over, then they had to change and do a two months' job in two days' time.

If they are allowed to frustrate the people of this country in the hope that when something happens they will be like people were in Uganda, then they are completely misled, and may God have mercy on them.

The person in question was the subject matter of this House in 1969 and I had the displeasure of seconding the Motion because I felt very bad. Today, Sir, I speak to the Motion. Now, Mr. Deputy Speaker, I want to ask one question. Supposing it was somebody else, would he still be in the Service? Suppose it was somebody else, a district officer, a chief or somebody else, would he still be working today? Mr. Deputy Speaker, Sir, it appears as if the Permanent Secretaries are so permanent that nobody can do anything about them. However, if it so appears which means it is not true, actually this Motion should go through, the Committee of Privileges recommends to this House what should be done, and let us see that invisible government, which gives those secretaries those directions. If this is not the Government which can give directions, and there is another invisible government to give these directions, then we shall know that day.

Mr. Deputy Speaker, Sir, hon. Towett is one of the capable Ministers; and above all he is a philosopher. Now, two things are quite certain here. One is that the people of Buret have been humiliated because they thought hon. Towett was the best person they could offer, and they offered him. Mzee, again, looked at Towett and saw that he was a good brain and he offered him a Ministry. Do you see, Mr. Deputy Speaker, how serious the whole situation is? The views of Buret people have been abused. The head of State, who gave him the post, has been abused, and the views of

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

the supreme authority of the country have been abused. Now, what do we do?

Mr. Deputy Speaker, Sir, if a Mr. Gachathi was all that competent—I do not know where he comes from—the people of his area would have elected him to this House. It was free for all civil servants to resign and go to contest the elections, and we have some of them here.

An hon. Member: He comes from Kiambaa.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Kiambaa people should have elected him, then Mzee would have looked at him and given him the Ministry—but he felt how useless he would be there and decided to remain silent. However, now, here Buret people brought a capable man, a philosopher, and he has the audacity to give him only copy of a letter. The first thing should have been a copy to the Minister, but now he starts with the chairman, Kariithi and then comes to the Minister. He is number three. Mr. Deputy Speaker, the Members should not laugh at this because it is a very serious matter. The man, himself, has no order of protocol. I guess the Assistant Ministers never had any copies. The Assistant Ministers did not even get a copy. I guess he felt the Assistant Ministers were nothing and there was no need even to inform them.

Mr. Deputy Speaker, Sir, if I repeat again, there was an argument by one of the hon. Members here, that we were a bridge between the public and the Government. I said, the Government is Ministers and Members of Parliament. If we are a bridge, then there must be another Government and that Government was the Government of the civil servants. Today, it is evident. Now, all the Ministers here and Members of Parliament, we are indeed a bridge between the people and the top civil servants. Therefore, one of them, an invisible fellow, writes to the Minister, who is a Member of Parliament; in other words, he is a bridge of Buret, to the Minister for Education, and the Minister is Gachathi.

I must say one thing, because I want to give other Members a chance to speak. These Permanent Secretaries, and there are more of that kind, including that one who banged the telephone into my ears, must be told that this House is the supreme authority and Mzee makes no secret about it, and he even says it from the seat of this House that this is the supreme authority of this country. We would be failing hopelessly and miserably, Mr. Deputy Speaker, if nothing happens to a dishonourable Mr. Gachathi. We will be

failing in our duties if nothing happens to him. This is the ram that we must sacrifice on the altar of other insane civil servants who have the ideas similar to that of a Mr. Gachathi. When we cut this one, then the rest will know that there is some danger somewhere.

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

Mr. Somo: On a point of order, Mr. Deputy Speaker, Sir, in this letter, which is written by the Permanent Secretary, Mr. Gachathi, in section two, here, I find Members attacking Gachathi and it is stated very clearly here that: "I have been directed". Is it in order for them to attack him?

The Deputy Speaker (Dr. Waiyaki): We are dealing with the statement as it appears in the Press. I have not been shown that letter and I do not know whether that letter is genuine or not. You should have given me the letter before you rose on a point of order.

Mr. Boy: Thank you very much, Mr. Deputy Speaker, for having given me this opportunity to air my views on this very important Motion. I am supporting the Motion.

Mr. Deputy Speaker, Sir, when one speaks, or discusses something with his friend, one must always make reference or refer to something which has connexion with the discussion at hand. Mr. Deputy Speaker, Sir, we are discussing the conduct and behaviour of a certain civil servant who took an opportunity to make a Press statement trying to inform other people, or the world, that this House can do nothing. I am, Mr. Deputy Speaker, Sir, a representative of the people and I believe strongly that this House is representative of the people. This, House, Sir, is charged with looking after the general welfare of the nation. It is a fact, Mr. Deputy Speaker, that some civil servants do believe they are the Government. They also think, of course, that Members of Parliament, or the Parliament itself, is nothing. Now, it has come out quite clearly, Sir, that as we were discussing the other day about the over-expenditure of the public money, certain civil servants or people have spent public money without the authority of this House. Now we are told here that what we discussed here about University is nothing. This means that this House is meaningless. Some civil servants believe that this House—

Mr. Deputy Speaker, Sir, I can hear the Minister talking on the other side. In fact, they are the people who are dominated by the so-called Permanent Secretaries.

Mr. Deputy Speaker, Sir, I think that this House has a duty to correct some mistakes,

[Mr. Boy]

especially of those made by people who think that they are doing the correct thing when they are, in fact, not doing so. I strongly believe that he is not the only one. It so happens that he is the only one who has come forward, as one of those civil servants who think that he has supreme authority. Perhaps, possibly, a group of people have advised him to take such measures because nothing can happen. Where is the responsibility of this House? It is, indeed, a challenge to his House; it is a contempt of this House. Are we accepting the statement issued by the Permanent Secretary or not? If we are not, what should we do. Now, should we correct it or leave it like that? I strongly believe that something should be done to correct such things. If something is not done, not only Mr. Gachathi or whoever he is, some people should be taught a lesson that this House is the supreme authority of this nation. It is not an authority for only a simple man but for all men. Mr. Deputy Speaker, Sir, we should be told quite clearly if there is an invisible Government or a group of people somewhere else who believe that they can do what they want regardless of what the Parliament thinks or has passed. We should be told, Mr. Deputy Speaker, Sir, because we have the peoples' authority. Even if we are told, Sir, are not we going to surrender the authority that our people have invested in us? If we are not going to surrender, Mr. Deputy Speaker, Sir, some action must be taken straightaway in order to alleviate the situation. He is not the only one. We should not blame district officers, district commissioners or some civil servants who think that they are more important than the Government. These are the people who are giving directives to the junior people so as to misbehave towards Members of Parliament. I think, Sir, as a Member of this House, whatever we pass as a resolution, like the one we passed in the form of a Motion tabled by hon. Mwangale must be acted on. Now, if such resolutions cannot be honoured, it means that this House, as a whole, has been dishonoured! I have the right, here, Mr. Deputy Speaker, Sir, to support the Motion tabled by hon. Seroney who has had courage to table this Motion successfully. I would, therefore, urge the hon. Members of this House that we should not, in fact, take much time discussing this Motion. We should, instead, unanimously accept the Motion straightaway so that action can be taken.

With these few remarks, Mr. Deputy Speaker, Sir, I would like to support the Motion.

Mr. Kanja: Thank you very much, Mr. Deputy

Speaker, Sir, for my having caught your very sharp eye, and I am going to be very brief and precise. Sir, I rise to support the Motion, and while doing so I would like to congratulate my colleague, hon. Seroney, Member for Tinderet, for having realized the gravity and seriousness of this matter.

Mr. Deputy Speaker, Sir, senior civil servants have all been condemned; but a few demagogues, like Mr. Peter Gachathi, who have put a big wedge between the duly elected representatives of this Republic and the people who are supposed to be the executive arm of the Government should be denounced. We are the Government. Mr. Deputy Speaker, Sir, the Parliament is very, very clearly defined in our Constitution and consists of the President, Vice-President and Members of this National Assembly. So, any member of the Civil Service who defies a resolution by this House also defies the President of this Republic. Therefore, Mr. Deputy Speaker, Sir, the so-called Permanent Secretary (he is so permanent!) has all the audacity to challenge a decision, a resolution, by this hon. House—surely he has to be told that he must go back to where he was before we fought for independence. He could never, under the Colonial Government, have become a Permanent Secretary. A Permanent Secretary of what, Mr. Deputy Speaker? He could not have become a Permanent Secretary I am saying, Sir, and I do not want to lose my head, that those types of civil servants were the very homeguards who were saying that Kenya could never be ruled by an African! Even today, Sir, they are the same people who say "How did people like Kanja, who were once condemned to death, get to sitting in that hon. House and, to the position of giving us orders?" Sir, I give orders with the mandate of the people who elected me!

Hon. Members: Hear! Hear!

Mr. Kanja: Mr. Deputy Speaker, Sir, this is a black man's country. Those civil servants who think that they should cling to the same old system of the colonial masters must be told in no uncertain terms that they must obey or else they should quit and we will get some other brainy chaps who are loitering in the streets with nothing to do and yet they have better polished brains than those deadwoods are trembling like (Inaudible). We sit here and say that we have an able and capable Civil Service. It is high time they registered. I dare say, Sir, that if I had my own power, empowered by this House, I would chuck out all the deadwoods—excuse my saying it—including Ministers who cannot discipline their Permanent Secretaries.

Hon. Members: Hear! Hear! Hear!

Mr. Kanja: Mr. Deputy Speaker, Sir, why do we have to come here and be paid by the Treasury—by the poor public—only to be challenged by the civil servants. Some of them say that we are making *kelele*. Is this not a clear indication that whatever we pass here will not be implemented so long as we continue having those types of Permanent Secretaries who do not know what they are doing?

Mr. Deputy Speaker, Sir, money is power! We have allowed—and I have repeatedly said in this House—our senior civil servants to indulge in so many businesses here, Mombasa and in other towns in this and that. As a result, they have accumulated so much money that if poor Kanja, sitting on this seat as an elected representative of Nyeri people and Kenya as a whole, and I do not earn more money than what has been voted for me, they say “Look at that poor parliamentarian.” Do you know what they call Members of Parliament, Mr. Deputy Speaker, Sir? They interpret “M.P.” as “Miserable Person”. They do not call us Members of Parliament but “Miserable People”. They say we are miserable people because we have no money. Surely we have to do something more. Mr. Deputy Speaker, Sir. If we do not do it, as hon. Shikuku quoted, they are on a slow strike not to implement the decisions of this hon. House so that things go wrong and when they will have all gone wrong the first people to lose their heads will be us. Sir, by losing heads, I mean that hon. Ngei will no longer be hon. Ngei because his head will be *here* and his legs will be *there*. They will say, “Oh! You people, you know I was only being directed.” Who is this invisible director that we do not know? We are supposed to be the directors. We are supposed to direct them by the mandate of the people. Those invisible masters must come out and tell us who they represent. If people like Gachathi have the audacity to go on saying that they are directed, they must tell us who their directors are if they are not to be directed by this hon. House.

Mr. Deputy Speaker, I know many hon. Members want to air their on this Motion and, therefore, with these very few words, I beg to support very strongly.

The Deputy Speaker (Dr. Waiyaki): Mr. Towett.

Hon. Members: Shame! Shame! Shame!

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I am deeply concerned with what we are discussing this afternoon.

An hon. Member: Resign.

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I am willing to resign any time, even now; but may I—

Hon. Members: Yes, yes! Resign.

The Minister for Education (Mr. Towett):—Sir, say that if my resignation will put things right, I will do it. May I Sir, ask the hon. Members to let me present my case before they can shout at me, or before I can resign.

I was very much shocked this morning, at 8.30 a.m. when I went to my office, to read in the *East African Standard*, about this “Members of Parliament University Demands Shelved”. I was shocked, I was paralysed, and I tried to find out what was happening and, Sir, I now know what was happening.

Hon. Members: That is very good. Tell us.

The Minister for Education (Mr. Towett): Sir, the Government was equally affected and concerned about the publication of the said statement, Sir, it is not, and it has never been, the intention of our Government to disregard, ignore or shelve Motions that are passed through and by this respectable House. These are my own words, Sir, that have not been put into my head by anybody from outside myself. The Government knows pretty well that its survival and continuance is dependent on the survival and continuance of this very House. The Government attaches the greatest importance to all the deliberations of the House because the House is the representative of the 11½ million people of the Republic of Kenya. The hon. Members here came to this House through the voice of the people. They represent all the people in the Republic and the Government, Sir, is the executive arm of that voice of the people. That is the Government; the executive arm. This is the House; the voice of the people.

Mr. Deputy Speaker, Sir, I would like to say that I am sorry for what happened and I hope it will never happen again.

Hon. Members: Oh, no! No! No!

The Minister for Education (Mr. Towett): Sir, when I say I am sorry, of course, I am sorry for what happened. Nobody will say I am not sorry for what happened. I am sorry about it.

Sir, I would like to say that what was reported in the *East African Standard* is as factual as it appears on the letter which was referred to and which was read to us by the hon. Member for Tinderet, Mr. Seroney. There is no blame from me aimed at the papers saying that the papers had any intentions, motivewise, bad or good. Sir, I am a democrat, and so long as I live I shall endeavour to live by democratic standards,

[The Minister for Education]

one of which is to defend a democratic government; and by a democratic government I mean a government elected by the people of this country.

It is my intention, Sir, to implement the implementable parts or sections of the hon. Mr. Mwangale's Motion.

Hon. Members: Oh, no! No!

The Minister for Education (Mr. Towett): As you know, Sir, the Motion has three sections, (a), (b), and (c).

An hon. Member: Do not discuss the Motion.

The Minister for Education (Mr. Towett): I am told I should not discuss the Motion; but may I put my piece of mind on record. One of them, Sir, was to dissolve the University Council and to appoint a new one with membership on a provincial basis. The other two—

Mr. Mulwa: On a point of order, Mr. Deputy Speaker, is the Minister in order now to try to revive a debate which has already been passed? The Motion was debated here, and if he had any grounds of objection he would have objected. Now we are discussing something else and he is reviving that. It is a question of accepting it, wholly, as it is or not.

The Deputy Speaker (Dr. Waiyaki): No, that is not quite correct according to the constitutional provision. The resolutions of this House are requests on the Government, which the Government is expected to honour by virtue of the fact that this is a representative body; the supreme authority of this country. The hon. Minister said that he was going to implement what was implementable. Now, he is trying to explain, at this juncture, what he regards as implementable. Before we have heard what he wants to say, there is no point in any Member standing up to oppose it because we have not heard it yet.

The Minister for Education (Mr. Towett): Thank you very much, Mr. Deputy Speaker, Sir. I was saying that the other two—(b) and (c)—were to appoint a commission to inquire into the affairs of the university with a view to making recommendations for its smooth and efficient running and to establish more constituent colleges which are geographically dispersed throughout the Republic of Kenya.

To start with, Sir, I want to inform the House that I shall soon name a mission to look into the vocational, industrial and academic aspects of the Kenya educational system from primary up to university level. This body will inevitably give me a report on the future increased diversification and expansion of primary, secondary and univer-

sity education which, of course, will take into account the geographical background and distribution or dispersal of our educational institutions. This body, Sir, will be named by me within the next two or three months. I am looking for a suitable candidate, who is more or less conversant with, or is aware of university matters from North-Eastern Province for consideration for appointment to the University Council. As I said before, Sir, out of our seven provinces have persons in the University Council, and it was only the North-Eastern Province that had no representation in the Council. Sir, Nairobi is perhaps over-represented in the Council because the majority—

Mr. Nthenge: On a point of order, Sir, I thought we had seen this Motion and we are dealing with a specific issue of suspension and now the Minister is talking on the Motion we have already passed. Sir, is it really in order for us to widen it so much that we may not even reach a conclusion?

The Deputy Speaker (Dr. Waiyaki): No, from my understanding, the hon. Minister has said that he was as much shocked as everybody in this House was. He read the newspaper this morning and he said he was sorry for whatever happened; this is what I understood. He is now trying to remedy the situation; he is putting across what he regards as the right part. We will not allow, of course, to open the old debate. It is not possible for the Minister, as he knows, to re-open the whole debate because the House has already resolved on that matter. Our Standing Orders prevent any discussions on a matter that has already been resolved except on a Substantive Motion. That is not what we have here now; so, I will ask the Minister to come back to the Motion that we are dealing with, which is on the question of privilege.

Hon. Members: Hear! Hear!

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, I agree with your ruling. However, this letter in question says that the Government has decided that it has no intention of acting on this Motion, and that is why I am bringing this particular aspect into it because the letter— Mr. Deputy Speaker, Sir, I am trying to say that the Government intends to implement the Motion. This is what I am saying. I was going on to show that—

Mr. Ogingo: On a point of order, Mr. Deputy Speaker, Sir, would it not be in order for me to ask the Minister to tell us who specifically directed this particular Permanent Secretary to write the letter he wrote?

The Deputy Speaker (Dr. Waiyaki): I thought he said that he did not direct that to be done; but not in as many words as I have said it. If he was shocked to read this statement in the newspapers, surely that follows that he did not direct the Permanent Secretary to write the letter. That the hon. Members are concerned with, Mr. Towett, is that you come back to this particular Motion and explain what the views of the Government are with regard to that Motion.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir, as you are the guardian of this House, I would like to seek your guidance here because the Minister is going astray. The Minister is dwelling on a lot of details connected with his office. The House is not interested to know the other details of the Motion. Will you bring the Minister to order so that he can speak about Mr. Gachathi, who is his Permanent Secretary because that is what the House is interested in?

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance here. The Minister says that he was surprised to read about this letter in the morning in the papers, but it is shown in the letter that a copy was sent to him, and furthermore the letter is dated, 15th or 17th of this month. Is the Minister implying that he never saw this copy of the letter?

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, if I was allowed to continue I would say something about that. However, since it is a question-and-answer type of a debate, I want to say that I was shocked to see the report in the newspapers.

An hon. Member: On a point of order—

The Deputy Speaker (Dr. Waiyaki): No further points of order, because the Minister is trying to come back to the correct part of the Motion.

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, the Motion is before the House and, as I had said earlier on, this House is the voice of the people. Since it is the wish of this House to discuss this Motion, I will allow the Motion to go on. I know that I have no power to stop the Motion and there is nobody who has any power to stop any Motion in this House. Therefore, Sir, I will leave the Motion there to be discussed and I wait to see what can be done later.

Mr. Y. Ali: Thank you very much, Mr. Deputy Speaker, Sir. I rise up here to support this Motion with all the strength at my disposal.

I believe this Motion is well timed. This Motion is straightforward. This Motion is going to expose

to this nation what is happening in this country. This is the reason why I rise up to support this Motion.

Secondly, Mr. Deputy Speaker, Sir, I would like to take this opportunity to congratulate my two hon. friends, the Mover and the Seconder of this Motion for their courage to come out in order to save this country from subversion and from the ill intentions of creating conditions between the rulers and the people of this country. Mr. Deputy Speaker, Sir, I am going to speak my mind. At the same time I am not going to allow myself to lose my head— That is the reason why, Mr. Deputy Speaker, I am going to confine myself to one point only, because I believe this point is the most important as far as this issue before us is concerned. I want to speak about the 12 million people in this country. It is because of these people this Parliament is in existence, and that is also the reason why we have Permanent Secretaries, Ministers and Assistant Ministers in this country. If there were not 12 million people in this country, nothing else would have bound this country together. I have repeatedly said in this House, Mr. Deputy Speaker, that we who have been given the responsibilities and privileges of looking after the affairs of this country, there are some of us who have forgotten that we have been entrusted with the responsibilities— It is just like me asking my hon. friend here to look after this paper and, in the meantime, I go out for a short call. However, this Government is no one's property. Kenya's affairs are no one's monopoly. It is the right of everybody in the country. We here in this House, in particular, speak on behalf of the people. I say this, Mr. Deputy Speaker, Sir, with full knowledge and great experience because I have documents and in my possession which ridicule, belittle, and do all sort of things to this House. The documents I have in my possession are equivalent to saying that there is no Parliament in Kenya. To say there is no Parliament in Kenya, means that there are no people in Kenya or *wananchi*—

The Deputy Speaker (Dr. Waiyaki): Order! I think this heckling is going too far. We cannot hear over the noises that are being made here.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, I would like you to discipline the House, especially the hon. Members who are shouting because they appear not to know the Standing Orders. The hon. Member speaking has categorically mentioned that he has some documents and, Mr. Deputy Speaker, Sir, according to our Standing Orders once an hon. Member mentions that he has some documents, because he has said that, he has to produce those documents

[Mr. Karungaru]

or lay them on the Table for the other hon. Members to see.

The Deputy Speaker (Dr. Waiyaki): Order! A habit is developing whereby Members prejudge what the Chair is going to say. I heard somebody saying "No". As a matter of fact, the hon. Member who has just sat down is quite right. If an hon. Member discusses a document and purports to represent what that document says, as the hon. Member for Langata, Mr. Ali, has just done, then he is obliged by our Standing Orders to lay the document on the Table of this House so that it can be printed and seen by the Members in this House.

Mr. Y. Ali: Mr. Deputy Speaker, Sir, with great pleasure, if given time I will lay the papers on the Table of this House. If I am given time, tomorrow I will lay the papers on this Table.

The Deputy Speaker (Dr. Waiyaki): Lay those papers on the Table tomorrow morning.

Mr. Y. Ali: Thank you, Mr. Deputy Speaker. I will lay the papers on the Table of this House tomorrow morning, because I know what I am speaking about. Mr. Deputy Speaker, Sir, I am speaking with full knowledge because I have been a Member of this Parliament for over a year now and I know how some of us are being treated because I am affected. This case before us here, Mr. Deputy Speaker, is similar to an explosion. According to me, Mr. Deputy Speaker, this has been brewing, or cooking, for some time. Almost each and every Member in this House has been pushed or harassed in one way or another. However, the time for this to come up had not arrived, but today the time has come. This is the explosion, Mr. Deputy Speaker, Sir, which has been brewing. We have to come here and speak our minds. Mr. Deputy Speaker, Sir, that is the reason why I have said that I will lay these documents on the Table of this House so that some Members here may follow them to prove for themselves that what we have been saying here is the truth.

Mr. Deputy Speaker, Sir, the people of this country should be respected because we know that the problem, or the biggest task, facing this Government is the one of making its people rich. Mr. Deputy Speaker, Sir, this Government cannot make everybody rich in this country overnight; this Government cannot provide *shambas* for everybody overnight, or houses, for that matter. But there is one thing which this Government must provide to its people, Mr. Deputy Speaker. This is respect, Mr. Deputy Speaker. Every *mwananchi* in this country deserves respect; every *mwananchi's* dignity in this country must be re-

cognized and maintained and that is why this House is supreme. This is very serious, Mr. Deputy Speaker, Sir, and I fully associate myself with my hon. friend, Mr. Kanja, when he said that the Members of Parliament are being called *wapishi* by some people. But, what is wrong even if I was a cook employed by the colonialists ten years ago, and today the *wananchi*, because this House belongs to them, have sent me here? Who has the right to question this? I think God created all of us as human beings. This is the gist of the matter and this is what is troubling this country, Mr. Deputy Speaker. Mr. Deputy Speaker, Sir, because a few people have been fortunate to acquire education and to acquire degrees, they are looking down on others who have been unfortunate. But, Mr. Deputy Speaker, Sir, to tell the truth, I must say that they are just a small fraction of the 12 million people who are now in Kenya.

Mr. Deputy Speaker, Sir, since I do not want to deviate from my speech. I agree with the previous speakers who have said that the supremacy of this House and the supremacy of this nation must be maintained at all costs.

Finally, Mr. Deputy Speaker, I would like to support this Motion very strongly.

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, the question before this House is of a national importance because it guides two principles, or rather two facts. For those people who take Government as their personal effect and those people who take Government for the interest of the public.

Mr. Deputy Speaker, Sir, I would have been rudely awakened today if I had a letter, being copied to me by the people who are subordinate to me. In any responsible position that I may hold in the Government, in commerce or anywhere in the four corners of the world, I should hate to have a subordinate copying a letter, or in other words copying his decisions to me if I am, by virtue of my nomination by a legal representative, who is above me like the President, or by nomination or election, entrusted in an office like the one I hold.

Mr. Deputy Speaker, Sir, today we have a serious matter which is concerning one individual as a culprit and who, by himself, decides to act on behalf of Government to give a decision against a resolution passed by this hon. House. This is a very serious matter and we must decide now and then the procedure to be followed in dealing with this matter. This matter involves policy decisions of Government—

An hon. Member: Suspend him.

The Minister for Housing (Mr. Ngei): If I am given time I would like to drive some points home on this matter because it is very serious.

Mr. Deputy Speaker, Sir, we have a culprit who has gone against a resolution of the House. This culprit ought to have informed the Minister concerned, who a few minutes ago denied him and said, "I did not authorize him to write this letter". Therefore, this man is the culprit. Therefore, as a democrat and a Government Minister, I shall leave no stone unturned with my bullets towards this culprit. I do not care who is involved, whether it is my mother or my brother. This is a question of Government affairs and it is not a question of an individual. Therefore, we must not take things that concern the lives of many people in Kenya lightly. The milling place of the brains of young men who are passing through university, and whose decision has been favoured by this hon. House— One individual goes against a resolution of this House intended to improve the milling factory of minds of many of our Kenya people in university. This cannot be allowed. This, if I may say, is the worst civil servant; the type I would not like to have in any Government or in any place in the world. It is right and proper that this man must be brought into the proper place for discipline. I am therefore, Mr. Deputy Speaker, saying that this man must be brought before the Committee that deals with contempt of this honourable and respectable House.

I would like to say one thing, Mr. Deputy Speaker. Today there are some— I will repeat what I said in my speech during the debate on the Report of the Public Accounts Committee because I never like putting all people in the same basket if they do not belong to that basket. That is why I will never be a fisherman because a fisherman puts tilapia together with the other fish creatures called black bass. You will see that fishermen put tilapia and black bass together. I would not like to put the civil servants together. But I have seen of late, Mr. Deputy Speaker, that some civil servants belong to the privileged sphere and as such they have become very big-headed. They have hated the Members of Parliament—their measuring rod of status of politicians is the degree of hatred and contempt they have for Members of Parliament. When they look at me when I am passing, it is as if they do not care whether I am the Vice-President, a Minister, an Assistant Minister or, for that matter, the chairman of a board or a respectable Member of Parliament, they have to measure me with their measuring rod of hatred and not by the goods that I can deliver because I have been elected by the people. This is very

wrong indeed. They think they belong to a special class and they can take Government decisions as their personal effects. I want to make it quite clear that so long as we live we shall make this country democratic and we shall stand by the principles of democracy.

We shall respect the civil servants who are doing their work properly. Why is it, Mr. Deputy Speaker, that the Auditor-General has been given constant praise in this House? Why is it that we do not see the Auditor-General as a civil servant but as a man who is looking after the affairs—the financial affairs—of this country? I am sure that this House likes Mr. Njoroge—the Auditor-General. The one thing I like about Mr. Njoroge is that he has a calm head; he has no wings; he does not attend the *mbuzi* parties where the politicians are discussed. He is honest, sincere and forward seeing. What about this culprit? If I were to be dirty, Mr. Deputy Speaker, Sir, and at this age of my political experience, I would reveal the history of some civil servants who are troubling this country and making the Government unpopular. If these intelligent heads, the intelligent minds assembled here because they have been elected by many intelligent brains in the country throughout Kenya, and they have been blessed to come over here resolve and say they want a particular motion, or a particular decision, or particular feeling of *wananchi* to be implemented in our Nairobi University, who is this Gachathi to say that he has a new decision?

Hon. Members: Tell us!

The Minister for Housing (Mr. Ngei): I am not the one to tell you. I think the hon. Minister has already told you.

I am very grateful to the Minister because of what he said. If my colleague spoke the contrary, I would have spoken very strongly and I would have asked the Buret people to get rid of him. However, the Minister has been very honourable because he faces an issue which he knows has been done under his feet. And, I say, Mr. Minister, I think you very much for your straight-forwardness.

Mr. Deputy Speaker, Sir, I would like to end by a humble submission that something must be done, and not only to this particular one but to many who are really going outside the right way which the Government wants. I do not want the Government to be unpopular because of the actions of a few people; I do not want to condemn all the civil servants but the ones who are doing the wrong things at the wrong time must be rooted out.

With these few remarks, as a democrat, I fully endorse the Motion.

The Assistant Minister for Housing (Mr. Khalif): Mr. Deputy Speaker, Sir, thank you very much for giving me this golden opportunity to say a few words in the form of denunciation.

However, Mr. Deputy Speaker, Sir, I would like first to pose two questions:—

My question number one is: “Is the fact that this House is the highest authority in this country a reality in practice?”

My number two question, Sir, is: “Is the present practice, whereby some civil servants virtually rule the country reconcilable with the theory that Kenya has a political Government?”

Mr. Deputy Speaker, Sir, the answers to both questions are known. Mr. Deputy Speaker, Sir, a war has been declared by civil servants in this country against politicians and, therefore, let us agree here and now, unanimously, that we are going to finish this war. We must finish this war, Sir.

Mr. Deputy Speaker, Sir, with all due respect, and without being emotional and hot in this particular connexion, I think this House, this honourable House, this House of Members of Parliament, this House of elected Members of Parliament, this House of respected people, this House of brains, brains that have been selected all over the country; this House of gentlemen and ladies—I must say gentlemen first, because this is in keeping with our African tradition. This House of gentlemen and ladies has tolerated enough contempt and, therefore, let us resolve now and here, all of us, Ministers, Assistant Ministers, and hon. Back-benchers, together as one group today, that we shall no longer accept any *nyokonyoko*; in the word of His Excellency, the President, Mzee Jomo Kenyatta, because what has happened today does amount to *nyokonyoko*.

Hon. Members: What is *nyokonyoko*; what is the meaning?

The Assistant Minister for Housing (Mr. Khalif): Mr. Deputy Speaker, Sir, here is a situation whereby, notwithstanding the fact that the Cabinet, Chaired by His Excellency the President, Mzee Jomo Kenyatta, notwithstanding the fact that the Government is formed by the Cabinet, we have a civil servant who has the audacity to write a letter and copy it to his boss, his Minister, and say that the Government... Which is this invisible Government?

Mr. Deputy Speaker, Sir, I would like to relate another incident; just a recent incident when, I, as an Assistant Minister in this honourable Government, travelled from Wajir to Nairobi here and related to the Press the severity of the drought

in the area and then a junior civil servant, by name of Deputy Permanent Secretary in the President's Office, had the audacity to call the Press and say that the Kenya Government does not accept this statement. Which is this Kenya Government; the Kenya Government of which I am an Assistant Minister or another one?

Mr. Deputy Speaker, Sir, it is high time—Mr. Deputy Speaker, Sir, let us face the reality squarely, and it is high time that we really think seriously. It is high time that we were told by whoever is responsible for this sort of thing, whether there is an invisible Government in Kenya. If there is no invisible Government in Kenya, and if the legal Government is the Government of which I am an Assistant Minister for Housing, then, Sir, I think there is a lot of inconsistency.

Mr. Deputy Speaker, Sir, some of us who have been in such positions, as Assistant Ministers, have been looked down upon by some civil servants who, in the real sense, should have been our own assistances.

Mr. Karungaru: Why did you allow them?

The Assistant Minister for Housing (Mr. Khalif): Mr. Deputy Speaker, Sir, a very good question is posed by the Member for Embakasi. He asks me, Sir, “Why do I allow them”? I have never allowed them; I will never allow them. Let us all, collectively, agree not to allow them.

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

Mr. Mulwa: Mr. Deputy Speaker, Sir, thank you very much for allowing me to say a few words on this very important Motion. Sir, we all seem to agree that we should condemn this man, Mr. Gachathi, whether we are Back-benchers or Ministers, and I am very pleased about it. This is the first time I have seen us work in co-operation and I hope this will continue—this spirit of co-operation. I hope it will continue, Mr. Deputy Speaker, Sir.

However, Sir, before I deliver my condemnation of Mr. Gachathi—

Hon. Members: Do not call him “Mr.”.

Mr. Mulwa: Thank you for correcting me.

I have a few observations to make. I agree we should punish this Permanent Secretary, and I do that wholly, so that he serves as an example to the others. But, Mr. Speaker, Sir, we must also look at the whole issue because I think it is more than just Gachathi alone. If you listened to the Members speaking here, even though the Motion is on Mr. Gachathi, you would have noticed that

[Mr. Mulwa]

there is some discontent expressed by the Members of Parliament about the role of the civil servants.

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

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

However, Mr. Speaker, Sir, the question is, where is this coming from? I think that is the crucial matter here. Mr. Gachathi is just one among others. What he has done is that he has overdone it. Others are also doing this. Let us face the facts.

Mr. Speaker, Sir, we have the Constitution, which is very clear on some of these things, and I think there is some confusion here as to the powers of the legislature, that is, the House of Parliament here, and the executive arm of Government. Maybe, this confusion is coming because the Head of the executive is also the Head of the legislature, because the President is the executive arm of Government and he is also a Member of Parliament as well as the Head of State. Maybe, this is where the confusion comes from.

Mr. Speaker, Sir, if you look at section 22 of the Constitution, you will see that it talks about the Permanent Secretaries. It also talks about the powers of the Ministers.

Without boring you, Mr. Speaker, with what that section says, I can just summarize it by saying that the Permanent Secretaries, under the Constitution's strength, section 22 (1), are responsible to the Ministers. That is quite clear.

Section 23 (1) vests the power of the executive into the hands of the President. But then Mr. Speaker, Sir, here is where the problem comes. The executive is supposed to do what the Parliament says, and the executive is not supposed to legislate. So, when the President orders anything to be done in his power as the Head of the executive, he does what Parliament says should be done. It is the work of the Ministers, under the Constitution, to see that the Permanent Secretaries do what Parliament says, and the Permanent Secretaries are answerable to the Ministers. That is also quite clear.

Notwithstanding all that, it appears that there is some frustration which is most experienced by our Ministers, and this is quite evident from what they have been saying today. Why do we not find out where this frustration is coming from instead of beating about the bush? It appears that, in fact, if the Ministers were to tell us frankly, if they meet in the Cabinet at all, whatever is said

there does not seem to go down to their Permanent Secretaries and vice versa. I am saying that because it appears from what I have seen, from my own observations, these Ministers here would like to say exactly what we the Back-benchers say, only that they are tied. I think that is a fact and they will accept it. Why so? It is because it appears there is another force somewhere—a hidden force—which seems to be more powerful than they, themselves.

Hon. Members: Hear! Hear!

Mr. Mulwa: I would, under normal circumstances—I say under normal circumstances—have requested the Ministers and under such circumstances, to resign, on matters of principle. However, I am not going to ask our Ministers to do that for one simple reason. You all know, and I think they also know, that if anyone of them attempted to do that, saying that he was resigning on a matter of principle, he would be followed until he had no pants.

Mr. Speaker, Sir, it is for that reason that I will not insist that they should resign on a matter of principle because I am aware of what will happen to them. But the only thing—

An hon. Member: Who will follow them?

Mr. Mulwa: I do not know, but what I will—

Mrs. Onyango: On a point of order, Mr. Speaker, the hon. Member has said clearly, "Who follows those people who resign?" We also want to know them.

Mr. Mulwa: Mr. Speaker, Sir, that was a very good question from the hon. Member for Kisumu, but I think the other day there was a question here on J. M. Kariuki. Here, again, you saw something funny. As I understand it, he was having a social—

The Speaker (Mr. Mati): Order! That has nothing to do with what you said. That is a separate issue dealing with people being followed after resigning on a matter of principle.

Mr. Mulwa: Mr. Speaker, Sir, I was going to elaborate on that. What I was trying to say, in answer to what the hon. Lady asked, as to who will follow them, I think it is the invisible government. If you ask me about it—actually, I do not know where it is. How can I know that? It is invisible, and even if you press me to go and show you where it is, I do not know. Even the Ministers do not know. How can they know?

Therefore, Mr. Speaker, Sir, what I think should be done here is, in order to acknowledge the fact that the civil servants who are misbehaving, whatever they are doing, we, as parliamentarians, are equally to blame, and I

[Mr. Mulwa]

must emphasize this. These people are misbehaving, or they seem to have taken the powers of the parliamentarians because there has been a vacuum which has been created somewhere. This vacuum has been created by the non-existence of an effective party. That is why you find that the district commissioners, the provincial commissioners, and the small people like the district officers, kick about Members of Parliament. It is because there is no existing party which is functioning properly. There is this vacuum, and whether you like it or not, so long as there is a vacuum created there, these people will continue bothering us. No other good party—I promise you, you will not see this *nyokonyoko*, as hon. Khalif said. Let us face the facts. So long as we live this vacuum there, and so long as we continue cheating ourselves that everything is well, then, my dear friends, through Mr. Speaker, you are in trouble, and let me warn you again.

Mr. Speaker, most of the things happening today might one day be questioned. What might be done? They might be questioned one day. This might be within seven or 15 years, but they will be questioned.

But look at this: it is not the civil servants and not Mr. Gachathi who will be questioned by the *wananchi* but it is we, the politicians, who will be the culprits. You will be the culprits with these very Ministers. There are so many of you, and you have a Cabinet in which you meet. I do not know the force of this invisible government, and I also do not know how many Members of the Cabinet are in this invisible government, but I have a feeling that you, Cabinet Ministers, may be more than the members of that invisible cabinet. I understand they also possibly sit with you. So, why do you not become tough like ourselves, the Back-benchers, and let us find out more about this invisible government and outvote it? I am sure, if only you stuck to your guns—I am not asking you to resign because I know what will happen to you if you resign. I do not wish to ask you to do that, but stand on your toes and make sure that if you go into your Cabinet you can outvote some of these decisions by the invisible government, and stand on your own.

With these few words, I would like to give the other Members opportunity to speak.

The Speaker (Mr. Mati): Hon. Members are aware that we started at around 4.30 p.m. and it is now about ten minutes past six o'clock. We have only a few minutes before the time for the interruption of business, and it is my feeling that there is no need to drag this debate to another day. I think that what has been said

has been quite sufficient. I am, therefore, going to put the question that the Mover be now called upon to reply. In an issue like this I think in spite of how you feel and in spite of your desire to speak you should also take into account other factors like time. The question is that the Mover be called upon to reply.

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

I am not quite sure whether the Ayes or the Noes had it but I do not want us to take time on an unnecessary Division. The more you drag this issue the less serious you seem to indicate that it is. So, I will allow only one person to speak for only ten minutes but not more.

Mr. Mutiso: On a point of order, Mr. Speaker, I think we are reducing the dignity of this House to something very small. Is it really in order, despite the fact that we all want to speak, for Members to raise their hands as if they are in a classroom?

The Speaker (Mr. Mati): No, it is out of order. My feeling is that all that is worth saying has been said. Most of what is now being said—what was being said lately was only repetition.

The Assistant Minister for Health (Mr. ole Oloitipiti): Thank you very much, Mr. Speaker, for giving me this time to air my views on this very grave matter. Mr. Speaker, Sir, last time during the course of my speech I made it clear that it is not every civil servant that is bad. Today, Mr. Speaker, I have noted that all hon. Members support that not all civil servants in our Republic are bad. Mr. Speaker, Sir, when I said that not every civil servant is bad, I also admitted that there are some civil servants who are bad. Mr. Speaker, Sir, today we have this very clear evidence. Mr. Gachathi is an example of one of the bad civil servants of the day.

Mr. Speaker, Sir, we should not labour with this Motion any more as you directed. I feel it has the support, the united support of both the Back-benchers, the hon. Members of Parliament, and all Ministers. Therefore, if a Motion like this one is brought to the House and we have unanimous support, then, why should we, Mr. Speaker, labour very much on it? I feel that we must come to a conclusion. There is one point, Sir, that I would like to make clear. I can hear, or I have been hearing, Sir, some hon. Members, who in addition to blaming the offender, have also blamed the Minister. Let me make this quite clear.

Mr. Speaker, Sir, I am an Assistant Minister in the Kenya Government and so are the other senior Ministers here. We are all appointed by the President of the Republic and so are the

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Permanent Secretaries. The powers that the Minister have are not enough—this is what I want to make quite clear to the hon. Members—because if the Minister, now, wants to discharge or to suspend the Permanent Secretary, he cannot. He cannot, Mr. Speaker, Sir, because according to the Constitution, the Minister has no power to sack his Permanent Secretary. What he can only do—and let us be patient—is to report the matter to the President who also appointed the Permanent Secretary. Therefore, Mr. Speaker, Sir, I request the hon. Members not to lay the blame on the Ministers because they have certain powers that they cannot use.

Mr. Speaker, Sir, another point which I want to make—this matter is very very grave. We do not want anybody to try and put contempt on this honourable House. We do not want anybody to try to put contempt on our own people who have elected us. The only thing I wanted to point out, and that is why I stood to speak, was that we should see to it that in this, Motion which was moved by hon. Seroney, apart from asking the Permanent Secretary to be questioned by the Privilege Committee, he is suspended from his duties. This is why I wanted with the permission of the hon. Mover of this Motion, to ask that the following words be added “That pending the audience with the Privilege Committee, the culprit who wrote the letter should be suspended from his duties with effect from tonight”.

Mr. Speaker, Sir, that is a very important point. If the hon. Members want to exercise their powers, and they want to be recognized by the Republic that they are the supreme authority, they should not only act theoretically but they should act and show action to those wrongdoers who are trying to spoil the good name of our Government. Therefore, Mr. Speaker, I demand very strongly that when the hon. Mover is replying, he should add to that Motion the words “That gentleman should be suspended forthwith”. I think the House endorses those words to be put in that Motion.

Mr. Speaker, Sir, I am going to finish by saying that if this document really comes from the said person, I think he should be brought to my Ministry tomorrow—I mean the Ministry of Health—so that I order a psychiatrist to study his mind.

Mr. Speaker, Sir, I also agree with the last speaker—let us not deceive ourselves—a Mr. Gachathi has been working in this Government for a long time. Let us face facts as they are. He has been handling various Ministries as the Permanent Secretary—let us agree with this. He is also not a big fool enough to write on the letter

that he is directed if he was not. Gentlemen and ladies, if we are to condemn Mr. Gachathi of being a spokesman of the Ministry without the authority of Government, we should also condemn whoever gave the directive. If I am asked who it is I will say he is the invisible director. I do not know who that person is; however, once this House comes to know that somebody directed, then I think that is the time you need also to act against the man who has given the orders. But if you just want to blame and hit the poor person who was directed, you will have not done your job as a Parliament here. Mr. Speaker, Sir, let us wait—

An hon. Member: Are you not a chameleon?

The Assistant Minister for Health (Mr. ole Oloitipitip): I am not a chameleon; I am a typical Masai of the “first order”. Mr. Speaker, Sir, I say, this—but this is just to predict—because I know once this man is summoned to come before the Committee of Privileges, he will also air his views. I am warning you of this: if you want to do a good service to the country, if you want to plant your seeds, you must uproot all the *kwekwe* that you think are spoiling your plants.

An hon. Member: What are *kwekwe*?

The Assistant Minister for Health (Mr. ole Oloitipitip): *Mnataka kwekwe*? Wait until Mr. Gachathi speaks. I am quite sure that the only safety that this Government has is to remove the roots of the directives given to the person in question. Mr. Speaker, Sir, this is a very straightforward thing; a very straightforward Motion and we are all very serious. We want the resolutions passed by this House to be abided by and we want everybody to respect this House. By respecting this House, we will be respecting our own people who elected us. If any Minister or anybody else, does not respect the resolutions of this Parliament, it is not that he does not respect us as Members of Parliament, but he does not respect the public at large.

Therefore, Mr. Speaker, Sir, I think even the civil servants themselves are not happy about the situation. Anybody who is trying to spoil the good name of our Republic—then most of the civil servants are also out to condemn him. I am quite sure of this because if this country is going to be run into chaos by unknown persons, are the civil servants going to be happy because Kenya is going to run into chaos?

An hon. Member: I hope not.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, to end my speech, I would request and call upon the civil servants of the country; those civil servants whom we

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trust; those civil servants who are the backbone of our country and those who have Kenya at heart, to join us, Members of Parliament, and condemn people of such activities. We do not want a division in Kenya. We want politicians, civil servants and *raia* to be one thing. Therefore, I do not want to expect a blame from the civil servants to the effect, "the politicians are doing this" nor do I also want the politicians to be condemning civil servants all the time. We must be one Kenya, one nation and one fruitful country. But we can only do this if we are going to single out the wrongdoers of our country.

Mr. Speaker, Sir, with these few remarks, I beg to request the Mover of this Motion to add the amendment or the words said, "to be suspended" to the Motion.

Thank you.

The Speaker (Mr. Mati): I promised to put the question at this stage and I am going to do so. The question is that the Mover be now called upon to reply.

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

Mr. Seroney: Thank you very much, Mr. Speaker, Sir. I would like to thank all the Members who have spoken in support of this Motion. This Motion has shown the solidarity of the House on a very important matter of principle. It has demonstrated that where the rights of the House are touched, Members can combine as one against all intruders. Mr. Speaker, Sir, this is important because all of us here, whether we are Ministers, Assistant Ministers or Back-benchers, our basic dignity before, which we cannot obtain in any other way, is the fact that we were elected by our constituents to come and represent them in this August Assembly. Therefore, if the dignity of the House is lowered, if the impression made outside about this House is that this House is just a talking shop in which nothing happens, then it means that our reputation goes down. If the reputation of this House goes down the reputation of the Ministers and of the popularly elected Government also goes down. Therefore, Mr. Speaker, this is why I said that I thank all the hon. Members, both the Ministers and the Assistant Ministers, as well as the ordinary Back-benchers, who have spoken in support of this Motion.

Mr. Speaker, Sir, with regard to the suggestion made by the Member for Kajiado South, the hon. ole Oloitipitip, the Assistant Minister for Health, I would like to tell him that whatever we are saying, we are doing so in the eyes of the whole

world, and I sincerely hope that the whole world, including those in this Government, who are responsible for appointing and suspending these people, will bear in mind what is the unanimous wish of the House as proposed by the Member for Kajiado South when he said that the accused person should be suspended, pending the deliberations of the Committee of Privileges. It is not possible to amend this Motion to include this because it would mean passing something which is not really within our power. I am saying this because we can only recommend that the accused be dismissed; but it depends, really, on the Head of the Government who appoints these Permanent Secretaries to suspend or dismiss this person.

Mr. Speaker, Sir, I would like to say one thing more, and that is with regard to Permanent Secretaries generally. The Constitution, of course, provides that Permanent Secretaries are appointed like ambassadors and the like, that is, by the President. However, Mr. Speaker, the time will come when we will have to review the position of these Permanent Secretaries. I am saying this, Mr. Speaker, Sir, because their position has now become a political appointment so that in one Ministry we have two politicians. We have the Minister and the Permanent Secretary, who are both politicians and I do not think one Ministry is big enough for two politicians. Therefore, Mr. Speaker, I sincerely hope that sooner or later we will review this situation that Permanent Secretaries become really permanent and that they are not reshuffled every time Ministers are reshuffled. I am saying this, Mr. Speaker, because I think the trouble with the Permanent Secretaries we have is that they have been encouraged to act as politicians, and so they consider themselves rivals to their Ministers. So, if the accused has any sense at all, after hearing all that has been said in this House I think he should have decency to resign! However, if he does not have the decency to resign and wants to wait until he is thrown out, I sincerely hope that the head of the Government will dismiss him because he has done a great disservice by trying to divide the two arms of the Government—he has tried to bring into collision the executive and the legislative arms of the Government. I do not think that anybody wants to see that situation. The only method of remedying it is to remove the offending limb in the political body of Kenya.

Mr. Speaker, Sir, in other Parliaments, there has been a tradition that Parliament uses its power over money to enforce its wishes as far as Government is concerned. Every time Government wants some money, they come to this House to ask either for approval of annual

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Estimates or Supplementary Estimates. There was a tradition in the House of Commons that when the king went to the House of Commons to ask for money the Commons said, "All right, we will give you money, but first of all you must do this and that". So, they attached conditions to their powers of voting money. I will seriously advise the Government, both the visible and invisible one, that although this House has no power to sack the accused or do some executive things and has to rely on the goodwill of the Government, this House hopes that the Government will co-operate and will not wait for the House to retaliate by denying Motions to the Government when it brings them in this House because that is the only weapon of this House. I sincerely hope that it will not be necessary to do this.

I am sure all Members who are here have seen how embarrassed the Minister has been because of the action of this "Political Permanent Secretary"! I am sure that all Members are satisfied that the two, both the Minister for Education and his Permanent Secretary cannot co-exist

because one of them must go! Now, the question is: "Which one of them must go?" I seriously recommend to the Government that we should get rid of this Permanent Secretary before he does more damage.

Now, I regret to note that a few years ago there was a clash between—again it was in the Ministry of Education—the Minister for Education, the then Minister for Education and his Permanent Secretary and, unfortunately, it was the Minister who had to go. I sincerely hope that this time we shall have a change so that it will be the Permanent Secretary who will go.

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

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Mati): It is time for interruption of business. The House is therefore adjourned until tomorrow, Friday, 26th March, 1971.

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

Friday, 26th March 1971

The House met at Nine o'clock.

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

PRAYERS

NOTICES OF MOTIONS

GUARANTEE OF INDIVIDUAL FREEDOMS AS
CONTAINED IN THE CONSTITUTION

Mr. Mwithaga: Mr. Speaker, on behalf of Mr. Kanja, I beg to give Notice of the following Motion:—

THAT in view of the fact that sections 80 and 81 of the Kenya Constitution guarantee the freedom of assembly and movement, and this House being the custodian of the Constitution and noting the fact that these freedoms were infringed at Gilgil on 21st March 1971 in respect of the hon. Member of this House, namely, the hon. J. M. Kariuki, M.P. (The Assistant Minister for Tourism and Wildlife); this House requests the Government—

- (a) to give reasons for the incident; and
- (b) to give unequivocal assurance to the House and the nation that the individual freedoms as contained in the Kenya Constitution shall not be infringed in future.

MANAGEMENT OF KENYA CO-OPERATIVE
CREAMERIES

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

THAT in view of the financial crisis that has befallen the Kenya Co-operative Creameries Limited, and noting the fact that the situation is aggravated by the implications of the proposed Technical Assistance agreement to be signed between Kenya Co-operative Creameries Limited and Nestle Products Technical Assistance Company Limited of Switzerland, this House calls upon the Government, in the best interest of dairy farmers of this country—

- (a) to intervene and suspend the signing of of the said agreement;
- (b) immediately to appoint a Commission of Enquiry to investigate the causes of the present financial crisis in the said Kenya Co-operative Creameries Limited; and
- (c) to make recommendations on the best methods of running the Kenya Co-operative Creameries Limited on a sound economic basis.

ORAL ANSWERS TO QUESTIONS

Question No. 221

CREATION OF AN ALL-AFRICA STANDING ARMY

Mr. Mulwa asked the Minister for Foreign Affairs if he would tell the House, since it had become clear from the Guinea incident that African countries were open to invasion by more powerful and aggressive countries like Portugal, whether our Government would undertake to act as a vanguard in the establishment of an All-Africa Standing Army (High Command) within the Organization of African Unity as a matter of urgency in order to counteract such imperialist attacks.

The Assistant Minister for Foreign Affairs (Mr. Ogunda): Mr. Speaker, Sir, I beg to reply. Kenya attaches great significance to the security and defence of African states. The question of establishing an All-Africa Standing Army—that is an Organization of African Unity unified force—has been a subject of repeated discussions by the Defence Commission of which Kenya is a member. However, it was found that setting up of a unified force will need time for details to be worked out. Kenya will give full support to any reasonable, feasible and practical measure acceptable to other member states for the security and defence of the African states. Kenya will, therefore, work within the Defence Commission to find ways and means of establishing an adequate and effective defence system to guarantee the security, political independence and territorial integrity of all sovereign African states.

*Question No. 181 (1527)*EXPERIENCED DISTRICT ASSISTANTS AND DISTRICT
OFFICERS DOING WRITTEN EXAMINATION

The Speaker (Mr. Mati): Mr. Kitonga not in?

Question No. 210

SUGAR PRODUCTION IN NANDI HILLS

The Speaker (Mr. Mati): Mr. Seroney not in?

Question No. 191 (1540)

DEVELOPMENT PLANS FOR BUSIA NORTH

Mr. Ebu asked the Minister for Finance and Economic Planning if he would tell the House—

- (a) whether he was aware that Busia North Constituency was formerly regarded as a KPU area, and as such it was forgotten by the Government as far as development was concerned; and
- (b) what development plans the Ministry had for the area in question to enable the loyal citizens there to forget the past.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of my colleague the Minister for Finance and Economic Planning, I beg to reply. (a) In reply to the hon. Member's part (a), I wish to reiterate what has previously been so clearly and often emphasized in this House. It has never been and it is not the Kenya Government's policy to discriminate against the development of any area on the grounds that its people were supporters of any political party. It is, therefore, incorrect to state that because Busia North Constituency was once regarded as a KPU stronghold it has been neglected by the Government in matters of development. The area in question has been treated like any other area in the country.

(b) It follows from the foregoing that any development programmes in this area are not planned or implemented with the objective suggested by the hon. Member. However, in line with its general development objectives, the Government has done the following in the constituency of the hon. Member:

Between 1966/70 the Government's contribution to the area's various self-help projects was over Sh. 150,000. The International Development Association has contributed to the expansion programme of the Amukura Girls' High School. The Government proposes to spend Sh. 60,000 in the current Financial Year to construct a new Divisional Headquarters at Amagora.

If the hon. Member wishes to know more details pertaining to the development proposals for his area, he should, in addition to reading the 1970/74 Development Plan, get in touch with the provincial planning officer in his province.

Mr. Mutiso: Mr. Speaker, Sir, would the Minister not agree with me that since this area was a KPU stronghold the Government has, in fact, spent very little money in that area since that time, which has been indicated by his answer which shows that the Government's contribution to this school was Sh. 150,000 and that from 1966 till now he cannot tell us what the Government contribution is?

Mr. Ngei: Mr. Speaker, in answer to that, I would like to say that no development programmes are designed because of a political force or ideology. However, I can agree that not much has been done for that area; in other words, the proportion as compared to the development of other areas, that area might not have had enough development projects. I am prepared to look into this.

Mr. Karungaru: Arising from the Minister's reply, is he satisfied that, on the basis of the

development the Government has already implemented, the area is really properly served? If not, what other development projects does the Government have in mind for that particular area?

Mr. Ngei: The hon. Member would know this if he read what I mentioned—the Development Plan 1970/74. This is on what development the Government envisages to carry on in that area. However, I am in agreement with him that this may not be sufficient as the hon. Member would like to see the area more developed than it is now.

Question No. 209

CHEMELIL-NANDI TOWNSHIP—KAPSABET ROAD

Mr. Seroney asked the Minister for Works if he would tell the House when the tarmacking of Chemelil-Nandi Township—Kapsabet Road would be completed.

The Speaker (Mr. Mati): Ministry of Works?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I thought I had the reply, but it appears something has gone wrong.

The Speaker (Mr. Mati): Next question then. Mr. Yunis Ali.

Question No. 202A

MANAGEMENT OF NDEGE SCHOOL

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

- (a) whether the Minister was aware of a school known as Ndege School operating at Langata just near the Karen "C" Primary School which is causing ill-feelings and tension among the residents in the area;
- (b) if the answer was in the affirmative, what appropriate and urgent steps the Minister was taking to bring the situation back to normal; and
- (c) whether the Minister would ensure there would be complete racial integration in education in the area.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. I would like to tell the hon. Member for Githunguri that there have been proposals to extend the University grounds to include the Norfolk Hotel and—

Hon. Members: What question are you answering?

The Assistant Minister for Education (Mr. Rubia): I am sorry, Mr. Speaker, I am answering the wrong question.

Mr. Speaker, Sir, I beg to reply.

[The Assistant Minister for Education]

Yes, I am aware. The answer to part (b) of the question is: I have ordered the managers of the school to stick to their licence, which stipulates that the school can only enrol 30 girls. The managers have assured me that they will conform with this and the school will have only 30 girls at the beginning of next term. The answer to part (c) of the question is that—

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, are you satisfied that the Assistant Minister is answering the correct question?

Mr. Rubia: I think the hon. Member should apologize for this kind of interruption. He should know better.

The answer to part (c) of the question is: it has always been the policy of the Government that schools in this country should have full racial integration and this policy is being implemented and will continue to be implemented by my Ministry. However, Mr. Speaker, parents have the right to choose the type of school where they would send their children. My Ministry will not register a school with discriminating policies and tendencies.

The Speaker (Mr. Mati): This question was replied to in the course of replying to another question. It should not have really appeared on the Order Paper.

Next question, Mr. Magugu.

*Question No. 199 (1551)*NAIROBI UNIVERSITY GROUND TO INCLUDE
NORFOLK HOTEL

The Speaker (Mr. Mati): Mr. Magugu not here? We will now go back to Mr. Kitonga's question. Has anyone been authorized by Mr. Kitonga to ask his question?

Mr. D. M. Kioko: Yes, I have been authorized to do so.

The Speaker (Mr. Mati): Have you been authorized to ask the question?

Mr. D. M. Kioko: Yes, Sir.

*Question No. 181 (1527)*EXPERIENCED DISTRICT ASSISTANTS AND DISTRICT
OFFICERS DOING WRITTEN EXAMINATION

Mr. D. M. Kioko on behalf of Mr. Kitonga asked the Minister of State, President's Office if he would tell the House—

(a) why well experienced district assistants and district officers who have been working with Provincial Administration for over ten years should be given written examinations together with young officers who left school recently and joined the Administration; and

(b) why they are not promoted according to their practical ability instead of being sent to the Kenya Institute of Administration for written examination.

The Assistant Minister of State, President's Office (Mr. Munyi) Mr. Speaker, Sir, I beg to reply. Opportunities exist for promotion of district assistants and district officers on their practical ability without having to take an examination. However, Mr. Speaker, district assistants who apply for administrative officers' posts advertised by the Public Service Commission, the qualification of which is a degree from an approved university, are required to take Administrative Officers' Competitive Entrance Examination, like any other candidates with not less than three years' occupational experience. This ensures a high standard of recruitment.

Mr. D. M. Kioko: Mr. Speaker, Sir, since we know that experience in this country is a better qualification than the academic qualification from school, why should we not have these people given priority in promotion rather than mixing them with new people who have just come from the college?

Mr. Munyi: Mr. Speaker, Sir, I have replied to that point already, but I would like to tell the hon. Member that district assistants are promoted to senior district assistants subject to the existence of vacancies. Their promotion to district officers is through taking the Administrative Officers' Competitive Entrance Examination. District officers must therefore pass the Kenya Government Administrative Officers Examination. Mr. Speaker, I would like to tell the hon. Member that there are occasions when even an office messenger can rise from an office messenger to the post of senior district assistant. This has happened, Mr. Speaker.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that there are some district officers who have been working as district officers for the last ten years and they have not been promoted yet? Why is this so, Sir?

Mr. Munyi: That, Mr. Speaker, Sir, might be true, but promotion depends on one's ability and capability.

Mr. Munyasia: Mr. Speaker, Sir, in view of the fact that provincial commissioners are senior to district commissioners, the district officers and district assistants, can the Assistant Minister deny that there are some provincial commissioners whose academic qualifications are lower than standard seven?

Mr. Mutiso: Can you deny that?

Mr. Munyi: Mr. Speaker, Sir, could the hon. Member substantiate that there are some provincial commissioners with the academic qualifications he has referred to?

Mr. Munyasia: Mr. Speaker, Sir, can the hon. Assistant Minister deny that the Provincial Commissioner for Central Province has academic qualifications lower than of Standard VIII?

Mr. Munyi: Mr. Speaker, Sir, as I have already explained that there are occasions when a person below that standard can rise to a very high position in Government.

Mr. Karungaru: On a point of order, Mr. Speaker, now that the hon. Munyasia has alleged that the academic qualifications of the Provincial Commissioner for Central Province are below the Certificate of Primary Education examination level, will it not be in order that if the allegation is proved otherwise, the hon. Member is going to withdraw the allegation and apologize to the House because the allegation is not at all true?

The Speaker (Mr. Mati): If you have evidence that the allegation is not true, you should tell the House instead of asking a question here.

Mr. Araru: But the Assistant Minister has not denied the allegation.

The Speaker (Mr. Mati): Anyway— Order! No, what Mr. Munyi wanted to know was whether, in principle, there were provincial commissioners whose academic standard was below, say, that of district officers and so on. This is common knowledge.

Rev. Kalume: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will the Assistant Minister agree with me that it is very embarrassing to have a provincial commissioner in our Administration, whose academic qualifications are below that of one of a district officer or a district assistant? If this is the case, will he see that we get provincial commissioners who are graduates?

Mr. Munyi: Mr. Speaker, Sir, I do not agree with the hon. Member because it was only yesterday that one of the hon. Members here said that when a person is elected to this House by his own people, whether in the past he was working as a cook or something like that, that does not matter.

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

The Speaker (Mr. Mati): No more points of order. If you disagree with Mr. Munyi, all you can do is to ask another question. There is no point in rising on a point of order.

Mr. arap Saina: Mr. Speaker, Sir, in view of the fact that there still exists the office of a district assistant, which was imposed by the Colonial Government on the Africans, and in

view of the fact that no European held this office, would the Minister abolish this office and start administration from the grade of district officer?

Mr. Munyi: Mr. Speaker, Sir, the Government has no intention of abolishing such posts because they are quite good and they assist the machinery of the Government quite well

Question No. 210

SUGAR AND TEA PRODUCTION IN
NANDI HILLS

Mr. Seroney: Mr. Speaker, Sir, I wish to apologize for being late. I was actually within the building, but I was still late to ask my question.

Mr. Seroney asked the Minister for Agriculture if he would tell the House how much sugar and tea in quantity and value had been produced in Nandi Hills—Songhor area of Nandi District—in 1968, 1969 and 1970, and where it was sold.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. Sugar-cane production figures in Nandi District normally produced in both small and large-scale farms are as follows:—

Year	Quantity (Tons)	Value (K£)
1968	24,617	55,715
1969	258,305	610,774
1970	69,053	170,839

Sugar-cane produced in this area is sold at Chemelil and Miwani Sugar Factories except the cane produced at Kipkumia (?) area which is mainly used for jaggery production.

As for tea, I would like to point out that Songhor area, as such, does not produce tea. I assume that the hon. Member refers to Nandi District rather than Songhor area in particular. Briefly, the production figures and their value is as follows:—

Year	Quantity (lb.)	Value (KSh.)
1968	300,127	636,269
1969	381,986	741,053
1970	583,360	184,221

About 60 per cent of the tea produced in this area is exported to England and the rest is sold locally.

Mr. Seroney: Mr. Speaker, Sir, is the Assistant Minister confusing Nandi Hills area with the Nandi District as a whole because the value of tea is so small in comparison to what it should

[Mr. Seroney]

be? Is he suggesting that this tea is actually grown in Nandi Hills area?

Mr. Khaoya: Mr. Speaker, Sir, unfortunately the figures given were for Nandi District and I do not have the figures for Nandi Hills, but I could work them out for the hon. Member.

Mr. Seroney: Mr. Speaker, Sir, what plans has the Assistant Minister to assist this thriving industry, especially through improving the roads around Nandi Hills area in addition to the present road which is being tamacked?

Mr. Khaoya: Mr. Speaker, Sir, the question of roads in the country is a very difficult one in that we have demands more than what the Government can supply in terms of mileage that can be worked on by our Ministry of Works. I think all that I can say is that Nandi District will be considered like any other district in the Republic.

Question No. 209

CHEMILIL-NANDI TOWNSHIP—
KAPSABET ROAD

Mr. Seroney asked the Minister for Works if he would tell the House when the tamacking of Chemelil-Nandi Township—Kapsabet Road will be completed.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of my colleague, the for Works, I beg to reply. There are no houses being demolished as the construction work on this project has not yet begun. However, it is likely that during the course of construction some houses along the proposed route will be affected and compensation will be paid to the owners as soon as—

The Speaker (Mr. Mati): No, no! This is Question No. 209.

The Minister for Housing (Mr. Ngei): I beg your pardon, Mr. Speaker, Sir, because the answer is not here!

The Speaker (Mr. Mati): Is there no one ready to reply to this question?

Mr. Seroney: Mr. Speaker, Sir, can it be put on the Order Paper again next week?

The Speaker (Mr. Mati): Yes.

(Question deferred)

The Speaker (Mr. Mati): We will go back to Mr. Magugu's question.

Question No. 199

NAIROBI UNIVERSITY GROUNDS TO
INCLUDE NORFOLK HOTEL

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

(a) what plans there were to extend the Nairobi University grounds to include the Norfolk Hotel;

(b) whether the Minister was aware that the construction of the Hotel extension deliberately being undertaken in order to make it almost impossible for the Government to take over the Hotel buildings because of their high costs; and

(c) when the present lease would expire.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):

On a point of order, Mr. Speaker, Sir, the hon. Member has not apologized to the House and I remember very well, if my memory serves me right, he has in the past apologized more than four times for being late; now, do we have any limit to these apologies because he is always late?

Mr. Magugu: Mr. Speaker, Sir, I did not expect my friend there to tell me to apologize. I did not realize the question had been called. Anyway, I apologize.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):

On a point of order, Mr. Speaker, Sir, do we accept that sort of attitude where a Member says, "Anyway, I apologize," when he has been late for more than four times and he has apologized in the past?

An hon. Member: How do you know?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):

I know because I am always here.

The Speaker (Mr. Mati): Order! This is not really a joking matter when we have been going over one's question. I think an apology should be a genuine apology and not be treated casually.

Mr. Magugu: Mr. Speaker, Sir, I apologize.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. (a) I should like to tell the hon. Member for Githunguri that there have been proposals to extend the Nairobi University grounds to include the Norfolk Hotel, and several other institutions near the main campus. These proposals are still to be realized some time in the future. The annexation of the Norfolk Hotel will follow University expansion priorities.

(b) I am aware of the intended construction of the Hotel extension, but I am not aware that it is deliberately being undertaken to make it almost impossible for the Government to take over the Hotel buildings. I should like, however, to emphasize that one needs to think carefully and

[The Assistant Minister for Education]

objectively before one can say whether the construction would raise the cost of the buildings—remembering that the lease shall one day expire and the buildings shall become the property of the Kenya Government.

(c) The present lease expires in 32 years time; that is in the year 2003.

Mr. Magugu: Mr. Speaker, Sir, realizing that the hotel has need to extend its facilities, would the Assistant Minister not agree with me that if, at any one stage, the University includes the present hotel grounds, the present construction, not the intended one, it is now on, this will definitely increase the price at take-over?

Mr. Rubia: Actually, Sir, the construction going on is really to improve the existing buildings, it is not a new extension as such. However, as and when the University authorities require the grounds, the usual negotiations will start.

QUESTIONS BY PRIVATE NOTICE

CURRENCY RESTRICTIONS IN EAST AFRICA

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

In view of the fact that now the Kenya Government, as other sister states in the East African Community, has imposed restrictions on its currency, would the Minister tell the House—

- (a) what arrangements the Government has for the people living on the borders to have their money and business transacted; and
- (b) whether, in the light of the currency restrictions, the East African Community is going to be of any use to the people of East Africa?

The Assistant Minister for Finance and Economic Planning (Mr. Cheronno): Mr. Speaker, Sir, I beg to reply. (a) Consultations are urgently taking place between my Ministry, the Central Bank and other parties with a view to finding a satisfactory way of dealing with the point referred to by the hon. Member for Kitale West. This, of course, is a matter requiring consultation with other Partner States if an effective arrangement is to be worked out.

(b) The hon. Member will certainly be aware that Kenya has imposed restrictions on currency transfers only, that is to say, the restrictions apply to cash transactions which form only a small proportion of the total volume of inter-territorial trade.

The measure taken by the Kenya Government does not, therefore, affect commercial transactions carried out through banks and which account for the bulk of commercial transactions.

Given a workable arrangement in each Partner State, it is unlikely that even in cases where exchange control covers capital and current payments as well, the impact on trade will be seriously adverse unless, of course, quantitative restrictions are applied.

None of the Partner States has resorted to the latter measure.

For the reasons I have referred to, the hon. Member may also wish to note that the measures taken by the Kenya Government and also the exchange control now exercised by the other two Partner States need not affect in any significant way the operations of the Corporation and the General Fund Services of the East African Community. These common services will continue to operate in the normal way. It follows, therefore, that the existing lack of free convertibility of the three East African currencies does not necessarily detract in any significant degree from the value of the Community.

Mr. Ayah: Mr. Speaker, Sir, would the Assistant Minister tell us what specific administrative arrangements the Kenya Government has on the borders so that people of Kenya who normally cross on visits to either Tanzania or Uganda will not have trouble on the border? What are the administrative arrangements there?

Mr. Cheronno: Mr. Speaker, Sir, if the questioner had listened to part (a) of my answer he would have heard me say that my Ministry, the Central Bank and other parties, that means the other two States involved, are trying to work out administrative arrangements. At this stage when negotiations and consultations are still going on, I am afraid I am not in a position to say much.

Mr. Wabuge: Mr. Speaker, arising from the Assistant Minister's reply, and in view of the fact that this imposition of restriction of currency movement among the three Partner States is now the second time, and also in view of the fact that even trade is not free including labour movement in the three East African countries, is the Assistant Minister not prepared to agree with me that because of these restrictions that the ordinary man in East Africa who felt he was going to enjoy under the East African Community, now sees that the purpose of the East African Community is useless and, therefore, it should be done away with forthwith?

Mr. Cheronno: Mr. Speaker, Sir, with due respect, I do not agree with the hon. Member

[The Assistant Minister for Finance and Economic Planning]

because I have already pointed out that the Corporation and the General Fund Services of the East African Community are continuing and they have not been hindered by the currency restrictions.

In respect of trade, if the hon. Member thinks that merely by currency restrictions the trade between the East African territories will be considerably affected, I would like to quote to him the example of restriction of exchange control by Uganda in May 1970. Although Kenya's trade with Uganda at that time suffered slightly during the months of May and June—you will recall that the restrictions were introduced in May—it quickly recovered. During the period of July to November of the same year Kenya's balance of trade with Uganda was on the average as good as during the first five months preceding May. As good as during the five months preceding the introduction of the currency restrictions. So there is no reason to think that now that Tanzania has introduced this, that the position will change significantly.

Mr. Abubakar-Madhubuti: Mr. Speaker, Sir, would the Assistant Minister advise this House what will happen to the ordinary man in the street who has, say, Sh. 40 or Sh. 50 and wants to go to Tanzania? Will he buy sterling or a dollar because our money is confiscated on the border?

Mr. Cherono: Mr. Speaker, Sir, if the hon. Member or any other member of the public wishes to go to Tanzania or Uganda, all they have to do is to go to the bank and apply for the currency they will need when they reach the other place. They do not need either sterling or dollars.

DISTURBANCES AT NAKURU SECONDARY SCHOOL

The Speaker (Mr. Mati): Next question. Mr. Mwithaga. Not here.

(Question dropped)

DEMOLITION OF HOUSES ON THE PROPOSED MALINDI/WATAMU ROAD

Rev. Kalume: Mr. Speaker, Sir, on behalf of my colleague, hon. Tuva, I beg to ask the Minister for Works the following Question by Private Notice:—

Will the Minister, as a matter of urgency, suspend the demolition of houses on the proposed tourist road from Malindi to Watamu until—

- (a) compensation to the owners of the houses has been effected; and
- (b) alternative plots for new houses have been found?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Works, I beg to reply. (a) There are no houses being demolished as the construction work on this project has not yet begun. However, it is likely that during the course of construction some houses along the proposed route will be affected and compensation will be paid to the owners as soon as the assessment is completed by the Government valuer.

(b) The Government does not undertake to find alternative plots if the landowners have been paid compensation for land, buildings and any other inconveniences in full. It is not the practice of the Government to do this.

Rev. Kalume: Arising from the Minister's reply, is he aware that the local people at Lamu do not understand why preference should be given to a road instead of to their lives, and for that matter they think that our Government is still being ruled by tourists, not by Kenyans?

Mr. Ngei: Mr. Speaker, Sir, it is the duty of both the Government and the hon. Member to explain why it is necessary to have efficient communication for the betterment of developing that particular area.

Mr. Magugu: Arising from the earlier reply, should a citizen or a plotholder wish to choose between compensation and the plot, would the Ministry allow him to do so?

Mr. Ngei: That is a fair question, Mr. Speaker. The Government is there to serve the people and if the wish of the people is expressed in that way, then the Government will take appropriate action.

Mr. Jilo: Mr. Speaker, Sir, is the Minister aware—I ask this because I am particularly interested in this—that a decision taken at a committee meeting attended by the people and presided over by the Provincial Commissioner for Kilifi, to decide on another—

Mr. Munyasia: On a point of order, Mr. Speaker, I seek your guidance in this matter.

Is it in order for a Member to ask a question and while the question is still being discussed to leave the Chamber without listening to the replies being given?

I doubt whether the hon. Member for Malindi was authorized to ask that question on behalf of his colleague.

The Speaker (Mr. Mati): Who asked a question and then left?

Mr. Munyasia: The Rev. Kalume.

The Speaker (Mr. Mati): I imagine he heard enough.

Mr. Jilo: Mr. Speaker, Sir, is the Minister aware that this committee which was presided over by the provincial commissioner and attended by all the councillors and the chiefs decided that the survey report should be deferred and that another route should be recommended for the road because the road was passing through some hotel grounds currently owned by an African, and it is feared that the surveyor, being a European, was being influenced by the Watamu manager to have this hotel demolished?

Mr. Ngei: The Minister is not aware and if the hon. Member is aware of such action or influence to have an African-owned hotel demolished, please let the Government know about this and action will be taken.

Mr. Jilo: On a point of order, Sir, can I be allowed to bring him details of the decisions taken by the committee which were overlooked?

The Speaker (Mr. Mati): Order! Order! You can pursue that outside the Chamber.

We must go on now.

Mr. Muthamia: Mr. Speaker, Sir, am I in order to draw your attention to the serious fault in the lights over there which can cause damage to the Chamber?

The Speaker (Mr. Mati): I do not think it is so serious that we need to be scared at all. Anyway that will be looked into.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

ERECTION OF HOUSES AT AIRPORT/MOMBASA ROADS JUNCTION

The Speaker (Mr. Mati): I have received written notice from Mr. Karungaru of his intention to raise on the adjournment a matter contained in a reply to Question No. 108 (1393) concerning the erection of houses at the junction of Airport/Mombasa Roads.

I shall call for the Motion for the adjournment at the time of interruption of business on Tuesday, 30th March.

FUTURE PLANS FOR FORM IV TECHNICAL STUDENTS SCHOOL-LEAVERS

The Speaker (Mr. Mati): I have also received written notice from Mr. Kivuitu of his intention to raise on the adjournment a matter contained in a reply received to a Question by Private Notice concerning Government plans for the future of Form IV students who left technical schools in 1970.

I shall call for the Motion for the adjournment at the time of interruption of business on Wednesday, 31st March.

PERSONAL STATEMENT

SUBSTANTIATION OF ALLEGATIONS AND LAYING OF A PROMISED DOCUMENT ON QUESTIONING OF SUPREMACY AND INTEGRITY OF PARLIAMENT

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker, yesterday hon. Yunis Ali promised the House that he would lay on the Table a document concerning the Motion which was moved yesterday. Therefore, can you ask him to lay on the Table that document?

The Speaker (Mr. Mati): What document was this, Mr. Munyi?

Mr. Y. Ali: Mr. Speaker, Sir, I think the Assistant Minister has been over-hasty. I have stood here to lay the document on the Table as I promised the House and there was no need for that point of order.

May I, with your permission, Mr. Speaker, lay the document on the Table now?

The Speaker (Mr. Mati): Tell me briefly what it was all about, Mr. Yunis Ali.

Mr. Y. Ali: Mr. Speaker, Sir, during the course of the controversial debate yesterday involving Mr. Gachathi I made a statement to the effect that I had in my possession a similar document questioning the integrity and supremacy of this House. As a result I was questioned by one of my colleagues here and asked to substantiate or produce that document.

I am ready for that now and, Mr. Speaker, with your permission I wish to lay the document on the Table.

(The hon. Y. Ali laid the document on the Table)

POINTS OF ORDER

CONSTANT ABSENCE OF A MINISTER AND HIS ASSISTANT MINISTERS TO ANSWER QUESTIONS

Mr. Araru: On a point of order, Mr. Speaker, Sir, under your guidance, Sir, we would like to know how questions should be dealt with. When questions are brought here, if the hon. Members are late and have not asked anybody to ask them on their behalf, their questions lapse; according to the Standing Orders they cannot be asked again in the normal way. I seek your guidance here. Last week the Minister for Works was not here twice during Question Time, and there was nobody to reply to his questions on his behalf. The same thing has happened to Question No. 209 of Mr. Seroney. The reply is not here and the Minister is not here. What action shall we take, or how can we deal with such Ministers?

The Speaker (Mr. Mati): Order! What is all this reshuffling?

Well, all we can do is to register our dissatisfaction with the action of the Minister if he has consistently absented himself. He has two Assistant Ministers. At least one of them should be here. I know Friday mornings are not very good days, but if we manage to be here there is no reason why others should not.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, is it not out of order, when you are on your feet giving a ruling, for those Assistant Ministers to continue reading a document? In fact, they cannot hear what ruling you are giving when they are engaging themselves on something else.

The Speaker (Mr. Mati): They should pay attention because what I am saying might be of some interest to them. I noticed there was a bit of reshuffling.

Mr. ole Oloitipitip: On a point of order, Mr. Speaker, Sir, in connexion with this question to the Minister for Works, as you said that we record our dissatisfaction, it has come to my notice that the whole team has started their tour today. I do not know what the House would consider if the Minister and his team is touring a particular place for the benefit of the country.

The Speaker (Mr. Mati): Order, the whole purpose of having assistants is that they work on behalf of their Ministers. You cannot tell me that both the Assistant Ministers and the Minister are touring the country. It is unreasonable to suggest that.

DELAY IN MAKING PROMISED MINISTERIAL STATEMENT

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, you remember last week during question time an Assistant Minister for Local Government did promise that he would come and furnish the House with a report of his investigation on how the people were being recruited by the City Council, but I do not see him in the House. What will be the position? When will he give the information.

The Speaker (Mr. Mati): I think the best thing is to wait, and when you see him here you raise that. He said he was going to investigate but we do not know how far he has done it.

TIME FOR READING PAPERS LAID ON THE TABLE IN SUBSTANTIATION

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order, Mr. Speaker. I am rising on a point of order. When that document was

produced and laid on the Table, some Members, and even some Ministers, jumped like poor, hungry hawks so that they could get hold of the document.

If I remember correctly, Mr. Speaker, during the last Session, just before we went to elections, it was ruled out of order for any document that is put on the Table to be snatched away by Members. I wonder whether it is now in order for Members, Ministers and Assistant Ministers to crowd at the Table, seize the piece of paper, and go on reading without listening to what is going on. Mr. Speaker, I would like to know your ruling on this matter because if it is out of order it will be better if it does not happen again.

The Speaker (Mr. Mati): Mr. Matano is quite right. When a document is laid on the Table the Clerk should take possession of it. No Member should jump up and snatch it. Members can come in a dignified manner and request the Clerk to give it to them to have a look, but it is not quite in keeping with the dignity of the Front Bench to jump up the way they did.

The next Order is Mr. Cheboiwo's Motion. The Member who was speaking last time when we adjourned was Mr. Kitonga. He is not here, and we have only 30 minutes remaining, which means, since the Government responder did not speak he is entitled to 20 minutes if he wants to utilize them all and the Mover is entitled to 10 minutes to wind up. That means, therefore, this is the convenient time for the Government responder to speak if he wishes.

MOTION

EXTENSION OF PRIMARY EDUCATION

THAT in view of the national concern about the Certificate of Primary Education holders who are too young to obtain jobs, or are compelled to re-sit the examination owing to the lack of adequate Form I places within the Republic, and noting that the parents are subjected to social and domestic problems in maintaining such pupils by having to spend large sums of money for their welfare, and since our Republic has entered the new scientific and technological era, this House urges the Government to extend the present primary education course from Standard VII to Form II.

(*Mr. arap Cheboiwo on 19th March 1971*)

(*Resumption of Debate interrupted on 19th March 1971*)

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I would like to pay

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compliments to all those hon. Members who have spoken on this Motion. We have been encouraged by the sensible approach which has been very apparent during the debate. I would like to say straightaway that we, in the Ministry of Education, are very much in sympathy with the sentiments expressed in this Motion. The problem of Certificate of Primary Education leavers is indeed a serious one. I do not think that anybody, anywhere, in our Republic can stand up and say that we are satisfied that all is well. It is far from it. The problem is really serious because in the last two years well over 150,000 children sat the Certificate of Primary Education examination and only about 12 to 13 per cent were able to obtain vacancies in our secondary schools. So the situation is very serious and it is very much appreciated by my Ministry and, indeed, by the whole Government.

Sir, I would like to say that, in principle, my Ministry is in sympathy with the sentiments expressed in this Motion, but it is one thing to be sentimental and quite another to be practical, quite another to be realistic and to implement the wishes of our own feelings. Therefore, Mr. Speaker, we have been concerning ourselves with this problem, and, in fact, I do know that His Excellency the President has on several occasions wished to know where we are heading as far as the Certificate of Primary Education failures, or those children of our nation who do not obtain admission into secondary schools or any other form of training. I do know that Government, for sometime now, has been considering ways and means of meeting the situation. I would like to assure the hon. Members that this is a matter which is currently very actively exercising the minds of Government.

There are, of course, practical problems, and with the indulgence of the House I would like to point out those problems because you cannot achieve very much without doing some kind of home work and research so as to re-appreciate the size of the problem and to see whether you are able to cope with it.

The question of extending the Certificate of Primary Education course by two years, so that the child will then complete his primary education after nine years is quite a debatable point. I think, Mr. Speaker, the hon. Mover of this Motion did not intend to suggest that the Certificate of Primary Education should be done after nine years of primary education. The Motion would read exactly that, but the Motion as moved by hon. Chebojwo actually asks this House to resolve

that the Certificate of Primary Education course should be done over the course of nine years. I do not think that is what the hon. Member had in mind. What I believe he meant was that after the usual seven years, to attain the Certificate of Primary Education the children should be retained in the school for another two years. So, this problem poses—if we consider that aspect of it we have one consideration which I think is very substantial. The consideration is what type of training we will you give those children because we cannot take all the Certificate of Primary Education candidates into secondary schools? This is a fact. What kind of training will you give to those children for that extra period of two years? This is an exercise which is not small by any standards. This is a problem which has to be solved. There is the question of the curriculum consideration here. This is a matter which, I know, we would like to look into very carefully because it is not good enough to pretend that by keeping the child at school for an extra two years after the Certificate of Primary Education, that child will be well equipped to face the world. It is also, in fact, wrong and extravagant too to keep children at school for two more years merely to bring them to that age without giving them something worthwhile in those two years. So, that is one problem and my Ministry is very actively considering this particular problem because it is an obligation on our part, as a Kanu Government, that education, good education, should be given to our children.

There is also another aspect of this problem that should be considered. We have the question of the problem of accommodation. The problem of accommodation is another very important point to be considered, and unless we want to jump into that lake—I do not think that anybody will suggest that we will have to be satisfied that we have the physical facilities to cope with the numbers of children who will then receive what I would like to call automatic promotion from Standard Seven to Standard Nine. So, Mr. Speaker, Sir, there is a question of accommodation in our schools. This is not a small problem, it is quite a big one. My Ministry, once again, is currently looking into the aspect of the problem, and for those who may be interested in figures—I do know that statistics can be very boring and can be very uninteresting but I think in an exercise of this nature we just have to give you some indications as to the size of the problem.

If we take the year 1971 as the basic year, that is 1971 as the year in question—if we decide that all Certificate of Education candidates will have to go on to Standard Eight in 1972, we shall require

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an extra 4,493 classrooms. These classrooms will be for 1972 only and the figure is based on the number of children that are sitting for the Certificate of Primary Education this year. That, Mr. Speaker, is an indication of the size of the problem.

In the year, 1973, that figure will go up to 4,923, and in the following year, which is 1974, the figure will be 5,655. These are hard facts. These are facts that have to be borne in mind when we consider this aspect.

I think, Mr. Speaker, I can go on and on, but if we look at the facts of providing primary education with the technical bias, that is, primary education that will give children some ideas of technical subjects, the comparative figures will be as follows: In the area of classrooms, administration blocks, science laboratories, workshops, libraries sanitation blocks and so on, we shall require, all in all, £142,015,750. Now, primary education without any technical bias will cost the Government £17,734,900. This will give you a rough idea of approximately how much it will be—the range at which we must consider this problem of providing primary education with technical bias. I have mentioned the problem of finding accommodation, the problem of providing education at primary level with the technical bias and I think I can now point out another problem, which is the problem of teachers because if we are going to embark on this automatic promotion from standard seven to standard nine, then we must have teachers to take up those classes. I know that some people might suggest some other ways but this is not possible. The present strength of our teachers is far from being sufficient and we are trying very hard to train more and more of our local people. The efforts of our Ministry are very well known in this sphere in that in our Development Plan, 1970/74; we have a problem because we shall have to increase and improve the calibre, the quality of our teachers. So the question of teachers—to take care of the extra two years has also to be borne in mind. It is also a very prohibitive aspect of this problem but, one again, if we are to look at this very objectively, we shall have no alternative but to consider ways and means of providing the teachers. Once again, Mr. Speaker, this is a point that my Ministry is looking into, and indeed the whole Government because my Ministry cannot do very much without the co-operation of the other Ministries, especially the Ministry of Finance and, of course, this honourable House, and indeed the entire country because this will mean taxing our people in order to provide these facilities. I do know that many hon. Members appreciate this point and I must say that I was

impressed because everybody hinted that we have to tax ourselves. This is a matter that I am assuming is generally accepted by this honourable House and that whatever we say, because it is a commitment on our part as an independent free people, we will have to pay for the services, which will mean taxation. Taxation is not my problem but it is the problem of my other colleagues and I will refrain from mentioning even such suggestions as we should increase taxes on beer and so on. I do not think I should indulge myself in that kind of talk because as we were told by the hon. Minister for Finance and Economic Planning, if we overtax certain commodities, people will start looking for alternatives and we may find, in the end, that we do not achieve the objective we set out to do. So, taxation is not just, by itself, a matter which we can say happily “Go on and increase taxes here and there”. Taxation is a subject that requires very thorough, and sometimes scientific, examination. Sir, there again we shall have the same problem.

We shall also have the problem of providing non-teaching members of the staff; administrators and so on. We shall also require supervisors. So, to solve this problem, while we are in sympathy with the Motion, poses certain difficulties and these difficulties, I submit, are our problems and I am not prepared at any moment to suggest that this nation cannot cope with its own problems. I know we are capable but what I am suggesting is that we should approach this matter with cool heads and realistically. My Ministry, as I have said, is now looking into the matter and this is also—yes, it is in the Kanu Manifesto but Kanu Manifesto mentions so much about free education. The Kanu Manifesto, if I may point out to the hon. Cheboiwo, did not refer to the abolition of Certificate of Primary Education but rather the question of providing free primary education. I would like to touch briefly on this and say: Alongside with this suggestion of the abolition of the Certificate of Primary Education, which I think is really what the Mover of this Motion wanted, we are also looking into the possibility of providing free education as embodied in our Kanu Manifesto. This, as you may know, is being done because this year, 1971, we have authorized all our schools to give a remission of up to 20 per cent in certain areas, so that, if you give remission of 20 per cent, it means that 20 per cent of your children are receiving free primary education. It is an approach which, obviously, has not come to an end but it is an attempt to try and provide free education over the course of time. However, we are not satisfied with this end, therefore, we are looking into the problem and our technical officers, together with administrators and, of course, the politicians, are

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looking into this matter and very soon, I hope, there will be a paper on this subject. I would like to assure this hon. House that this point is very much borne in mind.

Therefore, Mr. Speaker, Sir, the Motion raises the two points really: that of free primary education, and in this the hon. Mover referred a lot to this point of free education. I would like to assure the House that this also is being looked into.

Mr. Speaker, Sir, I should have handed this earlier to you and I would like to do it now— There is a very slight amendment I want to propose on the Motion and I hope the Mover will accept it because—

The Speaker (Mr. Mati): You cannot do it that way. We just do not have time. If you intended to do so, you should have spoken much earlier. I am sorry, because all that remains will be for the Mover to reply and your amendment will not be debated. It might not even be seconded because there will be no time for the seconder and so it would not even be moved.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, if I cannot move the amendment now— I did raise this point with the Clerk yesterday and I was assured that I could hand over this amendment this morning and this is why I brought it. It is already typed and—

The Speaker (Mr. Mati): If I could explain further, what they thought you understood is that you have to give notice of your intended amendment, in writing, as you have done now. However, you did it at the wrong time. What you should have done is to choose to speak earlier than your time for replying so that you could move that amendment, be seconded by somebody and then it would have been debated and resolved somehow, either for or against before the Mover is called upon to reply. That is what you should have done.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, well, if I missed the boat, I missed the boat. I would like to say that what I have indicated is what the Government is doing and there is nothing really new in what the Motion is asking. What I was trying to suggest is that this honourable House urges my Ministry to expedite consideration because, if we pass this Motion as it is and we are bound to implement it, it is something which and I must inform this honourable House, will be unimplementable because it will mean raising taxation, and I assure you this is a matter where you must offer facts and some figures before you can implement it—

The Speaker (Mr. Mati): There is no use in getting excited.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, since there is no time and the Assistant Minister is intending to move an amendment, is it in order for us to extend time for this Motion so that we may hear the Government intention in its amendment, because we can easily extend the time?

The Speaker (Mr. Mati): Unfortunately, this is something which should have been done in time. Mr. Karungaru, if you wanted to do so, you should have also jumped up and raised your point of order before Mr. Rubia's time was over. Now, what you are suggesting is that we re-open the issue when Mr. Rubia has already concluded his speech and it is time for the Mover to reply. I think if Members have any intentions, they should make them known in sufficient time. It is time for Mr. Cheboiwo to reply.

Mr. arap Cheboiwo: Mr. Speaker, Sir, it is very unfortunate for the Assistant Minister to be too late to amend. We do not know what amendment he had but let us hope he was not changing the Motion very much because he mentioned in his speech that the amendment was very slight.

Mr. Speaker, Sir, before I thank those who took part in this Motion I should, first of all, thank God for giving us rain today, which indicated that this Motion is blessed by this rain, including yesterday's Motion.

Mr. Speaker, Sir, the second point which I was going to say is that I want to thank those who really participated in supporting this Motion in this House and also I received a lot of notes outside, from the National Union of Teachers and the rest. The Secretary-General of the National Union of Teachers wrote a letter and distributed copies to all hon. Members urging them to support this Motion. Therefore, Mr. Speaker, Sir, the Motion is unanimously supported in the House and outside this House. All I want to say is that action must be taken by the Ministry.

On the question of accommodation, as the Assistant Minister said, we have the spirit of Harambee, the parents are prepared to take this up if he wants extra classes. We are prepared to build these classrooms. Regarding the question of teachers, we have all these Form IV fellows who have just finished their schooling and are looking for jobs. His Ministry can easily absorb these fellow to be teachers.

On the question of technical subjects, saying that it will cost the Government a lot of money, this will amount to Government having no money. What I would suggest to the Ministry is that they should take up this matter just as they are dealing with the present drought all over the

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country and I am sure if they appeal for help from various sources all over the world, as they are doing now, they will get the money.

Mr. Speaker, I said, when I was moving my Motion last week, I said if the Government has the will there is a way; I said: "Where there is a will there is always a way" and therefore, they can manage it. If the Government is determined and this is what I feel the Assistant Minister was trying to suggest in his amendment—if the Government is seriously intending to do something about these children of Certificate of Primary Education standard—that they want to extend education from Std. VII to Std. IX, I am sure ways and means will be found. However, if the Government is just up to its usual tricks "that this question will be looked into, this matter will be looked into" then it will be looked into for the next 20 years to come without being implemented.

Mr. Speaker, Sir, I strongly appeal to the Government, through the Ministry of Education, to see that they accept this Motion and do something about it because it affects all us. This is a national problem; it is not the Mover's problem, nor is it hon. Rubia's problem. This is not an individual's problem. It is a country-wide problem for the solution which we should all work together. Mr. Speaker, Sir, the Minister said that in the last two years there were 150,000 children who sat for Certificate of Primary Education and it was only 12 or 13 per cent part of them who were absorbed in secondary schools. This looks ridiculous! Where did the other percentages go? Some were left in the streets, some went back to their parents, and some went to the places which were mentioned by the Seconder for this Motion. The Government will face a big problem in future if these children are not helped at this moment. The Assistant Minister asked me whether I had an intention of suggesting that these children should sit for their Certificate of Primary Education in Std. IX. However, this was not my intention at all because the Motion, in a certain section, says: "This House urges the Government to extend the present primary education course from Std. VII to Form II or Std. IX".

Mr. Speaker, Sir, what I meant here, if the Assistant Minister did not understand it, was the abolition of Certificate of Primary Education Examination in Std. VII so that children go ahead to Std. VIII and Std. IX without any examination at all and sit for Kenya Junior Secondary Examination in Std. IX.

The Assistant Minister for Education (Mr. Rubia): But it does not say so!

Mr. arap Cheboiwo: It does not say so, but this is what I meant; and it was for you to understand it because you are the Assistant Minister or the Minister who is concerned with education.

Mr. Speaker, Sir, I would like to see the Ministry speeding up that "Paper"—I do not know what sort of "paper" they are working on but he has mentioned something about a paper. I would like to appeal to him that this paper should not be the usual paper, "That it will be looked into" but this paper should be made a serious one. He should make sure that this will happen in this Financial year so that by next year—July of the next Financial Year—we shall see something happening as a result of this paper which he has already mentioned.

I do not have much to say on this apart from urging his Ministry to see that they work hard and see to it that this, "paper" is produced as soon as possible—we do not want to be told, "As soon as possible", as we are always told by the Government. They should do it as soon as possible so that we can see our children going into these classes.

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

The Speaker (Mr. Mati): Before I put the question Members might like to know what it was Mr. Rubia was referring to. His amendment would have altered only a very small part at the end where it says, "This House urges the Government to extend the present primary education course from Std. VII to Form II." He wanted it to read, "This House urges the Government to expedite consideration to extend the present primary education course from Std. VII to Form II". So, it is not a terribly different thing.

(Question put and agreed to)

MOTION

AWARD OF BURSARIES IN SECONDARY SCHOOLS

Mr. Nyaga: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the fact that the Kenya Government has taken over education services as well as the main sources of revenue from the local authorities, this House urges the Government, as a matter of urgency, to take over the responsibility of awarding bursaries in secondary schools as most county councils are not in a position to do so.

Mr. Speaker, Sir, we saw at the beginning of 1970 Government taking over the three services: education, health and roads from the local

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authorities. There was a lot of confusion at that time when this was effected and many people were not paid for quite a time and the roads were in chaos because where there were graders, owned by the county councils, some were taken away wherefore roads were left unmaintained for some time.

In the health sector we had the problem of dispensaries and health centres going without drugs although things have improved, though not completely. Now, the problem which I have brought into the House concerns education with regard to bursaries in secondary schools. If the Government decided to take over education from the local authorities, and if it also decided to take revenue from these local authorities, then the same Government has the responsibility of taking over bursary commitments in order to keep pupils in secondary schools.

At the moment graduated personal tax is collected by the Government, which is the main source of revenue for these county councils. We know that this does not come in; and the Government also collects school fees from primary schools and, therefore, what is left for the local authorities as a source of revenue is tax from such minor things like bicycle licences, plot rates in trading centres, licences for selling snuff, and for the lucky county councils which have cash crops, and which are very few, produce cesses. Since these local authorities were left with a burden they had no alternative but to raise these taxes, for example, in a place like Embu they had to raise the tax on snuff licences from Sh. 5 to Sh. 50—this is unbelievable for taxes to go up by 900 per cent! They had to do this so as to get money to maintain the few services which have been left in their hands. After raising these minor taxes they found that they could not do this.

Now, let us look at the secondary schools under these local authorities. Before they were giving bursaries but today those bursaries are not provided, except by very few county councils. It is the policy of this Government and the party to provide free education and that is why we have remission schemes in primary schools, although this is doing very little. Now we have seen the Government going back on its words—drawing bursaries after they made it impossible for the county councils to give these bursaries. Many pupils have stayed out of these schools and therefore you will, find empty desks because they are not able to pay the fees. Are we going to let this situation remain as it is—with promises of free education, while we are keeping pupils out of schools? We have to answer to those who elected

us into this House and say what we are doing about it. I understand that Government is providing bursaries to a few schools—schools in Nairobi or Mombasa which were formerly European schools. That is where the Government money is going, because it was seen fit by those in power to provide bursaries to former European schools, like Lenana High School, Nairobi School, Kenya High School and the rest. However, what is happening to the schools right back at home in the countryside since there is no one who seems to care about what is happening there? As far as the Government is concerned there is a lack of planning as far as this issue is concerned. It was reported that one single school in Nairobi, that is Lenana High School, was to get a sum of Sh. 660,000 in the form of bursaries; that is if there is any truth in this as it was reported in a newspaper; it said that this year this particular school will get a sum of Sh. 660,000 in form of bursaries to keep those students who are studying there going. The other former European schools are getting the same amount of money, or in some cases larger amounts.

Let us take a small district which maintains 10 secondary schools. For example, in Embu District last year, or in the past years the county council used to provide bursaries for pupils in seven secondary schools. However, pupils studying there today do not get even a single cent from the Government, bearing in mind that the same Government is giving a lot of money to only one single school. Mr. Speaker, Sir, is there justice in this? The poor schools in the countryside, who are not able to run on their own, now have empty desks. However, in a school in Nairobi—I mean one of the former European schools—where pupils are taught to behave like Europeans and so on, pupils studying there are given all the opportunities to learn. As regards other pupils studying in other schools, we have closed our eyes to their problems.

I have brought this Motion here particularly to ask the Government to consider and see that all the maintained schools in the country, the pupils learning there are aided. We do not have to select a few, but we should do justice to all schools. Probably the Minister may give the reason why, in the former European schools, the fees are very high. It is not our problem that the fees are high. The pupils who go to those schools and get these bursaries usually come from rich families. It might be that they are children of outstanding people, and maybe some hon. Members in this House, who send their children to such expensive schools. Are we going to support this trend and forget the

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other poor people who do not have even a cent. The question here is to make a decision. We should make a decision now so that we can meet the promises we gave that we are going to provide free primary education. We should look into this case and make sure that, whether a school is a cheap one or an expensive one, we consider those schools which are doing a great service to the country in educating our own children. As I had said before, when these bursaries were denied to the pupils, the county councils made no mistakes because they could not afford to do so. This is because they did not have the money to do so. If the Government has taken over education, it has the duty also to take over the giving of bursaries. This is because the Government collects taxes, and with the money from those taxes it should be able to provide bursaries to those who are in need of them.

Mr. Speaker, Sir, let us go back to those country councils which were able to pay these bursaries. At the moment I know of only one county council which provides these bursaries, that is Murang'a County Council; from what I have heard that county council was able to pay bursaries. However, many other county councils were not able to do so. For example, Meru County Council, which is supposed to be one of the richest county councils we have in Kenya, was not able to provide even a single bursary in her secondary schools. This is a very serious matter. What happens to those who fail to get money to pay for their education in the county council schools we have now, is that their places remain vacant for some time and then they are taken by those who come through the back door, I mean those who cannot pass any examination and they happen to be the sons and daughters of the rich people. These are the children who fill those places. When they have filled those places, because they have done it through the wrong way, and since those who would have done well were not able to continue with their studies because they did not have the money— At the end those who took those places usually do very badly although they had everything, all the facilities. They will not value education since they filled those places because their parents occupy big positions and they had the money power because, usually, money can do a lot.

I am asking this House to give all support to this Motion because it will do a lot of good things; if not to all, at least to 90 per cent of the local authorities which failed to provide bursaries through no fault of theirs.

I will not dwell too long on this Motion, and I hope I have put my case forward. I shall give a chance to those who wish to support this Motion. I would like Mr. Mbori to second this Motion.

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

Mr. Mbori: Thank you, Mr. Speaker, Sir. Thank you once again for having given me this chance to stand up and second the Motion.

In seconding the Motion, I would like to thank the Mover very much for having brought this Motion into this House because it is a Motion which contains a matter of national importance, namely the question of awarding bursaries, especially to secondary school students throughout Kenya. Even during the colonial times Kenya county councils, then known as African District councils, or earlier on Local Native Councils, used to provide bursaries to secondary school students, particularly those students who happened to come from poor families. Incidentally, Mr. Speaker, Sir, in Africa and indeed in Kenya, most of the brilliant children come from poor families. It should be the duty of Government to provide bursaries to these poor families who have brilliant children with prolific and promising futures because if they are left alone they are likely to remain behind. If that is the case, this will be a responsibility of the whole country, indeed.

Mr. Speaker, Sir, the Motion is very fitting. I hope the Government will see sense and implement it although these days we pass Motion after Motion without even a single attempt being made to implement them, Mr. Speaker, Sir.

Mr. Speaker, Sir, bursaries to secondary school students, I think should be provided. It is no good at this moment to provide bursaries to students in only a very few secondary schools, like Nairobi School, Eldoret High School, Kenya High and Lenana High School. Incidentally, Mr. Speaker, Sir, the pupils who happen to go to these schools belong to the aristocratic classes or plutocratic people who have vast and permanent sources of wealth. Many of these people have amassed so much wealth actually that their children should no longer be given bursaries; yet these are the characters whose children, sons and daughters, get bursaries. This is making a mockery of the whole thing. Why should the Government not take over secondary schools and immediately provide bursaries to students in the secondary schools all over the country? I had said before, the rural secondary schools have children who come from predominantly poor families. These pupils from these

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predominantly poor families are the ones who require—in my opinion, Mr. Speaker, and it may be the opinion of this House—bursaries because if they are excluded from those children who get bursaries today they will definitely suffer. The educational system will suffer and, therefore, I feel bursaries should be awarded to these secondary schools which happened to be in rural areas, and not the former European schools; not the former high-class schools that used to have bursaries. These schools have so many bursaries while other pupils in schools in the rural areas are all the time asking, “Where are these bursaries?”

Mr. Speaker, Sir, indeed from my own source of information, I know there exists some form of bursaries right now; but could the Minister for Education tell us how these bursaries are awarded? If these bursaries are awarded, how are they awarded and to which pupils are they awarded? What may have happened is that the pupils who were given these bursaries came from rich families, many of whom may be civil servants—maybe some were children of our Ministers here. Therefore, Mr. Speaker, Sir, I think bursary awards should be spread evenly throughout the country so as to enable the pupils who are in secondary schools all over the country can have the benefits. It would be no good giving the bursaries to a handful or half-a-dozen schools in Kenya when the whole country requires that all pupils to be given bursaries. If bursaries are given to a handful of secondary schools in Kenya, may I at this point ask, “Who are the tax-payers—who happened to pay tax—from which bursaries are received? It is from all the tax-payers in Kenya. There are no particular taxpayers who are around Lenana, for instance, Nairobi School or Kenya High School, so that the pupils in those schools should warrant bursaries.

Mr. Speaker, since the Government has taken over the running of secondary schools, and the running of our educational system, it should play a fair game to everybody by awarding bursaries for secondary schools all over the country. In my constituency so many people come over to me saying that they wish to get help. Now, where can the poor Mbori get the money to give to these secondary school pupils so that they can have their education? Last year I managed to have one person through—through the Ministry of Education; however, these bursaries have not been made available to the whole country. Should it not be made known right now that the country requires bursaries to be awarded in secondary schools all over the country? Mr.

Speaker, Sir, it will help the people to learn that Government is serving them evenly; that Government is serving them squarely and without favouring any areas. However, in the absence of bursary awards for secondary schools, Sir, you will hardly even cause the people in rural areas, in the deep corners of Kenya, to believe that Government has arranged for the provision of bursaries.

Mr. Speaker, Sir, in all fairness, these bursary distributions to secondary school pupils should be given equitably. I want particularly to urge the Government to help as used to be the case when the county councils were serving various local authorities when pupils used to have something, even if only a mere Sh. 1 or Sh. 50 or even Sh. 100—certainly this did reduce the burden of school fees on the parents, particularly those who were unable to pay; destitute parents who happened to have capable and promising Kenyans. If these bursaries are centralized and controlled somewhere here in Nairobi, in the Ministry of Education, we shall fail to have the benefit. Mr. Speaker, Sir, may I urge and call upon Government this time to go into the bursary question and possibly—in my view this may be the best way—distribute the existing funds among the 41 districts in Kenya so that each county council has some funds to distribute to the pupils who suffer and who are most deserving.

Mr. Speaker, Sir, I say this because it is the local authorities, it the local officers and local schools, that have the best knowledge as to which pupils are most deserving, where bursary awards will be required. But to centralize it in Nairobi is a wrong view. Perhaps the officer who is in charge may not be well equipped, he may not be knowledgeably equipped with the fact that certain corners require bursaries more than other areas. For example, to give bursaries to pupils whose parents stay in Nairobi, Sir—this is actually lack of knowledge on the facts as they are. This is because the parents who happen to stay in Nairobi have a source of getting money somehow at one time or other. In 30 days or so they expect to have some sort of income. What about a poor parent, who lives somewhere in the rural areas where he has no source of wealth, who has nothing from his *shamba* in a bad year such as this one, 1971, when no crops are expected? How do we expect these parents to maintain their children if no bursary awards are given?

Mr. Speaker, Sir, I want to appeal to Government to take note of the fact that distribution of bursaries on a district basis will help us best of all. We have provincial education officers, district education officers and their assistants and

[Mr. Mbori]

we also have heads of secondary schools who have the best knowledge of the pupils that suffer financially; who suffer in such a way that they are unable, completely, Sir, to pay their school fees, and yet the provision is that unless a pupil pays school fees he or she should be sent away forthwith. Now, we would like to call upon Government to take note of this. If we are going to help every child in Kenya who has the brain to learn, and many of those who have gone to secondary schools have the brains then we must distribute these bursaries equitably. If we want these brains to go on having education and continue up to higher secondary school level, and up to the university level, bursary awards should be given in such a way that the assistance is similar to that offered to university students.

I found that students in universities, whether in Kenya or abroad have some assistance through a bursary. Half a loaf is better than no bread at all. Where there is no bursary given completely, Government is doing a disservice to its young citizens who are going to take care of it in the future. These will be the custodians of Kenya tomorrow. We here—the whole Floor—and those outside in the Civil Service offices will one day vanish and those who are being denied education through lack of bursaries at all, are the people who will take care of this country. Therefore, Mr. Speaker, Sir, we call upon Government to ensure that bursaries are awarded on a district basis; bursaries should be given to all districts and all the countries, which have the necessary knowledge of which people suffer most.

Mr. Speaker, Sir, with these few remarks, I beg to second the Motion heartily.

(Question proposed)

Mr. Kahengeri: Mr. Speaker, Sir, I also rise to support this Motion and also give some good suggestions. The Minister should bear in mind that since the Central Government took over the running of primary schools in the country—it is important for him to know that—many people in the country who are poor and who are supposed to have help from this House and Government departments are not getting this aid at the moment. It has been said in this House by the Members of this House, Assistant Ministers, Ministers and even the President of the State, that our main duty is to up-lift the welfare and the standards of our people. According to my opinion, we should up-lift those people who are low and not those who are already up-lifted to a higher degree. If we consider the fact that most of the children who pass to go to secondary schools belong to poor

families, the families which cannot afford the fees, and yet we do not accord them awards of bursaries—that means that these children will never have a good education. It is known that we have or we had some schools that were called assisted schools. These schools were the schools that the children of the people who could afford it went to; perhaps those children of the former rulers of this country—the colonialists—and those of the Asians went—The schools they attended were called assisted schools. They were given money by Government, leaving out the people who were starving, people who were not getting their fees, in order to educate their children, and huge amounts of money were spent on these schools.

Now, it is good that Government has changed that fact, and some of the money given to these assisted schools is not now being given. Now, if we come to the very important point of this Motion, that county councils, before the Central Government took over, had been spending large amounts of money—If I may mention an example, the Kiambu County Council has been spending about Sh. 100,000 every year, to assist paying the school fees for the children whose parents could not afford to do so, and as they had good brains, they found themselves places in secondary schools. If the Ministry now drops that, and says, “Now, we are not going to accord anything to these schools”, it will then mean that these children will have to get out of school because their fathers cannot afford the fees. Now, if this happens, are we really up-lifting the standards of the people in low positions? I doubt if we are.

Now, if we pay subsidies to schools like Nairobi School, Lenana School, Nairobi Girls' School, are we really contributing to up-lift the people who cannot afford; do we not really know, who are the parents that take their children to Nairobi School and other big schools in the City? Do we not know that they are the people who can really pay for their children's fees; do we really not know, that it is the Indians, the colonizers who were there before, who take their children there with the money they received during their 50 or 60 years' exploitation of the African people? Why can we not look at that, and see where we are going; are we building a bureaucratic section in our community, so that some people will be boasting in future and say, “Oh, we took our children there and there”. I heard some people saying that the children are getting on well in these kinds of schools, and that it is not our business; it is God's business that those people were born poor; let them continue being poor. Are we, as a House

[Mr. Kahengeri]

of our nation, going to tolerate this? I hope we are not going to do so because we are charged with a very important duty, that we must up-lift the standards of our people educationally, and we too have to strive to up-lift their standards in the way of material wealth.

It is in this House, I presume, that this kind of policy which really leads to the helping of the poor, can be generated. It is this policy, I think, that the Member who moved this Motion had in mind, to try helping those who are low, come up to the higher standard, and not to continue putting whatever wealth we have, to the few members of our community who had been fortunate enough to educate their children or had been fortunate enough to be educated or had been fortunate enough to get wealth. It is this kind of fortune that we are happy to share out to our unfortunate sisters and brothers.

Therefore, Mr. Speaker, Sir, without wasting a lot of time, I feel this Motion is a straightforward one, and everyone of us, I think, will have mercy on the poor pupils, who are now getting expelled from schools, just because they have not been able to pay their fees, while we know that a lot of schools are occupied by sons and daughters of those who really can pay, and are spending money.

We have these, I think you call them integrated schools; now, sometimes we are made to believe that these integrated schools were formed because those who ran the schools before, wanted some of the African children to be seen there, so that the money that Government gave would continue being granted, but really, they are not serving a good purpose as far as our political and social demands as a nation require. Therefore, I have one or two humble submissions to make to the Minister, that the money that is used in these big schools be switched to the secondary schools where the parents cannot possibly pay their fees and so that we will get into the way of up-lifting our people, who we would like to see, in the days to come, approaching the standards required. I will have, also, to submit another thing, that this money, when Government considers to give secondary schools' bursaries, should be channelled through the local authorities. Why do I say this; I say this because I do not believe that a person in Jogoo House here, is able, really, to know who are the parents down in my constituency; who are the parents down in another constituency, that cannot pay their children's fees. These people, we know very well, would be the right people to advise us, as to whom these bursaries should go.

I beg to support, Mr. Speaker.

The Assistant Minister for Education (Mr. Mbai): Thank you, Mr. Speaker.

Mr. Speaker, Sir, I would like to speak at this juncture, because I intend then, Sir, to propose an amendment to this Motion, so that Members will have ample time to speak on the amended Motion. Mr. Speaker, Sir, as the Motion says, in view of the fact that our Ministry took over primary education from local authorities, we should also take over the responsibility of awarding of bursaries to secondary school students in the rural areas. I would, Mr. Speaker, Sir, much as I would like to sympathize with this view, point out one wrong impression or belief which Members or even the Mover himself has in connexion with the meaning of our taking over from local authorities.

Mr. Speaker, Sir, we took over the administration and running of primary education in rural areas from the local authorities but not the function of awarding bursaries to the students from their respective local authorities. Mr. Speaker, Sir, it is up to each local authority to maintain a vote or to estimate for this important function which is still within their responsibility. Therefore, Sir, I wanted to clear this from Members minds, particularly the Mover who emphasized this point very much together with the Seconder of this Motion. It is not true that the Central Government or my Ministry took over all primary education and the responsibility of awarding bursaries in secondary schools in rural areas.

Having clarified that, Mr. Speaker, Sir, I would like also to say that the local authorities have been doing it very well, some of the local authorities have been estimating for the bursaries' votes and awarding their students with the bursaries in the past, when primary education was in their hands. Sir, even during the time when district education boards, were in charge of primary education, this function still remained in the local authorities. Therefore, Sir, it should be noted that even now, local authorities should continue with this important function because we would like the local participation and interest from local authorities in the development of our education services in our secondary schools. We would not like our local authorities to sit aside and say that everything concerning education should be handled by the Central Government. So, Sir, there is one thing that I would like to say and that is: in our Ministry we maintain a small vote. We maintain a small vote—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, do not you

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

consider that movement in the House by the hon. Member who has been here for almost eight years, to go across the Floor the way he has done, as very gross misconduct?

The Speaker (Mr. Mati): Mr. Somo, I am sure you know better than that; you are not supposed to cross the Floor there. You have to move to the Bar.

Mr. Somo: On a point of order—

The Speaker (Mr. Mati): Order! You have to the Bar, bow and then go across. You do not cross near here behind the Mace. However, let us not take more time on that now.

An hon. Member: Can you apologize and make it your duty from now?

The Assistant Minister for Education (Mr. Mbai): Thank you, Mr. Speaker, Sir, I hope the hon. Member will, in future, bear that in mind having been here for a long time.

Mr. Speaker, Sir, I was making a point in connexion with what vote we, in the Ministry have regarding bursaries awards. Sir, we maintain a small vote which is meant to assist students who qualify to go to high cost schools anywhere in the Republic from wherever they are. Also, Sir, day secondary schools in Nairobi come under the same vote. This vote, Mr. Speaker, Sir, is so small that we cannot really extend it much further to other schools in the rural areas. The reason for assisting students in the high cost schools, Mr. Speaker, Sir, I remember the Mover wanted to know why the Ministry had decided to do that, is one: that the children who qualify to go to these high cost schools are from every part of Kenya. They are selected at national level here and centrally by my Ministry from every part of Kenya. So, this means that every school in the country is given an opportunity, if their children qualify high enough to merit entrance to these schools, to take their students to these schools, they are given bursaries. That is one of the most important reasons. The other one, Sir, is that in these schools, the Government would like to achieve integration of all races by mixing students. If the Ministry cannot arrange to assist students who qualify from poor families to these schools, then, we would have very few Africans—so to speak—in these high cost schools which, Sir, were formerly European schools. The third reason which is also very important is that the City Council of Nairobi has refused to accept the responsibility of awarding bursaries to students within the schools in Nairobi. Similarly local

authorities in the rural areas like county councils do not accept to award bursaries to students who qualify to join high cost schools in Nairobi. So, this responsibility, Mr. Speaker, Sir, has been taken by our Ministry and the small vote which I have mentioned here is meant to assist those cases. I must point out, Sir, that we would like to assist as many students as possible but we cannot do it because of our limited funds. My Ministry has, many a time, approached the Treasury for more money for this purpose but every time it has not been possible and therefore, Mr. Speaker, Sir, with these few remarks I would like to move an amendment to this Motion. Sir, I would like to amend the Motion by deleting all words after the word "that" in the first line, and insert in place thereof the following words:—

"... local authorities may be finding it difficult to award bursaries to ever increasing numbers of needy and bright students in secondary schools, this House urges the Government to find ways and means of continuing to assist the needy and bright students in our secondary schools."

Therefore, Mr. Speaker, Sir, in moving this amendment, I just want to point out to hon. Members that the Ministry is prepared to go into this question to see how best it can assist our students in various secondary schools who are needy and bright so that they do not miss education because their parents are poor and cannot afford to pay their fees.

Mr. Speaker, Sir, I have moved this amendment with a hope that the Member who moved the Motion is not going to find it difficult in accepting my amendment because all that I am trying to do is simply to endorse that there is a need for my Ministry to look into this question and find the ways and means—given time—to negotiate for more funds. Also, together with the request here, we can look into many other things so that we can do what the Motion is asking for and what is needed for our students in this Republic.

Therefore, Mr. Speaker, Sir, I beg to move this amendment.

The Speaker (Mr. Mati): Before your amendment is seconded, I think, I should make clear exactly what the amendment is. Mr. Mbai is proposing that the Motion be amended by deleting all the words after the words "... , in view of the fact that ..." He proposes to delete all the words from there to the end of the Motion, and to insert in place thereof the following words:—

"Local authorities may be finding it difficult to award bursaries to the ever increasing numbers of needy and bright students in secondary

[The Speaker]

schools, this House urges the Government to find ways and means of continuing to assist needy and bright students in our secondary schools."

That is the proposed amendment to this Motion.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, thank you for allowing me to second the amendment which I consider to be of vital importance as far as our nation is concerned.

I hope the Mover will agree with the amendment because it is one of the things which we are hoping to improve and make sure that the poor parents are placed on the right footing when their children lack proper education in the rural area schools.

At this juncture, I must thank the county councils which are carrying these important responsibilities of awarding bursaries to poor children. They have indicated very strong support for the attitude of Government. We, within the Government machinery are very much appreciative of the actions taken by the county councils in the country.

Sir, it is realized that some problems arise now and then in connexion with children who are born in poor families. Some of these children do very well in examinations but due to poverty they are unable to go to expensive schools. The Government is aware of this problem and it is taking very sincere action to minimize the problem which comes up now and again.

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

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

Mr. Deputy Speaker, we all know that Rome was not built in a day and Government is improving the standards of education as far as free education is concerned. The Government has already offered free education to Forms V and VI and to university students. This is something which is very well known by the poor parents. It is also true to say that remission of school fees has been increased at the primary school level. This has just been stated by the Assistant Minister for Education. That is the reason why I did thank the county councils for having improved the method of awarding remissions and bursaries to needy cases.

I do not intend to dwell very much on the amended Motion because it is straightforward. However, the only thing I wish to assure this hon. House is that the qualifications of pupils

from poor families will be looked into and we shall make sure that in future admission to schools, whether expensive or inexpensive, will be based on qualifications and not on wealth.

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. ole Marima: Mr. Deputy Speaker, Sir, I rise to—

An hon. Member: Oppose.

Mr. ole Marima: —Oppose, obviously, the amendment to the Motion!

I have reasons for this and I am going to be very brief but very emphatic. It has been the cry of the nation, it has been the pledge of Kanu as a party, that we should provide free primary education. Up to now, Sir, we as a Government have failed to provide that.

An hon. Member: Completely!

Mr. ole Marima: If we cannot, Sir, provide free education for primary schools—and there are more children in primary schools than there are in secondary schools and the university—can we not attack the problem either from down the ladder or up the ladder? We have to do something one way or the other. If we can do it the easier way, then it is only right and proper that we should do it the other way. I am sure, we can afford to provide bursaries which actually will be tantamount to free education to all our students who can manage to go to secondary school.

We have so many children of poor people that often do much better than the children of the wealthy people but because their parents cannot afford to send them to Lenana School, to Nairobi School, to Thika or to any one of the good schools, these bright children of Kenya, the would be leaders of Kenya are handicapped because of lack of money. It is because of this that we, in our position as leaders, will be blamed for sitting on the brains of the children that would be the future leaders of our country. Any nation that does not build good foundation—to prepare children for the future, such nation is bound to be barren.

Mr. Deputy Speaker, the amendment to the Motion pretends to tell us that we shall be able to select the few children of the poor and give them bursaries. It has become obvious that we have failed in the selection. This selection will go back to benefit the children of the rich, the children of those parents who are in a position to argue that their children need bursaries. What will then happen to a child whose father is

[Mr. ole Marima]

living in a shanty along Grogan Road or Mathare Valley? And that child has a brain as good as any other child in this country. The father or the mother cannot come anywhere near the education office to be heard because of the rags he or she wears. We must, therefore, Mr. Deputy Speaker, remove the discrimination and say that we will take over the responsibility of awarding bursaries and give them to all the deserving children who go to secondary schools. This, in fact, would benefit both a child of a Minister and a child of the poorest citizen of this country.

It is with that in mind, Sir, that I categorically oppose the amendment and abide by the original Motion, that we are going to pass a Motion by which we will provide bursaries for all students who manage to go to secondary school.

With those few remarks, Mr. Deputy Speaker, I beg to oppose the amendment.

Mr. Karungaru: Mr. Deputy Speaker, it is easy for the Government to accept a Motion. Many times Government has accepted Motions, so many Motions, but we have never seen them being implemented. It would be a waste of time of this House and, indeed the whole nation for us to debate a matter which is never implemented. This is the crux of the whole matter. It is easy for Government to accept a Motion but it is not easy for the Government to implement that very Motion.

It was only yesterday that we were discussing a matter which was very sensitive. This reminds us of what is going on in the Government circles.

Therefore, Sir, we would not accept the amendment which has been suggested by an Assistant Minister for Education—an amendment, according to my interpretation is meaningless.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): How can you say that!

Mr. Karungaru: I can say that, I have the mandate to say so.

Mr. Deputy Speaker, we know pretty well that is going on in this country, we know that it is possible for the money in question to be used for children of the rich as opposed to children of the poor. This has now been accepted as a tradition in our country. However, Sir, I would like to remind the nation of one thing, that we are still living in the period of tradition, and it is only fair that the old system of thinking much of a person who has to be given more—I do

not know who wrote this Bible? If it is particular quotation of the Bible which we are using, then that must be done away with: of giving only to those who have. I repeat, that must be done away with.

An hon. Member: By?

Mr. Karungaru: Mr. Speaker, time and again, and it is common knowledge to those who are knowledgeable—with the exception of those who are not knowledgeable, and those are few—that the majority of our people in this country are poor. It is only a small section of our community which has the means. Therefore, the question of saying that the wealth is being enjoyed by a good number of our people does not arise.

That is why I say that when the Ministry concerned looks into this matter, it has to look at it from this angle: that the majority of the people in this country are poor.

Let us accept one thing which up to now we have not accepted. Let us be dedicated, let us be honest with ourselves. It appears, however, at the moment, that we are not being honest with ourselves, neither are we dedicated to the work we are supposed to do for the nation.

It is this view that reminds me that unless the education system changes so as to provide education for the majority of the people without whom this Government cannot be here, one day we will be questioned. Let us not wait until that time comes when we will all be put on the carpet to answer.

With these few remarks, Mr. Deputy Speaker, Sir, I strongly oppose the amendment and support the original Motion.

Mr. Owala-Orwa: Mr. Deputy Speaker, I rise to oppose the amendment. My reason for opposing it is that the Assistant Minister is asking this House to allow the unsatisfactory conditions to go on until one day they will look into this and find ways of assisting some few students in the rural areas.

The Mover of the Motion knew that the conditions are unsatisfactory and that is why he moved the Motion and he wanted these very conditions to be looked into and be made satisfactory. I am sure the Assistant Minister will not deny several facts, one of them being that several parents are unable to pay the full secondary school fees for their children. Does the Assistant Minister mean to say that he does not know that the graduated personal tax was absorbed by the Government? Or, for that matter, does he not know that the grants were taken over and the school fees were taken over? What,

[Mr. Owala-Orwa]

therefore, does he expect the county councils to do to raise enough funds to award bursaries?

Mr. Deputy Speaker, I want to assure the Assistant Minister for Education, if he is not aware, that in the primary schools they have given remission of fees but in the secondary schools the bursaries have stood for the remissions. Therefore, he should know that the responsibility of parents is, finding land, bringing students, paying fees and putting up buildings—those are the responsibilities of parents—then the services that the Government is to give them, as the Government has taken over from the county council, is to provide teachers, books, paying teachers' salaries, and give fee remission in the primary schools. Therefore, they should automatically have taken over the awarding of bursaries in the secondary schools which stand instead of remission. This he should have known better than anybody else, rather than standing here and defending these unsatisfactory conditions. The Assistant Minister should have actually advised this House the best way to go about it rather than asking us to allow the unsatisfactory conditions that prevail now to continue until they have a chance to look into them while, all this time, people continue suffering.

Sir, the Assistant Minister should have known that by asking this provision now is to allow him time, knowing that the machinery of Government grinds very slow. Does he mean that in ten years to come he might look into this. Then, this is something we cannot accept at all.

Now, may I advise him that when he speaks of the local authorities, he means the municipalities because the county councils are dead. What are the sources for raising revenue in the county councils? They are left with market dues and from the market dues they will be unable to raise money to pay the salaries of their staff. Right now there are some people who have worked for three months before getting their pay. If the staff cannot get their salaries, then how can the county councils raise extra money to give bursaries? It is the Government that has robbed them of the sources of revenues, of raising the funds. So, Sir, the Assistant Minister should have told us by what means the county councils will raise money. If he means to advise the townships and municipalities that have land ratings and other things to raise money, well, we can understand. This Motion meant the whole of Kenya and included the county councils that have been rendered incapable of running their services because of the take-over of services and the sources of revenue.

The Assistant Minister, speaking on behalf of Government, was trying to mislead this House by saying that students qualify for the high cost schools. I want to tell him, no, they do not qualify. Anybody who is rich enough to send his child to a high cost school can send him there, and any child who gets even a "C" in the results will go to this high cost school if he is the child of wealthy parents. However, schools like the Alliance High School, etc., which are not high cost schools, have the best results and, therefore, we are asking the Ministry to see to it that they assist these poor children, the children from poor families who cannot afford to send their children to the high cost schools which are being assisted, parents who fail to raise enough money to educate their children in the ordinary secondary schools that are aided by the Government. If the Assistant Minister did not understand, this is what we mean.

The Local Government Authorities stopped giving bursaries to students as soon as their revenue sources were taken from them. That is why very many students are suffering now. They have stopped giving bursaries. If there are any county councils which give bursaries, they must be very few, if he can tell me of any. If Kiambu or Kericho are able, he should tell me. All of them have stopped giving bursaries because their sources of revenue have been curtailed. Therefore, if there is any of them which are still giving bursaries to students, we have to congratulate them, as the Assistant Minister who supported the amendment congratulated those few which are still giving bursaries.

It may be out of the 33 to 40 county councils, six or seven are able to give bursaries while more than 20 of them are unable. This means that more students are suffering than those who are not. 90 per cent of the students are suffering. It is, therefore, this 90 per cent of the students which we are asking the Ministry to find a way of helping. The Ministry should see that they take over the awarding of bursaries, which was the original plan of the Ministry, so that the bursaries stand for remission in the secondary schools. This is not the plan of anybody, but the Ministry is now running away from its own child which it brought forth. We will stick to the original Motion because the amendment is dull and meaningless.

If I may end, I want to say that the House should know that the county councils are dead. This is what I want the House to know. The House should know that right now, as we are speaking here, several county councils staff have gone for three or four months without getting their salaries. That is an example of their death.

[Mr. Owala-Orwa]

Therefore, anybody who says that a county council should go on paying bursaries, is dreaming and he does not know what he is speaking about. Therefore, we should stick to the former Motion which seeks to rectify the unsatisfactory conditions and bring about the Government to take over the bursaries, it is its own child.

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

The Assistant Minister for Education (Mr. Rubia): Mr. Deputy Speaker, I rise to support the amendment.

I think a lot of speakers who have opposed the amendment have wandered, as it were, rather away from the point. They have spoken, for example—and said that there are many poor parents. Nobody disputes that. I do know that in my constituency, there are very many poor parents and anyone who attempts or pretends to be the expert of telling this hon. House that there are poor people is certainly wrong because we know that. Indeed, the text of this amendment rather emphasizes that there is a need for assisting poor children. As I have said, in my own constituency, there are very many poor parents and I have done as much as I can, in my capacity, as their representative. Therefore, nobody should pretend that he is the representative of the poor people. This is wrong, we all represent everybody and we do know that our people require assistance. This amendment, Mr. Deputy Speaker, precisely talks about the Government being asked to find ways and means of continuing to assist needy and bright children in our secondary schools. There is no suggestion, whatsoever, that the Government should do nothing.

The original Motion spoke about the county councils being unable to pay bursaries. I want to say that this is true. I know there are some county councils which cannot go on paying bursaries. However, the amendment proposed by my hon. friend, the hon. Mr. Mbai, does not say that the county councils must continue paying bursaries. It says that the Government be asked to find ways and means. We have to be realistic. If we pass Motions here and expect the Government to implement them, they have to be Motions that can be implemented. If we say that the Government goes on providing, we still find that we need the services of county councils. I am only making a suggestion. It may be the Government will still use the county councils as the vehicles to tell who the poor children are. So, this amendment merely asks that the Government be allowed to find ways and means. It does not say that the Government should never consider giving bursaries. On the

contrary, today we do give bursaries to some students. It was only last week that I gave an example of Marsabit Secondary School. We have given some students bursaries there. Therefore, Mr. Deputy Speaker, I am submitting most sincerely and humbly that this amendment is realistic and that it is not going to affect very substantially, the original Motion. All it does is that it rather streamlines and systemizes our intentions which, I know, this hon. House support.

I am, therefore, supporting the amendment because it is realistic to do so and because it has to be possible to do so. However, merely to wander about and talk about poor children, some schools of rich people and so on—I think, this really is taking the advantage of, certainly the Motion before the House, to sort of, shall we say, say things which are fashionable and things which you think people up in the galleries will like to hear you say, and say things that you think will make people feel you are a very good orator. I think, Mr. Deputy Speaker, if we are sincere, we should support this amendment. The amendment does not, in any way, say that we should not assist poor children. In fact, as I have said, I know this is what my Ministry and my hon. friends, intend to do. We must find ways and means. You cannot give bursaries because you say so. You have to find, first of all, where the money will come from and how you will distribute it. Is it going to be done centrally? If that is so, I can tell you what is likely to happen. Some people will start talking about neglected areas and that some areas are developing at the expense of the other areas. So we have to look at ways and means and the method of assisting those children who are bright enough to carry on with their secondary education.

Sir, I beg to support the amendment.

Mr. Ogingo: Thank you, very much, Mr. Deputy Speaker, for giving me the opportunity to make my contribution to this Motion.

Mr. Deputy Speaker, Sir, I join my friends who have opposed the amendment.

Mr. Deputy Speaker, Sir, it is no good the Assistant Minister for Education telling us that we come here to say things in this House that tend to be fashionable. We are not here to address the galleries. We are here to discuss matters that affect the country.

This Motion is straightforward and in the context of this Motion, we expect the Ministry of Education to find ways and means. We do not have to amend the Motion so as to find ways and means of getting bursaries to award to students in secondary schools. What has happened in the

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past and what has continued to happen is that so much money has had to be concentrated on students who happen to be learning in the so-called high cost schools.

I would like to suggest to the Ministry of Education that it abolishes the so-called high cost schools, most of which are concentrated around Nairobi and which admit children of parents who live in and around Nairobi. Mr. Deputy Speaker, Sir, what I am saying, and most of hon. Members here have said it, is that the county councils no longer have the proper sources of revenue. This is a fact. Now that graduated personal tax is no longer a source of revenue for the county councils and that all the other auxiliary sources of revenue have become the sources of revenue for the Government, I do not see the reason why we should amend this Motion. Mr. Deputy Speaker, there is no point in the Assistant Minister for Education telling us that the Ministry of Education or Government for that matter must continue to expect the local authorities to award scholarships. We are telling the Ministry that they must find ways and means of awarding bursaries to all schools, particularly those schools in the rural areas. This is expressed in the original Motion, Mr. Deputy Speaker, Sir. We take it that by the end of this year, they will have taken every step to abolish the so-called high cost schools. I am saying this, Mr. Deputy Speaker, Sir, because by allowing these so-called high cost schools, we are creating a society or class which is not what we want. We want one society. Some of these students who happen to be in schools like Lenana School, Nairobi School and what have you, tend to think they get special education. If these schools are supposed to serve the nationals of this country, they must be integrated with the rest of other schools in the country. Therefore, Sir, scholarships should be distributed equally to all the schools in the country. This is the main argument.

Mr. Deputy Speaker, Sir, today, most of the county councils have been forced to levy many taxes so that they survive simply because their main sources of revenue have become the Central Government sources of revenue. We know this. For example, Mr. Deputy Speaker, most of the people who hold licences are now paying twice or thrice as much in taxation so that the county councils can manage their own affairs, let alone paying their own salaries. We know this is a fact and I would like to urge the Front Bench—the Ministers, if there are any present, and the Assistant Ministers—to join us in supporting the Motion

in its original form.

With these few remarks, Mr. Deputy Speaker, I beg to support the original Motion.
(*Question of the first part of the amendment, that the words to be left out be left out, put and negatived*)

(*Debate on the original Motion resumed*)

The Deputy Speaker (Dr. Waiyaki): It is time for the Mover to reply.

Mr. Nyaga: Thank you very much, Mr. Deputy Speaker, I am glad the amendment did not go through. Mr. Deputy Speaker, Sir, it is crystal clear that we did not have to amend the Motion because it stated the facts of life and therefore, we did not need to amend it. I thank all the hon. Members who supported me and especially the Back-benchers, most of whom gave me their support and this encouraged me a great deal. I hope when we come to the last stage, even the Front Bench will give me full support. Mr. Deputy Speaker, Sir, I do not want to dwell on this Motion because hon. Members have exhausted most of the points.

Mr. Deputy Speaker, Sir, when the Minister was moving the amendment, he said Government took over the running of education. However, he did not tell the House that the same Government took over the sources of revenue as well. This means that the same Government is responsible for providing bursaries. He also said there is a very small vote for the high cost schools. However, if he gave us the figure of such schools, it would have helped us to know how small the vote he talked about is. I am saying this because I do not think the vote that goes to the high cost schools is small at all. At the same time, I would like to know how much it costs to keep a single pupil in a high cost school and also how much it costs to keep a pupil in a low cost school. It would be surprising if we came to learn that what keeps a pupil in a high cost school would keep maybe 20 in a low cost school, which means we may not need those high cost schools at all. We had better have these low cost schools to cater for the whole country.

Mr. Deputy Speaker, again, it was commented that the county councils cannot afford to provide these bursaries. Why have we not been given the reason why they cannot do so? However, Mr. Deputy Speaker, the reason is because the main source of revenue—graduated personal tax, has been taken over by Government and for that reason, the county councils cannot afford to provide these bursaries. Mr. Deputy Speaker, I do not want to dwell on this subject too much. Mr. Deputy

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Speaker, we also know that Government give a few bursaries to the low cost schools outside the City, but they give very little. There was an example of the percentage they give. I hear they only give two bursaries to one school. What are two bursaries in one big school? Mr. Deputy Speaker, as I have already said, I do not want to dwell on this subject too much because it is very clear. I hope everybody will be on my side to make this Motion go through.

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

The Deputy Speaker (Dr. Waiyaki): I will now put the question.

(Question put and agreed to)

POINTS OF ORDER

DRESS IN THE CHAMBER—MEMBER IMPROPERLY DRESSED

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, are you satisfied that the Member over there—the hon. Ziro is properly dressed, taking into account the fact that the Speaker ruled that one has to be dressed in a suit or a Kaunda suit. Could what the hon. Member wearing be called a Kaunda suit?

The Deputy Speaker (Dr. Waiyaki): Would you stand up, Mr. Ziro, so that I can see.

(The hon. Ziro stood up)

Now, Mr. Ziro I see you are not properly dressed and, therefore, you need to go and put on a jacket, otherwise you come in a Kaunda suit.

(The hon. Ziro withdrew from the Chamber)

MOTION

ASSISTANT MINISTERS TO BE DEPUTY MINISTERS

Mr. Mwithaga: Mr. Deputy Speaker, Sir, I beg to move:

THAT since this Government intends to train its promising men into actually effective leaders of tomorrow's Kenya, this House calls on the Government to introduce a Bill for amendment of the Constitution of Kenya, in order to delete the words "Assistant Minister" and substitute in place thereof the words "Deputy Minister".

Mr. Deputy Speaker, Sir, this is a matter for the Constitution. We have had an experience whereby some countries are governed with fear, distrust and at times with a tendency to underrate the intelligence and integrity of their colleagues. Mr. Deputy Speaker, Sir, all the Members of this House have been elected by the people back home

and, despite the fact that the Constitution of Kenya provides for the appointment of Ministers by the President and Assistant Ministers as provided in section 19 of the Kenya Constitution, it has been noted that the Ministers have been running hopefully because one person is the Minister and the other one is an Assistant Minister. It is clearly understood, Mr. Deputy Speaker, Sir, that the oath of those two offices differ. They vary on the part of secrecy. A Minister takes the oath of secrecy of the Kenya Cabinet.

Now, Mr. Deputy Speaker, Sir, when the Minister is running his Ministry, in most cases, he believes in his own conscience, that his Assistant Minister is not big enough as far as portfolios are concerned, to know the inside running or day-to-day operations of his Ministry just because his colleague is a mere Assistant. The interpretation of the word "assistant" in English, means "a person just assisting the other to carry out some given responsibilities when required by that person to do so, and, at times, when he is also favoured". Mr. Deputy Speaker, Sir, you will find that if I were a Minister in a given Ministry and I do not like the face of the hon. Charles Rubia in my Ministry just because, perhaps, sometimes, politically, somewhere, we did not agree, I will confine the secrets and the inner running of the machinery of my Ministry to myself and I will direct my officers that unless and until I am in that office, no one else should touch the given files as they are numbered.

QUORUM

Mr. Bonaya: On a point of order, Mr. Deputy Speaker, Sir, is there a quorum in the House?

The Deputy Speaker (Dr. Waiyaki): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, there may be some problems because I understand that there is a meeting of the World Federation . . . of something and the Members are engaged there. I was wondering why they should do so and yet they cannot manage the Kenya affairs, but they are thinking of the world affairs.

The Deputy Speaker (Dr. Waiyaki): No problem as far as we are concerned.

Mr. Mwithaga: We have a quorum now.

The Deputy Speaker (Dr. Waiyaki): No.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, we have a precedence in this House that when there has been a ruling

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from the Chair at the time when we have serious business like this but the circumstances do not allow to have everybody here to form a quorum, we go ahead. We have this precedence. Do you not think we can use that precedence?

The Deputy Speaker (Dr. Waiyaki): No. This only applies if no one raises the question of a quorum on a point of order. There is a gentleman's agreement that when there is serious business we do not do that. But now that it has arisen we are in difficulties. As a matter of fact, we do not have a quorum even now, and we have taken more than five minutes trying to get a quorum—I hope there is one coming in now.

We have a quorum now, continue, Mr. Mwithaga.

Mr. Mwithaga: Thank you very much, Mr. Deputy Speaker, I was just saying that it has happened that some Ministers—this must be accepted. It is politically psychological—that a Minister would fear at times to allow his Assistant Minister—just because that is the law and since an Assistant Minister has not gone to the extent of taking the oath of allegiance of the Cabinet—to touch some files and, therefore, some work remains pending until that Minister comes back to the office after one week of going back to the land. Mr. Deputy Speaker, this is obviously so, and to try and save the situation, there must be a provision whereby somebody can always act with authority and commit Government with every given audacity and authenticity.

Mr. Deputy Speaker, the other fear is that when I am a Deputy Minister, and I am acting in the absence of my Minister, perhaps—I do not say that the Ministers we have today are part and parcel of that establishment, but it was so done in the past by those who had political insecurity in themselves and they did not trust other persons and they wanted to keep themselves very high up, far from the other colleagues of theirs in their offices. That is the time when the Constitution was being written. This political fear was there and some gentlemen wanted to confine the actual power of the Cabinet to themselves. Time has come when we eradicated that fear in our leadership because we must be able to train young men of promise, most of whom are now Assistant Ministers, to be leaders of tomorrow. But when you keep him for seven years as an Assistant Minister, taking orders as a soldier, when will he become a lieutenant, and when will become a major, if he takes orders all the time? It takes an army private about 25 years to become a sergeant-major, and it takes him 30 years to become a

regimental sergeant-major.

Mr. Deputy Speaker, are we going to treat the political institutions as an army, whereby a chap has to remain in the office as an Assistant Minister for seven or ten long years until it is proved that he can become a Minister? The sharing of leadership in the country is, therefore, absolutely necessary. The question of stealing the limelight is a mere psychological defeatism. Mr. Deputy Speaker, I know it is a psychological defeatism because a Minister must know that he is not indispensable. He is not. He can be moved tomorrow and we have seen the experience of Ministers being appointed to act in other Ministries in the absence of their colleagues, thereby creating confusion in that Ministry. If Mwithaga becomes the acting Minister for Agriculture when he is the Minister for Housing, and yet he knows nothing about the running of the Ministry of Agriculture, yet there are two Assistant Ministers for Agriculture, who will now start showing me what to do if these Assistant Ministers cannot act? They can act in my absence, but because the interpretation of the General Provisions Act, Cap. 2, which confers powers on the President to transfer responsibility, you will find that the Ministry is shifted to hon. Shikuku in another Ministry so that he runs two Ministries for a week or two. What does he do in those two weeks, Mr. Deputy Speaker? The question is this: Why can that Assistant Minister not act in that Ministry in the absence of his Minister? There is a system here that is a constitutional system. Some countries have inner Cabinet and outer Cabinet. Mr. Deputy Speaker, Sir, there are several Ministers in that Government who do not sit in the Cabinet as such. There is, therefore, an inner Cabinet which deals with absolute policy and secrets of the state and the meeting of five of them could commit the whole nation. That does not necessarily mean that an outer Minister cannot attend the Cabinet meeting where decisions and policy matters about his Ministry are concerned. When the matters concerning his Ministry are finished—if the hon. gentleman can be patient—if the deliberations about that given Ministry are over the acting Minister can leave the Cabinet meeting and go back to his Ministry leaving the other Ministers in the Cabinet going on. This has been done in countries we know of.

Therefore, Mr. Deputy Speaker, Sir, the excuse is only political. It is only political insecurity. This is why this section was put in the Constitution. It is lack of confidence in the other colleagues—and it is organized in such a way as to array the sphere in that you, an Assistant Minister—when he goes to his office he sits there

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—they have very beautiful offices but with very mean files. If you look at the things that they actually do—Mr. Deputy Speaker, Sir, if you ask the hon. Mr. Shikuku what he knows about internal security he cannot tell you and I dare say so.

Mr. Deputy Speaker, Sir, he claims that he sees all the files. I am saying that he does not see all the files. He only sees the assigned files. Mr. Deputy Speaker, Sir, I am saying this because if he was—

Mr. Mwangale: On a point of order, Mr. Deputy Speaker. I do not see the Attorney-General here whereas the Motion is being addressed to him. Also, it has become characteristic—now, where there are vested interests like now we have a case concerning Assistant Ministers, and the Ministers and yet they are not in at all. Sir, could I have some kind of guidance here. Who is going to reply to this Motion? Is it one of the Assistant Ministers?

The Deputy Speaker (Dr. Waiyaki): The Motion does not end this morning or this afternoon, rather, it goes on to next week and the Attorney-General will have a chance to study the HANSARD, although, it is usually better that he is here. I understand he left Mr. Shikuku to take notes on his behalf.

Mr. Mwithaga: Now, Mr. Deputy Speaker, Sir, as I was saying—it is a serious matter and there is no question of joking about it—the political arrangements of the past now lead us here where we are debating this issue. Mr. Deputy Speaker, Sir, I was trying to prove that it is only because of unwarranted, uninvited, unwanted spheres, psychological and otherwise—suffering from political insecurity on some parties that this Constitution, as far as Assistant Ministers are concerned, stands as it is.

Now, Mr. Deputy Speaker, I was suggesting therefore, that we remove from our Constitution the question of having an Assistant Minister and we have a Deputy Minister—A Deputy Minister will be able to deputize for his Minister with authority and committal in any manner, in any place whatsoever. He will, therefore, Mr. Deputy Speaker, Sir, not speak without any doubt as to be counter-charged or counteracted by his Minister. Mr. Deputy Speaker, Sir, we have seen countries—our neighbours who toppled themselves have Deputy Ministers. The way these Ministers run is that a Minister—for that matter a senior Minister—

The Deputy Speaker (Dr. Waiyaki): I wanted to assist you. Those who are interrupting the

speaker please be quiet I think we should get some silence.

Mr. Mwithaga: Thank you very much, Mr. Deputy Speaker, for that directive. Mr. Deputy Speaker, that senior Minister, where there is a Deputy Minister, will not confine every bit of his job to himself as an authority. If there is any question of representation or any question of acting, he allows his Deputy Minister, who is constituted in the Constitution as a Deputy Minister and allows that interpretation in the General Provisions Act, to act in that capacity, to go ahead and commit his Minister.

Now, Mr. Deputy Speaker, Sir, since we know that it is those fears of the past, the political fears which we used to experience which brought about that situation, let us examine what happens in other countries, countries like Zambia and Tanzania, where they have a Minister, a Deputy Minister and a Junior Minister. They have that kind of system because, perhaps, they are a union and the country is so large and, therefore, it would require to have a Minister, a Deputy Minister and a Junior Minister and what have you. Our country is not so large to be able to provide that kind of lengthy protocol system. Therefore, when we have a country as small as ours, we only need one Minister and a Deputy Minister. If there are two Assistant Ministers, who would be—Mr. Deputy Speaker, you are very right, the gentlemen being fought for by this Motion, are the men who are talking very much, I think they are very happy about it—Mr. Deputy Speaker, I was saying, a country so small as ours cannot actually afford that lengthy protocol, whereby the Minister is there, the Deputy Minister, the Junior Minister and what have you. What we should do, in the case where there is one Assistant Minister, he becomes automatically a Deputy Minister and full stop. Where there are two Assistant Ministers, they both become Deputy Ministers. I will explain this point. The President of the Republic will remain with the powers conferred on him by the Interpretation and the General Provisions Act Chapter 2, to decide on the person, out of the two Deputy Ministers on equal footing, and will choose one of them, under the Act to act in the absence of his Minister. Then, the other Deputy Minister remains a Deputy Minister, when the other one is acting in the capacity of the absent Minister.

Mr. Deputy Speaker, Sir, why this should be so is because—Let us not deceive ourselves, we must be honest with ourselves—this is a political Republic. Being a political Republic, if you take

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one to be a Deputy Minister and you leave the other one to remain as an Assistant Minister, we have not corrected the evil. Indeed two wrongs do not make one right. Mr. Deputy Speaker, the Assistant Minister who remains the Assistant Minister will feel that his colleague has been promoted to a Deputy Minister and that he has two masters over him. The Deputy Minister over him and the Minister also over him and then he will feel himself a useless Assistant Minister. He does not know to whom he is responsible any more. It is psychological and we should not create a situation where psychological defeatism will be operating. I am glad the Vice-President has come because he would agree that the young men of promise must be given opportunity to be custodians of the political stability of this country in future. There must be, therefore, opportunities created. There must, therefore, be opportunities which can only be created in the political machinery and in the political arena. If there was any gentleman who wanted to amend this Motion providing for the post of a Deputy Minister and the other post for an Assistant Minister I would like to query it and say that it would be also a psychological defeatism which must be avoided so that if they are Deputy Ministers they should be Deputy Ministers and there should be no question of Deputy Minister I and Deputy Minister II. If they are Deputy Ministers they are Deputy Ministers and they should have equal responsibilities and should work with their Ministers and can be conferred with responsibilities by the President under the Interpretation and General Provisions Act Cap. 11 as has been the policy and practice hitherto.

Therefore, the section in the Constitution which should be amended is section 19 (1) in page 12 which provides, if I may quote, "The President may appoint Assistant Ministers from among the Members of the National Assembly to assist the President, Vice-President and Ministers in the performance of their duties". However, they cannot act in their absence. How do you assist the person in the performance of his duties yet you never act in his absence? This is what is questionable! I am sure the Vice-President and the Minister for Home Affairs would not like an Assistant Minister who only assists him to run the Ministry and cannot authentically represent him with authority and unequivocal powers in his absence. Therefore, this clause is absolutely irrelevant and it should be deleted and a substitute, "Deputy Minister" be there and the powers provided for in the Interpretation and General Provisions Act Cap. 11 be used so as to allow the President to

confer responsibilities in the absence of Ministers. There has been a case where a Minister has been sick for a month or two months. The Vice-President and the Minister for Home Affairs acts during that period and he comes with his new ideas with regard to how he can run a given Ministry for a month or two according to his political thinking and understanding; and then after a month or two months he goes to his Ministry and the other Minister comes back only to find that something has gone wrong somewhere.

In the constitutional arrangements of Government continuity is the most important operation in running a Government. However, there cannot be continuity where there are interceptions, interjections and interpolations. Mr. Deputy Speaker, Sir, this is the point which must be taken seriously: if you want to run a good government smoothly—a constitutional government—it must be provided for, it must be established, it must be protected and it must be allowed to exist so that that chain of continuity from source of power of that Minister who became a Minister at a given time is carried on by his Deputy Minister to the end until such time that the Minister comes back to his office. Therefore, there will be continuity and adherence to the secrets. Although there is collective responsibility a given Minister would want to make sure that the secrets of his Ministry are pure and serene.

Therefore, Mr. Deputy Speaker, Sir, I beg to move.

The Deputy Speaker (Dr. Waiyaki): Who is your Seconder?

Mr. Mwithaga: Mr. Mwangale.

Mr. Mwangale: Mr. Deputy Speaker, Sir, I want to point out something which I said before in my point of order: other than the Vice-President and Minister for Home Affairs, we do not have any Minister at all on the Front Bench and I think this is a pity.

The second point which I would like to mention here before we go into the discussion is that there is a new connotation of the post of "Assistant Minister". I remember that during the time when we had our Parliamentary Group meeting, His Excellency the President asked, "Where is that minor Minister?" Therefore, instead of having, "A.M.—Assistant Minister" we should have a new connotation, "M.M.—Minor Minister".

This is a very serious Motion because apparently, even in our own Constitution the functions of the Ministers and Assistant Ministers are not defined. I would like to quote Part 2 section 22 (1): "Where the Vice-President or any other

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Minister has been charged with responsibility for any department of Government, he shall exercise general direction and control over that department and, subject to such direction and control, every department of Government shall be under the supervision of a Permanent Secretary whose office shall be an office in the public service". We have had occasions in this House of cases involving civil servants, and we have a clear example of the incident, involving the Permanent Secretary in the Ministry of Education, yesterday. In this particular case it is not known who is more powerful or who is above the other in the political and governmental structure. We have not defined basically the positions of a Minister, an Assistant Minister or a Permanent Secretary in a particular Ministry. What we are discussing here, Mr. Deputy Speaker, Sir, is that the whole governmental structure must be re-defined in such a way that the political posts fall above the posts of civil servants. I want to propose here, Mr. Deputy Speaker, that the post of a Minister should be followed by the post of a Deputy Minister and thereafter falls the post of a Permanent Secretary or any other governmental officer as directed in the caption which was mentioned by the hon. Member who has just spoken. In this particular regard I want to emphasize, Mr. Deputy Speaker, Sir, the fact that there shall not be by-passing of powers from Permanent Secretaries directly to the Ministers without referring the matter in question to the Assistant Ministers, that is, the powers must be completely vertical from bottom to upwards or from upwards to the bottom through the Deputy Ministers which we are proposing here or we have an order of protocol as someone put it yesterday.

I want also, Mr. Deputy Speaker, Sir, to point out something that I am getting a bit fed up with and, I am sure, the same thing is happening to the other hon. Members and that is whenever we suggest anything to do with the changing of the Constitution and the hon. Attorney-General happens to be a Member of this House he does not take any note whatsoever. I do not know in the history of this House except in very few cases where the Attorney-General has taken notes of the Motions urging him to change the Constitution in order to keep the spirit of the Motions which have been passed here. I think it is just about time, Mr. Deputy Speaker, Sir, we definitely came to some kind of conclusion whether or not the Motions urging the Attorney-General to change the Constitution should, in fact, be implemented or not. I wish he was here, because I want him to tell us whether or not at any time in the history

of this hon. House he has made any effort to change the Constitution according to the Motions passed by the House.

Another point, Mr. Deputy Speaker, Sir, which I want to mention here is as follows: When you look at the roster showing the names of Ministers and Assistant Ministers in our present Government, first of all you will see they are too many. We have too many Ministers. Secondly, Mr. Deputy Speaker, Sir, is that most of these Ministers and Assistant Ministers are extremely capable. We have men like my colleague who is in the Ministry of Agriculture who has been a Director of Agriculture for a long time, but he is now an Assistant Minister although he is completely fit to be a Minister. However, because some of these ministerial appointments, and I want this to be understood by the Vice-President—although I do not want to appear as though I am belittling the wisdom of His Excellency the President—are made simply because somehow they want to satisfy certain people. It is a political appointment sometimes in some cases possibly or perhaps which is meant to cool down the tempers of certain people. This is a very serious thing. I have seen some cases where I know some Ministers and Assistant Ministers were appointed because the people of a certain province thought, "Well, after appointing all these Ministers and Assistant Ministers, we have only two Assistant Ministers". Then suddenly you hear over the radio, So-and-so has been appointed an Assistant Minister from that province. We want Assistant Ministers or "Deputy" Ministers in future and Ministers to be appointed on the basis of merit and proper representation. When this is done, Mr. Speaker, we do not want any appointment because of consolation. We do not want to be consoled; we have passed that stage now. We have very able men here and, I think, it is the time we came to agree on this.

Another point which they have to look into is about the change of the Constitution. In countries such as America where State Secretaries—which is equivalent to Cabinet Ministers—are appointed— Even the Deputy State Secretaries, the appointments are ratified by Parliament. If Parliament feels that a particular Minister has been so tribal in the past and that he should be got rid of, for example, they will agree here and recommend to Mzee, "We do not want that Assistant Minister or Minister; he has been too tribal." We want a ratification, a change of the Constitution to be such that appointments of Ministers, appointments of Permanent Secretaries shall be rectified by this House. This is very important. The powers must be vested in this House and not outside. This is why we are having an abuse of

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powers of the National Assembly by very simple characters such as some Permanent Secretaries like Gachathi. I think it is about time we meant really to rule this country and rule with pride and power. We do not want invisible powers to reduce our powers in this House.

The point I am trying to emphasize, Mr. Deputy Speaker, is: first of all we have to re-define the structure of Government on the basis of these Ministerial arrangements such that the Minister shall have a Deputy Minister and that Deputy Minister will deputize to the effect when that Minister is out of the country or doing some other job somewhere else rather than having these lateral movements, for example, a Minister for Local Government suddenly being appointed acting Minister for Defence when he actually does not know anything probably, about defence at that particular time. Therefore, it is pointless to have jobs which have no powers. Therefore, the whole structure should be changed. We should have a Minister and a Deputy Minister and this Deputy Minister must rule whatever they call in the legal language *mutatis mutandis*; they have to have that power.

Mr. Deputy Speaker, Sir, the second part—I am just summarizing these points—is that: when the appointments of Ministers and Deputy Ministers are made and because we have very able men, let us ratify them in this House and there shall not be appointments purely on consolation basis neither should it be on a geographical basis nor tribal basis. Let us face this once and for all. A third point which I would like to mention and which I have mentioned already is that we have too many Assistant Ministers. Let us cut the number down and strengthen the Central Government; Government Ministries.

The last point which I would like to mention is that whenever we have a discussion of this kind, whether you have a vested interest or not—and I am mentioning about “vested interest” in the case of Ministers—that they should also be here to voice their points rather than being absent—I know some of them are drinking in the lounge. They should be here.

With these few remarks, I beg to second the Motion.

The Deputy Speaker (Dr. Waiyaki): It is not necessary to say the last words you have said.

(Question proposed)

Mr. Migire: Thank you very much, Mr. Deputy Speaker—I hear some of my colleagues saying I might have had promotion to a Minister or an Assistant Minister; that is all right, if

that is the case.

Mr. Deputy Speaker, Sir, I wish to share my views with my colleagues; the two colleagues who have just spoken on this Motion. Mr. Deputy Speaker, Sir, I support this Motion very strongly, and I have already discussed this matter with one of the parliamentarians who intends to bring amendments to this Motion. In fact, Sir, I would say that our Assistant Ministers have complained in this House and outside, that there is a lot of maltreatment—Some of the Permanent Secretaries and some of the Ministers do not want to give specific duties to their Assistant Ministers, and in this case, Sir, I would suggest very strongly, that we have to have Deputy Ministers, who should act when a Minister is not in the Ministry or if he is outside the country or if he is unable, because of illness, to carry out his Ministerial responsibilities. It is very embarrassing, Sir, for one to see that an Assistant Minister, who knows very well, the responsibilities of a Ministry and who is more conversant with the problems in the Ministry, and when the Minister goes outside the Ministry, another Minister is brought, either from the Ministry of Agriculture or from—

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Sir; the hon. Member has said that he has heard Assistant Ministers complaining, in the Chamber and outside the Chamber, that they are not given work by Ministers and Permanent Secretaries; in view of the fact that I consider an Assistant Minister above a Permanent Secretary, is the hon. Member in order to say that we complain, so that we should be given work by Permanent Secretaries?

The Deputy Speaker (Dr. Waiyaki): Order! That is not a point of order. The Member is saying what he thinks is the truth. I believe that in some cases, some Permanent Secretaries have given work to Assistant Ministers; I too, was an Assistant Minister for three years, I know that this can happen.

Mr. Migire: Mr. Deputy Speaker, Sir, I am very, very sorry to hear that from my colleague, who is saying that he is not supposed to be given work by the Permanent Secretary. Mr. Deputy Speaker, Sir, the normal procedure in Government is that the Permanent Secretary gets the documents; he gets the files, he knows which files should go, either to the Minister or to such-and-such Assistant Minister, and some—This has been said in this House several times, that in some cases, the Permanent Secretary does not even show the file to an Assistant Minister, and this is a true thing, Mr. Deputy Speaker, Sir; why do we hide it? The Permanent Secretary is

[Mr. Migure]

the administrative officer of the Ministry. He receives the letters and he knows that this is the letter which should go to a certain officer; this is the letter which should go to that officer. Why should we hide these facts, Mr. Deputy Speaker?

What we want in this case— Mr. Deputy Speaker, I have been a civil servant in this Government, and I think I know the machinery of this Government. What we should do, Mr. Deputy Speaker, Sir—I hate it, if the Minister for Information and Broadcasting is going away, and the hon. Member, the Assistant Minister, knows that Ministry; he knows the officers, he knows the problems, because he has been there for a long time, and you find that the Minister for Agriculture is brought to head the Ministry of Information and Broadcasting, at a time when he does not know where the public relations officer is, he does not know the problems in that Ministry; Sir, I hate this. This is why we must give our Assistant Ministers the power; if they become the Deputy Ministers, and I have seen the amendments which are going to be moved here, with specific duties, specified by this House, I think our Deputy Ministers will have a role to play in this country. Mr. Deputy Speaker, Sir, we are training our people for future responsibilities. They must have access to the responsibilities in various Ministries. They must know the administrative problems; we do not want our Assistant Ministers or “Deputy Ministers” to only come here to answer questions in Parliament. They must be people who can decide on policy matters. They must be people who can be given responsibilities in such Ministries. We cannot have Assistant Ministers who only go to sit in Ministries or come here to be used by either the Minister or the Permanent Secretary to answer questions here! They are elected Members of this House and know their responsibilities. They must carry out these responsibilities. They should have access to the President, immediately they assume responsibilities as Ministers. However, even if it is not so, they should have access to the President should they have any complaints about their Ministers.

Mr. Deputy Speaker, Sir, this is a country where we have a political Government and we do not want to bluff our colleagues. We want them to feel that they are responsible. I know, here, in certain cases, Mr. Deputy Speaker, Sir, hon. Charles Rubia—the Assistant Minister for Education—has often answered questions in this Parliament very successfully. Several Assistant Ministers, too, have answered questions here very successfully. I do not see why, therefore, somebody should be brought, say, from the Ministry

of Commerce and Industry to come and head the Ministry of Home Affairs—if not the Vice-President, I do not mind about the Vice-Presidency because if the Vice-President is out it is only the President who should decide the person to act in his place—because I think, say, hon. Shikuku in that Ministry can deputize in the Ministry of Home Affairs. What is he missing? He is a man who has been in this House for a long time; he has a lot of stuff upstairs. Who can tell me that if he can act in the Ministry of Home Affairs he would know more than hon. Shikuku? This is a mockery and we cannot allow it! We want “Deputy Ministers” to assume the role of responsibility in this country. They must act when the Minister is not there. Even if the Minister is there, they should be in a position to handle all administrative matters so that all such matters go to the Minister through the “Deputy Minister” Mr. Speaker, Sir. If these are responsible Ministers in this country, this has to be taken in. In the same way, I would say now, for example, that if we want to recognize the role of the Deputy Speaker in this House, questions and all matters should go to the Speaker after they have passed through the Deputy Speaker. Sir, I should not see the Speaker over even a small thing which can be sorted out by the Deputy Speaker!

Hon. Members: Hear! Hear!

Mr. Migure: Mr. Deputy Speaker, Sir, we do not want to give our people responsibilities through papers only when, in fact, this is not there. This is a mockery. Mr. Deputy Speaker, Sir, Assistant Ministers have complained in this House and this is true—

Hon. Members: Which one? Which one?

Mr. Migure: I do not have to mention who have complained. There is no need for me to mention who have complained. In fact, Sir, I have also complained in this House that why should somebody be brought from the Ministry of Agriculture to go and act in the Ministry of Commerce and Industry during the absence of the Minister for Commerce and Industry? I am asking now; what for? Does the Minister who comes to act know better than the Assistant Minister who is there in that Ministry? I have asked myself this question and have come to the conclusion that it is not at all right! He does not understand it better than the Assistant Minister who is already there in the Ministry.

Mr. Deputy Speaker, Sir, I heard a Permanent Secretary talking yesterday and saying that we are all the same. What nonsense? How can he say that we are all the same when we, in this House, are the supreme authority of this land.

[Mr. Migure]

We are not the same as civil servants. After all, I can discipline a civil servant even if he is a Permanent Secretary. After all, Mr. Deputy Speaker, Sir, my salary is above his salary. It is true. Now, Sir, if a Permanent Secretary gets K£3,000 per annum and I get K£2,700 per annum, if you include my other allowances, my salary is above his several times. This is true and you cannot deny it. In this case, Sir, I know my colleagues may wonder about this. Mr.

Deputy Speaker, Sir, what I am saying that my salary is above that of a Permanent Secretary.

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): Order! Order! It is now time for the interruption of business. The House is now, therefore, adjourned until Tuesday, 30th March, at 2.30 p.m.

*The House rose at thirty minutes
past Twelve o'clock.*

Tuesday, 30th March 1971

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

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

PRAYERS

NOTICES OF MOTIONS

REFERENCE OF A MATTER—REFUSAL TO
SUBSTANTIATE—TO THE COMMITTEE OF POWERS
AND PRIVILEGES

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

THAT being of the opinion that the refusal by the Member for Kilifi South to substantiate the allegation he first made on 17th March 1971 and subsequently repeated that some Members of Parliament and Assistant Ministers had hired out Transport Licensing Board licences to non-citizens contrary to Government policy of Africanization, is a gross contempt of the House; this House resolves accordingly to refer the matter to the Committee of Powers and Privileges, which is hereby directed to summon and examine the said Member for Kilifi South and report with its recommendations to the House.

PERMANENT SOLUTION TO WATER SHORTAGE IN
KITUI DISTRICT

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

THAT in view of the frequent critical water shortage in the Kitui District, this House urges the Government to initiate measures during the next financial year (1971/72) for a special supplies development programme for the district, which will give a permanent solution to the problem of water supplies.

ORAL ANSWERS TO QUESTIONS

Question No. 205

COUNTRY-WIDE TOURS BY RECRUITMENT TEAMS

Mr. Kitonga asked the Minister for Defence if he would tell the House—

- (a) why the Kenya Army, Kenya Police, Kenya Prison and National Youth Service toured districts for new recruitment and yet in some districts they could not recruit more than five people;
- (b) whether that was economical considering the expenses incurred by recruitment teams; and
- (c) why applicants could not be invited to send their applications in the normal way.

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. The answer for the first part is, yes, Sir. Sir, to its— Oh my! I forgot my glasses!

Mr. Speaker, Sir, I did say, to the first part, "Yes Sir". Mr. Speaker, Sir, it is economical because generally the army has to reimburse applicants who come to these interviews. It is much cheaper if they came to a central place where the teams could go and see them.

The next part of it is that—the part (b)—we have to go round the country as much as possible making sure that we get candidates from as many places as possible; but it is impossible to be able to go to every district every year. We do this exercise more or less twice a year.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! Order! There is too much interruption; that is the trouble.

The Minister for Defence (Mr. Gichuru): I said, Sir, that we do this exercise twice a year. We know what areas we had not covered the first time and we try to cover them the next time. Therefore, I do not quite understand what the question is all about?

Mr. Kitonga: Mr. Speaker, Sir, may I seek your guidance? I think the Kenya Government is trying to play about by bringing a Minister who cannot reply to a question. Mr. Speaker, Sir, if you read my question as it is on the Order Paper you will agree that the Minister has not answered it and he is completely out of order! Now, what is the use of asking a question? Therefore, Sir, I protest against the attitude.

The Speaker (Mr. Mati): All right. Next question.

Question No. 226

PAYMENT OF TAXES BY INSTALMENTS

The Speaker (Mr. Mati): Mr. Mbori not here? Next question.

Question No. 183 (1530)

DISPUTES WITHIN CENTRAL RIFT COUNTY COUNCIL

Mr. arap Cheboiwo asked the Minister for Local Government if he would tell the House—

- (a) whether he was aware that all the services which were to be carried out by the Central Rift County Council from 1st January 1970 had stopped as a result of disputes within the council; and
- (b) what the Ministry was doing to sort out those disputes so that the *wananchi* of Baringo and Nakuru could get their normal services.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply. There has been a degree of political disagreement among the councillors in the County Council of the Central Rift and this did affect the efficiency of services within that council, although the area councils have continued to function normally. The estimates of expenditure for 1970, submitted by the county's five area councils, Nakuru, Naivasha, Molo, North Baringo and South Baringo, received my Ministry's approval last year and I am now examining the Estimates for 1971 including those of the whole of Central Rift Council.

Mr. Speaker, Sir, I have had a series of meetings with these councillors in an attempt to restore unity and co-operation among them. Sir, our last meeting was held on 11th March 1971, in the office of the Vice-President. All the councillors from Baringo and Nakuru Districts agreed to work together and forget the controversy about elections, since we shall be having elections for committee chairmen and vice-chairmen after June 30th this year.

It is my sincere hope that the controversy is now over, and that the Central Rift County Council will now continue to function normally.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the Assistant Minister's answer, which is not very bad, can he tell the House whether these councillors have met since the last meeting was held here in Nairobi? In this context I mean the County Council of Central Rift.

Mr. Ogutu: Mr. Speaker, Sir, the information I gather is that the members from Baringo have refused to participate in various committees. It has been decided that the full council should resume the whole of the responsibilities of the various committees.

Mr. Lotodo: Mr. Speaker, Sir, will the Assistant Minister tell the House what the disagreement is about amongst these councillors?

Mr. Ogutu: Mr. Speaker, Sir, the disagreement was over the post of the vice-chairman, which the councillors from Baringo expected to be given to a man from Baringo, but unfortunately during the election the posts of chairman and vice-chairman of the council went to councillors from Nakuru.

Mr. Cheserek: Mr. Speaker, Sir, arising from the Assistant Minister's answer the part that said that he has been meeting several times the area councils or members of the County Council of the Central Rift, can he tell us whether he has met the hon. Members of Parliament from Nakuru and Baringo Districts so that they can explain clearly the situation prevailing in their various constituencies?

Mr. Ogutu: Mr. Speaker, Sir, at the last meeting both councillors from Baringo and Nakuru Districts met.

Question No. 204

PROVINCIAL LABOUR OFFICER FOR EASTERN PROVINCE

Mr. Kitonga asked the Minister for Labour if he would tell the House—

- (a) the reason why Embu, as a Provincial Headquarters of Eastern Province, had no provincial labour officer;
- (b) whether he was aware that in Kitui District there is no labour officer but had only a labour inspector; and
- (c) if the answer was in affirmative, why it was so.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. (a) The stationing of a labour officer in any area is solely justified by a concentration of workers in paid employment. Embu, which is yet to fall in this category, is adequately covered by the Senior Labour Officer stationed at Nyeri, and a less senior officer stationed in Embu itself.

(b) The Labour Inspector stationed in Kitui adequately handles the labour affairs of Kitui. No justification exists for a more senior officer to be stationed there.

Mr. Kitonga: Mr. Speaker, Sir, according to the Assistant Minister's reply, that a Senior Labour Officer at Nyeri does the duty of the Labour Officer in Eastern Province, why should the Senior Labour Officer in Nyeri, who covers another province, do the duties of the senior labour officer who should be stationed at Embu, which is a provincial headquarters of the Eastern Province? In (b), Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! One question at a time.

Mr. Kibisu: Mr. Speaker, Sir, this is so, because Embu does not justify the employment of a senior labour officer in terms of workers in actual employment.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that people in some parts of Eastern Province, like Isiolo, Marsabit and Moyale, are suffering because the labour officer is stationed at Nyeri, which is too far away, instead of being stationed in Eastern Province?

Mr. Kibisu: I hope that the hon. Member is not implying that the Senior Labour Officer in Nyeri does not cover that area adequately.

Mr. Munyasia: Realizing that there are seven provinces in Kenya, and in the Eastern Province there are seven districts, that is, Meru, Embu, Isiolo, Kitui, Machakos, Marsabit and Samburu, why should these seven districts be served by a person who is stationed in Nyeri instead of having a senior labour officer in Embu?

Mr. Kibisu: Mr. Speaker, Sir, I do know the reason is that we do not post labour officers by provincial administration boundaries. We will continue to post officers to cover units of employment. If in the North-Eastern Province and in Eastern Province the number of workers justify it, we will consider sending a labour officer there. However, at the moment we cannot do so.

Mr. Umuro: Mr. Speaker, Sir, since there are a lot of people in Eastern Province who are suffering because there is no senior labour officer in Embu, what action is the Ministry considering taking because if they send a senior labour officer there people will not suffer any longer?

Mr. Kibisu: Mr. Speaker, Sir, hon. Members must be aware that we have made adequate arrangements with the provincial administration, and, in fact, any workers who are suffering in any area of this country, it is up to those workers to draw our attention to this either through the district officers or directly to the labour officers.

Mr. Komen: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, and bearing in mind that Nyeri is a very thickly populated area which does not have even farm labour, is he telling us that Nyeri compared with Embu— Can he tell us the difference between Embu and Nyeri, bearing in mind that in Nyeri people do not have land to farm?

Mr. Kibisu: Mr. Speaker, Sir, unless the hon. Member for Nakuru West clarifies the "difference" he wants, I cannot answer his question.

Mr. Mutiso: Mr. Speaker, Sir, in order that the Assistant Minister can clarify, or rather substantiate, the number of workers in his claim that Eastern Province does not warrant the stationing of a provincial labour officer at Embu, as compared with workers in Central Province, can he, in term of figures, show to this House how many paid employees there are in the whole of Eastern Province as compared to the workers in Central Province?

Mr. Kibisu: Mr. Speaker, Sir, with all due respect to the hon. Member for Yatta, that is a slightly different question, but I would be willing to entertain it. Mr. Speaker, Sir, as I have already done in the past, I will be willing to produce these figures if given sufficient notice.

Question No. 228

ONE MAN ONE JOB POLICY

Mr. Kahengeri asked the Minister for Labour if he would tell the House, since it was the Government policy to establish a socialist economy, he could show cause why he should not make it compulsory for one man to hold only one paid job while many eligible people in the country remained jobless.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. The question of making it compulsory for one man to hold one paid job in this country, presumably by legislation, is a policy matter which involves the Government and not only the Ministry of Labour. The hon. Member is free to introduce a Motion in this effect for discussion by the hon. Members.

Mr. Kahengeri: Mr. Speaker, Sir, while perhaps agreeing with the Assistant Minister that it is the policy matter of the entire Government, what is his Ministry's opinion?

Mr. Kibisu: Mr. Speaker, Sir, my Ministry does not operate in giving opinion, but it operates as per Government policy.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he agree with this House that in view of the seriousness of unemployment in this country his Ministry is duty bound to initiate a move or see to it that individuals should not hold several positions while some trained and unqualified people are roaming on the streets?

Mr. Kibisu: Mr. Speaker, Sir, collectively the Government has already taken steps and discussions are being held, and the hon. Member for Langata as well as the House, will be informed in due course as to what the decision will be.

Question No. 209

TARMACKING OF CHEMELIL-NANDI TOWNSHIP— KAPSABET ROAD

Mr. Seroney asked the Minister for Works if he would tell the House when the tarmacking of the Chemelil-Nandi township—Kapsabet Road will be completed.

Mr. Araru: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Order! I hope it will be a good point of order because we do not have time today to play about with.

POINT OF ORDER

ABSENCE OF MINISTERS TO ANSWER QUESTIONS— APOLOGY AND EXPLANATION OF REASON FOR ABSENCE

Mr. Araru: You will hear it. Mr. Speaker, Sir, as you may remember this question appeared on

[Mr. Araru]

last Friday's Order Paper and the Minister was not here; and not only that, other questions were transferred to the Minister for Labour. Can we get a ruling from the Chair as to why he was not here?

The Speaker (Mr. Mati): What Mr. Araru is worried about is that this question appeared on the Order Paper of Friday but the Minister was not here to reply nor were his two Assistant Ministers. A point was raised then that on a previous day the same Ministry had not been represented here and the questions had to be put off to another day. So Mr. Araru is quite right in wanting to know why this is happening, especially when it is connected with one particular Ministry, although we know that there are two Assistant Ministers to assist the Minister himself.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I would like to beg the apology of the House that neither myself nor my Minister was able to come on Friday and answer questions. However, we had directed Mr. ole Oloitipitip to apologize on our behalf because at the time the President was visiting Nyeri and the Minister had to accompany the President; and the other colleague of mine, Mr. Kuguru, was on the other end waiting for the President, and I, myself, was on an inspection of roads' tour in Kajiado District. I would, therefore, like to beg the apology of the House. Mr. ole Oloitipitip apologized on our behalf. This is the first time that the Ministry of Works has not been represented to answer questions and I would like, therefore, to assure the House that this will not be repeated again.

I think the hon. Araru, who comes from the North Pole—

Mr. Araru: On a point of order, Mr. Speaker, Sir—

(Reply to Question No. 209)

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The Nandi Escarpment-Kapsabet Road forms part of the contract for the construction of sugar roads in the Chemelil area. This contract was let on 20th February 1970 and the anticipated final completion date is 17th February 1972.

There are no plans to bituminize the whole length of the road from Kimwani to Kapsabet. What the Government is doing is to bituminize the difficult section of this road from Kimwani to half-way up the escarpment; that is a distance of three and half miles. The rest of the road, some 13.2 miles is being built to gravel standard.

I think the hon. Member and the hon. House do not seem to realize the cost of construction and

bituminization of roads. It costs the Government between £20,000 to £40,000 to bituminize one mile of road. So, if we were to bituminize the 13.2 miles of the road, it would cost the Government £260,000. However, I would like to undertake to investigate further what possibilities there are, subject to finance being available, to bituminize the entire section. However, at the moment I cannot give this undertaking. However I undertake to investigate.

Mr. Seroney: Since the Assistant Minister has undertaken to investigate, will he undertake also to investigate the question of compensation of Saikwa school which has been destroyed as a result of this road which the contractors have refused to realign? Can he undertake to investigate the possibility of compensation by building a school of similar standard in the township?

Mr. Keen: Mr. Speaker, Sir, I have already invited the hon. Member to come to my Ministry on Thursday morning so that he can put his case forward, which we will consider on its merits.

Question No. 211

COMPLETION OF TARMACKING ELDORET-KAPSABET ROAD

Mr. Seroney asked the Minister for Works if he would tell the House what had delayed the completion of tarmacking of the 48 kilometre Eldoret-Kapsabet Road which was started at the same time (1967) as the long completed Eldoret-Tororo Road, in spite of a former Minister having promised the House that it would be completed by the end of 1969.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The Eldoret-Kapsabet Road is now completed and was opened to public traffic on the 27th February 1971.

The roadworks started on the 9th April 1968 and it was scheduled for completion on the 30th November 1969. However, the contractor experienced various difficulties in the construction, with particular reference to the crushing of the hard stone and laying the crusher run roadbase, which at the time was a new type of construction, and that caused a lot of delay. Also, frequently breakdowns of the plant has been one of the major reasons for the delay.

As the project was not completed on time, the Government has recovered approximately Sh. 400,000 as liquidated damages from the contractor.

Mr. Seroney: Mr. Speaker, Sir, will the Assistant Minister consider using these recovered damages to assist in completing the next stretch of the road from Kapsabet to Nandi?

Mr. Keen: Mr. Speaker, Sir, £20,000 is a drop in the sea and can hardly do anything—probably half of a mile in the most difficult areas! So, it makes no difference at all.

The Speaker (Mr. Mati): Next question.

Question No. 201

FRUSTRATION OF GOVERNMENT POLICY BY
FOREIGNERS

Mr. Magugu asked the Minister for Commerce and Industry if he would tell the House whether it were true or not that some of the foreigners who frustrated Government declared policy of putting control of the country's economy in the hands of *wananchi* used the flimsy but understandable excuse that they had seen the top (meaning Ministers) Government leaders as a result of which civil servants who were charged with the duties of executing those policies always found it extremely difficult to approach such foreigners with a view to rectifying the situation and at times found it even embarrassing and frustrating to find that the actions they took in the course of executing Government policies were reversed (if unfavourable to the foreigners) the foreigners having seen the top men.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. To the best of my knowledge the allegations which are made in the question are not true.

Mr. Magugu: Mr. Speaker, Sir, if the hon. Minister says that these allegations are not true—I just wanted to find out whether they are true or not. If he says, "No", then, it is all right.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, since the Minister has already denied categorically the fact that whatever appears on the Order Paper is true, am I not entitled to ask the Questioner to substantiate his allegations beyond any doubt?

The Speaker (Mr. Mati): Yes, I think it is a fair request, Mr. Magugu, since you seem to think that there is some truth in what you say. Would you tell the House on what you base that impression?

Mr. Magugu: Mr. Speaker, Sir, what I stated in my question is: can the Minister tell the House if it is true or not that some foreigners—I am trying to find out whether it is true or not because I have also heard it through rumours that—

The Speaker (Mr. Mati): Order! Resume your seat! Mr. Magugu, this is the danger with this kind of question when you ask, "Is it true or false". It is assumed that you have some ground for thinking that it could be true or thinking probably that it is false. However, it is more than

likely that you have some grounds for thinking that it is true and that is what you are asked to indicate—what makes you, on your part, to think that it could be true.

Mr. Magugu: Mr. Speaker, Sir, what makes me think so is because of what I have been told. It is common knowledge that if you go out in the town this sort of thing will come to your knowledge.

The Speaker (Mr. Mati): If you are not prepared to substantiate, then, there is no point in asking the question.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, we have a difficulty here when something is common knowledge and one is asked to substantiate. Is it not really putting a Member into great difficulties? This is common knowledge, and if I am asked to substantiate—

The Speaker (Mr. Mati): Order! If it is so much common knowledge, then you should be able to say it quickly. You take no time to say what is common knowledge!

Next question.

Question No. 177 (1520)

ADVERTISEMENT OF AMBI

Mr. Kivuitu, on behalf of Mr. Mulwa, asked the Minister for Information and Broadcasting if he would tell the House whether he would ban, immediately, the screening of an advertisement which is being shown in cinemas advertising Ambi and at the same time urging people to join the new Africans, meaning the light skinned Africans who had used Ambi, that being derogatory and an abuse to the dignity of Africans.

The Assistant Minister for Information and Broadcasting (Mr. Makone): Mr. Speaker, Sir, I beg to reply. I would like to assure the hon. Members that I, personally, am against any person who changes his colour—from black to red or green or any other unnatural colour.

I would like to say that I share the sentiments which have been expressed in this question and I am happy to announce to the House that all media advertising this *dawa* would be cancelled immediately!

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, and knowing very well that the Assistant Minister who has given this reply, this afternoon, is the same Assistant Minister who had been talked about as being against it, would it be in order to ask him how soon this is going to be done because these advertisements appear in all theatres throughout the country and we would like to see them removed from our theatres immediately?

Mr. Makone: Mr. Speaker, Sir, I would like the hon. Member to co-operate with us and ask his friends not to use it, and perhaps those who are not in that category, to ask their girl friends not to use it.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to insinuate that I have some friends who do use this Ambi and could he substantiate this?

Mr. Makone: Mr. Speaker, Sir, all I said, and with good intention, was that the hon. Member should help us to launch a campaign against the use of Ambi, if the hon. Member is against it. However, I would like to take this opportunity to congratulate the firm concerned which has been very co-operative in this respect, to make sure that this kind of *mindu wa kisasa*, will not come up in the private cinemas and other places. I think the firm concerned which has been very co-operative and I would like to take this opportunity to express my appreciation about this.

The Speaker (Mr. Mati): I am not very keen on points of order because, very often, they are not points of order.

Mr. Muturia: On a point of order, Mr. Speaker, Sir, my point of order is on the fact that the Assistant Minister has not answered the question. The question was asking "how soon?" The Assistant Minister went round and avoided the answer.

Mr. Makone: Mr. Speaker, Sir, this is a sort of established firm and requires sufficient notice to abolish it. I have indicated here that the firm is willing to co-operate with us and the hon. Members will see this is done. What is wrong with this? It is all right; *hii sawa sawa*.

Mr. Gatuguta: Mr. Speaker, Sir, I think we should congratulate the Assistant Minister for assuring the House that all the media of advertising this sort of thing will be cancelled; but could he make it quite clear that all the media, including newspapers, radio and cinemas will be stopped?

Mr. Makone: Mr. Speaker, Sir, I am in difficulty because I am not a lawyer, but all I said is that this stoppage will affect all kinds of media. I think my learned friend knows that all media includes what he has just said.

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, I find it difficult to understand what the Assistant Minister is replying to. I am not very sure whether he is saying that they have agreed with a particular firm not to advertise or whether he is talking about the firm which makes these products? I think the question is clear and it is

on the advertisement side and this is not carried out by one company. Therefore, I am not sure what he means because he says that they have agreed with a certain company and this question is general because it is about all advertisements, whether on the television or in cinemas. This is the question and I do not think he is talking about advertisements.

Mr. Makone: Mr. Speaker, Sir, I said that all media for advertising Ambi will be cancelled. This is what I said.

Mrs. Onyango: Mr. Speaker, Sir, in view of the fact that many men are in favour of brown women, what will they do when women are forbidden to use Ambi?

The Speaker (Mr. Mati): I do not know whether Mr. Makone would like to reply to that one?

Mrs. Onyango: On a point of order, Mr. Speaker, Sir, I would like the Assistant Minister to tell the House, when the Ambi factory or advertisements are banned, how are these people, men and women, who are after being brown, going to help themselves and how are they going to make themselves brown?

Mr. Makone: Mr. Speaker, Sir, I did not, and I am sure it can be checked from the HANSARD—I never said that we are prohibiting the use of Ambi. However, what we are prohibiting is the actual wording of the advertisements on the use of Ambi.

Mr. Ayah: Mr. Speaker, Sir, I do not use Ambi. However, the Assistant Minister, in my opinion, has made a categorical statement that these advertisements are going to be cancelled forthwith. I am just wondering if he could tell the House under what law he is going to have this done? Under which section of law is he going to have this thing cancelled?

Mr. Makone: On a point of order, Mr. Speaker, Sir, do you, Mr. Speaker, think that statement is valid, to question what has been said by either a Minister or an Assistant Minister?

The Speaker (Mr. Mati): I think that arises from your reply saying that your Ministry was going to ban these advertisements, and Mr. Ayah wants to know what powers you will be using when doing that, whether you have the powers to do that.

Mr. Makone: Mr. Speaker, Sir, since we have a collective responsibility, I shall consult the Attorney-General in the first instance. Secondly, Sir, without doing so, I have been in touch with the firms and they have written to our Ministry

[The Assistant Minister for Information and Broadcasting]

accepting, if given due notice, to cancel all the media of advertising Ambi. Therefore, Mr. Speaker, Sir, I have the documents with me and if the Members want me to lay them on the Table, I will do so. The company, itself, has agreed to this suggestion.

Mr. Ayah: Mr. Speaker, Sir, quite frankly, I do not want to get into an argument with the Assistant Minister. However, I want clarification here. An Assistant Minister stands up in this House and says that something is going to be done immediately; and then immediately after that he says there is collective responsibility and he is going to consult the Attorney-General or somebody else; is this not contradicting exactly what he said earlier? If it is going to be banned immediately I am assuming, and I think the House is entitled to assume, that he has the power and has already ordered the banning so that if I go out to the cinema now I cannot see these advertisements. Is the Assistant Minister in order to make a statement saying that he is going to cancel something immediately and then saying that he is going to contact somebody else?

The Speaker (Mr. Mati): What I think Mr. Makone meant was that he was satisfied, according to the discussion or correspondence they may have had with the firms concerned, that they were prepared to change these advertisements and, therefore, he formed the impression that it will not take long. Perhaps he was carried away by his own enthusiasm when he said "immediately". He did not mean today.

The Speaker (Mr. Mati): Next question, Mr. Ebu.

Question No. 222

MALAKISI COMPANY SEWAGE SYSTEM

The Speaker (Mr. Mati): Mr. Ebu not here?

(Question dropped)

Question No. 252

CPE RESULTS IN KIKUYU CONSTITUENCY

The Speaker (Mr. Mati): I understand that Mr. Gatuguta's Question has been put off for the time being.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, could I know why my question has been put off?

The Speaker (Mr. Mati): I thought this was done with your consent; but if it was not, I think the problem is that the Ministry is not ready with the reply. However, it will appear on the Order Paper again. I am sorry about it, I thought they had consulted you.

(Question deferred)

The Speaker (Mr. Mati): Next question, Mr. Mbori.

Question No. 225

UNIFORMITY OF SCHOOL FEES

The Speaker (Mr. Mati): Mr. Mbori still not here?

Have you been authorized by Mr. Mbori to ask his question Mr. Amayo?

Mr. Amayo: Yes, Sir.

Mr. Amayo, on behalf of Mr. Mbori, asked the Minister for Education if he would tell the House—

- (a) who had decided that school fees throughout primary schools in Kenya should be Sh. 72 from Standard I to VII; and
- (b) whether he was aware of the problems caused by this uniformity in the rural areas.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. The answer to part (a) of the question is "I did". The answer to part (b) of the question, Mr. Speaker, is: "Yes, Sir".

Mr. Muturia: Mr. Speaker, Sir, arising from that "I did" and "Yes". Is the Minister not contradicting the Kanu Manifesto, which clings to having free primary education in this country? It seems the Minister is going upwards instead of going downwards.

Mr. Towett: I do not think I am contradicting the Kanu Manifesto, Sir.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Minister's reply, "I did" and "Yes, Sir", which indicates that it is the Minister who has actually increased the school fees to Sh. 72, could the House be told what necessitated the increase by 40 per cent of the previous payment? What made it compulsory on the part of the Minister to increase the school fees from Sh. 50 to Sh. 72?

Mr. Towett: Mr. Speaker, Sir, I did not increase the school fees. What I did was to make it uniform throughout the country. Mr. Speaker, Sir, some schools used to pay school fees up to Sh. 90 and others paid Sh. 20 for children in Standard I. There was a lot of heterogeneous behaviour in the whole system depending on the different county councils in the country. What I did was to get the average school fees payable throughout the Republic of Kenya and that is why I raised it to Sh. 72.

Mr. Umuro: On a point of order, Mr. Speaker, Sir, could I have some clarification on this question because the hon. Member asked Question

[Mr. Umuro]

No. 226 to the Minister for Finance and Economic Planning and not Question No. 225, which is now being answered.

The Speaker (Mr. Mati): Will you sit down, Mr. Umuro. Hon. Members know what they are asking.

Rev. Kalume: Mr. Speaker, Sir, arising from the Minister's reply, that he is aware of the problems caused by this uniformity, what is he trying to do to solve these problems?

Mr. Towett: I am thinking of how I can solve the problems at the moment. That is what I am doing.

Mr. Masibayi: Mr. Speaker, Sir, is the Minister aware that raising school fees throughout the whole country is a matter of national importance and therefore it is very serious, and as such, in future before deciding on such matters, he should consult the House?

Mr. Towett: Mr. Speaker, I did not quite follow the entire part of the hon. Member's question.

Mr. Masibayi: Mr. Speaker, my question is: is the Minister aware that raising of school fees which, in fact, concerns the whole country is a very important and serious matter which, of course, involves the nation as a whole, and therefore, when the Minister decides on such matters he should consult the House so as to get an "Okay" to go ahead?

Mr. Towett: Mr. Speaker, Sir, as I pointed out before, it was a problem of making the school fees uniform. The school fees were payable all over the country using the county council systems and the different systems depended on the number of county councils we have in the country. As I said earlier, some county councils schools paid school fees as low as Sh. 20 per pupil. Other county council schools paid school fees ranging from Sh. 90 to Sh. 95. So, what I did, Sir, was to make an average of the school fees and I do not think that really necessitated my bringing the matter before the House.

The Speaker (Mr. Mati): We will now go back to Mr. Mbori's question.

Question No. 226

PAYMENT OF TAXES BY INSTALMENTS

The Speaker (Mr. Mati): Has anybody been authorized to ask this particular one? All right, we will go to Questions by Private Notice. Mr. Araru.

(Question dropped)

Mr. D. M. Kioko: On a point of order, Mr. Speaker, I am seeking your guidance here, Sir.

This afternoon, when we started on questions, the hon. Kitonga asked a question, which I thought became the property of the House then. However, when he asked the question, he was given an answer which did not satisfy him personally. In any case, Mr. Speaker, we as Members of this House were not given the chance— This was a matter for the House by then—

The Speaker (Mr. Mati): Order! You cannot do that. You are now taking time for nothing. Mr. Kitonga expressed his dissatisfaction and that was that. Mr. Kitonga had also the paper containing the reply he was given in his hands and he said it had nothing to do with the question and, therefore, we could not have gone on with the question. Mr. Araru's question.

An hon. Member: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No more points of order. Will you ask your question, Mr. Araru?

QUESTIONS BY PRIVATE NOTICE

DEATH OF CONSTABLE BULLE JALDESA

Mr. Araru: 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 Constable No. 16360, Mr. Bulle Jaldesa, was killed on the night of 16th or 17th March 1971 at Isoga Settlement Scheme in Kisii District?
- (b) What investigations have been carried out to establish the circumstances of his death?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. It is true that Constable Bulle Jaldesa was killed on the night of 16th or 17th March, at Isoga Settlement Scheme. Two people have been charged with murder as a result. I regret, however, I am not able to say anything further as the matter is *sub judice*.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Since the Assistant Minister is aware of the incident, in that he said two people have been charged with murder of the constable in question, could I know who these people are?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, is it not normal that once a matter is *sub judice*, it is not subject to inquiries which may prejudice the result of the investigations going on.

The Speaker (Mr. Mati): You are right, Mr. Shikuku. When a matter is in the court, then we cannot follow it up.

REGISTRATION OF GIKUYU, EMBU AND MERU
ASSOCIATION

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

(a) Will the Attorney-General tell this House who authorized the abnormally prompt registration on 10th March, 1971, of the application of Gema (Gikuyu, Embu and Meru Association) submitted on 9th March, 1971?

(b) Who are the office bearers and what are the aims and objects of the Society?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. First of all, I would like to say that the hon. Member who has asked this question, in fact, has all the information.

Hon. Members: Shut up!

The Attorney-General (Mr. Njonjo): What is worrying me, Mr. Speaker—if hon. Members would be patient—is that I have two very similar questions. One I received before the present one. Mr. Speaker, Sir, I do not accept the proposition by the hon. Member that this registration was done in haste. I am satisfied that the laid-down machinery for registration of societies was carried out properly by my office. In regard to part (b) of the question. Mr. Speaker, unless you rule otherwise, I want to rely on order No. 9— Do not talk nonsense!

Hon. Members: What do you mean!

The Attorney-General (Mr. Njonjo): With regard to part (b) of the question, Mr. Speaker, I want to rely on Order 12 which reads as follows—

An hon. Member: On a point of order, Mr. Speaker, is the Attorney-General in order to use the word “nonsense” in front of hon. Members?

The Speaker (Mr. Mati): I have said before that if you provoke that kind of reaction, you should be prepared for it. I do not see why Members should keep on interrupting. After all, the question was asked so that it might be replied to. Therefore, hon. Members should keep quiet and just listen.

Mr. Njonjo: If the hon. Members continue doing this, I am going to react— I am a human being, and the hon. Members— Well, I have been long enough in this House, and I know how to react.

Anyhow, Mr. Speaker—

POINT OF ORDER

INTERJECTIONS WHICH INTERRUPT BUSINESS
ARE OUT OF ORDER

Mr. Nthenge: On a point of order; can we get

a clarification on whether interjections are out of order to some Ministers.

The Speaker (Mr. Mati): No, no; you— Order! That kind of interjection is completely out of order, and it is that kind of thing which we are trying to stop here. Mr. ole Oloitipitip keeps on interjecting even when the Speaker is on his feet. Interjections which interrupt what is going on, are definitely out of order. They are harmless when they are just made in such a way that they do not interfere with what is being said; the moment they become a hindrance to progress here, they are out of order, and I have to rule against them, such as were going on.

No more points of order; let us get moving.

*(Resumption of replies to Question
by Private Notice)*

Mr. Njonjo: I was, Mr. Speaker, merely going to say that I would like to rely on Order 12—

The Speaker (Mr. Mati): Will you sit down, Mr. Ahmed!

Mr. Njonjo: I would like to rely on Order 12, which reads:

A question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked.

The hon. Member, in fact, has paid Sh. 4 and has received the information he is asking for.

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Order! Yes, the Standing Order, Mr. Njonjo was referring to, I think, is 37 (12). It is true that if something is available from a work of reference, then you are not allowed to ask it here. It is quite possible that Mr. Munyasia could get this information. According to what we hear now, he has received it, but if he had not received it, for some reason, then he is entitled to ask. However, if he has received it, then he cannot ask this second part of the question; he can ask his first part but not the second part of the question.

Mr. Wabuge: On a point of order— Mr. Speaker, my point of order is this: it has been said here, from time to time, that once something comes to the House, it becomes the property of the House. Now, here we are being told that information has been given to Mr. Munyasia—however, since the question now remains the property of the House, are we not, also, entitled to this information, and if so, how are we to get it?

The Speaker (Mr. Mati): No, no! Let us not take too much time; hon. Members will remember that we must stop at exactly 3.30 p.m. This is in your Standing Orders. Now, it has been

[The Speaker]

said, and it has not been denied, that Mr. Munyasia has this information; in fact, the very admission by the Attorney-General, that this—what Mr. Munyasia says in the first part, that this group has been registered is proof that it is possible to get this information from the Registrar of Societies; in which case, in fact, this second part should not come. It would only apply if the first part were to the negative.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, I want to seek your guidance. Now, Sir, you very well recall that this question was—I brought this question as an ordinary question, and then I approached you and I was not satisfied after going through the Constitution of the said society, and that is why I put it as a question by Private Notice. I was not satisfied with the aims and objects of that society.

The Speaker (Mr. Mati): No, we are talking about the office bearers— Yes, but the fact that it appears on the Order Paper does not mean that there could not be an error. If the circumstances are as has now been said, that you have already received a copy of this document or you have seen it, then it follows that you might even be knowing who these people are. However, even if you have not, now that it has been said that the organization has been registered, we cannot take time on this because Members can get this information; it is like referring to something that is in the *Official Gazette*, which you can easily read for yourself, and the Standing Orders are quite clear on that.

Hon. Members: On a point of order!

The Speaker (Mr. Mati): No; when you raise these points of order, you will get nothing because the Standing Orders are quite clear on this. Mr. Nthenge, let us have a question.

Mr. Nthenge: Mr. Speaker, arising from the reply from the Attorney-General, can we know when the application was made and when the society was registered.

Mr. Njonjo: That is in the question.

Hon. Members: On a point of order!

The Speaker (Mr. Mati): Now, when it is exactly 3.30 p.m., we will have to move on to the next order.

Mr. arap Saina: Mr. Speaker, Sir, in part (b)— Can we know the aims of Gema—Gikuyu, Embu and Meru Association—whether it is a tribal party or anything like that.

The Speaker (Mr. Mati): That kind of question can be found out by just looking at the documents, which are now available.

Mr. Munyasia, what is your point of order?

Mr. Munyasia: Mr. Speaker, Sir, is the Attorney-General in order to omit part (b)? Now, could he answer part (a), to which he replied and said that it is normal practice to permit a society to be registered in one day only. If that is the case, could he cite one example—

The Speaker (Mr. Mati): You should be asking questions instead of wasting time on points of order.

Hon. Members: On a point of order!

The Speaker (Mr. Mati): No, let us hear Mr. Munyasia's question.

Mr. Munyasia: Arising from the Attorney-General's reply, could he, in his life history as the Attorney-General, cite an example of any social or political party which submitted its application and was registered on the following day? Cite an example of one!

Mr. Njonjo: I think that is a fair question, Mr. Speaker, and in my experience, the nearest to it was the New Akamba Union, which took four days.

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Next question, Mr. Mulwa— No, we have no time now, we must move on.

GOVERNMENT ASSISTANCE: MACHAKOS SOUTH
Harambee SCHOOLS

Mr. Kivuitu: Mr. Speaker, Sir, on behalf of Mr. Mulwa, I beg to ask the Minister for Education the following Question by Private Notice:—

Could the Minister, as a matter of urgency, give financial help to the *Harambee* schools in Machakos South, which are on the verge of closing down as the teachers have not received their salaries since January this year?

The Speaker (Mr. Mati): Anybody from the Ministry of Education?

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

No, Sir.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Minister's reply—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, I cannot hear the Questioner, nor can I hear the Minister's reply; there is too much noise here, it is just as if we are in the market, Sir.

The Speaker (Mr. Mati): Order! There is too much noise, too much talking.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Minister's reply, considering that the administrative authorities in this area have agreed to suspend all *Harambee* projects and activities because of lack of funds due to famine in that area, would the Minister look into this problem and promise to see that something can be done rather than rise here and just say "No, Sir"?

Mr. Towett: Mr. Speaker, Sir, what I am doing is to visit that place on the 2nd of next month.

Mr. Tsuma: Arising from the Minister's reply, should the parts of this country be affected due to the announcement of the President, and fees not be paid, why can the Minister not straightaway take over the *Harambee* secondary schools in Machakos?

Mr. Towett: I am sorry, Sir, I never heard a word of what the hon. Member said.

Mr. Tsuma: Mr. Speaker, Sir, the Ministers should keep their ears open when questions are asked.

My question was: should these schools be within the areas where the President announced remission of schools fees—that school fees would not be paid—and these *Harambee* schools are affected, why is it that the Government cannot take over the *Harambee* secondary schools instead of letting them close down?

Mr. Towett: Mr. Speaker, Sir, I believe school fees are paid in any *Harambee* secondary school. Why these particular *Harambee* secondary schools have not collected fees from the children, I do not know.

The Speaker (Mr. Mati): We must go on now. Question Time is over.

PROCEDURAL MOTION

EXTENSION OF TIME FOR DEBATE: SUPPLEMENTARY AND DEVELOPMENT ESTIMATES

Mr. Seroney: Mr. Speaker, our Standing Orders require that the next two items on the Order Paper should be completed within three hours or, as they put it, in one day. Now, Sir, the next two items, as hon. Members will see, are, in fact, Supplementary Estimates and these Supplementary Estimates, Mr. Speaker, are a bit controversial and some amendments are going to be introduced. Sir, it will not be possible to discuss all that is to be raised in three hours.

I would, therefore, like to invite the House to order that that limitation of three hours is waived so that this House can discuss the two Supplementary Estimates for longer than a day.

Hon. Members will ask why not put the maximum limit. I do not have to do that, Mr. Speaker

because when the stage is reached any Member can move that the Chairman take all the Votes one by one and thereby close the debate. Therefore, without wasting too much time, because we want this time to discuss the actual Estimates and the amendments, I beg to move:

THAT, this House orders that the business of the consideration of Supplementary Estimate No. 1 of 1970/71 (Recurrent) and Supplementary Estimate No. 1 of 1970/71 (Development) shall continue for more than one day.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, the hon. Member is talking about the following two items and I wonder whether you have already ordered the Clerk to call out these Orders.

The Speaker (Mr. Mati): Yes, we have done that already. That is why Mr. Seroney rose on his point of order.

Let me explain the position. What Mr. Seroney is doing is to move a Motion under Standing Order 45 (j). Standing Order 45 says:

"The following Motions may be moved without notice:—"

and then there is a long list of the various kinds of Motions. (j) says:

"A Motion for the orders of the House under these Standing Orders."

He is now trying to alter the order and that is why you do not see it there. He is entitled to do this under that Standing Order.

Obviously, there is no point in taking time on this kind of matter. It is for the House to decide, more or less immediately, whether or not they will extend the time to more than a day. I really doubt whether there is any need for a debate on this. So I intend to put the question.

However, before I do that, first the Motion must be seconded and then I will go through the whole formality and propose the question properly.

Mr. Kurgat seconded.

The Speaker (Mr. Mati): I will now proceed to propose the question.

(Question proposed)

The Speaker (Mr. Mati): There being no Member wishing to speak, I think I will put the question.

The Minister for Commerce and Industry (Mr. Osogo): On a point of order, Mr. Speaker, I am not clear here. I would have liked to speak—

The Speaker (Mr. Mati): I indicated clearly what was happening. You do not have to wait until I am on my feet to rise on such a point of order.

(Question put and agreed to)

The Minister for Commerce and Industry (Mr. Osogo): On a point of order, Mr. Speaker, normally in Motions which ask the House to exempt a particular Standing Order, that Standing Order is quoted in the Motion. Is there any reason why the particular Standing Order under which this Motion has been brought here is not quoted in the Motion?

The Speaker (Mr. Mati): You can read it from me, if you want. It has been quoted. I have just been explaining that, Mr. Osogo. Perhaps you were not listening.

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71—
RECURRENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move:—

THAT a sum not exceeding K£3,686,522 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1971, in respect of Supplementary Estimate No. 1 of 1970/71 (Recurrent).

Mr. Speaker, it becomes necessary very often that a Supplementary Estimate is brought to this House in order to deal with expenditures which have become necessary over the financial year, expenditures that were not visualized or anticipated at the time that the printed Estimates were presented during the Budget. It is necessary that we have these Supplementary Estimates brought to this House and discussed before the end of the Financial Year so as to authorize expenditure. Members will recall that they have insisted that this is the procedure which should be followed, and we have taken note of what they have expressed.

Mr. Speaker, Sir, I believe that there is much too much consultation and talking within the Chamber.

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

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, the Supplementary Estimates are fully detailed in a booklet which has been circulated to Members. For the moment I appreciate we are only dealing with

the Supplementary Estimates for the recurrent expenditure.

Now, the sums that are involved cover almost all the Votes but I would like to highlight those that cover a large proportion of the total. This is not to say the others are not important, but it is merely to indicate why it has become necessary to have these expenditures.

Sir, in the summary which is provided on page one Members will see that the main Votes that take up most of these expenditures are Education, Voice of Kenya, Ministry of Agriculture, Ministry of Labour, Ministry of Health, the Armed Forces, the Police, Ministry of Foreign Affairs and Ministry of Home Affairs, as well as Office of the President. Now, Mr. Speaker, in the case of the Office of the President, it has been explained in the notes that Members will see here, that we expanded the establishment in the field immediately after we took over the powers of the various local governments. We have, equally, under the Tripartite Agreement, in which the Government promised to employ a full 10 per cent of the total number employed by Government, in conformity with what was agreed regarding every other employer. So it is in that expansion that this sum has been taken care of.

As regards the Ministry of Foreign Affairs, where £175,000 is now sought, we have, as Members will know, opened new embassies since the Estimates were presented to this House last year. We have opened embassies at Lusaka, at Stockholm. Now, in Stockholm, in Scandinavia, the embassy will be in charge of four countries—all the Scandinavian countries—Denmark, Sweden, Norway and Finland. It will therefore be important for us to provide not only for good accommodation but new staff, transport, and all the usual rents and other payments that are normally included. This is why in that case we have this increase.

Police, Mr. Speaker—

Mr. Speaker, Sir, we still have much too much noise in this House. I am sure—

The Speaker (Mr. Mati): Order! Order, Mr. Kibaki.

We are not really paying enough attention to what is going on. I can hardly follow what the Minister is saying and I am sure most of the Members cannot either. So, let us have less talking.

I can see there has been a rearrangement of friendships but let us not have too much talking.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am grateful to you.

[The Minister for Finance and Economic Planning]

In regard to the Police, it is explained here that we have expanded the establishment and that certain consequent expenditures on that expansion have necessitated this particular increase.

In the case of the Ministry of Agriculture, I want to say that we have had a very major expansion in the subsidies that are given to farmers, particularly those that are given through the subsidy on fertilizers. This is important because for quite some time we have been told by farmers in this country that they should be given more and more assistance. Members will see that there is £250,000 additional to the subsidies on the price of fertilizers. This arises directly because the use of fertilizers has been much greater than was estimated when the first Estimates were prepared and it is, therefore, important that we should have this sum of money so that the farmers can continue to pay the price for fertilizers which makes it economic for them to continue with the scale of farming that they are doing. Equally, Sir, Members will note that there is a deficiency in the case of Agriculture on Appropriations-in-Aid. This was expected from the sale of certain farms which were later on decided to be utilized for settlement, mainly in the Rift Valley Province. It is because they were used for settlement that the monies that were expected from the sale of those farms cannot now be realized. Therefore, that deficiency of £160,000 is reflected in that Vote.

Mr. Speaker, regarding the Ministry of Labour, the Members will see on page 20 of these Estimates that the item which is significant there is the expansion of the National Youth Service. Equally, it is the provision of a fund for the maintenance and repair of the equipment that is used by the National Youth Service. When the Estimates were prepared, Mr. Speaker, hon. Members will remember that the National Youth Service was not engaged in such large-scale operations as they are now doing on road construction, reclamation work, etc. However, hon. Members will, I hope, appreciate that the National Youth Service have now begun to make a very major contribution to the development of the country. In fact, when I visited the road they are building to Kitui, I was very impressed indeed. I believe that we should give them this fund so that the machinery and the equipment they use can be maintained at the level of efficiency they require.

Mr. Speaker, the next expansion which is significant refers to the Voice of Kenya, under Vote 20 on page 27. Members will note here that the

sum of £187,000, which is shown here, is a deficiency in the Appropriations-in-Aid. It had been expected, when the Estimates were prepared last year, that we would get this amount of money from the sale of licences of televisions and radios. As Members will know, at the Budget time Government made a decision that the licences for radios and televisions should now be reduced very drastically or abolished. It meant, therefore, that an estimate of £187,000 from that source would not be forthcoming. It was necessary, therefore, for a provision to be made for this particular service to continue because they require that money which would have been otherwise collected from the sale of licences. The abolition of the licences has been a fairly popular measure and it is a measure which was necessitated by the wish of Government to allow the widest number of people possible to use radios and televisions as a media, as a means of communicating and a means of knowing what is going on in their country. We, therefore, wanted to remove this additional cost on the price of such equipment.

Mr. Speaker, in the Ministry of Education— I want to explain here because this is the largest single item which is being requested to be explained and which covers £1,200,000. As Members will see under Vote 24, on page 34 of this booklet, it is explained here the reasons why we have the expansion. First and foremost we have an expansion in secondary schools where new teachers have been employed—well over 200 of them. This is because Government, as Members will know, have been supporting the expansion of secondary education. As Members know, we are nowhere near what we want to do in the expansion of secondary schools. Indeed, we are nowhere near what we want to do in taking over and assisting the *Harambee* schools to give further education after secondary level.

It became necessary to have this expansion so as to take care of those needs.

Mr. Speaker, there is an item here, also, about the university which will take up £196,000. This item, it is important to explain, arose after the estimates had been made for one reason that the numbers of qualified students who should enter the university proved to be much larger than had been estimated when we printed our Estimates last year, so that we had to take on an additional 200 students, over and above the 2,500 for whom it was planned to take into the university. It, therefore, became necessary to vote moneys for the recurrent expenditure for expansion of certain facilities, for accommodation of these students and for the various allowances that go with it.

[The Minister for Finance and Economic Planning]

Mr. Speaker, we are continuing with the programme of expanding the university so that it becomes an institution which can train the high level manpower that we all need in this country. I, therefore, do hope that this gesture which the university and the Ministry of Education made last year, to take care of our qualified students who otherwise would not have gone to the university, should be very welcome to all of us and we should support the vote.

In the same Vote, Mr. Speaker, Members will note that under the item "District Education Boards", there is an expansion of £700,000 in regard to emoluments for primary school teachers. We agreed, during the negotiations with the trade unions and the employers, that when taking on our quota under the Tripartite Agreement, we would concentrate on expansion in those services where there was good prospect for continued employment. It was thought, Sir, that employment of teachers for primary schools would definitely provide a continuing opportunity to our people who are seeking employment. It was therefore, agreed that 3,700 primary school teachers should be recruited. These were necessary in order to help in certain schools which, during the time when the county councils used to run them, were understaffed. It was necessary to bring them to the full capacity. Therefore, we recruited this number of teachers—3,700. The emoluments for these teachers, plus various allowances and certain simple expansions have, in fact, been taken care of in this field.

Equally, I want Members to note that under technical education programme, the Government has been expanding about two secondary schools in each province to do technical education: and that it has been necessary for us to build various workshops and laboratories and that is why, in that particular Vote, there is an expansion shown in this place.

Mr. Speaker, I have highlighted some of the main items which have led to this expansion and which have led us to present this Supplementary Estimate. Members will know that last year we promised that we would bring a Supplementary Estimate only towards the end of the Financial Year and only if it became absolutely necessary. Mr. Speaker, this is what we have done. We have brought it towards the end of the Financial Year so that any needs which will come up will have been spotted, any reorganization in expenditure will have been done, and, therefore, as we are only two or three months before we

come to the next Budget, we will not require to bring two Supplementary Estimates, as we have done in previous years. I hope that Members will note that this is an improvement on the organization and also appreciate our efforts to forecast expenditure rightly and to reduce to the minimum adjustments in the expenditure in the course of the Financial Year. However, there are certain types of expenditure, such as the ones I have highlighted here, which, although forecast in very broad terms could not have been reduced to certain statistical figures at the time when the Estimates were prepared.

Equally, there are certain other expenditures, such as the ones I have indicated here, which become urgent and which, if we were to wait, the ordinary person, whom we take care of, would suffer. Equally, Mr. Speaker, let me emphasize this: that the monies that will be utilized in these Supplementary Estimates will be found by a reorganization in the allocation to the various Votes and that, therefore, Sir, it does not lead to any additional effort on our part to raise more money from the public by any new taxes or any new measures of that sort.

I think this is a very important point to make, Mr. Speaker, because I was asked, during lunch hour, by one or two Members as to how we propose to raise this money. I want to emphasize that these are monies which we fully expect will be realized from the taxes as they are now and we are not expecting any changes from the revenue side. It is only a matter of re-organization in expenditure.

Mr. Speaker, I do not want to anticipate the course of the debate but I should be failing in my duty if I did not say this: that whenever a Supplementary Estimate is presented, it is presented because there is some urgency. Even more important, it is because these programmes, which are continuing programmes, cannot afford to be delayed because if we delay them we shall lose. If we take the items on labour, for instance, or Agriculture or the embassies in the case of Ministry of Foreign Affairs, we will see that these are continuing programmes which we cannot afford to delay. Therefore it is important, Mr. Speaker, that although we have agreed with the Motion that the debate should take more than one day—and I have no quarrel with that—we must also appreciate, Sir, that these expenditures are of an urgent character. There are continuing programmes—for instance, in case of teachers, we have to continue paying them, month by month. We cannot afford to delay them because in that way we would not be rendering the service to the people we want to help.

[The Minister for Finance and Economic Planning]

I, therefore, Sir, want to appeal to the House that while we must take our time—because every item must be questioned—we should avoid any measures which would lead to unnecessary delay in a decision on matters of this sort, Mr. Speaker. I want also to add that at the Committee stage, when various items are mentioned, if we do get to that point, then we shall be prepared to answer any detailed questions that Members will put as to why a particular item has been placed here and what money is going to it; we will be able to do that, Mr. Speaker. However, Sir, I want to point out that in this debate, we cannot—as it were, Mr. Speaker, and I hope we shall get your protection—afford to spend the time on overall policies of various departments, Mr. Speaker. This is because according to our own rules and procedures these are reserved for discussions during Budget time every year. Therefore, Sir, when we deal with Supplementary Estimates, we deal with reallocation of certain small items—a few items—within the overall expenditure. The general broad policies are discussed, Mr. Speaker, during the debate on the Budget which, as we know, took us quite a lot of time here and we all had a say.

Mr. Speaker, Sir, I do not want to take any more time of the House, and therefore I beg to move.

The Assistant Minister for Agriculture (Mr. Wanjigi) seconded.

(Question proposed)

Mr. Seroney: On a point of order, Mr. Speaker, Sir, the Minister for Finance and Economic Planning has referred to “trying to avoid policy discussions”, and rightly so in cases where the policy was discussed in the main Estimates; however, would it not be in order to insist on policy talk in new matters which were not covered in the original Estimates?

The Speaker (Mr. Mati): That is a point you could raise if you caught the Speaker’s eye.

Mr. Wabuge.

Mr. Wabuge: Thank you very much, Mr. Speaker, for giving me this opportunity. It is obvious that every year the Minister for Finance and Economic Planning has to come here with a Supplementary Estimate. Mr. Speaker, Sir, we have no quarrel with that because it is a tradition and he is entitled to do so. However, Mr. Speaker, Sir, when you look at the Supplementary Estimate—I remember some time last year when we were discussing the main Estimates, and also the previous Supplementary Estimate for last year, we urged Government and particularly the

Minister who is the same Minister for Finance and Economic Planning, that in future when he brings an estimate here, he must try and come with an estimate with a fully-detailed report. In other words, every Head must show exactly how this money is going to be spent. We do not want to come here and then the Minister introduces such a document saying that the Government is in need of the money and that there are so many services which are being held up and that they want to carry on with more projects, and therefore they want money.

We know the country is developing; we know that the country is progressing and we want money at every stage. However, before this money is voted on any project, Mr. Speaker, Sir, details on the use of money should be shown. It is the duty of the Minister and his officers to work out the details to be presented to this House. We have asked Government, through the Minister for Finance and Economic Planning, and I remember very well last time when we were being adamant in passing through the Estimates, he did assure us that, in future, when he brings such documents, he will give full details to the Members. Here, Mr. Speaker, Sir, I think the Minister has failed to provide us with full and comprehensive reports, or Estimate documents, showing precisely how much money is going to be spent on a given project in a given area. We are being asked here to give a blank cheque so that he can go and sit there and write the cheque to whatever project he wants.

Mr. Speaker, Sir, I happened to be in the former Legislative Council during the colonial times. I remember, in those days, Mr. Speaker, it was very difficult for any Minister to introduce an estimate of this kind in this House without giving full details. He made sure—despite the fact that it was a Colonial Government and that they could do whatever they wanted—and saw it fit that because it was public money, they must give the breakdown to show how money was going to be spent in every field, and on what. But here, this being a democratic Government, Mr. Speaker, being an elected Government—the Minister for Finance and Economic Planning is an elected Minister, and I fail to understand how a colonial Minister could behave more democratically than our elected Minister. This Sir, is bad and we feel that the Minister should from now onwards, give more comprehensive information, contrary to what he promised us last year. This document, in the way it appears, does not give us the full information at all and as such we feel we are not going to pass the Estimates in the way it has been presented to us. I feel that this is the reason

[Mr. Wabuge]

why the money is being overspent; it is because we are not given the details. For example, there are no details to show how many persons are going to be employed, how many people are going to be given employment in a given district and how much money is going to be spent on them. Just to say, "money to pay staff", or whatever they call them, is not enough. Therefore, Sir, with your permission, if I may refer you to the document I have just mentioned in my speech, Estimates of Expenditure 1957/58, and I quote details as laid down under the heading, "Administration" in Vote 20—Ministry of African Affairs—

GENERAL STAFF—B.1 PERSONAL
EMOLUMENTS

	£
1 Special Commission ..	3,050
6 Provincial Commissioners ..	20,300
1 Officer in charge of Nairobi District	2,500
12 Senior District Commissioners	27,800
204 District Officers (Scale A) ..	258,000
25 District Officers (Supernumerary Scale A) ..	1
152 District Assistants (C5-3) ..	121,000
70 Temporary District Officers ..	1
15 Temporary Administrative Assistants	1

From the above you can see that even the number of the officers involved was given. Mr. Speaker, Sir, it goes further to state, that in that Ministry there were 221 clerical, typing and analogous staff and so on. But in this Supplementary Estimate, Mr. Speaker, Sir, the Minister has not shown us how many people are involved. He has just shown that under the Tripartite Agreement the Office of the President has taken on more staff and therefore these people have to be paid. Where are these people? Are they dumped in Nairobi alone or they are spread throughout the country? If they are spread throughout the country, we are entitled to know. For example, I want to know how many people were taken in Kitale District and I would also like to know in what grades they were taken on. Mr. Speaker, Sir, for the Minister to come and say, "So many people were taken on under the Tripartite Agreement" is not enough. Where are they, Mr. Speaker, and from where do they come? We must also be shown under what grades they were taken on, Mr. Speaker. We must be shown this, Mr. Speaker. Mr. Speaker, Sir, I can see that the Vice-President is interjecting. He should be the first man to know that these details are necessary since he is an old Member here. During the colonial

times, he used to criticize this but, there he is now. What is his Government, which is an elected Government, doing now? Mr. Speaker, Sir, this is very serious and I feel that the Minister concerned has to tell us exactly how many people are going to be employed instead of telling us, "So many people . . ." Mr. Speaker, Sir, I feel that this is the money which is being overspent. They say that so many people have been employed or taken on under the Tripartite Agreement while they have not been actually employed. I feel that if the money is voted, possibly it might be changed for the use of other projects without the authority of this House. Therefore, I feel that the Minister here has to be very careful. Last time here he did promise us that this year he would present us with a breakdown of these Estimates. I fail to understand why he has just come without giving us what he did promise us previously.

Mr. Speaker, Sir, if you look at page 2 of the Supplementary Estimates (Recurrent) Expenditure 1970/71 under Head D101—Personal Emoluments—you can see what I am quarrelling with. I am quarrelling with this because it says, and I quote: "Additional funds are required to meet commitments already entered into in respect of professional and technical scholarships for which insufficient provision was made in the Estimates for lack of details in draft Estimates."

Now, Mr. Speaker, Sir, we want to know who were these people who were given these scholarships. We would also like to know how many they are. Are they 10, 20 or 40, Mr. Speaker? We must be told. We are not here to be told, "So much money for the following professional people" without being given their numbers.

Mr. Speaker, Sir, Head D1, 101, goes further to say: "Additional provision for K£70,000 is required to cover the salaries of staff engaged under the Tripartite Agreement".

Mr. Speaker, Sir, where are these people? Is it very difficult for the Minister to tell us the numbers involved? In fact, we are entitled to know this, Mr. Speaker. It is not a shame for the Minister to give the number, Mr. Speaker. We want to know this, Mr. Speaker. Who knows whether all these people are employed and dumped in Nairobi here? Who knows this, Mr. Speaker? Therefore, Mr. Speaker, Sir, we would like to know where these people come from and how many are they. We would like to know how many people district headquarters took, and what grades they are. It might be that one district is benefiting from this. It might also be that one district has all the grades put into it, while some other districts may only have one sweeper or one cleaner. We are not going to accept this, Mr.

[Mr. Wabuge]

Speaker, and I feel that the Minister here should tell us what he wants us to do otherwise we are not going to accept this.

Mr. Speaker, Sir, I would like to go further and elaborate on what they call the “professionals” under the head “Training”.

Now, here is where we would like to know how many people are involved and their qualifications. We are not being difficult to the Minister because all we would like to know from him is just the numbers of people involved.

Mr. Speaker, Sir, if you look on page 5 of the Supplementary Estimates No. 1—Recurrent—under the Ministry of Foreign Affairs, you will see another column headed “Personal Emoluments”. Mr. Speaker, Sir, we want to know how many are employed by this Ministry overseas from this country and from where they come. We would also like to know how much these people are being paid. I know their payments or salaries might differ from country to country where these people are stationed but at least the House is entitled to know how much money our Kenya Government is spending on these people. We must know which country is more expensive as far as the paying of salaries of our staff in the Foreign Office are concerned, Mr. Speaker. The Minister for Foreign Affairs should have given the Minister for Finance and Economic Planning all this information and the latter should have been responsible for showing this information to this House. If the Minister for Finance has failed, or finds it very difficult to get this information from the respective Ministers, then it is up to him, and he has the power, to tell them, “Unless I get this breakdown, I am not going to include it in my Estimates”. Therefore, it is not very difficult for the Minister to get this information. We are not asking the Minister for Finance, himself, to go from Ministry to Ministry asking for this information. All he should do is to send a circular to all Ministries, so that each Minister can provide this information. By so doing, Mr. Speaker, all Estimates of this type will be carrying such detailed information.

Therefore, Mr. Speaker, Sir, in view of the fact that last year during the debate on Supplementary Estimates, and also on the main Estimates, we were very adamant and asked the Minister, and urged the Government, to provide us with this information and he gave us a promise—because he was in need of money that next time he was going to provide us with such information in his Estimates, and since he has failed to do this, Mr. Speaker, I cannot see how we are going to

give him this money. We are not refusing to allow him to come and ask us for money because we know he wants money and we also want development. We want to vote him this money but what we are asking from him is the breakdown throughout this document.

Mr. Speaker, Sir, I do not want to waste much time on this matter and the sooner we pass it the better. After we have finished with this we might give an opportunity to the Minister to go back to his office to produce the information we require. Under these circumstances, Mr. Speaker, I propose to introduce an amendment to the Motion as it stands. Therefore, with your permission, Mr. Speaker, Sir, I beg to move the following amendment.

THAT all the words after “that” be deleted, and that there be substituted in place thereof the following words: This House requests the Government to withdraw the Supplementary Estimate No. 1 of 1970/71 (Recurrent) with a view to revision thereof—

- (a) in respect of staff engaged under the Tripartite Agreement by showing the numbers and the salary grades of the staff in question and their provincial and district distribution;
- (b) in respect of trainees (Director of Personnel) by showing the numbers involved and details of professional and technical scholarships;
- (c) in respect of Foreign Affairs by showing a detailed breakdown of actual missions, the number of staff and their grades;
- (d) by showing a detailed breakdown of each and every item of supplementary Vote including Miscellaneous and other charges; and
- (e) generally by giving information not falling below that given in 1957/58 Estimates.

With those few words, I beg to move.

Mr. Seroney: Mr. Speaker, Sir, I beg to second this Motion and I think the Minister must know that until the time comes when he presents to this House proper Estimates giving full information, we shall be having this exercise annually and, in fact, we shall be wasting everybody's time.

Mr. Speaker, Sir, since 1969 the Minister knows that this House has been trying to influence him or the Ministry to present Estimates in a more satisfactory manner than they are doing at present. I do not understand, Mr. Speaker, why there is reluctance on the part of the Minister because, last year, as the Mover said, the understanding was that the Minister for Finance and

[Mr. Seroney]

Economic Planning would produce Estimates in future in a more satisfactory manner than they are doing at present. However, here he comes now asking for Supplementary Estimate without giving us the necessary details. For all we know, Mr. Speaker, Sir, he is going to do the same thing when he presents his main Estimates in a few months' time.

An hon. Member: Question!

Mr. Seroney: Mr. Speaker, Sir, one of the Ministers here has said, "Question"! Well, the purpose of this Motion is really to impress on the Government that if they want this House to vote for money intelligently, they should provide us with full and adequate information. It is not good, Mr. Speaker, giving us unsatisfactory supplementary Estimates. I quite agree that the supplementary Estimates are unsatisfactory because the original Estimates were themselves unsatisfactory. However, I think it is important if this House is going to find out how to go about checking against over-expenditure. I think the former provincial commissioner, the present Member for Eldoret South, did inform us earlier on where the trouble comes from with regard to the preparation of these Estimates. After all, when people who are in the field submit their Estimates to their Ministries and then the Ministries submit those Estimates to the Treasury, those Estimates are based on specific requests. For example, if a Ministry wants more staff, it has to say exactly how many staff it wants. However, the big boys in Nairobi look at it and say, "All right, you have asked for 12 officers, but we cannot give you 12 officers but we shall give you five officers". Then they will forward that to the Treasury and the Treasury might say, "No, no. You are not going to have five, but you will have four officers". Now, when the Treasury agrees to four, then it means they have agreed to four officers and they will give you four officers and it is no use for the Treasury coming to this House and putting everything in a lump sum saying that, "We want this for Personal Emoluments". These boys in the Treasury know exactly what they intend to do with that particular money and I really fail to see the reason why the Minister for Finance and Economic Planning comes to this House and tells us that giving this information will require a great deal of work. There is no need for work, Mr. Speaker, Sir, because the Minister can get this information from his officers. He does not even need to go to the actual Ministries because the finally approved Estimates, the figures and particulars are all available in his own office and,

therefore, he does not have to go to the Ministry of Agriculture; he does not have to go to the President's Office because he has that information. However, for some strange reasons, he does not want to put this House in the picture. He wants this House to take him on trust and on trust alone.

Now, we are entitled in this House, Mr. Speaker, Sir, to say this—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, Sir, is not the hon. Member for Tinderet imputing that we have some motives when we have given as full information as is available to us?

The Speaker (Mr. Mati): Well, no. I did not understand the hon. Member as having intended imputing any improper motives. He only expressed what to him seems strange. He thinks it is strange that the House should not be given this information, but that is not to say that there is any evil motive behind.

Mr. Seroney: The Minister is fond of saying that he can answer any question, but the point is that we are given a limited number of hours within which to discuss these things and, incidentally, that is one of the reasons why we are asking for more time. However, I do not see the reason why it should be necessary to waste time in asking for information which should be given in the first place. We do not have to ask for it. Therefore, I do not think it is unreasonable for this House to tell the Minister to go back to withdraw the Estimates and give the House the information it needs—the information it requires—which it is entitled to. We are saying that if the Minister seriously wants money, the cure is in his own hands he should get back these Estimates—these skeleton Estimates—and provide the full information on a breakdown basis as indicated by the Mover of this Motion. Therefore, as soon as he has given us all that information, then he can come back to the House and say, "All right, I have done what you wanted. Now, how about voting me this money?" I am sure we will be very glad to consider his application sympathetically, but, at the moment, I think the time has come when we should make it quite clear that we are not prepared every year to persuade the Minister to give us information which we are entitled to. We do not want every year to be asking the Minister for a breakdown; we do not want in June, when he comes up with the next year's Estimates, to find that they are prepared exactly in the same way.

Therefore, this move is not only to obtain the information but also to serve as a warning

[Mr. Seroney]

to the Minister that next June, 1972, he should come up with proper Estimates.

Therefore, without wasting any more time, I beg to second.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Assistant Minister for Natural Resources

(Mr. Ochwada): Mr. Speaker, Sir, while appreciating the anxiety of the hon. Members in getting the proper information that they are asking for, I would like to express a view that I hope that they will understand that these Supplementary Estimates are urgently required and the information they are asking for could be obtained otherwise, rather than blocking the passing of the Supplementary Estimates.

It is quite easy, I think, for the Minister for Finance and Economic Planning to produce a separate list of what the Members have asked for and present it to the hon. Members in time before these Supplementary Estimates are passed. However, to try and move that the Supplementary Estimates should be blocked, Mr. Speaker, Sir, is, I think, wrong and is tantamount to trying to obstruct the development of this country.

Mr. Speaker, Sir, I hope that this is not the beginning of numerous requests because, right now, what the hon. Members are asking for is a list of the numbers of people who were employed under the Tripartite Agreement. I hope that they are not going to continue asking us for the names of the employees, the tribes of the employees, the districts of the employees or even go down as far as asking for the villages they have been taken from because, I think, this will be asking for too much. I hope, Mr. Speaker, Sir, that when we present the next Estimates, whereas we will have, probably, supplied them with the necessary information that they are asking for now, we will not be asked, for example, on the side of the travelling allowances, as who is going to travel and in which vehicle he is going to travel—

Hon. Members: Yes! It is Government's money!

The Assistant Minister for Natural Resources

(Mr. Ochwada): Mr. Speaker, Sir, as you can hear the hon. Members saying, "Yes, yes", I think we would require to print not only a book to the size of an encyclopaedia, but it would be practically and physically impossible to do that. I am trying to appeal to the hon. Members that Government will definitely try to meet their desires in supplying them with the necessary and adequate information. However, I think it would

be too much to try and ask for so much information and it would be physically impossible to print and practically impossible to find out all the information they want. We are here to cooperate in order to develop the country as a team and as a Parliament which is charged with the responsibility of making laws and taking care of the money of this country. It will be physically impossible for the Members to try and ask the Government to give them what is impossible. For example, Mr. Speaker, what the hon. Mover said was that in the Ministry of Natural Resources we took in as many people under the Tripartite Agreement as was possible. We took in so many foresters and forest guards, and perhaps we took in so many geologists. However, it will be physically impossible to try and break them down and say, one from Busia, another one from Isiolo, one from Nandi, because this is not what we are supposed to be doing here. We are actually supposed to supply detailed information but not as far down as trying to break them down tribally, sectionally or constituencywise.

Mr. Speaker, Sir, I would like to appeal to the hon. Members that some of the Estimates that are before the House now are very urgently needed. For example, in my Ministry of Natural Resources, we need them so much because as Members are aware, a large amount of our forests have been burnt down and unless we can do the replanting as soon as possible, it will be physically impossible to try and contain our water supplies, wind breaks and other things that are supplied by the forests. So, I would like, Mr. Speaker, Sir, to appeal to the hon. Members to be sympathetic with the Government and let the Estimates go through. For the informations that they need, I am sure that the Minister for Finance and Economic Planning will be able to supply it before we pass the Supplementary Estimates.

Mr. Lotodo: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few things on this matter. Mr. Speaker, I am very interested in Karapokot, as the Minister says, but the Minister has not said anything about Karapokot in the Office of the President's Vote. We have a division there but he does not give it anything in these Estimates.

An hon. Member: In Agriculture?

Mr. Lotodo: Where? It is only, Mr. Speaker, the Ministry of Education which has been a bit fair, and that is on page 36 where you see:—

"Additional sum of K£702,024 under this subhead is required mainly to provide for the salaries of 3,700 teachers appointed under the

[Mr. Lotodo]

Tripartite Agreement and the take-over of the Karapokot District formerly catered for by Uganda.”

Mr. Speaker, it does not actually say how much money will be spent in that division. It only says that so much will be spent but we do not know whether all this money will go to Karapokot or whether some will go to Isiolo or Tana River. Mr. Speaker, Sir, we have all the Ministries in that division, including the Ministry of Agriculture which deals with water. I have said several times, they have about 12 or 14 bore-holes to make but still the Ministry—

An hon. Member: What have you been told several times?

Mr. Lotodo: I have not been told anything. The position is that the Agriculture Officer there does not know anything about bore-holes. The Minister for Agriculture, the hon. Nyagah, says he does not have geologists and therefore he cannot put up these—

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Speaker, Sir, can the hon. Member speaking say when and where I said we do not have geologists?

Mr. Lotodo: Mr. Speaker, Sir, it was just last week when I asked him this question in his office and he directed me to somebody at Nakuru and at Nakuru there is a man who deals with the water which is only pumped from a river. He does not know how to deal with bore-holes. So, we do not have a bore-hole man in Rift Valley and I think we do not have one in Nairobi. If we have one there, why is the Minister torturing the Pokots in Karapokot?

An hon. Member: So it is true that we have no geologists?

Mr. Lotodo: Yes, it is. Mr. Speaker, also the Ministry of Works has some work to do there. We have some roads which should be constructed, which were maintained or done by the Uganda Government but there is nothing mentioned in the Supplementary Estimates about Karapokot. Now we do not know where all this money is going to be used, whether it will be used for developing the roads or making new roads or what. Sir, it is ambiguous to see the Minister for Finance and Economic Planning just coming here and saying that he wants that much without giving details of—

The Assistant Minister for Agriculture (Mr. Khaoya): The details are here. Just put your *miwani* and read.

Mr. Lotodo: No, they are not here, Mr. Assistant Minister. You keep silent and wait.

An hon. Member: Address the Chair.

Mr. Lotodo: Mr. Speaker, Back-benchers, and I think hon. Assistant Ministers and Ministers would like to know where every cent is going to be spent. If we cannot be given proper details, obviously we cannot be in a position to support such a thing. However, I think I am going to excuse the hon. Mwai Kibaki this time and I beg to support the Estimates.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, I think I must first of all say that I rise to oppose the amendment that is being currently debated and hope that the hon. Member will be patient enough at the time of debating the original Motion to find out whether what they fear is not met. Some of the reasons why the Minister for Finance and Economic Planning has brought this Supplementary Estimate before the House is to cover the essentialities or some of the points that were not known at the time of the original debate. Take, for instance, my Ministry of Agriculture; nobody ever thought there would be a drought, and although, very happily in the spirit of promoting agriculture, monies were advanced to the farmers in the way of Guaranteed Minimum Returns in the Rift Valley and other places, we cannot now recover it. This is not because the farmers are at fault, but because they have had a very bad season. Are we going to keep quiet and not prepare for the future? We have to do something to help those farmers who are coming up. We, therefore, need more money voted by this very supreme House to the Minister for Finance and Economic Planning so that we can prepare for the future.

Take again, for instance, Mr. Speaker, the fact that at the beginning of the Financial Year talks were going on about the unemployment situation and what have you, and very healthy debates took place in this Chamber and outside for finding work for the unemployed. As a result the Tripartite Agreement was reached. It meant more people getting jobs and more people meant more money that had not been prepared or estimated for. This hon. House has, therefore, to be asked to let the Minister for Finance and Economic Planning, on behalf of the Government, have some money collected from some Votes that have not been properly exhausted so that these people who have been employed can be catered for. We do not want the Ministries to be blamed for taking unilateral action by moving this money from one Vote to another without the sanction of this House or without informing this House. That alone, in itself, is the reason why we have brought this matter here.

[The Minister for Agriculture]

Another example, Mr. Speaker, is that which was raised during the opening debate by the Minister for Finance and Economic Planning about the shortfall that is expected to come from the mismanaged and abandoned farms. Hon. Members have very rightly been fighting and fighting and have spoken rightly, too, for the landless to have some settlement schemes. They have given an example of some of these farms which should be used for the settlement of the landless. If we are going to use these farms for the settlement of the landless we surely cannot expect to get the market value of the land as we had estimated. **Therefore, there will be shortfall.** In order to settle the landless there is need for a very high subsidy from Government. Where can we get this money from, other than asking through this House that the money be re-allocated for this and that Vote? Therefore, my Ministry—

Mr. Seroney: On a point of order, Mr. Speaker, is the Minister really speaking on the question? The question before the House is an amendment to delete certain words with a view to inserting some other words, but the Minister is arguing about something which nobody has argued about in this House.

The Speaker (Mr. Mati): The aim of Mr. Seroney's amendment is to give the Minister an opportunity of giving an analysis of the various items showing exactly what will be spent, where and why it will be spent. If it is employment, he would like to know how many people have been employed in various places and so on. It does not intend to refuse any item or any Vote. All that is being asked for is an analysis. We have not yet come to the question of whether or not to agree to any of the items.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker. In view of the fact that usually on a Motion like this you do not give us time to discuss the two Motions because the substance of what is to be inserted is naturally part of the debate that takes place on the Motion, that the words to be left out be left out, and Mr. Speaker, in view of the fact that the Minister was talking about the urgency of the matter, and the essential intention of the Motion is natural that there will be time taken as it is requesting for a withdrawal of the Motion, I wonder whether we are not in order—I am asking this because we are all going to speak—to speak about the urgency of certain expenditures as we are now being asked to withdraw the Motion and bring it at another time? I wonder if that is at all out of order.

The Speaker (Mr. Mati): You are quite right there. If the aim is to show why there should be no delay and why this Motion should not be shelved to another day or something like that, it is quite justifiable. I thought Mr. Seroney was complaining about Mr. Nyagah, probably for giving the impression that there was any intention to refuse any money or anything like that. We have not come to that yet.

The Minister for Agriculture (Mr. Nyagah): Thank you, Mr. Speaker. If I gave that impression I must correct it now and say that it was not that hon. Members were unreasonably trying to block this Motion for reasons that were, perhaps, not genuine. All that I am trying to drive at is that there is some urgency, and the examples I gave are very current. For instance, it is now planting time. If we delay too long it means that we are delaying farmers in planting the next crop and things like that. This is the only reason that I tried to give. But if I were to go on, on this theme, I could cite several examples. But whether 10 or 20 examples, my main purpose is to appeal to Members that let us get on with the job. When we get to the appropriate stages, even if it is my Ministry, and you want to know why we are doing this, I am quite prepared to explain in detail all the information that is available to me and I will give all the details that will satisfy the Members. If at that time the Members are not satisfied, then I will be quite happy to listen to what they say. My appeal is: let us get on with the job; there is some urgency, and this is a genuine case.

With these few remarks, Mr. Speaker, I oppose the amendment and support the original Motion.

The Minister for Commerce and Industry (Mr. Osogo): Thank you, Mr. Speaker. I would also like to join my colleagues in pointing out to the hon. Mover of this Motion and his Seconder, and those that would support it, that sometime during the debate on the Current Expenditure the hon. Seroney requested Government to produce exactly what the Motion on the Supplementary Estimates is requesting. I am sure the Minister for Finance promised that he would do the best he could in the next Estimates to give as much detail of the Votes as possible.

While we are working on these details we are being taken unaware—when discussing the Supplementary Estimates—through being asked to produce details that we can produce. Supplementary Estimates are meant to cater for expenditures which are not anticipated at the time Annual Estimates are prepared. The details that are being requested, I am sure, are being

[The Minister for Commerce and Industry]

worked out for the coming 1971/72 Estimates. I am sure we promised that we would do something towards this.

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

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

However, Mr. Deputy Speaker, looking at the amended Motion, where the hon. Member is requesting, in part (a), that in respect of the staff engaged under the Tripartite Agreement we should give details showing the number, salary, grades and staff in question, and their provincial and district distribution—if Members were patient with us, I am sure that each Minister would give these details—leave alone the Minister for Finance. I can inform the hon. Member that, for example, if he looks at page 33, which deals with my Ministry, he will find that I am requesting for £8,100. I want this money so as to employ 30 clerks each earning £250; and 14 drivers each earning £171. It will be wasting Government money if we threw out the books that have been printed and then go back to the Press tomorrow to print other books giving these particular details; details that I will be ready to give when my Vote will be considered. I am sure every Minister has these details; I have mine here, Mr. Speaker. So I do not see why hon. Members should insist on wasting the public funds by throwing out the books that have been printed. We accept, of course, the fact that more details should be given on occasions like this.

However, it can be observed, on page 32, that full details are given there regarding the personnel required. For example, you will see that they want one lecturer in Scale G1. This is the information the hon. Member is requesting. They also want three lecturers in Scale G2. They also want one executive officer in Scale G3. That kind of information is already given in some respects. Others are shown on page 32, and page 31, under the Ministry of Co-operatives and Social Services. I can inform the hon. Member that we have the details. It is only a slip, and because of the time factor, we did not include this in the printing, but we have the information in our hands. We will give it when the time comes rather than deferring this one and going to the expenses of re-printing the whole thing. I think it is going to be very unfair and a waste of public funds.

The second point, which the Members are asking on this Motion, Mr. Speaker, is that they want us to inform the House who are these trainees that are under the Directorate of Personnel. Mr. Speaker, we know who the trainees are. There are H 45—16 pp.

only two cadres for whom we have an urgency in requesting money. These are the architects. Because of the building factor in the Ministry of Works they need these people badly. We had to give scholarships to our own people to train quickly. We also wanted land-valuers. This House requested that we should have African land-valuers and the Ministry of Lands and Settlement had to go out of its way to request for money for training our people. This information will be given regarding their numbers.

An hon. Member: When will it be given?

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, an hon. Member is asking me when these people were employed in my Ministry under the Tripartite Agreement. I am sure that when the Ministers concerned are given time, to give the facts verbally, they will do it or lay the facts on the Table—rather than throwing the whole booklet away for reprinting. Mr. Speaker, Sir, we are being told to specify the embassies we have started which come under the Ministry of Home Affairs. It is common knowledge because we know where these embassies have been started and even the hon. Mover knows where these embassies have been started, but if he wants to know how many or who are the ambassadors that have been sent out, how many first secretaries, how many second secretaries, this information will be given by the Minister for Foreign Affairs. I am sure that he has the information for you—even if names are required, I can give them because I have visited these embassies—I have gone to Lusaka and visited our new embassy. I can give names of the people who are there and the grades which they have. We have not been given the chance to say this and I know that if we are given the chance to put it on paper we shall put it because there is nothing to hide. I am only pleading with the House that we accept the original Motion, and that we reject this amendment, so that we can save time and money that would be involved in printing this booklet. It will require another Supplementary Estimate to pay for the book.

We are told that we are overspending—we will require another estimate because the estimate for the printing of this booklet is already included in this Supplementary Estimate and we will have to pass another estimate for the reprinting of this booklet.

The last point raised on this Motion is for us to show the details or the breakdown of each and every item, including the Miscellaneous Expenses. Now, I have looked through this Supplementary Estimate and I have seen only two items which appear under Miscellaneous Expenses. One is the

[The Minister for Commerce and Industry] Immigration and it is explained why they have put it there; it is because they want to print certain forms to facilitate easy passing through the immigration controls at the airport. It is explained on the next page. The other item appears on page five, under the Ministry of Foreign Affairs, and it is explained as to why there should be Miscellaneous Expenses. This money was wanted to assist in paying medical fees and school fees for the new diplomats that have been appointed to these missions. This is all explained, Mr. Deputy Speaker. We will not go further than what has been explained here in this booklet but we agree that we are going to give these details in the next printed estimate. Now, Mr. Deputy Speaker, I see the hon. Member for Moyale, who wants money for his hungry people, wants us to go to unnecessary expense by throwing away this booklet. He wants us to go to the expense of throwing away this booklet. This money would, otherwise, be saved to hire a lorry to transport maize to Moyale for the hungry ones. Mr. Deputy Speaker, Sir, I think we shall be unrealistic if we accept the amended Motion. I think it should be better for us to agree to the original Motion—I promise, on behalf of my colleague, that we will give all these details at the Committee stage. Any Minister who does not give these details, his Vote can be withheld by moving that a deduction of £1—this is normal (that means that his Vote will not go through)—rather than us rejecting the whole of the printed estimate.

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

Mr. Araru: Thank you very much, Mr. Deputy Speaker. Just now before the Minister sat down he attacked my name when he said that the hon. Member for Moyale wants to hire a lorry. Mr. Deputy Speaker, Sir, we are talking briefly on this in order to get the details. If the hon. Member wants to hire a lorry, why does he not say so. There are lorries going to Moyale to carry *posho*, milk, butter—what are these goods to be transported that we are being told of? Mr. Deputy Speaker, Sir, we want the details and our amendment comes in because of that. It is easy—a few minutes ago the Minister said that he could explain. Could he explain what is meant by miscellaneous and other expenses? What are these other expenses? Could we be told? May be somebody is taking this money and putting it in his pocket—how do we know whether this is not so? Mr. Deputy Speaker, Sir, I can say that our Ministers do not want to use their time by giving the details and with this shorten the time of debating it in this House.

When we are commenting on the Budget, we find the same things are debated—on Education we read about miscellaneous and other charges. In every item that is brought in this House we see miscellaneous and other charges. Mr. Deputy Speaker, Sir, every time we are not told what is going on. A few days ago the Public Accounts Committee brought their report in this House and in this report we found too much unnecessary expenditure—some of the money was spent on furniture. The details were there.

Now, our quarrel is on very small things—for example, as our Minister for Commerce and Industry has just explained, he said that when he explained about the drivers employed during the time of the Tripartite Agreement. What are the difficulties in giving the details here? Why has he not mentioned in this booklet that certain drivers are wanted for certain Trade Officers in Moyale or Kisumu? How do we know where these drivers go? If the Minister wants to take all these drivers to his constituency, we shall have to be told.

Mr. Deputy Speaker, Sir, we who speak about money, are in a very responsible position. I want to urge our Government—I do not know why—

The Mover of the amendment read something about the colonial Ministers who were only six or eight representing the whole of Kenya which was being ruled by one Governor. They gave every detail and now when we have more than 22 Ministers and 38 Assistant Ministers, so much personnel, so many advisers, so many—what do we call these *wazungus'* or *watu wakubwa?*—Expatriates. All these were employed to help them in making the accounts—help them, advise them. Why are we not given the details? This is very serious. Just now I was told that I want to hire a lorry. There is nothing up to now—I read about what the Mzee said when he called on the public to contribute money to help the drought-stricken areas of Moyale. There is only one lorry load of maize which has reached there. There is nothing other than that. I paid over Sh. 1,500 to the Committee for Freedom from Hunger— This money was collected from Moyale and although there is hunger there, we said that we should help ourselves so that the public can help us. We should not be told that there are such things going on when we cannot see them. We even do not know where this money is going. We shall not agree on these miscellaneous and other charges. We want the truth because we do not want—we want to know where everything goes. We should be told this in detail so that we know exactly—if they want

[Mr. Araru]

this money—recently, our Minister for Agriculture said that the matter needed emergency measures. Last week we were talking about excess expenditure. We are not talking about necessary expenditure. We quite agree on those necessary expenditure but we do not agree on the unnecessary expenditure. How can we leave the matter like this when this mistake has already been done whereas we are told that Kenya is a poor country? Kenya has so many loans given to it. I noticed our sister country which criticized Kenya also said that its record was clean because no loans had been given to that country. This is a challenge. Can we solve this? Where will this money be spent?

I remember the Minister of Education saying something about district education boards but in which districts? In Kapsabet, Moyale, Kisumu we have to be told so that we can agree as hon. Members of those areas or members of the public in this country to go and check how many district officers there are in Kakamega so that when members of the public read how many district officers there are in Kakamega they can go and check who these district officers in Kakamega are. This is all we want.

Mr. Deputy Speaker, Sir, we are really, not bringing unnecessary arguments here but we want this explained clearly. We do not want these books printed and then passed in this House. We are the advocates of the citizens of this country and that is why we became hon. Members of this House and we must advocate what they want and they should know, exactly, where every single penny paid by them goes to, so that we know and can support the Estimates, not only these pieces of papers. The Minister who has just sat down said that they have to print big books. We have seen these books printed everywhere. This is all we want.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support the amendment very strongly because we want details.

Mr. Ayah: Thank you very much, Mr. Deputy Speaker, Sir, as a matter of fact, my hon. friend the Member for Kisumu Town is complaining and I can assure her that I am going to make very few remarks today.

Mr. Karungaru: Very good if you can do that.

Mrs. Onyango: We, also, would like to get a chance.

Mr. Ayah: My first remark, Mr. Deputy Speaker, Sir, is that the Minister for Finance and Economic Planning is in a rather difficult position. I appreciate the fact that it is necessary year in

and year out to have these Supplementary Estimates, but I was listening to those who were, by their announcement, trying to support the Minister or trying to oppose the Motion for amendment. My first reaction, Sir, is that if these are the friends the Minister has, he certainly has no need to have enemies. The support he was trying to get was rather weak because in the first place, Mr. Deputy Speaker, we are not trying, by any stretch of imagination, to block the Government from having these Supplementary Expenditures. What we are saying, and which needs to be said several times, is that we are not satisfied that this exercise we are asking for would be too much for the Ministry.

For instance, Mr. Deputy Speaker, Sir, if you look at page 11 under one heading, there is original estimate none, revised none, additional sum required is K£327. Now, it is this kind of careless statement hon. Members are asking the Minister to avoid because if there is no original estimate, there is no additional estimate or revised estimate, how is it that we have an additional sum to be voted by this House?

Now, if you look at page 15—I think it is page 15—you see this kind of thing again. You find under purchase of stores, plant and equipment: original estimate none, revised estimate none and yet additional sum required is K£23,350. Now, I know the Minister studies some statistics. However, even statistics have to start from somewhere! You do not just hang them in the air. This is the kind of thing the Members are trying to ask, Sir. Now, if you look on page 20—I think it is—under the National Youth Service: mechanical transport and plant renewal's fund, there was no original estimate but by some queer arithmetic we have a revised estimate of K£100,000. Now, what we are trying to do, Mr. Deputy Speaker, Sir, is not to doubt the sincerity of the Minister. We are not doubting the fact that he requires this; we are only asking him how he got to that figure. How he arrives at the figure K£100,000 because if we look at the kind of information we get every year from this Ministry is that we do not get a detailed statistical digest that would give Members in this House the kind of background information they want. I know it is difficult to work it out; it is tedious work. However, it is necessary work. It is necessary work in the sense that hon. Members of this House, not through the choice of their own, happen to be the custodian of public finance. Now, whether the Minister agrees with me on that does not matter because it is a fact. Mr. Deputy Speaker, Sir, because of that they need this information. The kind of finance that is handled by the Ministry

[Mr. Ayah]

of Finance and Economic Planning may not regard K£100,000 as a lot of money. However, when we think of how this money is received from the poor people of this country, we are entitled to check and find out how anybody has reached the figure of K£100,000 for mechanical transport and plant renewal's fund. I know that the fund is there but for God's sake, sorry. In any case, I would like the Minister to give us a chance to analyse these figures more carefully. Therefore, Mr. Deputy Speaker, Sir, I would like the Minister not to resist this Motion terribly because I know hon. Members are not asking him to defer this debate for two or three weeks or one month. We are only asking that if he is capable of supplying this kind of information even within 24 hours, we at any rate, or I myself, are prepared to support the Supplementary Estimates. However, if we cannot get this kind of information, I have a fear, Mr. Deputy Speaker, Sir, that I will not be voting money—even if it is not extra taxation. I fear that I will not be allowing money to be taken away from the Consolidated Fund—unless I know how the figure was arrived at.

Therefore, Sir, I would like to support the amendment that the words to be left out be left out. Thank you, Sir.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Deputy Speaker, Sir, I am happy that you have given me this chance to air a few points to the House. I think this is just a case of misunderstanding as to what is involved. We all know that the House stands committed to protecting the public especially in public expenditure. That is the duty of every hon. Member in this House including me and my two colleagues who have spoken there.

As we know, Sir, in every society there is a form of rules which are normally applied and, in particular, in a case like this one we have our own rules here. Previously we knew that for every Estimate there was to be detailed information supplied by the Minister concerned; that is the Minister for Finance and Economic Planning. Later on at the Committee stage, every Ministry had to give detailed information as to why they required a certain sum. I thought that this was the case, Mr. Deputy Speaker. If the problem of my hon. colleague—hon. Ayah—when he referred to page 11 where he refers to, I should think, the Ministry of Defence: I, Personal Emolument. Then, Sir, he refers to original zero, revised estimate zero, and an additional sum is required of K£327. All he could do, if this was really his problem, is that at the Committee stage, the Minister for Defence

will be called upon to explain this. If the hon. Member was not satisfied, that is the time when he could move a reduction of K£1 and debate that particular point. It is no use for us to try to blame one another here especially, if I may only remind my hon. colleague the Member for Embakasi, when sometime ago we had a similar difficulty. In fact, Sir, it was sometime last year. As a result we decided to elect an Estimates Committee comprising of hon. Dr. Z. Onyonka, Member of Parliament; hon. W. N. Ayah, Member of Parliament—my hon. colleague who has just been speaking; hon. S. M. Balala, Member of Parliament; hon. J. D. Akumu, Member of Parliament; hon. M. T. Jilo, Member of Parliament; hon. G. M. Mutiso, Member of Parliament; hon. Muturia, Member of Parliament; hon. Wabuge, Member of Parliament; hon. Tuva, Member of Parliament; and hon. Munoko, Member of Parliament.

Their work was for them to sit and scrutinize every item and send recommendations to this House in terms of Estimates for 1971 or Revised Estimates. The information I have is that these Members have not sat! Mr. Deputy Speaker, Sir, hon. Wabuge is one of them and hon. Ayah is another! Then, you cannot really come here and blame somebody else if you, yourself, have failed to do your work.

Mr. Deputy Speaker, Sir, I think, here, it is just a case of misunderstanding. We have a certain form of rules which we have been following. Hon. Members wish that they want a change; they have proposed a change. However, that change has not been effected. I should think, the only thing that we should do as a House is to urge the Estimates Committee to begin scrutinizing every item for the forthcoming Budget. What I see here is that we are asking for something like K£3½ million just to add to what we have already passed: K£64,800,000. So, in fact, the Revised Estimates today are not very much because it is just something like K£3 million. If our intention is to try to cover every constituency with this money, it will be too little. I know it will be too little. I think it proper, Mr. Deputy Speaker, Sir, that I appeal to my hon. colleagues that every one of us is a custodian of the public money, however, there are ways of doing this and I am sure that this is not the time for us to try to do so although we are saying that we are not blocking the Estimates, we are, in fact, blocking them in the sense that we are going to take some time discussing this matter. I would like to appeal to hon. Members to allow the Estimates to pass through. I would like to urge hon. Ayah and the hon. Wabuge who are serving on the Estimates Committee to do some home-work so

[The Assistant Minister for Agriculture]

that next time when they come they will give us some detailed information as to what items we would like to spend money on.

However, Mr. Deputy Speaker, Sir, if it is the question of giving more information which the hon. House requires, we in the Ministry of Agriculture have our information ready. I have several pages and if hon. Members could only come to the Ministry of Agriculture to see what is in those pages or the House calls upon us to supply information we shall give it item by item, and explain in detail what we want to do with your money. For instance, the hon. Member for West Pokot has been complaining that he does not know where the money is going. We have rural development projects, for example, in Kapenguria we are going to employ some Assistant Agriculture Officers, and Livestock Officers. In addition, we are going to have such schemes as purchasing of vehicles, maintenance or running of vehicles, etc., water development projects and holding grounds—I will come with these details, and I am sure that I will satisfy every hon. Member if he wants to know what the Ministry of Agriculture is doing in his area. However, Mr. Deputy Speaker, Sir, there is some misunderstanding which should clear once and for all. We would like to know how the money is being spent. Surely, there is not a single Minister who is reluctant to give any information that may be required by the House. It is just a question of how we are going to give the information required or the appropriate time to give the information required.

I submit, Mr. Deputy Speaker, Sir, that the hon. House should give the Minister for Finance this time a chance to pass the Estimates and let us hold our fire for the main Budget Debate.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Lentaya: On a point of order, Mr. Deputy Speaker, Sir, the Assistant Minister has said that we should pass these Estimates and wait to see how the money is going to be used. I remember last year one of his officers in the Ministry of Agriculture returned some money to the Treasury because he had nothing to do with that money.

The Deputy Speaker (Dr. Waiyaki): Order! That is not a point of order.

Mr. Karungaru: I would also like to, Mr. Deputy Speaker, Sir—

The Assistant Minister for Information and Broadcasting (Mr. Makone): On a point of order, Mr. Deputy Speaker, Sir, I have seen for many years here in this House that the kind of information being asked by the hon. Members comes up during the Committee stage when

every Minister is there to give a breakdown of what is being required in the Supplementary Estimates. Mr. Deputy Speaker, Sir, can you tell us whether the practice is in that form or not, at this stage.

The Deputy Speaker (Dr. Waiyaki): The procedure so far has been that every Minister has details which relate to his Ministry and the various Votes and Subheads, so that, supposing we take the Office of the President as an example—I am not saying that this is what should happen, but I am saying that this is the procedure—you would see under Subhead “Training”, someone would immediately shoot up in the Committee stage and ask whether the Minister can explain. It has not been left, normally in the past, to the Minister for Finance to explain every detail in every Ministry. It has been the duty of the Minister concerned with that Vote to explain in detail. Ministers have huge notes relating to their respective Ministries or in other words every Minister carried his notes. What I believe the hon. Members have been asking for is that there should be some incorporation of some of those notes within the Estimates. It is true that it is possible to get the information required, subhead by subhead, when the Minister stands up to explain. In fact, in practice, if you read all your copies of HANSARD you will see that many of the subheads are not controversial. What happens is that we read them out during the Committee stage and they are passed very quickly. As soon as one subhead is read out and you can tell from the amendment the kind of subheads that are of interest to various hon. Members, some one shoots up and calls for an explanation. The Government keeps on printing when it is necessary to include some subheads. As this is a matter for the House to decide, if the House decides to have Estimates written in the form proposed in Mr. Wabuge’s amendment, that is entirely a matter for this House to decide.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would like to start by saying that there is nothing secret in what we are discussing in this House and, at the same time, there is nothing secret which is being incorporated in what the Minister for Finance has provided in this House.

Mr. Deputy Speaker, Sir, time and again, we have criticized the Ministry concerned. However, we tend to think the Minister for Finance only inherited a system which was initiated early in 1963. This system in our opinion, we maintain that it was not at all a good system which the Minister should be responsible for its inheritance. Mr. Speaker, Sir, we hopelessly fail to understand why the information we are asking for should not

[Mr. Karungaru]

be incorporated in the Minister for Finance's Report. This is the main argument. Other Ministers had stood in this House and tried to switch the whole argument without raising up a point which can help this House whatsoever. Some Ministers have gone to an extent of saying that there is some urgency in the issues they raise or there is some importance in what they say. However, they do not go into detail when telling us what urgency and importance there is in what they have in mind of which they are afraid to disclose to this House. This is the argument we have, Mr. Deputy Speaker, Sir. We do not want this kind of treatment to be directed to hon. Members in this House because we are now in a new House or a new Parliament. We do not want this kind of language which has been used in the last Parliament. We would not like this kind of language to appear to have any kind of penetration into our new Parliament because it is going to discredit the whole system of running our Government. Mr. Deputy Speaker, Sir, this is a new Government I am referring to. It is only fair that those who do not understand what I am saying should from now onwards start to understand what I mean.

Mr. Deputy Speaker, Sir, if it is true that we are working under the guidance of collective responsibility which I believe does not exist— This is because what happens is that we work under the guidance of collective irresponsibility. I have said this many times in this House. Many a time when we ask questions we are told that the Minister or his Assistant Minister in charge or any other person from any other Ministry is not here. Under what kind of collective responsibility is this?

The Assistant Minister for Finance and Economic Planning (Mr. Cheron): On a point of order, Mr. Deputy Speaker, Sir, can the hon. Member try to define what he means by, "Collective irresponsibility"?

The Deputy Speaker (Dr. Waiyaki): That kind of thing does not exist!

An hon. Member: He said it.

The Deputy Speaker (Dr. Waiyaki): Well, that is an opinion. It is "Collective responsibility" whether he accepts it or not but it is not "Collective irresponsibility!"

Mr. Karungaru: Sir, that kind of—

The Assistant Minister for Health (Mr. ole Oloitipiti): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member really in order to dwell on the same matter on which the Government Minister has apologized on one particular occasion?

The Deputy Speaker (Dr. Waiyaki): What are you referring to?

The Assistant Minister for Health (Mr. ole Oloitipiti): I am referring to a specific case which I think he is also referring to concerning the Ministry of Works last Friday. On behalf of the Ministry I apologized and today the Minister concerned apologized. Is it really in order to dwell on the same item again although it has been withdrawn and an apology rendered by the Government?

The Deputy Speaker (Dr. Waiyaki): In any case, I want remind the House that we are dealing with an amendment which has been moved by the hon. Wabuge and seconded by the hon. Seroney: whether or not to leave the words after, "That" as they appear in the Motion on the Order Paper. We are not concerned so much about other things. I think the hon. Karungaru said that when I was speaking to Mr. Ndungu—so I think—and so I did not hear otherwise I would have called him to order.

Mr. Karungaru: Mr. Deputy Speaker, Sir, it is high time that the Front Bench Members were disciplined, but I do not know who has to do that!

The Deputy Speaker (Dr. Waiyaki): It is the Member for Embakasi. I have just ruled that that is not a matter for discussion at this moment.

Mr. Karungaru: Mr. Deputy Speaker, Sir, we are very serious but it appears as if the Front Bench Members are not serious at all. They should be conscious of what we are discussing.

It appears that the argument which has been brought up by the Members of the Front Bench on this question has completely and hopelessly failed to achieve any support from the Back-benchers in this House. We are asking something which is logical and reasonable which even they themselves support although they do not show—perhaps, it is because of their, "Collective responsibility" that they do not show their support.

An hon. Member: Who are they?

Mr. Karungaru: Mr. Deputy Speaker, Sir, they are asking me who they are. However, they know themselves.

We, in this House, are entrusted to see to it that anything which we pass in this House is for the interest of this House and, indeed, the whole nation; and the moment we shift from this kind of thing we will find ourselves betraying ourselves as well as the whole nation. Mr. Deputy Speaker, Sir, this is the kind of thing that cannot be excused; and, therefore, we want to make sure that whatever we pass in this House is quite clear,

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not only in this House but indeed also to the whole nation. This is the argument; and we do not want any Minister to come and pretend that he is not aware of what we are doing because we pretty well believe and know that he is aware of what we are doing but he is just pretending. Mr. Deputy Speaker, Sir, if we do not have pretenders we shall, no doubt, make a case to be understood.

Mr. Deputy Speaker, Sir, what is wrong with us asking what we have now asked for— We understand from the Ministers who have spoken earlier on that they have all the information at their finger tips. We therefore, hopelessly fail to understand why they cannot furnish the same information to the Minister concerned. In future they should do this. We want them not to make the Minister for Finance and Economic Planning look hopeless in the eyes of this House. We would like them to furnish him with full details of all the information as required by this House. In future if this mistake is repeated, surely, the Minister for Finance and Economic Planning will not have anybody to question him because he is a Minister whom we respect and with that high regard, he should also respect the integrity of this House.

Mr. Deputy Speaker, Sir, we do not want to be subjected to treatment by individual Ministries of this kind: "Oh! We are going to give verbal information on the Floor of the House" but we want it to appear in the report because this report is going to remain but what the Minister has in mind is fictitious because nobody knows what it is about. We do not want it to remain that way. This is the kind of impression that we want to correct and, correct, in advance.

Sir, since the Minister for Finance and Economic Planning is aware that our problem, is a problem of the Ministries which are, perhaps, not co-operative—and which I would term unco-operative to his Ministry—he should try to seek more co-operation from the Ministries in question; and if he does that, in future we will not be subjected to this kind of argument which we have had this afternoon.

It has been mentioned by the Seconder of this Motion that if the Government is not going to give a hearing to what we are saying we will continue urging it to do what we feel is right and what we think should be done to improve the welfare of our people in this House; and it will be a matter of great concern and we will make sure that the Minister is subjected to this kind of argument every year. Having seen that the

Minister is capable, I am sure that he will be able to put the situation right beforehand.

Without saying much more, I fail to understand why the Minister, whom we respect, does not at the same time listen to this House. If he has been listening, surely, he should have noted that when he made his Financial speech we criticized him enough—his Ministry—and other Ministries involved—which have similar problems—and of which he is responsible because he appears to be the overall Minister. Mr. Deputy Speaker, Sir, if he is not going to make sure that in future we shall not question him, surely he will be exposing himself to a state of exasperation, although I would not like him to do that in the near future.

Mr. Deputy Speaker, Sir, we are here to support the amendment because we believe that it would not take more than a day or two before the Minister gets the information. Before the Minister agreed to co-operate and include what we are intending to incorporate in this report. Since the Minister is expected to give us a fair explanation to this one, I would like him not to behave like other Ministers—they behave like, "Collective Ministers" and this is the treatment we had. If they try to work as individuals, surely we will be able to put our situation right and do so in time.

I would like other Members to contribute to this and urge the Minister to agree with us without being arrogant to us, because if he becomes arrogant we will also become antagonists of his.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, Sir, I naturally rise to oppose the proposal that we should adjourn the debate.

Let me say this, Mr. Deputy Speaker, that the wording of the Motion, and I do hope that the Member for Kitale West, whose intention I understood to be is a proper intention, I do hope that he, too, will appreciate the points that I am bound to make. I believe, we can get an understanding on this matter, provided that we are all agreed that what we are seeking is to do a service, a job, which the rest of the country, which we represent, expects us to do.

Mr. Deputy Speaker, Sir, the part I find difficult to accept in this Motion is because the Motion requests that we withdraw these printed Estimates and revise them. That means that we have to withdraw these printed Estimates, rewrite them, take them for reprinting and we will not be able to discuss this thing for quite a couple of weeks. Let us not say that it is days, because the request is for withdrawal of the printed Estimates, these Estimates, and for them to be rewritten out and to be reintroduced in this House. I believe that this cannot take

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us just two days. It will take us, at least, two to three weeks. Mr. Deputy Speaker, if it will take us two to three weeks to prepare the Estimates, to re-do them the way the Member wants them, because he wants us to copy a certain format, which appeared in 1957/58. Now, he knows this, he may be expert in it, he was an associate, but it will take us two to three weeks. It will take another time, about a week to get the thing printed, distributed again to the Members and we will be well into the month of May before we discuss these Supplementary Estimates. I want Members to appreciate this point, that these are for Estimates of money, which we should be spending now, because we have entered in these commitments. We have had to because, in the case of the Tripartite Agreement, it was an agreement which we have entered into with the Employers and the Unions. Mr. Deputy Speaker, in the case of recruitment of primary school teachers, and this takes the whole amount of £700,000. In the Ministry of Education and in the case of the programme in agriculture which takes £600,000, these are programmes in regard to planting, because they affect fertilizers and Guaranteed Minimum Return to farmers and Foot-and-Mouth disease control. This also included the taking over of the Karapokot, which I want to assure the hon. Member honestly that we have taken over. Mr. Deputy Speaker, these are programmes which the Government cannot let slip.

Mr. Deputy Speaker, Sir, what we are saying, now that the matter has come to Parliament, if we want to postpone this until May, because this, in fact, is what it will mean in practice, we will be delaying expenditure, to which we have already committed ourselves—those that are involved—because they are continuing programmes. They are not new things that we must do. I say this, in all seriousness because we do not want to postpone to that extent these expenditures, then we shall be overtaken by the new Financial Year because we are already preparing the new Estimates during this time. They will be printed and presented before the end of May for the Budget that is coming in June.

Mr. Deputy Speaker, Sir, let me say this, if we want them to overlap, we will have lost two to three months of Government programme of expenditure. I am sure none of us wants that. Secondly, we have been told that we should follow a certain format of presentation, such as in 1957 and 1958, I want to repeat what I did say, during the last Budget discussions, that my new Financial Year's Estimates, will, to the ex-

tent possible follow that format which gives the total number of people, the grade etc. I say to the extent possible because there is one little exception.

At the material time the hon. Member is talking about, the amount of staff employed by the Government, was not very much more than about 30,000. We are not talking about an employment within the Government of 90,000. Now, if we have to detail class 1, 2, 3, 4 and 5, for every department, for 90,000 people, it will not—No, Mr. Deputy Speaker, I do not think that the Members want us to produce three or four volumes, the size of these books here—However, I do hope and I want to say this because I am going the farthest possible way to meet these requests, which are genuine requests, let us all agree. These are genuine requests. Therefore, I do hope that I will present, in the new year's printed Estimates, details which will show, in regard to each Vote. If we talk about Personal Emoluments, for instance, £75,000, it will be shown in the explanatory note that this is in regard of payments of X number of people of grade Y, who are paid at the rate B. Mr. Deputy Speaker, Sir, I say that we will be able to print our new Estimates in that form and I also say that this is what we promised during the Budget Debate and that we are attempting to do it to the extent we can possibly do it. We promised this during the last Budget Debate. We did and we are not going back on it.

Mr. Deputy Speaker, Sir, these Supplementary Estimates, and because it is supplementary, and I want to explain this point, because we are all together; because it is supplementary on the Estimates which have already been passed by this House, it had to be prepared—at least we thought so—on the format as the original Estimates were prepared, in order to assist comparison. Mr. Deputy Speaker, Sir, this is our reason and I want to say it frankly because nobody is saying that the request for the preparation of the Estimates in the form the Member for Kitale West wants them is unreasonable. It is quite reasonable, but as this was supplementary, the question did arise as to whether or not we should follow the old format or the new format which was proposed by the Members here. I want to say that, quite frankly, I, myself said, within the Committees of Ministers where we were discussing this matter, that we should follow the format which made comparison with the original Estimates straightforward. Now, Mr. Deputy Speaker, that was the reason and no other reason. I want, however, to appeal to the Members here that since we have taken them seriously on the major request,

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and we are going to follow that procedure, they should in turn see from the immediate Supplementary Estimates that are included here, that these are authorized and that we discussed from format and decided to follow their format during the next Budget Debate.

Let me also say this, Mr. Deputy Speaker, Sir, the information which the Member has asked for in the Motion, with due respect to him, does not warrant the withdrawal of the printed Estimates, because that is what he requested. This information is quite right. We can give it to him, we can table it here, and I want to propose to him and to the Members in this House that this information will be tabled here before we conclude any of the Votes involved in these Estimates in the Committee stage.

Mr. Deputy Speaker, Sir, I want to propose that because—take (a) in respect of the Tripartite Agreement, the Member is saying that was how we did it last year, I have, myself, owned up, and that is why we followed this procedure for purposes of comparison. It is not as if we are hiding anything. Regarding the Tripartite Agreement, I have a list here—where is that list—which is a summary of the numbers the various Ministries have employed and in what categories. Each Ministry will table this. Each Ministry will table its own list of detail but we have a summary here which shows 4,000 in the Ministry of Education, 145 in the Ministry of Tourism and Wildlife, etc. For instance, we have just about 400 people employed by the Ministry of Works. We can ask for details of (a), where they are employed and (b), what grade they are. Now, Mr. Deputy Speaker, that information is available in each Ministry and it can be tabled here as we discuss each of these items.

Mr. Deputy Speaker, I would like to propose to hon. Members that they agree to this offer, not because it is a confession, it is not a confession. It is information they have a right to know.

An hon. Member: It is out right to know?

The Minister for Finance and Economic Planning (Mr. Kibaki): That is correct. Mr. Deputy Speaker, we are not arguing the right of hon. Members to have the information. What we are arguing is that because we have the information and because it can be given, then we should not take the time of the country by withdrawing the whole of the printed Estimates, revising them and giving them in whatever form the hon. Member wants, so that for this particular Supplementary Estimates, because they are supplementary, we give the information as we require.

Mr. Deputy Speaker, in regard to (b) about training, these numbers and what training they are getting and where they are getting it, is available and the Minister of State in the President's Office will be able to lay it on this Table when that Vote is called. Now, Mr. Deputy Speaker, what I would like to propose, therefore, is that we give more chances on this.

Mr. Deputy Speaker, when we come to the Ministry of Foreign Affairs, we have here the rest of the people who have been employed, including the names, including the grades, including what they are paid and so on. We also have a list showing what rent we are paying for what offices at Lusaka and at Stockholm in Sweden. Therefore, that information will be laid on the Table here. However, let us not request this for the sake of getting that information so that we delay three weeks to get a re-printing of these Estimates because that is what the Motion asks.

Mr. Deputy Speaker, Sir, in regard to what is called Miscellaneous, we shall do the same when the time comes. As regards the essential part of this Motion, which is the last part, Mr. Deputy Speaker, that we follow the details such as were given in 1957 and 1958, I have promised that we will do so in the new Estimates. I have promised, Mr. Deputy Speaker, that we will give the details in those new Estimates. I have assured hon. Members that the only reason these are presented in the format they are in order to be able to compare them with the original Estimates. Therefore, Mr. Deputy Speaker, I want to appeal to hon. Members that in this spirit, we deal with these Estimates, we get the changes that are being sought in the new Estimates, and above all, that the information requested be demanded at the Committee stage, and that the hon. Members, as they know very well, under the Standing Orders, they have a right to move Motions until they are satisfied that the information they are seeking, in full detail, is secured.

Mr. Deputy Speaker, there is a question about time which is worrying the Member for Bungoma East. Mr. Deputy Speaker, the meaning of the Motion by the Member for Tinderet that the Supplementary Estimates should take more than one day, is that we shall have longer time than we normally have. I am saying this because if it was the normal time, we would vote at 6.30 p.m. on the same day. However, the House has ruled that we shall have all the time we require to scrutinize and question every Ministry individually. Therefore, we will have the time that the Member for Bungoma East needs in order to get the full facts.

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Finally, Mr. Deputy Speaker, Sir, let me say that I do hope that we can find compromise that way and that this amendment to the Motion can be withdrawn by the Mover so that we proceed and get the original Motion underway, we get into committee as soon as possible so as to question each department to provide the facts and figures that they need. I do hope, therefore, that the Member for Kitale East will see that we have gone 99 per cent of the way towards him and that he can make 1 per cent as a gesture—as a token of goodwill.

Mr. Deputy Speaker, I oppose the amendment.

The Minister for Commerce and Industry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, Sir, may I move that the question be now put?

Mr. Migire: No! No! No!

Mr. Seroney: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. Waiyaki): I am dealing with a point of order. I think we have started to repeat ourselves and, therefore, it is proper that the question should now be put. So, I will first put that part before I put the question.

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

The Deputy Speaker (Dr. Waiyaki): So, I will now put the question of deletion.

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

Mr. Mwangale: Division please!

(A number of hon. Members stood in their places)

The Deputy Speaker (Dr. Waiyaki): Wait, I will first count them. The number required is twenty and they are less than that. Therefore, you do not have enough supporters. We are now back to original Motion.

(Debate on the original Motion resumed)

The Assistant Minister for Natural Resources (Mr. Ochwada): On a point of order, Mr. Deputy Speaker, Sir, since we have debated extensively the Supplementary Estimates, would I be in order to propose that the question of the supplementaries be now put?

The Deputy Speaker (Dr. Waiyaki): Is that the opinion of the House? I will put the question.

Mr. Seroney: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. Waiyaki): I am dealing with a point of order. Oh yes, I think possibly Mr. Seroney has in mind the fact that we have closed debate before we have a reply. Do you wish to reply, Mr. Kibaki, or would you rather I put the question?

The Minister for Finance and Economic Planning (Mr. Kibaki): Yes, you had better put the question.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir. (Inaudible.) and therefore, we will technically have to go into committee to pass the Supplementary Estimates.

The Deputy Speaker (Dr. Waiyaki): This, of course, is done in the committee here when we start discussing the details and even though we put it at this stage, we will still have to go into detail, one by one, so that hon. Members can get the detailed information that they want. Anyway, I will now put the question.

(Question put and agreed to)

The Deputy Speaker (Dr. Waiyaki): Do we go into committee straightaway? Why do you not finish with the Motion first? I propose that instead of going into committee straightaway, since we have a similar Motion which we could deal with, one after the other in committee, that we will proceed to Motion (b) in Order No. 5, to facilitate our Business.

Therefore, Mr. Kibaki, will you move the next Motion?

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71—
DEVELOPMENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, I beg to move:—

THAT a sum not exceeding K£15,315,163 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1971, in respect of Development Supplementary Estimate No. 1 of 1970/71.

Now, Mr. Deputy Speaker, these Development Estimates, which Members have had time to look at, are, and I want to explain this in great detail because they are slightly different, from the Recurrent, that we have just been dealing with—These Development Estimates, Mr. Deputy Speaker, have been necessitated by the fact that there are three or four new areas of expenditure, that I will explain in a minute, which were not included in the Development Estimates, which we discussed last year. In addition to those, we have found, and this is the point I want to explain in

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detail because it is different from the Recurrent, Mr. Deputy Speaker, that with the greater efforts, projects falling under the various Ministries, it has been possible for us to work on implementation faster than had been anticipated when the Estimates were prepared. I want to emphasize this point, Mr. Deputy Speaker, because it runs right through the revision in the Estimates. It is that we have found that with greater efforts, the implementation of our Development Plan has been slightly faster than had been anticipated when the Estimates were first prepared. It has, therefore, been necessary for us to come back to the House, for the House to authorize a more rapid rate of expenditure, than we had anticipated, and the fact that we are implementing our Plan faster than was anticipated a year ago, should be a healthy sign.

I want to say this because in regard to Development Estimates, there is this particular major difference between them and the Recurrent Expenditure we have just been debating. I want to say, for instance, that it is for that reason, and I will explain in a minute, that the expenditures on roads, the expenditures on tourism, the expenditure on commerce and industry, the expenditure on water, the expenditure on lands, Mr. Deputy Speaker, for instance, agriculture, the expenditure on power and communications; all these, as I will explain in a minute, have been necessitated — The increases have been necessitated by more rapid implementation of projects already agreed to, by this House and which are continuing. In addition, there are the new items, which I will explain in a minute. In the case of agriculture, Sir, as Members will see in these Estimates, it has proved possible for us to have a more rapid implementation of two major projects, the largest of which is in sugar development.

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

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

It has proved possible for us — Mr. Speaker, I think the Members could be quieter or could discuss this matter more quietly, because there is so much debate going on, Sir, and rapidly, that we are not able to hear ourselves.

Mr. Speaker, I am saying that in the case of agriculture, for instance, it is because we have been able to implement faster, certain projects which, when the Estimates were prepared, we thought would take longer, and that is why we are coming back to this House. The major items are first and foremost, in sugar development, where it has proved possible for us, first to expand the

sugar schemes that we have around Chemelil and Muhoroni. Secondly and more important still, it has proved possible for us to start on the planting and on the preparation for the Mumias Sugar Scheme, which, initially, we had thought would take us nine months, to get all initial work underway. However, now, we have moved so fast that the planting and work on the 10,000 nucleus estate and on the loan to the outgrowers, these we have to move ahead on, and more important, that we have to make the order for the machinery during May of this year, in order to keep the schedule of time that has now advanced, at least nine months ahead of what was originally estimated.

Now, Mr. Speaker, it is for that reason that these items look rather large, £350,000, but it is for that reason. Secondly, as regards the loans for development in the range area, this is the beef ranching area, where we are requiring £113,000. These programmes, when they started first, were taking us a long time, Mr. Speaker, to persuade people to adapt these programmes of enclosure, of building of dips, of organized group ranches; it was taking us longer at that time. However, with the experience we have now, as the Member for Kajiado South will know, this programme of development of ranching in various parts of the country; in Kajiado, in Taita/Taveta, in Kilifi, in all these places, Mr. Speaker, is moving much faster than we had originally anticipated, and this is the money that we are about to vote, Mr. Member for Kajiado South.

Now, we, therefore, have moved much faster on this programme, and I would like to propose that this is a matter which is wholly welcome, and which we would like to proceed on without very much delay. I want to say that for parts of this money, it is covered by loans from the World Bank and from the Swedish International Development Agency, and as far as the Sugar Development Scheme is concerned, by a little loan from the British Government. Now, therefore, it is not entailing any new additional taxations, because these are viable projects which will pay their way, and they need not be subsidized.

Mr. Speaker, as regards land settlement, there is a speedier implementation, but that again is not leading to any inconvenience to anyone. Mr. Speaker, in regard to the Ministry of Commerce and Industry, which is the other item that has taken a very large foolscap on page 20, as Members will see, we have about two of the main items here; again, we have advanced faster than we thought. First, on the paper and pulp project, the agreement, as everybody knows, was finalized soon

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after the Estimates had been presented; it was signed, we are now on the site and working on it. We have also now, collected all the money that is required for this paper and pulp project at Broderick Falls, that is \$35 million; it has been assembled. We are able, therefore, to start construction. Perhaps more important, we have had to put down various percentages of deposit, on machinery that must be ordered at this time, not to lose a few months, because we do not want to lose any time; we have waited so long on this particular project. Therefore, we have this sum here of £259,000.

Under the same heading there is a new item and this is one of the four new items I mentioned I would explain. There is £153,000 required for the Industrial Development Corporation to enable them to go jointly with other investors in the development of the mineral that has been discovered in economic quantities in Kerio Valley, in the Rift Valley, in the Baringo District. Now, Sir, this is something we could not have anticipated. I want to explain that particular point. The quantities that were proved to be economic and that would pay us to exploit now fully, we had not know those facts when the Estimates were first prepared. Therefore, Mr. Speaker, this is why we have them in this regard, we have them here. There is a small item under this same programme on rural industrialization which, although it is going into preparation of those rural programmes, Members can expect that in the new year Budget it will be a much bigger item because we want to have this rural industrial development programme expanded in a bigger way.

As regards roads, which are taking nearly £3 million, Members will see explained at page 24—and this is, of course, one of the big items—that this is continuation of projects already approved. However, because we agreed to put out certain works to contract, which could not have been done by the Ministry of Works, it has proved possible to work faster than we had planned before, and I am sure this is to the interest of everybody and I am also sure that we will all want to approve this programme of trunk roads linking us on the one side with Ethiopia through Isiolo, linking us to the other end to Tanzania, at Tarime through South Nyanza, Suna, Isibania, linking us with Uganda on two routes, one that is just completed through Malaba through Tororo and the other that we are about to start on the continuation of Kisumu, Yala, Busia Road, and that one linking us further on, this way, to Somalia through the roads to Garissa and such others. This programme of trunk roads is moving

faster than we had planned before. For the benefit of the Member for Kajiado South, the road from Kijabe through Narok to the end, which a contractor is dealing with, we hope, will eventually go all the way to link the Kisii and Masai, and we hope they will be come friendly when the road is completed and they can travel along a good road. Mr. Speaker, this programme is a programme that we want to complete. The fact that it is moving faster is something for which we should like to congratulate the Ministry of Works. I do not see them around here. I think the Ministry of Home Affairs needs to be congratulated too for keeping order in certain parts where and when we needed it. We needed their help at one stage.

There is a programme which takes about £½ million for building and works. Now, on Government buildings, which are again detailed here—I do hope that we have detailed them fully to the satisfaction of Members. On page 31 we have detailed the buildings that are continuing and which are moving a little bit faster than we had thought they would move. Therefore, the rate of payment to the contractors should be speeded up. This, of course, refers to the construction of all these items which are listed on page 32, Mr. Speaker. I hope Members will approve this.

In this same item we have included a request which has been long standing by the Members from South Nyanza: that we should take over the assets of Macalder Mines who would up about two years ago, and utilize them, particularly the power, water, the hospital and a number of other things, as a beginning of the rural development programme where Migori Division is included in the special road development programme. Therefore, this is being taken care of.

Mr. Speaker, in the Ministry of Health which, again, requires another £½ million, we have explained on page 36 why this money is needed. I want Members to note that at least £100,000 is required for the accelerated expansion of district hospitals which require to be expanded and which were being built, and which, thanks to the Ministry, under the new management, now have accelerated activity in that department. I personally, very much welcome this long-standing programme of having a hospital for every district and I am glad that this is moving faster than we had anticipated before. I hope that it can be completed in good time. It is a programme that we very much welcome and the expenditure is fully detailed on pages 37 and 38. All the items that are included appear there.

As regards the housing programme, again, we have explained here the reason for the expansion in the grants and in the staff houses in this town.

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In item 48, Treasury, we have shown here items which I want to explain here fully because, I think, they should be explained as fully as possible. We have included expenditures which have arisen as a result of Government policy of participation in various industries. Now, it is a policy which I know has the support of the majority of Members—in fact, all the Members in this House—it is a programme which we want to carry on a bit further were it not for the fact that we are limited by resources. It is a programme which we are carrying out with all deliberate speed, but because we must take into account all our other commitments we cannot carry it at very high speed. I would, however, suggest to the House that this is an area where we need to be cautious of the aims and objects and, above all, on the policy the Government is following. I would welcome greater interest by the House in this. This is the policy of participation in various industries. Now, here, Mr. Speaker, we have an item for participation in the East African Development Bank. It is an item which is an additional cost to us, and that is the bank for East Africa. We have an additional cost of £14,000 for the Kenya National Assurance Company. As Members know, the Government's aim is to control this particular assurance corporation. We have a Board to which the Government nominates the majority of the members. We did buy a few shares from people who wanted to sell so that the Government can, itself, become the controller of one assurance company. We have continued to allow other insurance organizations in this country because—I hope the Members support this policy—we would want that the variety, the choice is available to whoever wants to insure himself, his business, his wife or whatever he wants to insure. Here he will have a choice of service.

Members will recall that as a complimentary to this activity, recently we passed a Bill, the State Reinsurance Corporation Bill, which we have re-established and which is functioning very successfully, and which is saving us a lot of foreign exchange. Therefore, plenty of this money should be earning more money for us. In fact, it is being very well run, the State Reinsurance Corporation, under the very able chairmanship of a former Member of this House, Mr. Tom Okelo-Odongo.

In the case of the Kenya Commercial Bank, I do not need to labour the point because we have had a very full debate in this House when we had to pass the Bill vesting the assets of the National and Grindlays Bank into the Kenya Commercial Bank.

The only point I want to make, because this is vital for the Parliament to differentiate, is that the amount shown here will, in fact, not be expenditure out of the revenues. I want to emphasize this point, Mr. Speaker. There is nearly £1½ million and this will not be expenditure from the revenues that we had anticipated because, as I said when I moved that Bill, we negotiated with the previous owners of the National and Grindlays Bank that we would be lent this money and we would repay it from the profits we would make from the operation of the Kenya Commercial Bank. So it will not place an additional burden on the taxpayer of this country. It is a viable business and it is one that will be able to generate enough profits to pay for the shares which the Government is buying in it. That is the point I should emphasize.

The reason it is included here is because it is an expenditure by Government and whatever the source of money, this is an expenditure which has to be authorized, or requires to be authorized by this House as the supreme authority in the country.

It is the same thing, Mr. Speaker, as regards the East African Oil Refineries. This company is a profitable organization. When we negotiated a 50 per cent shareholding, the purposes were two: mainly to be able to have a control on what happens to this very vital source of fuel and, therefore, power in our economy; and to be able, equally, to know that the prices that are being paid for this very vital item in the economy are reasonable and are within the overall structure of development that we visualize in this country. Equally, Mr. Speaker, we wanted a shareholding because as it is known, this is a company which has the complete monopoly. There is only one refinery and all fuel that is used in this country is refined in one place. Therefore, it is logical under our policy that this should be controlled by the State.

Again, Mr. Speaker, let me say this, that the money we require in order to buy the 51 per cent of the company will be lent by the shareholders. In other words, they will agree that we may pay instalments from the profits that we earn. In this particular case, even more so that the previous one I mentioned, this is going to be more than possible because it is a very viable organization and we are sure to be able to pay our way without placing any additional burden on the tax-payer of this country.

Sir, I heard one Member, I hope I did not hear him correctly, applying for a job. However, I do not myself think that this is the right place.

[The Minister for Finance and Economic Planning]

Finally, Sir, as regard the purchase of other shares in the private sector, this item has been included. We shall probably not spend all of it but it has been included because we are in the middle of negotiation with another set of private companies. Members will know that we are negotiating for major Government share holding in the two other main banking organization in the country: Barclays Bank and The Standard Bank. We have, in fact, the second round of our series of meetings starting tomorrow. We expect that this House will authorize, that if these negotiations can be concluded before the end of this Financial Year, that subject to our coming back here and tabling the laws and everything else as we did before, that this is a right course of action, it is a policy that requires the support of all of us and should be pursued.

We are equally negotiating with the milling industry in this country, and Members know that, for the purpose that this is an industry which is essential to the very existence—as the Member for Busia Central is saying—of certain people including the Members for Busia Central who are addicted to certain types of food. Now, Mr. Speaker, it is—The Member for Kajiado South does not have to protest, we know his speciality! These negotiations have gone reasonably well and, again, I do hope if we can conclude them before the end of the Financial Year it will be all for the good so that we can start the new Financial Year with an economy where the Government has a slightly more say than we have today. In this particular industry, Sir, the milling industry, it is an area which is very urgent. The reason it has taken so long is that it is one that there are so many little mills everywhere, owned by so many little organizations, that it has taken a fairly long time to have a pattern of negotiation with them. Again, Sir, it is a field where we would like to be allowed to take part in, if the negotiations go well.

I want to say, Mr. Speaker, that Government will continue with this programme and, I hope, we will have the support of this House to continue in this way. This is the reason why these items are here.

Let me say this, Sir. The fact that these items are included under Vote 48, Treasury, is purely for the convenience of disbursements of money. I do not want anyone to imagine that the Treasury is now appropriating to itself the regulation of industry which properly falls under different Ministries. This is not so. The negotiations and the actual control will fall under the

appropriate Ministries. For instance, mill, will come under Agriculture; fuel will come under Power and Communications, and so forth. It is only included under this heading for the convenience of disbursements so that it is not split up into little items under different Ministries. This is the only reason and I say this because someone did question some time ago, when he saw the printed Estimates, why this was so.

Mr. Speaker, it is for this reason that we are asking for these Votes to be approved. As I have said before, we have tried to have one Supplementary Estimate only during this Financial Year and I hope Members will see that we have tried to do it in a reasonable manner.

In these Estimates, particularly where they are new, we have given—I hope Members will note this—a little bit more detail than we had given in previous Development Estimates. Yes, we have. In fact, Mr. Speaker, the explanatory details, we have tried to spell, them out very fully. Anybody reading the section on Agriculture, which covers about six pages now instead of what used to be two pages, will see that every item includes where the money will be spent. All this is spelt out. We hope to improve on this presentation next time. However, we have begun already, particularly where the items are new.

Mr. Speaker, Sir, I do not want to tire the House. I beg to move.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): seconded.

(Question proposed)

The Assistant Minister for Health (Mr. ole Olojitipiti): Mr. Speaker, Sir, this is a very straightforward Development Motion which everybody in this House ought to support. I am one of those who is on his feet to support the Motion.

Sir, our Kanu Manifesto, our Government and, indeed every elected Member, when we were in the field requesting our electors to give us their votes promised them that we were going to see to it that every part of the country was developed. We do not entirely depend on Harambee projects that every hon. Member is trying to initiate in his own constituency. The whole skeleton depends largely on the Government Development Estimate which the Minister is, now, presenting to the House and which he is requesting us to approve.

Indeed, we support this Development Estimate because our people at home are waiting for their country or their rural areas to be developed by this very Government. Mr. Speaker, I am very

[The Assistant Minister for Health]

grateful indeed for most of the items that have been touched on by the Minister and I call the Development Estimate, timely. Mr. Speaker, Sir, it is high time that our respective areas were developed. However, since the Minister has brought this Development Estimate and requested us to give way or to approve it, I think he has done a very good job and I take this time to congratulate the Minister for the good job he has done to bring this Development Estimate so that it will come into operation.

Mr. Speaker, Sir, I am very happy indeed especially when the Minister touches on the Range Management. I am very much concerned about the Range Management in the cattle rearing areas.

An hon. Member: Declare your interest.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I have a personal interest but, at the same time, I have the whole of Kenya at heart.

Mr. Speaker, Sir, when I say that I am interested in cattle, I am because I am a cattle rearer. I am the owner of 2,000 head of cattle and I need water for these cattle not only for myself but for the whole Masai District which has a number of cattle which are sufficient to supply nearly the whole population of Kenya with meat. However, how can we do it if we do not have water which is the major problem? How can we do it if we do not have dips to eradicate ticks which bring the tick-borne disease to our *ng'ombe* such as the East Coast fever. We have the Foot-and-Mouth disease all over the country. This is mainly because we have not been able to settle down and keep the necessary numbers of cattle and because we have been moving from place to place in search of water. We have also been moving from place to place in search of grazing land. Therefore, if I say that I have an interest in cattle, I have an interest because my own people have an interest in cattle.

It is the same thing with the milling industry. I know many friends of mine here enjoy that huge type of *ugali* and without Government participating in the industry, it is impossible for them to have all these things.

Mr. Speaker, Sir, for the roads I thank the Minister: the road from Athi River to Namanga is now about 70 miles long and it is near completion. This money is allocated to develop such roads. Of course, we want more roads. The Narok/Nyanguso road up to Ol-lori-odo; we want a big link there. My hospital at Loitokitok, also: it is not the only hospital that I want. I want another one at Namanga, Bisi, if possible

at Meto, I want the hospitals not to treat the big fish but to treat the sick men.

Therefore, I think this is a very important Estimate for the country and, I think, every hon. Member is really very happy to see that the Minister has done a good job by giving us money at this time so that we can carry on the development in the country.

Mr. Speaker, Sir, when it comes to the question of the respective Ministries, we have a chance, there again, to speak and tell the various Ministries what we really want them to do for the country. This is including my own Ministry.

Mr. Speaker, I do not want to tire the House or to spend much of its time because I feel this is a very straightforward Motion which I think, every hon. Member wants to support.

Therefore, I beg to support.

Mr. Koigi: Mr. Speaker, Sir, I would like to support the Motion but I would, also, like to make some observations.

I would like to tell the Minister for Finance and Economic Planning that when he plans, and I have been questioning his planning, the planning does not cover the rural areas.

An hon. Member: Are you not Mwai?

Mr. Koigi: Yes, I am Mwai.

Mr. Speaker, we have been singing songs in this House that the rural areas are going to be developed. I want to make a correction for the sake of some hon. Members here who think that some parts of the country are given money by the Government. I would like to invite some hon. Members to come to my own constituency and see that there is only one part of it which is developed—the North part of my constituency. When you go to the southern part of my constituency, in Gethi, Lower Muhito and Lower Gikondi all you find is that these people are very backward because they are remote from civilization.

An hon. Member: Do you come from Central Province?

Mr. Koigi: I do come from Central Province.

I would like to tell the Minister to use a lot of money in those areas so that they catch up with other areas which are developed. You will find in some parts of Fort Hall, especially the lower parts of Fort Hall, there is no rural development. The rural development is only concentrated in some portions of Fort Hall. Come to Kiambu and you will also find similar conditions existing. Go to other areas—go to Kitui—

An hon. Member: What about Machakos?

Mr. Koigi: —and Machakos. You will find that there are some areas which are not developed

May I ask Mr. Anyieni to stop talking to the Minister because I am telling the Minister what we want.

Mr. Speaker, Sir, in the rural areas, there are some parts, we all agree, where development has been carried out. In some parts—

Mr. Speaker, in some parts, the Government is going to use huge sums of money to make those areas developed. I would like the Minister to say where these huge sums of money are being sent and the areas which are being developed with the money. We are bound to leave some areas undeveloped. In Nyeri North, they are going to develop an area and so the other parts must also be considered. We go on borrowing money and when it comes to paying back the money borrowed, the people from all parts of Kenya pay this money. Therefore, we want this money to be dished out equally.

An hon. Member: You are quite right there.

Mr. Koigi: We want the money to be equally dished out by the Minister. Mr. Speaker, Sir, I would like to tell this House that there are some Members who are laughing when I say that some areas are developed while some are not developed. I am sure, I am talking sense when I say this. Since we are ruling this country, we want rural areas to be developed.

An hon. Member: Such as Kitui!

Mr. Koigi: Not only Kitui. I have said, and I would like to repeat, in some parts in Central Province, Embu, Western Province and other provinces—

An hon. Member: Nyanza Province.

Mr. Koigi: —and Nyanza too. Mr. Speaker, Sir, I do not want to waste the time of the House, however, I want to make a summary. We want the money to be dished out to all areas. My reason for saying this is that we shall pay back the loans which are being borrowed from the international banks, local banks and so on—

An hon. Member: You want us to be further mortgaged?

An hon. Member: We have already been mortgaged.

Mr. Koigi: We are not mortgaged. You are mortgaged, not me.

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

The Speaker (Mr. Mati): You have only two minutes before the interruption of the business, Mr. Choge.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Mr. Speaker, Sir, thank you very much for giving me this opportunity also to air my views. I stand up to support the Motion, but I want to make a few observations in support of what the Minister for Finance and Economic Planning has already said. Sir, I would like to mention a few things about the tea development which comes under the heading —Ministry of Agriculture.

Tea cannot, actually be developed in the rural areas where there are no roads. I would like mostly to refer to my constituency which is Nandi South Constituency. The people in that area cannot carry tea leaves on their heads for about three or four miles and expect the tea to be in the factory on time. Therefore, the tea in my constituency and in many other parts of Kenya, Mr. Speaker, is very important. Unless trucks from the Tea Development Authority reach the farmers within a short distance from the farms, they cannot have their tea transported quickly and, therefore, tea will not be encouraged in the rural areas in an easy manner. They will always find it a difficult thing to have tea developed in rural areas.

We have also sugar-cane developed in some parts of Kano Plains and unless the roads are constructed going to those areas, it would be difficult because those areas are very muddy during the rainy seasons.

Mr. Speaker, Sir, I see my time is up and therefore, I will have to continue tomorrow.

MOTION FOR THE ADJOURNMENT

ERECTION OF HOUSES AT AIRPORT/MOMBASA ROADS JUNCTION

The Speaker (Mr. Mati): Will the Minister, please move that the House do now adjourn.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Local Government (Mr. Munoko) seconded.

(Question proposed)

Mr. Karungaru: Mr. Speaker, Sir, I would like to raise this matter on a Motion for adjournment regarding buildings that the Ministry of Local Government gave directives for them to be demolished.

Mr. Speaker, Sir, when the Minister for Local Government was asked a question here by one of the hon. Members, this is what he replied, and I would like to quote:

[Mr. Karungaru]

"The buildings mentioned by the hon. Member are, I agree, those on the plot No. These plots are currently registered as agricultural land. Permission to turn them into residential plots has been rejected by the Commissioner of Land Control Board of Nairobi because this area may later be included in the plans for extending the Embakasi Airport."

Mr. Speaker, Sir, this was not true, because when these people appeared before the Commissioner in question, and also the Board in question, their application was not approved, but not at all rejected as was said on the Floor of this House by one of the Assistant Ministers during the course of his reply to the question. Mr. Speaker, Sir, in that particular place there were eight other old residential houses, which are still there and have never been demolished. There has also not been any complaint from the former owner of that land nor has he received any notice from Government of its intention to demolish houses in that place.

Mr. Speaker, Sir, this reminds us of the colonial times when we were maltreated. We appear to be subjected to the same treatment that we were always subjected to during the colonial days. This kind of approach must be arrested; and arrested immediately. Mr. Speaker, Sir, another argument is: near there, there is a petrol station and in the same place there are other residential houses, this makes the matter worse. That particular owner was not issued with anything related to demolition. Apart from that, Mr. Speaker, Sir, there is, near there, a railway line and we have not been told whether that railway line is subject to demolition. To make it worse, in the southern part, there is a General Service Unit Camp and residential houses are there. There is also a Tribal Police Headquarters Training School and some residential houses. The argument which was brought here the other day was that Government had the intention of extending the Airport to that particular place. The question here is: who was that very naive person who did not process the application to that land during the course of the time when the buyer was buying the land? Did he not have any idea of the future plans that Government had in mind? This is the question.

Mr. Speaker, Sir, I am also seeking a definition of the word, "shanties" or "shanty", in terms of the Minister for Local Government interpretation. This is because this Minister together with the Minister for Housing, appeared not to have understood what they are doing. They appear not to know why they are Ministers today. They

fail to understand that if the indigenous people of this country did not vote for them, they would not be called Ministers and Assistant Ministers. These are the same people whom they are maltreating. Mr. Speaker, Sir, they have no shame for they have even gone further to subject themselves to be rejected by the nation. Who is that nation? Mr. Speaker, Sir, to make the matter worse these buildings were built during daytime, not at night. When I asked the Assistant Minister for Local Government the other day where the Minister himself was during the course of that time when the buildings were being built, whether he was abroad, or whether they were foreigners and came only to find some buildings had already been erected at Embakasi, he told me, "No, the Minister for Local Government is local". But, how local is he if he did not see those buildings going up, but only saw the buildings after they had been completed? Mr. Speaker, Sir, we do not want this kind of treatment. We want the Minister concerned to realize the hardships that our people face. If it was a *Mhindi* or a *Mzungu* whose plot was intended to be turned into a residential plot there would be no objection, but when it comes to an African, a fictitious objection is always, positively, raised. I fail to understand whom the Ministry is representing. Is it representing indigenous people or is it representing the foreigners? That is the question, Mr. Speaker, which I want the Minister for Local Government to answer.

Mr. Speaker, Sir, the other point is this. There are ten houses which have already been built and each of them has been built at a cost of Sh. 50,000. If you multiply that amount by the number of houses you get quite a good figure. But, who is going to pay that money? If the excuse was that when the Minister for Lands and Settlement applies his act of acquisition of urban plots and that perhaps it would cost the Ministry a lot of money, after all who is now going to pay them? To make it worse, Mr. Speaker, Sir, who is going to pay these people their money which they had perhaps borrowed from the banks and same money was, perhaps, needed for school fees, as they had great expectations that out of the rent collected from the said buildings they could get their money back? Now, who is going to pay them? Mr. Speaker, Sir, to make the matter more serious, for an African to invest Sh. 50,000 is a matter of life and death and the Ministry has no shame whatsoever. The Minister should realize that he is representing the people and he is not representing the idea of any other invisible kind of government. These are the people who have made you be Government, Mr. Speaker, and without them there would be no Government. But, these are the people who are now being

[Mr. Karungaru]

maltreated, Mr. Speaker. How do these people now consider the Government and the Ministry of Local Government? These people still think that they are living under the colonial régime, when it is obvious that we are living under a different kind of Government, a Government of the people and for the people. It is the Government which is expected to treat the people who elected it with the kind of fairness which our people are not now enjoying.

Mr. Speaker, Sir, it is high time that the Ministry of Local Government—and if the question of collective responsibility is being subjected to this—woke up to work for the people. They should not think that if they please the foreigners, the foreigners will think that they are good, they are international figures or they are this and that. Even if you pretend, Mr. Speaker, that you do not have a problem at your house and yet you have it, do you think an outsider will come and solve your problem? The answer is, “No”, you have to solve your own problem. You are demolishing the houses, you do not provide alternative houses, so why do you do this? Are you really serious in what you are doing? The answer is, “No”. Now, I am making you serious.

With these few remarks, Mr. Speaker, Sir, I would like to urge the Minister to re-consider his past conclusion, which I think was false.

With these few remarks, I beg to move.

Dr. Waiyaki: Mr. Speaker, Sir, we are back on the Floor of the House to discuss yet again the question of demolition in the City of Nairobi.

We are concerned because we are dealing with people; we are dealing with their health; we are dealing with their livelihood; we are dealing with the education of their children and above all it is what we have sworn for, to deal with and look after, for the welfare of society and the just Government of men. That is why we are here. If we become active on their side and represent their views, no one can say that we are obstructing the Government because, after all, Government is them.

We have asked the Ministry of Local Government, time and again, from this House, to think what it is we are actually doing: whether, in fact, the Ministry of Local Government can boast of a proper policy and a proper programme? Every one here in the city knows that there is a shortage of houses; City Council housing another. Instead of the Ministry of Local Government pressing the Ministry of Housing to provide houses, they are contented to spend the rate-payers money to demolish what people have provided for themselves without even providing alternative accommodation.

Now, the question arises, Mr. Speaker, Sir, as to why this Ministry of Local Government feels justified in doing this kind of thing. If you speak to the Minister for Local Government outside this House, he says that he does not agree with the policy of demolition. He does not raise a voice against the City Council. What is more, he does not go to the Cabinet or we are not aware that he has gone to present a programme which the President and the Cabinet will accept for the sake of these people whom they are making homeless.

We have begged and begged and we know that there is partiality in this matter and I am accusing the Government knowing what I am saying. There is partiality in this matter. There are houses on European farms in my constituency and in Mr. Kivuitu's constituency, useless, oval shaped houses which are inhabited by what they regard as their labourers. Nobody says anything about planning on those farms. Yet, on a similar piece of agricultural land, in the Embakasi Constituency that we are discussing now, they come and threaten to demolish Sh. 50,000 worth per house; 10 houses in all! Can the Ministry of Local Government justify that thinking, the logic, the metaphysics of this; can anybody actually do that? In my constituency, I said the other day that some of the houses that have been demolished in the Mathare Constituency, were better than the C.I.D. Headquarters. I repeat it and I challenge anybody—any Minister—to come and compare! And, yet, the Government still feels justified to render more people homeless by destroying what is even better than their own C.I.D. Headquarters! Can anybody give us the logic, the metaphysics of this; can any sane person say that this was for the welfare of society and the just Government of men? What is more is that I am always marveling at these programmes because demolitions always come just before the rainy weather. Why is it that any Member of this Government should be interested in putting the children of other people—but not his own—out in the rain? Why is it? Have they no children of their own themselves? We are saying that there is partiality in this game because nobody, I have yet to be convinced, Mr. Speaker, Sir, that anybody will go and demolish houses in the Dagoretti Constituency. I challenge the hon. Assistant Minister to say that they will because if they do, there will be such a duel, such a fight that this Government will not resist. It is easy to go to the people in other areas of this city and call them squatters and say that their houses are shanties and ignore the Europeans and yet, just next door here, maybe, I do not know if the hon. Munoko lives adjacent, but he has never failed to see them when going home. He sees these things in Kangemi,

[Dr. Waiyaki]

he sees them in Kawangware. I want them protected because I believe in the policy of providing houses before you demolish. However, what we dislike immensely is that there is no policy except that one of destroying. This is what we dislike and we would like to have a definite definition of what the Government, the Ministry of Local Government regards as a shanty. This I would very much like to hear. If we do not get that, then, we can only assume that their programme is haphazard and that their policy is useless because it creates no homes but merely destroys.

We would also like to know whose policy it really is. Which Minister of this Government wrote a Cabinet Paper on demolition and presented it to the Cabinet? Which one? We would like to single him out because although they hide behind this whole policy of collective responsibility, surely there must be one or some of the Ministers responsible. It cannot be that the Minister for Foreign Affairs is responsible for Housing or Local Affairs. Can it be, Mr. Speaker, Sir? The people want to know who ever took it to the Cabinet and if there is anything in this land, in this city that causes so much frustration, then, it is this policy of destroying people's property and taking their corrugated iron sheets and timber without saying why. And now, they are even threatening to destroy stone houses and corrugated iron sheets. Is this not abominable, Mr. Speaker? Can it be of any worth? This is what we are asking; this is what we are pressing for. We would like to be given a clear policy on shanties, a clear policy on housing and we would like to feel that this policy is impartial; it does not favour the Europeans in what used to be called Lower Kiambu, that it does not favour some parts of this city and go against other parts of this city. For so far, Mr. Speaker, only Eastlands, where the majority of our people live, is being affected and yet it is the same Eastlands that stood up for this Government throughout colonialism and now. We do not know that the foreigners in Kilimani or Muthaiga stand up very much for our Government. It is the people who attend Kamukunji meetings who are for the President; these are the people who support this Government and these are the people we are rendering homeless. We are demanding a clear policy. I believe this is the fourth time and as I happen to know the hon. Munoko to be a gentleman, I hope that today, which maybe, is our last chance for reply or we will look for more if we do not get an answer. Maybe we will get a clear cut policy on what the Ministry of Local Government stands for with regards to shanties, with regards to houses that have been built without building

plans. We also want to know Mr. Speaker—because there are accusations against the Ministry of Local Government—why is it that the City Council is being accused of holding back plans for building houses on this agricultural land? Can we get this clearly stated?

The Assistant Minister for Local Government (Mr. Munoko): Thank you, Mr. Speaker, Sir. Sir, I think we have to get the exact wording of the question which was posed here by the Member for Makueni. Mr. Speaker, Sir, the question reads as follows:—

“Is the Minister satisfied that the buildings which are being erected near the junction of the road to the Airport and Mombasa road and which are so near the main road have been properly planned?”

Part (b) to it was:—

“Since they are going to be permanent buildings is the Minister aware that these houses will pose a problem in the event of enlarging the Mombasa road?”

Mr. Speaker, Sir, the hon. Members who have just spoken have gone far away from what the question asked for. They have gone into the whole question of shanties and their demolition. I am not going to touch on this, Mr. Speaker, because it is not the subject of the question as was first put.

Mr. Speaker, in my answer last time I made it quite clear that the plots, namely those on LR Nos. 7135/4/5, are held as agricultural land. Those people who tried to develop them were not doing so according to the conditions which governed the holding of those pieces of land. Whatever development they were carrying out had no approval of the City Council, nor approval of Government. If the developers had had approval there would be no question of demolishing the buildings after they had been erected.

Mr. Speaker, whether these people have spent Sh. 50,000 or more is a matter for themselves because it is up to them to make sure first that whatever development they carry out is according to the law. I am quite sure that the hon. Members agree with that aspect of it.

The developers of these two plots are a company known as the Embakasi Housing Company Limited. From what I gather there are about 300 members in this company, 195 of whose names we know. We have not been furnished with the names of the rest. The Commissioner of Lands has these names so that anybody can have a look at them. This company made an application to the land control board for the purchase of these two plots, but we have not been informed

[The Assistant Minister for Local Government]

whether any purchase has been completed. We do understand that they were promised that this land would be sold to them, but up to now nothing has happened. If it has, Sir, then it has not been registered. The owner of these plots, Mr. Speaker, is Mr. Madathali M. Walji Jamal, and his company is trying to get them to sell the plots to them, but so far nothing has come out, and they may have to take legal action. I am not sure, but it is entirely up to them.

Mr. Speaker, in view of the fact that these two plots are very close to the airport, and Government is thinking of expanding the Embakasi airport so that it can cope with the Jumbo jets, it is the wish of Government to purchase these two plots. In fact, Sir, if hon. Members had looked at the Official Gazette of 19th March, 1971, they would have seen that the Commissioner of Lands, in pursuance to Section 6 (2) and 9 (1) (a) of the Land Acquisition Act of 1968, has given notice that Government intends to acquire the plots in question and an inquiry will be held on 20th April, 1971, in Nairobi, for hearing any claims to compensation by those who have any claims to that land.

Mr. Speaker, because this company did not get its land approved as I said in my reply on the day this question appeared on the Order Paper, and because the authority for acquiring the land had not been given, and as these people went ahead to develop these plots as a housing estate, the City Council of Nairobi did issue notices of demolition. As far as Government is concerned—as far as the City Council is concerned, the company went ahead without proper approval of whatever they were going to do. The plans and the rest of it were not in order. That is why, Mr. Speaker, the City Council issued these notices.

Mr. Speaker, Sir, the hon. Member for Embakasi has raised the question of buildings which are in existence near this plot. It is true, Sir, that there are buildings—they are residential in some cases but, the fact is that they have not made up a case or, he has not pointed out that these buildings were not constructed according to plan and with the approval of the authority which was responsible. I think, Sir, that any development which has taken place previously in that place must have had the approval of the authority concerned. As we all know, Sir, in any area, even if it was suitable for a

certain type of development, as time goes by the thinking changes and replanning is necessary and some of the things which were done then would be out of place now. This, Sir, in my view is the case now. While it was all right, perhaps at that time to approve building plans for development, housing plots for people to live there now are not appropriate. That is all, Mr. Speaker, that I feel has taken place in that area.

The question of shanties—defining shanties and all the rest, Mr. Speaker, does not arise under the question which was placed before the House. If that is required, Mr. Speaker, Sir, it is a matter which if the hon. Member is interested in he can give notice and they will deal with it appropriately.

The Speaker (Mr. Mati): Mr. Mwicigi, you have one minute.

Mr. Mwicigi: Mr. Speaker, Sir, while we consider the three human basic needs covering food, clothing and shelter, I think our Government has forgotten the element of shelter in urban areas. If Government decides to demolish the houses they should not do it without the alternative. You have to find a place where these people will be put before you take the bulldozers to the area to clear these houses. For that I feel very, very critical.

Mr. Speaker, Sir, there is another point which we leave and this is the possibility of cheap houses. The standard which our cities are keeping is much higher, in many cases, than the standard of cities like London, New York, and Japan, because we insist on conditions which were put here by the colonialists and we are forgetting that our standard does not demand that an African must of necessity live in stone buildings. We can have cheap houses, we can buy cheap land and then we can erect houses for so many people who require this sort of shelter.

I feel that the Assistant Minister's reply was not good enough and he should come back with a better solution.

Thank you, Mr. Speaker.

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 31st March, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 31st March 1971

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 206

RENEWAL OF CONTRACTS: NON-CITIZEN POLICE OFFICERS

Mr. Kitonga asked the Vice-President and Minister for Home Affairs—

(a) how many non-citizen police officers had renewed their contracts from 1970 up to date;

(b) if any, whether the House would be told why they had been allowed to renew their contracts;

(c) whether the House would be told when these contracts would cease and who would be the last contractor.

The Speaker (Mr. Mati): Anybody from the Ministry of Home Affairs? Next Question, Mr. Wabuge.

Question No. 240

KENYANS FORMERLY EMPLOYED IN POLICE AND POLICE DEPARTMENTS IN UGANDA

Mr. Wabuge asked the Vice-President and Minister for Home Affairs if he would tell the House whether he was aware that some of the Kenya nationals who were affected by Uganda-nization policy were working in Uganda Police and Prison Departments and if the reply was in the affirmative, whether his Ministry had any arrangements to absorb them in his relevant Departments.

The Speaker (Mr. Mati): This is also for the Ministry of Home Affairs. Let us go on the next question. Mr. Seroney.

Question No. 213

ETHNIC BREAKDOWN OF PUBLIC OFFICERS

The Speaker (Mr. Mati): Mr. Seroney not here? Your question, Mr. Mbori.

Question No. 227

KENYA COMMERCIAL BANK FACILITIES

Mr. Mbori asked the Minister for Finance and Economic Planning if he would tell the House what favourable arrangements had been established by the Minister in the Kenya Commercial Bank since its inception to enable the

common people in Kenya to enjoy facilities so provided, particularly those people living in the rural areas.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. In under four months since the Kenya Commercial Bank was established, I am pleased to report that the Chairman and the General Manager have already toured many of the Bank's branches and impressed upon the local branch managers the urgent need to improve service and lending in the rural fields. I also understand that limits granted to individual branch managers to sanction facilities on their own authority have, in many cases, been increased and this, it is expected, will greatly speed up the decision-making process in rural branches when they are approached for facilities by their local customers.

However, I would like to inform the hon. Member that there is still much to be done not only in the field of rural lending but the whole field of increased lending to the indigenous people. As I have already said, it is necessary to change the attitudes of the lending organizations and I am satisfied that the Kenya Commercial Bank is now moving in the right direction and with maximum speed.

Mr. Mbori: Mr. Speaker, Sir, arising from that lengthy reply given by the Assistant Minister for Finance and Economic Planning, will he tell the House—very definitely—when his Ministry will consider it necessary to make these Banks to grant lending facilities to *wananchi*?

Mr. Cherono: Mr. Speaker, Sir, I am surprised to hear the hon. Member say that my answer was too long. As a matter of fact I think it was just about adequate.

Mr. Speaker, Sir, I have already indicated in the answer to the question what my Ministry was doing. We think that, although the hon. Member may not be satisfied, we are not suggesting that we have reached the position which we think is satisfactory. But I think we are doing so at a speed which we think is considerable.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware of the fact that though the local branch manager is supposed to know the local people who could be credit worthy whenever he is approached by a local person wanting these facilities, from time to time, the branch manager says, "No, I have to refer this matter to Nairobi", and of course, Nairobi being far away from the localities, the people in Nairobi do not know the habits of the local people? What is he now doing to instruct the local people

[Mr. Wabuge]

to finalize this matter with branch managers instead of dealing with the head offices here in Nairobi?

Mr. Cherono: Mr. Speaker, Sir, I thought I mentioned, when I was replying to this question, that we are quite aware of what the hon. Member is referring to. Mr. Speaker, Sir, that is the reason why, after the Chairman of the Kenya Commercial Bank and the General Manager had toured several branches throughout the country they did act on that point, as a result of which the branch managers have been given increased powers. They have been given increased powers, Mr. Speaker, and authority to grant loans. As I understand the maximum they could grant previously was Sh. 50,000 but now they can grant as much as Sh. 100,000. Mr. Speaker, Sir, that is quite a considerable improvement on the position, making it unnecessary for the branch managers to refer matters to their head offices in Nairobi.

Question No. 229

MONEY COLLECTED BY MERU COUNTY COUNCIL

Mr. Muthamia asked the Minister for Finance and Economic Planning if he would tell the House—

- (a) how much tax had been collected by the Meru County Council during the years 1968, 1969 and 1970;
- (b) what, if any, was the percentage decrease per year, and what was the cause of this decrease.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. I assume, Mr. Speaker, Sir, that in this question, when the hon. Member asks how much tax was collected he means graduated personal tax. If he did include area rates or cess or any land rate, I am afraid I do not have that information with me and it will take a longer time to produce it. However, I will answer that question on the assumption that he means graduated personal tax.

(a) In 1968 and 1969, Meru County Council collected £165,832 and £142,096.11 respectively. In 1970—as hon. Members will recollect—graduated personal tax became Government revenue and the Provincial Administration collected £92,182 in Meru District.

(b) The percentage decrease in 1969 was 14 per cent and 1970 showed a 35 per cent decrease on the 1969 collection. The cause of the 1969 decrease was the assumption by tax-payers of the lowest rate of Sh. 2 that they no longer had to pay it

after the Budget Speech in June 1969. The abolition of the lowest rate was only effective as from 1st of January 1970. This abolition was part of the cause of the 1970 decrease. Another factor which caused the decrease was under-assessment.

Rev. Kalume: On a point of order, Mr. Speaker, Sir, yesterday, during Question Time, you ruled that the question asked by hon. Munyasia could not be discussed here because he could get information; now—

The Speaker (Mr. Mati): You cannot ask a question like that. You can raise that after Question Time.

Mr. Muthamia: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, could he tell the House what this Ministry had done to train the assessors so that they do not under-assess or over-assess?

Mr. Cherono: Mr. Speaker, Sir, I do admit that in some cases memories are short, but I can recollect that not long time ago my Minister, sitting opposite me, did indicate that he was doing something to correct the position the hon. Member is referring to and arrangements are being made to use qualified people and not in the sense of former qualifications, but competent people, as chairmen of the assessment committees. These officers will be completely impartial and will be fully instructed on the duties of assessing.

Mr. Araru: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, when he said that these officers will be very competent in the duties of assessing, could he tell the House how he will judge their competence in assessing?

Mr. Cherono: Mr. Speaker, Sir, I am sorry I did not hear the question of the hon. Member.

Mr. Araru: Mr. Speaker, I am referring to what the Assistant Minister said, when he said that these officers will be impartial and that they will be the chairmen of the assessment committees. How will he know that they are impartial, and what guarantee can he give the House that they will be so?

Mr. Cherono: Mr. Speaker, this is a human situation and I do not know how we can be expected to guarantee their impartiality. All we can do is to ensure that the sort of people who are appointed chairmen and members of the committees are people who, to the best of our knowledge, are men of integrity. That is all we can do.

Mr. Koigi: Mr. Speaker, Sir, is the Assistant Minister aware that the members of that committee are usually the people who are ignorant

[Mr. Koigi]

and they are the type of people who hate the others and they do not assess correctly as is required?

Mr. Cheron: Mr. Speaker, Sir, that is a very serious allegation for the hon. Member to make. I do admit that the machinery was not functioning satisfactorily. I also do admit that in certain cases corruption did exist, but that is no reason for condemning all the members of the committees throughout this Republic, saying that they are corrupt and ignorant. However, we have admitted that there is a case for improving this machinery and that is why we are insisting that the chairmen are people whom we consider to be competent and that the other members of these committees are people of integrity.

Question No. 241

TAX ON CERTAIN TYPES OF PROPERTY

The Speaker (Mr. Mati): Mr. Kivuitu not here? Next question.

Question No. 230

INDUSTRIAL ACCIDENTS, 1969 AND 1970

Mr. Muthamia asked the Minister for Labour whether he could tell the House—

- (a) the number of industrial accidents which were reported in 1969 and 1970;
- (b) how many of them were fatal and how many were not; and
- (c) the steps which are being taken to avoid similar accidents in future.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. (a) In 1969 there were 6,482 accidents reported whereas in 1970 there were 9,851 reported accidents.

(b) In 1969, 242 accidents were fatal and 6,240 were non-fatal accidents. In 1970, the fatal accidents were 172 and 9,679 were non-fatal accidents.

(c) Our factory inspectors are entrusted with the duty of educating both employers and employees on safety methods of avoiding accidents. Not only that, Mr. Speaker; before any factory starts to operate, our inspectors go round inspecting to find out whether all safety measures have been taken. However, machinery being what it is, one or two cases just do happen and these cause accidents.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Minister, he has told the House that his officers are out to train the employers and the employees. Can he tell us, if these officers are training the employees and the employers outside, why there is a very big

increase in accidents from 1969 to 1970; something like 4,000 accidents?

Mr. Mwendwa: Mr. Speaker, Sir, the hon. Member must realize that Kenya is developing and the rate of development in Kenya means that a lot of factories are coming up every year. Some of these factories are owned by Africans who are new to the machinery. This is why there is an increase in accidents and there is going to be a bigger increase in future.

Dr. Munene: Mr. Speaker, Sir, arising from the answer given by the Minister, would he tell this House what type of people are engaged by his Ministry to train the people in the factories? Are they really inspectors or are they labelled as medical assistants, or what knowledge do they have and how can we recognize them in the factory?

Mr. Mwendwa: Mr. Speaker, this is a very funny question. How can you recognize a man in a suit, and know whether he is a police inspector or a labour inspector? What we do know is that— These people are trained inspectors from our office, but, in appearance, they look like anybody else.

An hon. Member: Mr. Speaker, Sir, arising from the Minister's reply where he said that so many accidents have happened in the factories, has the Minister tried to investigate the causes of these accidents?

Mr. Mwendwa: Mr. Speaker, Sir, I wish I was in the same place, this afternoon, with the hon. Member; perhaps I could then understand him, but now I do not understand him at all.

Mr. Gatuguta: Mr. Speaker, Sir, will the Minister assure the House that, in all cases of industrial accidents, workmen's compensation is paid on time, because there are cases where the workmen's compensation is not paid for some years?

Mr. Mwendwa: Mr. Speaker, Sir, it is true that these payments, which are paid to people who have had accidents and had their legs or fingers broken, have been delayed. We accept this, but this is due to many factors and we are seeing to it that this situation is improved.

The Speaker (Mr. Mati): Next question, Mr. Wabuge.

Hon. Members: Ah, no!

The Speaker (Mr. Mati): May I remind hon. Members that it is out of order to shout, "Ah". It is disgraceful.

Question No. 239

VICTIMS OF UGANDANIZATION POLICY

Mr. Wabuge asked the Minister for Labour if he would tell the House, in view of the fact

[Mr. Wabuge]

that Kenya nationals whose jobs had been Ugandanized are now back in Kenya and in view of the fact that most of them are living in hardship—

- (a) whether all have been registered as job-seekers and, if so, how many have been registered;
- (b) how many of the registered have been placed in employment; and
- (c) whether those who were traders in Uganda are being assisted by the Ministry of Commerce and Industry to start business out here.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. (a) I am not in a position to confirm that all the Kenya nationals from Uganda were registered as job-seekers. Registration of job-seekers as hon. Members know is and was voluntary. Those Kenyans from Uganda who volunteered to go to my Labour Exchanges for registration numbered approximately 3,608. The majority of others chose to go back to the land in order to agree with Mzee's call.

(b) As we have not employed a special method of identifying these Kenyans from the other job-seekers at the time of placement it is difficult to say exactly how many of them have been placed in employment. The hon. Member can however, rest assured that quite a number of them have found employment under the same scheme.

(c) Mr. Speaker, the Ministry of Labour did and still is advising those who left Uganda and were doing their own business to approach the Ministry of Commerce and Industry and seek loans like any other persons who were already in Kenya. Since my Ministry is not the one which issues loans, it cannot tell this House how many people have been given such loans.

Mr. Wabuge: Arising from the Minister's reply, and in view of the fact that he has given us the numbers of the people who were registered and, further, he says under (b) that there are some who got employment, now, can the Minister tell this House how many people, out of the 3,608 who have been registered, have been placed in employment?

Mr. Mwendwa: Mr. Speaker, I have said—and I hope the hon. Member will listen very carefully—that these people from Uganda came when the registration was just about to close and I had to use my powers to extend the time of registration in order to register them. The number of the people whom we registered and whom we recognized to have come from Uganda is the number I have given. After registration these

people mixed with all the other Kenya fellows and went here and there to seek employment. Since we have no returns from the employers telling us "We have employed this person and he was working in Uganda", we could not get the proper number; even now we do not know. It is our hope that the majority of the people from Uganda have been employed. However, Mr. Speaker, there is one point I would like to tell the Members. Those people who were working in firms which had relations with other firms here, for example, Gailey and Roberts and Cooper Motors, we made arrangements so that they would get a transfer rather than anything else. So, these ones were employed. But the number I have mentioned consists of any other person who is just employed like myself.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the Minister's answer, and since we know that many of the Kenya Nationals who came from Uganda have not been registered and they float about in large numbers in Nairobi looking for jobs, what does the Minister for Labour intend to do for these people so that they obtain employment in Nairobi since they do not have cards and when they are sent to labour offices, they are chased away?

Mr. Mwendwa: Mr. Speaker, Sir, there is a point I want to make very clear. Whether a man came from Uganda and was employed in Uganda, the moment he landed in Kenya, he had to be treated like any other person who has no job in Kenya. We cannot give these people preference simply because they are from Uganda; we did not give them licences to go to Uganda. In the first instance, they should have got employment here.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Minister for Labour, would he tell the House whether there were different registrations of Kenyans in Kenya and those from Uganda? Would he tell us whether our people from Uganda had different cards from those possessed by these in Kenya people because he says that when the people from Uganda were sent to Kenya there was still registration for Kenyans going on?

Mr. Mwendwa: I have already said that.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply, would he tell this House how many of those people, who were chased from Uganda, who were business people and have come here and applied for loans to trade, have been given loans? Can the Minister tell us even one person who has been given a business loan by the Ministry of Commerce and Industry.

Mr. Mwendwa: That is for the Minister of Commerce and Industry to say.

The Speaker (Mr. Mati): Next question, Mr. Kitonga.

Question No. 206

RENEWAL OF CONTRACTS: NON-CITIZEN POLICE OFFICERS

Mr. Kitonga asked the Vice-President and Minister for Home Affairs:—

- (a) how many non-citizen police officers had renewed their contracts from 1970 up to date;
- (b) if any, whether the House would be told why they had been allowed to renew their contracts; and
- (c) whether the House would be told when these contracts would cease and who would be the last contractor.

Hon. Members: Your question is No. 207. What is wrong with you?

Mr. Kitonga: No, it is No. 206.

The Speaker (Mr. Mati): The Question is No. 207.

Mr. Kitonga: Mr. Speaker, I have two questions.

The Speaker (Mr. Mati): I am asking you to ask the next question in the order we have been following.

Question No. 207

HOUSES FOR LOW-INCOME GROUP

Mr. Kitonga asked the Minister for Housing if he would tell the House—

- (a) when he would abolish the old colonial system of building the houses of low-income people in one residential area in various towns, particularly in Nairobi City; and
- (b) why these houses could not be built in the former European and Asian residential areas.

The Assistant Minister for Housing (Mr. Mukuna): Mr. Speaker, Sir, I beg to reply. (a) There is nothing colonial in building houses for low-income people in one area, and hence the question of abolishing the system does not arise. It may be of interest for the hon. Member to know that the siting of any housing scheme for any income group is determined by many factors such as: (1) Availability of land and its cost, (2) services and community facilities; for example, water, sewerage, roads, schools and their cost.

To reduce the cost of a housing unit to enable the low-income earner to pay the required rent, the land must be made available at a low price or free and the cost of services must be as low

as possible. This can only be achieved by having high density areas where the cost of services are shared as much as possible.

(b) These areas are in small individual plots which are costly to obtain and the services cannot stand a high density population.

Mr. Njiru: Arising from the Assistant Minister's reply, Mr. Speaker, would he deny the fact that there are some areas given to some communities like the Aga Khan Community where you find that Africans cannot be allowed to live?

Mr. Mukuna: Mr. Speaker, Sir, my Ministry is not aware of such a thing, and if there is I would be very pleased if the hon. Member would let this House know and action will be taken.

Mr. Njiru: Mr. Speaker, Sir, would it be in order for me to bring—

The Speaker (Mr. Mati): You are taking too long, Mr. Njiru. If you have no question to ask, you had better sit down.

Mrs. Onyango.

Mrs. Onyango: Mr. Speaker, Sir, is the Assistant Minister aware that in some houses, those which are low cost—the windows are so high up—in fact, you only find one window which cannot bring in fresh air, and that is why we call them the old fashion of colonialism? They are not the same.

The Speaker (Mr. Mati): The question is about the area. It is not about the structure but about the areas.

Mrs. Onyango: Mr. Speaker, Sir, even in those areas they are just the same. For example, the boys' quarters, the houses are three yards square—even a goat cannot enter those type of houses.

The Speaker (Mr. Mati): No, that is quite a different question, Mrs. Onyango. Mr. Kitonga wants to know why African estates are built in certain areas and not in others. He is not questioning the structure of the buildings themselves.

Mr. Mutiso: Mr. Speaker, Sir, would the Assistant Minister then tell the House what difference is there which defines the African areas, where the majority of our people live, and are the only areas where these low cost houses are built, whereas in the former Asian and European areas you cannot find low cost houses built there? This is what is meant, in our view, that certain areas are regarded for Africans; hence the colonial relic.

Mr. Mukuna: Mr. Speaker, Sir, it is going to serve the Member in question well if I reply to his question and say that even in the African traditional set-up people used to live in villages where they shared a communal right.

[The Assistant Minister for Housing]

Secondly, today people can live in any area of Nairobi provided they can afford it. There is no discrimination at all.

Thirdly, because of the cost factor, people with similar incomes tend to group themselves together; for example those in shanties and slums.

The former European and Asian residential areas have a low density population. Each plot has its own services which are paid for by the owner of the plot. The people with low income cannot, therefore, afford to service these sorts of plots.

Mr. Kitonga: Mr. Speaker, Sir, may I know from the Assistant Minister what he means by saying that some plots are owned by individuals and are very costly. Does he mean that the Kenya Government cannot bring a Bill here so that we may reduce the cost of the land he refers to? Can he also tell us whether the services and communal facilities cannot be reduced through Government assistance?

Mr. Mukuna: Mr. Speaker, Sir, I wish to advise my hon. friend to move a Motion in this House which the hon. Members of this House will pass and then we shall make it an Act.

Mr. Kitonga: Mr. Speaker, Sir—

The Speaker (Mr. Mari): No, Mr. Kitonga. It is not necessary— Next question. Mr. Mulwa?

Question No. 201A**PROTECTION OF HINGES MANUFACTURERS**

Mr. Karungaru, on behalf of Mr. Mulwa, asked the Minister for Commerce and Industry if he would tell the House—

- (a) if he was aware that a number of African owned factories, like the companies manufacturing hinges and shoe laces in the industrial estate had laid off their employees and would have to close down because of the importation of those articles into the country despite the fact that those manufacturers were protected;
- (b) if the Ministry was serious in encouraging those local industries, would see to it that the duty on imported articles, which were also locally manufactured, was raised to discourage further importation; and
- (c) why the Ministry had issued import licences for hinges when the manufacturers here had been unable to sell the ones in stock.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I was going to request

the hon. Questioner to declare his interest, and I would not like this question to be asked by anybody on his behalf because he has an interest in this question.

The Speaker (Mr. Mati): Order! What is that?

The Minister for Commerce and Industry (Mr. Osogo): I was going to request the hon. Questioner to declare his interest before I answered the question. For that reason I do not want anybody else to ask the question unless he can—

The Speaker (Mr. Mati): That is enough. No, it is not for you to decide who asks a question. So long as he has been asked by the Questioner to ask on his behalf, then he has every right to ask it, and yours is just to reply, Mr. Osogo, but not to say who is to ask it.

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker, Sir. Is it not true that if a Member wants to ask a question on behalf of another Member he should wait until we have gone over all other questions?

The Speaker (Mr. Mati): Mr. Munyi, perhaps, has a point there. But what I said was that if it is known that a Member is going to be away, or is not likely to be in before we finish the questions, and he has asked another Member to ask on his behalf we do not have to wait because there is no point doing so. He will still have to ask somebody else to ask, and that is why there is no need to wait.

Mr. Karungaru: Mr. Speaker, Sir, could I now ask the Minister to tell this House to what degree, according to his interpretation of the interest, he requires the Questioner to declare?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, I thought you have ruled that the hon. Member should ask the question. He is now asking a supplementary question before the question is asked.

The Speaker (Mr. Mati): Mr. Karungaru did not ask the question and Mr. Osogo did not even begin replying.

Mr. Karungaru: Mr. Speaker, Sir, I wish to ask the Minister for Commerce and Industry to reply to Question No. 201.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, I would insist that the hon. Questioner declares interest on behalf of the person for whom he is asking the question. I want him to declare the person's interest in this question before I answer it.

The Speaker (Mr. Mati): Mr. Osogo, I know this is not the first time you have tried to be difficult. There is no point here. What you can do is to rise on a point of order later on when the Member is here and ask him to declare his interest, or to substantiate whatever it is you have in mind. But you cannot say that because he is not here and as he has not declared his interest you are not going to answer. It is still open to you to do that when you see him, but the House is interested in this question. It is now the property of the House and it is not his property.

The Minister for Commerce and Industry (Mr. Osogo): The answer to this question, Mr. Speaker, will have a lot of bearing on whatever interest the Questioner is going to declare because he has asked a direct question for protection. I wanted him to declare whether he has any interest in the companies he is referring to or not so that I can give him a definite answer.

Mr. Speaker, I would request that you put this question off until he is present, please.

The Speaker (Mr. Mati): I will show you the way out, Mr. Osogo. Since it is clear you believe or you know he has some interest, in the course of replying you can point that out to the House.

The Minister for Commerce and Industry (Mr. Osogo): Well, I hope when I point it out to the House, Mr. Speaker, the hon. Questioner will be able to help us in this. Mr. Speaker—

Mr. Gatuguta: On a point of order, Mr. Speaker, I think there is an important point, Sir, that it is for you to guide the House because the Minister is saying that since the hon. Questioner has some interest in the company— Has he no right to ask questions about his companies in this House? Could you guide us on this matter because it is a serious matter concerning us?

The Speaker (Mr. Mati): No, Mr. Osogo is quite right to point that out if he knows this, or if he believes it is true that the Questioner has some personal interest. It is quite in order to demand that he should declare his interest. Unfortunately, he is not here. So, that cannot be done, but that is not to say that because of that and because somebody else has some interest he cannot ask a question. He can ask, provided that he is prepared to declare his interest.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, it has been the practice of this House that whoever asks a question, if he has any interest in it, he declares it so that the records are put correct. This has been done for the seven years I have been in this House, anyway.

Mr. Speaker, Sir, I beg to reply. (a) The Ministry is fully aware that the new African industrialists in the Kenya Industrial Estates Limited are experiencing some difficulties in selling their products owing to foreign competition, but the Ministry is doing all it can to eliminate such disruptive competition.

As far as the protection of locally made hinges is concerned, the Ministry has banned the importation of all types of hinges except T-hinges which are not produced locally.

Similarly, the Ministry has imposed a ban on imports of all types of shoe laces which are similar to the ones which are produced locally.

(b) Raising the rates of customs duties on competing imports is not a solution to the problem because there are very many people in this country who still believe that imported goods are superior in quality to the locally made goods and are therefore prepared to pay any price for such imported goods. That is why the Ministry has decided to ban such imports instead of raising the tariff. Once a ban has been imposed, there is no need for a tariff increase.

(c) Some licences to import hinges were issued by mistake and when the mistake was detected, the licences were promptly cancelled.

Mr. Speaker, Sir, I would now like to point out that the hon. Questioner of this question owns a company, or is a shareholder of a company that manufactures shoe laces and he is also the said company's advocate.

Mr. Karungaru: Mr. Speaker, Sir, since the Minister has disclosed in this House that his Ministry had issued licences by mistake, are we made to understand that there are many licences which have been issued in the same way by mistake?

Mr. Osogo: No, Sir, but when the licensing officer was on leave the acting licensing officer did not know about the ban which I had imposed on hinges and so, by mistake, because he was acting and there were many licences for him to deal with, he issued a certain licence which was cancelled immediately the mistake was detected. Unfortunately, and I would like to make this clear to the House, the licence had been given to an African, who apparently had sold this licence to an Asian who imported the hinges. However, the African in question was too shy to go and tell the Asian in question that the licence had been cancelled, although the letter to cancel the licence was addressed to the man we had licensed, who was an African. So the hinges were imported but they have been lying in the customs depot for the last three months and I intend to destroy them!

Mr. Wanjagi: Mr. Speaker, Sir, since the Minister, as he says, has discovered that the African licensee sold his licence, or transferred his licence to an Asian, what steps has he taken to penalize that African and withdraw the said licence and give it to another African?

Mr. Osogo: I think I should state that I do not have the evidence of the selling. I am sorry it was a slip of the tongue that I said, "Selling"; nevertheless, the licence was, "transferred" to an Asian. The only penalty we can impose is refusal of delivery of the hinges, which we have done up to this time.

The Speaker (Mr. Mati): Next question.

Question No. 212

AUTOMATIC TELEPHONE EXCHANGES

Mr. Seroney asked the Minister for Power and Communications if he would tell the House—

- (a) when automatic telephone exchanges would be provided in Eldoret, Kitale and Nandi Hills township;
- (b) whether he was aware that requests in respect of some of these towns had been pending for more than 12 years;
- (c) why it was that small trading centres in the other sister states of the East African Community enjoyed the service of automatic telephone exchanges while large towns with municipal status in Kenya like Eldoret and Kitale had to put up with vague promises for years on end.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. I wish to inform this House that provision of automatic telephone exchanges is dictated by the commercial needs of the same, Kenya Development Plan and the availability of funds for such service.

In pursuance of this policy, automatic telephone equipment has been ordered for use in Eldoret and Kericho. Work to extend the Eldoret Post Office to accommodate the equipment has already started and it is hoped that it will be completed early next year.

Kitale and Nandi Hills townships will have to wait for their turn in accordance with the established policy.

I am not aware that these requests have been pending for almost 12 years.

With regard to the alleged existence of automatic telephone exchanges at small trading centres in neighbouring states, I am afraid I can only speak of Kenya.

Mr. Seroney: Mr. Speaker, Sir, is the Assistant Minister saying that he is not aware that both Eldoret and Kitale have been asking for automatic exchanges since 1968?

Mr. Onamu: I am not aware, Sir.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware of the fact that both these places are very far from Nairobi and Mombasa, and therefore they deserve an automatic exchange in order to speed up provision of telephone services?

Mr. Onamu: Yes, I am aware, but I have said that they will have their turn later.

Mr. Seroney: Can Assistant Minister tell us, according to the Ministry's plan, when Kitale and Nandi Hills could expect automatic exchanges?

Mr. Onamu: I would not like to commit myself just now.

The Speaker (Mr. Mati): Next question.

Question No. 224

ADMISSION OF PUPILS TO SECONDARY SCHOOLS

Mr. Mbori asked the Minister for Education if he would tell the House—of the 4,000 pupils who were granted admission in secondary schools in 1971, after 1970 Certificate of Primary Education—

- (a) why there could not be a higher percentage of the 10,000 pupils to join Form 1, in 1971;
- (b) the breakdown of the 4,000 entries by provinces;
- (c) the breakdown by sex.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. I have no such figure of "4,000 pupils" in my office.

(a) There is a higher percentage of the 100,000 pupils to join Form 1.

(b) I cannot have a breakdown of a figure that I cannot lay my hands on.

(c) I cannot have a breakdown of 4,000 pupils as per sex because I do not have such a figure in my office.

Mr. Mbori: Mr. Speaker, Sir, I am surprised that the Minister has refused to give the House the correct answer because I have the breakdown here.

Mr. Towett: Mr. Speaker, Sir, if the hon. Member is claiming that he has this figure, and this figure exists in Kenya, I would like him to tell me from where he got the figure because my figure is 43,000 and not 4,000.

Mr. Mbori: Arising from the Minister's reply, can he agree with me that this was misquoted from his office?

Mr. Towett: Mr. Speaker, Sir, if the hon. Member got that figure from my office, I would like to know the officer who gave him that figure.

Question No. 206

RENEWAL OF CONTRACTS: NON-CITIZEN POLICE OFFICERS

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

- (a) the number of non-citizen police officers who had renewed their contracts from 1970 up to that date;
- (b) if any, why they were allowed to renew their contracts;
- (c) when these contracts would cease and who would be the last contractor.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) Since the end of 1970, only one non-citizen police officer has signed a contract with the Government, and that was his first contract after retirement. The contract was signed in February 1971, and the officer is an Assistant Commissioner of Police.

(b) Only when an officer's service is essential is he engaged on contract.

(c) The contract I have already referred to is for two years and will therefore expire in February 1973.

Mr. Kitonga: Mr. Speaker, can the Assistant Minister tell the House what necessitated the renewal of the contract of the Assistant Commissioner of Police he has just mentioned? What are the essential duties being done by this officer—who is a *mzungu*—he has just referred to?

Mr. Matano: Mr. Speaker, Sir, we agreed to take him back because we felt he was essential to the services of this Republic.

Mr. Mutiso-Muyu: Arising from the Assistant Minister's reply, can he tell this House whether amongst the people working in the police force there is an African with the same qualifications as this European?

Mr. Matano: Mr. Speaker, Sir, I do not want to generalize. There are some Africans who are doing the jobs of Europeans. However, in this particular case, the job that this man is doing at the moment—we need him for it and we shall need him for the next two years.

Mr. Lotodo: Arising from the Assistant Minister's reply, that the Ministry has found fit to have the Assistant Commissioner of Police for another two years because of the essential duties he is doing, can he tell us which are these essential duties he is doing?

Mr. Matano: They are duties which concern you and me.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that there are some Africans who can man the duties being done by this *mzungu*, does he agree with me that he is trying to refuse an African to become the Deputy Commissioner of Police when the top senior officer is an African? If that is the case, why should the middle man be denied his rights?

Mr. Matano: Mr. Speaker, Sir, if the hon. Member got me right he would have heard I said that there were Africans who were doing the duties which were held by Europeans before. However, this particular man for the duties he is doing, we still need his services. This is the reason why we extended his work permit for the next two years.

Question No. 240

KENYANS FORMERLY EMPLOYED IN POLICE AND PRISON DEPARTMENTS IN UGANDA

Mr. Wabuge asked the Vice-President and Minister for Home Affairs whether he was aware that some of the Kenya nationals who were affected by Ugandanization policy were working in Uganda Police and Prison Departments; and if the reply was in affirmative, he would tell the House whether his Ministry had any arrangements to absorb them in his relevant departments.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. Yes, the Ministry is aware and just before the recent developments in that country arrangements were being made, in consultation with the Inspector-General of the Uganda Police, to interview these officers with a view to selecting those found suitable for transfer to the Kenya Police Force.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell this House how many Kenyans have been absorbed into the Kenya Police Force as a result of his consultation with the Inspector-General of Uganda Police?

Mr. Matano: Mr. Speaker, Sir, I do not have figures to show exactly how many people have been absorbed into our Kenya Police but I know that negotiations were going on and they are still going on. A few Kenyans have been taken on,

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

and there are others who are still on the waiting list and they were still coming in; however, at the moment things have changed a bit and the future is not quite clear, but the process is still going on.

Mr. Araru: Arising from the Assistant Minister's reply that a few have been absorbed into the Kenya Police Force, can he assure this House that these officers who have been taken on have retained their rank and salary scales?

Mr. Matano: Mr. Speaker, Sir, we consider each case on its own merit. There are some who come here and if we see that they fit into the way we are doing things here in Kenya, we take them in, but there are others whom we feel need a year or two before they can qualify. However, Mr. Speaker, Sir, as I had said earlier on that, each case is considered on its own merit and separately.

Mr. Wabuge: Bearing in mind that the Uganda Police and the Kenya Police received training during the colonial period and the standards in the two forces were the same, can he tell this House why the Kenya Government insists on interviewing these people, realizing that the standards under which they were trained were the same? Why does the Government not take them in just as they are?

Mr. Matano: Mr. Speaker, Sir, we are now seven years' old and during those seven years we have changed several things which are perhaps different from the things being done in Uganda or in other countries in Africa. Ours is a sovereign State: we have our own Republic to look after and therefore we have our own standards and when these standards coincide, we accept these people. However, where we feel that we must use a different yardstick to measure the standards, we are at liberty to do so.

Question No. 213

ETHNIC BREAKDOWN OF PUBLIC OFFICERS

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

- (a) whether he would give an ethnic breakdown for Nairobi and each province of provincial commissioners, deputy provincial commissioners, senior district commissioners, district commissioners, district officers one, district officers and district assistants; and
- (b) what steps, if any, the Government was taking to rectify the ethnic imbalance in the provincial administration.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, before I answer I would like the hon. Member to apologize because he was not in when he was supposed to ask this question. In any case I pardon him. Mr. Speaker, Sir, I beg to reply. Recruitment of the civil servants is not done on ethnic grounds. It is always based on qualifications and merit. The Government does not keep records of officers ethnically. All civil servants are considered as a group and as Kenyans. There does not, therefore, arise any question of rectifying the so-called imbalance.

I would like to add that if the hon. Member has any qualified people whom he thinks ought to join the provincial administration, would he please tell them to apply to the Public Service Commission for appointment.

Mr. Murgor: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance here; very often questions are asked in this House on the same lines and we have been told that sometimes, for security reasons, such questions cannot be answered, or sometimes we are told that civil servants are not grouped ethnically; however, can the Assistant Minister tell us, today, why this is so because we know exactly what the hon. Members in this House want to know? This is an exercise which is going on and there is nobody who seems to think about it and try to correct it. However, this thing is still going on and this imbalance is growing more because one side is receiving more weight while on the other side weight is decreasing. Can the Assistant Minister tell us what is wrong in giving us a breakdown? Every time we ask this we are told, "No", or sometimes someone tries to evade the answer. Can he tell us for how long we are going to continue asking for this breakdown?

The Speaker (Mr. Mati): It is not for me to direct a Minister how he should reply to questions. We have had this kind of case several times before and at times a breakdown is given and at another time it is not given. It is up to the hon. Members to press for a reply. However, I cannot force a Minister to give a breakdown.

Mr. Seroney: On a point of order, Mr. Speaker, Sir, reading my question as put down, has the Assistant Minister really answered my question because I have not asked what the Government policy is, but I asked for facts and figures or information? Under our Standing Orders, unless it is a very great secret, in which case the Minister is not bound to reply, I am entitled to insist that the Minister answers my question because I have not asked my question in the way he has

[Mr. Seroney]

answered. I am still waiting for my question to be answered.

Mr. Munyi: Mr. Speaker, Sir, I would like to tell the hon. Member that I am also following the Standing Orders. Mr. Speaker, Sir, what the hon. Member has asked is what I have just answered. I would like to give the difference between the system followed during the colonial time and the one followed now. During the period immediately after independence people who had no degrees could, Mr. Speaker, Sir, jump from, say, one low rank to another very high rank. However, now, Mr. Speaker, Sir, the situation has changed. We now have the Public Service Commission through which everything regarding recruitment of these officers is channelled. If one wants to apply for a vacancy which has been advertised either in the *Official Gazette* or in the newspapers, Sir, one has to do so in the normal way. I have already answered that question, Mr. Speaker, Sir.

Mr. Ogingo: Mr. Speaker, Sir, what the hon. Member who asked the question wants is for the Minister to give the House the breakdown, ethnically, of these people who are in the service; we do not want the procedure followed in recruiting them and the rest of it.

The Speaker (Mr. Mati): Yes, the question—especially the first part—requires numbers showing the ethnic origin of these officers. It has nothing to do with the method of selection. What is required is that, say, you state: there are so many “X” provincial commissioners, “B”, “C”, “D” and so on.

Mr. Munyi: Then, Mr. Speaker, Sir, is it not true that all the hon. Member would like to know is how many—which is different—posts of provincial commissioners we have in Kenya and also how many posts of district commissioners we have in Kenya?

Hon. Members: No! No!

The Speaker (Mr. Mati): No, there is a difference— Order! Order! There is a difference between a Minister clearly stating that he is not prepared to give the information required and evading the question. However, what hon. Seroney and other hon. Members want to get is an acknowledgement that what the question is asking you is to give figures of ethnic origins. It is up to you to decide whether to give it or not. However, that is the information you are being asked for and has nothing to do with the total numbers of provincial commissioners or district commissioners.

Mr. Munyi: Mr. Speaker, Sir, I would like, for the information of the House, to remind the hon.

Member that the forms, which required a candidate to give the name of his tribe were abolished and do not exist. All one is asked to do is simply declare he is a Kenya citizen; that is all that is required. You simply have to say that I am a Kenya citizen and I come from such-and-such a place; the tribe is not sought. The word “tribe”, Mr. Speaker, Sir, is similar to “ethnic”. Therefore, “ethnic” or “tribal” is the same word. Those forms which sought tribal origin are no longer there, Mr. Speaker, Sir.

The Speaker (Mr. Mati): Order! Order! Mr. Wabuge, what is your point of order?

Mr. Mwithaga: On a point of order—

The Speaker (Mr. Mati): Order! I am dealing with a point of order.

Mr. Wabuge: Mr. Speaker, Sir, my point of order is this: What happens when the Speaker has given a ruling, like the one you have given directing the Minister what he has to do, and he defies your ruling and goes on to say other things; what happens here, Sir? You have given a ruling but he is not obeying your ruling; what are we left with, Mr. Speaker?

The Speaker (Mr. Mati): No, this was not the kind of ruling which is mandatory. It was a direction; I was just showing him what kind of reply is expected from him. However, it is not the first time we have had an occasion like this from the same hon. Minister.

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): However, the issue is there and Mr. Seroney can decide how to follow it up. Now, we go on to the next question.

Question No. 241

TAXES ON CERTAIN TYPES OF PROPERTY

The Speaker (Mr. Mati): Mr. Kivuitu not here? All right, we will go on to questions by Private Notice.

(Question dropped)

RENEWAL OF WORK PERMIT NO. 774

The Speaker (Mr. Mati): Before we go on to the questions, I would like to point out that the first question, which is Mr. D. M. Kioko's question, I understand that the Vice-President is to reply to it but he is coming a little later. He has asked that the question appear on the Order Paper tomorrow.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, I am not trying to dispute your ruling regarding the information you have had. However, Mr. Speaker, Sir, this is the fourth day that this question has been called in this House. It was

[Mr. D. M. Kioko]

suspended for two days last week and today is the second time, within the second week, the question has appeared on the Order Paper. Now, Sir, a question by Private Notice, according to our Standing Orders, is supposed to be answered within 48 hrs.; how is it that the answer is still not available?

The Speaker (Mr. Mati): What I understand is that the Vice-President would like to reply to it himself, personally. He has said he will do this tomorrow. I know he is away from Nairobi. So we will wait until tomorrow and see what happens.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

ARREST OF PEOPLE AT HILL CREST ESTATE FOR TRESPASS

The Speaker (Mr. Mati): Anyone authorized to ask Mr. Kivuitu's question?

Mr. Karungaru: Yes, Sir, I have been authorized to ask it.

The Speaker (Mr. Mati): No, I do not think you have been authorized. However, ask Mr. Mulwa's question.

(Question dropped)

DETERIORATION OF RELATIONSHIP BETWEEN THE EXECUTIVE AND THE LEGISLATURE

Mr. Karungaru: Mr. Speaker, Sir, on behalf of the Member for Makueni, I beg to ask the Minister of State, President's Office, the following question by Private Notice:—

Since it is evident that the harmonious relationship which should prevail between the executive and the legislature is deteriorating, could the Minister seek the sanction of this House to establish a committee to inquire into the problem and make the necessary recommendations?

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. I am not aware that relationship between the executive and the legislature has deteriorated. It is not deteriorating and, to the contrary, the relationship is still very harmonious.

Mr. Speaker, Sir, Government is headed by the President, with the Vice-President and the Cabinet of the Republic of Kenya. This is the executive. We are one party, Kanu, headed by the head of executive. If the hon. Member is saying that the relationship between the Parliament and our beloved President, Vice-President, and the Cabinet is deteriorating, the onus is on him to say in what manner this has taken place. Let him produce

evidence without using, with all due respect, the word "we". Let the person who raised this question give us evidence that this is the case.

Mr. Mutiso: Mr. Speaker, Sir, arising out of the reply from the Minister, can the Minister deny the fact that there is actually the so-called "inner Cabinet" and the other normal Cabinet, and this is common knowledge to the people of this country? This division, Sir, has led to this state of affairs where, in fact, in this House several questions have been asked, and Government has deliberately refused even to divulge the answers as we have just seen from one of the Assistant Ministers.

The Speaker (Mr. Mati): No, we are drifting too far. Let us confine ourselves to the question. You cannot introduce a different matter, as you are doing, Mr. Mutiso. That is not really connected with the question.

Mr. Karungaru: Mr. Speaker, Sir, would the Minister deny the fact that during the course of time we were debating a matter related to what Mr. Gachathi had written to the university, there were a lot of things which were said by the Members of this House, and that was the time when the Minister was out of this House and that is why he is unable to understand the state of affairs facing us because the following day the said Permanent Secretary replied to the matter?

Mr. Koinange: Mr. Speaker, Sir, I emphatically deny that. This Parliament, with all due respect to the hon. Member, was actually opened by the President on 6th February 1970; and now it is only one year from the 6th February 1970. Now, the Member who raised this question is the one who has to prove how the relationship between Members of this House—on one hand, as the legislature, and on the other hand as the law-makers—has deteriorated as opposed to the relationship between the head of our party—the Head of the Government and its Cabinet; it is he, who has to prove.

The Speaker (Mr. Mati): No. What Mr. Karungaru was asking does not really introduce the Cabinet in this; he was talking about the relations between the Members of Parliament and the civil servants. That is why he quoted the case of the debate which was held here. He confined himself to that.

Perhaps Mr. Koinange would like to reply to that; it has nothing to do with the Cabinet.

POINT OF ORDER

QUESTIONS SHOULD NOT BE BASED ON AN OPINION

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order,

[The Assistant Minister for Finance and Economic Planning]

Sir,— Just a small point of order, Sir, because we have to deal with these questions, in this Parliament, which are an expression of opinion.

Now, Sir, the Minister says that in his opinion, as distinct from the opinion of the Member who asked the question, the matter is not what is alleged. Mr. Speaker, we are faced with a problem: how do we proceed when the question, itself, is a matter of opinion and the Minister has another opinion because no facts are alleged or stated? I do get confused because these questions have become very common?

The Speaker (Mr. Mati): No. Our Standing Orders do not allow us to ask questions, or to put questions which ask for expressions of opinions. That is definite, but it is not what the supplementary question by Mr. Karungaru asked. The supplementary question by Mr. Karungaru has actually given the grounds on which he maintains that there is this friction. He has pointed out, as an example, the debate which went on here. So, he is not expressing an opinion. He is using that as a fact.

RESUMPTION OF REPLIES TO QUESTION BY PRIVATE NOTICE

The Minister of State, President's Office (Mr. Koinange): I agree with you, Mr. Speaker, Sir. I am saying that the Questioner said that the prevailing relationship between the executive on one hand, and the legislature on the other hand—now, Sir, the executive uses the civil servants to implement what this House actually passes as law and they all work together.

Now, the question is: if one single person, Mr. Speaker, Sir, with all due respect, in the process of passing, or actually executing what this House has done—as human beings, if one single person or two people out of 10 million people or even 10,000 members of the Civil Service, commit an offence—one commits a crime—we must not use that to constitute the deterioration of relations between the executive and the legislature.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): No! Order! I think there is a misunderstanding here. My impression is that the Member who asked this question was genuinely interested in finding a solution to what has become more or less apparent from the speeches made here. I do not think he was using that one particular case which was brought here as his ground because that was a case which is being dealt with separately.

However, as Mr. Karungaru said some Members, probably, were unhappy about some of the statements made here, which indicated clearly that there was this friction; but I do not think we are getting very far on this, and our time is over anyway.

Let us hear your point of order, Mr. Mwithaga.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, would I not be in order to believe that the question as it stands aimed at no question where the executive—as far as the part of the President and his Cabinet are concerned—would come in, but the intention was regarding the executive, which means the Civil Service, and the deterioration was between them and Parliament and that the Minister is now invoking other personalities and the Cabinet into this matter?

An hon. Member: Yes, you are right!

The Speaker (Mr. Mati): No, it is just a question of interpreting the use of the words “executive” and “legislature” in this form. Obviously, it could include “executive” as the Cabinet, the President and so on; “legislature” as Members of Parliament, the National Assembly and so on. However, I think what the Questioner had in mind was the Members of Parliament versus the Civil Service. It seems that the way the reply was prepared took it that this was confrontation between the “Executive” (in capital) and the “Legislature” (in capital) which includes much more than the Civil Service as such.

So, we will go on now. Next Order.

POINTS OF ORDER

QUESTIONS, THE ANSWERS TO WHICH ARE READILY AVAILABLE IN OFFICIAL PUBLICATIONS ETC.—OUT OF ORDER

Rev. Kalume: On a point of order, Mr. Speaker, Sir; I stood earlier on a point of order when we reached question No. 229 and I was asked to sit down before I had made my point.

My point of order, Mr. Speaker, Sir, was that it was only yesterday when you ruled that if an hon. Member could get information from the Ministry concerned, and if that question was not of national importance, then he should consult the Ministry concerned and not bring the matter here in the House. Now, Mr. Speaker, Sir, in question No. 229, we have a similar case where someone has asked about the tax collected in the years, 1968, 1969 and 1970. Therefore, did you think that this was of national importance? Could the Member concerned not get the information required from the Ministry instead of bringing such a question here?

The Speaker (Mr. Mati): Well, I wish the Members would note what Rev. Kalume has said because it would help so much if the Members took the trouble to find out some of these things outside the House.

Mr. Araru, I hope you still want to remain in the Chamber; so, you had better just listen.

Quite often we have questions asked about which, with a little more effort on the part of the questioner, information could be obtained. As I said, I know, politically, it is satisfying to have a question asked publicly and be recorded, especially if it appears in the Press. However, we really take so much time on matters which could be sorted out easily. Therefore, I should, perhaps, also take this opportunity of putting one point straight. When Mr. Kalume stood up to speak he referred to Mr. Munyasia's question, and this reminded me of a point I made here, that if, according to our Standing Orders, something is easily obtainable from works of reference, then our Standing Orders do not allow us to ask such thing here. That still holds but in that particular respect I have thought about this and perhaps I required a bit too much in the sense that the records of the Registrar of Societies and so forth are not really readily available as such.

The kind of things which apply to this Standing Orders should be things like something you can refer to from a dictionary, an encyclopaedia, an atlas or from documents which are available to Members, like the Official Gazette, HANSARD and that kind of thing. It does not mean that if you went to an office and you asked for a document, and by paying Sh. 4 you could inspect it, then, therefore, it is readily available, it is not.

Let us get that straight now.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, I thank you very much for this ruling, because I was under the impression that Government would make a fortune out of this. If 170 Members had to go to the Attorney-General's Chambers and each spent Sh. 4 to see the said Constitution, that department of Government would make a fortune.

Now, Sir, since this is not available and it is only available once you pay the sum of Sh. 4, would it not be in order, for the information of the House, that the document is laid on the Table, and then it is circulated for the Members to see?

The Speaker (Mr. Mati): You see, you have to justify why that must be done in this particular case, not in all other cases. All you could do, and what I thought Mr. Munyasia would do, is to

follow up and try to point out what was contained in that document, if he wanted Members to know. However, to ask that a document be brought from a certain office and laid on this Table is asking too much because we have not asked for other papers to be brought from offices to be laid on the Table here.

TIME GIVEN FOR PRODUCTION OF PROMISED SUBSTANTIATION

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order, Mr. Speaker, a few days ago a certain Member, hon. Mr. Mohamed, made a very serious allegation, saying that a certain District Commissioner, Garissa, beat people on the streets. The Assistant Minister from the President's Office denied that. The hon. Member said he would produce documents, P3, to prove that these people were beaten on the streets by the district commissioner.

Mr. Speaker, Sir, I have been waiting for these documents to be laid on the Table. I have been waiting for a long time and I am getting very impatient. I am sure that the people at large are just as keen to know the truth of the matter.

I wonder whether it is in order, Sir, now to ask the hon. Member to lay these documents on the Table?

The Speaker (Mr. Mati): Mr. Mohamed, what have you to say?

Mr. A. A. Mohamed: Mr. Speaker, Sir, although I told the House that I would bring evidence to this House, the police Department had already opened an inquiry file and the P3 forms are in the file. If the P3 forms are required, then the Minister concerned can be asked to produce them because the Police Department will not allow me to take them.

The Speaker (Mr. Mati): Order!

No, Mr. Mohamed, you promised you would bring those documents here. Obviously you must have had reason to believe you could get them.

So, will you try and see what you can do about that, failing which you will have to come and apologize to the House.

VOICE OF KENYA'S MISREPORT—REMEDY

The Minister for Education (Mr. Towett): On a point of order, Mr. Speaker, I would like to point to the House and the Voice of Kenya. Yesterday, I answered a question here saying, "I" and I said "Yes". However, later that evening, on the broadcast it was all things I never said. I would like to know where the information comes from which

[The Minister for Education]

was put out on the Voice of Kenya. It affects both the House and the Voice of Kenya. They said a lot of things that I never said.

The Speaker (Mr. Mati): Order!

First of all, I did not listen, so I cannot say I know exactly what was said.

However, what you can do is to get the Voice of Kenya to put things right. This is a department of the Government and taking into account that Mr. Towett is a Minister of the Government, and whatever he says or he is reported to have said, carries a lot of weight, he should be correctly reported.

I think, Mr. Towett, you have to get the Voice of Kenya to put things right.

The Minister for Education (Mr. Towett): I have more to add to this.

Usually, Mr. Speaker, there is a written answer that is given to a Member. If I come here and I do not read this written answer but I reply briefly, as I did yesterday, are the members of the Press to take what was written out and handed to a Member or what I said in the House? What is the procedure?

The Speaker (Mr. Mati): I think we are taking too much time here.

If you are complaining that somebody got hold of a reply you had given to a Member and reproduced it, then that is a different matter. After all, when you gave that reply it was assumed that you were prepared to make it public. I do not think it was intended to be secret. So there was no harm done.

The Minister for Information and Broadcasting (Dr. Onyonka): On a point of order, Mr. Speaker, I would like to inform the hon. Minister that, although we have not communicated this to him already, action has been taken on this matter. I would suggest, therefore, that he get in touch with us.

The Speaker (Mr. Mati): We must go on now.

MINISTERIAL STATEMENT

MEMBERSHIP OF PUBLIC ACCOUNTS COMMITTEE

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to give notice,

THAT the Sessional Committee has nominated the following Members to constitute the membership of the Public Accounts Committee:—

- The hon. B. Tsuma, M.P. (*Chairman*)
- The hon. J. K. arap Chumo, M.P.
- The hon. M. M. Koigi, M.P.

- The hon. W. N. Ayah, M.P.
- The hon. H. R. arap Cheboiwo, M.P.
- The hon. S. K. ole Leken, M.P.
- The hon. D. M. Kioko, M.P.
- The hon. A. Kholkholle, M.P.
- The hon. B. K. Ogero, M.P.
- The hon. A. Haji, M.P.
- The hon. M. Mutiso-Munyu, M.P.

COMMITTEE OF SUPPLY

(*Order for Committee read*)

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71— DEVELOPMENT

THAT a sum not exceeding K£15,315,163 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1971, in respect of Development Supplementary Estimate No. 1 of 1970/71.

(*The Minister for Finance and Economic Planning on 30th March 1971*)

(*Resumption of debate interrupted on 30th March 1971*)

The Speaker (Mr. Mati): Mr. arap Choge was speaking.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Mr. Speaker, when I was caught by time yesterday I was speaking on sugar development in the Kano Plains and the Nandi areas; those areas are Chemase and Kibigori. I am very grateful for what the Minister for Agriculture is doing in the area on the side of road development. However, I would like this extended to the top of Nandi Escarpment where the soil is very fertile and sugar-cane from that area is better than that grown in the Plains below the Escarpment. I would like to see the Minister do something about that.

The other thing I would like to touch on, Mr. Speaker, in the area is the question of the German loans because the Germans, from Chemelil factory, usually give loans in the form of digging the *shambas* for the people as also preparing the roads in the area. But they dig the *shambas* of the Nandi in Chemase area in blocks and you find that the estimate of the acreage of a *shamba* is about 10 acres per block, whereas it is really 5 acres. So, when it comes to the time of paying for the loan, the people find themselves paying more than the amount spent by the Germans, who gave the loan, gave them. I would like the Minister for Agriculture to look into this and probably tell his officers in the area to visit and hear the complaints from the people on the spot.

[The Assistant Minister for Co-operatives and Social Services]

I would like also to say something about an important point which is mentioned in the Supplementary Estimates: plant breeding in Njoro and Kitale research stations. These stations are doing a very important job, raising the grass seeds for the farmers in Kenya. However, I would have liked the Minister for Finance as well as the Minister for Agriculture to give them more funds because they are doing a very important job. When they import grass seeds from places like Australia, I think this is a mere waste of money if our own chaps in Kenya can do something as to raising of grass seeds in this country. There is a kind of grass known as *Destimodium* Clover and I think it could easily be raised in Kitale, and we could get enough seed. The farmers could get a lot of seeds from Kitale. Unfortunately, however, we do not get enough seeds from Kitale and I see that many of the farmers in Kenya import, usually, seeds from Australia. I would like to see this thing discouraged and farmers should not be encouraged to go on importing the seeds that they can raise from grass research stations at the above-mentioned research stations.

I must say something about Foot-and-Mouth disease compulsory vaccination. I thank the Minister, and I think this should be encouraged by all the Members in this House, the county council and area council members who are in touch with people. This is a very dangerous disease and when it is prevalent in a district the ordinary farmer cannot sell his sheep, goats or cows to enable him to get money to pay for Harambee projects in the area, to pay for school fees. This farmer has to sell some of the animals in order to get money to pay the school fees for his children. When however, this disease comes up, Mr. Speaker, it becomes a discouragement to farming in the area. We who come from areas where the people keep a lot of cattle are very much in trouble when this disease is prevalent. So I say that every Member in this House should encourage compulsory vaccination against Foot-and-Mouth disease.

The importation of German heifers into national agricultural research stations usually takes a lot of time. They have to find out whether the animals can thrive in the area or not. I feel, however, having imported these animals from Germany would not be enough, they should also carry out experiments in regard to importation of animals from other overseas countries. We are very short of dairy cows in Kenya. Although this mistake was made by the white man, who ran away from here after *Uhuru* in fear, the farmers

sold a lot of valuable animals to the Kenya Meat Commission and destroyed most of the other animals. I think what the Ministry of Agriculture is doing here is very important, in importing dairy cows into our research stations and carrying out experiments to make sure that these animals can thrive here or can make good dairy cows for Kenya. The experiments should be carried out on a large scale and probably with more species from different overseas countries. We are short of good dairy cows in Kenya. I am very grateful to the Minister and I would like to see most of these animals imported from overseas countries for more experiments.

Now I come to the National Irrigation Board who are going to get about £50,000 as a grant for Ahero Pilot Scheme. The rice seed from this area, I do not think, is the kind of seed that can do very well. You find there are many people who complain they do not want the local rice and would prefer the imported rice to the one grown in this area. I would urge that the Ministry of Agriculture look for the seed that was planted along the shores of Lake Victoria in the old colonial days, because that is the seed that did very well and the people liked that type of rice. However, for the rice that is grown in this area, we have had a lot of complaints and even I, myself have also complained about the type of rice that is raised from this place.

The other thing, Mr. Speaker, I would also like to mention is the tarmacking of the road from Eldoret to Kisumu, which has just stopped at Kapsabet, that is the tarmac road. The traffic between Eldoret and Kapsabet is not actually greater than the traffic between Kapsabet and Kisumu and we would like to see the road going through Kapsabet, up to Chavakali, so that the people from Eldoret, via Kapsabet, will enjoy the good road, through or on their way to Kisumu.

The other thing I would also like to mention is our secondary schools, which I mentioned some time ago—the allocation of secondary schools. We would like to see, Mr. Speaker, the Minister for Education allocating more secondary schools, even if it means it will be done in terms of population. During this Financial Year, we had about three secondary schools, and when you put the secondary schools in Rift Valley together with those in Nyanza and Western Province, they come to about ten, whereas one province has about eight secondary schools, and others have more. We end, therefore, Mr. Speaker, by finding that the students who did very well in the Rift Valley—in Kericho and Nandi areas, who had about 28 points, 25 points, 24 points, did not find Form I places to do their

[The Assistant Minister for Co-operatives and Social Services]

secondary school education. Instead, the students in Nairobi and some other places, with 18 points or less, find places in secondary schools. I would, therefore, urge the Minister to see it, that the next Financial Year, we are not forgotten as was done during this Financial Year.

The other thing I would like to mention, Mr. Speaker, is on recruitment into the police force. When the police recruiting officers go round, when they visit district headquarters, it is no good asking girls from Nandi District to come all the way to Nakuru in order to be recruited into the police force, and yet the recruiting team had been in Kapsabet and Eldoret. There was no need to ask these girls to come to Nakuru, in order—I do not know what they wanted them to do in Nakuru because they had already been interviewed at Eldoret and Kapsabet. This system should stop because those girls could not find enough money to come to Nakuru to see the recruiting team again and whatever reason they wanted them to come to that place I cannot tell.

The other thing, Mr. Speaker, I have in mind is self-help projects, which have already been initiated by the *wananchi*, for which they have received aid from us, from Ministers, Assistant Ministers and various organizations. It would be better if the Ministry would also consider taking up some of these self-help projects.

The Speaker (Mr. Mati): Order! I have—Order! I have a feeling that what Mr. arap Choge is talking about is not really contained in Supplementary Estimates; you have to confine yourself to the Supplementary Estimates. I think you are still out of order in what you are doing—You are now debating the whole issue as if we are dealing with the Budget debate. You must confine yourself to what we are dealing with here. Most of what you were saying is not specifically within the limits of this Motion.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Mr. Speaker, I had, anyway, come to the end of my speech. Thank you very much for your guidance.

I think, Mr. Speaker, I have mentioned the very important points which I had in mind and I hope that the Minister will also consider them when he comes to reply to the Motion.

Thank you, Sir.

Mr. Wabuge: Mr. Speaker, Sir, thank you very much for having given me this opportunity.

In the first place, what I want to say on this Paper—It contains good things, and that in

most cases it touches on projects which we, in this country, want. It is true that, Mr. Speaker, we do not want to stand in the way of development. Every person in this country wants development, and because of this we feel that any paper coming in this House for development should be supported by the House. However, Sir, having said that, it does not mean that any document or any Supplementary Estimates or Development Estimates brought here, should be supported just like that; we have to scrutinize everything.

As I have said, Mr. Speaker, this is not a good paper. In my opinion, Mr. Speaker, it is like poison coated with sugar; in other words, this paper contains a lot of things which every Member, looking at it, would make him say it is a good; but in my opinion, Sir, it is not. There are some items in this paper which, Sir, involve policy matters, which we feel should be brought separately rather than bringing them together with the Development Estimates. Therefore, Mr. Speaker, without wasting my time, I would like to refer to page 48, where it talks of purchases of shares in the East African Oil Refineries Limited. Now, here, Mr. Speaker, the House is being requested to vote over £3 million in order to pay or purchase shares in this company. Now, it appears to me, Mr. Speaker, that this House is being used as a rubber stamp. The agreement has been concluded; it has been signed, and now they are rushing with this document here asking us to ratify the agreement. In my opinion, Sir, before money is voted, we must know what are the terms: under what terms Government reached an agreement with this company. All we know, and other Members, I am sure, will bear me out—the only information we received—was from the newspapers. It was from the newspapers that we heard the Kenya Government had signed an agreement with the Oil Refineries, to purchase shares in the company.

Therefore, Mr. Speaker, I feel that on matters of this nature, before the money is voted or before an agreement is signed, we must be told what the terms are; they should not sign the agreement and then come and ask the House to vote money in order that they can purchase shares.

Now, another thing, Mr. Speaker, in my opinion Government must be very careful here. We all know that we want nationalization. We want to nationalize some of these companies, but this nationalization must be looked into very carefully—the terms on which we are going to nationalize these companies, how the companies are going to be run—it is not a question of saying that we are nationalizing the companies and,

[Mr. Wabuge]

therefore, we want the money. In my opinion, Mr. Speaker, Sir, nationalization of this nature should be when Government wants to nationalize these companies—one thing that Government should do is this: in a company like the one in question, let Government nationalize it, but whatever money Government intends to pay this company should not come from the public but should come from the profit that the company makes. The Government should not ask the House to vote so much money for the purchasing of these shares. For example, last year—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker. In view of the facts that I stated when I moved this Motion, is the hon. Member not misleading the House by saying that this money is to be voted to purchase the shares? I explained that we have, in fact, secured a loan of the same extent as the sum now requested but that because it is an expenditure it needs authorization? Now he says that we are asking for actual money to be voted so that it can be spent?

Mr. Wabuge: Mr. Speaker, Sir, I really do not know what the Minister—the Minister for Finance and Economic Planning should know accounts better than myself. When you borrow money in order to purchase these shares, who is going to repay this money that you are borrowing? Is it not the public? This is the same thing as getting this money from the public to buy these shares. Therefore, there is no point of saying that you are borrowing this money and that the money borrowed is different from the money you already have in the public accounts. Therefore, Mr. Speaker, Sir, last year this company made a lot of money as profit—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker. I think that the House should get the facts correct. Mr. Speaker, Sir, I am asking for your ruling because the hon. Member is still insisting that despite the fact that we are securing a loan from the company and despite the agreement that the loan would be repaid from profits made in that company, we are asking for money to be voted which would, otherwise, have gone to some other public expenditure. Mr. Speaker, Sir, is it not important that we get the facts of the matter straight rather than getting the House misled?

The Speaker (Mr. Mati): Yes, what I understand from Mr. Kibaki is that he is not asking for this money to be voted but he is only asking for the authorization of the action that they have

taken. This means that they have borrowed money but this money will be repaid from the profits the company makes. If you are talking about being asked to authorize some money to be paid in order to buy the shares, that is not the case. I hope that is clear.

Mr. Wabuge: Mr. Speaker, Sir, I find myself in a very difficult position now. I do not understand— Although the figures are clearly indicated here; the Minister is telling us that he is going to borrow money to give the company so that some shares are transferred to Kenya Government. Now, whether you borrow money in order to purchase these shares or you use the money which you already have, it is still the same thing. I do not know how you are interpreting this, Mr. Speaker. I feel that whether we are borrowing money, as he says, it is still going to be the public's money. Therefore, Mr. Speaker, Sir, if I am allowed to go on I will be very grateful.

What I was saying, Mr. Speaker, is this. The company makes a lot of profit; for example, last year the company made so much profit. My argument here is that when this company is being nationalized by Kenya Government, or if Government is going to be a shareholder in that company, let Government not spend any cent from the public fund because what should be done—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. Since you have ruled time and again that it is against our Standing Orders for any hon. Member to pass between the person speaking and the Chair, is it in order for my honourable friend to do that?

The Speaker (Mr. Mati): No, it is out of order. I have noticed that hon. Members tend to forget this, but it is out of order.

Mr. Wabuge: What I was going to say is this, Mr. Speaker. Let the Kenya Government be a shareholder in this company, but whatever money is to be paid to this company should be from the profits. My argument here Mr. Speaker, is that Government could have spent this £3 million on new projects. This would be far better—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker. I do hate to interrupt my very good friend, whom I respect and who is one of the oldest hon. Members of the Legislature. He is alleging that we are using money that was made available to us to use on new projects whereas, Mr. Speaker, the fact as is stated and as is known in this country is that the companies are agreeing that we pay them this amount by instalments. It

[The Minister for Finance and Economic Planning]

is not available anywhere but it is purely that instead of paying it in one lump sum, it is lent to us by the company and, therefore, it is not available in the Exchaquer. We shall only repay from the profits. Now, he is saying that this money, that is available, could have been spent on some other projects when it could not have been spent, Mr. Speaker, because it is not there for us to spend. I explained this when I moved this Motion.

Mr. Seroney: On a point of order, Mr. Speaker. The Minister has interfered with the hon. Member speaking on several occasions. Surely, Mr. Speaker, we are being asked to authorize the sum of £3.8 million. I do not see what the Minister is objecting to I think the hon. speaker was questioning this amount. I do not know what the Minister is questioning.

The Speaker (Mr. Mati): The difference there is that the Minister is saying that this money was not there. What they have done is to borrow the money from the company and they will repay it by instalments from the profits made by that company. Mr. Wabuge talks about the money being used on other purposes. There is no money to be spent. This money has been lent and it will be paid from the profits made from that same money.

Mr. Wabuge: Mr. Speaker, Sir, I think this is one way of trying—the Minister is trying to mislead the House here. This money is shown in this booklet. The Minister, might be trying to tell us that Kenya Government has no money at this moment but the company wants this money and he wants to get permission from this House so that, possibly, he might go somewhere else, borrow the money and pay the company. In fact that is what—my argument is, that the Minister, having the authority from this House, some time next year, on the strength of the authority we have given him, will borrow money at a lower rate and pay the company. This is what I am objecting to, Mr. Speaker. Such money could be well utilized in financing new projects which we people want and by this we creat employment.

The Speaker (Mr. Mati): Order! I really, do not wish to interrupt you but I think you are going too far, Mr. Wabuge in that unless you say you cannot trust that the Minister is telling the truth, you cannot say that after he Minister has been authorized to do so he will go and borrow money when he has, exactly, explained how the money is derived and how it will be repaid. This is just like saying that whatever we pass here—the Minister could choose to do anything else. You

cannot argue that way. The point is that—from what the Minister has said, there is no money so that when you talk about money being used for something else—this money is not there.

Mr. Wabuge: Mr. Speaker, Sir, I am not trying to dispute or to argue against your ruling; but in most cases when the figures are shown here, it means that is what the Minister intends to have. In other words, he wants the House to give him authority to either borrow money or use public funds for paying or purchasing these shares. Otherwise, if he says that the money to pay the company will come from the profits, then it should have been indicated here that we have taken over this company and that the take-over will be paid from these profits. This is not stated here. Therefore, it is clear that this is going to happen and so I am objecting to this in the strongest terms possible. Such things should not be allowed to happen here.

Mr. Speaker, Sir, as I was saying, when you go a little further on to “J”, where they say, “Purchase of other shares in the private sector” £3.5 million. Adding these figures, you will get £7 million, which the Minister is asking the House to pass so that he will be able, possibly to purchase other shares in the private sector. Mr. Speaker, Sir, as the Minister was saying yesterday, there are negotiations, possibly started this morning, between Kenya Government and the bankers—the Standard Bank and Barclays Bank, aimed at enabling the Kenya Government take some shares in those banks. This money is intended to purchase the shares in these banks. Therefore, Mr. Speaker, Sir, I feel if we want to develop the economy of this country, and at the same time when we talk of nationalization—here is where I say that Government must be very careful. The policy of nationalization is supported; however, we have to be very careful in the way of going about it.

Already these are establishments with workers in them. There are workers already in the banks and when you nationalize them you are not going to create more employment at all. Therefore, such projects, or such money that is intended to be used in effecting nationalization of these banks should be used for establishment of projects that can enable us to have more people employed. Sir, I feel that when we take over the banks, it would be advisable for the Minister to use either the profits which the banks make, or use Government loans, rather than asking the House to vote money, public funds. Mr. Speaker, Sir, I feel here the Minister has to be very careful, and therefore the question of using public funds to nationalize these banks, or whatever private institutions there are, is not a good thing to do.

[Mr. Wabuge]

Mr. Speaker, Sir, another thing I want to say here is: now, the Minister tells us that we are going to take over the banks. However, I remember when we were discussing a Bill here—the National and Grindlays Bank (Apportionment) Bill, to nationalize or take interest in the former National and Grindlays Bank—I said Government should come up with a policy and that policy be decided at once and should be implemented.

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

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

It appears to me that Government is sitting idle and that this approach is being initiated by the bankers. In the same way, the Standard Bank and Barclays Bank have made the initiative to ask the Minister or Government to take shares in their banks. This is very wrong because we are, in other words, only joining, or Government is only joining, these bankers on their own terms. This is not Government policy. I think the Minister should make a decision at once and have all the banks involved. We are here, going bit by bit; in other words the bankers themselves are the one's approaching Government saying: "Please, can you come with us on our terms?" Which terms is Government giving these people? If it is a question of having a genuine nationalization, Kenya Government participating in these banks, why do they leave out the Bank of Baroda or the Bank of India? Why can they not come together? From the information I have, I am told that these other two banks have refused and they are not going to allow Kenya Government to participate in their banking. The only banks which have now followed the idea of asking Government to participate are the Standard Bank and the Barclays Bank. This is a very bad policy, Mr. Deputy Speaker, and I, therefore, urge the Minister to make a policy to have all the banks follow that policy, rather than waiting until the bankers ask Government to join them.

Mr. Deputy Speaker, Sir, as I said, this paper—the 1970/71 Development Supplementary Estimate, No. 1—when you look at it is a very good paper. It states something on rural development, road construction, and other projects like the sugar factory; it is a good document. However, it is a document which has poison in it but is coated with sugar outside so that when you take it you find, later, that you have taken poison. That is why I said this section should be removed. It involves Government policy, a national policy, which must come out as a separate document for us to debate, rather than putting

it together with other small developments. Therefore, Mr. Deputy Speaker, Sir, my quarrel is with this page 48 and without wasting much time, with your permission, I beg to move the following amendment:—

"THAT all the words after the word, "that" be deleted, and there be substituted in place thereof the following words:

"this House requests the Government to withdraw the Development Supplementary Estimate No. 1 of 1970/71 with a view to revision thereof; by removing therefrom subhead A of Head 9 (Commerce and Industry) and subheads H and J of Head 25 (The Treasury) pending a separate policy and details discussion by the House of the agreements or proposals concerned."

Mr. Deputy Speaker, Sir, here is where my quarrel is. We want to know exactly what comes; are we taking over the East African Oil Refinery? And also, under what terms are we going to participate in these banking systems? The Minister should not wait until these bankers approach him. Let the Minister come here with a policy saying, "Kenya Government has decided to nationalize all the banks". Let all the banks, be it the Bank of Baroda, the Bank of India—let them come under one policy. Let us nationalize them and then we will know we are nationalizing them under our own terms and not under the terms of Barclays Bank or the Standard Bank. This is very wrong. We should not be the victims of these people just in the same way we were the victims of the National and Grindlays Bank, where we were given only 40 per cent of the international banking and 60 per cent on local banking—yet the Minister knows very well that if you want to make more profit in the banking systems you must control foreign money. In fact we would have been much better off if we were given 60 per cent in the international banking—Grindlays Bank International (Kenya) Limited—rather than being given 40 per cent so that they are now controlling all our foreign exchange here and we are only left with services like those of an office messenger in our country. Therefore, Mr. Deputy Speaker, Sir, I feel that this is very wrong and the same thing should not be applied to the Standard Bank or Barclays Bank. If it is our policy to nationalize, let us nationalize all the banks in the country.

Mr. Deputy Speaker, Sir, another thing which I want to mention here is that when you nationalize these banks under what arrangements or under what policy are you going to run them? Mr. Deputy Speaker, it appears there is a move to amalgamate the Standard Bank and Barclays

[Mr. Wabuge]

Bank. If the Minister accepted this, so that instead of having several banks in the country we only have one National Bank throughout the country, it would be very wrong. Mr. Deputy Speaker, I am saying this because if you do not get on very well with the General Manager in Nairobi here, he will always ring his sub-branch manager at home and tell him that So-and-so is not a good person and, therefore, do not give him any loan. This is going to be very serious, Mr. Deputy Speaker. We do not want a monopoly whereby we have only one bank throughout the country. We must have different banks so that when they know that Mr. Wabuge is not good in the Standard Bank, he will turn to Barclays Bank and make a good name there. If my name gets spoilt in Barclays Bank I will turn to the Bank of India and when my name will get spoilt in the Bank of India I will come back to the Standard Bank. Therefore, Mr. Deputy Speaker, Sir, instead of having one bank throughout the country, we must have many banks in different names and with different policies; this is better than having them in the way they want them.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I thought it was normal for such Motions to have amendments. I do not know whether it can be strictly treated in the same way as Bills because some of us find it very difficult to follow the amendment since we do not know shorthand and we are left in the air when debating the amendment, because the hon. Member read so fast that we could not take in the words. Since the Motion was on the Order Paper, why was the amendment not tabled in the morning so that it could be circulated to hon. Members in order that they may know what we are debating?

The Deputy Speaker (Dr. Waiyaki): Of course, that is not provided for in our Standing Orders. All that is necessary, according to the Standing Orders, is for the hon. Member to submit, in a written form, what amendment he proposes to move. That is all the requirement we have in the Standing Orders.

Mr. Mutiso: Mr. Deputy Speaker, Sir, I stand to second this Motion, because I think it is a very straightforward Motion. Sir, having listened to the words used by the Mover, you will agree with me that this is a very genuine Motion, which I believe that the hon. Minister for Finance and Economic Planning will see the sense

in and agree that the words proposed to be left out should be left out. Mr. Deputy Speaker, I am saying this for the simple reason that we want a clear explanation as to what are the terms of this Agreement. Mr. Deputy Speaker, this is because we do not want to commit the country to something which this House is not aware of. Mr. Deputy Speaker, normally, we get copies of any international agreement that has to be signed by Government. So far, we see that as far as the Oil Refinery Agreement is concerned, this agreement has already been signed and the Minister has not thought it necessary to do so; he has not been courteous enough to give the House the copies of this Agreement so that we can be in a better position to really scrutinize and be able to tell whether, from the intelligence of this House, that this is a worthwhile venture on the part of Government or not.

Mr. Deputy Speaker, we are now being asked to give the Minister a blank cheque, just to do whatever he wants to do with the money of this country. Mr. Deputy Speaker, quite often, it has been repeated in this House that many Government Departments have misappropriated public funds. Mr. Deputy Speaker, they have overspent the public funds on less valuable schemes or projects. This is why the House feels very much against giving the Minister the authority just to go and sign any agreement on the street without seeking the authority of this House or even furnishing the House with the details of the so-called agreements. Mr. Deputy Speaker, this is why I personally feel that I am duty-bound to second this Motion and tell the country that we are here really to watch very clearly the behaviour of Ministers, particularly the Minister for Finance when he wants to use the public funds in any way he likes.

Mr. Deputy Speaker, Sir, you will agree with me that during recent months we have noticed that when there has been the so-called nationalization— Whether this is true or not, Mr. Deputy Speaker, this remains to be seen. All that has been done is perhaps to find jobs for some good boys who the Government, or the Minister for that matter, would like to hold very big posts. Mr. Deputy Speaker, to the great surprise of the *wananchi*, in the so-called nationalized firms, it is common knowledge that the people who are often given these important posts are well known. Mr. Deputy Speaker, I will not tire the House by mentioning the names of these people, but I am sure that the Minister for Finance and Economic Planning is well aware of what I am talking about. Mr. Deputy Speaker, this is ridiculous because—

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member for Yatta in order to say that I am aware of all the mischievous allegations he is making, including the allegation that I am aware that he wants to apply, on the Floor of this House, for a certain job?

Mr. Mutiso: Mr. Deputy Speaker, Sir, I have not been saying anything mischievous. I said so because the hon. Minister for Finance and Economic Planning is the gentleman who will dish out money when this nationalization takes place. So, Mr. Deputy Speaker, he is well aware of what I mean and if he pursues the matter I will really put him on the carpet. However, I will not tire the House by doing so.

Mr. Deputy Speaker, what I want to emphasize here is this: is it necessary for us, for example, to purchase 60 per cent shares of the National and Grindlays Bank Limited leaving them with only 40 per cent locally, whereas at the same time, Sir, we leave the entire responsibility, apart from placing the African Chairman there, who is only there to be directed by Government what to do, and who does not know precisely what would be the position of the entire bank when it comes to the terms of working? Mr. Deputy Speaker, if we do this and the bank tries to go slow in terms of trying to enlarge the business, you will never know. I am saying this, Sir, because when the banks may do so because it is less interested in that particular venture and can decide to go slow because this is a business enterprise. If they feel they have less interest in that particular concern, they will not hesitate because they have little to lose if they run bankrupt. Therefore, we, the people of this country, will now be faced with the problem of finding or writing off all this money which the Government has invested in this particular firm. I do not think that it is fair. If the Government decides, or wants to nationalize some of these banks, they should come out clearly and not halfway by buying 50 or 60 per cent of shares. Why do they not buy out the entire banks so that we employ the people working there and they become civil servants, so that if they are now fiddling about with our money, then we know how we can best handle them?

There is a danger, Mr. Deputy Speaker—when you harm somebody and you do not harm him enough or kill him; he will be more dangerous when he gets a chance to bite you. I am trying to educate the Minister for Finance and I am sure he can see what I am aiming at.

Sir, we understand, in these Estimates, that we are now required to give the Minister the authority

to buy another 50 per cent share-holding in the amalgamated Barclays and Standard Banks. The question here which arises is: why is it that it is only in the British owned banks where we buy shares? This is the question. Why is it only in the British banks? Is it because there are some strings or is it because we must sing to the British tune? This is very alarming because the National and Grindlays Bank was a British Bank and these are the other British Banks in the country. This is where the Minister now wants also to commit the country. We have not been able to see the benefits accruing from the buying of the 60 per cent share-holding of the former National and Grindlays Bank, and yet we want to commit the country to another two similar British banks. There is a danger here and I wish the Minister could see it. Sooner or later he will be called upon to answer for these things when they go wrong. However, he is now happy because when we talk in this House, he believes that we are only making noise because he has all the "okay" to do what he likes. However, one day he will be brought on the carpet to answer questions on these things.

An hon. Member: What colour will be the carpet?

Mr. Mutiso: I think you will see it. It might be a red one or a green one.

An hon. Member: Will you bring it?

Mr. Mutiso: The other point which I want the Minister to take note of is: when he was moving his Motion previously, he assured the House that he was not going to have a monopoly of these banks. He says this is correct. Now, what do we see? If now the next move is to purchase a 50 per cent share-holding in the Standard Bank and Barclays Bank, and also put their good boys there as they have done in various other firms which the Government has nationalized—Supposing the Minister or his chairman, whom he has placed in one of these banks, do not like my face and I go there to ask for loan; what should I do? What will happen? This is the fear about which we are cautioning the country because once the Government, or certain individuals have some personal interest—dare say here that the whole aim is political. This is because sometimes these banks — If I am a good customer of the Standard or Barclays Bank and it comes to campaigning when I have no money, I can go there and because I am a very good customer the manager may give me an overdraft. Now it will be a different thing when the banks are controlled by Government and when the same Government, as we have seen in the past, is not in favour of some of the Members who are in this Chamber being returned

[Mr. Mutiso]

to the House. The Government will freeze everything in the banks and, Mr. Deputy Speaker—poor you—you will not be able to get the finances when you are campaigning. This is what we are against, and unless we totally go for nationalization, this half-hearted nationalization is not good because it is not going to help us, nor is it going to take us anywhere.

Therefore, I think the sole purpose of this amendment is to ask the Minister, first of all, to produce a detailed statement showing: what we are going to gain when we purchase these shares from these companies; what will be the profit as compared to the present moment and, also, how the Government intends to enlarge these facilities in the rural areas. This is very important, Mr. Deputy Speaker, and that is why we have said that we are not entirely against the whole Estimates but all we want is the Minister to bring a detailed statement here showing all what is being requested in this Motion and I can guarantee him, if we are satisfied that this is to be in the best interests of the *wananchi* of this land, we shall give him an okay.

However, Mr. Speaker, I want to caution him. He has been very fond of rushing into these agreements whilst ignoring the fact that this House is the supreme authority in this land and that he ought, first of all, before he thinks that he should enter into such an agreement, to let us know. He should also furnish the House with the details of the said agreement so that we can scrutinize it and if we feel that it is in the best interests of the people of this Republic, then we shall give him an okay to proceed. However, for him to go and sign an agreement, as he has done with the Oil Company, only to come back here and ask for an authority when he has already done so, I think he is going behind the back of this House. I will not be a part to that agreement and I would like the Minister to know that this is not in keeping with the laid down standards of the National Assembly.

Mr. Deputy Speaker, I would not like to take much time tiring the House with all sorts of facts but I wanted to inform the Minister that it is very dangerous, in my view, to purchase these half bits of shares in these banks. We either nationalize them fully or leave them as they are because this is not good and he cannot convince the House that by so doing we are going to benefit more than before. All there is, is that the Minister is trying to play good to the British Government. He does not want to harm them as it has happened in the other neighbouring territories. He wants Kenya to remain a good base

for the British people. However, Mr. Deputy Speaker, if this is what the Minister has in mind, this is for himself and I can assure him that some time he will be called upon to answer to these things.

Mr. Deputy Speaker, with these few words, I beg to support the Motion before the House and recommend strongly to the House.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

Mr. Mwigigi: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to air my views on this Motion.

First of all, I would like to congratulate Mr. Wabuge, the Mover of this amendment and Mr. Mutiso, the Seconder of the amendment, for suggesting this amendment to the Motion. I have weighed up the two, the Motion and the amendment, and I feel that I should actually support the Minister's Motion.

Mr. Deputy Speaker, Sir, it is good when Government is getting some opposition because the civil servants and the Minister should always know that this House is the supreme authority of state and they should always be careful when they are preparing their budget or doing other related things.

Mr. Deputy Speaker, Sir, first of all, I would like to thank the Minister for bringing these Supplementary Estimates (Development) asking for money because in the past we have had cases when the money had to be returned to the Treasury because it was not spent. This is a sign that there is something which is being done in that Ministry. However, I have just one quarrel with the Minister or with the Motion.

Mr. Deputy Speaker, Sir, my quarrel is this. The amount of money requested is too small. There are a lot of things which can be done with a larger amount of money and to ask for £15.3 million for development—even for Supplementary Estimates—is very small, Mr. Deputy Speaker. If it was £50 million, Mr. Deputy Speaker, I would feel more comfortable.

Mr. Deputy Speaker, Sir, I expected an inclusion in the special development projects aimed at alleviation of unemployment. The House accepted a report on unemployment and I thought Government was taking this report much more seriously, but when I go over these estimates I do not find anything put specially to meet the unemployment situation. Mr. Deputy Speaker, Sir, the gravity of the situation on unemployment should push Government to do something about it.

[Mr. Mwicigi]

Mr. Deputy Speaker, Sir, last year, our high school leavers ran into about 26,000 students and out of that number, about 8,000 could get training or employment leaving us with 18,000 students. Therefore, Mr. Deputy Speaker, Sir, we have 18,000 unemployed students out of last year's school-leavers, 15,000 students for the year 1969 and about 12,000 in the year 1968. This brings a total about 45,000 high school-leavers who are looking for employment today. Mr. Deputy Speaker, Sir, if we turn to the Certificate of Primary Education school-leavers, this is actually worse than secondary school-leavers. We have 168,000 Certificate of Primary Education school-leavers who left school in 1970 and about a quarter of that number will—

The Deputy Speaker (Dr. Waiyaki): Order, Mr. Mwicigi. You are wandering too far away from the amendment because you have already gone back to the original Motion. We are discussing the amendment at present.

Mr. Mwicigi: Thank you very much, Mr. Deputy Speaker, Sir, for your guidance.

However, I would like to draw attention to the Minister that in the development projects something should have been done about unemployment.

Mr. Deputy Speaker, Sir, if I may be allowed to go back to the Motion and the amendment, I feel that the Minister's policy of Government and private enterprise participation is the best policy to follow in this country. We have learnt by bitter experience from other countries and other governments where there has been wholesale nationalization because those governments had to learn later on that they lack personnel and other things and they had to get back the same people to come and run the industries. I congratulate the Minister for this wise policy of, at least, 50 per cent or 60 per cent participation in favour of our Government.

Mr. Deputy Speaker, Sir, I have one big concern in these Development Estimates. This is the fact that in our banks, today, there is surplus money to the tune of £25 million which is not being spent. We would like to know, from the Minister for Finance and Economic Planning, what plans he has about how the country can make use of this £25 million which is a surplus. Some of this money is in our Central Bank and it is not even bearing any interest. Why should Government not sponsor some projects at a low rate of interest so that the economy of this country can be expanded? This is not what is being done today, Mr. Deputy Speaker. Mr. Deputy Speaker.

Sir, I would appeal to our good Minister to consider appealing to these banks to lend money, particularly to the rural areas, where a lot of money is required for development. I would also appeal to our Minister to consider revising the exchange control regulations whereby foreign controlled companies could borrow money more than 20 per cent which is at the moment required by law. The money should be borrowed to be spent locally because this would help our economy to expand.

Mr. Deputy Speaker, Sir, I would like to support the Motion in question because—

An hon. Member: Which Motion?

Mr. Mwicigi: There is one Motion and one amendment and I am supporting the former, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I would like to say that I am grateful for what the Minister has done. There are some urgent projects which have been included in these Development Estimates and, in fact, if you look at page 37 of the Development Estimates you will see that there are many hospitals whose progress should not be stopped. Operations and development should continue on such projects and I would not like to be associated with any delay—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir. I would like to have your guidance here. Is it in order for the hon. Member to speak both on the Motion—and especially to dwell on the Motion itself—and the amendment or is he supposed now to speak on the amendment?

The Deputy Speaker (Dr. Waiyaki): The amendment proposes to leave out the whole lot of words which contain the provisions the hon. Minister for Finance and Economic Planning is looking for. The money that we are discussing at the moment is the Development Supplementary Estimates No. 1 which covers the hospitals that the hon. Member, Mr. Mwicigi, has just been discussing and obviously it is quite relevant.

Mr. Mwicigi: Thank you very much, Mr. Deputy Speaker, Sir, for your ruling.

Mr. Deputy Speaker, Sir, if we support this amendment some of these hospitals will be badly affected and I do not want to be associated with such a thing.

Mr. Deputy Speaker, Sir, page 37—

Mr. Seroney: On a point of order, Mr. Deputy Speaker, the hon. Member says that if he supported the amendment the hospitals would be axed. Is that the meaning of the amendment which we are discussing now, Mr. Deputy Speaker?

Mr. Mwicigi: Mr. Deputy Speaker, Sir, the hon. Member for Tinderet should know that the way the amendment is put would mean a delay as far as these projects are concerned. What I am saying is that the following hospitals—including Homa Bay Hospital and Housing—Mandera Hospital, Garissa Hospital, Loitokitok Hospital, Marsabit Hospital and others, require this development money. Mr. Deputy Speaker, Sir, you can see that even Murang'a Hospital and Kandara Hospital are omitted here. But, in spite of that, I think the Motion should be supported as it was moved by the Minister. There is no reason for any delay in approving this money for this development. Mr. Deputy Speaker, Sir, as I said, in the past we have had some cases where money has been returned to the Treasury because there was no spending.

Mr. Deputy Speaker, Sir, with those few remarks, I would like to congratulate the Minister for what he has done because I feel that he has done the right thing. However, before I sit down I would like to point out one thing which I find in page 33 of the Development Estimates. Mr. Deputy Speaker, Sir, Head D15 on the Ministry of Education there is a section D which is speaking about technical education and another section, B, which is dealing with secondary education. If you compare those two sections, B and D, you will find that there is only £39,000 which is requested for technical education as opposed to £100,000 for secondary education. I very much criticize this ratio. Mr. Deputy Speaker, Mr. Deputy Speaker, Sir, the Government of our Republic has not given technical education the priority it deserves. I would like to urge the Minister to consider this point seriously. He has done a good job in the past and there is no reason why he should not also take serious action on education.

With those few remarks, Mr. Deputy Speaker, I beg to support the Motion as it was moved by the Minister.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I have listened quite a lot to this hon. friend of mine, the Member for Kitale West—

An hon. Member: East.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The other hon. Member is telling me "East". Mr. Deputy Speaker, in all fairness, I am sure my friend was not serious, because, if he was here, when the Minister for Finance and Economic Planning was moving this Motion, he would certainly have agreed with me that there was no need for his Motion at all. Any Member,

speaking on this amendment of the Motion, by the Minister for Finance, can only do so if he was outside this Chamber when the Minister was moving.

Mr. Wabuge: I was here.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): If he was here, then, there is something wrong with his understanding. The reason, Mr. Deputy Speaker—

Mr. Wabuge: On a point of order, Mr. Deputy Speaker, Sir, is the Assistant Minister, who was, at one time, the president of the poor, and is now the president of the rich, substantiate that I did not follow what the Minister was saying when, in actual fact, I was here?

The Deputy Speaker (Dr. Waiyaki): For substantiation, the hon. Assistant Minister has expressed an opinion, thinking you did not understand.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, he is the oldest Member in this Chamber, I guess, among the lot now, because he was even in the former Colonial Legislative Council. Therefore, I do not want to pick a quarrel with him and he should know that, was not a point of order and my presidency had nothing to do with it.

The point I am emphasizing is—and I am still the president of the poor, and I would challenge any hon. Member for what you said, in any public rally, including their own constituencies over this issue. Now, Sir, having said that, I was here when the Minister was moving the original Motion, which is now being amended by my hon. friend, and he went into details, explaining almost each and everything in the Development Plan here. At times, I heard a lot of Members agreeing with him, especially when the projects in their areas were being mentioned, there was a lot of applause for the Minister.

Mr. Deputy Speaker, Sir, you allowed the hon. Member to speak and now he is speaking seated on his buttocks as if he is in a certain market somewhere in Kitale. This should not be allowed. Mr. Deputy Speaker, the hon. Member should realize that others have a right to contribute to any Motion and express their views, because we all do not come from one constituency.

Mr. Deputy Speaker, Sir, the amendment here seeks, as a matter of fact, to kill the very development we are trying to initiate, by removing or withdrawing it and so forth, as is requested by the hon. Member. In my opinion,

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Sir, I must declare my interest here. I have a sugar factory to be built in Western Province. What will I tell the Western Province people when I go back, when I delay this very development, which is going to supply them with some work and so forth? Will they not say that this Member is really out to kill us? Is it not fair, Mr. Deputy Speaker, that we have, as a matter of fact, accused some of the civil servants who sat on the development money and returned it to the Treasury and we should denounce them and I still denounce them as the killers of the people? Will I not be equally accused, or any hon. Member here, will he not be equally accused as the killer of the people, if we decided to delay the development, the money to develop the people we purport to represent here? Will it not, Mr. Deputy Speaker—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Assistant Minister really in order to imply that, if an amendment is introduced here in this House, seeking more clarification on a matter that has been put before the House, it amounts to killing the people?

The Deputy Speaker (Dr. Waiyaki): What he has said, in the changing of the amendment is that, the whole lot of words after the word "that", which is the substance of the Motion, as proposed by the Minister for Finance should go out and there would be inserted other words, the effect of which will be to go back to the Ministry and reintroduce this Motion in a different form. This implies delay. The hon. Assistant Minister is saying that the people in his Province, would regard him as the killer of the people, by virtue of the delay. I think that is what the Assistant Minister meant.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Deputy Speaker. You have explained it in the simplest possible way which, Mr. Deputy Speaker—

Mr. Mutiso: Mr. Deputy Speaker, Sir, is it on your ruling that the meaning of the word "delay" also means "killing", so that if anything is delayed, it means killing the people, because the Assistant Minister wants to imply that by seeking more information and clarification on the Development Plan, we are killing the people?

The Deputy Speaker (Dr. Waiyaki): If you are using the word killing, meaning to remove life. I was not thinking of that. I was thinking of the meaning that you cause them certain types of embarrassment, may be lack of work and that kind of thing. You can use the words "to kill" to mean

that. I thought that is what the Member was saying. It would not be a physical killing.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I do not mean physical killing. If there is no development, for example in the Western Province, if the sugar factory at Mumias is delayed, as a result of withdrawing, and the subject matter here is withdrawing, it is not trying to seek information but to withdraw the whole Motion and, therefore, there will be a delay and if somebody could have been saved, who is in distress in Western Province, who could have obtained a job in the sugar factory there, thereby, helping his children to go to school or help himself or help his family from hunger, and if such a man gets into such a problem to such a stage that he may die, who is the killer? It must be the hon. Members of this House who have delayed the food which would have otherwise saved him. This is the point I am trying to express, Mr. Deputy Speaker. The food that should have gone to that man—and he dies we will be responsible. Mr. Deputy Speaker, I would challenge any hon. Member here on this issue because, we, and particularly myself, have blamed the civil servants, who have sat on the development money, which we voted in this House to develop various areas and which was not spent and was returned to the Treasury, the result of which was that people in the area never saw development. For the information of the hon. House here, Mr. Deputy Speaker when we shall come to the elections, each and every hon. Member in this House will be subjected to questions by his own constituents as to what he has done. Mr. Deputy Speaker, I am sure he will not be able to tell them what he has done because he will have been delaying—

Let me hope it is a point of order.

Mr. Kitonga: On a point of order, Mr. Deputy Speaker, I think the Assistant Minister has really made an allegation that some of the money has been returned to the Treasury and that there has been no development done. Will he substantiate that allegation to the Government of Kenya?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Sir, I have said this in the past and it is common knowledge. If the hon. Member would go into our library, he will just find out that some Ministries, like the Ministry of Health, the Ministry of Works, the Ministry of Agriculture and so forth have returned their money to the Treasury. It is just a bit of small work; it will reduce his weight if he does that bit of homework. A bit of work will reduce his weight.

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Now, Sir, this money has been returned and the people in various areas have missed some development. There, I still accuse the civil servants concerned as having killed the progress of the people. I will not, therefore, like to fall into the same pit or hon. Members should not fall into the same pit where their opponents in the next elections will point an accusing finger at them and say, "Here is the Member who delayed the development. The hon. Kibaki was trying to bring money to develop this area and the Member blocked it and here we have nothing done. Are you going to return this hon. Member to Parliament?" Mr. Deputy Speaker, some of us may not live to see the four walls of this House next time. They can see it now, but next time they will never see it. They can come to the Public Gallery and that will be after I have signed their ticket to come up there but not otherwise.

Mr. Deputy Speaker, Sir, you, me, and other Members who were here know that I used to tell some of my friends that they will never see this House and they have not seen it. I am sorry to say that some of us—if we have to stop the development—will not again see the four walls of this House.

An hon. Member: Where were you sitting?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I used to sit right over there, on the famous "Liberal Bench". Mr. Deputy Speaker, what we are interested in here is to have development carried on.

I would not mind the details which the hon. Mover promised the House that he will supply them in the Committee stage. As a matter of fact we should be already in the Committee stage so that we can ask as many questions as possible and get as much information from various Ministries concerned. This will help our people to know that we are doing something. But when Members seek to withdraw the whole thing, which will subject it to being done again, and be reprinted and take more time; and then the hon. Member drives home to tell the people that he is their representative, I refuse to accept that. He is a representative of himself and not the people, because if he is a representative of the people, Sir—and any hon. Member worth his salt is a representative of the people—he should be the first person to allow any little money or any money that comes in the way of development to go through. This must go through.

Personally, Sir, I will not even mind if there is an overexpenditure by a civil servant in the

interests of development; provided we see the development itself done, I will not mind. But when it is an overexpenditure which goes into somebody's pocket, or on some frivolous things which are not in the interests of the people, then, we have to object. But here, how can an hon. Member claim that he is representing the people and, at the same time, he wants them to develop when he is refusing the hon. Minister for Finance and Economic Planning to dish out the money to the various projects to save his people?

Mr. Deputy Speaker, Sir, Mumias Sugar Factory is not even in my constituency. It is in Western Province and I know when this money is voted to go there, it will be used to employ all the possible people in Western Province and that will be progress in my area; a thing I shall be proud of, Sir, when I go to the voters and tell them, "Here we are, on such and such day we voted money for you and here is the sugar factory and you have employment".

Mr. Deputy Speaker, I am sure those people in Masailand who are talking of cattle ranching, when this money is sent there and they have water for their cattle and so forth, the people in Masailand will appreciate it and say, "Indeed, the Members we sent to Parliament have brought something". What will they say when they find that the hon. Members here refused to let them have water in their area for their cattle? Sir, this is interesting because, I agree with the hon. friends of mine here that we are all politicians, and we know which side of the bread is buttered. Any Member who does not know which side of the bread is buttered, then, it is just unfortunate for him, but we all know which side of the bread is buttered. However, this bread which is being brought here by the hon. Minister for Finance and Economic Planning does not only have butter but has jam in addition; which unfortunately is being described as poison. If the hon. Member says that this is poison coated with sugar, let him lick the sugar and leave the poison. I do not think, nor do I agree with the hon. Member that this is poison coated with sugar. This is bread with butter plus jam for the consumption of our people we talk of as representing in this House.

Mr. Mutiso: That is your opinion.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, the hon. Member talks of my opinion. It is not my opinion, it is the opinion of Yatta people who want progress but the hon. Member wants to feel he is big here by sitting on the money which, if we went even to Yatta and

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he spoke Kikamba and I spoke Kiswahili and told them how much money they were going to get and the Member wanted to sit on it for even one more minute they will know that their Member is not for them but for himself and probably for his wife. They know what they want in Yatta: they are not stupid people there. Mr. Deputy Speaker, we in this House, therefore, are responsible people. I am of the opinion and I can appeal to the hon. Members that this is development money and we should have the development done.

I must say, Sir, that specifically speaking there is nothing specific for Butere Constituency which is in this Development Estimate. But no Member can say that unless something is done in his area, nothing should be done anywhere else because development in various parts is building the nation. Butere alone can never be Kenya. So, when something is done in North-Eastern Province, it is development of Kenya. If something is done in Masailand it is a development of Kenya and next time it will be done in Butere. This is the spirit, Mr. Deputy Speaker: that we in this House, should look at things like that and stop thinking in terms that if there is nothing in Moyale, then the whole thing is not good: we must delay it and withdraw it. First of all, Sir, why should we throw it away: something which involves going into—

Mr. Mutiso: Who said we are throwing it away? What is wrong with you?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, could you order the Member for Yatta to keep his mouth shut because I am capable of making him look very small?

Mr. Mutiso: Question!

The Deputy Speaker (Dr. Waiyaki): Carry on. He has heard it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Deputy Speaker. I am glad he has kept his mouth shut. He knows me very well.

When you withdraw this Motion, it will mean that the Minister will have to go into drafting it again, go into the printing, stationery, circulation, until it is brought back again, and this, first of all will be a waste of time, waste of money and completely unnecessary. We are not, therefore, going to allow this, Sir; we who are representatives of the people. However, those who are representing themselves, can go ahead and block these Development Estimates.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, do you not agree with me that the hon. Assistant Minister is really imputing improper motives that those Members who have proposed this Amended Motion genuinely before the House and those who support it are representing themselves? Is this really proper?

The Deputy Speaker (Dr. Waiyaki): Well, it is not an improper motive. He is only giving his views. After all, the explanation that he has tried to give that any Member who is willing to delay the expenditure for development is only representing himself, is only an opinion. I mean, it is not improper motive.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much. There is nothing else because the Minister explained, and I am also explaining and I have declared my interest on Mumias which I want to come to. The hon. Member and any other Members blocking it, Mr. Deputy Speaker, are not helping the people but helping themselves. The public should know who their enemies are.

Mr. Deputy Speaker, I even wish they would bring a Division so that we may know—

Mr. Seroney: On a point of order, is the hon. Assistant Minister right in trying to intimidate Members of this House by calling them the enemies of the people—I mean those who disagree with him?

The Deputy Speaker (Dr. Waiyaki): I do not know in which way he can intimidate. He has said one very strong thing that the people should know who their enemies in this House are, but then I will give an opportunity to hon. Seroney or anybody else who wants to show the opposite side of the picture when the time comes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Deputy Speaker. Any hon. Member may rise, but for now let me submit very strongly that we are here for the progress of our people, and this progress is being brought in terms of money by the Minister and then we block it, I submit very strongly and very emphatically that those who oppose it are the enemies of the people, and I wish we could go to a division so that we may have their names recorded for future reference.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir. I think we must have this cleared. This is not the first time that Motions of this nature have come before this House, but it is, in fact, in my experience, the first time that a ruling

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has been given that the implication that an hon. Member introducing an amendment to a Motion of this nature before this House is being an enemy of the country. Can we get a ruling from you, Sir, that in future, or even in the past, those Motions which have been opposed here and amendments introduced, all those Members who have been in favour of the amendments have been enemies of the people?

The Deputy Speaker (Dr. Waiyaki): You have got my ruling quite wrong. I said that the hon. Member was giving an opinion as to what he thinks the effect of delay in this kind of Supplementary Estimates will be. He thinks that those will be the enemies of the people, and I said that I will give whoever wants to dispute that view an opportunity to express himself here. I did not rule that when you introduce an amendment of this kind you are necessarily an enemy of the people. In any case, those words never came from the Chair. It is a debating point that the hon. Shikuku is putting, but he is doing so very strongly. It is for whichever hon. Member who wants to fight it, to dispute it, strongly.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Deputy Speaker. I would like to speak—I told them I am still the president of the poor people. Now they can feel it. If they want to dispute it let us go out to Kamukunji also. I will put them down.

Now, Sir, the point is that we here, I submit, have a duty to perform. This duty is to the nation and for that reason, Mr. Deputy Speaker, amendments—I do not agree with my hon. friend, but I agree with your ruling—can be made. Some can be destructive and some can be constructive. One of them—not all are bad—which is bad is this one which seeks to remove the food, in my opinion, to which I am entitled, from the mouths of our people. Somebody else is trying to delay it. I do not want it to be delayed even for a second. Anybody delaying it, Mr. Deputy Speaker, is doing so because he himself is all right. But those people who are hungry and those who are unemployed, those who have no school fees to pay for their children and those who have no future—

The Deputy Speaker (Dr. Waiyaki): Order! I think you are now imputing an improper motive. If you say that they are delaying it because they themselves are all right when the other people are poor, that is not allowed. That is an improper motive.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Deputy Speaker. I agree with you there, but what I said was that we want—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I withdraw that part where I said that because they are all right themselves. I leave that, but I insist on the former stand, that I, and all other hon. Members who have the interests of the people at heart will not delay any money in terms of development, and the Minister is going to give us full explanation when we come to the Committee stage.

Wishing not to delay that food from reaching the mouths of the people that I represent and those of other areas, I wish to oppose the amendment very strongly, and if those who want to delay this development want to go ahead I wish we could have a division so that we can record the real enemies of the people.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, can we get a ruling from the Chair whether these words which have been used here repeatedly are really in order, that there are some hon. Members who are enemies of the people?

The Deputy Speaker (Dr. Waiyaki): I have said repeatedly— You can get sensitive about this kind of thing. It is strong and if it affects you, obviously you do not like it. You can get very sensitive, but it is not out of order to express an opinion in this House, except when you impute an improper motive in whatever you say and when the words are unparliamentary. The word "enemy" in itself is not unparliamentary. This is all I have been trying to say. If you catch my eye I will certainly allow you to call him an enemy too.

Mr. Mutiso: On a point of order, do you rule that the hon. Member using the words "those who are opposing this Development Plan are the enemies of the people" is not imputing an improper motive?

The Deputy Speaker (Dr. Waiyaki): I do not think I can explain any further to the hon. Mutiso. I have tried my best to explain that the hon. Member was expressing an opinion which may be valid or invalid, good or bad. It is for the other side to demonstrate how terrible this opinion is. That is what I am saying. It is not a matter for ruling from the Chair.

Mr. Seroney: Thank you very much, Mr. Deputy Speaker. I would like to begin by saying that I accept fully the challenge of the Member for Butere to have a Division in this House at

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the conclusion of this business. Mr. Deputy Speaker, the Member for Butere has said that we are going to find out the enemy. I am going to demonstrate both to the Member for Butere and the House who the actual enemy of the people is.

Mr. Deputy Speaker, we are being misled in this House and there is a conspiracy on the part of certain Members of this House to mislead the House. I am going to show how this is being done.

Mr. Deputy Speaker, this amendment before the House is a procedural device to obtain an amendment or removal of certain items within this Development Plan. The fact that it has been put in terms of a withdrawal is because the hon. Mover and other Members, like the senior Member, the Member for Butere knows, under our Standing Orders there are certain limitations to how you can deal with Estimates. Therefore, all the Mover of this amendment is seeking is to remove certain items which have not been agreed to in policy lines by this House. It is no good Members from the Front Bench trying to tell the House that we must accept the Development Estimates in full or else we are delaying development. This is arrogant blackmail which we cannot withstand. None of us is trying to stop—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order to describe or to insinuate that there was blackmail when somebody was expressing his opinion; and furthermore to state that there is a conspiracy which in itself is an improper motive? Can the hon. Member tell us the Members of this House who have conspired—where and when?

The Deputy Speaker (Dr. Waiyaki): First of all, the word, "Blackmail" as used by Mr. Seroney and as far as I understand it was used to mean that there will be a division so that you could expose certain names. If you are prepared to call certain Members "Enemies of the people" that is tantamount to exposing them to the people from this House. If he then subsequently calls your statement "Blackmail" he is quite in order to describe it as such. As to the word "conspiracy" I would like the hon. Seroney to substantiate in which way the Front Bench has conspired.

Mr. Seroney: Mr. Deputy Speaker, Sir, if the words are objectionable I would like to withdraw them as such. What I was getting at—

An hon. Member: And apologize.

Mr. Seroney: No! What I was getting at, Mr. Deputy Speaker—

The Deputy Speaker (Dr. Waiyaki): Now that the tempers are getting a little higher than we expected, I would like to call for the use of milder terms. I think if we encourage the use of strong words, whether they are parliamentarian or not then, we possibly shall not arrive at the conclusion we want to arrive at.

Mr. Seroney: I withdraw the actual word—"Conspiring". However, what I should have said Mr. Deputy Speaker, Sir, is that there is an attempt by some of the Members who have already spoken to lead the House to the conclusion that any suggestion about disapproving these Estimates is aimed at delaying implementation of the acceptable part of these Estimates. However, I can assure the hon. Members that that is far from our intention. How long this move of the amendment delays this development money depends entirely on the Government because all that is required is for the Minister to say, "All right, if you object to those items mentioned in the Amendment we will withdraw those and pass the rest and discuss the others later on". That is all that we are asking for, Mr. Deputy Speaker. Therefore, I do not see the reason why anybody can tell me, the Mover or the Seconder of the Amendment, "Please remove the three items—it is what it amounts to—and we are quite happy with the rest".

The reason why I used the word, "Blackmail" is because we are being told that there is a package deal and if you object to any part of it then you must object to the whole of it. That is what constitutes the blackmail. As the Member for Kandara was saying, none of us is objecting to the question of hospitals in Marsabit or somewhere else; and none of us is objecting to development in any part of the country. However, we are saying that this House should not be committed to be a rubber stamp for agreements which are signed by the Government whose terms are not known to this House.

The Minister for Finance and Economic Planning went to Mombasa and signed a certain agreement which was reported in the Press, as usual, and we would like to know what that agreement consisted of. We want to study that agreement and see whether it is beneficial to *wananchi*; and see whether we, as representatives of *wananchi*, who have to authorize expenditure can, with a good conscience, endorse such particular agreement. I think we must put to an end this state of affairs. The Government has fallen into the habit of taking this House for granted. It is a pity that we have adopted the British

[Mr. Seroney]

type of Constitution where agreements or treaties by the state are never referred to this House. In America and other countries, all treaties and agreements between states are ratified by Parliament. However, when we made our Constitution we copied the British and allowed this question of agreement or treaty-making power as a prerogative of the Government such that Ministers can come to this House, like the Minister for Natural Resources did the other day, when he said to the Member for Kerio South, "It is necessary to lay an agreement between the Government and another organization on the Table of this House, but we will do you a favour and give you a few points of that agreement". Mr. Speaker, Sir, how can we exercise our power intelligently? We have been objecting to civil servants engaging in unauthorized expenditure. Now, if we are to authorize expenditure, are we not entitled to demand that we do so intelligently—knowing exactly what is involved? Is it wrong to say that we do not want to spend £3 million to acquire shares in Barclays Bank and the Standard Bank as we did with the Commercial Bank of Kenya whose record we cannot judge yet because we have not seen it operate long enough? Are we not entitled to say that monopoly should not be given to the Commercial Bank of Kenya? We are informed by our usually reliable source that the talks which are taking place between the Government on one hand and Barclays and the Standard Bank on the other hand are designed to bring about two things: the first thing is to bring about the amalgamation of the Standard Bank and Barclays Bank; and after being amalgamated the Government will take over 60 per cent of the share holding on behalf of the Commercial Bank of Kenya. It is surprising that the Minister should use the back-door method in nationalizing these two banks.

I am now referring to subhead H. If we agree with the Minister and vote for these Estimates the way they are he will not feel obliged any more to come to this House and discuss with us the details about the amalgamation of these two banks with the Commercial Bank of Kenya, because he will have already been given the money and, therefore, there will be no obligation, at all, to come to this House. In any case, we are going for a recess of one month and, all kinds of things will be done.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that the hon. gentleman is a lawyer and he knows that under Banking Act 1968, I would have to come to this House, if there was a merger of two

banks, because that is the provision of the Banking Act— Is he in order to mislead the House that I would feel that I did not have to come back or that I would not come back in this House? Is he suggesting that I would do anything outside the law or what is he suggesting?

The Deputy Speaker (Dr. Waiyaki): I think the hon. Seroney ought to substantiate a little that it is, in fact, true because this is not an opinion but it is a statement which we regard as fact that the hon. Minister will not have to come back here to seek permission from the House. Can you substantiate?

Mr. Seroney: Mr. Deputy Speaker, Sir, I would like to withdraw that remark. I would accept it as an indication by the Minister that he will not commit this country as far as these banks are concerned before coming back to this House in which case there is no need—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, I stand to seek your guidance here. I have been a debater like any other hon. Member, but is it really allowed for an hon. Member to stand up on his feet and keep on making sweeping statements and withdrawing them every other minute?

The Deputy Speaker (Dr. Waiyaki): You know the effect of that kind of thing especially if you are a senior Member of this House. If you make a spirited and energetic statement which you are forced to withdraw in the next minute, it very much spoils the case you are trying to make. The Chair, of course, does not condone misleading the House. It amounts to this because the hon. Seroney surely knows that the Minister for Finance cannot enter into an agreement with either the Barclays or the Standard Bank without coming back to this House as contained in the Banking Act. I think that was a dangerous thing to say.

Mr. Seroney: If the Minister will have to come back to this House, therefore, Mr. Deputy Speaker, there is no need or urgency to authorize the expenditure of £3.5 million under subhead "J". Therefore, if he was going to come back to the House, in any case, there is no urgency to pass this item "J". He can wait and it can be discussed when he brings the Bill to authorize the amalgamation of these two banks with the Commercial Bank of Kenya. Therefore, he can safely accept the amendment as it has been put.

With regards to the purchase of East African Shell Company all that the amendment asks is that the rest of the Estimates which are unobjectionable should pass, but this particular item should be removed. The third item which the amendment asks to be removed, pending discussion by the House in connexion with agreement

[Mr. Seroney] concerned, is this business of Fluorspar Company of Kenya which is supposed to operate in Kerio Valley.

The amendment before us is simply suggesting that before we vote any money to the Industrial and Commercial Development Corporation, for instance, 51 per cent in this particular company, we want to be sure that the agreement in its entirety is satisfactory to the *wananchi*. It should not be meant to misuse or rather to put the public money into use other than into the very best possible causes. Therefore, it is no good for the Ministers and Assistant Ministers to tell us that if we object to this item and that item, we want to delay development. My challenge to them is for them to accept the amendment as it is and quickly delete those items and wait to see whether we are going to object to the rest of the Estimates because they are saying that we have to accept the rest. Let the Minister take his pen and remove those three subheads and he will see that we will accept the rest of the Estimates without any delay. If there is going to be any delay it will squarely depend on the obstinacy of the Minister for Finance and on the Front-benchers.

Coming back to the amendment, Mr. Deputy Speaker, I recommend this amendment to the House. I would like to warn the hon. Members not to do something they are going to regret later on. In the first Parliament many things were brought up and some hon. Members, like the Assistant Ministers who are clapping, accepted them because the first Parliament accepted many things which later turned out to be harmful to the country. Hon. Members in the first Parliament passed certain laws which we are trying now to find ways and means of repealing because they are harmful to us. Therefore, I am really asking the hon. Member for Butere, including other hon. Members, in the interests of their people whether they want to see banking becoming a monopoly. I do not know whether there is a bank in Butere, Barclays or the Standard? Whether that branch should be a branch of the Commercial Bank of Kenya; once it is started it will be controlled from here in Nairobi— An hon. Member has quoted an example about the difficulties we faced in the last Parliament. Those of us who were in the last Parliament had a great deal of difficulties because someone somewhere high up in the Government had gone around all the banks telling them not to give any overdrafts or to stop giving overdrafts to ex-Members of Parliament.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, I think

the hon. Member is heading to the third withdrawal since he started speaking. Can he tell us or substantiate that some one in the top hierarchy of the Government went around the banks directing them to refuse ex-Members of Parliament a chance of getting loans or overdrafts from the banks? Can he substantiate that?

Mr. Seroney: Mr. Deputy Speaker, Sir, my substantiation is based on my own experience and I am glad to give that experience to the hon. Members. I found that even a Government cheque like the cheque I had, in respect of the Social Security Fund, when I took it to the Treasury and I asked them to make some alterations in it so that I could cash it, I was told that there was strict instructions that I must take it back home and cash it there. There were other ex-Members—

The Deputy Speaker (Dr. Waiyaki): Order! Order! That is not good enough. The statement you made was that someone high up in the Government had gone around banks—and banks in this respect are the commercial banks—instructing them that certain people should not be afforded overdrafts or loans. Can you substantiate that particular clause?

Mr. Seroney: Mr. Deputy Speaker, Sir, that was my own experience and the experience of my colleagues at that time. They said that is what the Government had said. They did not give the identity of the person. Therefore, how can I substantiate something which I do not know. I can substantiate the effect. The effect was that all Members of Parliament at that time and they ceased to be Members of Parliament—

The Deputy Speaker (Dr. Waiyaki): Order, Mr. Seroney! It may be true, I do not know, but the hon. Member is called upon to substantiate what he regarded as a fact when he made the statement. It is not the effect we are asking for. The statement he made was that there was some instruction by someone somewhere high up in the Government who went around the banks instructing them not to give ex-Members overdrafts or loans. That is the fact you must substantiate. The effect you found with your Government cheque in connexion with the Social Security Fund is another matter.

Mr. Seroney: I substantiated because that is what my fellow Members of Parliament told me. I was told by colleagues because some of them are my hon. ex-colleagues—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member says that he was told by someone. Being old enough in this House, it is normal

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

that when you say that you were told by someone you must say the name of the one who told you, he knows most of the hon. Members who were here last time and he should tell us the one who told him and the one who gave the instruction.

The Deputy Speaker (Dr. Waiyaki): The hon. Member for Yatta is volunteering from his seat. I do not know whether he is prepared to extend the same offer by standing up to show that he told him about that matter. Is the hon. Member for Yatta prepared to say that he himself told him about it.

(The hon. Mutiso stood up)

The Deputy Speaker (Dr. Waiyaki): On the strength of that statement we can leave the matter there.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member fears, probably, because the person in question is his friend or something of that sort. Now, could we take him to task? He told the hon. Seroney, and therefore, he is the original source of information now, could we ask him to tell us which top man in the Government who went round the banks stopping loans?

The Deputy Speaker (Dr. Waiyaki): The corollary is obvious. The hon. Seroney made the statement on the grounds that he was told by certain Members, one of whom is the hon. Mr. Mutiso. Mr. Mutiso has volunteered openly and by standing up—which amounts almost to a statement—can he now substantiate that there was such a thing?

Mr. Mutiso: Mr. Deputy Speaker, Sir, this is a very clear case. I personally, Sir, went to my bankers—

Hon. Members: Who?

Mr. Mutiso: I, myself! Mr. Deputy Speaker, Sir, went to my bankers and tried to raise an overdraft for my election campaign and I was told, clearly, that there are certain Members who cannot be given overdraft because of their security. So, I was refused.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member says that he went to the bank and apparently he has collaborated with the hon. Member that he told him that he had been stopped by "a certain person". Now, we want to know the person who gave instructions, which when he went to the bank, he was told that he was not going to

get an overdraft. Also, we would like to know which bank.

The Deputy Speaker (Dr. Waiyaki): No, no! That is not the position. The original statement which led to the second substantiation from Mr. Mutiso was that a certain Member of Government—a certain high up Member, no name—had gone round the commercial banks instructing that they should not issue loans or overdrafts to certain Members of Parliament or certain individuals. That is what hon. Seroney said and I required him to substantiate it. He failed to do that and hon. Mutiso volunteered to say that he had, in fact, told hon. Seroney. On the strength of that information, Mr. Seroney would have been incited to make a statement, because, in substantiation, you are merely asked to give evidence on which you base the statements you make. It does not matter if it is lame evidence; if it is poor evidence. That is the kind of evidence we have heard.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Deputy Speaker, Sir, there is an important point of order. It was alleged that there was a higher person. In the context of the words "the Government," because it was said "A higher person in the Government" the assumption is that it is a certain person in the Government. Mr. Deputy Speaker, Sir, are we not entitled, in view of the seriousness of the allegation, to insist that the name of the person be given because it was alleged that they were told "A certain person high up in the Government". It is a person. Mr. Deputy Speaker, Sir, I would like to seek your ruling in this regard that a substantiation should amount to a name being given.

Sir, we had the same problem here only a week ago and there is a Motion on the Order Paper because people were referred to in general terms. A Member of this House was required to give names. When he went further and gave only indications which were very specific—

An hon. Member: On a point of order—

The Minister for Finance and Economic Planning (Mr. Kibaki): No, mine is a point of order please! He gave indications including numbers of licences, which would give an interested party enough guide to check, it was still being required that he should give the actual names. Mr. Deputy Speaker, Sir, in view of the seriousness of this allegation, Sir, I would like your ruling that the substantiation should amount to a name because to say one was told, in my view, is not enough. Similarly, Sir, tomorrow I may say that the hon. Member for Yatta killed somebody and I will say that it was somebody who told me outside the House. Then, Sir, in this case

[The Minister for Finance and Economic Planning]

where do we end in the name of respect of this House?

The Deputy Speaker (Dr. Waiyaki): The Minister for Finance and Economic Planning is right in saying that a name should be given. The words used were "A certain Member of the Government" meaning that it was a Member highly placed. Now, a certain Member implies that a name is known and that a name is hidden secret from the House. That is one interpretation. Of course, the difficulty will arise in that the hon. Member making the statement may never have been told because the man who actually made the statement was the hon. Seroney. So, we may now, be chasing our tails. We may never know the truth. However, what it does mean is that when the words "A certain Member of the Government high up" is named it obviously means that some name was given. If it was given, then, we will never know the truth. This is the difficulty.

Mr. Mwithaga: On a point of order—

The Deputy Speaker (Dr. Waiyaki): However, I think we are spending too much time on that. I think we will now— Hon. Mutiso was not the person asked to substantiate, although by virtue of his implication he was called upon to substantiate and, I think, we have gone as far as we can get in this issue. Mr. Seroney was speaking.

Mr. Seroney: Mr. Deputy Speaker, Sir, I must congratulate the Mover of the original Motion. I must congratulate him for the work he did yesterday in getting the House to approve, in principle, the Recurrent Estimates. He did this by giving certain assurances to the House.

One of the assurances was that in the next Estimates, there would be a breakdown. Now, it was our intention to include, for Development Estimates, an amendment requiring a provincial breakdown with regard to, at least, certain Votes like the Ministry of Lands where there are land adjudication teams and there were a lot of personal emoluments. However, we have not proceeded with that, but I sincerely hope that when the House goes into committee all the information available will be given to us. However, I would like to warn Members, again, of something which I do not know whether they noticed yesterday. This applies, also, to Development Estimates. All the Ministers who spoke said they had this information and they could put it before the House at the Committee stage. Now, the difficulty is that if this is suddenly produced in the House and laid on the Table, and hon. Members have no copies, we will not be able

to discuss this intelligently. That is why we were insisting that Members should have this advance information so as to save time so that when we come to the Committee stage Members will have that information with which to discuss.

Now, about these assurances being given by the Government every time. I welcome the assurance already given by the Minister that he is going to bring a Bill before this Parliament. However, I would like this House to support the amendment on the principles I have underlined because we must emphasize the fact that we are not to be used as rubber stamps for agreements we know nothing about and that this Motion is not going to delay any development at all.

Hon. Members: Hear! Hear!

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

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

Mr. Seroney: The person who is going to delay the development is this person who is using these Development Estimates as blackmail and saying "Unless you accept this package deal, you will get nothing". All we are saying is that we welcome development, but remove these items, then we can discuss them later at length. There is no urgency! If any, I would like to be told. I would like to be told, Mr. Speaker, Sir, what urgency there is about nationalizing the Standard Bank and Barclays Bank. There is no urgency; there is no necessity. I am told, Mr. Speaker, Sir, that these two banks say that they are going to amalgamate, anyway, whether or not Government takes over 60 per cent of them. All right, why should Government feel that they have to be in a hurry? Let these two banks amalgamate and carry on independently of the Commercial Bank of Kenya. There is no need for the Government to set any fears in them; controlling or otherwise. Let there be at least two banks which can compete against one another so that if you are dissatisfied with one you can go to the other. Again, there will be no harm to the country if we delay that instead of hastily going into it.

So, Mr. Speaker, Sir, we can discuss this matter next month or in the next two or three months. The country will not lose anything. In fact we have to argue in this House and be convinced that it is really necessary to acquire this bank. I am convinced that it is not necessary; we do not need them and it will be harmful to this country if they are absorbed by the Commercial Bank of Kenya. Therefore, I would not like any Minister to say that we are delaying development. We move this thing and carry on with the development.

[Mr. Seroney]

Also, Mr. Speaker, Sir, with regard to this Oil Agreement in Mombasa; let the Government lay their Agreement on the Table and, then we will discuss it and then we will find out whether we agree to authorize money to the Government to spend on that. And, also, this question of Kerio Valley; let the Government—the Minister for Natural Resources or whoever Minister is responsible—lay on the Table the Agreement. It is no good for him answering like he answered the Member for Kerio that it is not necessary. If it is not necessary for this House to look at the Agreement, then why come to this House to ask for money to implement it?

Therefore, I am saying, let the Minister for Natural Resources lay on the Table this Agreement with this American Company of his and, then, we will discuss that Agreement and see whether it is right to risk public money, namely, in the form of a loan to the Industrial and Commercial Development Corporation to spend it on this venture in the Kerio Valley.

So, I do not want to say more. It hurts a great deal when Members of this House, even the senior Members, get up and try to mislead the House. The issues are very simple. No delay is required; no delay is sought. It is very clear actually what we want. The people who delay these things are actually not those who raised this amendment. So, I support the amendment

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, for the last few days, some hon. Members have suggested that they are more representative of *wananchi* than others.

An hon. Member: Who are they?

The Attorney-General (Mr. Njonjo): Like Mutiso!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I would like to say that we are equally representatives of *wananchi*. This question of suspicion and following everything that is being done by Government as if it is wrong, we might as well review some of the things that have been done in some areas where some Members are so critical of the Government.

An hon. Member: Where?

The Attorney-General (Mr. Njonjo): At Yatta!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The hon. Member for Yatta has a furrow and has a number of other things done there.

Mr. Mutiso: No!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The hon. Member for Kitale West said that we should stop these items indefinitely; meaning that Broderick Falls Paper and Pulp Factory should be withheld—

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, with all due respect, when I was moving my amendment, the Vice-President was not in this House. Now, is he in order to mislead the House when, in actual fact, my amendment is only seeking to remove certain Heads in the Development Plan which affect the Government when getting money or borrowing money to buy shares; is he right to mislead the House; I did not mention Broderick Falls?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I am as clear as daylight. As a Government, we are not like children who pick up everything. Either we withdraw the whole thing or accept it. There is a chance, Mr. Speaker, for the Member to suggest at the Committee stage—what is item “B”; what is it representing. That is the way of how to make suggestions and incorporate those suggestions.

Mr. Speaker, Sir, somebody is suggesting that mining in Kerio Valley is possible. I would like exploitation of mining to be carried out; even if it is by so many companies, to exploit mines. Other Members say that we want to wait. Wait until when; until doomsday?

An hon. Member: Yes, that is right!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the Government has been very active on mineral exploration in the North-Eastern Province, Eastern Province, Kerio Valley and other areas; even the Coast. These things are being done. In actual fact, this Government has taken the majority of the shares which represent the public—the *wananchi*—for whom the hon. Members are speaking for; unless they were speaking for *wananchi* who are invisible.

Mr. Speaker, Sir, for all these years the Government has been accused of doing nothing—practically nothing! Mr. Speaker, Sir, the other day, we were accused that we overspend money. All right. When I visited, for example, Kisii, Kericho, Masai areas, one of the hon. Members told me, “Mr. Minister, could you make sure that you have security roads in these areas?” The Government had not budgeted, in the original Estimates, money for these areas and, when I tried to face the Treasury to provide money for security roads and not only in Kisii, Kericho, Masai areas, Turkana and other places, the Members come here and say

[The Vice-President and Minister for Home Affairs]

that money was overspent; the civil servants are bad. Now, Mr. Speaker, if we have to go back and tell the people that the Members do not want to spend money on these security roads, and so, I withdraw the money.

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, is it my understanding that if we discuss in this House overexpenditure like the one which was brought here by our Public Accounts Committee, then the Vice-President says that we say that money has been overspent because security roads were built in Kericho, Kisii or Masai area; it is not true to say that we say that there is overexpenditure. It is true because there is—

The Speaker (Mr. Mati): What is your point of order, Mr. Tsuma?

Mr. Tsuma: Is it in order for the Vice-President to say that we say that Government has overspent the money when it has not; why was there a Committee?

The Speaker (Mr. Mati): No, you are expressing a difference of opinion, Mr. Tsuma. You do not have to agree with what the Vice-President says if he does not convince you, but he is giving you an example of a case where money was spent which was never budgeted for and this leads on to this situation where we have to pass Supplementary Estimates to meet these unforeseen expenditures, and so on.

Mr. Mutiso: He should have come before the House and asked for the money.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I was giving an example of what the Members accused the Government of, overspending, in the other debate. That is why I am telling them, we are telling them that this is what we are trying to do.

Now, Sir, on the question of development, which the Member would like us to withdraw, any hon. Member who wishes to enforce his ideas, if those ideas are good can do so at the Committee stage. Who will prevent him from doing so and who will prevent him from asking questions relating to all items about development in the Supplementary Estimates? No one will do so. What we are saying is, we want to speed up development. In Kerio Valley, for instance, my friend the hon. Member for Tinderet, suggested that Kerio Valley mining should be delayed. There are about 200 people already employed there. If we are to withdraw this and tell the company concerned and others, "Stop" until we

can discuss, then those people will be rendered unemployed. In this event we will be asked why the Government has not done this and that. So, Mr. Speaker, it is the question of really basing our arguments and ideas on things that matter.

Mr. Mutiso: On a point of order, Mr. Speaker, would you agree with me that the Vice-President is actually misleading the House by stating that the hon. Member, when he pointed out that the agreement of Kerio Valley should be made public before the House, and also by moving this amendment, this is tantamount to displacing the already employed 200 workers in that particular place when we know that these people have already been employed and they are not being paid with this particular money? They are already in employment. Is he not misleading the House by saying that by refusing to allow this Motion to go as it is we shall render people unemployed whereas, in fact, they are already in employment?

The Speaker (Mr. Mati): Again, you are disputing what is being said. Some of these points of order, really, I do not think are necessary.

Obviously if there is no money to continue, then the work will come to a standstill and people will be rendered redundant.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I was as clear as daylight. For the information of the hon. Member, the hon. Member for Kitale West said, "by removal therefrom of subhead A of Head 9"

which means "Loans and Grants to Industrial and Commercial Development Corporation for industrial development investment in Fluorspar Company of Kenya". Now, if that is withdrawn, Sir, naturally a person with a logical mind will know that these people will be rendered unemployed.

Again, there is no point in saying, withdraw that item and not this one. We want our people to be given loans, have industrial estates in our area. I would commend the hon. Members to go and see what has been done by the Industrial and Commercial Development Corporation in the Industrial Area. If they see this, they will come back fully convinced of what is being done by the Government.

With these few remarks, Mr. Speaker, I completely oppose the amendment.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, I beg to move that the question of the amendment be now put.

The Speaker (Mr. Mati): The proposal made by Mr. Kariuki does not stop the debate from continuing. I feel we have debated this long enough now and we are still on the first part of the amendment which is to leave out certain words.

I will put this question.

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

(Debate on the original Motion resumed)

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, may I move that the Mover be now called on to reply?

The Speaker (Mr. Mati): Yes, I think that is worth considering.

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

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I will be very brief.

The Votes that have increased here, and I want to repeat this point in view of what has been said, these are continuing projects in development which are moving faster than was originally anticipated. We need the money in order to complete them during this Financial Year. We need to complete them because the faster we can complete development projects, the better for our nation, for employment, for roads, for everything.

Mr. Speaker, hon. Members will have noticed that we have tried in as far as it is at all possible here, to expand in those fields, in the rural areas, which Members have in the past asked us to participate in.

As regards the policy questions, the issue that has been raised by so many Members, on certain points about Government participation, I know that it is an agreed policy, I know, Sir, that it is actually so stated in the Kanu Manifesto, I know that it has been a guide of the party and of the Government. I, therefore, Sir, fail to see why we should have been required that in the implementation of our party Manifesto, in the implementation of a policy already agreed, that we should have come back for broad guidance; we already have that guidance. So we have taken it upon ourselves to implement that policy. It is for that reason that we did not regard it as being necessary that we should bring these things back here, every time one wanted to participate in a mining company, in an oil company, in a refining company, or any of these things. These are

policies which are fully spelt out in our own party Manifesto, under which we have been operating and we are well guided by them.

Secondly, Sir, a lot of points have been made about the Government acting first and then coming to this House. Now, Sir, I want to say that in the Government nobody takes this Parliament for granted. Nobody at all. If we did, we would not have to come to this Parliament so regularly. Therefore, Sir, we do not take Parliament for granted, we take it seriously. I do not think anyone is suggesting, not even the Member for Tinderet, above all he would not because he knows why there has to be an Executive and why there must be a Legislature, that the day-to-day activities in pursuance of the Development Plan approved by this House, that we should keep coming back for detailed instructions. We would be failing in our duty. What would we be employed for if, in pursuance of an agreed development programme, every time the Minister wanted to decide whether or not a state corporation wanted to buy shares in some company where he is convinced for the strategy of development it is important, he had every time to come here, then very soon we would have no confidence in him. I am sure of this and I am sure the Member for Yatta and his friend, the Member for Tinderet, would be the first people to protest that the Minister is behaving in a petty manner if every time he had to come here.

So, Mr. Speaker, I am suggesting seriously that we have not overstepped the normal bounds within which the Executive should operate because we are operating within the Development Plan, within the Kanu Manifesto, within general directives which from time to time we get here—during the budgetary debate—by this House. Therefore, Sir, I do hope the Member for Kitale West was not serious when he suggested that we are trying to make the House a rubber stamp. No one is trying to do that.

Now, Mr. Speaker, in regard to the Estimates themselves, we are bringing Supplementary Estimates in order to avoid precisely what the Members told us to avoid last week when we debated the reports of the Public Accounts Committee. They told us, Sir, that we must avoid coming back here at the end of the Financial Year and say that we had to spend a little bit extra here because cholera struck, and we had to spend monies on this and that. They said we had to avoid coming back here at the end of the Financial Year. They want us to come during the Financial Year, and, therefore, the question of overexpenditure is avoided. Now, Sir, this is

[The Minister for Finance and Economic Planning]

what we have done. I would have thought that having done what we were being asked only last week to do we were due for a little compliment. Mr. Speaker, we did not quite get it, but we have learnt not to expect too much. However, we think a little bit would have been nice.

Mr. Speaker, it is on this point that I beg to move.

(Question put and agreed to)

MOTION FOR THE ADJOURNMENT

**FUTURE OF FORM IV TECHNICAL STUDENTS
SCHOOL-LEAVERS**

The Speaker (Mr. Mati): I will now call on a Minister to move that the House do now adjourn.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister of State, President's Office (Mr. Munyi) seconded.

(Question proposed)

Mr. Kivuitu: Mr. Speaker, Sir, I beg to raise a matter relating to a reply which was given by the Minister for Education with regard to the question I asked about Form IV students who completed technical school in 1970. I am raising this matter despite the fact that I know there is nothing that this Parliament can do. We have passed a lot of Motions here on the substance of issues and nothing has been done. The best index is, at present, you can see the way Ministers are yelling in Parliament when we are discussing matters of national importance such as this one.

Mr. Speaker, Sir, I am finding it difficult to speak because the Ministers are holding their own *barazas* on the Front bench.

Mr. Mulwa: Can they not go out and leave us alone to talk here?

Mr. Kivuitu: Mr. Speaker, a Motion for the Adjournment, as far as I have seen, does not seem to bring anything. Not only that, but, in fact, substantive Motions in this House have just been left lying in the paper. But we will still continue talking because our views are being heard by those who want to hear.

The plan at present about technical students who finish Form IV and who come out from those places is that first of all they come out with a school certificate or, as it is now called, the Certificate of Education. They come out with something which is called G2, pre-technician examination certificate. Formerly they used to

get a different certificate which was recognized abroad but this is now a new system, and is not known to the employer.

The present system, Sir, is that the Ministry of Education has escorted these children from Std. I to Form IV. After reaching Form IV they abandon them to the wild and leave them to decide on their own future. This is why I am protesting, Sir, because on reaching Form IV they leave and have to be employed through a certain machinery which was established through this House, a system of apprenticeship. In that system a child has to undergo apprenticeship for about five years. Mr. Speaker, the people who are supposed to train these children, these recent school graduands are the employers themselves. Now, these people are meant to replace the expatriates who have been supposed to be the only technicians in this country and these are the technicians who are giving them training so that they may replace them after five years. I want to know, Sir, who is that technician who would train somebody to replace him? Will he give him that particular standard of training which is required so that he may replace him?

Hon. Members: No! No!

Mr. Kivuitu: Mr. Speaker, Sir, this is something which is based on a very ridiculous and illogical approach.

Not only that but for these five years, you know, it is like feeding a big man with a teaspoon. You can see how long it will take him to get satisfied. These are the people who are picked from Form IV and they have to get this teaspoonful feeding of technical know-how, and that is why they are taking five years. My question is: why cannot the Government have its own schools for training these people so that they qualify more quickly? Is it not time that we had a crash programme on technical matters? Must we wait until we have them trained by these people, the expatriates, so that they can replace them? I think this system was a device by the expatriates in the Ministry of Education. For example, Sir, all the school inspectors are British and these are the chaps who are supposed to advise on curriculum and other matters. How do you expect them to advise on how our local people will replace them? This is the kind of thing we are finding throughout the Government, which is disappointing.

The Assistant Minister for Education (Mr. Mbai): On a point of order, Mr. Speaker, I wonder whether the Member speaking is not misinforming the House by saying that all the school inspectors are British when he knows very well that we have a Chief Inspector of Schools

[The Assistant Minister for Education]

who is an African? He controls all these other fellows. I seek your guidance here Mr. Speaker.

Mr. Kivuitu: That may be the only one, otherwise there is Mr. Baumann, Mr. Noble. Do you want me to quote all of them?

Mr. Speaker, Sir, the point I am trying to make is this: that we are depending on advice from these people so that we may have our people trained to take over from them. How do you expect this to be done when you have such a system?

Sir, you will also notice that there is only one Technical High School which has Forms V and VI. One such school in the whole of Kenya! Yet you hear the Minister singing, "We want technicians." It is only Nakuru which now has Higher School Certificate. Besides that we have places like the Polytechnic here, where you can only go if you are sponsored by a company which employs you; if nobody sponsors you, you cannot go there because it is too expensive. Why can the Ministry not do something so that we can have a crash programme? If we say we need technicians, why do we have a system which takes so long to get people to fill those posts, yet at the same time we cannot employ the people who are trained in the socialist countries. Besides that, Mr. Speaker, Sir, when these people come out of the school, and they have taken these five years, the salaries they are getting are ridiculous; some of them are getting Sh. 200 per month, and they are here in Nairobi, they are not provided with accommodation; they are not provided with anything, and a fellow is supposed to be in Nairobi, receiving training, receiving Sh. 200 for five years, and he is a Form IV person. What are we trying to do here; we are trying to discourage students from going to these schools.

Mr. Speaker, I do not want to take the time of the House on this issue, I want to leave it to the other Members, to express their views. However, I must express my disgust, that our Government, which claims that it intends to have technicians, its policy at present is, in fact, to discourage them and, in fact, to encourage the Whites to remain here.

I beg to move.

Mr. Mulwa: Thank you very much, Mr. Speaker, Sir. This is a very important Motion, Sir, and I hope the Minister will equally take it seriously. When we speak on these things, Mr. Speaker, Sir, I would like to assure our Ministers that it is because we are very worried about the future of this country, particularly when we continue having children coming out of school,

at a very early age, with no qualifications at all, but academic education, which is not giving them jobs anywhere. The biggest danger you can have in a country, Mr. Speaker, is unemployed people; to cause trouble. They do not need to have any guns. Therefore, I hope the Minister takes this in good faith, and starts cracking, to find out what he is going to do about this.

Mr. Speaker, Sir, I suggest the following: to start with, as far as technical education is concerned in this country, we find that most of the examinations are still overseas examinations, and I think this is a big set-back. Take for example the examinations—some of them—taken in the Polytechnic, City and Guilds, you find they are all overseas examinations, for which the students are trained there, as the hon. Member said, only when they have been sponsored by a company, and then the standards are based on England. Here I would like to see our own examinations in this country; if it is for engineering or for things like that, let the Polytechnic do it or the University here, instead of having City and Guilds; I think that should go. Equally, with insurances: with insurances, you still have to train here, and then go and pass an examination in Britain; the Chartered Institute of Insurances. Why do we not have a local one here? Why do we still have to depend on the British standard? That one I suggest, should go as well.

The same thing goes with survey; you find that students do their studies here, and they are expected to pass examinations from Britain. Why should we continue relying on that; is it because we do not have the people here; is it the professors; that our people cannot check the examinations? I am sure we can do it. Mr. Speaker, Sir, the Minister is shouting to me, but I cannot hear what he is mumbling about. However, I suggest he listens to what I am saying.

Now, coming to what the hon. Member who moved the Motion dwelt on, on these people who are supposed to give a ruling as to what sort of education we should have here, I would like to say that I have a very bad experience, particularly with the Railways, which could serve as an example to the Minister here. With the Railways, you find there are some people—Africans—who were trained to be locomotive drivers; just that, and for an African to be trained as a locomotive driver, he has to be a holder of a School Certificate; this is just to drive a locomotive, which anybody who never went to school can do. Most of those Europeans who are doing it, and those who were doing it, did not have a School Certificate. However, for an African, he must have a School Certificate, and not third grade; it must be second or first grade. Since those people were

[Mr. Mulwa]

trained, the first and second lot—I hope he is listening—and qualified as drivers, you find not a single one—an African driver—can drive the 90 Class Locomotive, none can drive the 90 Class Locomotive, because for some reasons, these Europeans, who are still on top, managing, you know, are preventing these Africans who have School Certificates; they are being prevented by Europeans who never went to a high school. Mr. Speaker, Sir, on that point I am speaking with authority because I was in the Railways and I know what it is to be there. I know people who were trained, they qualified as locomotive drivers and they are still driving the old locomotive engines, shunting at Makadara. Are these the sort of people you are relying on to give you details on how to introduce technical education? Mr. Speaker, Sir, if the hon. Member does not know, then, I am telling him.

Mr. Speaker, Sir, now we have so many children who have passed their Cambridge School Certificate and they cannot get jobs. I am sure that the Minister will agree with me, Mr. Speaker, that he has no way and he has no method of getting these people jobs. What I will suggest is that Government should direct its mind into starting a crash programme to train people who have done the Cambridge School Certificate. Let them go back to school. Get some money somewhere so that we can train these people to do the work of electricians which is now done by Singhs, you will find that this profession is only manned by Sikhs and they will tell all sorts of lies to the Kenyanization of Personnel Bureau and Immigration Department so that they can get their work permits. Just the other day, I had a very interesting incident where one employer said he was training somebody called So-and-so who was an African. When the person who was supposed to be undergoing the training was asked, he said that he does not know the man. All he wanted was to tell a lie to the authorities so that he could get a work permit. To your surprise, Mr. Speaker, I can tell you that he got the work permit to work for two years despite that fact that he was telling a lie that he was training an African. He gave the details that the man he was training was doing so well that within another two years he will be able to take over. There was nobody like an African being trained anywhere. There are very many jobs which could be taken by our young children who have done the Cambridge School Certificate provided Government takes this seriously and establishes one or two classes where they can be trained as mechanics, engineers and other professions.

With these few words, so that I can give other

hon. Members a chance to speak, I beg to support.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I think the Minister responsible for this portfolio will be able to answer these questions but I would like to answer the hon. Member who has just sat down. It is very unfortunate that he has quoted the example of the Railways because the railways is one of the departments in this country which is uppermost with the training of its employees and new intakes at its training school. There are over 250 students trained at the Railways Training School every year. Along with these are people who are trained within the industry. If he visits the railways workshops, he will see some people who started as illiterates and they have been taught by the railways to become literates and they are taking their places and getting their promotions.

Mr. Speaker, Sir, it is completely wrong to say that African drivers in the Railways Department are used as shunting drivers in the stations. This is not true. Today, the African locomotive drivers, drive passenger trains and goods trains between Nairobi and Nyeri, Nairobi and Kisumu and Nairobi and Mombasa. I cannot give the specific figure, Mr. Speaker, but if the hon. Member wants to impress the Government he should quote an example which is realistic. Quoting the Railways Department is really defeating his aims.

I would like to support the Mover of this Motion by saying that it is very important that a new outlook and emphasis is given to technical education because with technical education—I am sure that Government has already started doing something towards this—but it is very important that people do not just think that it is the grammar school type of education that is important. It is also important that in this country we do not also emphasize the academic side but we should give a new outlook to the young people by telling them that technical education is important. They will not realize that it is the truth until the curriculum in the schools in primary, secondary and college levels is incorporated in a very serious form. Therefore, I would very much support the Mover of this Motion, but I think the Seconder has given a very shameful example.

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

Mr. Nthenge: Mr. Speaker, Sir, thank you very much. I am very pleased to have a chance to say something on this Motion on technical education. Sir, it is shameful—When you go to our factories and garages, you find that we do not have people there and yet the people who have gone through technical education are being

[Mr. Nthenge]

neglected. I, personally have an experience of having known some boys who qualified at Machakos Technical School, where after doing training for three years came to Nairobi to look for jobs and never had any. Yet we are short of technicians. These people who are technically qualified go round looking for jobs for a very long time simply because the planning of our Government is bad. In fact, they actually, required further training as if they were not fit, but no arrangements were made for them. Instead of factory owners and other garage owners taking an interest, they do not take any interest because they are not local people. They will always insist on having work permits for non-Africans or non-citizens who have been working with them so that they can continue while our own people are suffering.

Mr. Speaker, Sir, we do not seem to have any proper plans for our people to be trained further and be able to be foremen in garages and so on. What these people are doing is to frustrate the few who have had the chance of going to technical colleges so that when they come out they are so frustrated that they discourage others. What I wish the Government to do is to have a plan for training more technicians and after they qualify, after four years, Government should have more colleges where they can go to do a lot of practical work as well as technical work. They should not be sponsored by foreign companies and they should not only be trained by foreigners. This is because they are these foreigners who are fighting hard to see that these technicians do not come and replace their fellow foreigners. The difficulty we are having at present is that we have British citizens to train Kenya citizens so that they can replace British foremen. It becomes very difficult for these to have proper training.

Mr. Speaker, Sir, we feel that there must be a move— This is because this is a political exercise and must be watched politically so as to have an effect. They do not want to be Africanized; those trainers do not want their brothers to be Africanized, therefore, we must go into it more seriously. This is why I stand to support this Motion that our Government must do something seriously now. They should watch these people who are training our people because instead of training, they are doing the contrary.

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

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, like my colleague, the Minister for Power and Communications—certainly the

Minister for Education will be replying officially—I would like to take this opportunity to touch on a few matters which I think are predominantly labour.

The hon. Member for Parklands as well as the hon. Member for Makuani, are both entitled to be concerned about the contribution on the school-leavers at School Certificate level in our labour market. It is a pity that the two hon. Members should really be looking at the past. It is not so long ago, Sir, when, in this honourable House, moves were initiated and steps taken to introduce an urgent law which—thanks to the wisdom of the House—has been enacted and upon which the Ministry of Labour is now acting. This was the Industrial Training Levy Act, which we are now in the process of implementing very speedily and which should be able, precisely, to answer a great many of the problems being raised by the hon. Members. Mr. Speaker, Sir, I would like to say, though, that training is traditionally known to have two values. One is to enable a person to do a job and two, to enable a person to do that job better. Our labour market is not geared to train electricians, masons or carpenters only, but it is also necessary in the process of industrial training levy to retrain some of our already trained individuals so that graduates— Mr. Speaker, I am sorry my time is up, I beg to support.

The Assistant Minister for Education (Mr. Mbai): First of all, Mr. Speaker, Sir, I would like to thank my hon. colleagues, the Minister for Power and Communications, the hon. Ngala and the hon. Kibisu who has just been beaten by time when he was trying to explain a very important point in connexion with this Motion. Mr. Speaker, Sir, the Mover of this Motion, made a number of suggestions which I would like to assure him were noted. At the same time, Sir, I would like to say the following.

Mr. arap Cheboiwo: What is wrong with your throat?

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, the original question, which was brought to this House asked the Minister for Education to disclose to this House what plans the Ministry has for the future of the students who left technical secondary schools in 1970. Mr. Speaker, Sir, in reply to that question, it was stated that those students who complete a four years' course in technical secondary schools and do well, gain entry to Nakuru Technical Secondary School where they receive an advanced level course which prepares them to gain entry to the University for training as engineers. Mr.

[The Assistant Minister for Education]

Speaker, Sir, it was further stated that those other students who do not gain entry to Nakuru Technical School are absorbed in teacher training colleges, for instance, in the Kenya Polytechnic and in the Kenya Science Teachers' College for training as teachers for practical subjects. Mr. Speaker, this is an example to show that we have arrangements in our Ministry to absorb these school-leavers. The rest of the students find their way to the local industries through the Kenyanization of Personnel Bureau. There may be a few who are not absorbed in any of the institutions, but this is the machinery we use to cater for the students who leave our technical secondary schools.

Mr. Speaker, here, I must inform the House that under our present technical education system, we produce two types of students. One type are the students who go to our technical secondary schools for four years and their curriculum includes most of the academic science and practical subjects after which, at the end of the four years, these students sit for the East African Certificate of Education examination. Those students who do well are taken to Nakuru Technical School for a two more years' training course in order to gain entry requirement into our university here. The second type consists of those students who come from vocational secondary schools. These students undergo a three year course which is meant to fit them for employment in our industry. They are encouraged to adopt industrial outlook. The students are also taught to appreciate workmanship and this is the group which is easily phased out through the Kenyanization of Personnel Bureau to our local industries as apprentices.

Mr. Mulwa: About how many?

The Assistant Minister for Education (Mr. Mbai): Quite a substantial number, Mr. Speaker. I do not have the figures but if the hon. Member is interested, I will be able to give him the number later.

Mr. Mulwa: Of course, you know we are interested.

The Assistant Minister for Education (Mr. Mbai): I am just trying to explain the arrangements we have at the moment. I do not disagree with the idea that there is a need for improvement on our present system. I entirely agree with that and I admitted and said we agree that there is a need for improvement on our technical education in our technical secondary schools. Our Ministry is looking into this and it will do its

best within the limited resources, to provide what the Members have suggested and what is going to be useful to our nation.

Mr. Speaker, Sir, we have, at the moment, about 250 students from these vocational secondary schools who are now undergoing a pre-craft course in our National Industrial Vocational Training Centre.

An hon. Member: Where?

The Assistant Minister for Education (Mr. Mbai): In Kenya.

Mr. Speaker, this is just to give the Members an example that our Ministry is trying to prepare or to provide the best facilities available within our limited financial resources, to give our students opportunities to be absorbed in the industries. However, as I said, we realize that there are certain bad things which need to be changed and which need to be looked into. We will certainly go into them and take into account what the Members have said.

However, I must make one point very clear here. The Members are under the impression that once a child has gone through a technical school, he is now qualified to be absorbed directly in an industry. This is not correct. He needs further training.

Mr. Mulwa: What further training?

The Assistant Minister for Education (Mr. Mbai): The hon. Member made another point when he asked: why should we teach our students a system which is used—and set them examinations which are done overseas? He must first, of all realize that the machines which these technicians will use are from those places he is talking about—overseas. Therefore, they must be taught the same— Since we do not manufacture machines, Mr. Speaker, we must admit that not until such time we shall be able to produce some of those machines and computers and others that we will be able to set local examinations for our technicians here.

With these few remarks, I think the hon. Members would be satisfied with my remarks that we have taken note of their points and certainly the Ministry will see what can be done to improve the situation.

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 1st April, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 1st April 1971

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

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

PRAYERS

PAPERS LAID

The following papers were laid on the Table:—
Mombasa Pipeline Board Report and Accounts for the Financial Year ending 30th June 1970.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Agriculture (Mr. Nyagah)*)

East African Income Tax Department—Report the period 1st July 1969 to 30th June 1970.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*)

NOTICES OF MOTIONS

PROSECUTION OF PEOPLE FOR DRUNKENNESS

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

THAT in view of the frequent arrests being made by the police of suspected drunk and disorderly persons, and in view of the fact that such persons are charged without the support of a doctor's evidence, and further realizing the seriousness of such act, this House urges the Government to see to it—

- (a) that no person shall be prosecuted unless and until medical evidence in support is available; and
- (b) that the Attorney-General shall present to this House any necessary amendments to the existing law to facilitate the implementation of this Motion.

REPEAL OF STATUTES THAT ARE INCONSISTENT WITH THE SPIRIT OF CONSTITUTION

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

THAT with a view to the repeal of certain statutes including the Chief's Authority Act 1937, the Public Order Act 1950, the Preservation of Public Security Act 1960, the Books and Newspapers Act 1960, the Societies Act 1952, the Laibon Removal Act 1934, and the Age of Majority Act 1933, this House do grant leave to introduce a Bill entitled "An Act of Parliament to repeal certain statutes which are inconsistent with the latter or the spirit of the Constitution".

OVERHAUL OF VOTERS REGISTRATION SYSTEM

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

THAT noting the fact that there were alarming malpractices and misuse of voting cards during the last General Election, and the fact that there is a need for an overhaul of the registration system, this House recommends—

- (a) that every voter's card should bear an identity number;
- (b) that all women should be issued with identity cards; and
- (c) voters registered in a constituency would be allowed to vote in any one of the registration units within the constituency.

ESTABLISHMENT OF COMMERCIAL AND RESIDENTIAL PROPERTY CONTROL BOARD

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

THAT in view of the alarmingly high rate at which *wananchi* are being ruthlessly exploited by property owners at the time of buying commercial and residential properties in the Republic, and noting the exorbitant prices placed on such properties without due consideration being given whatsoever as to construction, age, real value, etc., of such properties, this House resolves that legislation be introduced immediately establishing a body to be known as "Commercial and Residential Property Control Board", under the auspices of the Minister for Commerce and Industry, to be responsible for price control of such properties, under the guidance of a qualified citizen valuer, and that no transaction involving such properties shall be complete except with the approval of the said Board, and that the sale of all such buildings built before 1961 be restricted to Kenya citizens.

The Speaker (Mr. Mati): Next Order.

POINT OF ORDER

ORDER OF BUSINESS—DELAYED ANSWERS TO QUESTIONS

Mr. Gatuguta: On a point of order, Mr. Speaker, on Tuesday one of my questions appeared on the Order Paper and I understood Mr. Speaker, to say that the Ministry was not ready to answer it and it would appear on the Order Paper on the following day, which was yesterday. This question did not appear yesterday and I now find it is not on the Order Paper today.

May I know, Sir, what has happened.

The Speaker (Mr. Mati): Mr. Gatuguta, I am

[The Speaker]

sorry but I understand a reply to your question has not been received yet.

Mr. Kitonga: On a point of order, Mr. Speaker, I also had a question which, I am sure you remember, you put off for reply but up to now I have not had a reply from the Ministry of Home Affairs.

The Speaker (Mr. Mati): Which question was that, Mr. Kitonga?

Mr. Kitonga: It was about a Police Constable. The Assistant Minister replying had the wrong number and the wrong name and that is why you ordered the question to be put off to the following day in order that the Assistant Minister could bring the correct answer.

The Speaker (Mr. Mati): Oh, yes, you are quite right, Mr. Kitonga. I did put off that question because there was an argument as to which was the right number.

Unfortunately, it cannot come now but I will give you an opportunity of raising it.

Mr. Kitonga: Thank you, Sir.

The Speaker (Mr. Mati): Next Order.

ORAL ANSWERS TO QUESTIONS

Question No. 231

MOTOR ACCIDENTS ON NAIROBI/NANYUKI/MERU ROAD

Mr. Muturia, on behalf of Mr. Muthamia, asked the Vice-President and Minister for Home Affairs if he would tell the House how many motor accidents had occurred on the Nairobi/Nanyuki/Meru Road during the last two years.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. During the last two years the following accidents occurred on the main Nairobi/Nanyuki/Meru Road, the breakdown being as follows:—

	1969	1970
Fatal Injuries	66	64
Serious Injuries	93	114
Slight Injuries	125	141
Total ..	284	319

Mr. Muturia: Mr. Speaker, Sir, arising from the answer given by the Minister, is he aware that in 1970 the accidents on this road increased to 141 because of a certain section where, when the road was being built, between Nanyuki and Meru, a certain farmer refused to allow the road to pass through his farm and, therefore, that particular stretch is becoming dangerous?

Mr. arap Moi: Mr. Speaker, I do not think these accidents are attributable to this farmer.

Mr. Umuro: Mr. Speaker, Sir, can the Vice-President agree with me that in view of the fact that the Nanyuki/Meru Road up to Timau is completely out of order, and because of some favouritism there is a new road which leaves out the portion from Timau to Meru, and it is in a wrong place where the heavy commercial vehicles do not travel?

Mr. arap Moi: Mr. Speaker, I think the hon. Member ought to thank the Government. The road in part of this area is now being tarmacked. So instead of blaming the Government he should thank the Government. This is his particular area. The next phase—

Mr. Speaker, I hope the Member will not accuse the Government of overexpenditure.

Mr. Kivuitu: Arising from the Vice-President's reply, Mr. Speaker, could we know why, if the reasons are known, there has been an increase of so many accidents within this year, that is from 1969 to 1970? It seems almost to have doubled.

Mr. arap Moi: Mr. Speaker, this is not the fault of the Government.

The reasons are as follows: people are—

An hon. Member: Drinking too much!

Mr. arap Moi: People are becoming wealthier and wealthier every day and, therefore, for the information of hon. Members, vehicles being bought in Nairobi alone, every month, number 2,000. Outside Nairobi they are 2,000 and—

An hon. Member: Baringo?

Mr. arap Moi: Baringo is within Kenya.

The same roads we have, Sir, are used by more cars that we now have.

Secondly, the reason is also that people being wealthier, they drink more and, therefore, they drive these cars recklessly. That is how the accidents are caused.

Mr. Mutiso: Mr. Speaker, Sir, will the Vice-President not agree with me that the fact that some of the traffic which passes along the Nairobi-Nanyuki Road could have been diverted to another route and thus avoid some of these unnecessary accidents. The Nairobi-Nanyuki Road is too crowded with cars.

Mr. arap Moi: While I do not agree with the hon. Member I can only say this. Some of the diversions in different parts of the country make it difficult for Government to proceed faster. If roads are transferred to different parts of different sections, then there have to be negotiations and the people may not wish to give up that portion. So things go slowly.

[The Vice-President and Minister for Home Affairs]

However, Sir, I agree with the hon. Member that it is time that certain areas where it is very difficult, improvements should be done to avoid accidents.

However, Mr. Speaker, accidents are not Government's fault.

Question No. 214

RACIAL BREAKDOWN OF DISTRICT MAGISTRATES

Mr. Seroney asked the Attorney-General—

- (a) if he would give a racial breakdown of District Magistrates of 1st, 2nd and 3rd class;
- (b) how many Special Magistrates there were and what their racial breakdown was;
- (c) what plans, if any, there were to promote African District Magistrates to 1st Class Magistrates.

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

(a) For the information of the hon. Member, there are no District Magistrates with 1st class powers and all other District Magistrates are citizens.

(b) There are six Special Magistrates who are Europeans.

(c) The Judicial Service Commission intends to fill seven vacancies for District Magistrates with 1st class powers by promoting District Magistrates with 2nd class powers, and it is expected that this will be done very soon.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Attorney-General's reply, could he tell this House why they have special magistrates and where do they sit and listen to the cases?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, we still have special magistrates because there is a need for having this class of magistrates.

Mr. Kitonga: Mr. Speaker, Sir, arising from the Attorney-General's reply, will he tell us when these seven vacancies for the first class magistrates will be given to the Africans since the vacancies have been there for quite a long time or is it like a long story?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I do not know what the hon. Member means by a long story. The question has just been asked by the hon. Member and I have already given the reply.

Mr. Kitonga: On a point of order, Mr. Speaker. Will the Attorney-General answer the question

of how soon the vacancies will be filled by Africans and leave the other business aside?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I have just said that the Judicial Service Commission will consider these cases—I am not going to say that it will be very soon just to satisfy the hon. Member. This matter has to be discussed. We have to consider these cases because, after all these people are going to sit in judgment upon their fellow men and we must not make rushed decisions.

Mr. Mnene: Mr. Speaker, Sir, can the Attorney-General tell this House what has prevented the filling of the seven vacancies because I know—I have been working as a magistrate—that these vacancies have been there since 1966 and yet they have not been filled?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, these vacancies have been there but we have not had suitable candidates to fill these posts. The hon. Member says that he knows—he was a magistrate and we cannot appoint him a magistrate while he is sitting in this House.

Mr. Mnene: Mr. Speaker, Sir, I am sure that the Attorney-General knows that I, together with those who are still there as second class magistrates, have been conducting our work properly and in such a good manner—wait, I am telling the Attorney-General—and the African magistrates working as second class magistrates, and third class magistrates have been doing so well that they did not fail. They went through so well, compared with the resident magistrates just because they were so good. Why does he say that there are no people to fill these posts?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, you will allow me, although that was not a question, to clear the air. Hon. Members who are familiar with our laws— It is surprising that lawyers have not been asking these questions because they are familiar. The hon. Member has been blowing his own trumpet. It would have sounded better if I had said that those magistrates have been doing very well. I am not going to say that. The only thing that I wish to say, Mr. Speaker, is that we now have qualified African lawyers. We are not going to appoint people to sit as magistrates to be made a fool of by the people who are qualified. We must be satisfied that the people we appoint as magistrates are people who are going to be able to face qualified lawyers in courts. I am not going, Mr. Speaker, to appoint people as magistrates just because they are Africans.

The Speaker (Mr. Mati): Mr. Gatuguta, before you ask your question, I have seen the reply and

[The Speaker]

it looks rather too long. The reply covers two pages of papers and you will probably be given the total amount that you want and the paper will be laid on the Table or you will be given it in writing.

Mr. Gatuguta: Mr. Speaker, Sir, it is very important that the figures I have asked for should go on the record. I think it will only take the Minister two to three minutes for him to read them through. Mr. Speaker, Sir, if you allow me, Sir, I would like to ask the question.

*Question No. 253*TOTAL COLLECTION OF 1970 GRADUATED
PERSONAL TAX

Mr. Gatuguta asked the Minister for Finance and Economic Planning if he could tell the House—

- (a) what the total graduated personal tax collected in the Republic was during 1970;
(b) what the breakdown per district was.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

The total collection for the districts, including Mombasa and Nairobi is K£5,188,966. The Municipalities of Kisumu, Kitale, Eldoret, Nakuru and Thika retained their collections and so they are not included in these figures, Mr. Speaker.

As regards part (b) of the question, the breakdown—I understand, Mr. Speaker, that I could read the figures—is as follows.

District	Amount in Sh.
Mombasa	12,973,460
Nairobi	62,586,080
Kiambu (including Thika) ..	2,683,698
Kericho	2,177,722.50
Meru	1,843,651
Nyeri	1,499,113
Kilifi (including Malindi) ..	1,477,405
Kisii	1,269,731
Kisumu	1,175,312
Machakos	1,167,472
Nyandarua	1,103,727
Nakuru District	1,098,746
Kwale	1,007,337.75
Murang'a	1,003,594
Kapsabet (Nandi District) ..	881,555.50
Homa Bay	838,507
Kirinyaga	713,992
Narok	697,129
Kajiado	621,513
Kakamega	604,084
Ukwala (Siaya)	603,350

District	Amount in Sh.
Wundanyi	600,976
Eldoret	556,339
Busia	521,481
Embu	415,506
Nanyuki	407,123
Bungoma	394,179
Kabarnet (including Eldama Ravine) ..	323,298
Kitale	308,934
Maralal	299,031
Kitui	288,852
Galole	264,970
Tambach	248,505
Lamu	239,914
Lodwar	171,620
Wajir	167,343
Kapenguria	166,886
Garissa	110,811
Mandera	80,279
Marsabit (including Moyale)	72,000
Total	Sh. 103,779,315.35

Mr. Gatuguta: Mr. Speaker, Sir, since it is quite clear from the Minister's reply which I think is a very good reply that most of this money—over Sh. 62 million were paid in the form of graduated personal tax in Nairobi and since we all know that Nairobi is composed of people from all the districts, will the Minister tell the House whether some of this money from Nairobi will be returned to the districts where these people come from in order to develop the districts.

Mr. Kibaki: Mr. Speaker, Sir, the hon. Member knows that there used to be a system whereby 50 per cent of the graduated personal tax collection from Nairobi and Mombasa used to be dispersed to various districts. There were then complaints that that system was not working. The hon. Member will then recall that this House agreed that the essential services run by the various county councils, that is, education, roads and the health should be transferred to the Central Government. The natural consequences of that decision was that the source of revenue that went to finance those services should naturally go to the Central Government Consolidated Fund. Mr. Speaker, if the hon. Member is now asking that over and above that new arrangement he would still like some other arrangements to be made for payment out of Nairobi and Mombasa to the other county councils, I am not aware whether he is still saying this or not after I have given him this new detailed information.

Mr. Njiru: Mr. Speaker, Sir, arising from the answer given by the Minister, since it appears that some areas do pay more money than others, would the Minister tell us whether the areas which pay more money will also get more money for their services?

Mr. Kibaki: Mr. Speaker, the hon. Member knows where there is this difference in the amount of money paid by various districts. It is the obvious fact of different levels of development in different districts, the obvious difference in the sizes of population, for instance, there is no point in comparing the population of Kiambu District and that of Mandera, and the hon. Member knows these are the differences. Mr. Speaker, the services are, in fact distributed in roughly the same proportions as these figures indicate, as far as the money collected from the graduated personal tax is concerned. Therefore, Mr. Speaker, Sir, the hon. Member can rest assured that this is being done.

Mrs. Onyango: Mr. Speaker, Sir, would the Minister tell this House why some civil servants do not pay graduated personal tax in the places where they work. I am asking this because in places like Kisumu you find that civil servants like the district commissioner or the provincial commissioner do not pay graduated personal tax in Kisumu but it is deducted here in Nairobi and the money remains here.

Mr. Kibaki: Mr. Speaker, Sir, the gracious and hon. Lady the Member for Kisumu Town has a very important point. This has been corrected in that now that the graduated personal tax accrues in the Central Government Consolidated Fund, we are making sure that monies which should be paid in a district where a particular person is working is paid there. The reason why there has been centralization of deductions is that most Ministries have centralized payments so that it is much easier for them to maintain their accounts. However, we will make sure that, and, in fact, we are making sure that graduated personal tax is remitted to the district where a particular person is working. Once in a while, in the Civil Service case, Mr. Speaker, we might lag behind for a couple of days when people have been transferred. However, these are normal headaches in an operation which involves this scale.

Question No. 246

EXTENSION OF KITALE DISTRICT
HOSPITAL MATERNITY WARD

Mr. Wabuge asked the Minister for Health if he would tell the House whether he was aware that the maternity ward at Kitale District was so small that it could not adequately

cope with maternity cases in the district. If the answer was in the affirmative, had the Ministry any plans to extend the maternity ward.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, on behalf of my friend, the Minister for Health, I beg to reply. We are aware that Kitale maternity ward should be extended and, in fact, its expansion is considered along with the others in the Estimates now being prepared.

Mr. Nthenge: Mr. Speaker, Sir, could we know how large the intended extension of the ward will be?

Mr. Kibaki: Mr. Speaker, Sir, we have been taking statistics of the rate of occupants of this particular maternity ward and as the hon. Member knows, there is an alarming increase in the Kenyan population and Kitale is one of the leading places in this particular expansion. I do not know whether this is a distinction for which they should be congratulated or whether it is something they should be ashamed of.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply and in view of the fact that the present maternity ward was built by the colonialists at the time—as the Minister rightly said—the population was very small compared with today's population which has raised to about five times so that the mothers find it very difficult to get accommodation in the ward, will the Minister, having accepted that there is need to extend the maternity ward, assure this House or rather give an indication to this House as to when Government intends to expand this maternity ward so that the colonial maternity ward disappears.

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member for Kitale West is as usual confusing two basic problems. He is worried about the history of what the colonialists did. Mr. Speaker, he ought to be happy that he has a maternity ward because there are many other places without any. What we are doing, therefore, is to consider the needs of Kitale along with the needs of districts which do not even have a maternity ward to speak of.

Question No. 242

DIVERGENT STANDARDS OF EDUCATION
IN SCHOOLS

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

- (a) whether he considered it a reasonable educational policy that schools in the country which purport to pursue socialist policies should provide extremely divergent standards of education; and

[Mr. Kivuitu]

(b) what measures the Ministry was taking to correct the disturbing state of affairs which existed at that time.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. I know of no school in our country that provides extremely divergent standards of education. The truth is that all maintained and assisted schools, both primary and secondary follow the same syllabuses and do the same public examinations and are as far as possible provided with the same grades of teachers. Mr. Speaker, Sir, the answer to part (b) of the question is: when I know what school is, or schools are, not following instructions from my Ministry, then some action can be taken to rectify wrongs there are.

Mr. Kivuitu: Mr. Speaker, Sir, arising from what the Minister said when he tried to reply, is not correct that in Nairobi, there are schools which are called "A", "B", and "C" and in each class teachers are of different qualifications? In fact, those teaching in class "C" are of poorer qualifications and poorer quality than of class "A". Also, Sir, Nairobi itself has better teachers than outside it.

Mr. Towett: Mr. Speaker, Sir, what the hon. Member is complaining about is the difference in the performances in our schools. Our schools are graded (a) according to how long they have been there and the passes they have had including the efficiency and (b) admittance standards between class "A" and class "C" and their performances. A school has to mature and so some are more mature than others. Every school, Sir, is conditioned to be classified as "A" when its performances, teachers and the pass of the marks are all taken into account.

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, I am sorry to interrupt, but I really would like the Minister to reply to my question without trying to mislead the House because I think he is trying to mislead the House. The question I am asking him is why there are these high-cost schools. In certain classes of schools in Nairobi there are better teachers. Now, he is telling us that as a result of having those classes, people are doing better. I am asking him why these schools should have better teachers and better facilities which enable them to have better standards?

Mr. Towett: Mr. Speaker, Sir, it is not a problem of policy. The hon. Member's original question referred to policy; "divergent" policies. Sir, we have no such thing as divergent policies. Now, what is happening, Sir, is that in municipal areas,

such as the City of Nairobi, teachers are recruited by the City Council. We are not, as a Government, directly responsible for teachers in municipal areas. We took over primary education in the rural areas and we have not, unless it is the wish of the hon. Member that we do it now, yet taken over the running of schools in the municipal areas in this country.

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's reply is the Minister trying to tell this House that the Minister for Education is not responsible for schools in municipalities and as such the standards of schools in Nairobi, Nakuru, Thika, Mombasa and all that is determined by the respective local authorities and the Ministry of Education? Also, Sir, is that why you have schools in Nairobi which charge exorbitant fees to bar the African children from going to those schools and not even to accept—

The Speaker (Mr. Mati): Ask your question, do not make a statement.

Dr. Munene: Okay, Sir. Now, would the Minister tell us why we have different fees in different schools, in these municipalities, than elsewhere and as this encourages better teachers in some schools to bar poor Africans; the poor Africans are, therefore, in the lower class?

Mr. Towett: Mr. Speaker, Sir, I would advise the hon. Member, before I reply to his question, to bring his children to Nairobi if he wants to. However, the question is that I did not say we are not responsible. I said that we are not "directly responsible". Here, the word "directly" means that we do not employ teachers for municipal area schools. They are employed by the bodies or councils that govern those areas. However, the teachers can be recruited through us. So, it is the responsibility of each better equipped council to employ its own teachers.

Mr. Koigi: On a point of order, Mr. Speaker?

The Speaker (Mr. Mati): No, do not make a speech Mr. Koigi.

Mr. Koigi: My point of order, Mr. Speaker, Sir, is we know that in this country we have nine high-cost schools which are different from other schools. Would the Minister deny this?

Mr. Towett: I do not deny that, Sir.

The Speaker (Mr. Mati): Next question.

QUESTIONS BY PRIVATE NOTICE

HARASSMENT OF *Wananchi* BY A EUROPEAN FARMER

Mr. Mutiso-Muyu: Mr. Speaker, Sir, before I ask my question, I would like to make a small correction. The person in question is Norman

[Mr. Mutiso-Muyu]

"Peckover" and not as his name appears on the Order Paper. Therefore, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

Since on 29th May 1970, the Vice-President and Minister for Home Affairs, while replying to my Question No. 482 agreed that Mr. Norman Peckover had harassed *wananchi* on and around his farm; and noting that last month the same farmer shot at but missed a woman known as Kavuu Ngingu while collecting some charcoal near the same farm, is it not high time that this particular farmer was deported?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. Efforts were made to trace the woman, Kavuu Nzingu, without success and there is no report made by her to Sultan Hamud Police Station concerning this incident. However, on 19th January 1971 a woman known as Kase (?) a woman of Masika Mbindyo reported to Sultan Hamud Police Station with a letter from the secretary of the Kanu branch, Emali, alleging that she was abused and chased away from the farm by Mr. Peckover, who is also alleged to have shot at her, but she was not hit.

Police investigations were carried out and it was found that this woman was on the farm of Mr. Peckover on 16th January 1971 and after cutting some wood was preparing to burn the same for charcoal. It was at this stage, she alleges, she was abused by Mr. Peckover and one of his employees, and as she was running away, she heard a shot but she did not see any fire-arm with Mr. Peckover. The woman lives near the railway's landhies which is about 20 yards from the farm. All persons interviewed in the area deny having seen any gun shot. As the hon. Member can see, it is not possible to prove that Mr. Peckover did, indeed, shoot at Kase a woman of Masika Mbindyo, let alone one of the names of Kavuu Nzingu. However, let me state that we have been closely watching this farmer since the time complaints were first made about him.

As I have said time and again, firm action will be taken against foreigners who ill-treat or abuse the people of this country.

Mr. Mutiso-Muyu: In view of the fact on the 29th May 1970 the Vice-President accepted that the European farmer in question fought a game warden, consequently he set his dogs on an African and thereafter he set his dogs on a police constable in a police station, is the Vice-President satisfied—in view of these acts of this particular

European farmer—that these acts are proper? Is it not high time the Vice-President deported him?

Hon. Members: Hear! Hear!

Mr. arap Moi: Mr. Speaker, Sir, I think it is wrong for the hon. Member to misinterpret what I said. I said that the matter which was asked at that time concerned—what I replied to the question arising from the circumstances then. However the activities and crimes which were committed by the farmer in question were taken to court. Therefore, the outcome of the case was the decision of the court and not of my Ministry.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, realizing that this is a serious matter and the hon. Member for Kilungu has alleged that the said European did try to shoot a woman by the name of Kavuu and not Kase now, would I, Sir, be allowed to ask the hon. Member to substantiate the date this *mzungu* tried to shoot this woman?

The Speaker (Mr. Mati): I do not think that is necessary because you have been told of a case where a woman alleged that she had been shot at, even if it is not this particular one.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, while I am not disputing what the Vice-President has said, we have slight differences, but what I am trying to find out is whether the Vice-President does not consider it high time, because of the activities of this particular farmer, that he deported him. I am prepared to lay on this Table documents from a higher authority disapproving continuous residence of this particular farmer. I am trying to find out, because of the continuous bad activities of this particular European, against Africans, whether the Vice-President, does not consider it high time he did something about this particular farmer?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member says that he had some letters—

Dr. Munene: On a point of order, Mr. Speaker, Sir, the hon. Member for Kilungu has alleged that he can lay on the Table some letters from a higher authority, and I thought the Vice-President is one of the higher authorities, could we have those papers laid on the Table for substantiation?

The Speaker (Mr. Mati): What is that you were referring to?

Mr. Mutiso-Muyu: Mr. Speaker, Sir, I said I am prepared, if the Vice-President is not prepared to take steps against this particular farmer, to lay documents on the Table from a certain authority in the administration disapproving continuous residence of this particular farmer in that area.

Mr. arap Moi: Mr. Speaker, Sir, I can now understand what the hon. Member means. I agree

[The Vice-President and Minister for Home Affairs]

with him that there have been some adverse reports about this particular farmer, the hon. Member is referring to, but I think the best solution is not always deportation, because I think that is what the hon. Member wants. However, I would ask the hon. Member, who is the hon. Member of the area, when he sees such things happen to go directly to the European and find out from this particular farmer himself why he does this always and this would help us.

The Speaker (Mr. Mati): What is your point of order? Please make it brief because we have not time.

Mr. Mutiso-Muyu: On a point of order, Mr. Speaker, Sir, I have made some effort to find out why he does this and I have also tried to make an appointment with the Vice-President in his office, on this issue, but he has done nothing.

Mr. arap Moi: Mr. Speaker, Sir, we should not fear certain personalities. I am visiting one of these areas on 19th and 20th April and I will be prepared to see this farmer and see if he will shoot me.

Mr. Muregi: Mr. Speaker, Sir, if the Vice-President is not of the opinion that deportation is the only answer, what is he prepared to do against this particular farmer if the citizens around are not satisfied with the continuous residence of this farmer?

Mr. arap Moi: Mr. Speaker, Sir, I have said that the situation will be watched and if this is discovered not to be the truth, then he will be left alone.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, would I be in order to ask the hon. Member, through the Chair, to allow me to pursue this matter on a Motion for the Adjournment?

The Speaker (Mr. Mati): That is taking time for nothing.

EXTENSION OF WORK PERMIT NO. 774

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following question by Private Notice:—

- (a) Will the Minister revoke the extension of Work Permit No. 774 dated 19th March 1968 which was accepted for renewal on 11th March 1971 for two more years?
- (b) What action is he contemplating taking against the applicants and officers who flouted our Africanization policy by issuing this permit?

(c) Why was the co-operation of the Kenyanization of Personnel Bureau not sought by the Immigration Department in the matter?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. I do not, at the moment, intend to revoke this entry permit as suggested by the hon. Member, Permit No. 774, issued in the name of Mr. Kantilal N. Shah, of the Pan African Insurance Company. He is a qualified person, holding a degree in Commerce and also passed one of the examinations, the Chartered Institute of Insurers. He is also an expatriate qualified and experienced in technical professions and people with technical experience are still required in other places to assist in the running of the complicated businesses like the insurance. The declared Government policy is to Kenyanize the commercial sector, as quickly as possible but not to unduly upset the economy of the country by Kenyanizing, beyond the capacity of the commercial sector, to replace the expatriates with trained citizens.

No action is contemplated against either the applicant or the officer, who authorized the issue of the permit, as it is considered that it was issued in the best interests of both Kenyanization and the economy of the country.

Entry permits are issued and extended by the Department of Immigration under the authority of the Immigration Act with the full co-operation and advice of the Kenyanization of Personnel Bureau, where it is considered necessary.

Mr. D. M. Kioko: While I do not want to tell the Vice-President that he does not tell the truth about this affair, would he discharge the feeling that there has not been any corruption in this affair of giving or extending this work permit?

Mr. arap Moi: Mr. Speaker, Sir, I deny this emphatically.

Mr. Jilo: Mr. Speaker, Sir, arising out of the reply by the Vice-President, was he suggesting to this House that, because this gentleman has two degrees, this is the reason why he was issued with a work permit or is it the policy of the Government that people with degrees will continue to work in Kenya, just to hinder the Africanization policy?

Mr. arap Moi: Mr. Speaker, Sir, I just said that the person in question is a qualified person. I know a number of people who, today, particularly our people, would like to have accountants because they have difficulties over Income Tax and for some other purposes.

Mr. D. M. Kioko: Mr. Speaker, Sir, is it not true that this company did indicate, in 1969, that

[Mr. D. M. Kioko]

this man would be replaced by an African when his work permit expired in 1971? In a letter written on 6th June 1969, the same employer had indicated, and I quote: "Mr. K. N. Shah, who is the head of the correspondence department, will be replaced by Mr. G. Kariuki, when Mr. Shah's permit expires". This was in 1969, Mr. Speaker, Sir. Now, I wonder whether the Vice-President is satisfied that there have been satisfying qualifications that have allowed this man remain, because the Kenyanization of Personnel Bureau, in 1970, told the same employer, by this letter, that this Asian, could forthwith be Africanized by the Kenyanization of Personnel Bureau. I have the quotation here with me.

Mr. arap Moi: Mr. Speaker, Sir, the question here is not about the issue of the work permit. I know very well what has been going on in that particular company. It is a question of the management and this particular man. That is why the trade union has been complaining about walk-outs and walk-ins. Therefore, the question of a work permit does not arise. The question which arises is that there is bad public relations between the management and the workers, which I hope the hon. Members will assist, if they can, in rectifying, together with the trade union leaders.

Mr. Boy: Arising from the Vice-President's reply, if the Vice-President as he says, knows that there is a dispute between this particular man and the employer, has he taken any initiative in his Ministry to investigate whether he can Africanize that particular man, before issuing the work permit?

Mr. arap Moi: Definitely, I have investigated this case and I am glad that the management and the workers have resolved their grievances very recently.

**DELAY IN DELIVERING DEAD BODIES TO
KISUMU MORTUARY**

Mr. Okudo: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

Could the Minister tell this House why the four dead bodies, a wife of the Headmaster of Mwer Secondary School with her son and a man and his wife from Bunyala, which were collected by the police in the afternoon from the scene of a motor accident at Boro in Siaya District on 4th March 1971 were left lying outside Siaya Police Post for two days and a night before transferring them either to the mortuary or to Kisumu for post-mortem?

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

On 4th March 1971 at about 1.30 p.m. an omnibus Registration No. KMG 544 which was carrying about 28 passengers and which was travelling to Bunyala, overturned some five miles away from Siaya Police Patrol Base. On receiving the report, the officer in charge of Ukwala Police Station visited the scene and found three dead bodies. The injured people were all taken to Siaya District Hospital. On the way to the Hospital, one other person died. The bodies of all four dead people were then taken to Siaya Patrol Base, as Siaya District Hospital does not have a mortuary. Inquiries were then commenced in order to have the bodies identified with a view to performing a post-mortem.

The following morning, that is 5th March 1971, at about 9 a.m., after identification, the bodies were transported to the new Nyanza Hospital. It should be noted that it is very essential that witnesses be traced to identify the bodies to the doctor who will eventually carry out the post-mortem.

In any case, the bodies were not left lying for two days and a night, as can be seen from what I have said.

Mr. Okudo: Arising from that answer, could the Assistant Minister tell the House what is the use of these dead bodies being taken to Kisumu Hospital, after it was already known that the people died from the accident, for post-mortem?

Mr. Matano: Mr. Speaker, Sir, it is usual when somebody is dead, that doctors would like to know the cause of that death. That is why we must have post-mortem.

Mr. Okudo: Since it was known that they died from the accident when the omnibus overturned what was the reason for carrying out the post-mortem when the relatives wanted to remove these bodies and transport them to their homes?

Mr. Matano: Mr. Speaker, Sir, the fact that somebody is found dead after an accident does not necessarily mean that the cause of death was the accident. It may be that he died of shock, heart failure or many other causes. The doctors are very keen to find out exactly why that person died.

APPOINTMENT OF SUB-CHIEFS IN SOY AND TURBO

Mr. arap Saina: 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 the District Commissioner for Uasin Gishu District

[**Mr. arap Saina**]

(Eldoret) has undermined the recommendations of a panel which interviewed the sub-chiefs for Soy and Turbo areas by recommending and imposing two candidates who are unwanted by the people?

(b) Could the Minister nullify the entire selection and the unsuccessful installation of the sub-chiefs?

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

(a) No, the district commissioner did not undermine the recommendations of the panel in any way whatsoever.

(b) No.

Mr. Kurgat: Mr. Speaker, Sir, could the Assistant Minister explain in detail who accompanied the district commissioner on the day of the installation of this unwanted sub-chief?

Mr. Munyi: Mr. Speaker, Sir, I am very thankful to that hon. Member. One of the Members of the panel was hon. arap Saina, the Questioner. The chairman of the county council in question was also present on that panel—

Mr. Kurgat: On a point of order. I think the hon. Assistant Minister did not understand my question. I asked "on the day of the installation" because as I understand there was an installation of the sub-chiefs. Was the district commissioner accompanied by the sitting Member or somebody else?

Mr. Munyi: Mr. Speaker, Sir, what is important, and this is a fact, is whether the Member for the area was present when the interview was carried out. I have answered that and said, "Yes, the hon. Member was present during the interview". Also the chairman of the county council in question and other leading personalities in that area were present and they approved the names of three people.

Mr. arap Saina: On a point of order, is the Assistant Minister not trying to avoid the truth by not stating to the House, that the panel selected, at Soy, Mr. arap Too as candidate No. 1 and Mr. arap Tuwei as candidate No. 2 and in Turbo they selected Jonathan Some as candidate No. 1 and Luis Mbano as candidate No. 2: and, the district commissioner having seen that the unwanted candidates were the people he was supporting, allowed the chairman of the county council and his group to organize a lining-up which almost caused chaos and that I had to ring up the provincial commissioner to cancel the lining-up? Was this not a violation of the panel's recommendation?

Mr. Munyi: Mr. Speaker, Sir, that is contrary to what really happened. The truth is that in Turbo, interviews were held on 11th September 1970 and the final selections were carried out because there were 34 candidates who applied for the post in Soy while there were 45 candidates who had applied for the post in Turbo. As I have stated clearly, Mr. Speaker, the recommendation which was submitted by the panel is what the Office of the President considered.

The first candidate who was appointed in Soy was considered. In the other place, the candidate who received the highest mark or who proved to be the most capable is the one who was appointed.

Mr. Amayo: On a point of order, Mr. Speaker, Sir, the question which was put to the Assistant Minister was: was the Member for the area present on the day of the installation of the sub-chief? We would like to hear the reply. He is replying to the contrary.

Mr. Munyi: Mr. Speaker, Sir, in actual fact, that is not a point of order. However, it is not necessary that a Member should be present during the installation day because he might be on that day, engaged elsewhere. What is important is the day when candidates are interviewed. This is the most important fact. Even myself, if I want to be present, I should like to be present when the candidates are being interviewed but the installation day is not so important.

The Speaker (Mr. Mati): We still have six questions to go through.

Next question.

The Speaker (Mr. Mati): Mr. Nthenge, your question.

An hon. Member: On a point of order, Mr. Speaker.

The Speaker (Mr. Mati): We still have six Questions by Private Notice, so do not take the time of the House.

RESTRICTIONS ON PUBLIC MEETINGS

Mr. Nthenge: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

Since, during the last recess, Members of Parliament have been refused licences to hold public meetings, will the Government instruct district commissioners that Members of Parliament and Kanu officials have a right to holding public meetings during the next recess without restrictions imposed on them by public officers?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. No, the district commissioners— Mr.

[The Assistant Minister of State, President's Office]

Speaker, Sir, I am replying to hon. Nthenge's question.

Mr. Speaker, Sir, the answer is: Kanu and Members of Parliament have a right, like anybody else, to hold licensed, and I repeat licensed, public meetings. The restrictions only come about once any individual contravenes the conditions of the licence or when the prevailing security situation does not warrant the holding of such meetings. The usual control of public meetings is warranted by the need to preserve public order, so that people can go about their daily business feeling secure. There is no intention in any way, to restrict Members of Parliament holding public meetings.

In actual fact, Members of Parliament are encouraged to hold meetings, to join everyone else in educating the people for faster development.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us whether the district commissioners are going to be ordered that we should be allowed to hold meetings when we ask for them, and not be cheated by saying that there is insecurity every time we apply.

Mr. Munyi: Mr. Speaker, Sir, I would like to emphasize this, and say that district commissioners have been told that Members of Parliament are people who have been popularly elected by their own people, and they should, however, Mr. Speaker, follow what has been said in the regulations, that they should apply for such meetings, and as soon as they apply, Sir, I do not see the reason, why they should not be granted permission.

Mr. Abubakar-Madhubuti: Is it true, Mr. Speaker, that if one applies for a licence, and the name of J. M. Kariuki appears in the licence, President's Office has directed that the meeting should be cancelled?

Hon. Members: Yes, tell us!

The Speaker (Mr. Mati): Now, really, this is asking a general question and I think there is no need to introduce an individual by name.

Mr. Mulwa: Would the Assistant Minister tell us, for example in Machakos District, what security risks have been there, for instance in the past few months or so, because we could not hold meetings there.

Mr. Munyi: Mr. Speaker, Sir, I think my good friend, the hon. Mulwa, is one of the Members who have been holding meetings in Machakos, and I know very well that whenever he asks for a meeting, Sir, permission is always granted.

Mr. Mulwa: On a point of order, Mr. Speaker. A few days ago, Mr. Speaker, I, in fact, asked a question about answers given by Ministers being evasive, and you said we might discuss how to get around this. There was a question again yesterday, on the same ministry, and, Sir, you remember that the Minister of State, President's Office, the hon. Koinange, started dragging the President into my question, when I asked about the deteriorating relationship between the Executive and Legislature; he started dragging the President into that question. Mr. Speaker, I wonder what you have in mind about these sorts of answers, given by the Ministers here; like this Assistant Minister, who is saying that I have been given licences when for sure, nobody was holding meetings in Machakos, and so he is evading the simple question I have asked him.

The Speaker (Mr. Mati): This is not a matter I can really settle now, but as I said, we will have to think of some ways of going about this. I would only appeal to Ministers to be more direct; just listen to the question and reply to the question, and not to give unnecessary information.

I think we must go on. Mr. ole Leken, your question.

**HARDSHIPS THROUGH CURRENCY EXCHANGE BAN
IN EAST AFRICA**

Mr. ole Leken: Mr. Speaker, Sir, I beg to ask the Minister for Finance and Economic Planning the following Question by Private Notice:—

Since the recent currency bans have already caused inconvenience and hardship to *wananchi* who could not change their moneys due to the short notice given, and particularly the unsatisfactory exchange system—

(a) What steps is the Government taking to see that a proper currency exchange system is introduced between the three sister States and a three-month notice given, therefore, to avoid unnecessary hardships?

(b) Would Government consider as a matter of urgency, supplying foodstuffs to the currency ban victims at Rombo, Loitokitok, Namanga and Meto areas, until the currency problems are amicably solved by the Kenya and Tanzania Governments?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. We are continuing our consultations between Kenya and Uganda, in order to ease

[The Minister for Finance and Economic Planning]

the border trade, as the problem has arisen after the restrictions on the movement of money. As regards the particular areas mentioned by the hon. Member, in fact, Mr. Speaker, after he had spoken to me during the week's grace given by Tanzania, we authorized the district commissioners and the district officers to deal with the exchange of monies, for people who were holding Tanzanian money, and I understand the operation went reasonably well; we cannot say it was 100 per cent successful. Therefore, we have already taken quite substantive action.

Mr. ole Leken: With due respect to the Finance Minister, could he tell the House the reason that led the provincial administration to instruct the District Commissioner down at Kajiado, and the District Officer, Loitokitok, not to accept any Tanzanian currency, before the date of the expiry of the notice?

Mr. Kibaki: Mr. Speaker, Sir, we seem to have two different questions and contrary information. Mr. Speaker, we in the Treasury, and I am saying this because I know it and I followed this matter up after the Member had spoken to me, authorized a substantial sum of money to be remitted to the District Commissioner, Kajiado, so that he could give the same to the district officers, so that they could exchange Tanzanian money. This was well before 27th March, which was the final day which Tanzania had given, Mr. Speaker.

Mr. Marwa: Mr. Speaker, Sir, due to the hardship which has been caused by the askaris of the Customs' Post at the border, because when our people are crossing into Tanzania in a bus, they are asked to produce the money they have; for example, if you have Sh. 200, they take the Sh. 200 in Kenya money and keep it, and then they give you a chit or give you Sh. 20, to go and use in Tanzania; when you come back, Mr. Speaker, you are not given back that money. How are our people going to be helped, so that they are not robbed of their money by these people?

Mr. Kibaki: Mr. Speaker, Sir, we must, as an hon. House, we must measure what words we use. There are no instances of anyone being robbed, Mr. Speaker. If your money is taken from you as a traveller into Tanzania, you are, in fact, given a receipt, and you are entitled to claim that same sum of money later, Mr. Speaker.

The point is, that Tanzania, as a sovereign State, in its own wisdom, has decided that the importation of other currency into Tanzania is

restricted, and one has to abide by certain decisions. There are inconveniences, but, Sir, there are also sovereign decisions, which we are bound by.

Mr. Boy: Arising from the Minister's reply, is he aware that Kenyans who cross the border to Tanzania, if they have Sh. 40 in Kenya currency, it is taken by the Tanzania Government and they are given a chit to go to Dar es Salaam and get their money there and the fare from the border to Dar es Salaam is over Sh. 50? Is that not robbery?

Mr. Kibaki: Mr. Speaker, Sir, I said we are holding consultations to try and deal with the precise question which Mr. Juma Boy has now presented. It is a hardship to travellers. Both ourselves and Tanzania accept that this is an unnecessary restraint on the movement of persons between the two states, and we are holding consultations on how to ease the situation. But, Mr. Speaker, the restrictions, having been imposed, we are, as of now, having to observe them. One does not have to travel to the Tanzania capital to get his money, but he can lay claims, even if he is in Nairobi, and the money will be sent to him if he has documents as proof.

Mr. ole Leken: Mr. Speaker, many people around the areas that I have mentioned have no friends around the border area, and thousands of them still hold Tanzania currency. What steps is the Minister taking to see that these people get Kenya currency in exchange while negotiations with the Tanzania Government are going on?

Mr. Kibaki: Mr. Speaker, Sir, I agree this is a genuine problem. While we are negotiating it is still illegal today, until there is an amendment, for anyone to export Tanzania currency back into Tanzania. Therefore, what the Member is asking us to do now cannot be done until there is some agreement reached because we will not be able to repatriate that money into Tanzania. While I agree that there is inconvenience we will take the action he wants us to take after we have agreed that such money collected in the normal course of border trade will be allowed to be repatriated into Tanzania, otherwise, if we did it we, ourselves, would be breaking the regulations. We cannot afford to do that, Mr. Speaker.

The Speaker (Mr. Mati): Next question. Mr. ole Sompisha?

CLOSURE OF MAIZE AND PRODUCE STORES AT KILGORIS RURAL CENTRE

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

[Mr. ole Sompisha]

- (a) Why did the Maize and Produce Board close its stores at Kilgoris Rural Centre on 28th February 1971 while a lot of maize is grown in this area thus making it necessary for the maize harvested there to be transported to Kisii and Kendu Bay?
- (b) Will the Minister order immediate re-opening of this store since Kilgoris residents are now faced with a shortage of maize as their maize is being exported to other districts?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. (a) The Maize and Produce Board was directed by the Trust Land Plot Allocation Committee to dismantle its stores at Kilgoris Rural Central in December last year and to move to a new site which was to be determined by the same committee since their previous plot had not been officially allocated to the Board.

(b) The production of a marketed surplus of maize in this area does not warrant maintenance of a fully fledged depot and a more economical system has been adopted which operates in similar districts, particularly Turkana, Marakwet and West Pokot. Further, I would like to inform the hon. Member that the Maize and Produce Board normally appoints buying agents who are authorized to retain such produce on payment of a price differential to the board and to sell to consumers at controlled prices in cases of maize. Such agents include three in Kilgoris Trading Centre and 39 in other parts of the district. Furthermore, with the impending change in future to a free type of marketing, the board would find it most uneconomic to maintain smaller depots throughout the country. Hence, it would not be possible to order the immediate re-opening of the stores at Kilgoris.

Mr. ole Sompisha: Mr. Speaker, Sir, as the Assistant Minister has alleged that the Trust Land Plot Allocation Committee directed that the stores be dismantled, is he not deliberately running away from the truth as the store was closed down by the board in protest because the health authority ordered the board to dismantle grass-thatched shanties around the main stores?

Mr. Khaoya: Mr. Speaker, Sir, I am not aware of the information the hon. Member is offering to me. All I am aware of is what I have told him.

Mr. ole Sompisha: Well, I believe that the Assistant Minister did not, in fact, try to find out the truth because he says that the Trust Land Plot Allocation Committee did direct the board to close the store while I know that the board

closed the store in protest against the shanties they were told to demolish. How can I make the Assistant Minister tell the House the truth since he is deliberately speaking a lie—something which is not there?

The Speaker (Mr. Mati): That is out of order. He has said that he is not aware of what you are saying, and that is not telling a lie.

I think there is nothing to reply to here.

Mr. arap Saina: Mr. Speaker, Sir, in view of the fact that Kilgoris is at the margin of the drought-affected area, could the Minister try to make future plans to increase storage so that maize will be easily available to the people of this area?

Mr. Khaoya: While I agree with that, we have every intention of keeping a store in the area, we would like also to appeal to the farmers to grow more maize to warrant the facilities of a store. For instance, the storage facilities which have closed down had a capacity of 7,000 bags. Up to the time of closing them down we were only receiving 4,500 bags from the District of Narok. Surely, this is not very much. In that particular case, if we find that we have very little maize what we do is to appoint certain agents in the area and in this particular area we had Mr. H. E. Dobo, Mr. Mohamed Elimi and Mr. Matashi to buy this maize and keep it in case there is any need for local consumption.

USE OF WATER FROM GORAYALE PUMP

Mr. A. A. Mohamed: Mr. Speaker, Sir, on behalf of Mr. Y. H. Mohamed, I would like to ask the Minister for Agriculture the following question by Private Notice:—

- (a) Is the Minister aware that the new water pump of Gorayale is now functioning; and
- (b) Who really owns the pump, the Livestock Marketing Division or the people of the area?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. (a) The Minister is aware.

(b) We have instructed the provincial administration to look into this problem with a view to allowing the residents in the area to use the water.

Mr. A. A. Mohamed: Arising out of the reply, Mr. Speaker, is the Minister aware that the Livestock Marketing Division sometimes stops the local people drawing water for their own use?

Mr. Khaoya: Mr. Speaker, I am aware, but then we have to examine the purpose of this water. The Livestock Marketing Division is a department in the Ministry of Agriculture which

[The Assistant Minister for Agriculture]

is charged with the responsibility of buying livestock from these areas in which case we are helping the farmers. The idea is that the stock, once bought, should be kept at certain strategic places, and surely we cannot do so without providing water. So, the whole purpose is to provide water for the animals which have been bought by the Livestock Marketing Division. So you cannot just say that the water should be free to everybody. Preference will be given to the Livestock Marketing Division animals, and if there is any particular need in an area we can consider allowing the use by the residents.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's reply where he says that preference will be given to the animals of the Livestock Marketing Division, does he realize the situation of water at the moment in the drought-stricken areas before he says that they first consider a Government department and leave other people? To whom do you think these animals belong, because you only consider the Livestock Marketing Division animals?

Mr. Khaoya: Mr. Speaker, Sir, you cannot have it both ways. If the people in the area want Government to help them in buying some stock, Government has the responsibility of buying the stock and keeping them alive until they are taken to the slaughterhouses. That is why we provide watering points for these cattle.

The question has not arisen that the local residents would like to have the use of the water. I have just said that we have instructed the provincial administration to allow them to do so, but all the same, preference must be given for the particular purpose for which the water was meant. If the area wants water in the general sense then they will be considered like anybody else in the country in terms of the requirements of water.

MONEY ALLOCATED FOR SELF-HELP PROJECTS IN KWALE

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

- (a) Is the Minister aware that a sum of KSh. 37,000 allocated through the Community Department for various self-help projects in Kwale District has, with the exception of the portion given to schools which has, however, been reduced by KSh. 2,000 in each case, been withheld?

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): Mr. Speaker,

Sir, I beg to reply. The answer to the question is: (a) I am aware that a sum of KSh. 37,000 was withheld because the Provincial Planning Committee had not given its approval. But I can now assure the hon. Member that the money has been released to various projects as originally allocated, and the question of reduction does not arise.

(b) Since the Community Development funds have not been set aside for the construction of the district commissioner's Beach Rest House, I cannot order the stoppage of its construction.

The Speaker (Mr. Mati): Let us go to the next question.

WITHDRAWAL OF TRAVELLING ALLOWANCE FOR COLLEGE STUDENTS

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

- (a) Would the Minister tell this House why travelling allowances for college students were withdrawn recently?
- (b) Would such a move not discourage brilliant students from joining the teaching profession, bearing in mind that the country is experiencing acute shortage of secondary school teachers?

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to reply. (a) It is not correct to say that college students' travelling allowance has been withdrawn. What has been done is to integrate students' travelling allowances with other cash allowances to make one consolidated allowance. From this allowance, which is given to each student in 12 equal instalments payable to them at the end of each month, the students make their own budget on how to spend their money. This allowance does not include the railway warrant given to each student who chooses to travel by train.

Part (b) of the question, Sir does not arise.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister would he agree with me that the students taking courses in colleges such as Kenyatta College, Kenya Science Teachers' College and other institutions, are just the same as those students learning in high schools and it should have been necessary for the Ministry of Education to give them travelling allowances when going for their holidays and when they come back to school as well?

Mr. Mbai: Mr. Speaker, Sir, it has been a general practice of my Ministry to pay students in our teacher training colleges allowances to cover pocket money, clothing and travelling

[The Assistant Minister for Education]

allowances. In addition to that they are given railway warrants. This, Sir, is meant to make the students in these teacher training colleges not to experience difficulties when they travel or live in these colleges. Sir, I therefore, do not agree with the hon. Member that we should as well extend this kind of assistance to other students who are in the places the hon. Member has mentioned.

The Speaker (Mr. Mati): We shall go on now.

COMMITTEE OF SUPPLY

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Dr. Waiyaki) took the Chair]

The Chairman (Dr. Waiyaki): Order! We are now in the Committee of Supply.

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71—
RECURRENT

THAT a sum not exceeding K£3,686,522 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1971, in respect of Supplementary Estimate No. 1 of 1970/71—Recurrent.

VOTE 1—OFFICE OF THE PRESIDENT

Head 04—Directorate of Personnel

(Subhead 123 agreed to)

(Head 04 agreed to)

Head 13—Provincial Administration

(Subheads 101 and 200 agreed to)

(Subheads 01-125, 93-101 and 93-105 agreed to)

(Head 13 agreed to)

(Vote 1 agreed to)

VOTE 2—THE STATE HOUSE

Mr. Amayo: On a point of order, Mr. Chairman, Sir, it was agreed here that before we come to talk on the Votes of each Ministry, every Ministry will provide the details and bring them to this House. Could we have the details from the Office of the President before we start on the Vote?

The Chairman (Dr. Waiyaki): That is not what was agreed on. I think you misunderstood what was agreed on. What was agreed on was that if a subject that you do not really understand arises, you can stand up and ask the Minister for Finance what it is all about. We cannot provide all the details on each and every one of the subjects.

Mr. Amayo: On a point of order, Mr. Chairman, I do not know whether the Minister for

Finance and Economic Planning will deny this because it was agreed here and it was confirmed by him that every Ministry will provide the House with the details required. Those are the details we want, and if they are there, could we have them? We are not in any way at all trying to block the whole thing. All we need is only the details in order that we do not waste time asking for explanation. If the details are there, let us be provided with them.

The Chairman (Dr. Waiyaki): It is understood even now that the Minister for Finance and Economic Planning undertook to provide more details in June when we shall be having the Budget. But in this one, if you require details, it is necessary for you to stand up and ask for them. I am sure he did not say that he was going to cyclostyle the details and supply them to Members. I think you misunderstood him.

Mr. Amayo: Mr. Chairman, Sir, I think I am quoting the correct words used in this House. I wonder whether I would ask, through the Chair, that these details be brought here because we left everything in the hope that we shall get the details. Even yesterday, Sir, it was asked, when we are going to be provided with the details some of the Ministers said that they have the details; could we have them?

The Chairman (Dr. Waiyaki): He has the details now if you want them.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, it was agreed, as the Member is saying, that when each item is called the Minister under whom the department concerned comes will have the details to supply to the House. When I stood, for instance, I said I had these details and when the Minister for Commerce and Industry stood, he also said he has them. So we will supply them as we go along, Mr. Chairman, when they are asked for because we have them. We will give them.

Mr. Amayo: Mr. Chairman, on the Personal Emoluments of The Office of the President, I would like to have the breakdown of each officer, where they are serving, what grades they hold and so on.

The Chairman (Dr. Waiyaki): Is that on Vote 1?

Mr. Amayo: Yes, Sir.

The Chairman (Dr. Waiyaki): No, we have already passed that. We are on Vote 2.

HEAD 02—THE STATE HOUSE—GROSS TOTAL

(Subhead 297 agreed to)

(Head 02 agreed to)

(Vote 2 agreed to)

VOTE 3—MINISTRY OF FOREIGN AFFAIRS

Subhead 101—Personal Emoluments

Mr. Amayo: Mr. Chairman, Sir, I rise to ask for the details of these officers to be given; the breakdown of Subhead 101.

The Chairman (Dr. Waiyaki): Which breakdown do you want, Mr. Amayo?

Mr. Amayo: I want the breakdown of this Subhead 101, which reads: "Additional provision is required due to filling of vacant posts for which part or no provision was made in the original estimate." Which ones were these?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the Member knows that we have established two new embassies, one at Lusaka, in Zambia and the other at Stockholm in Sweden. The one in Stockholm will take care of all the Scandinavian countries; that is Sweden, Denmark, Norway, and Finland. We have in each of these places an ambassador, First Secretary, Third Secretary, a commercial attaché and the usual complement of typists, etc.

The item he said was not originally provided for because a governmental decision to open embassies there was taken after the original Estimates had been printed. This is the reason, Mr. Chairman, Sir.

Head 15—Foreign Affairs

(Subheads 101, 103, 104, 106, 107, 108, 112, 113, 114, 115, 117, 129 and 134 and 297 agreed to)

(Head 15 agreed to)

(Vote 3 agreed to)

VOTE 4—OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS

Head 66—Headquarters

(Subheads 101, 102, 103 and 134 agreed to)

(Head 66 agreed to)

Head 12—Immigration Department

(Subhead 114 agreed to)

(Head 12 agreed to)

Head 16—Prisons Department

(Subheads 101, 106, 117 and 134 agreed to)

(Head 16 agreed to)

Head 18—Probation Service

(Subheads 101 and 297 agreed to)

(Head 18 agreed to)

(Vote 4 agreed to)

VOTE 5—POLICE

Head 19—Police

(Subheads 101, 116 and 297 agreed to)

(Head 19 agreed to)

(Vote 5 agreed to)

VOTE 7—MINISTRY OF FINANCE AND ECONOMIC PLANNING

(Subheads 126 and 297 agreed to)

(Vote 7 agreed to)

VOTE 8—MINISTRY OF DEFENCE

*Head 21—Ministry of Defence**Subhead 101—Personal Emoluments*

Mr. Seroney: Mr. Chairman, Sir, I would like the particulars of the staff engaged under the Tripartite Agreement.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, it is explained that we did recruit some civilians; that is clerical—20, copy typists—20; artisans—15; drivers—4; vehicle mechanics—2; storemen—5; electricians—2; midwives—2; nurses—2 and other subordinate staff—60. These were taken on— It is the civilian jobs that were necessary that they were taken during the Tripartite Agreement; that is after the Original Estimates had been printed.

(Subhead 101 agreed to)

(Subhead 102 agreed to)

(Head 21 agreed to)

(Vote 8 agreed to)

VOTE 9—KENYA ARMED FORCES

(Subhead 101 agreed to)

(Vote 9 agreed to)

VOTE 10—MINISTRY OF AGRICULTURE

Head 89—Department of Administrative Services

(Subheads 102, 126, 127 and 274 agreed to)

(Head 89 agreed to)

Head 94—Department of Technical Services

(Subheads 206, 225, 229, 283 and 297 agreed to)

(Head 94 agreed to)

(Vote 10 agreed to)

VOTE 11—MINISTRY OF HEALTH

*Head 41—Health**Subhead 126—Grants and Grants-in-Aid*

Mr. Seroney: Mr. Chairman, Sir, the Minister did not tell us how many mission hospitals are involved and how this sum of money is going to be divided?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the

[The Minister for Finance and Economic Planning]

hospitals that will get this additional help are: Maseno, Kaloleni (this is Kaloleni of the Coast and not Kaloleni of Nairobi), Kikuku, Tumutum, Chogoria, Maua, Kaimosi, Kendu Bay, Kepussoa, Ngao, Gutu, Nkubu, Gaichanjiru, Nevodo, Mathare, Nyeri, Kaplong and Kenuek.

The Assistant Minister for Information and Broadcasting (Mr. Kase): And Ngao!

The Minister for Finance and Economic Planning (Mr. Kibaki): Yes, Ngao *vile vile*. I think the Member for Tana North is quite happy!

Mr. Seroney: Mr. Chairman, Sir, are they getting equal amounts or how is this amount going to be divided between them?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the Member for Tinderet may know, or may not know, that the missions have mission secretariats; those run by the protestant missions, there is a secretariat of the National Christian Council of Kenya, and there is also a Catholic Secretariat.

Now, the Ministry deals with these two secretariats so that each year the missions that have high priority are given various sums, but all of them are getting this help by agreement between the people involved and the Ministry so that the question of priority is pretty well taken care of.

Mr. Amayo: Now, Mr. Chairman, Sir, what I rise to question is this: as some of these hospitals are under the National Christian Council of Kenya and the others are under the Catholic Secretariat, who decides on the priority; is it the Ministry or the so-called missions?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the Member will know if he talks to his friends at Kendu Bay Hospital.

These missions put their requests to these two secretariats and, because, in addition to the subvention from the Government, the missionaries themselves have some moneys to disperse, they deal through these organizations for very many of their needs. So, they are the right people to consult with the Ministry of Health and decide whether this year it is Kaimosi that should get Sh. 5,000 or whether it is Kendu Bay that should get Sh. 5,000 and the other one get Sh. 4,000. Normally, there tends to be sums related to the size of the hospital because it would not make sense to say that a dispensary should get the same Vote as a hospital which has 200 beds.

(Subhead 126 agreed to)

(Subheads 98-117 and 297 agreed to)

(Vote 11 agreed to)

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

(Subheads 263 and 297 agreed to)

(Vote 12 agreed to)

VOTE 14—MINISTRY OF POWER AND COMMUNICATIONS

Head 64—Office of the Minister

(Subheads 101, 102, 108, 133 agreed to)

(Head 64 agreed to)

Head 58—Aerodromes

(Subheads 101, 102, 104, 106, 114, 116 agreed to)

(Head 58 agreed to)

Head 59—Government Press

(Subhead 101 agreed to)

(Head 59 agreed to)

(Vote 14 agreed to)

VOTE 15—MINISTRY OF LABOUR

Head 42—Labour Department

Subhead 102—House Allowance

Mr. Seroney: Mr. Chairman, I would like to know the number of officers who are living in privately rented quarters.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I am afraid I do not have the actual number. However, judging from these figures it cannot be more than probably 20 or 15. However, I do not have the actual figure.

(Subhead 102 agreed to)

(Subheads 126, 273 agreed to)

(Head 42 agreed to)

Head 44—National Youth Service

(Subhead 145 agreed to)

(Head 44 agreed to)

Head 42—Labour Department

(Subheads 112, 121, 125 agreed to)

(Head 42 agreed to)

Head 44—National Youth Service

(Subheads 104, 112, 136 agreed to)

(Head 44 agreed to)

Head 46—National Social Security Fund

(Subheads 101, 106, 108, 112, 115, 119, 121, 297 agreed to)

(Head 46 agreed to)

(Vote 15 agreed to)

VOTE 16—MINISTRY OF TOURISM AND WILDLIFE

Head 67—Ministry of Headquarters

(Subheads 101, 102, 104, 106, 126, 261 agreed to)

(Head 67 agreed to)

*Head 53—Game Department**Subhead 101—Personal Emoluments*

Mr. Seroney: Can the Minister give us the number of staff engaged if we are to agree for an additional amount of £25,094?

The Minister for Finance and Economic Planning (Mr. Kibaki): In which department, Mr. Chairman, Sir?

The Chairman (Dr. Waiyaki): Game Department.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I do not see the Minister here. However, the total number of people who were employed by the Ministry of Tourism and Wildlife under the Tripartite Agreement is 103.

(Subhead 101 agreed to)

(Subheads 102, 104, 114 agreed to)

(Head 53 agreed to)

Head 54—Fisheries Department

(Subheads 101, 102, 297 agreed to)

(Head 54 agreed to)

(Vote 16 agreed to)

VOTE 17—MINISTRY OF LANDS AND SETTLEMENT

Head 68—Administrative and General

(Subhead 295 agreed to)

(Head 68 agreed to)

Head 50—Settlement Department

(Subhead 102 agreed to)

(Head 50 agreed to)

Head 55—Lands

(Subhead 102 agreed to)

(Head 55 agreed to)

Head 56—Surveys

(Subheads 101 and 114 agreed to)

(Head 56 agreed to)

Head 92—Squatter Settlement

(Subheads 102 and 297 agreed to)

(Head 92 agreed to)

(Vote 17 agreed to)

VOTE 19—MINISTRY OF INFORMATION AND BROADCASTING

Head 69—Ministry of Information and Broadcasting

(Subheads 101, 104, 108, 113, 127 and 102 agreed to)

(Head 69 agreed to)

(Vote 19 agreed to)

VOTE 20—VOICE OF KENYA

Head 45—The Voice of Kenya

(Subheads 101, 104, 108, 112, 250 and 297 agreed to)

(Head 45 agreed to)

(Vote 20 agreed to)

VOTE 21—MINISTRY OF NATURAL RESOURCES

Head 70—Ministry Headquarters

(Subhead 101 agreed to)

(Head 70 agreed to)

*Head 52—Forests**Subhead 101—Personal Emoluments*

Mr. Seroney: I can see that there are £58,750. Can he give a breakdown to justify this?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, these were people who were taken on because this is one of the departments where we were able to take a substantial number of people as quota of the Kenya Government's Tripartite Agreement commitment. I do not think the hon. Member wants the names; but I would like to tell him that there were 22 rangers; 21 senior clerical officers; 32 clerical officers; 21 copy-typists; 7 plant operators; 46 drivers; 100 forest guards; 11 storemen; two laboratory technicians and the general labour takes care of the rest.

Mr. Amayo: Mr. Chairman, Sir, the Minister has mentioned the question of drivers. While on one hand we have drivers, how can we have them without vehicles? Whoever made any plan at all to have a vehicle without providing a driver for it— Can you tell us about the question of drivers in the Forestry Department with regard to their increase? Do you mean to tell the House that one vehicle is supposed to have two or three drivers? Let me put it in a sort of a simple way so that you may understand it better. If you had 20 vehicles and you know that you are going to have five more vehicles, you had to plan for them long beforehand. So, how is it that out of the Minister's reply he has mentioned quite a big number of drivers? Where are these drivers from? What has happened of the drivers who had been driving these vehicles? Can we be told?

The Minister for Finance and Economic Planning (Mr. Kibaki): Chairman, Sir, these people were taken on under the Tripartite Agreement. The reason why this item—the Tripartite

[The Minister for Finance and Economic Planning]

Agreement—keeps on appearing is because the said Agreement came after the Estimates had been prepared. With regard to vehicles, the fact is that these people who were taken will be used in various new sections in the Ministry. Therefore, if the Member is asking the reason why we have not provided here for additional vehicles, I would like to tell him that we have not done so because we have already a number of vehicles which are required, or additional ones will be covered in the new Estimates— They are already well covered by this Estimate.

(Subhead 101 agreed to)

(Head 52 agreed to)

HEAD 57—MINES AND GEOLOGY**Subhead 101—Personal Emoluments**

Mr. Amayo: Mr. Chairman, Sir, could we be given the breakdown of the additional staff which was taken on in the Mines and Geological Department because all we can see is £2,100 which is required?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the people who were touring the hon. Member's constituency are not the ones who have been recently recruited. Those are the normal employees of the Department. The ones who were recently recruited are: one senior clerical officer, six clerical officers, one storeman, three field assistants and one laboratory assistant.

(Subhead 101 agreed to)

(Head 57 agreed to)

(Vote 21 agreed to)

VOTE 22—MINISTRY OF CO-OPERATIVES AND SOCIAL SERVICES**HEAD 72—DEPARTMENT OF CO-OPERATIVES**

(Subheads 101, 115 and 117 agreed to)

Subhead 274—Expenses of Foreign Experts and Advisers

Mr. Seroney: Mr. Chairman, Sir, I would like to know the number of foreign experts and advisers and where they are posted.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the list is available and can be given. What has happened, Mr. Chairman, is that under the agreement with the Scandinavian countries, we have to supply housing for the people we get to work for the department of Co-operatives. These are mainly at the provincial headquarters but the bulk of them are here at the Co-operative College. Mr. Chairman, there is a breakdown somewhere

for the Co-operative College which is separate on the other side. So, these experts are people who are working with various co-operatives in the field, Mr. Chairman.

(Subhead 274 agreed to)

(Head 72 agreed to)

HEAD 51—COMMUNITY DEVELOPMENT

(Subheads 101 and 102 agreed to)

Subhead 134—Purchase of Replacement Transport

Mr. Ogingo: Mr. Chairman, Sir, I notice that an additional sum of £10,000 is required in respect of purchase of replacement transport. Would the Minister be kind enough to tell us the number of vehicles involved in this replacement programme.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I did not get what the hon. Member is saying. Can he please repeat what he said?

Mr. Ogingo: Mr. Chairman, Sir, I notice that there is an additional sum of £10,000 which is required against the purchase of replacement transport. What I am asking the Minister to tell the House is the number of vehicles involved in this replacement programme.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I do not have the number here, but as the figure is given here—another £10,000—it is in the region of another 15 vehicles. Now, Mr. Chairman, Sir, only those vehicles that are unserviceable will be replaced. The procedure, Mr. Chairman, is that these vehicles have to be inspected by the Vehicles Unit of the Ministry of Works, by qualified people. They have never written-off vehicles unless they really are unserviceable. As a matter of fact, Mr. Chairman, the complaints we get are exactly the opposite to the effect that we are leaving vehicles in the field which have served their full life.

Mr. Seroney: Mr. Chairman, Sir, surely, when these Estimates are brought the Minister or the Department concerned must know where these replacements are to take place. Can the Minister tell us where these replacements are to take place on these 15 or so vehicles?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, these are vehicles to replace those that have become unserviceable. Therefore, they will only go to the place where the unserviceable ones have been. This is the sort of logical inference, Mr. Chairman.

(Subhead 134 agreed to)

(Subhead 144 agreed to)

(Head 51 agreed to)

HEAD 36—ADULT LITERACY AND ADULT EDUCATION

Subhead 101—Personal Emoluments

Mr. Amayo: Mr. Chairman, Sir, with regard to these additional education officers and seven assistant education officers, I would like to know where they will be stationed. I quite agree that there is an increase and in the last Estimates they had quite an additional number compared to the previous year. Where are these officers—education officers and seven assistant education officers—to be stationed?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, they will be placed in the places I will mention but they will serve wider areas and districts. They will be, in fact, working throughout the Republic. But, in this final phase of this programme, we will open up new places in Mombasa, Laikipia, Siaya, Marsabit, Mandera, Samburu and Turkana.

(Subhead 101 agreed to)

(Head 36 agreed to)

HEAD 38—CO-OPERATIVE COLLEGE

(Subheads 101, 102, 105, 114 and 297 agreed to)

(Head 38 agreed to)

(Vote 22 agreed to)

VOTE 23—MINISTRY OF COMMERCE AND INDUSTRY

HEAD 73—MINISTRY OF COMMERCE AND INDUSTRY

Subhead 101—Personal Emoluments

Mr. Ogingo: Mr. Chairman, Sir, would the Minister care to inform the House the strength of the additional staff for which there is this additional sum of £8,100?

The Minister for Commerce and Industry (Mr. Osogo): Mr. Chairman, Sir, these are 30 clerks and 14 drivers.

(Subhead 101 agreed to)

(Head 73 agreed to)

(Vote 23 agreed to)

VOTE 24—MINISTRY OF EDUCATION

HEAD 31—ADMINISTRATIVE AND GENERAL

Subhead 101—Personal Emoluments.

Mr. Ogingo: Mr. Chairman, Sir, under subhead 101—Personal Emoluments, there is an additional sum of £25,960 which is required. Would

the Minister care to inform us the number of additional staff involved?

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, the number of staff involved is 27 additional posts to establish a separate accounting unit plus 76 additional clerical staff under the Tripartite Agreement. There is also an auxiliary staff like shorthand-typists and copy-typists.

(Subhead 101 agreed to)

(Subheads 102 and 131 agreed to)

(Head 31 agreed to)

HEAD 32—PRIMARY EDUCATION

Subhead 101—Personal Emoluments

Mr. Wabuge: Mr. Chairman, Sir, could the Minister tell us how many teachers, under this subhead, are involved.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, the additional provision is required to fill in vacant posts for which sufficient provision was not made. An allocation to this effect is required and the number we are aiming at, as given here, is for Kitale Primary School, Nyeri Primary School and the Hill Primary School at Eldoret. These are the schools which we inherited and we intend to continue them as they were in the old times. Original allocation was not enough and the number of teachers may be increased, but we do not know yet. This depends on the number of teachers we require to keep these primary schools going. These are old primary schools and if we want to have them with double stream classes we should have them, but we do not know the number of teachers needed yet.

Mr. Wabuge: Mr. Chairman, I have been wondering whether this subhead has anything to do with primary schools in the rural areas. If so, can the Minister tell us whether this scheme covers the primary school teachers?

The Minister for Education (Mr. Towett): Yes, it covers all the schools.

(Subhead 101 agreed to)

Subhead 282—UNICEF Supervisory Scheme

Mr. Ogingo: Mr. Chairman, Sir, I would like to say something in connexion with the subhead especially as regards the sum of £13,100 which is going to be spent in paying salaries to supervisors of primary schools. We would be pleased, Mr. Chairman, if the Minister could inform the House how many additional supervisors have been appointed.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, we have shown that the original printed Estimates were underestimated. The

[The Minister for Education]

number required is 13 additional supervisors and 15 assistant education officers who will be appointed during 1970/71.

(Subhead 282 agreed to)

(Head 32 agreed to)

HEAD 33—SECONDARY EDUCATION

Subhead 101—Personal Emoluments

Mr. Seroney: Mr. Chairman, Sir, can the Minister give us details as to where these teachers are going, how many vacancies there are and the categories of these secondary schools and the provincial breakdown of these secondary schools.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, we have 30 additional classes in Form I and we have 40 classes in Form II; we have also 30 classes in Form III; 30 classes in Form IV; 14 classes in Form V and, lastly, we have 14 additional classes in Form VI. These are the additional classes which are there now in the country. We want this money to maintain these classes which are already there.

Mr. Seroney: I said, Mr. Chairman, Sir, that we wanted the provincial breakdown of these vacant posts.

The Minister for Education (Mr. Towett): These are all teachers of one category because they are going to teach in our secondary schools.

Mr. Wabuge: Mr. Chairman, Sir, what we want here is the Minister to give us the breakdown on provincial basis. We know that these teachers are going to teach in secondary schools but we want to know where they are going to teach on provincial basis because as we know, in some provinces there are not enough teachers.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, these 216 teachers we require are not teaching now. Although the classes are there now, I do not know where these teachers will be posted because I do not have the figures at this moment for the classes I have just referred to. However, we can provide them.

Mr. Ayah: Mr. Chairman, Sir, I think if the Minister would agree with me since these classes are there, they must be in a province somewhere in the country. Although he has not appointed the teachers yet, can he tell us where these classes are in terms of provinces. I am sure they are somewhere in the provinces.

The Minister for Education (Mr. Towett): Mr. Chairman, as I had said before, I do not have the figures with me now, but they can be supplied by me later on.

(Subhead 101 agreed to)

(Head 33 agreed to)

HEAD 34—TECHNICAL EDUCATION

(Subhead 101 agreed to)

(Head 34 agreed to)

HEAD 87—SPECIAL SCHOOLS

Subhead 101—Personal Emoluments

Mr. Wabuge: Can the Minister tell us what are these special schools and where are they located?

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I did not bring the list containing the names of these particular schools, but I can supply the list tomorrow or the next time we meet.

Mr. Mbori: Mr. Chairman, Sir, can we know, if the Minister does not mind how many of these special schools are in the country? We would like to know their number, if he cannot tell us where they are located.

The Minister for Education (Mr. Towett): As I said earlier on, Sir, I cannot give a number or a figure that I do not have.

Mr. Mwithaga: Mr. Chairman, Sir, since the word "special" seems to be creating or calling for all the questions, can the Minister explain what he means by "special schools" so that hon. Members know exactly what these words mean?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, the words "special schools" mean the schools where you have the disabled, the cripples, the blind and the deaf—all those who need special treatment.

Mr. Mwithaga: On a point of order, Mr. Chairman, Sir, I am seeking your guidance. Will you agree with me that this is most unusual for the Minister for Education was specifically directed in the way he was going to answer this question? Despite the fact that the Minister (Inaudible.)

Mr. Amayo: Mr. Chairman, Sir, I do not understand the reply from the Minister, that these special schools are not under the Ministry of Education—Should I take it that these schools are under the Community Development Department and they are not under the Ministry of Education?

The Chairman (Dr. Waiyaki): We are discussing the Vote of the Ministry of Education.

(Subhead 101 agreed to)

(Head 87 agreed to)

HEAD 88—HIGHER EDUCATION

(Subhead 127 agreed to)

Subhead 132—Bursaries and Scholarships

Mr. Karungaru: On a point of order, Mr. Chairman, Sir, is it not true that the special schools the Minister has mentioned are—

The Chairman (Dr. Waiyaki): We are not going back; we are now discussing higher education.

Mr. Wabuge: Mr. Chairman, Sir, will the Minister tell the House how many students are going to get these bursaries and where they come from? Can he give the breakdown of the students on provincial basis?

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, bursaries and scholarships— The previous number of 38 students of division three has apparently gone up by 50 per cent. Bursaries for seven students who are studying overseas were withdrawn.

Mr. Mbori: Mr. Chairman, will the Minister tell us how these bursaries and scholarships are awarded?

The Minister for Education (Mr. Towett): I have a scholarships committee which selects students who have applied for bursaries.

(Subhead 132 agreed to)

Subhead 142—University Education in East Africa

Mr. Amayo: Mr. Chairman, Sir, I would like to know from the Minister how much out of the £196,400 is going to be allocated to the University of Dar es Salaam, University of Kampala and the University of Nairobi.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, 200 students go outside Kenya. The number may be 100, 99 or 98 to Dar es Salaam and the remainder go to Makerere.

(Subhead 132 agreed to)

(Subhead 142 agreed to)

(Head 88 agreed to)

HEAD 97—DISTRICT EDUCATION BOARDS

Subhead 101—Personal Emoluments

Mr. Wabuge: Mr. Chairman, Sir, could the Minister tell us the number of personnel involved for which he is asking for £702,024. What is the number of personnel involved? Can he also give us a breakdown on a district basis?

The Minister for Education (Mr. Towett): Under this subhead, Sir, "District Education Boards", because of what we call the Tripartite Agreement my Ministry had to employ 3,700 unqualified teachers and 80 per cent of them were School Certificate students. That is why we require this money. I think that answers the hon. Member.

Mr. Wabuge: Mr. Chairman, what I want now is this. Under the Tripartite Agreement we know the Ministry of Education took over some untrained teachers to build up their percentage.

Now, could the Minister give us a breakdown on district basis?

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, if I were to start giving the breakdown it would take a very long time. However, if the hon. Member wants the figures, they are there. These were based on the percentage, 10 per cent of the teachers in each district.

Mr. Wabuge: Mr. Chairman, Sir, I do not know what the Minister is trying to tell us. We are voting money to pay these people and he is here to ask the Parliament to give him authority to spend this money.

We want the Minister to give us a breakdown of these figures. I know the number is there. If the number is there, why should he ask me to go and look for them? I want this information from him and he must tell this House what we want to know. He is the man in charge.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I have numbers for every district in my office and I can supply these tomorrow.

Mr. Wabuge: In view of the fact that the Minister knows that when we were debating the Supplementary Estimates the House was insisting on details and even on breakdown, and the Minister for Finance said this could be supplied at this stage. We are now being told that we should go to the Minister's office so that we can get the required figures. Now, Mr. Chairman, what can we do? If he has the number why can he not tell us what the number is? Where are we now, Mr. Chairman?

The Chairman (Dr. Waiyaki): He does not have them at the moment. He can always supply them. We are not getting very far with this. He can circularize the figures.

(Subhead 101 agreed to)

(Subhead 114 agreed to)

(Head 97 agreed to)

Subhead 297—Appropriations in Aid

Mr. Ogingo: Mr. Chairman, Sir, I notice that there is an additional sum of £23,925—

The Chairman (Dr. Waiyaki): Order! We have moved past that. We are now on "Appropriations in Aid".

(Subhead 297 agreed to)

(Vote 24 agreed to)

VOTE 28—EXCHEQUER AND AUDIT DEPARTMENT

HEAD 26—EXCHEQUER AND AUDIT

*(Subheads 101 and 102 agreed to)**(Head 26 agreed to)**(Subhead 297 agreed to)**(Vote 28 agreed to)*

VOTE 29—NATIONAL ASSEMBLY

HEAD 10—MEMBERS OF PARLIAMENT

Subheads 101—Salaries and Allowances to Members of Parliament

Mr. Amayo: Mr. Chairman, Sir, since here it appears to be contrary, may I know what this means. I know I am a Member of this Parliament but it says, "Salaries and Allowances to Members of Parliament". As far as I am concerned, I know the Members have had no additional salaries as such. So, could this not be relevant to the salaries of the Speaker and the Deputy Speaker rather than the Members of Parliament? And should it not be put in that way?

May I know from the Ministry concerned where additional salaries of Members arise here?

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Chairman, Sir, the Speaker and the Deputy Speaker are Members of Parliament.

Mr. Tsuma: Mr. Chairman, Sir, the Minister for Co-operatives and Social Services is confusing the House and misleading it too.

What the hon. Members of Parliament were given was a consolidation of their allowances and not salaries. There were no additional salaries at all.

So, Sir, could the Minister correct this because this is what the public has assumed, and this is what they have thought: that the Members of Parliament had additional salaries when, in fact, it was only consolidation of their allowances. When they look at this paper here they think it is true.

Would the Minister concerned please make the correction?

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, it is all explained here that on 1st January 1971 this House under the Remuneration (Amendment) Act of 1970, (No. 25), carried out the exercise which made the salaries go up. There are some people, in this exercise, whose allowances were very low but this has now been raised; there were some whose allowances were pretty much average, but these too have been raised. With this averaging, surely there must be some increase.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Chairman, in fact, I do not know why Members are becoming so sensitive about this. They will recall that Ministers and Assistant Ministers did not get allowances but they are now receiving these allowances from here. We now get cheques from Parliament; we were not getting them before. This is the additional money.

Mr. Amayo: Mr. Chairman, what I wanted to know is on the question of "Members of Parliament". The office of the Speaker is known as such, the office of the Deputy Speaker is also known as such. The offices of the Ministers and Assistant Ministers are also known. So—

The Chairman (Dr. Waiyaki): Order, Mr. Amayo!

Mr. Amayo: What I am asking—

The Chairman (Dr. Waiyaki): Order! Order! I know what you are asking. The point is that all Ministers, Assistant Ministers, the Speaker, and the Deputy Speaker are Members of this Parliament. This term is being used to cover all.

An hon. Member: Under what law?

*(Subhead 101 agreed to)**(Head 10 agreed to)**(Vote 29 agreed to)*

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71—
DEVELOPMENT

THAT a sum not exceeding K£15,315,163 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1971, in respect of Development Supplementary Estimate No. 1 of 1970/71.

The Chairman (Dr. Waiyaki): We now come to the Supplementary Estimate No. 1 of 1970/71—Development.

HEAD D1—AGRICULTURAL AND ANIMAL
HUSBANDRY*Agricultural Services*

A—MISCELLANEOUS SERVICES

(Subheads A1, A3, A4, A9 and A10 agreed to)

B—RESEARCH SERVICES

(Subheads B5 and B6 agreed to)

C—RURAL DEVELOPMENT

(Subheads C2, C3, C4, C5, C6, C7 and C8 agreed to)

D—AGRICULTURAL CREDIT

(Subhead D3 agreed to)

E—AGRICULTURAL DEVELOPMENT CORPORATION

(Subhead E4 agreed to)

Livestock Industry Development

H—ANIMAL HUSBANDRY

(Subheads H2, H3 and H8 agreed to)

J—VETERINARY SERVICES

(Subheads J3, J4, J5 and J12 agreed to)

K—RANGE MANAGEMENT

*(Subhead K7 agreed to)**(Subheads A3, A6, C1, D1, E2, H3, H7 J2, J10, J11 and K5 agreed to)**(Subhead Z agreed to)**(Head D1 agreed to)*

HEAD D2—IRRIGATION SCHEMES AND LAND RECLAMATION

*(Subheads A, C, D and Z agree to)**(Head D2 agreed to)*

HEAD D3—LAND SETTLEMENT

*(Subheads A1, A2, D, E, G, J, K and Z agreed to)**(Head 3 agreed to)*

HEAD D4—LANDS

*Subhead A—Land Adjudication and Registration:
A1 Personal Emoluments*

Mr. Seroney: Mr. Chairman, Sir, could the Minister give us a detailed breakdown of these Personal Emoluments?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I had seen one of the Assistant Ministers here and I thought he was going to reply. The Member has asked for the breakdown of the few posts which are vacant posts, which are being filled. They had not been provided for. These are mainly in this Department of Land Registration. Here there has been pressure, even from some Members of this House, that registration of land in Western Kenya, in the Coast and parts of Eastern Kenya should be speeded up. This Ministry, which had been able to operate with a certain complement of staff asked that they should be allowed to fill those posts half way through the year, the posts that had been vacant when the scale of operation was much smaller.

Sir, I am sure that the numbers could be given. I do not have the actual numbers here but I do know that this is how it did arise.

Mr. Seroney: Mr. Chairman, when the Minister comes here and asks for £34,000 for vacant posts, surely we are entitled to know the number of these posts. Why is the information not available here?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I am sure that the explanation is there. The Member

does know that one cannot carry a full list, particularly here where there are posts which are in an establishment already approved, but they had been vacant. Normally, one would not carry this, but we do carry these lists where there are new things.

Therefore, it is for that reason only that we do not have the number; it is not that anybody is refusing to give details. I, myself, wonder whether the Member will be very much wiser even when he gets the list.

*(Subhead A agreed to)**(Subheads B and E agreed to)**Subhead G—Acquisition of Land for Industrial and Residential Purposes*

Mr. Ogingo: Mr. Chairman, I wonder whether the Minister responsible would be kind enough to inform the House where this land for industrial and residential purposes is to be acquired?

The Minister for Finance and Economic Planning (Mr. Kibaki): Sir, this is land for which the details are given in the explanatory note on page 11. It is at Changamwe, Mombasa.

*(Subhead G agreed to)**(Subheads H and Z agreed to)**(Head D4 agreed to)*

HEAD D5—WATER

*(Subheads B, G, H, J, K, E, F, and Z agreed to)**(Head D5 agreed to)*

HEAD D6—FORESTS

*(Subheads E and Z agreed to)**(Head D6 agreed to)*

HEAD D7—NATURAL RESOURCES

*(Subheads B and Z agreed to)**(Head D7 agreed to)*

HEAD D8—GAME, NATIONAL PARKS AND FISHERIES

*(Subheads A, D, F, and G agreed to)**(Head D8 agreed to)*

Mr. Seroney: On a point of order, Mr. Chairman, what procedure can one use to delete any item which is unwanted in these Estimates because I understand that you have disallowed an amendment which was being sought?

The Chairman (Dr. Waiyaki): The normal procedure is to submit an amendment with reference to subheads which you want to have an amendment to. However, in the case of Mr. Tsuma, we resolved only yesterday that there would be no question of removal from subhead A of Head 9

[The Chairman]

in the case of Commerce and Industry and sub-heads H and J of Head 25, the Treasury. The specific amendment that arose when policy speeches had been made was defeated in a vote here. So it was with respect to those particular ones that I could not allow an amendment, the House having resolved against what had been proposed.

HEAD D9—COMMERCE AND INDUSTRY
(Subheads A, G, M and P agreed to)

(Head D9 agreed to)

HEAD D10—TOURISM
(Subheads B, C, D and A agreed to)

(Head D10 agreed to)

HEAD D11—ROADS
(Subheads B, C, D, E, F, H, L, N, O, P,
Q, R, S, T, V, W, X, Y, F, G, J, P and
Z agreed to)

(Head D11 agreed to)

HEAD D12—INFORMATION, BROADCASTING AND
TELEVISION

(Subheads A, B, C, D, D and Z agreed to)
(Head D12 agreed to)

HEAD D13—BUILDINGS AND WORKS
(Subheads A and E agreed to)
(Head D13 agreed to)

HEAD D15—EDUCATION

Subhead B—Secondary Education

Mr. Wabuge: Mr. Chairman, would the Minister tell us where these secondary schools are sited on district basis for which he requires £100,000?

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, the schools concerned are: Kijabe, Murang'a, Kaaga, Nkubu, Ng'iya, Agoro Sare, Njoro, Butere, Hamisi and St. John's Girls' School, Kaloleni.

(Subhead B agreed to)

(Subheads D, E, J, F, Z agreed to)

(Head D15 agreed to)

HEAD D16—HEALTH

(Subhead A agreed to)

Subhead B—Extensions and Improvements of Existing Hospitals

Mr. Wabuge: Mr. Chairman, Sir, on subhead B, will the Minister tell us the existing hospitals on which the improvements are going to be done?

The Minister for Health (Mr. Okero): Mr. Speaker, Sir, the information is to be found in the explanatory details on page 37. Unless the hon.

Member wants me to read this—the explanatory details, quite frankly, give further information, Mr. Chairman.

Mr. Wabuge: Mr. Chairman, Sir, under the subhead B—the Minister for Health refers me to page 37—the information I see talks about extension and improvement to the existing hospitals but this information does not mention which these hospitals are. He must be having some hospitals in mind which he wants to improve.

The Chairman (Dr. Waiyaki): It is fairly marked there that the extensions and the improvements will be to the existing district and provincial hospitals.

Mr. Wabuge: Mr. Chairman, Sir, I think we might now be dealing with the wrong subhead. My question is related to subhead B. I want the Minister to tell us—£78,000 cannot do the extensions and improvements to all the district hospitals and provincial hospitals throughout the Republic. The amount is not enough. I want to know which are the hospitals to be extended and improved.

The Minister for Health (Mr. Okero): Mr. Chairman, Sir, I think the hon. Member would appreciate that we have to continue improving the existing hospitals in our Republic. The programme is a continuing thing and one cannot say, straightaway, that when we improve hospitals some of them will not be improved. The information that the hon. Member requires is one that would be made available quite easily, I think, when he discusses this in the Ministry. I can remember that it is only this afternoon that the hon. Member was told that we have, in our Ministry, planned to extend the maternity unit at Kitale. All the information that he now requires could not, possibly, be sandwiched in a publication like this. Therefore, I am quite happy to say that this sum of money is required to carry out the work of extensions and improvements in the hospitals that we have in our Republic.

Mr. Koigi: Mr. Chairman, Sir, we need specification here because I remember that a few months ago it was recommended that Nyeri Hospital should have a laundry. Nothing has happened and that is why we are asking this so that we can know where this money is going to be used. We want the Minister to give us an analysis by saying "we are going to do this and that", Mr. Chairman, I told the Minister for Finance and Economic Planning that it must be specified as to where money is going to be spent because the public is asking what this money is doing. We want to be told in black and white so that when they say things should be done, we make sure they are done.

The Minister for Health (Mr. Okero): Mr. Chairman, Sir, I must apologize that I cannot assist the House much longer on this particular point. What I want to say is that the information that is required is available. It is not information that can be included in a short explanatory note like this. If an hon. Member wants to get the details of this information, these details are available but cannot be available, here, this afternoon.

The Chairman (Dr. Waiyaki): We cannot get any further on that point. If hon. Members want further information, perhaps the Minister might give the details that you want. I hope this is what the hon. Members want.

Mr. Amayo: Mr. Chairman, Sir, I think it was agreed here that a Minister moving his Ministry's Vote would be aware that the House needs a breakdown on such items. They should have the breakdown; if they do not have the breakdown, they should be sent back to their Ministry to bring the details and then move their votes at some other time. They are the people delaying things here. We want the breakdown because it is the work of hon. Members to see that when money is allowed to a certain project that money is used on that project. If this thing is not done, we are able to come in this House and ask why. When we are told that the breakdown will come later on, how many times have we been told that details will be brought here and nothing has been brought in this House? We would like to get the breakdown of these—

Mr. Tsuma: Mr. Chairman, I want to remind the Minister for Finance and Economic Planning that when he was moving the two Supplementary Estimates he told the House that before we come to the Committee stage he would have every Ministry's breakdown, explanations, and details laid on the Table. Now we have come to the Committee stage without these details. Are we going to be promised details and then when we ask for them we are told that they will be brought another day?

The Minister for Labour (Mr. Mwendwa): Mr. Chairman, Sir, I really do not know what the hon. Members want. If it was said here that the extensions and improvements will be to some hospitals, then there would be questions. It is clearly shown here that this money is for improving the existing hospitals. Therefore, I, as an hon. Member of Kitui Central, know for certain that Kitui is one of the existing hospitals. If therefore—of course yes—there is any improvement required in Kitui Hospital which the Minister fails to do I will be able to question him. We are told that it is not the new hospitals

that will be improved but the existing hospitals wherever they are in the country. Therefore, every existing hospital is covered.

Mr. Ayah: On a point of order, Mr. Chairman, Sir, can you help us here because hon. Members are asking the Minister for Health to give a breakdown but the Minister said he does not have the information. Now, Mr. Chairman, another Minister stands up and says he knows that Kitui Central is one of them. Could the Minister tell us how he came to know that his constituency is among those which are going to be improved. We do not know and the Minister—

The Chairman (Dr. Waiyaki): Order! Order! I think the best solution out of our problem is for the Minister to circulate the details to hon. Members. I think this is the only solution, otherwise, we can go on and on asking for information which is not available.

Mr. Wabuge: Mr. Chairman, Sir, I know the Minister has just said that Kitale is one of them. However, when you look at the amount of money being requested here, it cannot improve even one district hospital. This amount of money is not enough. Mr. Chairman, when I moved the amendment here, the Minister clearly said that each Minister was going to produce a paper containing all these things. If we are being told that we shall be supplied with the information when we have passed this Vote, where shall we be, Mr. Chairman? Could we be told exactly where we shall be? Shall we go back to this Vote after we are supplied with the information or shall we say we do not want to pass it. This is what we are interested to know, and you had better help us here. If the Minister supplies us with the information and we are satisfied, we shall pass the Vote. If the information is not supplied to us, then we shall reject this Vote. It seems as if they want us to pass this Vote before they supply us with the necessary information. If the information is given to us when we have already passed this Vote, where shall we be?

The Minister for Commerce and Industry (Mr. Osogo): We might help, Mr. Chairman, Sir, in relieving the hon. Member for Kitale West by saying that Kitui Hospital is getting something from this amount for the extension of one wing. I am told that Kakamega is also going to get something small for extensions. I have also been informed that Nyeri is going to get something small also. At the same time, Mr. Chairman, Marsabit is going to get X-ray equipment because the building is now ready as supplied under (A7) above.

Mr. Amayo: On a point of order, Mr. Chairman, Sir, could the Minister for Commerce and

[Mr. Amayo]

Industry give me the reference where he has Kakamega in that same paper that I have here. Could he give us the details because I do not know from which paper he got Kakamega. I am talking about that paper he has in his hands because that is what we want. He came, bravely, to the Table and read the paper and that paper is the one we want. Could we get that paper?

The Minister for Commerce and Industry (Mr. Osogo): Mr. Chairman, I was not reading any paper. I gathered this information from the—

Mr. Amayo: You were reading!

The Minister for Commerce and Industry (Mr. Osogo): —file of the Minister and I have given the information. If the hon. Member wants the information to be circularized, this can be done. The Minister did not want to come up and reply and, therefore, he gave me the information to supply to the House.

Mr. Wabuge: On a point of order, Mr. Chairman, Sir, now that the House is left in a vacuum, knowing very well that when I first raised this point the Minister for Health himself said Kitale is one of them, and now the Minister for Commerce and Industry has a different list which does not contain Kitale, could we be told which of the two lists is the correct one?

The Chairman (Dr. Waiyaki): I think the only answer to our problem is to have the Minister circularizing the Members, otherwise—

Mr. Amayo: On a point of order, Mr. Chairman—

The Chairman (Dr. Waiyaki): Order! Order! Order! Otherwise we will be pushed on to the position where I have to put the specific subheads to a Vote. That is, B, in Head D 16. This is the solution to our problem when this kind of situation arises.

(Subhead B agreed to)

(Subheads C and D agreed to)

Mr. Ayah: On a point of order, Mr. Chairman, Sir, I am seeking your help here. I am not referring to specific items but to what we have been generally discussing. It seems that the Minister for Finance was less than frank, or otherwise he has been let down by his colleagues because when he was moving these two Motions, he said clearly in this House that the details will be supplied. Now, we are in a position where we are being told that the details cannot be supplied. Are we not being hoodwinked a little because the House is now put in a very embarrassing position? We are anxious to pass this Vote, but at the same time we want the details which were

promised to the House. What are we going to do about this, Mr. Chairman?

The Chairman (Dr. Waiyaki): Of course, this is a difficult question for the Chair. The Minister for Finance and Economic Planning did say that he was going to see that the details would be given. However, I suggest that we can get nowhere by obstructing the particular subhead and that we should resort to a demand that these details be given. There are always ways of getting this kind of information.

Mr. Ogingo: On a point of order, Mr. Chairman, Sir, since we are being told by the Ministers that they will circularize this information later, perhaps after we have passed this Vote shall, we come back and discuss this because this looks rather unhealthy?

The Chairman (Dr. Waiyaki): I think the information on this will have to come later.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Chairman, the hon. Member for Kisumu rural is saying that we were less than candid. Is he not using unparliamentary language, when we promised what we are already giving, and in this regard, although it has been voted and finished, we are talking about equipment for provincial hospitals? Are we really saying that if two or three forceps have not been voted for a particular hospital, another hospital should therefore not get them? We are discussing supplementaries—the main Vote will be there.

Mr. Wabuge: Mr. Chairman, Sir, what we want here is this: before we pass this Vote, we must be satisfied with the information. Now, there is no point, Mr. Chairman, in us passing this Vote just like that before we are supplied with the information. This will not help us at all. In fact, if we did this, it would mean that we are being used as a rubber stamp. This is what it amounts to. Mr. Chairman, the Minister for Finance and Economic Planning did clearly promise this, and this is why my amendment did not go through because hon. Members took his words, in confidence, that he would supply the information. The information has not been supplied and all that we are saying now is that if certain equipment is going to be supplied to one district hospital—we have no quarrel about that—we want to know where this equipment will be sent to. We are not interested in knowing everything: for example, we have not said that because Kitale does not have certain equipment we are not going to pass this Vote. This is not the case, we are going to pass the Vote but we must know where the money will be used. However, Mr. Chairman,

[Mr. Wabuge]

how are we going to know this? What is the position as far as this concerned, Mr. Chairman? We want your ruling on this.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, if I might say so, because I am being quoted about this promise, we made the promise. Mr. Chairman, we cannot expect the Minister for Health or the Minister for any of the Ministries to bring ten or 15 files here. Therefore, Mr. Chairman, Sir, where it is humanly possible, one goes through this, checks the items which are new and which are likely to be matters of detailed question. For new equipment for hospitals already existing, Mr. Chairman, we cannot expect that the Minister would have known that was a matter of detail he would be required to produce—which hospital is getting a new tray, which hospital is getting five more forceps, which hospital is going to have an X-ray unit. Mr. Chairman, we have promised to circularize this. The Member for Kitale is saying quite rightly—it is not a controversial matter. I think we are not being unfair in asking that a matter which is not controversial, but is for information, we be given time to circularize the information.

Mr. Amayo: On a point of order—

The Chairman (Dr. Waiyaki): No, I think we had better get on now. We have— Order! I think the time has come when the Chair must make some kind of ruling. I think we can go on and on questioning this but we are getting nowhere with those kind of points of order. So, the Minister has undertaken, now, to see that the details are circularized to Members. If they are not circularized after we have passed this, then we can always raise—in a Motion—a query why this was not done. This is the only way out at this stage.

Subhead E—Training Institutions

Mr. Mwithaga: Mr. Chairman under—I am not disputing the money—the reference has indicated that the money is for Nakuru Medical Training Centre and Housing, we had been made to understand that this was going to be a school and now the Vote shows that it is going to be a centre. Now, could we be told exactly what it is?

The Minister for Health (Mr. Okero): Mr. Chairman, the word “centre” may not be considered an appropriate word by the hon. Member for Nakuru but this is, in fact, the Medical Assistants’ School with the housing as it is provided for under this particular item. We are doing all we can to speed up this work and I hope the

hon. Member will be pleased when this particular project is completed.

Mr. Mbori: Under the same subhead, Sir, could we be told how many of these institutions exist and the various areas where they can be located and approximately the sum of money proposed to be spent on each?

The Chairman (Dr. Waiyaki): That is the sort of detail that will be circularized.

(Subhead E agreed to)

(Subheads H, K, and Z agreed to)

(Head D16 agreed to)

HEAD D17—HOUSING

(Subheads A and B agreed to)

(Head D17 agreed to)

HEAD D20—POLICE

Subhead A—Police Stations, Offices and Staff Housing

Mr. Mwithaga: Mr. Chairman, Sir, I think if we go a bit slowly we will know what every item is all about. Sir, I can hear the Member for Butere murmuring over there. I think the Member for Butere should talk about Butere. Now, regarding subhead A, Sir, I can see why Members are insisting that this information should be released because for several years—the Vice-President knows, as he is in charge of Police—Nakuru, which had been earmarked for police housing, nothing has been done hitherto and yet Eldoret was done before Nakuru. Can we know how much money will be spent on the proposed staff housing for Nakuru?

The Chairman (Dr. Waiyaki): Mr. Mwithaga the details are available. I think we are spending time that we should not be spending. On page 42 there are all the details about housing and Nakuru is out of it. Well, it is not there and that is that.

(Subhead A agreed to)

(Head D20 agreed to)

HEAD D22—THE ARMED FORCES

(Subhead A agreed to)

(Head D22 agreed to)

HEAD D23—SOCIAL SERVICES

D—SPECIAL RURAL DEVELOPMENT

(Subheads D1, D2, D3, D4, D5, and D6 agreed to)

(Head D23 agreed to)

HEAD D24—POWER AND COMMUNICATIONS

(Subheads H, J, K, and A agreed to)

(Head D24 agreed to)

HEAD D25—THE TREASURY

*(Subheads A, C, G, and H agreed to)**Subhead J—Purchase of Other Shares in the Private Sector*

Mr. Wabuge: Mr. Chairman, I can see under J, the Minister is asking for K£3.5 million for the purchase of other shares in the private sectors. Now, would the Minister explain to the House which other sectors these are?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): As and when they come.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, in addition to what has been said on the item, I explained when I was moving the Motion that we are negotiating with two banks—Barclays Bank and the Standard Bank—together with the milling industry. We have tentative contacts with one or two other organizations, which maybe we need not mention them now because the discussions are only preliminary. We are committed on this and the negotiations are pretty well advanced. However, Mr. Chairman, what I did promise to the House was that certainly, in the case of banks, any of the changes that will be brought about will be debated here because there will be need of an amendment to the Banking Act or Investing Act; whichever way the lawyers eventually decide it should be done. However, that is the present position.

Mr. Wabuge: Mr. Chairman, now that the Minister has indicated the private sector—there are three now which he has in mind—could we be told how much share each private sector will require in terms of money from this amount? For instance, how much the Standard Bank wants, how much Barclays Bank wants and so on?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, the figures will be laid. For instance, with regard to those we have already negotiated, the figures are stated in these Estimates. However, for industries where we are in the middle of negotiations my friend, the Member for Kitale West—he is my friend because he used to be an executive officer of one party and I was an executive officer of another party and; for a long time we used to look at each other with very evil eyes but we are now friends—knows that as a matter of strategy it would quite improper to begin to anticipate what price you might pay for something you are negotiating to buy.

An hon. Member: That is commonsense.

Mr. Gatuguta: Mr. Chairman, Sir, I would not ask the Minister the breakdown of these figures because he has given, I think, a satisfactory explanation. However, my worry here, Sir, is the tendency of our Government paying cash money to buy shares in these banks. Now, would it not be possible for the Minister, on behalf of the Government, to negotiate so that this money can be paid by the profits? This is a large sum of money and is going to buy some shares from private organizations—

The Chairman (Dr. Waiyaki): Order! Mr. Gatuguta you are raising a policy issue. That is not the idea, although the Minister might volunteer to inform us about the issue.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I would want time to reply because it is a very important point.

Mr. Chairman, Sir, I would like to reply to the hon. Member, although this could have been done in the general debate. However, we are doing precisely what the hon. Member for Kikuyu wants us to do. In the industries, where we have participated, we have not done what he is saying, that we produce money out of the pockets, from the Consolidated Fund, and pay. What we have done is to negotiate that this money is loaned. For instance, Mr. Chairman, Sir, in the case of the East African Oil Refineries, we have negotiated that we shall repay this over a period of five years. Now, we have not, therefore, had to put out the money. We will repay as we earn the profits. Perhaps Members may be happy to hear that we have already been earning a little profit since January and, therefore, we are already in a position to pay some instalments. Therefore, we are doing precisely what he is saying—that we will pay from the profits. The reason why the items are here is that this amounts to borrowing and any borrowing or any expenditure, even if financed by loans, has to get the approval of this House; we are doing precisely what the Member has asked us to do.

Mr. Amayo: Mr. Chairman, what I would like to know is about these private sectors. So long as the negotiation has not been finalized, what will happen when he finds himself in a position where he might require more money?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, for the negotiations which are in progress, we will not require a Vote higher than this. However, for the future, and that is sometime later, this year or 1972, naturally we shall require more money and we will have to come back to the source, which is this House.

(Subhead J agreed to)

(Head D25 agreed to)

HEAD D26—ECONOMIC AND DEVELOPMENT

(Subheads A and B agreed to)

(Head D26—agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I beg to move that the Committee of the whole House doth report to the House its consideration of Motion (a) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, I beg to move that the Committee of the whole House doth report to the House its consideration of Motion (b) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(House resumed)

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

REPORTS

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71—RECURRENT

Dr. Waiyaki: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£3,686,522 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971, in respect of Supplementary Estimate No. 1 of 1970/71—Recurrent.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Commerce and Industry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

SUPPLEMENTARY ESTIMATE NO. 1 OF 1970/71—DEVELOPMENT

Dr. Waiyaki: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£15,315,163 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971 in respect of Development Supplementary Estimate No. 1 of 1970/71.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the Committee of the House doth agree with the Committee in the said Resolution.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku) seconded.

(Question proposed)

(Question put and agreed to)

BILL

First Reading

THE SUPPLEMENTARY APPROPRIATION

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

BILL

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read a Second Time.

Mr. Speaker, Sir, the Bill formalizes the matters over which we have deliberated in the last three days and arrived at some finalities today. Mr. Speaker, I do not, therefore, think that it would be proper for me to take the time of the House in view of the business on the Order Paper, which is waiting, going over matters which we have deliberated, in very minute detail, during the last three days.

Therefore, Mr. Speaker, I beg to move.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku) seconded.

(Question proposed)

Mr. Mwithaga: Mr. Speaker, Sir, I will be very brief too, although I did not have time to speak on the Motion.

Mr. Speaker, the Minister knows very well that the Resolutions have been passed by this House and, therefore, he does not expect a lot of fight in this Bill. Now, the only thing, Mr. Speaker, and the Committee has experienced this during the course of scrutinizing the items which have been passed, is that the House will continue to want details of operations, where money is involved. This is because in all Appropriation Bills or the Bills where we have to provide money, some of the questions we get asked in the country, when we meet our constituents, are very difficult to answer. We are expected to answer these questions for and on behalf of the Government.

[Mr. Mwithaga]

Mr. Speaker, Sir, if the Ministers want to take the responsibility of answering those questions, then, it would eventually mean, Mr. Speaker, them coming to the field and answering the questions I get daily regarding the money the Government has spent on development projects, and other things, we should, therefore, be equipped by being supplied with adequate and timely information so that we can help the Government in advising our constituents on this issue.

I am sure the Minister for Finance is capable of doing that. However, promising such a thing to the House and then not doing it will subject him to scrutiny and fight over this issue in this House when we come back after this recess. Therefore, let us not be treated as if we were required to **Vote for the Bill so that the Bill goes through.** We must be well informed and well equipped. There is no question of secrecy in this matter. After all, if a post office is to be built in Bondeni, Nakuru, what secrecy is there? After all it is being built to be used.

These things should be specified and itemized so that we know exactly what is being done, in what constituency, at what time and how money is spent there. That is another way of rallying the minds of the people to support the Government because they will know what is going to be done in areas, when it is going to be done and how much money is going to be spent there.

Therefore, in the hope that the Front Bench, which seems to be very well disciplined today, will continue to co-operate, I beg to support.

Mr. Seroney: Thank you, Mr. Speaker.

I think the performance of the Front Bench today was most disgraceful. I say this because they seem to take this House very lightly. It was only yesterday that a Minister of the Government, a senior Minister, gave an undertaking to this House which, apparently, he had no intention of carrying out. It seems as if the hon. gentlemen on the Front Bench do not hesitate even to use tricks to obtain what they want—what they want being our votes.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order—is the hon. Member not imputing improper motives? We promised to give information and we have given it except the information with regard to two items where we promised to circularize that information, and now he says that I gave the promise merely to get the Motion agreed to. We have supplied the information which we promised to give, except the information with regard to two

items, which we have promised to circularize. Is it not imputing improper motives to say that we deliberately told a lie or used tricks or whatever language he is using in his crooked mind?

The Speaker (Mr. Mati): Well, two wrongs, Mr. Kibaki, do not make a right. Perhaps Mr. Seroney used too strong a word when he said that the Front Bench was using tricks. I really do not think there was any trick as such. However, he is right to express his dissatisfaction if, on the part of one or two Ministers, he did not get what he expected. That is what I thought he was doing.

I hope he will not go too far in this.

Mr. Seroney: I sincerely hope, Mr. Speaker, that our Ministers will learn to take their undertakings seriously and that in future, when a Minister or an Assistant Minister, on behalf of the Government, gives an undertaking in this House, whether in the course of debating a Motion or in answering a question, such undertaking should be taken seriously so that, in future, we will be able to trust whatever the Ministers say in this House.

Mr. Speaker, Sir, the Minister for Finance promised, the day before yesterday, that in future the form of Estimates would be different. He just defined the Estimates which we are discussing now—he said that they are prepared in the same form in which the original Estimates—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, is the hon. Member in order in going back to talk about the Estimates. The Bill has been moved. Are you satisfied that the hon. Member is debating the Bill when he talks of the Minister promising this and that? Is this anywhere in the Bill? We are discussing the Bill now.

The Speaker (Mr. Mati): Mr. Shikuku, you are right. Let us stick to the Bill. We must try to avoid speaking about things which we could have spoken about at the right time before we finished the last two Motions.

Again, since this Bill relates to what has been debated here for quite a long time, I really do not think it is necessary to take so much time on it.

Mr. Seroney: I am discussing the Bill which is before the House and if the hon. Member will read it, the Estimates are incorporated in the actual Bill. So, I am discussing the Bill.

Mr. Gatuguta: On a point of order, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Mati): Yes, I think I will now put the question.

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

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, we have promised various things, as the hon. Member for Nakuru was saying here, and we intend to honour the promises fully.

Mr. Speaker, in view of the remarks made by the Member for Tinderet, I would like to put on record that we have, in fact, in the Committee stage, supplied all the details that were requested except with regard to two items, namely, distribution of new primary school teachers by districts. The Minister has promised to circularize that information for the education of the hon. Member for Kitale West. The Ministry of Health has also promised to circularize, by minute details, information on the new forceps and the new items that will be bought with the £78,000 for the district and provincial hospitals.

These were the only two items and, as you can see, they were formal items which no one in his normal thinking would have expected to be controversial items. Therefore, Mr. Speaker, we did not bring these files here but we have promised to distribute that information.

It is, therefore, Mr. Speaker, quite an extravagance of language for an hon. Member to stand here and say that the Front Bench has behaved disgracefully or even to go further and say that people were using tricks.

Mr. Speaker, we are not used to those kinds of things. Some of us are not so ingenuous as to cook up any of those kinds of things. If what he intended to do is to teach us what might be done, some of us are beyond learning!

Therefore, I would like to suggest, Mr. Speaker, that we learn in this House. Ministers, in all seriousness, are in fact, trying to supply all the details that the Members want. This is because, from every point of view, I personally would feel happier, with my own Ministry, if all details are known to Members here. I will then get questions which will help me by highlighting what the Members regard as having priority.

Therefore, none of us has any interest, whatsoever, in holding back any information which the House may require because whatever money is to be spent is public money from taxation and one of it is to be used for individual benefits by any particular person in this House, whether he be a Front-bencher or a Back-bencher. Let us establish that minimum feeling of confidence, that if I say, honestly, that certain information is not available but I can give it later, it is for the reason that it is not available, but one is happy to give it later. There is a minimum of understanding,

even between the adversaries, which is necessary if the rules are to be followed.

Mr. Speaker, I beg to move.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Dr. Waiyaki) took the Chair]

THE SUPPLEMENTARY APPROPRIATION BILL

(Clauses 2, 3 and 4 agreed)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, I beg to move that the Committee of the whole House report to the House its consideration of the Supplementary Appropriation Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION BILL

Dr. Waiyaki: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Supplementary Appropriation Bill and its approval thereof without amendment.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Housing (Mr. Ngei) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be read a Third Time.

The Minister for Housing (Mr. Ngei) seconded.

(Question proposed)

(Question put and agreed to)

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

MOTION

REFERENCE OF A MATTER—REFUSAL TO
SUBSTANTIATE—TO THE COMMITTEE OF
POWERS AND PRIVILEGES

Mr. Tsuma: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT being of the opinion that the refusal by the Member for Kilifi South to substantiate the allegation he first made on 17th March 1971, and subsequently repeated that some Members of Parliament and Assistant Ministers had hired out Transport Licensing Board licences to non-citizens contrary to Government policy of Africanization, is a gross contempt of the House; this House accordingly resolves to refer the matter to the Committee of Powers and Privileges, which is hereby directed to summon and examine the said Member for Kilifi South and other witnesses with powers under section 9 of the Powers and Privileges Act, and report with its recommendations to the House.

Mr. Speaker, Sir, I am not going to labour on this matter very much because it is known. On 17th March 1971, the hon. Member for Kilifi South did say in this House— To refresh the minds of the Members of the House, I will quote exactly what the hon. Member said in this House, being the Minister for Power and Communications:—

“Mr. Speaker, Sir, I do not say things without knowing them. After all, this is my Ministry. Therefore, if the Members will not be embarrassed I will table a list which will give details of Members, even Assistant Ministers, who are being used in this way. I hope Members will not be embarrassed. I will produce the list.”

Sir, if I may quote again— He said this when he replied—

The Attorney-General (Mr. Njonjo): Why quote?

Mr. Tsuma: Some of you, of course, like the Attorney-General, might not be remembering this. He said this when he was giving a supplementary answer to hon. Njiru's Question:—

“In the Ministry and Government, we very much deplore the fact that many Africans apply for Transport Licence Board licences, and they are given by the board, but they do not use the licences themselves. They hire these licences to Asians, Arabs or Europeans. This includes, with due respect, some Members of Parliament and high ranking officers, and so on.”

Sir, as you have heard these quotations, this

House is ridiculed very much and this information has reached the countryside. Even the laymen on the streets have challenged the Members, and the papers have even written commentaries, like that of Mr. Ng'weno, and even a Member of Parliament went to the extent of writing to the Press— this was in the paper of yesterday—and saying that he knows this has happened. If the hon. Minister was not in a position to give the list, he was not even able to come forward and give the list—

Sir, this is a House of men and women—ladies and gentlemen—who are grown-up, and they are the people who have been elected. If, we, in this House could not be told where we lead our Government to corruption, then the country will have had no leaders at all. We expect hon. Members in this House, under the Standing Orders, to be in a position to give any information and substantiation of whatever they say. This matter does not concern the Members of Parliament who are Back-benchers alone but also concerns the high ranking officers. Who are these high ranking officers? It concerns the Assistant Ministers. Who are they? Even if they were my friends, and I wanted to give them their names, what is wrong, Mr. Speaker, any hon. Member giving out the details—the names—so that we are able to know where we stand and then we may be able to defend our own House?

Sir, this is a serious matter. You, as Mr. Speaker, on the Chair—this surprised some of us although we have not been in this House for a long time—did promise when you were asking the hon. Member to give the information, that you would check from HANSARD and if you found that you were wrong you would apologize to the House. You took the trouble of reading through the HANSARD and when you came back here you were honest in saying what you had read and you were supported by an Assistant Minister, hon. Martin Shikuku, who had done a bit of homework. He also pointed it out to the House.

If you promised that you would apologize, or otherwise ask the Member to substantiate, what went wrong and made the Member unable to substantiate. He is a senior Member of this House and a friend of mine, and I have been with him in another party in the past. I have all respect for him and I would hate to see such a reliable gentleman telling the House today that he was referring to “some Members”. I read this and quoted it because it is in the HANSARD and I want everybody to be sure of what he said that he was referring to “some Members”. Now, when you say, “some Members of Parliament and Assistant Ministers”, are we really able to forget that

[Mr. Tsuma]

bit of language that we learnt, that when you refer to particular Members you refer to particular Members that are known? We know these were the Members that he was referring to. Must we be left in this sort of position? We cannot, Mr. Speaker.

Very sincerely, without even having to waste time, I would like to say that this is a matter that has ridiculed this House, and unless the Minister wants to tell us that you were not telling the truth when you referred to the HANSARD, in another way—

An hon. Member: But he does not write the HANSARD.

Mr. Tsuma: Look at him! Go to the Chambers and draw the laws. Do not come here to confuse the House.

Mr. Speaker, did that not amount to—by refusing to listen even to your own words—a refusal of the justice of the House? Did that not amount to defying you or the Chair? In another way, he meant to say that you should resign from that Chair because you were not telling the truth. When will you tell the truth? This is a serious matter and this House should definitely demand that the hon. Member should come to the Committee of Powers and Privileges with all the witnesses so that he can tell us whose the names are.

The Attorney-General (Mr. Njonjo): Are you one of them?

Mr. Tsuma: I wish you were one of them. Mr. Speaker, the Attorney-General is asking if I am one of them—I wish I were; I would have to come. Even if I am I want to come, that is why I am asking him to name them.

Now, Mr. Speaker, Sir, I do not want to waste time on this because it is a matter that is very well known. It is a matter that the House should deal with, so there is no question of anyone trying to be funny, trying to say this and the rest of it. We want to be honest unless we mean to say that we have no confidence in the Chair. I am shocked that a Member of the Front Bench, a Minister, should ridicule the Chair. It means he has no confidence in the Chair. This is a thing we can never have in this House.

Mr. Speaker, Sir, because I want to give this matter to the House so that other Members can air their views on it, I beg to move and I ask the hon. Martin Shikuku to second.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I painfully take the Floor because the hon. Member in question is a very old

Member, and for the information of the House, it was he himself, with other friends, who taught us the Standing Orders of this House. Those of us who, for the first time, had come to this Parliament in 1963 know that it was Mr. Ngala, the late hon. Mboya, hon. Nyagah and some others who really taught us the Standing Orders of this House. However, Mr. Speaker, to my surprise I note—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, I would like to know—is the Assistant Minister seconding the Motion?

Hon. Members: Yes, of course. Why not?

The Attorney-General (Mr. Njonjo): How extraordinary!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, the hon. friend of mine, Mr. Charles Njonjo, should realize that I am an hon. Member of this House, not by sheer coincidence but elected; elected twice, too. I am, therefore, here supporting a Motion before the House in connexion with our own colleague in this House who, in the final analysis, is actually trying to accuse the Chair on the basis of interpretation of our Standing Orders. It is strictly stipulated in our Standing Orders that a Member must substantiate whatever he says here. It does not say an Assistant Minister, a Minister or the Attorney-General, it is a Member of Parliament. Anybody who is a Member of Parliament here must substantiate what he says in this House, failing which, he must withdraw and apologize. If he does not withdraw, he must face the Chair and he is confined within the rules for the Speaker to discipline him. He can only discipline him by having a Substantive Motion like the one brought before us and then the Speaker and his Committee will put the hon. Member right or bring him to his senses.

Now, Mr. Speaker, Sir, there is no doubt in my mind that the hon. friend of mine, Mr. Ngala, knows what he is talking about. He is one of the smartest Ministers we have here and, Mr. Speaker, Sir, I am determined to take my hon. friend by the horns because he should know better. Mr. Speaker, Sir, the hon. Member says that he knows his Ministry, and I believe, that he knows his Ministry. He therefore knows the Members and the Assistant Ministers who are involved in this dangerous, destructive method of frustrating the policies of this popularly elected Government. He said that he would lay the list of the Members involved on the Table. Mr. Speaker, Sir, when it came to the laying on the Table of the list of names of the hon. Members here, he laid the details of T.L.B. licences. In

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

other words, Mr. Speaker, Sir, we, Members of this House, are T.L.B.s. We are not T.L.B.s; we are hon. Members, whom he promised to lay the details of, and not T.L.B.s—the numbers of T.L.B.s he was reading here. At any rate, we, in this House, are not known by numbers. We are not in the army, where it is said, "Number 3004"; "Yes, Sir!" We are known as, "The Member for Kilifi South, the Member for Baringo, the Member for Baringo East, the Member for Baringo West or the Member for Butere". We are not known by the numbers with which the hon. Member was trying to abuse the intelligence of the House, claiming that he was laying down the list of names of Members. We are not known by numbers here.

The other thing, Mr. Speaker, Sir, is that he said that Assistant Ministers: he did not say some of the Assistant Ministers, but he said, "Assistant Ministers"; in other words, all Assistant Ministers in this Government are T.L.B. licences hirers or sellers. Mr. Speaker, Sir, it is an abuse on the integrity of the people who elected us here; an abuse on some of us here who have not even seen a T.L.B. licence form. It is an abuse, Mr. Speaker, Sir, on the integrity of the House because we are all hon. Members and when he talks of hon. Members, he is also an hon. Member and therefore, a T.L.B. licence seller. Mr. Speaker, Sir, this is something we cannot agree to. We must know who among the hon. Members here is a T.L.B. licence hirer. This is the responsibility of the hon. Member to tell us. At any rate, some of us, when the worst comes to the worst, shall table it and he will find that it is not only confined to the Assistant Ministers and Members of this Parliament, but it goes as far as to the Ministers.

Mr. Speaker, Sir, I would like to go on and say that this Motion has nothing to do with the Minister as such, but it is to clear the integrity of the House. Any Member of Parliament who has the integrity of the House at heart, will definitely support this Motion so that we have those names—and they are very few, Mr. Speaker—who are hiring these T.L.B. licences to frustrate the Africanization of trade in this country, so that the country at large could know them rather than having everybody condemned in this House when he has nothing to do with the T.L.B. licences. It is only those who are probably involved in this affair may vote against the Motion, but anyone who has nothing against the Motion, who has not sold any T.L.B. licence, I have no doubt in my mind that he will support the Motion.

Mr. Speaker, Sir, another reason why I support this Motion is that we have Standing Orders which were debated, accepted and passed by this House. If we have to allow one hon. Member to get away and break the Standing Orders, then there will be disorders in this House. The Standing Orders of this House must be upheld and followed; and it is in this spirit that the Chair and the hon. Members can remain respectable. However, if the hon. Members can make any allegation and get away with it and refuse to apologize, refuse to take the Speaker's orders, and refuse to meet the needs of the House, then, the House should not be here. I agree with the hon. Mutiso when he said that the hon. Member and any other hon. Member worth his salt should not be here because he will not be an hon. Member. There is no point in asking any Back-bencher or any other Member to substantiate any item when any other Member— We are all Members who are equally elected and we are respectable hon. Members and, therefore, we must maintain the dignity of this House by following the Standing Orders.

The Member in question failed intentionally. I must give credit to the Speaker, who tried to persuade the Member in question to withdraw, although he refused to withdraw and he also refused to substantiate. Now, where do we go? Now, it is beyond withdrawal or apology. It is a question that the world and the country must know: who are these Members who are elected by the people and have become a stumbling block in the progress of the people?

Mr. Speaker, Sir, I am speaking on this Motion with all sincerity because I do not believe that some of us should be sacrificed on the altar because of a few people who have misbehaved. We must know them and this can only be done through this Motion.

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

The Speaker (Mr. Mati): Now, before I propose the question may I point out that it is desirable that we should conclude this Motion today in a matter of less than 15 minutes. There is no need really to go into details because some of these things are the ones which will be investigated by the committee if it is to do this work. So, there is no need even to explain anything since Members already know what it is that is being talked about. However, what is necessary is to agree on the action—whether or not to commit the matter to the Committee of Powers and Privileges.

(Question proposed)

Mr. Kanja: Thank you, Mr. Speaker. This is a matter which is very straightforward and I have no personal grudge or enmity against the hon. Minister who is a very old Member of this hon. House. However, to leave the Members of this hon. House with a stigma—that they are corrupt and are hindering the progress of this entire nation—and who are supposed to be the custodians of the same people is a very disgraceful thing. Mr. Speaker, Sir, I would like to call upon the hon. Member for Kilifi South to tell us the names of those hon. Members, or dishonourable Members for that matter, who have become “Trade Licensing Board hirers” for foreigners in this country. What is there to be hidden? Let us know the facts now before it is too late otherwise, we are all going to be termed as corrupted people. Mr. Speaker, Sir, we have not been elected to perpetuate the interests of foreigners; yet the hon. Minister is, by implication, trying to label the entire House that it is only here where we work for the interests of foreigners. Why should poor Kanja be told by Nyeri people that he is hiring licences to Patel and Smith. I have never done it and so I have to be exonerated from the blame, otherwise, I cannot understand the logic behind the whole thing. The hon. Member is an old man; and surely this hon. House is composed of hon. elders—if you like to call them so in the African language which can probably be understood better by an hon. old man like Mr. Ngala who has been in the House probably as far back as when I was in detention—and so, why should we be condemned wholesale and put in one bag labelled, “Trade Licensing Board hirers for foreigners”? Are we here for the interests of the foreigners or for the interests of our own people?

I do not have to labour much on this because the matter, as you have ably put it, is going to be put before the Privileges Committee. If I may not prejudice the hon. Minister, I hope this Privileges Committee will find him guilty and will Table the names of those dishonourable Members in this House so that we can tell the entire nation. If it is Waruru Kanja let the entire nation know and if it is hon. Ngala let him stand condemned but we cannot have the whole House condemned because of four or six Members who have decided amongst themselves to get rich quickly because we know they are selling those Trade Licensing Board licences. Whoever has done it should be condemned and not the whole House.

With these few words I call upon Mr. Ngala to tell us the names of those Members who are involved.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, first of all, I would like to thank the hon. Mover of this Motion for bringing the Motion to the Chamber. I have no enemy in this House and I would like to be very frank in stating that my stand in refusing to give the names still stands. But, Mr. Speaker, Sir, I would like to give the reasons for this.

Mr. Speaker, Sir, first of all, it is wrong to give any impression that I have put the whole Chamber into one basket. I gave an example of four names only out of a House of 171 Members. These numbers which I gave are identical to four out of 171 Members, Mr. Speaker. So, for anybody to get away with a feeling that I am blaming the whole House, Mr. Speaker, Sir, I would like to deny this very firmly because I gave four examples only. Therefore, I would like to say that if hon. Members would like to put these four Members as equal to 171 Members this is their own *shauri*. But, I have given four Members only.

Mr. Speaker, Sir, the other point I would like to point is this. I am surprised to hear that “Some Assistant Ministers” means all Assistant Ministers.

An hon. Member: Did you say, “Some”.

The Minister for Power and Communications (Mr. Ngala): Now, Mr. Speaker, Sir, I would like to say that I reject any person who has a suggestion of putting words to me when I did not say them. This is because, Mr. Speaker—

The Assistant Minister, Vice-President’s Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order—

The Speaker (Mr. Mati): I think we should not take too much time on a matter like this. What is your point of order, Mr. Shikuku?

The Assistant Minister, Vice-President’s Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, my point of order is this. The hon. Member is denying that he did not say “Assistant Ministers”. It is in the record where he said, “Even Assistant Ministers”. He never said, “Some Assistant Ministers”. Mr. Speaker, Sir, the Minister said, “Even Assistant Ministers”. What does that mean in English, Mr. Speaker?

The Speaker (Mr. Mati): This is a matter which can be looked into by the Powers and Privileges Committee.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I would like to say that I am not blaming all Assistant Ministers and I made this quite clear. Also, I am not saying “All Members of Parliament”. But, Mr.

[The Minister for Power and Communications]
 Speaker, Sir, how will it benefit the Members of this House if I only give four names to the House? Mr. Speaker, Sir, when a Transport Licensing Board licence is given, this is made public in the official Kenya Gazette and this is circulated regularly to Members of this Parliament. When it is known that it is possible, especially where an hon. Member has a number which is indicated in the Official Gazette, surely this is the information which is in circulation between hon. Members. Hon. Members do not need further instruction or knowledge because it is the kind of information which is regularly distributed by the Government.

Mr. Speaker, Sir, I am sure these hon. Member, for example, the hon. Kanja, who has said that I should not give the impression that all of the hon. Members are corrupted. If any person has gone away with an impression that I have created a feeling that the hon. Members are corrupted, I am sorry, Mr. Speaker, Sir, because I did not intend to affect the feelings of all the hon. Members. I know that the hon. Members here are very honourable, that is why they are called "hon. Members". However, there are only four hon. Members—I have given these numbers—I said the bearers of these numbers are being exploited by the foreigners or by Asian companies. I have given their numbers.

Mr. Speaker, Sir, I would like to say that the Government wanted to give a warning, and the Government has already given a warning, and the Government is not interested in giving the details of the four names only. I would like to say this thing is confined to four names out of the 171 hon. Members of this House.

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

The Speaker (Mr. Mati): Yes, I think Mr. Ngala you had better say your last sentence.

The Minister for Power and Communications (Mr. Ngala): Thank you, Mr. Speaker, Sir. I am

glad you have given me a chance to say my last sentence.

I would say that the whole thing was confined to the names of four hon. Members. It is wrong to allege that I have blamed the whole House. It is wrong to allege that I have blamed the whole Cabinet or all the hon. Members. That is wrong and it would not benefit any hon. Member—I mean making these names available, will not help the hon. Members because the hon. Members can get these names from the information which is already circulated in the Government Official Gazette. They can do their homework and they will get the information—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, since this Motion is very important, can we go up to Seven o'clock so that we have enough time to discuss this Motion.

The Speaker (Mr. Mati): I do not think that is necessary because what will happen is that hon. Members will start talking as if we are debating the Report of the Committee if one is to function. If the matter is handed over to the Committee, the Report will be brought to this House and then it will be debated here. Therefore, considering that we do not have sufficient time, in fact, I would advise the hon. Tsuma more or less to reply formally.

Mr. Tsuma: Mr. Speaker, Sir, I would like to thank the hon. Members who supported the Motion. In view of the fact the matter is known, I do not have to waste time of the House.

Mr. Speaker, Sir, I beg to move.

(Question of the Motion put and agreed to)

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for interruption of business. The House is therefore adjourned until tomorrow, Friday, 2nd April at 9 a.m.

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

Friday, 2nd April 1971

The House met at Nine o'clock.

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

PRAYERS

NOTICE OF MOTION

LAND OWNERSHIP AT GOTINI IN
KWALE DISTRICT

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

THAT, in view of the fact that the 500 families at Gotini in Kwale District happen to be within the Kwale Township, and in view of the fact that these families were on that land before the Kwale Township was established, this House urges the Government—

- (a) to recognize the ownership of land occupied by said families; and
- (b) allow the land adjudication committee to give the said families land title-deeds.

ORAL ANSWERS TO QUESTIONS

Question No. 245

STATUS OF GATUNDU HOSPITAL

Mr. Wabuge, on behalf of Mr. Ebu, asked the Minister of State, President's Office if he would tell the House the status of Gatundu Hospital: whether it was on self-help basis, Government aided or both.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The Gatundu Self-Help Hospital started originally as a self-help hospital. Government has since taken over the recurrent expenditure of the Hospital. The Gatundu Self-Help Hospital is progressively growing; it has, and will continue to expand. In its extensions and improvements, the self-help efforts will continue to be welcomed.

Mr. Wabuge: Mr. Speaker, Sir, in view of the fact that the Hospital has now been taken over by Government, just as much as other hospitals throughout the Republic, would the Minister now direct that all the funds which are directed to that Hospital be put into the Consolidated Fund so that they could be utilized on other hospitals throughout the Republic?

Mr. Koinange: No, Sir.

Mrs. Onyango: Mr. Speaker, Sir, would the Minister tell this House how much money has been donated ever since the Gatundu Self-Help Hospital was started?

Mr. Koinange: Mr. Speaker, Sir, with all due respect to the hon. Member, I do not keep here

—in the President's Office—the accounts of the Gatundu Self-Help Hospital. However, the accounts are definitely kept in the bank. The whole thing has been done on a voluntary basis.

Mr. Umuro: Mr. Speaker, Sir, could the Minister tell us what is being done with the money which is collected for the Gatundu Self-Help Hospital every day, since the hospital has now been taken over by Government?

Mr. Koinange: Mr. Speaker, Sir, the question of "being collected"—I think the words "collected every day" are, actually, slightly misleading. However, the Member should have said, "the donations which have been received". These funds are kept in the bank for the purpose of expansions to the existing Hospital, which is all the time expanding.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the answers given by the Minister, that he cannot tell the House why the money which is donated or collected towards the Gatundu Self-Help Hospital cannot be distributed to other district hospitals throughout the Republic—we need this money since Government has taken over this hospital—could the Minister—could the Minister enlighten the House as to why he cannot tell us this?

Mr. Koinange: Mr. Speaker, Sir, although the name of the hospital is Gatundu Self-Help Hospital, the patients who attend this hospital come from all parts of the country. They do not all come from just around there, they are definitely welcome and receive treatment just as those who are nearby. This example of a self-help hospital is what is required for every province and every district; the people should start their own self-help projects in the form of hospitals or schools, etc.

Mr. Wabuge: Mr. Speaker, Sir, in view of the fact that the hospital, almost every week, receives a lot of money which is not, possibly, accounted for, would the Minister now stop Government assistance so that the Government money given to the hospital could be used to construct another hospital where it is most required?

Mr. Koinange: No, Sir, it is impossible to stop the inflow of the people's wish. If the hon. Member, with all due respect to him, initiates a self-help hospital or school in his area, gradually, the willingness of outside people to support that hospital will grow in proportion to what is being done by the local people.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, my question was that the money which Government is now contributing towards

[Mr. Wabuge]

the Gatundu Self-Help Hospital, should be stopped so that it can be utilized on other hospitals in the Republic because the hospital is now receiving more donations.

An hon. Member: Can you stop it now?

Mr. Koinange: Mr. Speaker, Sir, I said, Government is helping in the recurrent expenditure and the money contributed will mainly be used for the expansion of the hospital. The expansion of that hospital is still going on. Therefore, you cannot stop that aspect of Government meeting the recurrent expenditure and at the same time you cannot stop expansion because the hospital is becoming popular through the good services it is giving to the people.

Mr. Kanja: Thank you, Mr. Speaker, Sir. Would the Minister agree with me that the Gatundu Self-Help Hospital has attracted so many donations from within this country and outside the country because His Excellency the President initiated this project? We would be happy if the President will, in future, only initiate national projects and not constituency projects so that the entire nation can enjoy the privileges which the President is enjoying from other areas?

An hon. Member: Hear! Hear!

Mr. Koinange: Mr. Speaker, Sir, I think the Member has not accurately recorded that the President has only initiated these self-help projects at Gatundu. Mr. Speaker, Sir, that hospital was started by the members of the Gatundu Self-Help Group who actually arranged among themselves that such-and-such a room would be built by such a location and so forth. The President himself gave assistance to one area; he paid about Sh. 60,000. He gave Sh. 45,00 in Mombasa; he gave the same amount, Sh. 60,000, in Embu and also at Chogoria Hospital. He did not start these self-help projects in only one area he has actually been starting them all over the country and he has always been supporting them.

An hon. Member: And Machakos, the same!

The Speaker (Mr. Mati): You are taking too long on this question.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Minister, would he tell us exactly whether the contributions that His Excellency the President makes towards the self-help projects like this one of Gatundu is simply a "haphazard business", that it is not planned such that each province gets an equal share of the Presidential gifts towards the self-help projects or whether he is only concentrating on Central Province?

Mr. Koinange: Mr. Speaker, Sir, I am very sorry that the hon. Member has used the word "haphazard". If you are contributing towards any project, you are actually contributing to that project according to your wish at that particular moment, after evaluating the whole area and the need of that particular project. That is why you find that the Sh. 45,000 His Excellency the President gave to the Muslim Girls' School at Mombasa differs from what he contributed to Machakos Hospital and Chogoria Hospital. For example, if the hon. Member was actually asked to contribute, he would not give a thousand shillings to every place where he has to donate. You have to contribute proportionally to your ability.

The Speaker (Mr. Mati): We must go on now. Next question.

Question No. 243

DISMISSAL OF EMPLOYEES BY SECURICOR (KENYA) LIMITED

Mr. Kivuitu asked the Minister for Labour if he would tell the House—

- (a) whether he was aware of the wholesale massive dismissals of employees by the Securicor (Kenya) Limited which took place in September 1971, and which were effected without any justifiable cause whatsoever;
- (b) if he was aware, what were the reasons and grounds for those dismissals;
- (c) whether he would state the districts of origin of each of the dismissed employees; and
- (d) what action he had taken to safeguard the interests and rights of those sacked *wananchi*.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. Yes, the Minister is aware that some employees of the Securicor (Kenya) Limited were affected as follows:

Those discharged during the month of September 1970; five—on grounds of drunkenness while on duty; four—on medical grounds; one—incapability to do clerical work and refusal to accept unskilled work as an alternative; one—on dishonest behaviour and one on absence without permission and sleeping whilst on night duty: total—12.

Those who resigned during the same period, 45; giving a grand total of 57.

All the employees who left the company were replaced in October and November 1970. As there are 2,000 security personnel employed by the

[The Assistant Minister for Labour]

company, the percentage of dismissals involved is neither wholesale nor massive, and this works out to, roughly, 2.25 per cent; these people have already been replaced.

As to part (c), identity of district of origin is not relevant to this matter.

Part (d), under the circumstances, the Minister does not consider that there was a breach of any employment rights or interests of the *wananchi* concerned which require to be safeguarded.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he not agree with me that with regard to dismissals based on a person being drunk while on duty, there is no evidence whatsoever which is gathered other than looking at the fellow and saying that he is smelling of drink and yet he might not be so drunk as to be incapable of doing his work? This method is being used to throw away a lot of people out of their jobs.

Mr. Kibisu: Mr. Speaker, Sir, I do not agree with the hon. Member because there was sufficient evidence that the men were actually found drunk whilst at work.

Mr. Lotodo: Mr. Speaker, Sir, arising from one of the answers given by the Assistant Minister, presumably for part (c), that he cannot give the breakdown of their districts; is he unable to get this information from their employment cards or what is the reason for not telling us their districts?

Mr. Kibisu: Mr. Speaker, Sir, it is not because I am unable, but it is a matter of principle: we do not employ and identify people by their districts.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that these people were discharged and the reason being that they were drunk: could he tell the House whether anyone of them was proved by the doctor that he was drunk or what sort of evidence does he have?

An hon. Member: Medical evidence?

Mr. Kibisu: Mr. Speaker, Sir, the implication is that the employer was satisfied that the men were actually drunk.

Mr. arap Cheboiwo: That is exactly the reply I expected from the Assistant Minister, Mr. Speaker, Sir; that the employer was satisfied that these men were drunk. How was he satisfied; was there any medical check on these people? It is as simple as that.

Mr. Kibisu: Mr. Speaker, Sir, if the hon. Member for Baringo North is insisting on medical evidence, I promise to produce this at a later stage.

An hon. Member: Where is it now?

Mr. Nthenge: Mr. Speaker, Sir, arising from

the Assistant Minister's reply, is it possible now to go and get medical certificates of people who were dismissed sometime back if they were not examined at that time? How can he get a genuine certificate?

Mr. Kibisu: Mr. Speaker, Sir, the hon. Member is suggesting that the men were not actually medically examined. If he has evidence to the contrary, I will challenge him to produce that evidence in this House.

Mr. Lotodo: Mr. Speaker, Sir, how long will it take the Assistant Minister to produce this medical evidence?

An hon. Member: Tomorrow?

Mr. Kibisu: Mr. Speaker, Sir, after recess.

An hon. Member: Which recess?

The Speaker (Mr. Mati): Next question.

Question No. 232

TAKE-OVER OF KIBIRICHIA HEALTH CENTRE

Mr. Marete, on behalf of Mr. Muthamia, asked the Minister for Health if he would tell the House whether, since Kibirichia Location of Meru District was far from either Meru District Hospital or Githongo Health Centre, the Government would consider taking over the Health Centre at Kibirichia which had been built by people on *Harambee* basis or upgrading Kirua Dispensary so as to cater for the inhabitants of the area.

The Speaker (Mr. Mati): Ministry of Health? Next question.

Question No. 247

FACILITIES FOR KITALE HOSPITAL

Mr. Wabuge asked the Minister for Health if he would tell the House whether since Kitale District Hospital was built by the colonialists at the time when the citizens of this country were racially discriminated against, and since anything made for the Africans at that time was in every respect inferior, he is aware that the hospital lacks a lot of facilities that go with district hospitals; and if the answer is in the affirmative, whether he would tell the House what plans the Government has to modernize the hospital to be in keeping with the Kenya of today.

The Speaker (Mr. Mati): It is the same Ministry. We shall go on.

Next question.

Question No. 251

LEASES FOR OYUG'S AND KADONGO PLOT OWNERS

The Speaker (Mr. Mati): Mr. Mbori not here? We will leave his question until the end then. Next question.

Question No. 232

TAKE-OVER OF KIBIRICHIA HEALTH CENTRE

Mr. Marete, on behalf of Mr. Muthamia, asked the Minister for Health if he would tell the House whether, since Kibirichia Location is far from either Meru District Hospital or Githongo Health Centre, the Government would consider taking over the health centre at Kibirichia which has been built by people on *Harambee* basis or upgrading Kirua Dispensary so as to cater for the inhabitants of that area.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of my colleague the Minister for Health—

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, can you see the hon. Members standing over there?

The Speaker (Mr. Mati): Unfortunately I did not see them.

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

An hon. Member: Which question are you replying to?

The Attorney-General (Mr. Njonjo): For Mr. Muthamia, question No. 232.

The Government, Mr. Speaker, Sir, is considering this matter and, I am sure, the hon. Member will soon see that what he is asking for will be done.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, we need your guidance here because we do not know what question the Attorney-General is answering on behalf of the Minister for Health. Is it question No. 232 or question No. 247?

Mr. Njonjo: I answered Question No. 232, Mr. Speaker.

Mr. arap Chumo: On a point of order, Mr. Speaker, Sir—

Mr. Marete: On a point of order, Mr. Speaker—

The Speaker (Mr. Mati): Order! Order! Will you wait, Mr. Marete, we are dealing with a point of order.

Mr. arap Chumo: Mr. Speaker, Sir, my point of order is: I thought we had passed question No. 232 and we should be on a different question now.

The Speaker (Mr. Mati): We went back because there was nobody to answer the other two questions. We are now dealing with Mr. Muthamia's question; that is question No. 232.

Mr. Njonjo: Mr. Speaker, Sir, if I may repeat what I said, Government is seriously considering this matter and arrangements will be made for taking over this dispensary.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Attorney-General, since it is 20 miles from Meru Hospital to Kibirichia Health Centre and 17 miles to Uruku Health Centre, and in view of the fact that Kibirichia Location is a very densely populated area with a population of over 25,000 people, who through *Harambee* spirit have built this Health Centre, could the Attorney-General assure this House that Government is going to take over this health centre in order to assist these people.

Mr. Njonjo: First of all, Mr. Speaker, Sir, I did say Government appreciates the efforts of the people of Kibirichia in what they have done to put up this dispensary. The question of taking over this dispensary, I cannot give an assurance here because it depends on whether there is sufficient money to do this. However, I am sure Government will do all it can to show its appreciation to the people of this area.

Question No. 247

FACILITIES FOR KITALE DISTRICT HOSPITAL

Mr. Wabuge asked the Minister for Health if he would tell the House whether, since the Kitale District Hospital was built by the colonialists during the time the citizens of the country were racially discriminated against, and since anything made for the Africans at that time was in every respect inferior, he is aware that the hospital lacks a lot of facilities that go with district hospitals; and if the answer is in the affirmative, whether he would tell the House what plans Government has to modernize the hospital to be in keeping with the Kenya of today.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Health. Since Kitale District Hospital was built by the colonialists during which time—

Mr. Speaker, the reply is "Yes". We have a programme for expansion and improvement of district hospitals and Kitale Hospital will certainly be considered.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Attorney-General's reply, and in view of the fact that Government this morning has displayed its weakness, would the Attorney-General tell the House how soon the expansion and improvement to Kitale District Hospital is going to take place?

Mr. Njonjo: Mr. Speaker, the hon. Member is a farmer and he knows that things cannot be

[The Attorney-General]

done overnight. In fact, just now he requires some rains to come—the only answer I can give is that we will do this as soon as funds are available.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, I am seeking your guidance here as to whether the Attorney-General has the genuine reply to my question; and if he does not have it, could I, through you ask that this question be put off until next time when the Minister concerned will be here to reply?

Mr. Njonjo: Mr. Speaker, I think the hon. Member is just trying to be frivolous because I have the answer and the Minister for Health asked me to answer on his behalf because he was going to be late and could not answer the question.

Mr. Wabuge: Mr. Speaker, Sir, since the Minister has agreed to expand and improve the Kitale District Hospital, could he tell the House when he is proposing to have the work started?

Mr. Njonjo: Mr. Speaker, Sir, it was only yesterday that we very heartily passed the Supplementary Estimates and we are now going to work this out. I did say, "Yes" to the reply, and therefore I do not know what the hon. Member is chasing a wild goose for in this case.

Mr. Tsuma: Mr. Speaker, Sir, arising from the Attorney-General's reply to the effect that Kitale will be allotted some money from the Estimates we passed here yesterday, could he tell this House precisely whether there was any mention of Kitale among those other places which are going to be developed?

Mr. Njonjo: Could you repeat your question, please?

Mr. Tsuma: He does not seem to be attending, Mr. Speaker. However, I will repeat my question, Sir. The question is: since the Attorney-General has mentioned Kitale District Hospital as one of the hospitals to be improved, while we know very well that yesterday Kitale did not appear in the Development Estimates, could he tell us why he is now telling us a lie?

Mr. Njonjo: Mr. Speaker, let us be quite serious now because I think the hon. Member is trying to be funny. Kitale is only a part of—

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, is it in order for the Attorney-General to say that I am being funny? Can he demonstrate how I am becoming funny?

The Speaker (Mr. Mati): Mr. Tsuma is quite serious in what he is asking. He is not being funny at all.

Mr. Njonjo: Mr. Speaker, Sir, I was going to say this: Kitale happens to be a part of Kenya and I think the people of Kitale should consider themselves lucky in that they have a hospital. There are some parts of this country where there is not even a dispensary. The hon. Member is pressing me too much about the question of improvement of facilities. Mr. Speaker, I think we should be given a chance to start hospitals where there are no hospitals. The hon. Member should be thankful for the small mercies.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, I do not think the Attorney-General actually answered the question of the hon. Member. The hon. Member asked the Attorney-General why he said that Kitale District Hospital is among the hospitals to be considered while we know very well that it did not appear on the Estimates we passed here yesterday.

Mr. Njonjo: Mr. Speaker, I did not say Kitale is in the Estimates; I only said that Kitale is a part of this country.

Mr. Mutiso: On a point of order, Mr. Speaker, I have some doubts as to what the Attorney-General is talking about. Now that the Minister for Health is here, and since replies are normally given in advance, what would happen if we find that the reply the Minister has is different from what the Attorney-General has been telling us?

The Speaker (Mr. Mati): No, if the Minister knew it was different, the best thing he could do was to hand over the information to the Minister who is replying. However, only one Minister can reply at a time.

Mr. Njonjo: Mr. Speaker, I would like to add and say that, in fact, I am using the Ministry of Health's brief. I know the hon. Member is a Kamba by tribe, but I did not know that he is also a witch-doctor to read people's minds.

Question No. 251

LEASES FOR OYUGIS AND KADONGO PLOT OWNERS

Mr. Owala-Orwa, on behalf of Mr. Mbori, asked the Minister for Lands and Settlement if he would tell the House whether, since buildings in Oyugis Market have never been given leases, he could issue leases to Oyugis and Kadongo proprietors so that such owners of plots could be allowed benefits like traders' loans etc., for local development with immediate effect

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir, on behalf of the Minister for Lands and Settlement, I beg to reply.

Out of approximately 50 surveyed plots in Oyugis Trading Centre, 14 plots have had their leases issued since 1956 and the owners of these

[The Minister for Defence]

plots are in a position to approach the financial institutions for traders' loans for development. Owners of surveyed plots in this trading centre who have not been issued with leases should approach the South Nyanza County Council who is the lessor so that the council may request my Ministry to issue the necessary leases.

With regard to Kadongo Market, I think the hon. Member means Kabondo Market as my Ministry does not seem to have any record of a market bearing the former name. If, as I assume, the hon. Member means Kabondo Market, then I wish to inform the House that out of ten surveyed plots in this market, eight of them have had their leases issued since 1956. The hon. Member may advise the traders concerned in these two markets to utilize the leases they already have for development loans.

Mr. Owala-Orwa: Mr. Speaker, Sir, is the Minister aware that he is misleading this House by referring to Oyugis Trading Centre in his reply and yet the question is very clear because it refers to Oyugis Market? In addition, is the Minister not misleading the House by bringing in Kabondo when the question clearly refers to Kabondo Market? Why should the Minister not do his homework properly so that he can give the proper answers relating to the question asked?

Mr. Gichuru: Mr. Speaker, Sir, I think it is unfortunate that the Member has decided to use the wrong language and say that I am misleading the House; I am not misleading the House. If the hon. Member does not know the geography well, he should go back to school.

Mr. Lotodo: On a point of order, Mr. Speaker, Sir, the hon. Minister is giving different names and the hon. Questioner is disputing that these are the right names. In what should the House believe now, the answer by the Minister or the names mentioned by the Questioner?

The Speaker (Mr. Mati): I am sorry, I did not hear what he said because someone was talking to me. I was not able to hear the names he used; however, you can still ask a question so that he can clarify.

Rev. Kalume: Mr. Speaker, Sir, is the Minister in order to tell the hon. Member, who comes from the area in question and which he knows very well, that he does not know his geography well? In fact, the hon. Member was once an education officer and he does not need to go to school again.

The Speaker (Mr. Mati): Well, you can live in an area and not know it very well.

Mr. Owala-Orwa: On a point of order, Mr. Speaker, Sir, since the Minister has the wrong names, may I ask that this question be postponed so that it can be answered by the right Minister because he has mentioned names which I happen to know. I have travelled to these places and I know that they are different names from the names originally referred to in the question and the answer does not refer to the right places.

The Speaker (Mr. Mati): Will you name them?

Mr. Owala-Orwa: These are Oyugis Market and Kadongo Market.

The Speaker (Mr. Mati): You say it is Kadongo, but not Kabondo?

Mr. Owala-Orwa: I say it is Kadongo Market. Therefore, I request the question to be referred back so that we can get a proper answer from the right Minister who knows these places?

Mr. Gichuru: Mr. Speaker, Sir, I am answering this question from the briefing I have received from the Minister himself. Therefore, there will be no difference whatsoever.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance. The hon. Questioner has put his question very clearly; he is talking about Oyugis Market but the Minister is referring Oyugis Trading Centre and at the same time questioning about Kadongo Market; in fact, he is referring to Kabondo Market in his answer. Mr. Speaker, Sir, will you guide us as to where we are heading to?

Mr. Gichuru: Mr. Speaker, Sir, I have given my reply. If the hon. Member requires another reply, I think it will be necessary for him to ask another question.

The Speaker (Mr. Mati): There is no point in following the question further having reached that stage—

Mr. Amayo: Mr. Speaker, Sir, arising from the Minister's reply, can he agree or disagree that there is Oyugis Trading Centre, where we used to have some Asian traders, and that is the place he referred to in his reply; that is Oyugis Market? Can he deny that there are such two places, one is a trading centre and the other one is a market? In his reply he has only mentioned the trading centre while the question seeks a reply in connexion with Oyugis Market. In Kadongo there is a market and one mile away there is Kabondo Trading Centre. I come from that place and there is no one who knows more geography about that place than I do.

Mr. Gichuru: I thank the hon. Member for explaining to the Questioner. I have fully answered the question.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, I think we are not being serious as we should be here as far as this issue is concerned. Mr. Speaker, are you satisfied, in spite of the spirit I can see in the Front Bench, that the hon. Minister is in order to insist that the reply he has given is correct when he is talking about a different thing? Is this really in order?

The Speaker (Mr. Mati): What we will do is to give Mr. Mbori another opportunity of asking his question if he wishes.

I think before we go on to the next Order Mr. Ngala had something to lay on the Table. He was necessarily away at the time when he should have done that.

PAPER LAID

The Sessional Paper No. 3 of 1971, Kenya Government Guarantee for a loan to the Tana River Development Company Limited by the International Bank for Reconstruction and Development.

(By the Minister for Power and Communications (Mr. Ngala))

BUSINESS

CORRECTION OF TITLE OF A BILL

The Speaker (Mr. Mati): Before we move on to the Motion, there is a correction to be made there. The hon. Members have the corrected title of this Bill. The title is different from what appears on the Order Paper, and it should read as follows: "The Rent Restriction (Amendment) (No. 2) Bill." It should not read as "The Statute Law (Miscellaneous Amendment) Bill." Hon. Members should note that alteration.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM STANDING ORDERS: RENT RESTRICTION (AMENDMENT) (No. 2) BILL

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, this House orders that the business of the Rent Restriction (Amendment) (No. 2) Bill be exempted from the provisions of Standing Order No. 33 (today Friday, 2nd April 1971, being a Private Members' Day) and Standing Order No. 99 to enable all the stages of the Bill to be taken today.

Mr. Speaker, Sir, I do not want to waste the time of the hon. Members; I am very grateful that the Sessional Committee, the Chairman and its Members, agreed last night that this Bill should come to the House because of a very slight oversight which occurred when we last went for our

parliamentary recess. The purpose of the Bill is to enable the Tribunal to run smoothly.

Therefore, I do not really want to waste a lot of time as I will be speaking on its three stages, explaining the little amendment that we want to put in the Bill.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister of State, President's Office (Mr. Muniy): Mr. Speaker, Sir, I stand to second this very important Motion. It was only last night when it was unanimously agreed that this Bill should be brought to this House. Mr. Speaker, Sir, if the amendment is passed the *wananchi* are going to benefit, especially the *wananchi* in the countryside, in the towns and in a City like Nairobi, who are being exploited by landlords.

Therefore, with these few words, Mr. Speaker, Sir, I beg to second, and I am sure hon. Members will do the same because this is a very important matter.

Hon. Members: No, we will not!

(Question proposed)

Mr. Mutiso: Mr. Speaker, Sir, I stand to oppose this Motion.

Hon. Members: Hear! Hear!

Mr. Mutiso: Mr. Speaker, this is because today, as you can see in the Order Paper, we are also supposed to adjourn to go into recess.

Mr. Speaker, Sir, there are very important Motions on the Order Paper, and today, Sir, is our day; I mean the hon. Members' Day, when we have to move important Motions for consideration by Government. Now this is, Mr. Speaker, a tendency of Government and, as we know, this particular Bill has been on the Order Paper for many days here—almost every day it is on the Order Paper—and Government did not consider it fit to bring this Bill on. However, they kept it deliberately to wait until today—yet they know Friday is Private Members' Day—so that they can consume the time of the hon. Members of this House.

Mr. Speaker, you remember last time we cautioned Government on this, for trying to utilize the only day, Sir, that we have to air our views and move our Motions, which are very important to our electors. I think, Mr. Speaker, this Motion must be rejected so that Government can learn from their own mistakes, because since we opened this Parliament, Sir, Government had time to bring this Bill. If they thought it was urgent, if they thought it was so important, why did they not bring it when they had their own days? Mr. Speaker, I think Government is trying to sing or, rather, trying to underrate the

[Mr. Mutiso]

intelligence of the hon. Members of this Chamber by bringing things underground; things, Mr. Speaker, which, in my view, are aimed at trying, perhaps to take up most of our time, so that some of Motions on which we want to take Government to task may not be discussed.

Mr. Speaker, I think the House will agree with me that if this Motion does not go through though it is important, though it is urgent, we are not the ones to blame; it is Government. Let them, now, Mr. Speaker, learn that they ought to have brought his Motion in time, Sir. Although the hon. Minister for Housing is shouting—we all know that this is not the time for he has tried to warn us or to shout like that. In fact, Mr. Speaker, if he is sensible enough, he should try to be good, otherwise I can assure him he is not going to get this Motion through.

Mr. Speaker, I know many Members want to speak, and therefore I beg to oppose this Motion strongly.

Mr. ole Marima: Thank you, Mr. Speaker. I arise to support this Motion.

Hon. Members: No!

Hon. Members: Hear! Hear!

Mr. ole Marima: Mr. Speaker, if the hon. Members would allow me to give my reasons for supporting this Motion, we would save the time of the House and we would move to the Motion we consider appropriate for this Private Members' Day.

Mr. Speaker, it is with consideration to the Sessional Committee, and if we owe any apology to the House, this we give, but we considered it is important that we should give it, no more than ten minutes, if we are not going to argue, to waste the time of this House because this Rent Tribunal has not been sitting since 1st January and the people suffering are our own people. The reason why it is not sitting is because there was an amendment—this House passed the amendment—to the original Bill. However, it required this House to pass this Bill, so that this Tribunal can sit; our own people, the people we represent, the people we are fighting to get into business in the small and big towns, are the people that are suffering. They are being exploited.

Therefore, Mr. Speaker, realizing that we are going for a month's recess, we did not want to cause any more suffering to our people. It is important that we do not argue or waste time; in fact, we had to take this Bill out of the Statue Laws so that we could talk on it as a small issue, The Rent Restriction Bill. Therefore, Mr. Speaker, if the hon. Members— We

owe the public apologies, on behalf of the Minister who did not bring this early enough. If we disagree with this, we cause suffering to our own people. However, we are all humans and we make mistakes. We cannot say we should not rectify mistakes or we cannot say people should continue to suffer because somebody has erred somewhere; we stand to correct, but we cannot afford to let our own people suffer for yet one more month.

Mr. Speaker, I beg to support.

Mr. Seroney: On a point of order; since this is a Procedural Motion, Sir, would I be in order to ask that the Mover be called on to reply?

Hon. Members: Yes!

The Speaker (Mr. Mati): Well, it seems to be arousing quite a lot of interest and so many Members stand up at the same time; so I think we will wait a bit and see because there are so many Members wishing to speak.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Thank you, Mr. Speaker, Sir, I stand to support this Motion.

An hon. Member: Why?

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, I will try my best to convince my hon. friend and other Members in the House.

Mr. Speaker, we have been told here that the Sessional Committee, which met last night, discussed this matter and agreed unanimously that this Motion should be brought to the House today. The Members of the Sessional Committee are elected Members of this House and are elected by this House to be Members of the Sessional Committee. They have the mandate of this House to plan Business for this House. Mr. Speaker, the opposition to this Bill is an indirect opposition or an indirect no-confidence in the Members of the Sessional Committee.

Hon. Members: Hear! Hear!

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I voted for the Members of the Sessional Committee and I have full confidence in them. Sir, if it was not for the Motions that are following this one, this Bill would take a very, very short time. I know, Mr. Speaker, Sir, that there is a Bill in my Ministry which has made *wananchi* suffer a lot. We have a proposed amendment to protect—

An hon. Member: No! No!

The Assistant Minister for Commerce and Industry (Mr. Anyieni): If, Sir, the hon. Member can allow me a hearing, I do not demand that he agrees with me but I only demand that he hears me; I only want to put my case.

[The Assistant Minister for Commerce and Industry]

Mr. Speaker, Sir, there is an Act in the Ministry which is making *wananchi* suffer because when it was passed here, the time when it was supposed to come into operation was not specified. As we know, the majority of the *wananchi* who elected us to this House are tenants; they are not landlords. If the *wananchi*—the tenants—who are appealing against too high rents filed cases today, the landlords would win. Mr. Speaker, Sir, if this House is to protect the landlords and enable them to exploit the *wananchi*, then the House must decide whether we are elected by landlords or by tenants. I am saying this, Sir, because there is already a law but the law cannot operate, the cases which were brought to court are being withheld so as to safeguard the interests of *wananchi*. Sir, if it is the question of saving time, Members can agree on this and then we proceed with the other Orders. It is only a question of the date to sanction when the Act should have started to operate. This can only take about five minutes, but if we do not hurry it up we can go on discussing this Procedural Motion for the whole day. So, what I am appealing to hon. Members to appreciate is the fact that what is involved is only fixing the date on which the Act should have started operating.

I would like to point out here that the mistake is not in the delay to assent to the Bill but somebody's mistake. Sir, Mzee was at the Coast and somebody did not send the papers for Mzee to sign and as a result the law cannot help the *mwananchi* from December last year. What we are now doing is to help the *mwananchi* who has been exploited since December. Why should we go on leave leaving *mwananchi* to be exploited while we are on holiday at home? I think, Mr. Speaker, Sir, we should support this Motion so that we can proceed with other Orders. Now, why are we going on leave and leaving *wananchi* to be exploited? What we are doing is to help *wananchi* who have been exploited from December. I think, Sir, we should pass this Bill quickly and go on to Motions.

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

Dr. Munene: Mr. Speaker, Sir, with all due respect to Members of the Sessional Committee—I understand they were elected by this House—I would also feel that if the Sessional Committee is so considerate it should also consider that this House needs time, and whatever decision they make they should know they are a minority and consider it without any emotion.

They may have had emotions because some of these people, for example, the previous speaker,

probably do not have property and therefore they do not consider that landlords also, matter. They have also to be considered seriously. However, we feel that whether you are a landlord or a tenant, any issue which comes to the Parliament must be considered seriously. Everybody, Sir, who is a Member of this House must be given an opportunity to study a Bill properly, and when we come here to debate we should consider everything with cool minds. Now, if we pass a Bill within ten minutes, why do we not give the same Bill to the Government without having to pass it here. We are not children! We come here to represent people, both landlords and tenants. Therefore, when we come here, we have to speak for both parties. It does not matter what you may be. I feel it very strongly, as the previous speaker over there said, that we should not be treated as children. If today is a Members' Day, it must be considered as a Members' Day. Whoever in that Sessional Committee, does not give consideration to hon. Members of this Parliament and instead considers himself as a Member of the Sessional Committee while at the same time he was simply elected by Members of this House, I feel it is very unfair. Members of this Committee do not have to command us. I think it is high time these people were removed and we got people, on that Committee, with cooler heads who would really consider Members' Day to be Members' Day. After all, Sir, what is a fortnight? Somebody says that this Tribunal has not been meeting for the last three months. Now, what difference would it make if they do not meet within one month if that is the urgency? The Sessional Committee feels that just because we are going out today they can put us in their pockets and say, "Okay, it is in a hurry; just consider this and do not bother". Is that the way we should be treated as Members of Parliament who are supposed to represent thousands and thousands of people outside when we come here?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, Sir, is the hon. Member in order to say that some people are being put in other people's pockets?

The Speaker (Mr. Mati): I am sorry I could not hear you Mr. arap Moi—I mean that I did not hear what you said.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I said that the hon. Member said that Sessional Committee Members have put other people in their pockets. Who can enter in somebody's pocket?

The Speaker (Mr. Mati): Did you say that Dr. Munene?

Dr. Munene: Mr. Speaker, Sir, what I said is that Members of Parliament are being put in the pocket of the Sessional Committee's Members; I did not say that Members of the Sessional Committee have been put in somebody's pocket. However, Sir, I said Members of Parliament are being ordered to sort of think in the same way as the Members of the Sessional Committee. Those are two different things.

The Speaker (Mr. Mati): Now, let us get this straight. The Sessional Committee was appointed by this House. It acts on behalf of the House. You may disagree with their decision but you cannot start accusing them of doing things in bad faith or anything of that sort. They decide on these things in the light of what they think is right for the House. That is why the matter was brought here so that you can agree or disagree with it. However, do not accuse them of not doing their work. They have definitely done their work.

Dr. Munene: I agree with you, Mr. Speaker, Sir, and that is exactly why I am disapproving what they approved last night because they are not supposed to order this House. We are supposed to order them and therefore we are disagreeing with their decision; we are not going to be told to do this by just a few Members who have been selected to be on the Sessional Committee, who are trying to tell us that there is so much urgency whereas this Bill has been there for the last three months. Why did not the Sessional Committee find it difficult to bring this Motion—

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, I think I would like to seek your guidance here. The hon. Member is keeping on harping on the fact that this matter has been discussed by the Sessional Committee. However, this is not a Sessional Committee's Bill; it is a Bill brought by the Government and I do not know why the hon. Member keeps on harping around the Sessional Committee's decision as if that is what brought us here? We are discussing this matter on merit and not on the decision of the Sessional Committee. I want your guidance on this matter, Sir.

The Speaker (Mr. Mati): Yes, you see, all that the Sessional Committee had to do was to take a decision believing that it was the correct decision but no decision becomes effective before it is brought here. That is what the Sessional Committee has done. So, Members of the Sessional Committee's decision has nothing to do with this. The explanation which you should follow up is that of the Minister as to why he thinks this Bill should come up today. However, it is not the Sessional Committee which is to blame.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Speaker, Sir, the hon. Member speaking has suggested that the Members of the Sessional Committee should be removed. I know, Mr. Speaker, Sir—

Hon. Members: No! No!

The Assistant Minister for Commerce and Industry (Mr. Anyieni): He said it, Mr. Speaker, Sir, and I can quote it tomorrow. He said it and I can see he is agreeing. I do not know why other hon. Members are disagreeing. Sir, what I want to find out is: since Members of this Sessional Committee were elected through a Procedural Motion, is it in order for the Member to express "no confidence" in a matter like this? Now, since this is not a Substantive Motion against the Members of the Sessional Committee, is his speech in order?

The Speaker (Mr. Mati): No, it is completely out of order because it cannot be done. The Committee was established by a Motion of this House and only a Motion of this House can remove them. So, that is completely out of order.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir, would I be in order to ask the Member to declare his interest because the way he speaks indicates that he is a landlord?

Hon. Members: Hear! Hear!

Dr. Munene: Mr. Speaker, Sir, I think my speech should not take a long time, but with all due respect to our hon. "Chief," who has declared his interest to be a chief when he has been removed from chieftainship, I should be happy to say that I am a landlord. However, Sir, I am also a tenant. I sleep in somebody's house, and so I pay rent, and at the same time I have a house to rent.

With these few remarks, Sir, I beg to oppose.

Mr. Lotodo: Thank you, Mr. Speaker, Sir, I stand to oppose the Motion very strongly.

Mr. Speaker, Sir, I rise to oppose the Motion. I do not see the slightest justification in our being rushed from 14 days to one day.

Mr. Speaker, the hon. Minister from Machakos, or somewhere down there, had sufficient time to bring this Bill to the House. This creates a doubt why we should go through all the stages of this Bill today. We have been here for more than a month and the Minister did not see any point in bringing this Bill earlier because he was waiting for the last day. This is because he knew that there is something, somewhere which if the hon. Members are given sufficient time, they are likely to find out.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Speaker, the hon. Member is, as a matter of fact, suggesting that there is some improper motives in bringing this Motion. Is it in order for him to impute improper motives on the side of the Minister for bringing this Bill today? He says there is something hidden. What is this thing that is hidden?

The Speaker (Mr. Mati): It is against our rules, Mr. Lotodo, to impute improper motives.

Mr. Lotodo: Mr. Speaker, I was expressing my own opinion.

The Speaker (Mr. Mati): You cannot do it that way.

Mr. Lotodo: Then I apologize.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, we in this House are aware—we are aware that some of us are landlords and some of us are tenants. However, what we are supposed to do is to forget our own selves and think in terms of these people who are outside this Chamber. The Bill which we are supposed to pass, and whose publication time is being reduced from 14 days to one day, is in my hands. It is just made up of—I would talk in terms of lines (one, two, three, four and five)—five lines.

Mr. Speaker, if an hon. Member who was elected to this House cannot read five lines, and he passed his English Test, then something is wrong with that Member. Mr. Speaker, that may give way to other people doubting how he managed to get his way into the House. Was it through favouritism or through some other means? However, the point here is—

Mr. Mutiso: On a point of order, Mr. Speaker, I think this hon. Assistant Minister has a tendency of provoking other hon. Members.

Hon. Members: Are you provoked?

Mr. Mutiso: Mr. Speaker, are these hon. Members in order to shout me down.

The Speaker (Mr. Mati): Order! Let us have order.

Mr. Mutiso: Mr. Speaker, Sir, the Assistant Minister said that the hon. Members who are opposed to this Motion should be doubted as to how they came into this Chamber. Is it allowed, Mr. Speaker, that one can imply that we came through the back door, because this is what he is suggesting simply because we are opposed to what the Government wants us to do?

The Speaker (Mr. Mati): Hon. Members have the right to hold their own opinions.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, hon. Members have the right to have their own opinions. I did not say what the hon. Member is trying to put into my mouth. What I said, and I am always careful, being a very senior Member in this House, is that if an hon. Member worth his salt cannot read these five lines—

An hon. Member: And make sense out of them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku):—yet he passed the English Test which everybody in this House had to pass, then there is something wrong with that Member. I am entitled to say that because it is my opinion that this Member did not really pass his English Test, if he cannot read this short Bill. The urgency in this Bill is that the Bill is intended to help the people whom we represent from exploitation by landlords. For example, my hon. friend, the landlord who was speaking had an interest. He knows that if this Bill is pushed through today and it becomes law, then he will not be able to exploit the people. Therefore, if there are Members who are landlords and who know that if the publication time of this Bill is reduced from 14 days to one day they will not be able to exploit the people, and therefore they are using their position to stop this and perpetuate the exploitation, then the country should know who their enemies are.

Mr. Speaker, I am not a landlord and I am not intending to be one. However, what I believe is that I am essentially and primarily elected to this House to do nothing but to safeguard the interests of the people who elected us here. It will be very shocking, tomorrow, Mr. Speaker, Sir, to see from reports that we did not pass this Bill so as to safeguard our people but took an action resulting in exposing them to the exploitation of merciless landlords, some of whom are in this Chamber—it is a very absurd thing.

Mr. Speaker, the Bill itself reads: "The Rent Restriction Amendment Bill 1971". What we are asking is that this should be deemed to have come into operation by 1st December, 1970. That is the amendment, and it is all. We want the exploiters to be dealt with from 1970. What is wrong with having this Bill backdated to 1970. There is nothing more to it than that, Mr. Speaker.

I know the Standing Orders say that a Bill should be debated after 14 days have elapsed since its publication. However, there are other circumstances or instances whereby sometimes

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

it becomes imperative or necessary that we should have the Bill debated in a shorter than the stipulated time.

Would you, Mr. Speaker, ask the hon. Members to observe the Standing Orders and keep seated when I am on my feet. I am on my feet, Mr. Speaker.

We know that provision is there, but there are cases where we require to stop this. We know, those who are in the Housing know the difficulties the tenants are faced with—the exploitation which we are trying to eliminate. The hon. Minister for Housing promised the House I think it was when there was a question in this House which stated about this exploitation, that he would bring a Bill to stop this exploitation. Now the Bill has been brought the Members do not want it. What do they want?

An hon. Member: They are landlords.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Well, Mr. Speaker, if they are landlords, we should be told—

Mr. Koigi: On a point of order, Mr. Speaker, is the Assistant Minister in order to accuse all hon. Members that we do not want the Bill to go through?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I am not talking about all Members. I am talking about landlords. Then hon. Koigi, who I know is not a landlord, is not in the group. However, this Bill can only be opposed by the landlords who have an interest which they feel is being threatened by the Bill. Therefore, those who are not landlords do not have to oppose the Bill, but those who do oppose are landlords. We are going to oppose them because of their exploitation of the people. The Minister is just meeting the wishes of the House, which he promised to do. That is all he is bringing here—an amendment to stop further exploitation. All those Members who want the exploitation to go on—we shall know them and the country will know who are the landlords here and who are the exploiters who are safeguarding the landlords' exploitation.

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

Mr. Kivuitu: Mr. Speaker, Sir, I think the issue on this particular Motion is being missed. Mr. Speaker, Sir, one of the problems which I see in this Motion is that it is the fault of the Minister that this Bill was never brought before. It is no

fault of anybody else but the Minister and that is why he wants this Bill to be backdated to 1st of December last year. If we say the Minister is wrong, that he has been negligent in his work and that we do not pass this Bill today, who will be punished? That is the issue which we are debating. I think we should say this: If we say that we are not going to pass this Bill today and that we shall pass it later, there is only one thing we shall do to the Minister and that is to condemn him and that is all. Why not condemn him today and pass the Bill today so that we do not punish the tenants who are suffering.

Mr. Speaker, Sir, there is only one set of people that will suffer most and these are the tenants. Mr. Speaker, Sir, most hon. Members come from the rural areas and they do not appreciate the problems of the people in the urban areas who are suffering so much because this Bill has not been passed. The reason why they are suffering is that the Rent Tribunal Court cannot sit now and it has not been sitting for the whole of March because this Bill has never been brought to this House. Now, who is suffering? Is it the Minister who is suffering? Will the Minister suffer even if you do not pass this Bill today? The Minister has his own house and he will go and live there and you, hon. Members, are going to the rural areas and live there and only the tenants in the urban areas will suffer.

Mr. Speaker, Sir, for the whole of the month, I have seen very many tenants coming to my office and they all say that the police and the landlords have evicted them from the houses and they have grabbed their goods because they say that the tenants have not paid their rents or something like that. Mr. Speaker, Sir, having come from Nairobi where the problem is acute, and having known this problem, I feel we should pass this Motion now. There is no question of lawyers here, Mr. Karungaru. I did not deny you the right of becoming a lawyer and you could become a lawyer now if you want. Mr. Speaker, Sir, I am—

Mr. Karungaru: On a point of order, Mr. Speaker. I do not have any dispute over the fact that the Member is a lawyer, but he should know that I am a bush lawyer now. Is it in order for the hon. Member, who has an interest to declare, to continue confusing the House that the Minister did nothing wrong and that it is up to the House to pass the Motion when we know that the hon. Member is a lawyer and he is after getting business from tenants and that is why he is supporting them?

The Speaker (Mr. Mati): Order! You are completely out of order, Mr. Karungaru. You are

[The Speaker]

imputing an improper motive. If you thought Mr. Kivuitu had an interest you should have asked him to declare that interest. You cannot go as far as you went, alleging that he is doing this in order to gain business. That is completely out of order and you should withdraw.

Mr. Karungaru: Mr. Speaker, Sir, I withdraw that, but can he now declare his interest?

The Speaker (Mr. Mati): He told the House that people have been coming to his office. What is required more than that?

Mr. Kivuitu: Mr. Speaker, Sir, before I was improperly interrupted by that mover of the point of order I was trying to make this point: we have been elected in this House to represent the interests of *wananchi*. Where the Minister goes wrong we have a right to condemn him. What can we do since we do not have the army, police, chiefs or district officers? We can only condemn the person concerned and pass this Bill so that we can help those people. This is the problem and please let us not face this matter with emotion or questions of interest. There is no question of interest here. The problem, I can assure you, is very acute.

With these few remarks, Mr. Speaker, Sir, I would urge hon. Members to think seriously about this matter.

The Assistant Minister for Housing (Mr. Bomett): Mr. Speaker, Sir, since the hon. Members have appreciated the gravity and the need to pass this Bill, I move that the Mover be now called upon to reply.

The Speaker (Mr. Mati): Yes, I will now put the question.

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

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, a certain hon. Member is asking why a Minister should speak but let me speak like a Minister who is a Member of Parliament.

Mr. Speaker, Sir, I would like to take the line that the hon. Member for Parklands has taken. We, who come from the rural areas, speak very, very vehemently over the question of landlessness and those people who are suffering through being landless. Here is a question which concerns the urban areas mainly of people who have similar difficulties of housing rents and what have you. There is a law, already in existence but it is the question of putting it on its proper footing. This law expired at the end of last year and it is not in operation. This honourable House, which legislators should give the Minister—instead of

condemning him—the strength to help the *wananchi*. The Bill is asking this in very simple language. We who are representatives of the people—I have the Bill here—should help the *wananchi* from being exploited; we should give them the good fruits of *Uhuru*. The Minister must be empowered to put this Bill into operation. That is all that there is. It does not matter whether the Minister is wrong or whether the hon. Member talking now is wrong. What is wrong is that these people are having a hardship and we must lift this hardship.

With these few remarks, Mr. Speaker, I appeal to the hon. Members, in the interests of the country at large and the *wananchi*, to let this Bill go through with the utmost heed.

Mr. Mwicigi: Mr. Speaker, I am glad to speak on this Motion but I am very much surprised by the earlier remarks by the Minister when he was moving the Motion. He said that there was something that was left out due to oversight. He also said that there were some minor amendments to be made.

Mr. Speaker, Sir, if there was any oversight on this matter, then, who will bear the responsibility?

My second point is this, Mr. Speaker. Why were these amendments not made? I feel that Mr. Kivuitu had a very good point, that there was somebody who was responsible for this and that person is the Minister. I would like to know whether this Minister is, even now, genuine, because this Bill or the amendment has never been given any priority and it was only last night when the matter was hurriedly sent to the Sessional Committee so that the matter could be brought here, on our last day, and interrupt the order of the Private Members' Motions. Mr. Speaker, Sir, I am very surprised that the Ministry, which should be doing more than it is doing now in helping the *wananchi*, is responsible for the difficulties. Mr. Speaker, Sir, the amendment was passed last year. Somebody here said that His Excellency the President was at Mombasa. Why could that Bill not be taken to Mombasa? Mr. Speaker, why is this Motion being brought to the House at the very last day? I am questioning whether the Minister, himself, wants this Motion to be passed. Mr. Speaker, Sir, if he wanted the Motion to be passed, he would have brought it to the House as early as February. Why should he wait until the last day? There is somebody who is sleeping, and that person is not a Back-bencher.

Mr. Speaker, Sir, I am very, very unhappy about the way the Ministry of Housing is running its affairs. I agree with hon. Kivuitu that *wananchi* are suffering. I also feel that before we proceed,

[Mr. Mwigigi]

we should pass a vote of no confidence in the Minister who is responsible. Let us discuss this thing—I do not need your help—Mr. Speaker, Sir, there is an error and this is one thing that the House has come to discover. What about other things, in the same Ministry, which Members of this House do not know? There is something wrong. There is some mistake which is taking place in that Ministry.

Mr. Speaker, Sir, I was standing, originally, to oppose the Motion, but because of Mr. Kivuitu's appeal, that there is no use of punishing *wananchi* due to the irresponsibility of the Minister, I feel I should support it. The Minister should apologize to the House, and with that condition I support the Motion.

Mr. Kitonga: Mr. Speaker, Sir, this Motion is really straightforward. I am sure of it. It is my first time to see the Kenya Government bringing a straightforward Motion in this House; this Motion was brought in time and needs appropriate action immediately.

Mr. Speaker, Sir, let us forget any carelessness that might have been there and forgive the person responsible, whether it be the Minister or the Government itself. However, since we ought to sympathize with the *wananchi*, I would appeal to the hon. Members to be kind enough and agree that this Motion should be passed right now.

Mr. Speaker, Sir, somebody has said that I am not a landlord, I am a landlord all right, but I am a kind person. I have been in big towns like Mombasa for over 27 years and I know the problem of housing. All the tenants have been paying money to the advocates and have been waiting for cases to come up for hearing, but these cases never take place. I was even surprised to hear Mr. Kivuitu supporting this Motion. Surely, Mr. Kivuitu must be a very kind person because most of the lawyers want money to be paid to them for services they will never render to the *wananchi*. It is only Mr. Kivuitu, who is an advocate, who mentioned that he would like this Motion to be passed. Most of the advocates would not like it.

Mr. Speaker, Sir, let us not waste time today for nothing. Whatever you do, this Motion must pass, whether you want it or not. Why should we waste time? Let us behave like human beings and not oppose for the sake of opposing. If some Members are doing that, I will always act contrary to their wishes because this is a very straightforward Motion.

Mr. Speaker, Sir, I am appealing to my friends to support me—and I have very many

supporters in the House—so that the Motion is passed.

Mr. arap Chumo: Mr. Speaker, Sir, I think the hon. Members are not opposing this Bill. However, the principle involved, in the way this Bill has been brought into the House, is wrong. We all feel, and very sincerely too, that the *wananchi* who have been suffering since the expiry of this Rent Restriction Act should be helped. However, for some Ministers to come and say that if you delay this Bill you are making the *wananchi* suffer is completely wrong because you have already made them suffer since the end of last year. Since you knew that these people are suffering, you should have approached the Minister concerned and requested him to bring the Bill to this House—and he had all the facilities and all the means to bring the Bill to the House. I think those who have opposed the Bill did not oppose the content of it or anything else, but the way the House is being pushed to pass this Bill. This is what the Members are opposed to.

Mr. Speaker, Sir, we said, at the beginning of this Session, that we wanted to change the Private Members' Day to Wednesday and the Ministers said: "No, we gave you Friday and the Government will not interfere". Many Members expressed their wishes that the Government should not interfere with the Private Members' Day. However, this is exactly what is being done every time when we are about to go on recess. This is one thing we should make very clear to the Government. We want to see this Bill passed, and we are very sincere about it, but we also want to make it known to the Front Bench that they should not use the Private Members' Day for Government Bills when they have all other days when they should bring their business to the House.

Honestly, for somebody to say, like the hon. Member for Butere, that anybody who opposes this Bill does so because he cannot read, is not true. One opposes because he can read it.

An hon. Member: Are you a landlord?

Mr. arap Chumo: Yes, I am a landlord at home. I am not a landlord here. Landlords can also oppose, as you say, but we are not saying that we should help those landlords. We want to help our *wananchi*. However, this principle of bringing the Bill to the House at the wrong time should be made very, very clear to the Sessional Committee. It was not only yesterday when you knew that the *wananchi* were suffering. You should have known this for a long time.

With those few remarks, Mr. Speaker, I beg to reserve my observations.

The Assistant Minister of State, President's Office (Mr. Muniyi): Mr. Speaker, Sir, since we have had a lot from Members and there seems to be no opposition to this Motion, may I move that the Mover be called upon to reply?

The Speaker (Mr. Mati): Yes, I think we can consider that now.

(Question put and agreed to)

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, on the principle of "condemn the Minister and pass the Bill", I would like to regret the oversight and say that this is the first one that has ever happened in my Ministry. Therefore, the argument of "no confidence" does not arise at all.

However, Mr. Speaker, Sir, the House is entitled to a little explanation. What really happened, Mr. Speaker, is that when we amended the former Bill to give it a permanent fixture, we were delayed before this Bill was assented to by His Excellency the President. This could happen even for a matter of hours to make it a day and if a day goes by without giving the continuity of a previous Bill, then the amending Act falls down. It is this oversight that I was explaining and I am sure that the Members who sympathize with the plight of the *wananchi* will support the Bill in order to enable the Tribunal to sit and decide on many cases which are pending at the moment.

Mr. Speaker, Sir, with my regrets, I hope the Members of this House will really take this matter seriously which has come from a colleague who has not done this before.

Therefore, Mr. Speaker, Sir, with that spirit and with the spirit of "condemn the Minister and pass the Bill", I beg to move.

(Question put and . . .)

Hon. Members: The "Ayes" have it!

The Speaker (Mr. Mati): I am not quite sure myself. I think I will put the question again.

(Question put and negated)

Hon. Members: Division! Division!

(A number of hon. Members stood in their places and demanded a Division)

The Speaker (Mr. Mati): Resume your seats please.

Now, I will put the question again.

(Question put again and the House divided)

The Speaker (Mr. Mati): The Tellers for the Ayes are Mr. Anyieni and Mr. Mutiso and those for the Noes are Mr. Muniyi and Mr. Tsuma.

Will the Tellers move to their positions now, the Ayes to my right and the Noes to my left.

Order! Only the Tellers should move now.

All right, you may now proceed to a Division.

The Speaker (Mr. Mati): Abstainers, please give your names to the Clerk.

(Question carried by 61 Votes to 20)

AYES: Messrs. Abubakar-Madhbuti, Ahmed, Amayo, Amin, Anyieni, arap Cheboiwo, Chero-no, arap Choge, Mrs. Cecaga, Messrs. Gichoya, Hirsi, Kadir, Rev. Kalume, Messrs. Kamau, G. G. Kariuki, Kassa-Choon, Khaoya, Kibisu, Kitonga, Kivuitu, Koinange, Kuguru, Lotodo, Makone, ole Marima, Marwa, Mbori, A. A. Mohamed, arap Moi, Mukuna, Muliro, Munoko, Muniyi, Muregi, Muli, Muthua, Mutiso-Muyu, Mwendwa, Mwicigi, Nyakweba, Nampaso, Ngala, Ngei, Ngureti, Njiru, Nyaga, Nyagah, Oguda, Ogutu, Okero, Okudo, Mrs. Onyango, Dr. Onyonka, Messrs. Odha, Rubia, Shako, Shikuku, Umuro, Wachira, Wood and Yego.

Tellers of the Ayes: Messrs. Anyieni and Mutiso.

NOES: Messrs. Araru, Ayah, Bonaya, arap Chumo, Kanja, Karungaru, arap Keino, D. M. Kioko, Komen, Lentaya, Marita, Mnene, Mwangale, Nthenge, Onyulo, arap Rono, Seroney, ole Sompisha, Tsuma and Wabuge.

Tellers of the Noes: Messrs. Muniyi and Tsuma.

ABSTENTIONS: Messrs. Y. Ali, Lenayiarra, Muturia, Mwamzandi, Ogalo and Dr. Waiyaki.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD:

RENT RESTRICTION (AMENDMENT)

(No. 2) BILL

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I am very grateful for the assistance that the House is trying to give to enable this Bill to go through and enable the Tribunal to function.

Sir, I beg to move:

THAT, the period of publication of the Rent Restriction (Amendment) (No. 2) Bill be reduced from 14 days to one day.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki) seconded.

(Question proposed)

Mr. Ayah: Thank you very much, Mr. Speaker. We are not finished with the Minister yet.

[Mr. Ayah]

Sir, I have no intention of supporting this Motion. I feel that the arguments have been advanced in a previous Motion. I said I personally did not see any reason why this thing is being rushed through the way it is being rushed. Other arguments have been raised saying that some people are suffering throughout the country, especially in the urban areas and that if we pass this Bill today, these people will suddenly stop suffering. However, Sir, I am concerned that all of a sudden the Minister has found out that these people are suffering. He has had a chance in the last three months to have this matter brought to the attention of the House, have the reading done in the normal way—14 days—but he has chosen a most unfortunate day to have us, not only spend all our time which we could have used for discussing Private Members' Motions, but to have us argue over something which is originally his own mistake. I gather that hon. Members have already condemned him and I want to add my vote in condemning him for having been careless, not only himself personally but the whole of his Ministry. I want to urge my hon. friends that it is no good—because we have this before—just condemning a Minister that he has been careless. It is appropriate, because this is the occasion, that we should show the Minister and any other Ministers who in future might choose this kind of method to bulldoze the House into these hurried passages of Bills. Mr. Speaker, Sir, I want to urge my hon. friends that this is an occasion when we have, in principle, to exercise our caution because if we do not, then I think the Ministers will continue—I do not want to condemn all Ministers, I want to condemn this particular Minister, that he must not bring to the House, in a hurried manner, something he has had in his files, in his office for a full three months. He is, in fact, the Deputy Leader of Government Business.

With those few remarks, Mr. Speaker, I beg to vehemently oppose.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I am surprised to hear this from the Member for Kisumu Rural who is very close to Kisumu and knows very well that the tenants keep on running from one advocate to another seeking protection. I should have expected him to be the first person to exercise his powers to see that this Bill goes through, not for the benefit of my hon. colleague the Minister, nor for the benefit of anybody else, but for the benefit of the *wananchi*. I do not see why we should argue against personalities or against each other. I

agree with one hon. Member who said that in principle we do not accept this method. It is equally true, and my colleague also knows this, that at the Sessional Committee meeting Members expressed that this method should not be allowed but because of the urgency, the need to help the tenants and those who live in urban areas as well as the City of Nairobi this Bill should be allowed in this way. It was only to help the tenants and to protect them from the landlords. Therefore, Mr. Speaker, we should not speak in the language of the landlords but rather in the language which will convince others not to penalize the tenants. This is so because of the non-existence of this particular clause. We want the people to know that the Members do understand their problems; we are here to make sure that justice is done.

I would like to thank the Member for Parklands for highlighting the problems which those people face and I should have expected the Member for Embakasi to support him—

Mr. Karungaru: Oh, no!

An hon. Member: He has become a landlord.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): His language now has changed.

Mr. Karungaru: On a point of order, Mr. Speaker, can the Vice-President substantiate that the Member for Embakasi has ever been a landlord, as he is implying?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I did not say he is a landlord, I said he has changed his language and he looks like a landlord.

Mr. Karungaru: On a point of order, Mr. Speaker, are you not satisfied that the Member who is speaking is making a categorical allegation deliberately and this has nothing to do with me changing from this or that? He is making an insinuation and do you allow such an insinuation in this House?

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

Really, I do not see the insinuation here. Perhaps you do not like being called a landlord. I can see that, and I would ask Mr. Moi not to call you a landlord.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, one "looking" is not "being". However, could it not safely be said that one could be a representative or a spokesman of the landlords? He does not have to be a landlord but he can be a spokesman for the landlords. They can have somebody to represent them.

The Speaker (Mr. Mati): Mr. Karungaru, has not proved himself a spokesman of the landlords.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, in expressing here an opinion that by the looks of him— If he does not look like a landlord, there is no harm done. I suppose he must be struggling at least to get a house, to buy a house in Nairobi—

An hon. Member: And rent it.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): —and rent it to others.

I did point out that the Member for Parklands has seen these problems because being a lawyer he has seen the problem much closer than, possibly, the hon. Member for Embakasi. The hon. Member for Embakasi does not hold that office and cannot, therefore, know how big that problem is.

For this reason, Sir, we should exercise our powers in passing this Bill so as to enable those concerned with dealing with rent control to help the tenants who are suffering, not only in Nairobi but in Kisumu, Nakuru, Eldoret, Mombasa, Thika, Nyeri and other towns. This should be the feeling of the hon. Members. The hon. Member for Yatta, of course, must have some of his constituents in Machakos or in Nairobi—

Mr. Mutiso: I am the president.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): If the hon. Member is the president, then he is not fighting for them. He should now be using that authority to be the spokesman for them.

With these few remarks, Mr. Speaker, let us allow the First Reading to go through.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, in view of the fact that this Motion is more or less related to the previous one is it not time the Mover was called on to reply?

Hon. Members: No!

The Speaker (Mr. Mati): It is quite true that the two Motions are related and having agreed on the first part, there is no need now to hammer on this one. You should decide quickly.

So, I will put the question.

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

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

BILL

First Reading

THE RENT RESTRICTION (AMENDMENT)

(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 RENT RESTRICTION (AMENDMENT) (No. 2) BILL

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move that the Rent Restriction (Amendment) Bill 1971 be now read a Second Time.

In doing so all I am asking the House is to add to the already amended Act a few words so that it will read: "The Rent Restriction (Amendment) (No. 2) Act, 1971". I want us to add, in section 1, the following words—

"and shall be deemed to have come into operation on 1st December 1970".

This is the only amendment that we want to make to the Rent Restriction (Amendment) (No. 2) Act, 1971.

Sir, I beg to move.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki) seconded.

(Question proposed)

Mr. Mutiso: Mr. Speaker, Sir, I want to say a few words on this Bill—

An hon. Member: Speak like a president!

Mr. Mutiso: Sir, the hon. Member *there* is telling me to speak like a president. He knows pretty well that I can speak like one.

The reason why the House has been so difficult towards the Minister is because he has failed, totally, to convince us on the grounds on which he has been delaying this Bill until today, when he wants to take up the time of the Members, knowing very well that Friday is a Private Members' Day. Mr. Speaker, Sir, it is no use for any of the hon. Members to suggest that we are not seriously taking the interest of the tenants to heart when we oppose the move by the Minister. Mr. Speaker, Sir, it is because we feel very bitter about the delaying tactics by the Minister for Housing and the Government on knowing very well that for the past few months—as has been stated by several Members here—the courts that deal with this question of tenants, have not been sitting. The Minister and Government have been aware of this. Now, today, which is Private Members' Day, they found it necessary to come and take most of our time. This is where Sir, we

[Mr. Mutiso]

felt very much aggrieved. The attitude that has been shown by the hon. Members does not in any way imply that they are not aware of the problems of the tenants.

Mr. Speaker, Sir, I, personally, have a special interest in this Bill in seeing it passed. As some Members might have said, I am the president of the Tenants' Union and I am therefore the one who is more concerned in seeing this Bill passed. However, I oppose the move by the Minister on the grounds that the Minister has been dragging his feet; he knew of this problem and he could not take action at the time when it was due. This is why I oppose the move by the Minister.

Sir, the Bill is very important in my view. The Government could not rectify the mistakes that have been there by the mere reason that something had elapsed and that they needed ratification. Mr. Speaker, Sir, I am sure the House will agree with me that the Bill is important. However, I doubt, Sir, whether the Minister will get away with it. Although it is an important issue that should be passed I think because of the principles involved, because of the fact that we want Government not to repeat this mistake every now and then, we should block the Bill. I am sure, Mr. Speaker, Sir, that the House will not pass this Bill, particularly the Third stage. I am afraid, as much as I would like to support the Bill, we consider the principles involved. I do not know whether the Minister has convinced the House or he will be able to convince the other Members to give him support. Therefore, Mr. Speaker, Sir, I wanted only to say that the tenants in this country have been, for a long time, exploited and many of the exploiters are on the Front Bench *there*. It is on this point—

Mr. Kanja: On a point of order, Mr. Speaker, Sir, can the hon. Member, Mr. Mutiso, substantiate that the hon. Members sitting on the Front Bench are the exploiters of our people?

Mr. Mutiso: Mr. Speaker, Sir, this is common knowledge. Most of these Ministers are landlords; they own houses in Nairobi and in other towns—

The Speaker (Mr. Mati): Order! They might be landlords, but it is quite out of order to call them exploiters. You might expose what you think they do wrong but not say what you have said. That is unparliamentary here.

Mr. Mutiso: Mr. Speaker, Sir, I withdraw the word "exploiters" but, of course, they have no guts to deny—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, the hon. Member has withdrawn the word "exploiter" but

he says that we have no guts to deny that we are landlords. Now, since we have many Ministers here, could he be specific and tell the House who are landlords? I am not a landlord.

The Speaker (Mr. Mati): Order! We are taking time for nothing. Whether Members here are landlords or not is not really relevant to this issue. The amendment required has nothing to do with people being landlords at all.

Mr. Mutiso: Mr. Speaker, Sir, because I know many Members want to air their views, I beg to reserve my opinion.

Mr. arap Cheboiwo: Mr. Speaker, Sir, I stand to support this Bill for the simple reason that it is asking this House to accept a small amendment, which reads: "This Bill will come into operation on the 1st December 1970". Mr. Speaker, Sir, I do not see the reason why we should waste a lot of time. We still have a lot of work on the Order Paper to do today and, therefore I would like to appeal to the hon. Members that we should not speak for the sake of speaking. The reasons have been given and the Minister has been criticized enough. He is a capable Minister and he has been in politics for a long time, and so he has learned a lot. Therefore, he will not repeat the mistake of delaying these sort of things. If he does, then that will be the time for him to be condemned.

Mr. Speaker, Sir, this Bill is too short and so we should limit our speeches to be also short. This is because this is one of the shortest Bills which have been brought to this House.

I do not want to waste time, and so with those few remarks, I beg to support the Bill very strongly—

An hon. Member: You better sit down now.

Mr. arap Cheboiwo: I have not finished, Mr. Speaker, Sir. Will you please tell hon. Koigi to sit down, Sir, because I have not finished? When you say, "with those few remarks"— I think this has been the practice that when the Member speaking says so, everybody thinks that is the end of it. Sir, I wanted to say, with these few remarks, I beg to support the Bill very strongly and appeal to my colleagues to follow suit so that we may finish it and then move to the other business.

Mr. Koigi: Mr. Speaker, Sir, I rise to support this Bill. I feel we have created a habit in this House of talking about things which are not necessary. Our hon. friend here tells us that the Bill is reasonable and that we should pass it. He then later says that the House should block it. This is contradictory. There is no need for contradiction.

With these few remarks, I support the Motion.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, I think the hon. Members have had enough debate on this Bill and therefore I beg to move that the question be now put.

The Speaker (Mr. Mati): Yes, I think we should entertain that.

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

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I am grateful to the hon. Members for giving me this support. I also feel it is time we finished the debate and I do not want to waste their time.

(Question put and agreed to)

(The Bill was read a Second Time)

LEAVE OF THE HOUSE

FOR TAKING COMMITTEE STAGE OF A BILL

(Order for Committee read)

The Speaker (Mr. Mati): Do we have the leave of the House?

POINTS OF ORDER

LEAVE OF THE HOUSE REQUIRED—FOR TAKING MORE THAN ONE STAGE OF A BILL AT ONE SITTING

Mr. Seroney: Mr. Speaker, Sir, I object. On a point of order, Mr. Speaker, Sir, the leave of the House is required and it is not necessary to state reasons if there are many Members, but even without doing so, we would like to get time to study the original Bill so that we can speak intelligently next week at Committee Stage. Therefore, I oppose the leave of the House being given in order to go through the next stage of the Bill. *(A number of hon. Members stood in their places)*

An hon. Member: Sit down, Mr. Karungaru!

The Speaker (Mr. Mati): Order! Order! We are trying to—

The Attorney-General (Mr. Njonjo): I know you are dealing with a point of order, Mr. Speaker, Sir, but the main point is, on the sequence— The order had already been called; the Speaker was on his feet, in fact, you were going out; and therefore I submit that the point of order raised by the hon. Seroney is out of order because it is too late.

The Speaker (Mr. Mati): No! The position is more complicated than that really, in the sense that I should have asked for the leave of the House before I left the Chair. In all fairness, therefore, that was the proper sequence which, unfortunately, I did not follow and, therefore, Mr. Seroney was quite right in drawing my attention there.

The Assistant Minister for Local Government (Mr. Munoko): On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Mati): Is it related to what we are doing right now?

The Assistant Minister for Local Government (Mr. Munoko): Yes, Sir.

Mr. Speaker, Sir, I thought that in the first Motion, we did enable this Bill to be taken all stages on the same day; if you look at the Motion it reads: "All stages to be taken on the same day". So, I think, Sir, we have already had the leave of the House to do so.

The Speaker (Mr. Mati): Now, this is a very important point really which Mr. Munoko has raised. "By leave of the House" which appears at this stage, and I think this explains my natural reactions—why I just moved away—is redundant because it does not really apply after having agreed that we go through all the stages. Then, it follows that there was no need for the leave of the House to be sought. The leave of the House would only have been required if we had not had this kind of Procedural Motion which really authorized us to go right through all the stages. The mistake is in the Order Paper and not in the action we have taken.

HOUSE HAS NO POWER TO EXEMPT BUSINESS FROM STANDING ORDER NO. 99

Mr. Seroney: On a point of order, Mr. Speaker, Sir, we have had this argument before. I remember previously I drew your attention to the fact that the House, under our Standing Orders, cannot exempt business from Standing Order No. 99. Are we being invited every time to flout our own Standing Orders? The Standing Order says quite clearly that you can exempt provisions of other Standing Orders, but as far as Standing Order No. 99 goes you cannot exempt and we are really flouting our own Standing Orders.

Mr. Speaker, Sir, I beg to register the strongest possible objection to this and my learned friend, the Attorney-General, ought to know better. Let him study Standing Order No. 99.

The Attorney-General (Mr. Njonjo): Might I draw your attention, Mr. Speaker, Sir, to Standing Order No. 99, which says:

"Save with the leave of the House, not more than one stage of a Bill may be taken at any one Sitting."

Now, earlier on, during this debate, we did resolve, as it were, to suspend this because we agreed that the Bill should go through all the stages today.

Mr. Seroney: No! We must ask for leave of the House again.

The Speaker (Mr. Mati): Order! Mr. Seroney has a point in what he says, but what has happened, and apparently there was no objection then, was that during the debate on the University of Nairobi Bill, we actually acted as we are acting now. I do not think there was any objection because the argument was that there was urgency, and exactly the same situation has arisen. The whole idea of agreeing to bring this matter here—and Mr. Seroney is a Member of the Sessional Committee and should know what went on—was because it was urgent and because the aim was to get it through.

Now, as far as practice is concerned, we have done this before, but—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, are we going to continue making mistakes simply because we made a mistake once? I want that to be made very clear because I did stand intending to object to the leave of the House being given and somebody told me to sit down because there was another stage when we would be required to give the leave of the House. This is what we are now objecting to.

An hon. Member: Are you sure? He is not sure.

The Speaker (Mr. Mati): I think what we have to consider here now is just the question of urgency. If Members feel that this is not urgent yet it means that, at least, for the next four weeks, everything will still be at a standstill—if the Members really feel that there is no hardship which necessitates this decision—then that is up to them to decide. However, there was no point in going through all the processes we have done during the whole morning and then to come and stop at this point. There was no point at all. We might as well have waited until we come back from our recess.

Mr. Kanja: On a point of order, Mr. Speaker, Sir, if I got it right, the implication I gathered was that we made a mistake when we were discussing the University of Nairobi Bill; and since two wrongs do not make one right, if we have gone wrong once, why should we go wrong for the second time knowingly?

Mr. Karungaru: They can never! We cannot have it.

The Speaker (Mr. Mati): No! Here I am stressing that there is no point of urgency. What happened at that time, it was pointed out that there was this urgency and, in fact, the Members accepted that we should go through all the stages

—which we did—and it is in the same way, in my view, that there was urgency here and that is why we agreed to take Private Members' Day for this purpose.

However, what is now happening is that I am being told that there is no urgency; something that could have been done even earlier. The Members could have even dropped the Second Reading of the Bill. There was no point in going through the Second Reading and only to shelve the Bill again. It is just a question of urgency now.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, following up the argument by the hon. Seroney, when he referred us to the Standing Order number 99—

An hon. Member: Standing Order No. 199.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Standing Order number 99 is what I am talking about!

Could you, Mr. Speaker, Sir, ask the hon. Members to keep the peace? I will call you names if you continue talking like that as if you are in a market.

Now, Mr. Speaker, Sir, Standing Order number 99 is quite clear, and that is why the hon. Munoko is quite right— It says:—

“Provided that the provisions of this Standing Order shall not apply to or in respect of any Appropriation Bill or Consolidated Fund Bill.”

Mr. Speaker, Sir, this is not an appropriation Bill and therefore we are quite right in what we are doing.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, in view of the existing confusion in the House over the Standing Order in question, could you not use your discretion on whether this thing is urgent or not?

The Speaker (Mr. Mati): I am sorry, I did not quite follow your point of order, Mr. Kariuki. Could you repeat it please?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): My point of order, Mr. Speaker, Sir, is: in view of the existing confusion over the Standing Order in question, could you use your discretion on whether this thing is urgent or not, and if it is urgent, we proceed?

The Speaker (Mr. Mati): No, I agree we have to follow our own rules and I cannot just defy our rules. The provision which Mr. Seroney is basing his argument on is Standing Order which

[The Speaker]

clearly states that we cannot exempt business from Standing Order No. 99. However, the only thing I can do is just to appeal to hon. Members to consider this as an urgent matter. If they do not think it is urgent, even after they have gone more or less through it showing that they thought it was urgent and they even shelved their own Motions in order to deal with this, then I fail to see the reasoning there. I am saying this because there was no point, in the first instance, in starting on this at all unless we intended to go through with it. Having passed the Procedural Motion, I took it that hon. Members seriously thought we should get done with this. What it amounts to is that we shall have—in my view—wasted a whole morning because we have resolved nothing and we shall have to come back to it again when we come back from our recess, and yet at the same time we argue that the matter is urgent, saying that some people are suffering and so on. I think we should look at it from that point of view.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, since the House has already made a decision on this matter because hon. Members have already debated this issue, giving their views and objecting to the Bill in the third stage, basing their objection on our Standing Orders, is the Chair not trying to convince the House to go against the Standing Orders? I am asking this, Mr. Speaker, Sir, because the House has already considered this and made a decision on the matter.

The Speaker (Mr. Mati): No, I am not trying to persuade anybody to defy our Standing Orders. I am far from doing that. After all, I have to defend and enforce the Standing Orders. I am not trying to do that; all I was doing is looking at the issue as an unexpected problem and dealing with it as an emergency. However, I do not think we should take so much time. If hon. Members object to this, I am afraid I will have to abide by the Standing Orders.

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Speaker, Sir, I do not know whether I am in order or not to appeal through you to the hon. Members that since we have gone about five stages of this Bill in a very serious debate, we resolve that despite what Standing Orders are, at this stage we should go through all the stages of this Bill. Am I in order, Mr. Speaker, to appeal to hon. Members, through you, that we should finish the remaining bit?

The Speaker (Mr. Mati): This is what I have been trying to do—appealing to the hon. Mem-

bers—but I do not know how successful I have been.

Mr. arap Chumo: On a point of order, Mr. Speaker, since hon. Members have objected to our taking Committee stage of this Bill and there is no other Standing Order which we could follow, would I be in order to suggest that we proceed and, because this Bill is very urgent, we come back next Tuesday and finish up.

Mr. Mulwa: But we have objected to the Bill, Mr. Speaker.

The Speaker (Mr. Mati): I did not quite see the people who objected. Who objects?

(A number of hon. Members stood in their places)

(Leave for Committee Stage refused)

(The Bill was committed to a Committee of the House tomorrow)

The Speaker (Mr. Mati): All right, I am sorry. Next Order.

MOTION

ASSISTANT MINISTERS TO BE DEPUTY MINISTERS

THAT, since this Government intends to train its promising men into actually effective leaders of tomorrow's Kenya, this House calls on the Government to introduce a Bill for amendment of the Constitution of Kenya in order to delete the words, "Assistant Minister", and substitute in place thereof the words, "Deputy Minister".

(Mr. Mwithaga on 26th March 1971)

(Resumption of debate interrupted on 26th March 1971)

The Speaker (Mr. Mati): May I remind hon. Members that we now have only one hour remaining. Today we are having a Motion for the Adjournment of the House and normally hon. Members want to have time to speak on this Motion. I do not know how we shall go about it. I am saying this because if we are to go through the next Motion, for instance, that is also going to take some time. I do not know what the feelings of the hon. Member concerned are.

Mr. Mwithaga. Mr. Mwithaga not here? The Motion had been moved and seconded and Mr. Migure spoke and concluded his speech. So, the debate was going on, but what I am worried about is the time for the Motion for the Adjournment.

Mr. Mwangale: Mr. Speaker, Sir, would I be in order to suggest that we debate this Motion on the Adjournment straightaway, and leave the Motion by the hon. Mwithaga, in view of the

[**Mr. Mwangale**]

fact that he has absconded the House at the moment.

The Speaker (Mr. Mati): No, do not accuse Mr. Mwithaga because even if he was here, other people would be speaking but he would not until he is called upon to reply. So, if it is the wish of hon. Members, we will skip the next Orders and move straight to the Motion for the Adjournment.

(*Motion deferred*)

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE: TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

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

THAT, this House do now adjourn until Tuesday, the 4th of May 1971.

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker, Sir, is it parliamentary language for an hon. Member to shout from one end of the Chamber here, that, "We have fixed you." Is that parliamentary, Mr. Speaker?

The Speaker (Mr. Mati): I did not hear anybody saying so. In any case, nobody has been fixed here.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, in moving this Motion, I am again trying to appeal to hon. Members to be careful. During this Session which opened sometime in February, many hon. Members have thought it fit to accuse the Government, to accuse the civil servants and to accuse everybody—

Mr. Mutiso: They did so genuinely.

The Vice-President and Minister for Home Affairs (Mr. arap Moi):—unfairly and unjustly. Mr. Speaker, Sir, if anyone thinks he is an angel then definitely he is not right at all.

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

[*The Deputy Speaker (Dr. Waiyaki) took the Chair*]

I said earlier on, when we adjourned last time, that the best thing a leader can do is to show a steady leadership or to show that he can lead, but not go merely by rumour or gossiping about other things which cannot help *wananchi*.

Mr. Deputy Speaker, Sir, I would like to state in this House that I am standing up now to defend the civil servants. I would like to speak on their behalf as the Leader of the Government Business by saying that whatever they have

done in the past throughout the country, working overtime, working during their private time to put through the Government matters for the good of *wananchi*; the civil servants should be congratulated and we are proud of them. I have stated in the past that the civil servants and the hon. Members of Parliament are complementary to each other. This should be the theme of the unity which His Excellency the President of the Republic of Kenya, Mzee Kenyatta has all the time been preaching.

I have also referred in this House that bitterness and talking against, that is, the hon. Members talking against each other or using a language which can disappoint others, will not help to preserve the dignity of this House. Making such remarks that one can fix the other one. Who can fix the other— Making such remarks such as that some hon. Members have been pocketed, there is no one who has pockets large enough in which any one in this House can fit. Even the hon. Chief Kitonga cannot do so despite— Therefore, Mr. Deputy Speaker, Sir, this is a wonderful opportunity for the hon. Members to go back to their constituencies because we are expecting the rain to fall so that planting and some other things can be done at an appropriate time. Some hon. Members feel that we should continue with sitting. I do not know— They are suggesting, Mr. Deputy Speaker, Sir, that there are some other people who can plant, that is, excluding themselves. I think we are the people to set an example, but we should not use others to do the job. That is the language of the capitalists because a socialist must participate in doing the work, he should not leave others to do the work. I do work myself. I would like the hon. Member to accompany me to witness that I clean my cattle, send them to the dip—

Mr. Deputy Speaker, Sir, I wish the hon. Members to do their best during this recess.

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

Mr. Murgor: Thank you Mr. Deputy Speaker, Sir—

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, has the Motion been seconded? Is the hon. Member seconding?

Mr. Murgor: I am not.

The Deputy Speaker (Dr. Waiyaki): We do not want any further confusion. If the hon. Member is not seconding then he will have to lose his opportunity. Are you prepared to second, Mr. Murgor?

Mr. Murgor: Yes, I am prepared to second.

An hon. Member: You have been caught!

Mr. Murgor: Mr. Deputy Speaker, Sir, there is no reason why I should not second this Motion because I also want to go on recess.

Hon. Members: Hear! Hear!

Mr. Murgor: I want to go and do some work at home.

Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I hope, Mr. Deputy Speaker, that during this recess, a lot of our friends here on the Front Bench will also do a lot of home-work. We are told of civil servants being attacked here, when in actual fact, even Ministers themselves criticize civil servants, when they should be the people protecting them. Why do we have to sing the same song, the Front benchers and the Back benchers? We have Ministers who are in charge of Ministries, but as an hon. Member said the other day, some Ministers are complete rubber-stamps and I agree with him entirely. Why, having been given responsibilities by the President, you do not look after your Ministries; you just remain there to be guided, and then when you come here and find Back benchers complaining, you also join them? We do not know where we are.

Hon. Members: They are rubber-stamps!

Mr. Murgor: Therefore, I hope, Mr. Deputy Speaker, Sir, that during this recess the Ministers and their Assistants will have to think twice and see what they can do, because you have the civil servants there, you have made them— An hon. Member said here the other time, that Government is not now the Cabinet Ministers, but top civil servants. There is some justification in that because if you can come here and criticize civil servants, and you are the men who should be helping them, then I do not know where we are.

Mr. Deputy Speaker, Sir, again some people do not seem to think or to see that things have changed in this House. In the last Parliament, there were Members of Parliament who could not speak their minds because they were afraid of certain Ministers, but today, that situation is completely changed.

Hon. Members: Hear! Hear!

Mr. Murgor: We are here— We were elected to come to this House, not to speak through other people's minds, but to speak our own minds, and not to be threatened; there seem to be some threats. Even if you criticize Government or you do— Well, Government is there; it ought to be criticized if it does things wrongly; it has to be put right. If you are just going to shrink yourselves and not tell Government where it has gone wrong, then the country will be going completely the wrong way. We are here

to put things right; we are here to see that the *wananchi* get what they should be getting, and we should when we come here to speak our minds speak the minds of the people at home — The majority of the people here in Nairobi do not know what is happening in the rural areas; we know what is happening, and when we come here, we speak their minds, we speak what they think, what they want and then we are threatened. Sometimes, you hear some people being told, "Okay, if you speak more—"

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order, Sir; I noticed two gentlemen passing near the Chair there, without bowing; the first was the Assistant Minister, Mr. Cheronon. He came to talk to you and he did not bow to the Chair, and now I have seen the Attorney-General also passing near there without bowing to the Chair.

Mr. Deputy Speaker, Sir, is this the new system now or what is it?

The Deputy Speaker (Dr. Waiyaki): No, I do not think that that is the confusion which had existed before. However, I think, they possibly were still in the state of confusion themselves.

Mr. Murgor: Mr. Deputy Speaker, Sir, some people here are told "If you talk more against the Government here, your constituency will have no development."

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

(Question proposed)

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, I thank you very much for this opportunity and I would like to say that I support the Motion very strongly because we should go home and be with our people for this one month. This opportunity, usually at the end of each Session, gives us a chance to draw the attention of the Government to various problems, on which the Government should be very careful, during the recess.

Mr. Deputy Speaker, Sir, at the moment we have one big problem and that is the problem of the drought. It is now known that people in various parts of our country are starving; people in those areas have no food. They do not have even food to eat. We appreciate the steps taken by the Government to provide them with some food and we thank all those who contributed money, be they companies, organizations, individuals or other people and, on behalf of our people, Sir, I would like to thank them very, very much indeed. However, Mr. Deputy Speaker, Sir, I would like to point out that the food which is being given is not enough. It is not enough! Sir, I do not know what we can do in order that

[Mr. Lenayiarra]

when I say something which affects the people where I come from, it should be taken in by the Minister or the Government as a true report from a true representative of the people. I do not know what we can do, Mr. Deputy Speaker, Sir, because many times we come here, we go to the President's Office or anywhere else and give reports about famine in our areas, but these reports are not taken seriously. In our district today, Sir, over 52,000 people is the official figure of the famine relief victims. Sir, the figure is 52,000 people and yet in a month we are getting 800 bags of *posho*! Mr. Deputy Speaker, Sir, this is about two pounds of *posho* for every person per month. Now, how can a starving person live when he does not have anything else. Let us just imagine, Mr. Deputy Speaker, how our people can live on such rations when all our cattle have died? All our cattle have died! Sir, the remaining cattle are very weak, they have no milk, they have no meat and cannot, therefore, be sold. These people have nothing else left. Why is the Government not taking this matter seriously? How can a person live on two pounds of *posho* in a month? Mr. Deputy Speaker, Sir, last week-end when we went home we found that, although we are getting these 800 bags, there are people who are just about to die. We, therefore, organized a meeting and collected some funds with which we bought food. What is the Government doing to help us? If the Government has the money and food, what is it doing to see that these lives are saved? This matter, Mr. Deputy Speaker, Sir, is very serious; it is very serious, indeed.

I understand, Mr. Deputy Speaker, Sir, that there is a committee known as the National Famine Relief Co-ordination Committee. Now, why cannot Members of Parliament be allowed to sit on this Committee so that we give it a true picture of what is happening in these areas? Why cannot we be allowed to sit on this Committee, Sir? How can people who sit in Nairobi—

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Deputy Speaker, Sir, if the Committee on food is sitting in his area during the week and the hon. Member is here, can he split himself in two so that he is here while at the same time he is supposed to be attending this Committee? No, Sir!

Mr. Lenayiarra: That was not a point of order. It is possible for me to go and sit at home and then come and sit here. I am interested and I am very serious about this.

Mr. Deputy Speaker, the hon. Minister, with all due respect, should not laugh at this matter. This is not a laughing matter. It is a very serious

matter. I saw people, Mr. Deputy Speaker, who were about to die from famine, last week when I left home, and there was nothing special which was organized to see to it that they get food.

Mr. Seroney: Mr. Deputy Speaker, I am not quite happy about this particular adjournment. This is because adjournments, in the past, have not been good for this country because it always seems that when we are in recess, wrong things which we do not want to happen, happen, and it is not possible to raise them in this particular House.

It seems, to me, Mr. Deputy Speaker, that this Government, as we have seen, is lacking, not only in efficiency, but it has a lack of co-ordination. Sometimes, one hand of the Government does not know what the other hand is doing. An example which we have is this question of inefficiency in the Ministry of Housing—where the Minister is, in fact, been let down by his own officers who do not do things which should be done, in time. Again, the Cabinet sits and arranges a programme for the whole year but then, there is nobody to co-ordinate this programme and make sure that all the urgent things are done within the programme which they have issued, themselves. That is why, every time we want to go into recess, we have a Motion to exempt—

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, I think we should take this matter very seriously, particularly this Motion. Is it in order for the hon. Member for Butere to keep on asking whether the hon. Member is married and if he is not married he should go home and get married?

Mr. Seroney: I can see the tactics of my friends. They want to expend my time so that I do not say what I am going to say.

Mr. Deputy Speaker, all I am saying is that if we had greater co-ordination on the part of the Government and if we had somebody in the Cabinet who co-ordinates Government business on the Civil Service level, then some of the difficulties we are experiencing here would not exist. So, although I reluctantly agree to this particular recess, I hope that when we come back the Government will have been sufficiently rested and that they will show a greater efficiency and co-ordination than they are now showing.

I also want to say another thing, Mr. Deputy Speaker. That is about the talk on the question of loyalty. I want to emphasize that, as far as I am concerned and as far as Members of this House are concerned, our loyalty is beyond question. Whenever we point out mistakes to the Government, it does not mean that we are disloyal to the Government. In fact, if we were not

[Mr. Seroney]

loyal to the Government, then we would not show them these mistakes but we would go and exploit them outside the House to undermine the Government. That is not our intention. We are loyal to the Government and will go on being loyal to the Government of His Excellency the President and the Vice-President. Therefore, let no one who is incompetent, let no one who is defeated in doing his job run behind the President and say, "People who are criticizing me are, in fact, criticizing you." We do not want these people who hide behind the President. When we criticize people, they should accept the criticisms squarely.

I would like to say another thing about the Provincial Administration. I think it is the general feeling of this House that the system of Provincial Administration should be scrapped. It is anti-democratic and I think we should, soon consider to replace it. Meanwhile, we keep on hearing constant rumours, for instance, that in North-Eastern Province, and the Coast Province, the provincial commissioners there do not get along well with Members of Parliament and even Ministers of those particular areas. I am only going to say this: We in Rift Valley have not asked for a reshuffle and we do not want this provincial commissioner from Eastern Province or Coast Province to be transferred to Rift Valley Province. We do not want, Mr. Deputy Speaker, the rejects from the other provinces.

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

Mr. D. M. Kioko: Mr. Deputy Speaker, Sir, I am seeking for your guidance here. Since one hour that was to be spent discussing this Motion was taken this morning by other businesses; I wonder whether we may be allowed to extend our time to one o'clock.

The Deputy Speaker (Dr. Waiyaki): If the House wishes that we should go up to one o'clock the Chair has no objection. Is that the wish of the House?

Hon. Members: Yes.

Mrs. Gecaga: Mr. Deputy Speaker, Sir, when the Mover of this Motion was moving it, I listened very carefully to what he was saying. He said that there has been a lot of criticisms in this House and I think that he meant that the Back-benchers have been criticizing Government or the Front Bench. Mr. Deputy Speaker, I feel that if the criticisms are genuine, Government should accept them fully and put right what has gone wrong.

Mr. Deputy Speaker, during the past few weeks the Back-benchers have been confused because

some of the Assistant Ministers on the Front Bench who have been happily wearing Government's coat have been changing it from time to time to criticize the civil servants. The civil servants are also in Government. We have been wondering—when we sit on the Back Benches—who the Government is and who the Ministers and Assistant Ministers are. If the Vice-President who is the Leader of Government Business could sort out this during the recess—

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): On a point of order, Mr. Deputy Speaker. Is the hon. Member aware that an Assistant Minister in his capacity as an Assistant Minister is also a politician or a political head in that particular Ministry?

Mrs. Gecaga: Mr. Deputy Speaker, Sir, I am very well aware of that but I still think that Assistant Ministers should criticize 80 per cent of what Government does and support 20 per cent of what it does. This is where I feel we were confused and it should be made clear to us so that we know who the Government is and who is not Government.

Mr. Speaker, Sir, another issue is about the debate we had this morning on the Motion brought by the Minister for Housing. I think we should not criticize the whole Civil Service but somebody in that Ministry made a mistake of not seeing that that amendment was signed. That was very wrong and the Minister should take action to see that such a thing does not happen again because we do realize the seriousness of that Act.

Mr. Deputy Speaker, Sir, there is one point that I would like to raise. In the country a lot has been said about cholera. We know that this could be very serious if the disease invades the City of Nairobi. We know that many of our people live in Eastlands and we know where they go to get their meals. We know that to demolish these premises is not to save our people but is putting them to hunger thinking that probably we are cleaning the city. I would like to ask the Government to use some money to provide water in such places, instead of spending money treating those people who are likely to be cholera victims, by inoculating them. If this water is provided, these people could wash their utensils and, at least, have some hygienic facilities such as washing the utensils after eating their meals. I am not talking about the places where they live, but I am talking about places where they go in the morning and have their breakfast before they go to work. In the evenings, when they leave their places of work, they pass through the same places and have something to eat.

[Mrs. Gecaga]

Mr. Deputy Speaker, Sir, I believe that this Session has been very, very healthy because even on the last day, people seem to be in a very good mood and this shows that we have been working together as a team.

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

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Deputy Speaker, Sir, I would like to say that the weather this year has been very, very unkind. It has been very, very unkind indeed, but we, as farmers in Kenya, should do all we can to see that we make good, at least, what the weather has spoilt in the country. Mr. Deputy Speaker, I notice that today is 2nd April, when the rains are still dodging, in fact, so much so, that in some places, you would think we are still in December. When we go home—and I am sure we have had quite a number of people who have attempted to bring about rain, some of them have come from as far as Western Province and others from Mombasa. All I would like to say is that let us pray to them to succeed, because if they succeed, everybody will have succeeded. We know that the meteorologists tell us that rain can only come from nebulous clouds or cumulus nebulous clouds, but that does not stop anybody from trying. In fact, we, in agriculture think that if anybody can try and succeed, we would only be too glad. However, I would like to appeal to the farmers throughout the country that while the weather has been unkind, to try their level best, if we should get any rains, to do whatever planting they can, do it quickly, do it properly, the way our extension services are advising the country. We have very many of them, in fact, for the information of the House, we have about 15,000 agriculturalists in the country and these should be able to give the necessary knowledge for planting coffee, maize, looking after cattle, etc. I should also recommend to the House that when we go out, we should not be discouraged by the weather, let us advise the farmers to keep on trying in the hope that, at least, we shall get a good crop at the end of the year.

Mr. Deputy Speaker, Sir, my second point is that the Government has tried as much as possible to give some loans, such as Guaranteed Minimum Return and others to the farmers. I know these loans may not be sufficient for the needs of the farmers throughout the country. However, when the loans are given out, the most important thing to remember is that Swahili saying that: "*Kukopa ni harusilakini kulipani matanga.*" That means that borrowing is like a wedding. I should like to

advise the farmers in the country to take that example we have had from four leading districts, which have done very well in loan repayments and I am proud to name them. Baringo District has been leading this year, followed by Embu and Marakwet Districts have done very well, Nandi has done extremely well and I am glad also to announce that Kiambu has been pulling up their socks, of late. These districts have done very well in loan repayments and when they do that, I would like to take this opportunity to appeal to the other districts to remember that when we give them loans, these loans have to be repaid so that the following year, we can use the same money for giving to others who are waiting in the line just like those who have been able to get the money this year.

Mr. Deputy Speaker, Sir, hon. Lenayiarra has touched on the point of famine relief. I know this is a very sore point, Mr. Deputy Speaker. The country is going through a very tough time, indeed. Let us not, ourselves, bring in any more problems on this matter. We know that the problems we are facing are not problems of our own making but they have come about because of the drought. There are quite a number of people who are doing all they can to provide food for the famine victims. I know we cannot give everybody food but whatever little that is done, I think we should be thankful to those people who are contributing, either in terms of money or in terms of personal efforts. It is important to keep on thanking these people because they are doing a useful work and when the hon. Members go back to their constituencies they should also join in the line of helping either by giving a little money, giving a coat or a tie, or even giving your *chai* or anything which you can possibly offer.

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

Mr. Komen: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to air my views on this Motion.

First of all, I would like to point out to the Government that they are now trying to mistreat the Dorobo people. Yesterday, Mr. Deputy Speaker, Sir, I had a delegation which came from my constituency which told me that the Dorobo people had been victimized by this same Government to which they belong.

Mr. Deputy Speaker, Sir, there has been a lot of forest burning in the whole country. This does not mean that all these forest burnings started from the Dorobo country. There has been forest burning on Mount Kenya, Mount Elgon and

[Mr. Komen]

other places but nobody was victimized in those areas, Mr. Deputy Speaker. It is only my people who have been raided by forest officers, district commissioners and other officials saying that the Dorobo people are the ones who are burning forests. Does it mean that we went to Mount Kenya or to Mount Elgon to burn forests there? Does it mean that the Dorobo people are responsible for the fires which have been burning in the Gilgil area and other places? Government should come out clearly and show the Dorobo people where they should live. If we are not going to be allowed to live inside the forests where we belong, or rather where Dorobo belong, which is our right, then we should be showed where to live or else, soon or later, we shall know what to do with the forests. I am telling the Government that these people are now homeless and have no shelters. This is a very bitter experience. Mr. Deputy Speaker, Sir, because Mr. Kariuki has a comfortable place to live in, he cannot sympathize with the others who have no shelter.

Mr. Deputy Speaker, Sir, the other thing I would like to touch on is about the impending recess. When we go for this recess, I would not like the Government, the civil servants and the Ministers to sit in their offices without watching what their officers are doing, to criticize the Members of Parliament. I do hope that they will not go to the papers to criticize us. Transfers of provincial commissioners who have been rejected in some places should not be effected, Mr. Deputy Speaker, during the recess period. We do not want these people, Mr. Deputy Speaker. We, in the Rift Valley, stand firm and say that whether it is Mahihu or Mathenge, they are not wanted by us. We cannot have those people who are quite useless who could be sacked or even made secretaries to hon. Koinange. They should not be provincial commissioners nor politicians—

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Deputy Speaker, Sir. I very much object to this House to touch on the names of individuals when the President, who appointed those people as provincial administrators, is still satisfied with their work. I very much object to anybody to mention them here using those terms.

Mr. Komen: It is okay, if you can tell them to try and avoid coming there, I do not mind. We will thank and compliment you for that.

Another point Sir, is that when we always go into recess, we see a lot of things happening.

An hon. Member: On a point of information, Sir.

Mr. Komen: No! No! I have no time.

Sir, I want to ask those people who belong to Gikuyu, Embu, and Meru Association—because we do not want a lot of misunderstandings—that when we go into this recess—gentlemen please do not continue to take things in the system you used to have. Please play it cool. Do not show that you are going to do some things in *kichinichini*. We do not want that. You go to your meetings privately and do not try to bring up the other things which ended a long time ago again. I am warning you on this. You always try to say that we are united in one Kanu but if you can separate yourselves and show that you really want unity of your own, gentlemen, such a thing cannot exist in Kenya, and we shall not tolerate it.

Hon. Members: You are right.

Mr. Komen: Another thing, Sir, I do not object to anything; actually you can preach any religion but please take the laws into account. Do not misuse the laws that you have been entrusted with. If the laws are with you and you misuse them saying that because others cannot do anything, you can do better than them, actually we cannot just sit by and watch.

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

The Minister for Defence (Mr. Gichuru): All I would like to say, Mr. Deputy Speaker, Sir, is that there has been a lot of exaggeration about famine and I want to give the House the information that our Army is doing a lot to distribute food and I hope that we shall not get the news that some people are dying here and there in this House again. They may be dying of cholera or something else, but certainly not through famine, because there is plenty of food in the country—as the Minister for Agriculture said the other day—and we are distributing it as much as we can.

Mrs. Onyango: Thank you, Mr. Deputy Speaker, Sir, for giving me this time to support this Easter Recess. This is the time we should go home as we have been told time and again that we should go back and do a bit of farming; cultivating and so on and so forth. Now that the rain has come, after a long period of drought, many people at home have done quite a bit of planting. I could only submit that this time, when we go home the district commissioners who are always very difficult to give licences for meetings should be informed that when we go into recess, it should be the time that we can meet the *wananchi* and tell them about the Government policies. If a meeting is scheduled and you go to a place for it and then suddenly you are told

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that the meeting is cancelled, it will really mean that the so-called person who is trying to cancel the meeting will not really be trying to help the person who will be representing the area to spread the Government policies. This is the submission that I would like to put forward to whosoever is responsible; that all of us would like to meet *wananchi* whenever we go home. We would not like anybody to come in our way and start saying, "Oh, when so and so goes to meet the people, he goes to do this and that". We are here to represent the people and it is the people who should tell us what they want to hear from us.

Mr. Deputy Speaker, another thing is when the recess is on everybody tours the country and you may think that something unusual may happen. This is what we are going to tell the Government, and I am talking to those people who are responsible, and say that we would not like something unusual to happen. These unusual things are things like death, sabotage and such things. I want to say that whenever we go on recess it should be a peaceful recess, not a recess of trying to impose some things in the minds of the *wananchi*.

I want to come to Kisumu and say something about police dogs. Whenever they get hold of somebody they patrol around with this person until morning, until he gets tired. These people should be told that whenever they think you are really drunk you should be taken to the police station immediately, they should not walk around with you until you are tired. The offenders should be told they are going to be arrested and taken to the police station; they should not be arrested and taken round and round.

I want to object that this is the time when Government should choose people to be used in certain areas. Time and again, especially in my area in Kisumu, you find that the people who have been rejected by the *wananchi* are still bringing reports here and there and these reports are not of the kind that will bring peace. They disturb the peace of the *wananchi*.

With these few points, Sir, I beg to support.

Mr. Kitonga: Mr. Deputy Speaker, Sir, I support going back to the *shambas*, but I want to make a few points here before I go back to the *shamba*.

One point I would like to mention is about recruitment in the Kenya Army. I appeal to the Minister that he should now start recruitment of women. I do not think he knows that the country would like to see recruitment of females. This is very important. There should be women in the Police Force. Perhaps, this has not happened all the time because the Minister for

Defence is not a policeman; however, I can teach him if he does not know this.

In the Kenya Government, we have district magistrates who have been second class magistrates for a long time. There are vacancies for them to go higher. I appeal to the Kenya Government or to the Attorney-General to promote the present district magistrates to be first class magistrates.

I must say, Sir, that I very much hate the behaviour of the Ministers of the Kenya Government, the way in which they answer questions during Question Time. I think the answers are drafted by the Permanent Secretaries and some of the Ministers, not all, do not even ask their Permanent Secretaries how they should answer these questions in the House. They just come here as clerks and do not seem to understand anything. We need—

The Minister for Defence (Mr. Gichuru): On a point of order—

Mr. Kitonga: Some, not you.

The Minister for Defence (Mr. Gichuru): On a point of order, Mr. Deputy Speaker, I think it is bad to generalize some of these things.

Mr. Kitonga: I am sorry, all of you know him and so there is no quarrel here.

Sir, I appeal to my friends the Ministers that when they answer questions they should do so with dignity and behave as Ministers of the Kenya Government because members of the public are always listening to what the Ministers say here. That is why I appeal to the Ministers to answer properly, without joking.

I also appeal to the Kenya Government to consider the disabled people, those who are blind and other disabled people who have been given a chance to go to school, they have been educated but are not given employment. I appeal to the Kenya Government to consider these disabled people for employment.

There is something else I must say. I hate the behaviour of some judges in Kenya as well as the behaviour of some resident magistrates. Every time you go to the courts you find they are quarrelling with the people, some look at you as if you are a ghost and this is very bad.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Deputy Speaker, is it not against our Standing Orders to criticize the behaviour of members of the Judicial Department unless on a Substantive Motion?

The Deputy Speaker (Dr. Waiyaki): I was just waiting to hear what he was trying to say and then stop him.

That is not allowed, Mr. Kitonga.

Mr. Kitonga: Mr. Deputy Speaker, Sir, I would not like to go contrary to the Standing Orders. I apologize for what I have said and leave it at that.

I will go ahead now.

The Deputy Speaker (Dr. Waiyaki): Your time is up, Mr. Kitonga.

Mr. Mwangale: Mr. Deputy Speaker, Sir, I have two very serious statements to make. The first one is in connexion with the political developments in this country in reference to our previous Parliament. It was obviously characteristic of the previous Parliament to have political groupings either on an inter-tribal, tribal or personality basis, and this had developed to the stage where this House was almost uncontrollable. There was control from certain sections, individuals and what-have-you, call it what you may: the long arm of the Government.

I want to issue a very serious warning to us, as Members of Parliament, if I may be allowed to do so. We are coming to the same stage although this hon. House has desperately been trying to avoid a situation like that from existing here. This House, and I want to congratulate this House and this Parliament, has succeeded to do one thing: to avoid personality cults, tribal groupings, inter-tribal groupings of all kinds. We treat Ministers and individuals as individuals.

There is a very serious affair developing in this country now whereby some people are deliberately violating the Constitution in reference to not only individuals—and I want to cite a particular case—but also in issuing orders so that certain Members of Parliament will not enjoy the rights to which every free *mwananchi* under His Excellency's leadership can enjoy. This is simply because there is power politics, power politics which in itself is a dirty game. I am afraid that some of us or all of us will be caught in the crossfire. I am pointing out this, not in reference to J. M. Kariuki, for that matter, because there is an unfortunate situation existing now whereby certain people in certain quarters are prepared to suggest that there is something called "inheritance for power".

Sir, we have in our own Constitution regulations, what have you laid down and we want those statutes, laws, whatever they are, applied to every individual equally. And, one thing: we will not, Sir—and I want to repeat: we will not, Sir—and it will be a big mistake, a tragedy if this House develops into the same type of inter-tribal, tribal groupings and personality support as was here before.

From my own personal point of views, Sir, if we can continue the way this Parliament has

been going since last year, to be sincere, genuine, prepared to represent this country, we have a very, very happy future for this country. But should we allow a situation whereby a few individuals can violate the Constitution because they happen to have the machinery, Mr. Deputy Speaker, I am prepared to state that the future can be bleak and I do not want to be caught in the crossfire because I have the interest of this country at heart. We have the leadership, the best leadership that any country in the world can provide and we should be proud of it.

Thank you, Sir.

Mr. Karungaru: Mr. Deputy Speaker, I am glad that you caught my eye! Or I have caught your eye.

Sir, this country is not going to have a short life, this country is not for the people who are living today. People die but we have never heard of any country which dies. When we take heed of what is said, then we can analyse the situation.

We have been asked to go on recess. Honestly speaking, we are going to say that we accept that, but over and above this fact there are a few things that have to be pointed out.

We do not give the Government a blank cheque. We certainly do not. We know we are going to leave the Ministers in the Ministries, we know there will be other instruments to run the Government but we, Members, are going out now to see the people in the places where they live. We do not want anybody in this country to go and misuse the power which this House has entrusted on them. I am giving this warning to whoever is concerned as custodian and implementor of the laws we have enacted in this House. If things are not done the right way, then honestly, we will be charged with collective responsibility which I do not believe all of us enjoy. The Front Bench has already failed to establish a suitable approach. Many times we have seen these things happen. It was only this morning that we were told there is a matter of great urgency, of great importance, and so forth but we were not, at the same time, told why the same Minister who moved that Motion brought a Bill and did not realize the anomalies contained in this whole issue. He brought everything here in a hurry but did not realize the shortcomings involved in the question. Today, he wanted to give us the same treatment. The Minister comes here the very last minute saying, "Oh! Gentlemen, hon. Members, this matter is of very great urgency. You had better speed it up". Sir, I am not going to accept that treatment. The manner in which some of these things are employed—

An hon. Member: The public will suffer.

Mr. Karungaru: Anyone can say that somebody is suffering: but who is to blame?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Yourself.

Mr. Karungaru: We are the people—Honestly, Mr. Deputy Speaker, Sir, here, I would like to answer the Assistant Minister who has said that I am the one to blame.

He has been sitting on the amendment and yet he knew pretty well that there was a shortcoming in this particular Bill. He did not make any effort or any attempt to bring the amendment. This morning because he knew that we were going for a recess, he brought his amendment. He should be ashamed of such an approach.

Mr. Kitonga: Mind you, the Minister is very near you.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I am told that the Minister is very near: if he is near, then he should open his ears so that he may hear me properly.

Mr. Deputy Speaker, Sir—

The Minister for Housing (Mr. Ngei): On a point of order. Mr. Deputy Speaker, Sir, is the hon. Member right in alleging that I am as deaf as anything and that I need a bull-dozer to pull out whatever I have in my ears: is he really in order?

The Deputy Speaker (Dr. Waiyaki): No, I think, I did not have the impression that he thought you were deaf. He thought that possibly the ears should be wider open than they were: I do not know how he knew it.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I am being provoked by the situation that the Minister has created of coming nearer and which had made me arrive at a conclusion that he is rather deaf.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Now, that we going to recess, I must thank the hon. Members for this lively Session we have had. We have seen in this House, Sir, the way Back-benchers and the Front-benchers have co-operated on some Motions and also differed on others. This showed a sign of democracy which is very essential for this country.

Mr. Deputy Speaker, Sir, having said that, I wish also to go further and state that in this House we have not done all that we were supposed to do, but we have at least made the public know the system of this Government. We, in Government,

Sir—this means Members of Parliament, Assistant Ministers and Ministers—have only one party so far in the country. Therefore, we cannot all the time think alike: we differ at times. Here in this Session, Sir, at least one thing has been made quite clear, namely, that we in this House have been misquoted in certain quarters to the effect that we have all denounced civil servants. All we have done in this House is, we have pointed out that some of the civil servants have not done the things they were supposed to do and on this I am prepared to say that I will never regret that because there are facts to show that some money for development has been returned without being used; there are facts to show, Sir, just like the other day, where some few civil servants have thought they were greater than hon. Members of this House: we have facts to the effect where one of the civil servants was daring enough to tell us that he did not care about us. Despite that he even had to write in the newspaper replying to us on what he did. These sorts of things, if we point them out, somebody says, "Oh, you are in Government and you cannot do this".

Sir, I am in Government with the feelings of the people. I would not have been in Government unless the people of Butere wanted me to. Therefore, I am not here to go against the Butere people. So, I am not here to go against the feelings of Butere people, otherwise I might find myself one day out of this House if I go against their feelings. Therefore, if this Government goes against the feelings of the people, then the whole shoot—the whole of us Members—can be out of this Government, with the exception of the Nominated Members, of course. However, those who are elected and who think that because they are here and try to go against the feelings of the people, they will find themselves out in the cold. It does not matter whether they are Ministers or not. I have seen some Ministers lose anyway.

Therefore, the point remains that the people of this country are the bosses and Mzee himself says that *wananchi* are the bosses and not ourselves. Here we speak the minds of the bosses.

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Sir, is it not time?

The Deputy Speaker (Dr. Waiyaki): No!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): No. We are going on until 1 p.m. my hon. friend.

We are here, Mr. Deputy Speaker, as servants of the masses and we speak the minds of the masses. However, immediately we shall cease to do so, we will find ourselves out of this House.

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

Now, the third point, Mr. Deputy Speaker, Sir, is that I was very much disappointed and hurt this morning. I know the Standing Orders are there, but some of us who fought for independence thought that once you are independent you can mould things the way we like in order to suit the people. I think the Standing Orders—I understand the hon. Kivuitu, hon. Seroney, hon. Nyamweya and some lawyers are on the Committee to look into the Standing Orders. I hope that they will not forget that clause—clause 166—to be amended because the Standing Order number 99 provides that we can go on with the business, but the Standing Order number 166 stops it. That part should be removed because if it had not been for that, the exploitation of the people by the landlords would have ceased today, but because of that and, because of some Members who stopped that Bill from being read a Third Time they have allowed the landlords to kill or to frustrate and muzzle the poor tenants who are outside this House.

Mr. Deputy Speaker, Sir, I say I was hurt because it is the people we represent that we are trying to save, but then, some of us here forget that they are here for the people and stood up to stop what we were trying to do. I hope they will be ashamed of themselves and one day, they will have to pay for it dearly by being kept outside these four walls.

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

Mr. Kivuitu: Thank you very much, Mr. Deputy Speaker, Sir. I begin first of all by saying that I do not support any adjournment of this House coming so soon, but I will support this one because everybody seems to be supporting it.

I think, Mr. Deputy Speaker, Sir, it is time we thought that the Parliament should sit for a longer period per year than we are doing at the moment. I do not see the reason why we should sit for nine months out of the twelve months so that we are able, for example, to debate things like the Budget fully. Sometimes we are as it were—I do not want to use any unparliamentary language. Sometimes we do not feel that we are getting fair play in discussing matters relating to the Budget because some Ministries are put together and through the system of the guillotine, they just pass through without any comments. This is very bad. We should be able to debate fully every aspect which affects the funds of this country and, for that reason, I would prefer that we have a longer period per year for discussions in this House.

Mr. Deputy Speaker, Sir, the other thing which I must now mention is about the authority of this House. Many times we have passed Motions in this House and these Motions have never been implemented. This is just because this House is not respected by those who are on the Front Bench because if they respected the will of this House, then they will definitely endeavour to implement what is passed in this House. We have the example of the Motion on the Trespass Act which was passed the first day we were here—the first Friday we sat in this House—and what happened to that Motion? Nothing. I think the time when we shall discuss the Bill which is coming entitled, “The Statute Law (Miscellaneous Amendment) Bill”—I am going to oppose this Bill thoroughly and I will use everything that is within my power to make sure that this Bill does not pass through unless a provision is made for the amendment of the Trespass Act. Mr. Deputy Speaker, Sir, this must be taken into account, otherwise, we are going to have a tug-of-war if it is not. This is the only way to show these people that this House has the power to do things. We must block what they want until they give us what we want. This is how we are going to do things from today onwards and this will be one of our tactics in future and you must take this as a warning.

Mr. Deputy Speaker, the other thing I would like to mention is that every time we go into recess, somehow, certain things which we do not like happen and this has been said very often. In particular, Mr. Deputy Speaker, there is always a move, whenever we go into recess, to have shanties demolished. Where do these people go after these shanties have been demolished? Nobody takes them anywhere but they are left in the open to live with the flies, with the rats, with everything. Not only this, Mr. Deputy Speaker, these poor people give birth in the open which is very dangerous to health. They are the people who are citizens of this country and they are also human beings like ourselves. These people are citizens of this country and what they are experiencing is very disappointing, Mr. Deputy Speaker. Mr. Deputy Speaker, when the citizens of this country are suffering so much, what do you find the non-citizens doing? They are playing golf when the fellows who are citizens of this country are suffering there in the open. Mr. Deputy Speaker, the non-citizen in this country plays golf, enjoys a bottle of whisky and generally enjoys a bath of his own or even in some have swimming pool. What are we doing in this Parliament if we are not for the people who are owners of this country. It is high time we had a different approach to our way of doing things. If we move people from a certain place because it

[Mr. Kivuitu]

is a shanty dwelling place, let us show them where they are going instead of leaving them in the open like that. Mr. Deputy Speaker, this is a serious matter. However, Mr. Deputy Speaker, Sir, the Minister who is responsible for this is the same Minister who rushes here at the last moment to bring us this kind of thing and expect us to pass it. Mr. Deputy Speaker, despite all our efforts to make this thing pass, it failed. However, Mr. Deputy Speaker, the hon. Minister had time to run after the shanties but could not afford time to bring a Bill in this House to protect the tenants. Mr. Deputy Speaker, Sir, I speak with a great deal of disappointment and disgust on this kind of thing.

Mr. Deputy Speaker, Sir, finally, I would like to say that it is high time the report on civil servants' salaries came out. The civil servants have been waiting for this salaries report for too long and particularly the junior officers and they are being very discouraged by the delay. Mr. Deputy Speaker, I think it is time that this report came out so that we have the morale of the civil servants boosted up.

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

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I rise to support the Motion for the Adjournment in order that I may, perhaps, try and fulfil the wishes of the hon. Member for Embakasi who is sitting next to me here, and at the same time to fulfil the wishes of Government to see that all those who are concerned about what has been expressed by the hon. Member for Embakasi and the hon. Member for Parklands, is taken care of. Mr. Deputy Speaker, Sir, I want to make one point very clear. The question of demolishing shanties was a Government decision and so long as I am a member of that Government—and I share the feelings and also the policies, in other words, I enhance the policies of that Government—I have no alternative but to carry it out. If I am told to hang the hon. Member for Yatta, I will gladly do so. Mr. Deputy Speaker, let us not cheat ourselves. I belong to the Kanu Government and if I did not want to be in the Kanu Government, I would resign. However, as long as decisions are made and I am part of that Government, I shall execute the decisions without fear, favour or anything. I want to make this very clear. The other day, I set up a committee and I am going to see that during this recess these two hon. Members join the committee which is operating in Nairobi. We shall discuss the ways and means how best we can settle this issue. I made a statement on behalf of the Government— One of the hon. Mem-

bers is saying that it is too late— The hon. Member for Embakasi will be putting on colourful shirts and ties by this time the self-help programmes which will be initiated by the Government will be going on. I am sure that next time he will help me. Mr. Deputy Speaker, Sir, he is looking up at me with direct eyes. I was laughing when he was attacking me because I am above his simple attacks. He has been shouting, “shanties”, “shanties!” Who does not know that the question of the shanties is a serious one? Is it really something that must be said every now and then? The hon. Member for Embakasi is one of those privileged few because in his constituency, you have Uhuru Estate, Starehe Estate and all these estates going up in his constituency. I am not going to let this go on. I am going to ask the hon. Member for Parklands to support me and the Government so that next time we have a new estate erected in Parklands. This time we are going to deny—

Mr. Karungaru: On a point of order— Will you sit down? On a point of order, Mr. Deputy Speaker, Sir, can you agree with what the hon. Member for Kangundo has done, threatening me that unless I stop talking about shanties, he is going to move some of the buildings which are proposed—he is pulling my coat—to Parklands? Is he in order to say that in the form of a threat?

The Deputy Speaker (Dr. Waiyaki): No! I do not think he meant to say so very seriously. The Minister is not entitled to threaten any hon. Member especially on a matter like this one of shanties. Of course, I cannot speak very much because I am affected.

The Minister for Housing (Mr. Ngei): Coming back to the question, if I may say this, I have said that the Government is taking a very serious view of this matter and we are moving on. I am glad that the hon. Members of this House are very concerned as far as this issue is concerned. I can assure them that next time they come back they will find that we have done something. I would very much like to appeal to them to do their part too. If they can play their part by telling people not to come into towns in great numbers leaving some to work at home, I shall be very glad.

Mr. Deputy Speaker, Sir, lastly—

Mr. Ayah: Mr. Deputy Speaker, Sir, if the hon. Member for Mbita will give me time, I would like first of all, Sir, to take this opportunity to thank His Excellency the President for his very generous act of releasing Mr. Oginga Odinga on 27th of last month. I am sure the hon. Members will agree with that—

An hon. Member: Will you give him your seat?

Mr. Ayah: Mr. Deputy Speaker, Sir, can you protect me? The hon. Member for Butere ought to know that my level of thinking and his are slightly different. I would like to say here that I am trying to express a very sincere thanks to His Excellency the President. All the hon. Members in this House and the public outside, including the Vice-President are very thankful. Some of us have had very friendly chats about this matter in the past. It is true that this thing has at last come to reality. This is the kind of thing that one likes to talk about.

Secondly, Mr. Deputy Speaker, Sir, if the hon. Member for Kandara would like to surrender his seat to some one, that is his problem.

Now, Mr. Deputy Speaker—

Mr. Mwigigi: On a point of order, Mr. Deputy Speaker; would the Member for Kisumu Rural, first of all, reject totally this request of his seat before I consider the Kandara Seat?

The Deputy Speaker (Dr. Waiyaki): Order! That is not a point of order. Mr. Mwigigi, and you know it.

Mr. Ayah: Mr. Deputy Speaker, I would like hon. Members to take these things rather seriously. I am not jockeying for a verbal battle with any Member here; I am trying to express certain views, I am talking of jockeying, not joking, Mr. Member for Butere; this is a matter of English. I understand you passed your English.

Now, I would like to move to my second point. The second point: I want to support very strongly, what the Member for Bungoma East said, Mr. Deputy Speaker. We, in this National Assembly, and the whole of this nation have had a most vigorous year—1970—and I must thank hon. Members of all persuasions and all stations in this House, Ministers and Back-benchers, that we have started this year in a most harmonious and vigorous manner. This House, in my opinion, Mr. Speaker, I have been very proud to belong to, because Members have taken life pretty seriously.

However, I would also sound a warning, not just to anybody here, but to ourselves, as the Member for Bungoma has said. In any situation like ours, there seems to be too much of they. I have heard people saying, "They are doing this to us, they are doing that to us, they are doing—". We belong to this nation all of us. Now, if there is any occasion that anybody thinks the Luo or the Kalenjin or the Kikuyu or the Giriama are doing something bad, first of all, it

is in our own interests, as a nation, that those Luo people or those Kikuyu people or those Giriama people should, first of all, examine themselves and find out why people are calling them they. On the other hand, Mr. Deputy Speaker, it should not be easy, we should not take it to be an easy thing that we should always be referring to other people as they. I want us to continue the situation we started with this year; that we co-operate. We are lucky that we have vigorous leadership and if we are not going to use this opportunity to weld one nation together, I can foresee a very, very bad future for this country, Mr. Deputy Speaker.

I have nothing else to add, Mr. Deputy Speaker, except to say that I request hon. Members to take it seriously, that we are now present here, at this moment, to shape the future of this country. We have all the instruments of power in our hands—some people have it more than others—but it is all for the good of the whole nation, and there should not be any occasion when anybody should feel that he, and not the other, is the right person to do something.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, in winding up the Motion, I have noted a number of views expressed by each individual Member regarding the behaviour of Ministers and Members. I would like each Member to examine himself. It is known that when you point at somebody one finger, three fingers are pointing at you. Therefore, we all make mistakes, people make mistakes, but I would like to say one thing that if, as two hon. Members spoke of unity, and when we speak of unity, the unity of the nation is something which must be expressed in practical terms and not by lip-service.

Now, Sir, regarding the implementation of the Government policy, I would like to urge Members—I have written to provincial commissioners, as Leader of Government Business—to allow Members to attend District Development Advisory Committees on Saturdays and Mondays so that you can plan for your own districts and then not blame the Government for something which you hon. Members can suggest at district level. This will help the Government to know what can be done in those areas. Therefore, hon. Members should take this wonderful opportunity.

Secondly, Sir, one hon. Member suggested that Ministries should work at a double rate and added that when some hon. Members go to their

[The Vice-President and Minister for Home Affairs]

constituencies some Ministers will do mischief. I do not think, Mr. Deputy Speaker, Sir, anyone intends to do mischief. I would like to say that the House knows very well that there are Ministerial Committees and I have suggested, on various occasions, that if an hon. Member wants a number of Members to be attached to each so that they can discuss about what happens in each particular Ministry this provision is there, it exists. This could help hon. Members to know what is happening. I equally wish to suggest to hon. Members that the Estimates Committee which is in existence should be made use of so that some of these things can be examined.

One hon. Member made a suggestion that the Ndegwa's Commission Report dealing with civil servants' salaries should be out. I would like to assure hon. Members that it will be out before the House sits again in May. I would like the hon. Members to support the civil servants in order that whatever will come out of the Commission's Report, the House will give it maximum support. As I said before, it does not pay us to denounce civil servants when they deserve credit for what they have done.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Not all, Sir!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, some hon. Member praised policewomen who have been trained in my Ministry. I would like to tell the House that we have trained about 500, most of them from the National Youth Service, and others from different parts of the country. I would like to ask hon. Members in this House to attend a reviewing parade which is going to take place at Kiganjo, probably in May or June. We should give hon. Members adequate time to watch the parade of these girls who are very capable.

Again, Mr. Deputy Speaker, Sir, Mr. Seroney raised the point that criticism does not suggest disloyalty. This is known that the Government would like hon. Members to criticize it. However, there are some criticisms which are not genuine criticisms but are made merely for the

sake of opposing things and some Members do this. Only today on the question of housing, the Member for Embakasi spoke very vigorously. I thought, Sir, he was going to speak vigorously for the benefit of the people living in Embakasi but instead he chose to oppose something which could have gone a long way to help his people. I would tell him and other Members in Nairobi that if they still want shanties in this City, the best thing to do is to go about the issue in the normal way the African people deal with matters. Let the hon. Members meet with members of the City Council together with the Ministers concerned and discuss and find out what can be done to alleviate the situation, instead of each one criticizing the Government. In this way, they will be able to see what can be done.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, and with due respect to the Vice-President, do you agree with me that he is now treading in very dangerous ground? Mr. Deputy Speaker, of late, we have been told by the Minister for Housing of the Cabinet's decision and if he is aware of that one, why is he trying to contradict that decision?

The Deputy Speaker (Dr. Waiyaki): Order! Of course, the Vice-President knows that the ball is in the court of Government and not in the court of the Members from Nairobi. He was actually saying a little politics; he was not (Inaudible).

Mr. arap Moi: Mr. Deputy Speaker, Sir, I was suggesting a very practical way of solving this. The Government has the money—The Ministry, as Government, has the money, but how should we go about it; how should we build this? That is why I was suggesting to the hon. Member to be more realistic and see how this could be speeded up.

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

(Question put and agreed to)

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): That brings us to the end of business today. The House is therefore, adjourned until Tuesday, 4th May, at 2.30 p.m.

The House rose at two minutes past One o'clock.

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Second Parliament—Second Session

VOLUME XXII

Tuesday, 23rd February 1971 to Friday, 2nd April 1971

Explanation of Abbreviations

Notice of Motion = NoM; Motion or Question Withdrawn = Wdn; Dropped = Drpd; Disallowed = Dsllwd; Written Reply = (WR); Private Notice Question = (PN); Bills: Read First, Second or Third Time = 1R, 2R, 3R; In Committee = IC; Progress Reported = PR; Report = R; Consideration of Report = ConR; Recommittal = Rcmtl; Division = (Div); Debate Adjourned = (DA); Not Allowed = (NA).

N.B.—In view of the very large number of questions, the full title and number of the question is only shown against the Member who actually asked the question and against the Minister or Assistant Minister making the official Government reply. Members asking supplementary questions have the number of the question shown (in brackets) and the column number under their names, but not the title.

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(Member for Parklands)

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Matano, R. S.—
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(Member for Baringo Central)
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(Member for Mount Elgon)
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Mukuna, W. C.—

(Member for Emukhaya)
 (See also under Housing, The Assistant Minister for)

Muliro, M.—

(Member for Kitale East)
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Mulli, J. M.—

(Nominated Member)

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(Member for Makueni)

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(Member for Kigumo)

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Mungai, Dr. N.—

(Member for Dagoretti)

(See also under Foreign Affairs, The Minister for)

Munoko, N. W.—

(Member for Bungoma Central)

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Munyasia, P. N.—

(Member for Kitui West)

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Munyi, K.—

(Member for Embu East)
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Muregi, J. K.—

(Member for Nyandarua South)

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Muthamia, J.—

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