DAYS OF SITTING

SECOND SESSION—(Contd.)—Vol. XXIII Part I

TUESDAY, 4TH MAY, 1971 TO FRIDAY, 23RD JUNE, 1971

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Wednesday, 16th June	1105-1166
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Wednesday, 23rd June	1341-1410

CORRIGENDA TO VOLUME XXIII—PART I

Col. No.

53 Last paragraph, last word on fourth line, read "Mwea", *not* "Mea".

70 Title of Point of Order, delete the word "Lay" and insert the words "Be Laid" after the word "to".

115 Bottom of Column—the Member speaking after the Speaker, read, The Assistant Minister for Finance and Economic Planning (Mr. Cherono), *not* as printed.

116 Insert immediately before the Speaker speaks, "a main title ADJOURNMENT".

202 Title of Motion—insert the word "Be" immediately before the word "Deputy".

237 Column No., read 237, *not* 337 as printed.

241 Name of Member asking Question No. 293—read "Mwengi-Nzelu", *not* as printed.

441 Delete the words "The Deputy Speaker" at the top of the column.

550 Title for Question No. 384—The word "Matatu" should be in italics.

562 Insert immediately after the speech by the Minister for Finance and Economic Affairs, in italics, "(*Question proposed*)".

613 At the top of the column—Member speaking, read "The Assistant Minister for Defence." *not* as printed.

615 Question No. 390—read No. 399.

733 Title for Question No. 147—first word, read, "Houses" *not* "House" as printed.

737 Top of the column—name of Member speaking, read "Mr. Kanja", *not* as printed.

897 Title for Question No. 357—third word, read, "Administration", *not* "Administrative" as printed.

959 After the Minister's speech—Delete all the words before the words "(*The Bill was accordingly read the Third Time and passed*)".

990 Column No., read, 990 *not* 909 as printed.

992 Column No., read, 992 *not* 902 as printed.

1259 Name of Member speaking at top of column—read, "Mr. Mutiso-Muyu", *not* as printed.

1275 Name of Member asking Question No. 484—read, "Karungaru" *not* as printed.

1339 Top of column—name of Member speaking, read, "Mr. Nampaso", *not* "Mr. ole Nampaso" as printed.

THE NATIONAL ASSEMBLY

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Second Parliament—Second Session 1971

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Ex Officio 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 ..	172

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* His Excellency The President.
† His Excellency The Vice-President
§ Minister.
¶ Assistant Minister.
†† Deputy Speaker
** Detained under Public Security Act on 19th June, 1971—Imprisoned on sedition charges on 24th June, 1971 and seat declared vacant on 3rd August, 1971.

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* = part-time.

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

Second Parliament—Second Session—(Contd.)

Tuesday, 4th May, 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. 215

MORE CHIEFS AND SUB-CHIEFS FOR NANDI HILLS

The Speaker (Mr. Mati): Mr. Seroney not here? Next question.

Question No. 248

ADEQUATE STAFF FOR TRANS NZOIA DISTRICT

Mr. Wabuge asked the Minister of State, President's Office if he would tell the House whether he was aware of the fact that Trans Nzoia District was administratively understaffed, and if the answer was in the affirmative, whether he would tell the House when Government was going to have the district adequately staffed.

The Speaker (Mr. Mati): Anyone from the Office of the President? Mr. Munyi, I think this is your question.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. When it came to the attention of Government that Trans Nzoia District needed additional staff, one additional district officer was posted there on 1st April, 1971. The name of the Officer is Mr. A. Ekesa. The district is, therefore, not administratively understaffed.

Mr. Wabuge: Arising from the Assistant Minister's reply, in view of the fact that Trans Nzoia is just a district like any other district in the country could the Assistant Minister tell this House how many officers of Government are supposed to man a district like Trans Nzoia? Can he tell us how many?

Mr. Munyi: Mr. Speaker, Sir, sometimes a district might be so large and the people inhabiting that district, Sir, might be very few. However, in any case I have already answered this and said that Government took immediate action, and posted one additional administrative officer there who is now in that very district, Mr. Speaker.

Mr. Mbori: Mr. Speaker, Sir, would the Assistant Minister tell the House how many sub-chiefs, how many chiefs, how many district officers are in Trans Nzoia District, as compared to the other areas?

Mr. Munyi: Mr. Speaker, Sir, I would like to advise the hon. Member that whenever he wants to ask such a question, Sir, he should submit a separate question. However, the question which was asked by the hon. Member, Mr. Speaker, was answered, and the hon. Mbori has asked a different question all together.

Mr. Mbori: On a point of order, Sir. Mr. Speaker, Sir, is the Assistant Minister in order to point out that if such a question is to be asked, it has to be forwarded separately? If I was not relevant, the ruling would have to come from the Chair that my question was relevant to the original question.

The Speaker (Mr. Mati): He probably means he needs notice of that; you are asking for details which he does not have with him now.

Mr. Wabuge: Arising from the Assistant Minister's reply, is he not aware that despite the fact that Government has posted one district officer there, the district is still understaffed because you find that even sub-chiefs, chiefs, District Officers I or District Officers II are not there? Is he now aware of the fact that the district is still understaffed, and if so, is he prepared to send more staff there, so that the district is properly staffed and the progress in the area is speeded up?

The Speaker (Mr. Mati): That is enough, Mr. Wabuge.

Mr. Munyi: Mr. Speaker, Sir, as I have already answered, Government will take action as soon as funds are available, but that point, Sir, is fully noted.

Mr. Lotodo: Mr. Speaker, Sir, arising from the answer from the Assistant Minister, that a new district officer has been posted to Kitale, could the House be told whether the new district officer is at Kitale or whether a new divisional headquarters has been opened for him.

Mr. Munyi: Mr. Speaker, Sir, as I have already given the answer, the district officer who has been posted to that area is going to assist in seeing to it that the administrative set-up or the work there will run in a successful way.

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

Question No. 249

TRANS NZOIA ADMINISTRATION: FACILITIES AND OFFICE ACCOMMODATION

Mr. Wabuge asked the Minister of State, President's Office if he would tell the House whether he was aware of the fact that the district administrative headquarters block for the Trans Nzoia District did not have enough office accommodation and good facilities to ensure proper and good running of the administration, and if the answer was in the affirmative, whether he could tell the House what plans Government had to construct a better administrative office block for the district.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The present block of the administrative headquarters in Trans Nzoia was adequate for the administration in the past when Trans Nzoia District was mainly based on large-scale farming. The present administration block is being reviewed with a view to increasing its capacity, due to the changed style and scope of our administration. This will be done when funds are available.

Mr. Wabuge: Mr. Speaker, Sir, in view of the fact that the Minister has agreed also, that office accommodation in the district is inadequate, when is he going to make funds available so that a new block is put up for the district headquarters?

Mr. Munyi: Mr. Speaker, Sir, as the hon. Member knows, this is an hon. House which approves whatever funds are used in districts. Therefore, Sir, as I have already mentioned, things cannot be done overnight. However, in future, when funds are available, we shall do something to see to it that the office accommodation for Trans Nzoia will be fully taken care of, Mr. Speaker.

Mr. O'Washika: Mr. Speaker, Sir, in view of the fact that the Assistant Minister says from time to time that funds are not available, and also in view of the fact that most of the administrative offices, especially offices of the chiefs, are poor, what steps is the Ministry taking to improve this situation? These offices were erected during the colonial days and are bad; you cannot admire looking at them—they have the money and yet they cannot improve the situation—what steps are they taking to improve the situation?

Mr. Munyi: Mr. Speaker, Sir, the Government is fully aware of what the hon. Member is trying to emphasize. However, Sir, the fact remains that funds must be available before such projects are undertaken. There are other places where such offices require urgent attention, more so than this particular area where something is already existing.

Mr. Murgor: Mr. Speaker, Sir, would the Assistant Minister assure this House that such districts like Trans Nzoia—as he says from his answer—where office accommodation is inadequate will be given priority, areas like the one in question, Uasin Gishu and the like, when they begin constructing office accommodation for districts? They should be considered first before others are considered because they have no offices; the offices they now use are those which were houses that belonged to *Kaburus.*

Mr. Munyi: Mr. Speaker, Sir, every case will be considered on its own merit.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that the district lacks office accommodation, bearing in mind what he has just said to the effect that as soon as funds are available work will be undertaken, would he tell this House what steps he has taken in terms of preparation of plans? Has he brought the plans to this House and asked for money? Can he tell us, Mr. Speaker, Sir?

An hon. Member: Yes, tell us!

Mr. Munyi: One of the steps, Mr. Speaker, Sir, which has been taken is drawing the plan, which will be implemented in the near future. Action has already been taken.

The Speaker (Mr. Mati): Next question.

Question No. 233

ECONOMIC PLANS FOR MERU SOUTH EAST

Mr. Muthamia asked the Minister for Finance and Economic Planning if he would tell the House what specific development plans were for Meru South-West Constituency between 1968 and 1970.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to reply. During the period, 1968 to 1970, the following development projects were completed in Meru South-West Constituency in accordance with the Government plans.

In the field of education, 15 new primary schools were built and one grant-aided secondary school was established. The people of the area also built three Harambee schools.

In the field of health, three aided health centres were established while the people established one unaided health centre.

In communications, the roads from Tima-Meru, Timau-Isiolo and Meru-Nkubu were all built up to bitumen standard.

Electricity was provided to Meru, Katheri and Kathera.

In the field of land and agriculture, 1,000 people were settled in various settlement schemes; eight cattle dips were built at a cost of KSh. 96,000 and a piped water supply was installed for Kibirichia Location. Production of cotton was expanded from 211 hectares to 17,020 hectares, while production of pyrethrum increases from 1,235 kilograms to 28,264 kilograms. Some tea development was started in the area.

I would like to remind the hon. Member that my Minister opened a tea factory only last week at Kathera, which is very close to the home of the hon. Member.

On self-help schemes, the Government was very responsible to the efforts of the people and contributed more than KSh. 650,000 to the various self-help projects in the constituency.

The Government, Sir, has even built a better prison at Uruku.

Mr. Speaker, Sir, the hon. Member should appreciate the work which Government has undertaken and I can assure him that the area in question has been the luckiest area by way of development projects. Sir, as there appears to be an increase in this type of question, I would like to remind hon. Members that our policy provides that Members of Parliament are members of provincial and district development committees. It is these committees that approve the local development programmes and if hon. Members took more interest in the functions of the committees they would have this information available to them at all times. Indeed, through their participation, they would be able to ensure that their views are taken into account when local plans are drawn up.

Mr. Muthamia: Mr. Speaker, while thanking the Minister for his long reply and all that he quoted, may I know from the Minister when the ginnery which was promised in 1968 in Gaitu Scheme will be built?

Mr. Balala: Mr. Speaker, Sir, as I have said, this particular area has been one of the luckiest areas by way of development projects. At the same time, Sir, the hon. Member should also appreciate and realize that there are other areas in the country which need development projects. We have, too, to look into development projects of other areas.

Mr. Nthenge: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that many development committees are scheduled when hon. Members are at the same time meeting in the House purposely, so that they do not attend?

Mr. Balala: Mr. Speaker, if the hon. Member has a complaint about the schedule of meetings of these committees, he should take it up with the provincial commissioner of his area.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he agree with me that hon. Members are not allowed to attend these Development Committees which he is trying to refer Members to but are only allowed to attend advisory committees? Hon. Members are only allowed to attend advisory committees and not the Development Committees which pass development programmes that come to Nairobi?

Mr. Balala: Mr. Speaker, Sir, I do not agree with the hon. Member.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that many of these projects in fact, most of them—that he has mentioned are done on self-help basis and no help has ever come from the Government?

Mr. Balala: Mr. Speaker, Sir, I have listed to the hon. Member the projects that were undertaken by Government and I have also made it very clear that Government has contributed money to the tune of KSh. 650,000 to the various self-help schemes. I can assure the hon. Member that Government has contributed more than the people of the area have contributed.

Question No. 244

APPROVAL OF CITY COUNCIL BY-LAWS

The Speaker (Mr. Mati): Now, the reply to Mr. Kivuitu's question—being the next question —is too long. It is far too long and we cannot allow it to be read; we do not have enough time.

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, I entirely agree with you, although I have no option but to agree with your ruling; but is it not, Mr. Speaker, Sir, a very dangerous method of

[Mr. Kivuitu]
dealing with questions because supplementary questions cannot, now, arise? I will have to keep quiet with supplementary questions because the question will have not been asked here, Sir?

The Speaker (Mr. Mati): This is the provision of your Standing Orders Mr. Kivuitu and we do not have time to go through two foolscap pages.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, is it not true that the Minister could have summarized it and given a really short answer but if he wanted to avoid the question he could lengthen the whole thing purposely?

The Speaker (Mr. Mati): No; if Mr. Kivuitu is still dissatisfied, he can raise the issue some other time, but he has to read the reply first and see what he can. Next question.

(*Question ordered to receive Written Reply*)

Question No. 234

NUMBER OF QUALIFIED FACTORY INSPECTORS

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

(*a*) how many fully qualified Inspectors of Factories there are in this country at present and how many there were before *Uhuru;*

(*b*) the seniority of these Inspectors.

The Assistant Minister for Labour (Mr. Kibisu) Mr. Speaker, Sir, I beg to reply. (*a*) There are, at present; one chief inspector of factories and one inspector. Two inspectors are under training, and I regret to say the third inspector—who was under training, recently resigned.

(*b*) The seniority of these officers is as follows: The chief inspector of factories was appointed in 1965; one inspector of factories was appointed in 1968 and two trainee inspectors were appointed in 1970.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that before *Uhuru* there were two chief inspectors of factories; one stationed in Nairobi and one stationed in Mombasa? These accidents were not occuring at that time because there were many inspectors training people on the spot?

Mr. Kibisu: Mr. Speaker, Sir, the occurrence of accidents cannot be a direct proportion to the number of inspectors available. I do, however, agree with the hon. Member that the number of inspectors before independence was six and today we only have four. However, Sir, the difficulty is that we do not have qualified people to come into this job since they must not only possess a basic degree in Bachelor of Science but must also possess a diploma in Engineering.

Mr. Gatuguta: Mr. Speaker, Sir, could the Assistant Minister tell this House what steps the Government is taking to train people who would be the inspectors in the factories?

Mr. Kibisu: Mr. Speaker, Sir, we have advertised the existing vacancies and, as I have said earlier on, there are only two students in training. If the hon. Member for Kikuyu has any suggestions to make to attract youngsters with the basic qualifications to come, the Ministry will welcome that suggestion.

Mr. Kanja: Mr. Speaker, Sir, can the hon. Assistant Minister tell this House how long it takes to train an inspector of factories in this country?

Mr. Kibisu: Mr. Speaker, Sir, it takes as long as it does in other countries; a basic course for Bechelor of Science—the hon. Member for Nyeri knows—and also a Diploma in Engineering.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Assistant Minister has said, in reply to the hon. Member for Kikuyu, that he can convince the youngsters to join this training, does it mean that these youngsters are refusing to join this training?

Mr. Kibisu: Mr. Speaker, Sir, the competition for these types of people is very keen in this country and I am sure the hon. Member knows this very well. I am still repeating the suggestion that if he, himself, knows of any young men with these basic qualifications who can come to our Ministry, I am sure we will give them sympathetic consideration.

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

Question No. 251

LEASES FOR OYUGIS AND KADONGO PLOT-OWNERS

Mr. Mbori asked the Minister for Lands and Settlement if he would tell the House, as buildings in Oyugis Market and Kadongo Market had never been given leases, whether he would 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 Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. Out of approximately 50 surveyed plots in Oyugis trading centre, 14 plots have had their leases issued since 1966 and the owners of these plots are in the position to approach the Financial Institution for Traders' Loans for development. Owners of surveyed plots in this trading centre who have not been issued with leases should

[The Minister for Lands and Settlement] approach the South Nyanza County Council so that the county council may request my Ministry to give 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 the surveyed plots in this market, eight of them have had their leases issued since 1966. The hon. Member may advise the traders concerned in this market to utilize the leases they have already been given for development loans.

Rev. Kalume: On a point of order, Sir, I think just before we went into recess this question was asked and the answer given now was the answer given then and you ruled from the Chair that we shall get the proper answer when the Minister is here. Now he has given exactly the same answer that we were given when we were here.

The Speaker (Mr. Mati): Well, we should wait and hear from Mr. Mbori who asked the question whether he received the correct reply or not.

Mr. Mbori: Mr. Speaker, Sir, I am very sorry that the Minister gives me names that are irrelevant to my question. I have specifically asked for Oyugis Market and not Oyugis Centre. Oyugis Centre involves Asians and Oyugis Market involves Africans. When the Minister was in my constituency early in the year, I told him this personally; that the people of Oyugis Market required leases. The same thing applies to Kadongo and not Kabondo; I do not want the Minister to confuse the whole situation, Mr. Speaker, Sir. I would like to make this quite clear; it is not Oyugis Centre but Oyugis Market, and it is not Kabondo but Kadongo Market.

Mr. Angaine: Mr. Speaker, Sir, this is the proper record that I have and the proper answer I have to give to this House. Now, Mr. Speaker, I understand the hon. Member meant Oyugis Market and not the trading centre. If that is the case, Mr. Speaker, I am prepared to answer this question again later after getting further information.

The Speaker (Mr. Mati): Let us hope that at least something will be done because this question was on the Order Paper last time before we went into recess and I allowed it to be put on the Order Paper again to give the Ministry the opportunity of finding out these places. Unfortunately the reply we have been given today is exactly the reply we had last time. We do not want to be taking so long on these questions. If at least something can be done about it and we get the proper information, it does not have to take so long.

Mr. Mbori: On a point of order, Mr. Speaker, Sir, could I be informed as to how soon this information will be received because the traders at home harass the life out of me and they would like to know the exact position from the Minister himself?

Mr. Angaine: Mr. Speaker, Sir, my dear friend here knows that my name is "the Minister for Action". I went to his constituency when he requested me to be there and he knows what I did for him. I will not give him a definite date because I have to get information from the field so, once I get this information, Sir, I assure the Members that I will come and give it to the House.

Mr. Murgor: On a point of order, Mr. Speaker, Sir, I am seeking your guidance here because when this question was raised last time I corrected it on a point of order—the names and places; now, what do we do when the same thing is repeated? I am sure it is not the fault of the Minister—but what happens when the same thing is repeated; it is corrected and then after a few months it is repeated again; the same answer is given with the same mistakes? Where do we go?

The Speaker (Mr. Mati): We will wait and see what happens next time.

(Question deferred)

Question No. 254

ACQUISITION BY "WANANCHI" OF LAND OWNED BY NON-CITIZENS

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

(*a*) the number of non-citizens owning agricultural land in Kenya today; and

(*b*) the immediate plans that are there to acquire that land and distribute the same to the landless *wananchi*.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. (*a*) It is regretted that my Ministry does not have particulars of the nationality of owners of agricultural land. The Registers kept by my officers show the owners' names and addresses, but no further particulars, such as, race or nationality. It would be a major task to take this up with the Immigration Department in cases of all agricultural title holders though my officers do this when a person obviously not of African origin wishes to buy agricultural land.

(*b*) I want, however, the hon. Members to appreciate that it is a very difficult exercise and I will tell you why. The Director of Settlement and the Special Commissioner of Squatters are purchasing suitable agricultural land for settlement to the extent of the funds provided by the

[The Assistant Minister for Lands and Settlement]

Government. It must, however, be borne in mind that wherever possible the farms should be in a suitable area and be large enough to constitute a viable settlement scheme.

Rev. Kalume: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is the Assistant Minister aware that the non-citizens who own land in Kenya, especially in the old Kenya Protectorate at the Coast have exploited the people knowing that no one will deal with them because there is no register anywhere?

Mr. G. G. Kariuki: Mr. Speaker, I am not aware of any such exploitation and if the hon. Member is aware of that, we will be grateful to solve the matter.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, arising from the Assistant Minister's reply when he said that his Ministry has no record of non-citizens owning land in Kenya and the question refers to the non-citizens owning land, I want to seek your guidance here whether the Assistant Minister is justified, when a question is seeking for certain information, to come to this House and say that it is difficult for his Ministry to find. Are we not justified to defer this question until the Assistant Minister finds out the number of non-citizens who own land in this country?

The Speaker (Mr. Mati): He said they do not keep such record.

Mr. Mutiso: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, would he deny the fact that when someone applies for permission to purchase agricultural land the approval is given in a form, by the Divisional Land Control Board, which have clauses that require him to state clearly whether he is an African, non-citizen or a citizen? Why is he misleading the House?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am not misleading the House. What I am saying, in regard to this question, is that my Ministry will be involved in a difficult exercise—— This will also involve the Department of Immigration—in trying to find out who are the non-citizens owning agricultural land in Kenya. However, in this case, what the hon. Member who has just sat down asked, is whether in this country we have a law which requires my Ministry to know whether one is a Kenya citizen or not. That I agree, but that law was only passed in 1965. However, there is no law requiring those who are not prepared to sell their lands to produce their nationalities.

Mr. Umuro: Mr. Speaker, Sir, would the Assistant Minister agree with me that the reasons why the *wananchi* are not settled is because they do not know who are owning land, whether they are *wananchi* or not?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I do not agree with the hon. Member that the *wananchi* do not know who own the land. My land is my land and the hon. Member's land is his. We are not saying here that my Ministry has stopped giving land to *wananchi*. We have already settled nearly 35,000 families.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's answer, where he said that there is no record showing how many non-citizens own land in Kenya, do we understand from him that his Ministry does not know exactly who owns land in this country?

Mr. G. G. Kariuki: Mr. Speaker, Sir, could the hon. Member repeat his question?

Mr. Mwamzandi: Mr. Speaker, Sir, I wanted to know from the Assistant Minister, since he said he did not have the record of the non-citizens owning land in this country, whether he would agree with me that his Ministry does not know the people who own land in Kenya and that they do not know what person owns which land?

Mr. G. G. Kariuki: Mr. Speaker, Sir, if the hon. Member has a problem in knowing the owner of land L.R. No such-and-such, we will supply the information to him.

Mr. Munyasia: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, could he deny that whatever he has told the House is not true? This is simply because an European who is owning land is either Smith or any other person and his land has a registration number and it is easy for the Minister to find out whether Smith is a non-citizen or a Kenya citizen. What is the difficulty in finding out that?

Mr. G. G. Kariuki: Mr. Speaker, Sir, it is up to the hon. Member to decide whether I am speaking the truth or not but not for me to decide, but what I said is the truth.

Mr. Magugu: Mr. Speaker, Sir, I am very surprised to find that the Assistant Minister did not take any trouble to find out the number of non-citizens owning land in this country. Can he tell the House whether or not when they go to purchase land for settlement they will know the owner? How are they going to know who the British citizens are because the money is supposed to buy out only British citizens?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon. Member has been working with the Lands and Settlement as an estate manager and has been in charge of buying this land and he knows that there is no place where one is supposed to show his nationality. I challenge him to show me.

Mr. Magugu: On a point of order, Mr. Speaker, Sir, I think the Assistant Minister misunderstood me. I said I was surprised to find that the Ministry did not go to the trouble of finding out what nationalities owned land in Kenya. I say this because when the settlement schemes are initiated, they are either bought from Europeans or British citizens only. The Assistant Minister referred to the Department of Immigration; how will the Ministry tell which nationalities are owning land when they come to buy land for settlement schemes?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon. Member is aware that we are not going to force anybody to sell his land. What we do is to ask those who are interested to sell to come to us and it is when they come to the Ministry to negotiate the sale of their land that we know what nationality they belong to.

NOTICE OF MOTION FOR THE ADJOURNMENT

ACQUISITION BY "WANANCHI" OF LAND OWNED BY NON-CITIZENS

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, I am merely pointing out that since I was the one who asked this question originally I should have had an opportunity to ask a supplementary question; however, since now I have no chance to do so, I want to say that this question has been unsatisfactorily answered and I would like to raise the mater as a Motion for the Adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 255

EMPLOYMENT OF DISTRICT SPORTS OFFICERS

Mr. Ebu asked the Minister for Co-operatives and Social Services if he would tell the House, since Kenya had made a name for itself in the Sporting World, why the Government has not employed district sports officers as a means of encouraging sports in rural areas and ensuring Kenya's continued mastery in this field.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply. The Government is conscious of the need for having sports officers at the district level. Therefore, such officers will be appointed as soon as funds are available.

Mr. Muturia: Mr. Speaker, Sir, it has always been a system for Ministers to say, "When funds are available". Mr. Speaker, Sir, may we know when these funds are likely to be available?

Mr. Muliro: Mr. Speaker, Sir, this House votes funds for the Government to use. However, the Government does not only deal with sports alone, there are various development projects everywhere and firstly Government has to spend money on such projects, therefore, whenever, limited funds will be there, we shall appoint a few sports officers on district level. Furthermore, Mr. Speaker, Sir, our community development officers in the field, do the work of sports officers in various districts.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the Assistant Minister's reply that he is going to consider this when funds are available, can he assure this House that he is going to include it in his Estimates for the next Financial Year?

Mr. Muliro: We are examining the possibility of increasing sports officers at provincial level depending on the availability of funds bearing in mind the weight of the problems the Government is facing in all fields. We cannot just say we will appoint sports officers when the Ministry of Education have some demands, the police have some demands and the Army have some demands on similar grounds.

Question No. 216

EXPANSION OF NANDI HILLS HOSPITAL

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

(*a*) what had delayed the expasion of Nandi (Hills) Hospital which had figured in the 1969/70 and 1970/71 Development Estimates; and,

(*b*) whether Government had any intention of expanding Nandi (Hills) Hospital during the current Financial Year.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. (*a*) There has been the problem of getting extra land for expansion of Nandi Hills Hospital, but this is now near to being settled.

(*b*) Yes. The expansion programme for Nandi Hills Hospital, which will spread from this Financial Year to the next Financial Year, will cover staff houses, a maternity ward and an isolation ward.

Mr. Seroney: Mr. Speaker, Sir, in view of the answer that the problem is getting extra land when Nandi Hills Township has hardly been built at all, and due to the fact this answer is misleading the House, will the Assistant Minister agree, on behalf of this House, to take disciplinary action against his junior officers for giving such misleading replies?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I do not believe this is a misleading reply.

Mr. Seroney: On a point of order, Mr. Speaker, Sir, here is land on which houses have hardly been built at all—there is enough land and the

[Mr. Seroney]
Assistant Minister is denying that he is not misleading the House. What is the remedy for an hon. Member under such circumstances because this is actually misleading the House?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I have not been misleading the House at all. The information I am giving to the House is correct and is information I got. Mr. Speaker, Sir, I told the House—and I repeat—that there has been a problem in getting this land, and at the same time I said this problem is over now. What the hon. Member wants is the expansion of the hospital, and I said in part (*b*) of my reply that this is going to be effected immediately during this Financial Year. What else does the hon. Member want?

Mr. Karungaru: Arising from the earlier reply, can he tell us how far the development in that particular hospital has gone?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I wish the hon. Member can open his ears and hear what I am going to say. I have not said that we have started; I have only said that we are going to start immediately.

Mr. Cheptai: Mr. Speaker, Sir, according to the latest reply from the Assistant Minister he said that there is no land on which such hospital can be extended. Why was the project included in the Estimates? Who will use the money allocated to that particular hospital? Can he tell us that?

Mr. ole Oloitipitip: Mr. Speaker, Sir, let me repeat and say that there has been a problem in getting land. Once we got this land it had to be surveyed by the Ministry of Works and this is what delayed the development in 1969/70. However, Sir, this is now, over and we are going to start the construction of the expansion of the hospital immediately. When I say "immediately", Mr. Speaker, Sir, I mean this Financial Year.

Mr. Seroney: Mr. Speaker, Sir, in his original reply, the Assistant Minister said that the expansion will be spread between this Financial Year and the next one. Can he assure the House now that there will be no case of returning the money to the Treasury because work will be started actually before the end of the Financial Year?

Mr. ole Oloitipitip: Mr. Speaker, Sir, that again will depend on the Ministry of Works decision.

Question No. 153 (1480)

TEACHERS CONTESTING LOCAL GOVERNMENT BY-ELECTIONS

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

(*a*) whether it was true that teachers would not contest the forthcoming local Government by-elections and those of 1972;

(*b*) whether he could quote the law prohibiting these teachers from standing for the elections; and

(*c*) how many vacant seats are there now in the country.

The Speaker (Mr. Mati): Anyone from the Ministry of Education?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I think I was probably half asleep.

However, Mr. Speaker Sir, I beg to reply. (*a*) Yes, Sir. It is true that teachers are not expected to stand for the forthcoming Local Government by-elections and those of 1972.

(*b*) Reference Section 16 of the Code of Regulations of 1968 as per section 6 (1) Act No. 2 of 1967 shows this clearly.

(*c*) I am informed by the Ministry of Local Government that after the recent by-election there are 12 seats which were declared vacant.

Mr. Magugu: Mr. Speaker, Sir, would the Minster be kind enough to tell the House what this section means? Can he tell us?

Mr. Towett: Mr. Speaker, Sir, that has been recorded by the HANSARD reporters.

I spoke of section 16 of the Code of Regulations of 1968, and as per section 6 (1), Act No. 2 of 1967.

The Speaker (Mr. Mati): I think the question was: what does the section say?

Mr. Towett: He is asking me to quote the law which prohibits these teachers from standing for the elections.

The Speaker (Mr. Mati): No, Mr. Towett. I am referring to Mr. Magugu's supplementary question.

Mr. Magugu: Mr. Speaker, I simply want to know what is said in this reference. In other words, can the Minister quote them?

Mr. Towett: Mr. Speaker, Sir, this regulation refers to teachers because they are subject to the provisions of the Teachers' Service Commission Code of Discipline which requires them to resign their posts before they stand for the National Assembly or the local authority seats. This being so, those teachers who may wish to stand for the forthcoming by-elections will be required to resign their posts.

Dr. Munene: Mr. Speaker, Sir, is the Minister aware that if there is any regulation at all, this regulation was made in fear that the teachers who live in the country-side might take up some seats of the Members of Parliament? If so, would the Minister repeal this and allow the teachers to stand for Local Government Elections?

Mr. Towett: Mr. Speaker, I would ask the hon. Member to initiate the processing of repealing those sections.

The Speaker (Mr. Mati): We come back to Mr. Seroney's question.

Question No. 215

MORE CHIEFS AND SUB-CHIEFS FOR NANDI HILLS

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

(*a*) if the Minister was aware that Nandi Hills was much too large for one Grade II Chief, and that being a former scheduled area it was, as far as the welfare of *wananchi* was concerned, the least developed area in Nandi District;

(*b*) if the answer to (*a*) was in the affirmative, if the Minister would, in order to facilitate rapid development of the area, make provision in the next Budget to subdivide the area including Lessos Settlement Scheme and Chemase into six locations each with a chief and several sub-chiefs.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. (*a*) No.

(*b*) No.

Mr. Seroney: Mr. Speaker, Sir, is the Assistant Minister saying he does not know how large Nandi Hills area is; for example, that from one corner named Mugongo to the Kipsigis border is more than 70 miles? Does he also wish to tell *wananchi* in Nandi Hills that Government is not interested in developing the area?

Mr. Munyi: Mr. Speaker, Sir, the Government knows what the hon. Member has explained, and also what the hon. Member would like to know.

However, Sir, in order to accelerate the development of the area, the Government has appointed two sub-chiefs for each area mentioned by the hon. Member. One was appointed on 22nd January, 1969 and the other one in January 1971. There is an important factor that the hon. Member has not taken into consideration, and that is that the bigger part of the Nandi Hills area is managed by the tea companies or large-scale farmers. The co-operation of the population, the tea companies, the farmers and the Administration eases the work.

Another factor which is important, Sir, is that the density of the population in Nandi Hills is not very high. There are only 24,000 people in this area and most of them work on the estates and farms I have mentioned. There are only 24,000 people.

Mr. Koigi: Mr. Speaker, Sir, who knows Nandi Hills better, the hon. Member or the Assistant Minister?

The Speaker (Mr. Mati): Mr. Murgor.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, do you not think that was a question for you rather than for the Assistant Minister?

The Speaker (Mr. Mati): There is no reply to that, Mr. Koigi.

Mr. Koigi: On a point of order, Mr. Speaker, what I meant was that the hon. Member knows the situation better and the Assistant Minister should agree with the hon. Member and give them a first class chief.

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that in such areas where there are large-scale farms it is not necessary to have chiefs or sub-chiefs, would the Ministry then consider abolishing offices of chiefs and sub-chiefs in such areas if their services are not required?

Mr. Munyi: Mr. Speaker, as I have already said that in 1969 we did appoint an extra sub-chief, and in 1971 we appointed another sub-chief. That action itself, demonstrates in no uncertain terms that the Government is taking action. In future, depending on the availability of funds, more chiefs and sub-chiefs will be appointed.

Mr. Seroney: Mr. Speaker, is the Assistant Minister aware that in 1968, when I asked a question about adding at least four chiefs in the area, his Ministry assured me in this House that the number of chiefs, not sub-chiefs, would be increased as soon as funds were available? Is he saying now that for the last four years there have been no funds available to pay six chiefs.

Mr. Munyi: Mr. Speaker, Sir, that was what the hon. Member asked in 1968. However, as a result of his making this request, as I have said, two sub-chiefs have been appointed and they are being paid by the Government. In future, similar action will be taken.

QUESTIONS BY PRIVATE NOTICE

DEGREE OF ARMY-WORM INFESTATION IN THE COUNTRY

The Speaker (Mr. Mati): Mr. arap Saina. Not here.

(*Question dropped*)

AGREEMENT ON SALE OF CEMENT BETWEEN KENYA NATIONAL TRADING CORPORATION AND MANUFACTURERS

Mr. Magugu: Mr. Speaker, Sir, I wish to ask the Minister for Commerce and Industry the following Question by Private Notice:—

(*a*) Will the Minister assure this House that after the agreement between cement manufacturers and the Kenya National Trading Corporation, which stipulates that each will sell 50 per cent of cement manufactured, expires in May 1971, all future cement sales will be channelled through the Kenya National Trading Corporation agents and manufacturers will not, in fact, do the selling and at the same time manufacture?

(*b*) What steps has the Minister taken to alleviate difficulties now being experienced by the Kenya National Trading Corporation agents as far as sale of cement is concerned?

The Speaker (Mr. Mati): Commerce and Industry? Not here? We will go on to the next question.

(*Question deferred*)

SHORTAGE OF MEDICINE IN MACHAKOS GENERAL HOSPITAL

Mr. Nthenge: Mr. Speaker, Sir, I wish to ask the Minister for Health the following Question by Private Notice:—

(*a*) Why is Machakos Provincial General Hospital having insufficient medicine?

(*b*) What steps is the Minister taking to rectify the situation?

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. (*a*) It is regretted that what the hon. Member says is true but the reasons were beyond our control.

(*b*) I am glad to report that this was caused by non-delivery of these drugs from overseas due to various reasons there. However, the drugs have now arrived and the situation will be back to normal within a week. In fact, Sir, we have already told the Machakos people to come and collect the drugs for the hospital. So I am sure that by the time the Member goes back to the hospital he will find that the situation is back to normal.

This inconvenience is regretted. It had nothing to do with Ministry of Health, but was due to the suppliers overseas.

Mr. Nthenge: Mr. Speaker, Sir, is it not possible that the fault was that of the Ministry in misplanning because anybody who is a good planner takes account of what is required so that if there is a breakdown he still has sufficient material? That is why we have spare wheels.

Mr. Jahazi: Mr. Speaker, Sir, we had a spare wheel all right and that is why we have been able to hold out all over the country. However, Sir, the spare wheel was about to get a puncture.

Fortunately, Sir, we are back to normal and if we were not carrying a spare wheel—as the hon. Member says, and we were bad planners—there would have been a hue and cry all over the country, not Machakos alone. It was just beginning to happen but, as I said, the fault was not ours. When we ordered this bulk of drugs we were given only half the amount. There were strikes in the United Kingdom, at the docks and other places and we just could not force our way to getting these drugs here in time. That was the reason for the delay, but the situation is back to normal.

We have complained to the suppliers and I am sure they will see to it that they supply us with drugs in time, whether there is a strike in the United Kingdom or not.

Mrs. Gecaga: Arising from the Assistant Minister's reply, Sir, could he tell the House how long the hospital in question was left with insufficient medicine?

Mr. Jahazi: Mr. Speaker, Sir, I think the hon. Member knows better. But it was a matter of a few weeks, I think.

Dr. Munene: Arising from the Assistant Minister's reply, is he aware that the machinery which failed is where they had tendered for drugs because there were plenty of drugs in the country and all they could have done was to give a Local Purchase Order in order to keep the hospital in order?

Mr. Jahazi: Mr. Speaker, we did not have those drugs in the local chemist shops here. Also, Sir, it would have meant double expenditure because we had already paid for the drugs we ordered and all the time we were waiting for the drugs.

Since we do not have a pharmaceutical manufacturing plant of that magnitude, I do not know whether the hon. Doctor has a plant from where we could have bought these drugs.

Dr. Munene: On a point of order, Mr. Speaker, I would like your guidance and advice here. We are here talking of human life and the Assistant Minister is telling us that a few extra cents would be worth the waste of a human life. Would you, as Speaker of this National Assembly, tell us whether the Government would consider human life equivalent to the amount of money spent.

The Speaker (Mr. Mati): You should have addressed that question to the Assistant Minister, not to me.

Mr. Mutiso: Mr. Speaker, Sir, arising out of the Assistant Minister's reply when he said the breakdown was as a result of the failure of the suppliers overseas to provide the drugs in Kenya. Would the Assistant Minister tell the House whether or not the Ministry had any other spare drugs in their stores, in the headquarters, or this particular incident only affected Machakos while it did not affect any other provincial general hospitals elsewhere in the country?

Mr. Jahazi: Mr. Speaker, Sir, there was a shortage in many of our hospitals but it was not as acute, or the people did not feel it as much as the people in Machakos. However, just because Members from other areas did not ask questions here it does not mean to say that everything was going on as it should.

As I mentioned earlier, this had nothing to do with us, and the situation is back to normal. We will make sure next time that the suppliers are told before hand that even if there is a strike in their country they will have to make some arrangements to ensure that such a situation does not arise in the future.

The Speaker (Mr. Mati): Next question.

EMPLOYEES AND SHAREHOLDERS OF FORMER MINING COMPANIES

Mr. arap Cheboiwo: Mr. Speaker, Sir, I beg to ask the Minister for Natural Resources the following Question by Private Notice:—

Since the Government of Kenya has now taken over all the mines from private companies, like the East African Mining Company, what urgent action is the Government taking to see that—

(*a*) the people who were working for individuals like Mohamed Alamin and have not been paid their dues are paid immediately;

(*b*) those shareholders who bought their shares from the above company have their money refunded;

(*c*) people from Kipcherere, Sibilo and other areas are reinstated to work for the Government this time?

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I beg to reply. First of all I would like to explain to the House that the Government has not taken over all the mines from private companies. All that Government had done is to form a company, in which it will be represented, through the Industrial and Commercial Development Corporation, to mine a particular mineral known as flourine. I would, Mr. Speaker, like to inform the House that there are still several private companies operating in the mining industry.

With regard to part (*a*) of the question, strictly speaking, my Ministry would not be responsible for investigating whether employees of a particular mining company have been paid or not. Everybody, including the hon. Member, should know that this is a union matter; if not it belongs to the Ministry of Labour.

With regard to part (*b*) of the question, I would like to say, Sir, that my Ministry would find it difficult to give an answer because it is not my Ministry's responsibility to find out which individuals hold shares in a particular mining company; be it the East African Mining Company or not. But if there is a dispute with regard to shareholding, then the matter must be settled through the courts of law.

With regard to part (*c*) of the question, I would also like to say that when the new company in which Government is participating begins operating the *wananchi* from various parts of the Republic will benefit by way of employment. The people of Kipcherere, Sibilo, who will apply, will definitely be considered alongside with others.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the reply by the Minister in part (*b*), where he says that it is not responsibility of his Ministry to know who are the shareholders of this private company, could he inform the House whether it is true that Government had refunded some money to some individual companies and this money had not been taken; is this true or not?

Mr. Omamo: Mr. Speaker, Sir, if you finished by saying, "whether this money has not been taken", the answer is, "No". However, if you said "whether the money has been taken", the answer is, "Yes".

Mr. Araru: Mr. Speaker, Sir, arising from the Minister's reply, particularly to part (*a*) of the question where the Minister said that not all private mining companies were taken by Government, could he be specific and tell us what happened to Mohamed Alamin who has working in the company which was taken over by the Govenrment? What did the Government pay to that man, the other workers, shareholders of that company?

Mr. Omamo: Mr. Speaker, Sir, the East African Mining Company had certain mineral claims which Government was interested in and therefore the Government took the mining claims. The Government did not, however, wind up the activities of the East African Mining Company. The claims, when taken by the Government, were assessed and the East African Mining Company was paid KSh. 1 million.

As to how the company used the money for paying whatever they wanted to pay, that was their own *shauri* not mine.

Mr. Kurgat: Mr. Speaker, Sir, could the Minister inform this House who were paid this money? It was paid to the company but it was paid to some individuals—who were actually paid this one million shillings?

Mr. Omamo: The money was paid to the East African Mining Company.

Mr. Mutiso: Mr. Speaker, Sir, since the East African Mining Company is the company which discovered this particular mineral in this particular area, would the Minister tell this House the reasons why Government found it necesary even to refuse this particular company to participate, together with the Government, in mining the mineral in that particular area?

Mr. Omamo: The minerals belong to Government. The question of finding it does not mean that the mineral does not belong to Government. It is as when you have your walking stick which is lying somewhere in your house and your child finds it; it will still be yours. The reason why the East African Mining Company did not go with Government is because they did not apply; they could not, therefore, be considered. In fact, Mr. Speaker, Sir, Government could choose anybody, any individual or any company to go with it in any venture.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Since the Minister is telling us that the mineral belongs to Government, could he tell us who found that mineral? The Government was still here while this company toiled and found this mineral and then the company was kicked out and was not even allowed to participate in the mining. They were not given their properties; all their properties are still lying in that mine and Government has not paid for them—leave alone this 1 million shillings; this is nothing. They had spent more than 10 million shillings prospecting before finding that mineral.

Mr. Omamo: Mr. Speaker, Sir, I would really like to say that when Government acquires private property under the Constitution, it has to pay compensation. With regard to this particular company the compensation which was paid was a fair compensation. This is because if it was not fair, the company would have complained.

Mr. Abubakar-Madhbuti: Would the Minister agree with me that the action he took to discontinue the work of the East African Mining Company has discouraged other prospectors in the country because they will think Government will do the same thing to them.

Mr. Omamo: Mr. Speaker, Sir, the fact that Government acquired the claims, certain claims, belonging to the East African Mining Company, and also the fact that Government paid 1 million shillings for acquiring these claims—this in itself has given impetus to private people, private *wananchi* to prospect in the hope that their claims could be taken over by a mining company. The allegation that this action has discouraged private prospectors is not true. This is because our records show that there are more and more *wananchi* coming forward and seeking licences for prospecting

The Speaker (Mr. Mati): We must go on now.

NOTICE OF MOTION FOR ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE NOTICE: EMPLOYEES AND SHAREHOLDERS OF FORMER MINING COMPANIES

Mr. Araru: Mr. Speaker, Sir, on a point of order. If the hon. questioner has no other supplementary question, I would like to raise this question, in view of the unsatisfactory reply, on a Motion for Adjournment.

POINTS OF ORDER

METHOD OF DEALING WITH POLICY STATEMENTS NOT MADE IN THE HOUSE

Mr. Masibayi: On a point of order, Mr. Speaker, Sir, I am seeking your guidance here. It has become a common practice that when a Minister wants to make a policy statement, instead of making such statement here in the House so that Members are able to ask some questions seeking clarification, such statements are written and given to the hon. Members through their pigeon-holes whereby we do not know how we can ask direct questions. Therefore, Mr. Speaker, Sir, if we want to ask any question to such Ministers, what method are we supposed to follow?

The Speaker (Mr. Mati): Well, I am not sure that I know exactly what you are referring to, but even if a statement is made outside to the Press or to anybody else outside, that does not stop Members from asking questions on it here. It is still open to the Members to follow up the matter. It is up to a Minister however of course, to decide which is the best place to make such a statement; this, depends on the nature of the

[The Speaker]
statement. But, Members are not at all barred from raising the issue here in the proper manner.

DELAY IN PUBLICATION OF PROMISED REPORT

Mr. Kurgat: On a point of order, Mr. Speaker, Sir, I am a little bit perturbed and I do not know how to go about a certain issue here. On the 2nd of April, this year, we understood from the Leader of the Government Business that the Ndegwa Commission Report, on salaries for the civil servants was to be out before the House sat again in May, which I suppose, meant before today, 4th May, 1971. Do we therefore understand, because today is 4th May, we would have learnt of the findings of this Commission before yesterday? Now, Mr. Speaker, Sir, where do we stand when somebody promises us that a certain report will be out before the Sitting of the House in May, which means before today, and this report is not presented to us? Where do we stand, Mr. Speaker, because this was supposed to be out——

The Speaker (Mr. Mati): No, I think, Mr. Kurgat there is no point in raising that matter here. The Report has already been presented to the President. As such, there is no need to quarrel in this case. Again, I do not know what you are referring to as the statement made by the Minister concerned was not made in this House. If it was made outside this House, well you do not know under what circumstances it was made. It would have been different if it was made in this House and then something turned up. In such a case we would ask the Minister to come and explain why he failed to fulfill his promise. There is no point now in asking it unless it was made here.

Mr. Kurgat: Mr. Speaker, Sir, the statement was made in this House and I can read the relevant paragraph from HANSARD Mr. Speaker, Sir, the following speech was made by the Leader of Government Business in the course of his reply to the Debate on the Motion for the Adjournment on 2nd April, 1971, and I quote:—

> "One hon Member made a suggestion that the Ndegwa Commission Report dealing with the 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."

All this comes from the HANSARD, Mr. Speaker, Sir.

The Speaker (Mr. Mati): Then in that case, Mr. Kurgat, I think you are being unfair to the House. We are sitting for the first time today and the Report is out. What are are you complaining about?

CHALLENGING THE PERSONAL CONDUCT OF THE PRESIDENT—CAN ONLY BE DONE THROUGH A SUBSTANTIVE MOTION

Mr. Migure: On a point of order, Mr. Speaker, Sir, I am not trying to challenge what the President said but, Mr. Speaker, Sir, during the Labour Day celebrations, the President of the Republic of Kenya said that he disagreed with some of the comments which were given by the hon. Members in this House during the last Sitting——

The Speaker (Mr. Mati): Order, Mr. Migure. You know you cannot challenge the conduct of the President by raising an issue like that. If you want to challenge the conduct of the President you can only do it by raising it on a Substantive Motion but you cannot do it the way you are trying to do. You know that is contrary to the Standing Orders.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, in the first place hon. Masibayi stood on a point of order alleging that certain Ministers are issuing circulars and you gave him some directives. Now, could he substantiate this because we do not know what papers he is referring to. Can he substantiate which papers are being circulated because some of us might not have seen them?

The Speaker (Mr. Mati): No, I replied and that is sufficient. We will not take any more time on it.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir, as you said that the Ndegwa Commission Report is not yet delayed, I can well remember that——

The Speaker (Mr. Mati): Order, Mr. Kitonga! You are not going to challenge a ruling which I made. I made a ruling and that is final.

Mr. Kitonga: I am asking, Mr. Speaker——

The Speaker (Mr. Mati): Now, will you sit down, Mr. Kitonga?

Next Order.

BILLS

First Readings

THE PETROLEUM (AMENDMENT) BILL

THE EDUCATION BILL

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE RENT RESTRICTION (AMENDMENT) BILL

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Housing (Mr. Ngei): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Rent Restriction (Amendment) 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 RENT RESTRICTION (AMENDMENT) BILL

Dr. Waiyaki: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The Rent Restriction (Amendment) Bill and approved the same without amendment.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Works (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move that The Rent Restriction (Amendment) Bill be now read the Third Time.

The Minister for Works (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Karungaru: Mr. Speaker, Sir, I want to give a warning to the Minister concerned as regards his previous activities in his Ministry, Mr. Speaker. Mr. Speaker, Sir, you can remember when we were at loggerheads with the Minister here, in this House, during the time when this Bill was defeated in the last Sitting. Mr. Speaker, Sir, we simply thought that the Minister was treating this House very lightly and this was one of the reasons why the House was at loggerheads with him.

The other point which I would like to raise, Mr. Speaker, Sir, is this question of the activities of his Ministry as regards the implementation of this Bill. I hope this time, Mr. Speaker, Sir, the Minister will not come back here with a blank cheque again and demand the House to continue signing blank cheques so that he could continue with his activities. Mr. Speaker, Sir, I am saying that because previously the Minister nominated citizens of other nations to be chairmen of that board. But, I am now saying that since we are independent people, our people should feel so free that when they have their own board they administer it and know exactly what they are doing for their own people.

I am now telling the House, and also warning the Minister that the nation was not happy with the previous activities of the Ministry concerned, and this time the Minister will have to make sure that an indigenous person is nominated for the post of the chairman of that board. I am doing this with the support of the entire nation because we are not happy when we see our people not considered and it is only a member of a different race who is considered suitable for any good office in this country.

With these few remarks, Mr. Speaker, I beg to warn the Minister strongly, and I hope he will note that point.

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

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I thank the hon. Members of this hon. House for the support they have given to this Bill. We are now in a position to be able to go through a lot of pending work which has been waiting for the resolution of the House agreeing to this very important Bill.

Mr. Speaker, remarks are made in the House, but if they are left unanswered they remain as a stigma in the HANSARD and also outside in the country.

Mr. Speaker, with due respect, I have said quite often that a person will be nominated to a position because of his merit. It is true that we have been nominating a citizen of a different nationality, but this cannot be discriminated against in the House because we did not have our people to man that important tribunal. Mr. Speaker, Sir, we know that there are some capable African lawyers, or for that matter, Asian lawyers, who can run this important tribunal. But one fundamental thing remains, whether you are an African chairman, or a citizen who has acquired citizenship of this country through legal possibilities that have been engraved in the Constitution, I would like to say, Mr. Speaker, Sir, that judgment is based on a fundamental law of a country, not because you are——

The Minister for Works (Mr. Nyamweya): On a point of order, Mr. Speaker, on what order are we? I thought we had already had the Third Reading of the Bill. What is the Minister speaking on?

The Speaker (Mr. Mati): He is actually replying.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I have been interrupted by a colleague. I know he means well, and I have no quarrel with him.

All I am saying, Mr. Speaker, is that judgment is made according to the law of the country, not because you have a black face or a brown face. But as soon as I find a suitable African, Asian or European candidate I shall make the nomination.

Mr. Speaker, Sir, I would like to thank the hon. Dr. Waiyaki and hon. Karungaru who, among the four Members of Nairobi whom I invited to come and participate in finding the way of really solving the problems which have been raised by this Bill, came and rendered very valuable services, and I would like to take this opportunity to thank them.

For those other Members who did not turn up, I still wait for them to advise me another time on how best I could serve the nation.

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

(Question put and agreed to)

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

Second Reading

THE FISH INDUSTRY (AMENDMENT) BILL

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, this is a very simple and straightforward amendment to the Fish Industry Licensing Act of 1963.

Mr. Speaker, Sir, the amendment seeks to control the collection and exportation of shells and corals. It has been observed lately that the exportation of shells and corals has been increasing at a very high rate. For instance, in the year 1964 the amount of shells and corals collected was 490,000 pounds valued at K£3,760.

The increase has been so significant that during the year 1968 the quantity of these shells and corals collected increased to 1,000,682 pounds in weight, amounting to the value of K£24,850.

Mr. Speaker, Sir, we must protect the beauty of our marine areas at the coast. Indeed, we cannot declare the entire coast to be a marine national park, but the Ministry has found it necessary that we should control the collection and the exportation of this precious natural stock that we have at the coast.

Mr. Speaker, Sir, the Bill merely seeks to control the collection and exportation, and this is in no way going to punish the *wananchi* and the fishermen who collect and sell shells and corals at the coast.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase) seconded.

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

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

(Question proposed)

The Assistant Minister for Health (Mr. Jahazi): Mr. Deputy Speaker, Sir, I beg to support this very important Bill. Although it is simple, I think it is our duty to protect the exploitation of our shells that are really colourful.

Mr. Deputy Speaker, Sir, I think the export figures which my hon. colleague has quoted indicate that if we continue allowing the shells to be mined from the sea and exported for the big mansions of rich people overseas at that rate, we will end up having no shells at all.

Mr. Deputy Speaker, Sir, I would like, when we are implementing this Bill, my colleague to remember that there are so many small African people who are now engaged in diving for these shells and sell them on the beaches. This is their only means of livelihood because, although it is now off-season for the tourists, these people are busy diving and collecting these shells waiting for the tourists to come and buy them. This particular group of people—they are not the big sharks, you know, who export in tons—collect about 20 or 30 shells. They sell five or three shells a day and get their livelihood. I hope that when it comes to licensing these people every assistance will be given to these people so that no difficulty is put in their way, because the Bill's intention is to protect the shells from mass exportation, but not to stop the selling of two, three or four shells. That is harmless. Every tourist would like to take a shell or two for his house decoration, and not for commercial purposes. Not only tourists, but even we ourselves, the locals in Nairobi here, you will find that anyone who goes to the coast, after staying there he would like to carry back a shell or two to show the people here that this is the type of fish that the people at the coast sometimes eat, or this is the stuff which is found on the coast. There are many children and adults who have the hobby of collecting various types of shells for their own display because there may be a thousand different types that are found at the coast. I think we should not interfere with this type of hobby as long as it is not being used for commercial purposes.

[The Assistant Minister for Health]

Therefore, Mr. Deputy Speaker, Sir, I think that this Bill has been overdue; it has been on the Order Paper for a long time and today is a lucky day because it has managed to come up. There is not actually much to discuss about the Bill and, therefore, I hope that my colleague will remember this so that the minimum difficulty will be placed in these people's way to get their licences. Actually, since we do not want to get money from this type of a Bill, a minimum fee should be charged, even a shilling because the people involved in collecting shells are not so many and even if the Ministry charged Sh. 20, the amount collected would not be even enough to buy the papers and pay the officers who would be licensing them. So, I think the fee should be very nominal, just to register the type of people involved in collecting shells and, therefore, to make it possible for them to continue with their little livelihood at the coast.

Therefore, with those few words and if the Minister takes that into consideration, I am very happy with the Bill and I strongly support it. Thank you, Mr. Deputy Speaker.

Mr. Mwamzandi: Thank you very much, Mr. Deputy Speaker, Sir. Here it looks as if this Bill is going to affect most of the people who are living in the coastal areas of the Coast Province and particularly my constituents. Most of my constituents are living or have their daily bread from the shells they collect from the sea. Here the Bill proposes to have a marine national park or better still, to control the picking of these shells.

Mr. Deputy Speaker, Sir, it has become a practice of people from Kwale District to collect these shells and sell them to *wazungus* in the hotels such as the Two Fishes' hotel and most of them sell them in Mombasa where they have particular shops which sell them. We would like them to be protected and I hope the Ministry is not going to impose a severe restriction so that our people will not even be able to collect some shells and be able to pay for their children's school fees.

Mr. Deputy Speaker, Sir, it looks here as though whenever a certain practice is earning money for the public, the Government interferes with the people concerned. This, sometimes, is very expensive because we have seen it, for instance, with the wild animals. We have the National Parks but still the wild animals eventually become a menace to our crops. The same thing will happen here: the Government is trying to protect these sea shells and again it will be a problem when our people will not be allowed to collect some shells and be able to sell them somewhere. A provision here, Mr. Deputy Speaker, should be made so that our people can cheaply sell the shells. I agree that their exportation should be restricted but, it should not be imposed so that our people will not even be able to sell these things for their livelihood.

Again, Mr. Deputy Speaker, Sir, if the Government could be kind enough to allocate some of the areas and say that this is a marine national park so that the fishermen will not go into that particular area to collect the shells. Here, I mean, we should have some other places open for our people rather than having the whole coastal strip or coastal shore being declared as a marine national park. There should be provision for open places and, if necessary, Mr. Deputy Speaker, Sir, just the small islands would be enough. These particular things—sea shells—are found in places where water goes out and comes in when the tides are high around those places. The Government should be able to make sanctuaries so that the fishermen cannot get into those places; if possible by fencing those particular areas with barbed wire so that our people will find it difficult to get there. Otherwise, it will be a problem to identify what shell has been collected from a particular area.

Mr. Deputy Speaker, Sir, I am saying this bebecause I saw that when the Government directed that mermaids should not be caught in the sea or that mermaids should not be disturbed in the coastal waters, I one day quarrelled with a fisheries' officer simply because when a fisherman caught a mermaid with a net he insisted that the fisherman comitted an offence. This mermaid, Mr. Deputy Speaker, was just trapped into the net and when the fisherman found that he killed it, because the net is kept somewhere and then the fish come in during the night and, therefore, the mermaid must have been caught during the night by the net. The fisheries' officer almost prosecuted that fisheman. Therefore, I maintain that sanctuaries should be made and wherever such animals or such shells are to be protected the Government should be making fences. They are not very expensive and there is enough money to make fences so that these animals do not get out. The same thing should apply to the shells so that the shells will not be able to grow outside those fences.

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

An hon. Member: What shells are from Kwale?

Mr. Mwicigi: Thank you very much, Mr. Deputy Speaker, Sir. I would like to comment on this Fish Industry (Amendment) Bill and I have some points to make.

[Mr. Mwicigi]

Mr. Deputy Speaker, Sir, there is a large number of Africans who are living on this business of collecting shells and to bring total prohibition to the industry would hurt them because this is their only livelihood. I think that is the point which the Ministry is going to consider. Also, I feel that the money involved, £2,000—return of the export—cannot be considered to be alarming in view of the size of our coast and the fact that we have a very big ocean near us. Mr. Deputy Speaker, Sir, fish continue to reproduce and die and, therefore, there must be some ways of collecting these shells; and if we are going to export them, they will bring in some earnings.

Mr. Deputy Speaker, Sir, I support the Bill but I would like to bring to the attention of the Government this caution: Whatever the Government does, it should not hurt our fellow Africans. Also, I would like to recommend a Government body to be responsible of collecting or buying of these shells from Africans and then sell them to the tourists at a profit because this would allow a certain flexibility. I think it is the best way of doing it as I see it today.

Mr. Deputy Speaker, Sir, in the past there has been a Government body dealing with inland fisheries, but unfortunately there was something wrong with the management of this particular company. I understand that the directors themselves had their own interests and they were the ones who were responsible in wrecking that Government organization. If a body is going to be set up to buy shells from Africans, we would not like to see the people involved doing side-business on shells. This, in effect, would mean prohibiting everybody else from buying and collecting shells except those who are employed by the newly proposed Government organization. I feel that if a person is trusted to do this job, he should not take advantage of the position and wreck something which is so important for the country and *wananchi.*

Mr. Deputy Speaker, Sir, I said that I support this Bill; and therefore, I have no more to add. Thank you.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Sir. I was wondering when hon. Kase became Mr. Shikuku.

Mr. Deputy Speaker, Sir, the Bill is welcome. However, there is one point which my hon. friend has just touched on. I had in mind the idea that if we are going to control these shells from being exported in large quantities—— It may be a good idea but the question is: Who is exporting? Who is exporting these shells? The Minister for Commerce and Industry will agree with me that most of the people who are exporting these shells are the expatriates or paper citizens. When we legislate laws in this country, they should not be aimed at curbing, suppressing or strangling the African who is trying to come into existence tradewise. So, if it is a question of controlling, it should be controlled in such a way that any expatriate or paper citizen is not allowed to export these shells so that the business is confined to the indigenous people of this country, because this will enable them to stand on their own feet.

Mr. Deputy Speaker, Sir, I agree with the hon. Member for Kwale East when he talks of Africans getting some school fees as a result of selling these shells. Mr. Deputy Speaker, Sir, we must take that point as very important. Let me hope that the controlling machinery which we are trying to make now will not mean that this trade is going to be confined to those who are already in the trade and thereby refusing an African an opportunity to get into the business. Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister to assure us that the controlling machinery shall be carried out to the effect that it will be able to control any trade by the expatriates or paper citizens, then I will be for it. However, the principle of it is aimed at controlling the large exportation of these shells by, I am sure, expatriate companies or companies owned by paper citizens. Mr. Deputy Speaker, Sir, that is not helping our people. Therefore, I am of the opinion, as far as that is concerned, it should not be controlled by paper citizens and the so-called expatriates so that our people can benefit. I do not make a secret out of this; and, therefore, I do not want to compromise on this with anybody. Even God will not allow us to leave our people go hungry in order to get to the kingdom of heaven, and thereby leave the paper citizens or expatriates to enjoy. This cannot happen. God will forbid us from getting there if we do this because He gave us wealth and we never took care of it; and when we had power to do something we never did it. So, God will not allow us to go to heaven because we have left our people go hungry and allowed other people to enjoy. This is not allowed at all. God says, "Love thy neighbour as thyself" but at the same time He makes it very clear that one must protect oneself and do good things to oneself and other people too. However, here it is a question of life and death where school fees, taxes, buying clothes and so forth are concerned. Mr. Deputy Speaker, Sir, there are people who depend for their livelihood on these shells.

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

Therefore, Mr. Deputy Speaker, Sir, I wish to support the Bill; but sit down with the hope that when the Assistant Minister stands up to reply he will give an assurance to the effect that this control will be in the interests of the people of this country. When we talk of the people of this country, we must define the indigenous people of this country—the black people, or as the Minister for Commerce and Industry said, *"Mwenyenchi"* who are the people who should be given this trade so that they can earn a livelihood. However, if we are legislating for paper citizens and expatriates, then, Mr. Deputy Speaker, Sir, I am not for the Bill. However, I am sure what we are doing——

An hon. Member: They are citizens!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, an Assistant Minister is telling me that they are citizens. What we should do is to be honest with ourselves and stop pretending because the pretence which we have today as the Minister says here is that we are all the same. However, it is not true. He is driving me into something else but the point which I have made is for the interest of the black man rather than the paper citizen. This is what I am aiming at with the hope that the Minister will give that assurance.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, I have only one point to make with regard to this Bill. Those of us who have lived in areas where regulations are made as stipulated in clause 3 get very suspicious because during the time of Emergency somebody could wake up in the morning and make a regulation which proved very hurtful. Then, one who is a politician is told, "This was passed in the House". I wonder whether, and I hope the Assistant Minister will tell us, these regulations which will be made—we do not know who will make them—will be brought to the House so that we can look at them and make sure that they are not going to be hurting our people because clause 3 says:—

Section 7 of the principal Act is hereby amended by the addition of the following new paragraph—

(1) for regulating and controlling the taking or collection of coral and shells and other like fish products.

Mr. Deputy Speaker, Sir, if somebody is going to be allowed to do this on his own and away from this House it is tantamount to giving him an okay to do anything he likes. I think this is going to be dangerous because the Bill, as put by the Assistant Minister, is meant to control exportation and goes further to state that it is meant to control the collection of these shells and coral. I, being very conversant with these regulations, think that they can be very odd and very harmful to our people. I would, therefore, like to ask the Assistant Minister kindly to tell us whether these regulations will be brought to the House or if they will not be brought here to tell us how best the House can keep in touch with these regulations, because this is like giving somebody a cheque which is already signed by the Master-General or by somebody else and he tells me, "Mr. Kase, you can walk away with this cheque." I can add anything I want and I think this is what we should protect our people against so that they do not lose the business or what they may be earning from it. Mr. Deputy Speaker, Sir, I would also like to go further and say that if it means the question of controlling the exportation of coral and shells, then let our people be forced to form co-operative societies or companies. Mr. Deputy Speaker, Sir, what is happening is that the normal Salim Juma or the normal Kasim Bakari goes to the seashore and collects shells or some coral and sells it to a middleman and this man in the middle gets the profit. If we are going to control the exports, we must also look at the other aspect that the man collecting these corals or shells should be made to benefit so that he becomes a direct exporter of this stuff. It is not a very difficult thing to do and I am sure if the people are brought together and made to understand that they could benefit by forming companies of their own or by forming co-operative societies, they will benefit much more without this middleman. Mr. Deputy Speaker, Sir, what is hurting us, in this country, is that we have too many middlemen. They sit in the offices and telephone London or New York and say that they will send 30,000 tons of coral and they do not know where they are obtained from and he is the man who gets the big share of profits. He buys a shell from a poor collector at about a shilling and sells it back at Sh. 15. Mr. Deputy Speaker, you notice that the man who has suffered to maintain and clean up the shell gets only one shilling while the other man gets Sh. 14 profit. Mr. Deputy Speaker, I think this is where we must help, not only by controlling exportation but also by making sure that our people in this country who are doing the exacting work in collection of the corals or shells benefit when we come to the question of controlling this trade.

[The Assistant Minister for Information and Broadcasting]

Mr. Deputy Speaker, Sir, I do not know whether this is the same business within the same Act that the Minister is empowered to control. However, if he is not empowered to do this, then I would request him to do some relevant amendments to the same Act which is not a very difficult thing to do, so that we can make sure that our people benefit

Mr. Deputy Speaker, Sir, I think it is also wise that we do not look at the coastal line only because we have many rivers in this country where some very valuable stuff is produced and if we allow everybody to collect these things the way they are doing at the moment, we are going to lose everything. Mr. Deputy Speaker, Sir, it is therefore wise to go further and look at certain lakes, whether big or small and make sure we have control over everything that is being collected and exported.

Mr. Deputy Speaker, Sir, with these two points in mind—— I have not sat down, Mr. Araru. With these two points, Mr. Deputy Speaker, that the regulations must in no uncertain terms be known, that is, who is making them, where they will be and how best we can trace them and whether they will be brought to this House: and the second part whether our people who are collecting these things can benefit from the exportation of the same coral, I beg to support the Bill.

Mr. Somo: Mr. Deputy Speaker, Sir, I completely disagree with this Bill and reject it totally. Mr. Deputy Speaker, I am saying this because I do not know what is wrong with this Ministry of Tourism and Wildlife. Mr. Deputy Speaker, if you may allow me to go back, in the last Parliament, they brought a formula into this House, trying to control the buying of fish. I am not trying to attack the Minister because he is a new Minister, but the Assistant Minister was there during the last Parliament. They control the lobsters, crabs and the rest and they form a company known as the Kenya Inshore Fisheries Company for which the Minister approached and asked me to be one of the members of the Board of Directors and I refused because I knew that that company would not succeed. Eventually, Mr. Deputy Speaker, in two years' time, the company collapsed and totally failed and now there are very many cases going on about corruption and other matters in connexion with failure of that company. However, Mr. Deputy Speaker, today, the Assistant Minister comes to this House with this Bill to try to control collection of shells and coral. Mr. Deputy Speaker, Sir, this Bill affects me personally and my constituents as well because it is in the north of Lamu where about 99 per cent of the shells and coral in the entire country of Kenya are found. Let me remind the Assistant Minister that during the *shifta* menace in this country, my people who are living along these beaches moved from the beaches of the mainland to the island. When they went to the island, I cannot say that the Government did not help them, of course, it did. However what these people did—because they did not have anything else to do in the island say, like farming—they started collecting the shells and coral. Despite this, the Assistant Minister is presenting this Bill today to try and control the exportation of these shells and coral. Well, I may agree with him in one way or the other, but on the other hand, if this is going to be a monopoly of one person to control the collecting of these shells and coral, Mr. Deputy Speaker, I reject this Bill forthwith. Mr. Deputy Speaker, Sir, I want my colleagues in this House to support me in opposing this Bill. Mr. Deputy Speaker I am saying this because when we hon. Members in this House talk, we always talk for the whole country and not for our constituencies. Mr. Deputy Speaker, I feel that it is really going to be a blow if the collectors are going to be controlled. These people have nothing to do besides collecting these shells and coral. Our women mostly have nothing to do besides collecting these items and today, if we are going to accept this Bill and therefore control this trade, this is going to be another failure like the Kenya Inshore Fisheries Company.

Mr. Deputy Speaker, Sir, what I would like to suggest to the Assistant Minister is that if it is the question of the idea of licensing these people for the exportation of these shells and coral, it should not be made a monopoly to one person. It should be distributed to every shell and coral collector so that not everybody is licensed, but only the genuine collectors in order to carry on this business. I am saying so, Mr. Deputy Speaker, Sir, because I do not want to go to the Minister's office only to be told that the Bill went through all right and therefore nobody is prepared to buy these shells and coral. If this is not the case, Mr. Deputy Speaker, I am sure that the Minister will adopt the same method of "wait and see", but I would like to tell him that some of us are fed up with this "wait and see" attitude. Mr. Deputy Speaker, Sir, I think it is the duty of every Minister in this Government to try and protect the interest of every individual citizen of this country: whether he is black, white or red, provided he is a citizen. A person ought to be protected in his social welfare and in the way of living. If we are going to exploit these

[Mr. Somo]
people just for the interest of a certain Mr. So-and-so, Mr. Deputy Speaker, Sir, I totally reject this Bill and with these few remarks, I beg to oppose the Bill very strongly.

Mrs. Gecaga: Mr. Deputy Speaker, Sir, I stand to support this Bill because I feel it is very important that the Ministry has come to find out that the coral and sea shells should be protected. Mr. Deputy Speaker, I do believe that when the amendment to the Act is brought to this House, it will be for the interest of the people of this country. We know very well that the coral and the sea shells are beautiful souvenirs to be bought by the tourists who have been encouraged to visit Kenya.

Mr. Deputy Speaker, Sir, the people who have been following closely the trend of affair at the Coast have been wondering what will happen to Kenya's Coast in ten years to come. Many people, particularly, foreigners who come here as tourists do know quite a lot about the values of some of our beautiful shells. These people around the Coast go early in the morning to dig the coral at the seaside and if they do not get what they want they destroy whatever is there and then go on to the next coral. When I saw this amendment I was so pleased because if the beautiful coral is protected it will be there for many years to come for the beauty of the country and for the many people who will come and enjoy seeing it.

Mr. Deputy Speaker, Sir, I would say that the business of selling the sea shells should completely be given to the African people who have the skill. These people with the skill are mostly the people from the Coast and they know how to dig the shells, clean them and get them ready for sale. Mr. Deputy Speaker, Sir, if the Ministry of Tourism and Wildlife would consider organizing these people into a co-operative society and give them Government advisers to help them in extending this business to a higher level, rather than operating individually, they could export these sea shells to other countries and make sure that whatever comes from the beauty of our souvenirs, like the shells business, does not go to the people who only employ these collectors and give them very little money, just enough to make them live.

Mr. Deputy Speaker, Sir, I do believe that the Ministry—the interest they have in amending this Act—will make sure that the proposals and recommendations given by most hon. Members will be taken into consideration and fulfilled.

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

Mr. Araru: Thank you very much, Mr. Deputy Speaker, I have few points to air on this Bill.

First of all, Mr. Deputy Speaker, we want protection for the Africans who are participating in this business. When the Assistant Minister replies he should tell us how he will protect the ordinary Africans from exploitation.

Secondly, Mr. Deputy Speaker, Sir, we have heard that there is the deep sea fishing done by Japanese. What protective measures has the Ministry taken to protect the ordinary Africans dealing in this fishing industry when the Japanese bring this method of deep sea fishing?

The other point, Mr. Deputy Speaker, is that there are people doing this business in the lakes or in the sea in Mombasa and they are all Africans and they are doing the buying and selling of fish and I believe that when this Bill is passed protection will be given to them when they start the business. The Assistant Minister should assure us that it is only the *wenyenchi* who will be given the licence to participate in this business. There should be no monopoly.

Mr. Deputy Speaker, Sir, the other point is that I do not know if some of us have noticed whether in this Bill we have protection in our seas and lakes so that the neighbouring countries do not come to fish in these places. We know the extent of our territorial waters, we border with Somalia and Tanzania, but what protection do we have so that our fishes are protected by law like other countries where we hear there are laws protecting their fishes so that the neighbouring countries do not come to fish in our lakes or our seas? I think our Government will pass some protective measures so that if we open industries here—if we do not protect our fish from being taken by neighbouring countries we might get them completely finished from our waters.

Our ordinary people who get their daily bread from fishing in these lakes and the sea should be given a priority so that they are given an ordinary licence like the county council licence so that they are allowed to get their daily bread through fishing wherever they are. We know that after we have passed something here we should not punish our poor people who have been living on fishing since they were born and have been feeding their families through this business. Maybe when we pass this Bill a company of rich people will come and become a monopoly company which will punish our people and tell them that they are not to do this or that. I do not think that should be allowed. The Ministry should see that these people who live on fishing are given priority and they should be protected continuously.

[Mr. Araru]

The other point, Mr. Deputy Speaker, is that I would like the deep sea fishing to be started everywhere in Kenya. In some of our lakes where there are no fish—— Government should organize things so that some fish are put into Lake Rudolf, which is a small lake and serves the Turkana and half of Marsabit——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. Do you really believe that what the hon. Member is talking about is within the Bill that we are now debating? It has nothing to do with the Bill.

The Deputy Speaker (Dr. Waiyaki): I do not think that there is much more to be said except what has already been said. I think the hon. Member for Moyale is finding it difficult to get new material to debate on.

Mr. Araru: Mr. Deputy Speaker, Sir, I have not heard any hon. Member saying what I have said except the point where I talked about the protection of Africans in the fishing Industry which every hon. Member has spoken on. I talked about the Japanese deep sea fishing and I have not heard any other hon. Member speaking about it.

Although the hon. Member has always stood on points of order, with these few remarks I beg to support.

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Deputy Speaker. Can I move that the Mover be now called upon to reply?

The Deputy Speaker (Dr. Waiyaki): I ask the House to consider that the Mover be now called upon to reply.

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

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Deputy Speaker, Sir, I would like to thank all hon. Members for the valuable contributions they have made on the amendment to this Bill.

Mr. Deputy Speaker, Sir, I would like to assure the hon. Member for Lamu, the hon. Somo, that there is no question, whatsoever, of granting any monopoly to anybody as far as the collection and the exportation of shells is concerned. Equally, I would like to assure the hon. Shikuku that the Bill is for the advantage of the *wenyenchi* as much as it could be for the advantage of *wananchi.*

Mr. Deputy Speaker, Sir, some Members have expressed certain concern and when I introduced the amendment, I made it very clear, Sir, that the intention behind it was to control the very heavy exploitation of the very valuable mineral marine wealth that we have in this country.

Now, the hon. Mwicigi said that perhaps we have plenty of coral in the sea, and that the exploitation that I had mentioned was not all that large. However, Mr. Speaker, let me remind the hon. Members that the coral and the shells perhaps take hundreds of years to grow; it would be just so easy, simply to extract all of them in no time and export it away, so that the natural beauty which we have under the sea will be destroyed for ever, and we will have to wait perhaps for hundreds or thousands of years to have it again.

Mr. Somo: On a point of order, Sir; is it in order for the Assistant Minister to say that it takes years for the shells and coral to grow, and yet the shells and coral come ashore when the tide is high?

The Deputy Speaker (Dr. Waiyaki): That is not really a point of order in the strict sense. We cannot engage in a scientific argument here; I do not think it is.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Thank you very much, Mr. Deputy Speaker; you helped me because I do not think this is a scientific argument. The hon. Mr. Somo seems to feel that the shells that we are talking about are the shells which come on the shore. These are too few and too little to worry about. There is exploitation of coral within the sea and within the ocean, which is being extracted and being exported. I think I would invite the hon. Somo to come with me and go goggling deep into the sea, and see what beauty is there, because although he is a coastal man and he has lived at the Coast for all his life, I am pretty certain that he has never tried to go into the sea and goggle and see what beauty we have under the water. I have done it and I have done it several times and I know it by experience.

Mr. Deputy Speaker, Sir, the hon. Shikuku has talked about forming co-operatives or commercial companies, to derive benefits out of these. Mr. Deputy Speaker, Sir, I would appeal to the hon. Members from the Coast to organize the people from the area and I am sure the Minister for Commerce and Industry and the Minister for Co-operatives and Social Services will certainly give assistance and I am sure my Minister will equally be only too happy to give assistance to the fishermen or the people around that area to come together and organize themselves.

Mr. Deputy Speaker, Sir, I think I have nothing more to add; if we wanted to declare the

[The Assistant Minister for Tourism and Wildlife]

whole Coast a marine national park, I think we have the means to do that under the Marine National Parks Act, but this was not the intention. The intention is to just control the very heavy collection and exploitation of the shellfish. The regulations which will be made—and the regulations will be made by the Minister—will be in the interests of the people of that area, as I had said earlier when I introduced the amendment, that this is not going to interfere in any way with the fishermen or the local people who are collecting these shells there. However, this is merely to regularize and control the very heavy exploitation of the sea shells and coral.

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

(Question put and agreed to)

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

Second Reading

THE COFFEE (AMENDMENT) BILL

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to move that the Coffee (Amendment) Bill 1970 be now read a Second Time.

Mr. Deputy Speaker, Sir, the purpose of this Bill is to amend an existing Bill, so as to allow the amalgamation of two boards, the Coffee Board and the Coffee Marketing Board. Already, certain aspects of the operations of these two boards have been amalgamated and it has been found that the amalgamated activities, the centralized activities of the two boards are working well, and there is some economy exercised as a result of this. That is why this Bill has been brought before the House to be amended, so that instead of having two boards, the Coffee Board and the Coffee Marketing Board, we have one statutory body, to be known as the Coffee Board of Kenya.

The importance of the crop is well known; it employs no less than 150,000 people, more than ¼ million *wananchi* enjoy the fruits of their labour through the coffee industry and it brings to the country no less than £17 million a year. Realizing that the *mwananchi* has always complained that there are far too many bodies handling coffee, we think that this is in the right direction, that instead of having the two boards at the top, they should be amalgamated.

Following on the weight of this, certain aspects of the Bill will bring amendments that are necessary. Take for instance one such amendment will affect the constitution and the establishment of the membership. We want every aspect of the coffee industry to be represented; co-operatives, the small farmers, the large plantations and certain other organizations that are affected or have something to do with the industry.

Another point that is important Mr. Deputy Speaker, is that hitherto certain clauses have been ambiguous. See, for instance, there is a clause which says that the board will be the agent of the Government in all aspects. However, a further wording has been proposed, which will come at the Committee stage, to clarify that, the aspects that the board will act on, as an agent, will have to come after consultations or after being instructed or directed by the Minister. Another new amendment, Mr. Deputy Speaker, will exclude certain clauses that are no longer necessary. The Act which operates today was made such a long time ago that the time for its review has come, and at the Committee stage, Sir, we will be dealing with the various proposed amendments.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I am sure this is one of the beautiful Bills we have had this afternoon and I am sure the House will waste no time in supporting it. As a representative of coffee growers in one part of my constituency, the same expressions or rather feelings the Minister has expressed are the ones they have all at times, complained about; there are too many boards and as a result the growers hardly get anything, because of this and that being cut here and there, and then they do not have enough. Now that the Minister himself has seen fit to have the two boards amalgamated into one body, it is just like when we had the Parliament and the Senate. We saved a bit of money, Mr. Deputy Speaker, because when we amalgamated the two, we were saved from some of the problems we were suffering and although some of the Members were to continue in this House up to 1969, therefore, spending of public money, at least the public were able to shut them off in the last elections. Now, Sir, we have a small but active House. I believe in an African saying that too many rats do not dig a very deep hole. This is a Luhya expression, Sir. Therefore, in the same way, if there are too many boards, they do not serve the people. I am sure that the board that will now be constituted will be able to serve the

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

wananchi and thereby enable them to do more and also have something in their pockets. Any man in this House, therefore, will agree with the hon. Minister and indeed he must be congratulated for the move he has taken and we hope that many other boards in the Ministry—there are too many boards in the Ministry which are too extravagant—which are probably intended to provide jobs for the good "boys". This is not the intention of the nation because only individuals gain at the expense of the masses. Now, I am sure that other Ministries with many such boards will take the same line. I think that this Ministry has only done one section. There are in the same Ministry other boards which we feel the Minister should again come up with such an intention of amalgamating them. There are too many boards which are not necessary.

With these few remarks, Sir, I beg to congratulate the Minister while seconding the Bill and indeed support it very strongly.

(*Question proposed*)

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would also like to join other hon. Members who have congratulated the Minister for what he has done, for the first time, for the nation.

However, Sir, I feel that this is not enough at all. He has to do more homework in order that some other boards which are existing, particularly in his own Ministry, should follow suit. The one we are discussing now has already been taken care of at the appropriate time. Mr. Deputy Speaker, Sir, is it not also true that we can go into the question of unions within the coffee industry because I feel that there are so many unions in the country which are only milking the coffee societies? Most of these unions have made some societies go bankrupt and in many cases members of those societies ended up getting nothing for themselves. It is almost becoming a saying that it is not important to ask members of public in this country to plant coffee! This, Sir, is particularly experienced in the rural areas. You employ a labourer only to find that at the end of the year you cannot save anything out of the payment from the coffee. This amounts to saying that the growers are only labouring for fellows sitting down in their so-called unions!

Mr. Deputy Speaker, Sir, I hope the Minister will come, next time, with a solution on this one so that the growers may benefit out of their own toil. Sir, while I am on this one, I would like to say further that the boards which have been existing before have not only robbed of this country, but have gone as far as working to ruin the economy of this country. I fail to understand Mr. Deputy Speaker, Sir, the functions of them all because when there are so many boards it becomes difficult even for the Ministry to administer these boards effectively. Sir, it is common knowledge that when they are few it is possible that the administration involved will also be of a very small scale. I hope, since he has already taken the very important step, that with these very few words he will see to it that further action is taken to help other boards which are suffering like the boards which have been affected by this Bill.

With this few remarks, Sir, I beg to support the Minister very strongly.

Mrs. Onyango: Mr. Deputy Speaker, Sir, I also stand to support the Minister for having thought of bringing together the two boards. However, I have a word or two which I would like to point to the Minister.

First of all, Sir, this is the time when the local men who plant coffee ought to be board members so that they are aware of what is taking place and the difficulties that are confronting the coffee growers. In the same way, Sir, farmers should be helped so that they get good returns.

Secondly, Sir, the workers who work in the coffee industry should also be considered as the prices of coffee rise. Their wages should be raised a little because, as you know, they are sacrificing their blood while the price of coffee continues to go up but on the contrary their wages are not increased!

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

The Deputy Speaker (Dr. Waiyaki): There being no other Member wishing to speak, I will call upon the Mover to reply.

The Minister for Agriculture (Mr. Nyagah): Mr. Deputy Speaker, Sir, I am very grateful to the Members that have contributed in the debate of this Bill and their share of congratulations they have poured upon this Ministry.

I will take note of the points which have been made and go on to, perhaps, reply to what hon. Grace Onyango has said. The farmers will be represented. Now, if you look at clause 3 in the amendment you will find that section (1) particularly (*a*) and (*b*), there is a provision that there will be three persons appointed to represent the co-operative societies and smallholders and at the same time not more than three persons, appointed by the Minister, having experience in coffee marketing, shall sit on the board. It is perhaps here that the hon. and gracious lady would like me to make sure that in my appointments I should look round and make sure that an addition to the people who follow under (*a*)

[The Minister for Agriculture]
and (*b*) is made so as to give them a better representation and to act as new blood on the board. That will be done.

With regard to the salaries of the workers, I am afraid, I cannot promise this House that this will be done because the coffee price is not steady. One year, depending upon the world market, we get a good price for our coffee and another year, when we are not hard hit with diseases and what-have-you, we get a lower price. However, the whole structure of workers' wages, be they in the plantations or in the urban areas, is really the responsibility which we all, as a Government including the Ministry of Labour, have to shoulder. I can assure the hon. lady that when it comes to the question of pay rises for the workers, my Ministry will not fail to put a very strong case for those who work in the plantations be it coffee, sisal, tea or whatever we have in the agricultural sector.

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

(*Question put and agreed to*)

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

Second Reading

THE LANDLORD AND TENANT (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) (AMENDMENT) (NO. 2) BILL

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, I beg to move that the Landlord and Tenant (Shops, Hotels and Catering Establishments) (Amendment) (No. 2) Bill 1970 be read a Second Time.

This is a short Bill Sir, as can be seen from the Bill itself. It has been negotiated because of an oversight in getting the dates or the appointed days on which the Act should have been put in operation. When it was put in operation in Mombasa, we forgot to gazette that the Act was to have started in Mombasa on 27th September, 1966. This has been pointed out to us by the High Court of Kenya after a case in Mombasa appeared before them and after finding a difficulty in passing judgment because of this particular oversight. So, as can be seen, it is only one clause there trying to gazette or trying to include the date 27th September, 1966 in this particular Act. When this is passed, Mr. Deputy Speaker, the irregularities that occur in this particular case will have to be rectified by passing this particular Bill. This, Mr. Deputy Speaker, necessitated Civil Case No. 10 which had to be ruled in a way that the man who was accused had to lose his case because of this particular oversight. However, because the case is again in the Court of Appeal, we hope that the House will pass this so that this particular oversight can be rectified in the Statute Law Book. When the Act is passed, Sir, His Excellency the President has accepted to give it priority signature so that the Appeal Case can be heard.

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

The Minister for Agriculture (Mr. Nyagah) seconded.

(*Question proposed*)

(*Question put and agreed to*)

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

Second Reading

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

Second Reading

THE CUSTOMS TARIFF (AMENDMENT) BILL

An hon. Member: The Minister is not here.

(*Second Readings deferred*)

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): We have come to the end of our Order Paper, so, if the Minister is not here, that means the end of the business today. The House is therefore adjourned until tomorrow, Wednesday, 5th May, at 2.30 p.m.

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

Wednesday, 5th May, 1971

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

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

PRAYERS

NOTICE OF MOTION

LEAVE FOR INTRODUCTION OF A BILL TO AMEND THE CONSTITUTION

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

THAT, with a view to the amendment of section 75 of the Constitution to put an end to the exploitation of *wananchi* through speculative dealings in agricultural land; this House do grant leave to introduce under Standing Order 95 (2) a Bill entitled "An Act of Parliament to amend the Constitution and for matters incidental thereto or connected therewith".

ORAL ANSWERS TO QUESTIONS

Question No. 250

TRANS NZOIA POLICE DIVISIONAL HEADQUARTERS

Mr. Wabuge asked the Vice-President and Minister for Home Affairs to tell the House whether he was aware that Trans Nzoia Police Divisional Headquarters had no good office accommodation and if the answer was in the affirmative, whether the Minister could disclose what plans the Government had to construct one good offices block to accommodate both the Divisional Headquarters and the Police Station.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. Yes, I am aware that better accommodation is required, but it is a matter of availability of funds. No doubt the hon. Member appreciates that funds are allocated to projects on the basis of priority, after taking into account all the competing claims of different projects.

However, it is hoped to rebuild the Divisional Headquarters and Kitale Police Station during the next Development Plan.

Mr. Wabuge: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, and in view of the fact that the present Development Plan covers the period between 1970/74, would the Assistant Minister tell the House in which year he is intending to have this Headquarters built?

Mr. Shikuku: Mr. Speaker, Sir, as I told the hon. Member, in the next Development Plan. The present one, Mr. Speaker——

An hon. Member: Which?

Mr. Shikuku: I am surprised the hon. Member is asking "which". The next one is after 1974.

Mr. Karungaru: Mr. Speaker, Sir, is the Assistant Minister telling this House that nothing could be done, in the way of development anywhere in this country, in the absence of that Development Plan?

Mr. Shikuku: Mr. Speaker, Sir, I did not catch what the hon. Member said. Would he mind repeating his question?

Mr. Karungaru: Mr. Speaker, Sir, although I doubt the intelligence of the hon. Assistant Minister, is he telling the House that in the absence of the Development Plan in question, nothing else could be done in any part of Kenya as far as development is concerned? Is that what he is trying to say?

Mr. Shikuku: Mr. Speaker, Sir, I do not know why the hon. Member is imagining that there is nothing. There is something. We have a Development Plan 1970/74. The next one will be after 1974. Therefore, there will be something and I wonder whether he will be here himself; if he will be lucky to be here, he will see.

Mr. Umuro: Mr. Speaker, Sir, I think the Assistant Minister is not listening. If the Assistant Minister is aware that the Trans Nzoia police do not have good offices why did they not include the building of better offices in this present Development Plan instead of the next one?

Mr. Shikuku: Mr. Speaker, Sir, why we have not done so is because of lack of funds and I have already replied to that question. There is no doubt, whatsoever, that these offices are required, and I agree with the hon. Member. I have seen the police station myself, I have been there and I am always there, any way, and even Kakamega and many other police stations are in that state. However, we must go in terms of priority and this is what we are doing.

Question No. 235

MONEY EARNED BY COTTON GROWERS

Mr. Muthamia asked the Minister of Agriculture to tell the House the amount of money which was earned by cotton growers in Meru District during the last two years.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The cotton growers in Meru District earned K£57,385 or (KSh. 1,147,700) during the period 1968/69

[The Minister for Agriculture]
season. For the year 1969/70 season, they earned K£71,206 or (KSh. 1,424,120). This money was earned from 1,203,643½ kg. of cotton and 1,451,779 kg. of cotton produced in the two consecutive seasons I mentioned.

Question No. 269

SERVICING ISIOLO DISTRICT DAMS

Mr. Bonaya asked the Minister for Agriculture to tell the House whether he would urgently service the existing dams in Isiolo District which have become so clogged with sand and mud that they are unable to retain any water although formerly when cleared regularly, they retained water for a period of five months after the long rains.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. It is regrettable that the dams in Isiolo District have not been attended to for some time. This is due to the fact that my Ministry has only one mechanical unit available for the whole of northern Kenya. I would, however, like to point out that this unit has just finished cleaning 14 pans in the Sololo area of Marsabit District—Marsabit, by the way, is adjacent to Isiolo—and this unit is being moved for similar work in Wajir District—also similarly placed waterwise—and the hon. Member for Isiolo can rest assured that every effort will be made to complete this work as soon as possible and then get the unit moving to Isiolo.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Minister's reply, why did the Ministry of Agriculture not have any plans for water in the northern part of Kenya when the recent drought situation has shown this country how people in the northern part of Kenya are suffering?

Mr. Nyagah: Mr. Speaker, Sir, I do not know what to answer the hon. Member because he is anticipating his next question which really deals with the subject that he has raised. However, nonetheless, I would like to say that he has his facts a little wrong and confused because the Ministry has specific plans for the northern part of Kenya which every one of us knows is very dry. For the information of the hon. Member and the House, during the unexpected drought a lot of boreholes have been opened in the North-Eastern Province and I have just said, in my original reply, that 14 pans in Isiolo have been scooped out.

Mr. Bonaya: Mr. Speaker, Sir, the Minister here talks of North-Eastern Province—in fact, Isiolo District is not in North-Eastern Province. Isiolo District is in the Eastern Province.

Mr. Nyagah: Mr. Speaker, Sir, the hon. Member opens himself to even greater attacks from me because I said "Northern Kenya" which stretches out from Turkana to Wajir and Mandera.

Mr. Araru: Mr. Speaker, Sir, arising from the Minister's reply, when he said that the Ministry has only one mechanical unit to service dams in that area, why is this the case when he knows that there is great need for such units in every part of the North-Eastern Province because our people are suffering? Why do we not have three mechanical units in Isiolo District as is the case elsewhere in the country?

Mr. Nyagah: I thank the hon. Member for thinking in the way we are thinking in the Ministry.

Mr. Kadir: For the information of the hon. Member and the Minister the company is already in Garba Tulla digging dams. However, Mr. Speaker, Sir, since water is very essential to both human and animals, can the Minister now inform this company to spread the services to the entire Isiolo District, instead of only digging dams in one part, Garba Tulla?

Mr. Nyagah: Mr. Speaker, Sir, the Government is working very hard to solve the problem of water provision in the whole country. In His Excellency's Speech here in the House, he more or less charged us with the duty of trying to provide water in the country. We are doing our best to plan. In Machakos, for instance, we have plenty of water now.

Mr. Mutunga: Mr. Speaker, Sir, in the Minister's reply he did say that we have one mechanical unit working in the northern part of Kenya, can he tell this House what this mechanical unit comprises of and its strength?

Mr. Nyagah: Whilst I would like to answer that question more specifically, I would invite the hon. Member, who comes from the area around Athi River, to move to Makueni and he will be able to see for himself what a unit comprises of. However, the unit comprises of a big tractor-like thing which scoopes out the earth, and other supporting tractors.

Mr. A. A. Mohamed: Arising from that reply, Mr. Speaker, Sir, is the Minister satisfied with this drilling unit because we understand that it has been in Wajir District for one and half years and it did nothing there? Is he satisfied with the job they are doing?

Mr. Nyagah: I am satisfied that this particular drilling unit is doing its best. However, as the hon. Member for Moyale said we would like to see a few more in some of these areas not only

[The Minister for Agriculture]
in the northern part of Kenya, but throughout Kenya where water is needed.

Question No. 275

PRODUCTION OF SUGAR IN THE COUNTRY

Dr. Munene, on behalf of Mr. Magugu, asked the Minister for Agriculture if he would tell the House—

(*a*) how many tons of rice were produced in Kenya in 1970;

(*b*) how many tons of this rice had been exported;

(*c*) what was the estimated rate of rice consumption in Kenya; and

(*d*) what steps the Ministry was taking to see that rice processing was in the hands of *wananchi*.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. (*a*) The total quantity of rice produced in Kenya in 1970 was 26,674 metric tons of paddy. This quantity of paddy is equivalent to 16,174 metric tons of rice.

(*b*) None of this rice was exported.

(*c*) The rate of rice consumption has been rising considerably. About two years ago it was 13,000 tons annually but in 1970 a total of 18,000 tons were consumed, including 2,000 tons of rice which was imported.

(*d*) Already 90 per cent of rice produced in Kenya is processed by the Mwea Rice Mill Ltd. which is jointly owned by the Kenya Government and the Farmers of Mwea Co-operative Society. The remaining 10 per cent of the crop is processed by the only two licensed mills in Nyanza. When the Ahero Irrigation Scheme in Nyanza is expanded sufficiently it is hoped that a mill will also be set up in that area on similar lines as Mwea. It will be noted, therefore, that the processing of rice is already in the hands of *wananchi*

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, can the Assistant Minister tell this House whether he is satisfied by the growth, or the rate in which we grow rice? If that is not the case, is he in a position to find ways and means of increasing the kind of rice in question in this country so that we can avoid the importation of rice from other countries?

Mr. Wanjigi: Mr. Speaker, Sir, if the hon. Member means to ask whether I am satisfied by the rate of production, I think we are very satisfied. Indeed, the development of the Mea Irrigation Scheme has gone very satisfactorily and the results now being obtained from Ahero in Nyanza Province are also very satisfactory indeed. There is already as Members should have noticed in the Development Plan, some very major programmes not only to increase our own rice production for consumption but also for possible exports.

Dr. Munene: Arising from the Assistant Minister's reply, is he aware that the rice which was imported last year into the country was not handled in the right way, that is, by the Kenya National Trading Corporation as is the usual case, but was handled by a private company directly?

Mr. Wanjigi: I am not aware of that, Mr. Speaker, Sir.

Mr. Njiru: Since it is Government policy to encourage African businessmen either in the transport business or any other types of business can the Assistant Minister tell this House why rice stored at Sagana was transported by a non-citizen from Thika?

Mr. Wanjigi: Mr. Speaker, Sir, this arises out of inviting tenders which are open to all transporters. We are obliged in those circumstances to accept the most favourable tender.

Mr. O'Washika: Mr. Speaker, Sir, can the Assistant Minister tell the House which part, in Kenya, grows the best rice because from time to time we hear of *peshawri* rice which is grown in India? Can he tell us exactly which place in the country grows the best rice, which is the second to *peshawri* rice which is produced in India?

Mr. Wanjigi: Mr. Speaker, Sir, it all depends on what the hon. has described as the best rice because the best rice may depend on the highest yield in terms of the farmers growing that rice. As far as the yield is concerned, Mwea is by far the best. However, in terms of *peshawri* rice, which is very popular, arising out of old tradition, we are going to introduce this variety in Ahero.

Question No. 258

COUNTY COUNCILS' ANNUAL ESTIMATES OF EXPENDITURE

Mr. Masibayi asked the Minister for Local Government if he would tell the House since many County Councils were finding it difficult to run their services due to lack of funds, he could ask all the county councils to prepare their annual estimates of expenditure and income so that the Government could subsidize the balance.

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

[The Minister for Local Government]
Speaker, Sir, I wish to inform the hon. Member that all the county councils and, as a matter of fact, all local authorities submit their yearly estimates of revenue and expenditure every year. My Ministry has already received the estimates for 1971.

I have already examined these estimates in detail and I am satisfied that a substantial number of councils will be able to manage their own affairs within the provisions of their budgets. I have, therefore, accordingly given my approval to the estimates falling in that category.

There are, however, a number of county councils whose estimates show a considerable amount of deficit and my Ministry, in consultation with the Treasury, is considering ways of advising those councils concerned on how to reduce these deficits, or how to apply for some Government assistance.

Mr. Masibayi: Mr. Speaker, Sir, is the Minister aware that after Government had removed certain essential services from the county councils these county councils could not do away with certain officers and because of that they cannot make their own estimates because these officers who were working on essential services are the ones who create these deficits? Therefore, could the Minister assure this House that in future Government will see to it that they pay grants to cover up the gap between their estimates and the one that is made by the other fellows who have not been taken over by Government?

Dr. Kiano: Mr. Speaker, Sir, it would be very helpful if the hon. Member would draw my attention to the county councils whose deficits rise mainly from the salaries paid to the officers because when we did transfer the three functions causing the biggest expenditure, we also transferred the persons involved therein. However, there were some officers, like the clerks, the deputy clerks and the treasurers whose salaries were rather high; but their cases are met in most councils. If there are any specific councils which are suffering as a result of that, I would be grateful for the hon. Member to let me have the information.

Mr. Muregi: Mr. Speaker, Sir, is the Minister aware that by approving the estimates at this period of the year—or between now and June—creates a problem to local authorities because of starting to spend the money in January? Would it therefore, not be fairer for the Minister to see that Estimates are approved by January so that the local authorities will know their position after his approval?

Dr. Kiano: Mr. Speaker, Sir, I would like to say that previously there used to be a lot of delay in approving these Estimates; but now I am happy to say that I approved most of them in February. It is only one or two, whose deficits are big, that we are considering now.

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

Question No. 271

DISMISSAL OF J. S. OSODO

Mr. Araru asked the Minister for Labour if he would tell the House what led to the dismissal of Mr. J. S. Osodo, Assistant Manager, of Standard Bank, Kenyatta Avenue, Nairobi on 30th January, 1971.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. The information which my Ministry has is that Mr. J. S. Osodo's services with the Standard Bank were terminated on disciplinary grounds. As Mr. Osodo was a member of staff of the bank at managerial level, he is not as such covered, strictly speaking, by the Trade Disputes Act. However, he could, if he so wishes, file a civil suit and get the courts to determine his grievances.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he said that this dispute cannot be covered by the Trade Disputes Act, could he tell us what reason led to this particular African manager to have his services terminated?

Mr. Kibisu: Mr. Speaker, Sir, I have already said that Mr. J. S. Osodo's services were terminated on disciplinary grounds. It is not in the interests of either Mr. Osodo or the bank, or to some customers of the bank to divulge this information.

Mr. Muthua: Mr. Speaker, Sir, arising from that reply, since Mr. J. S. Osodo's post was one of most senior posts in the private sector, what protection have such officers who are not members of trade unions? What protection have such senior African officers who are working in private sector?

Mr. Kibisu: Mr. Speaker, Sir, within the law they have protection if only they can come together and form an association.

Mr. Amayo: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, could he tell the House whether the person in question was informed of the reasons for his dismissal?

Mr. Kibisu: Yes, Sir, he was informed.

Mr. Wabuge: Mr. Speaker, Sir, in view of the fact that this question has now come to the House; in other words it has now come to the

[Mr. Wabuge]
public, would the Assistant Minister tell the House the reasons why Mr. Osodo was dismissed?

Mr. Kibisu: Mr. Speaker, Sir, it is not in the interests of the man so aggrieved to divulge that information.

The Speaker (Mr. Mati): Order, we have to take this very seriously. The Assistant Minister has indicated that it would not be in the interests of the man whose name appears here in certain things we have said here. There are circumstances where it would definitely be detrimental to whatever he might be doing if certain things are said here. I think we have the duty to protect and not to expose people to consequences which might be detrimental to themselves.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he confirm to this House whether he, himself, or his Ministry has truly investigated the matter independently or was he just furnished with the reply to this House?

Mr. Kibisu: Mr. Speaker, Sir, I have personally dealt with this matter and I know what I am talking about.

The Speaker (Mr. Mati): We will go on now.

Question No. 273

PROMOTION OF AFRICANS TO MANAGEMENT POSTS

The Speaker (Mr. Mati): As regards Mr. Araru's question, the reply I have seen is far too long and it is the same case as we had yesterday with Mr. Kivuitu's question. Therefore, you will have a writen reply.

Mr. Araru: I agree with you, Mr. Speaker, Sir. However, now that this question belongs to this House, I think you will agree with me that a copy of the reply should be sent to every hon. Member.

The Speaker (Mr. Mati): In fact, it will appear in the HANSARD; that is the normal practice.

Next question, Mr. Muthamia.

(*Ordered to receive a written Reply*)

Question No 236

TARMACKING TIMAU-NANYUKI ROAD

Mr. Muthamia asked the Minister for Works if he would tell the House when his Ministry was going to tarmac the small and worst portion of the road from Timau to Nanyuki.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The reconstruction of Timau-Nanyuki section of the road has already been given priority by my Ministry. The designs have been completed and as soon as funds are available, reconstruction will commence immediately.

Mr. Muthamia: Mr. Speaker, Sir, since this portion is the worst on the Nairobi-Meru Road, and we know Mr. Kibaki, the Minister for Finance and Economic Planning, was overseas and he said that the Eastern Province will be provided with money for building roads and other things, could the Assistant Minister indicate when we are going to have this money?

Mr. Keen: Mr. Speaker, Sir, I have nothing to add to what I have already said.

Mr. Lotodo: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, could he tell the House whether the funds will be available within this Financial Year or the next Financial Year?

Mr. Keen: It will depend on current negotiations from financial bodies.

Mr. Muthamia: Mr. Speaker, Sir, since this road was surveyed one and a half years ago and the posts and pegs which were used by the surveyors are already rotten, is it not a waste of Government money to resurvey it again?

Mr. Keen: We are not going to resurvey the road but we can always reallocate the pegs again.

Question No. 256

CONSTRUCTION OF ROADS TO AND IN BUSIA

Mr. Ebu asked the Minister for Works if he would tell the House whether, since Government had decided to build a Divisional Headquarters for the Northern Division of Busia at Amagoro, the roads such as Kamolo-Amagoro, Abaloi-Amagoro and Kapiina-Kocholia will be constructed as soon as the Divisional Headquarters is ready.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The roads listed in the question for the Northern Division of Busia such as Kamolo-Amagoro, Abaloi-Amagoro and Kapiina-Kocholia are not included in the present Development Plan (1969/74). No major work on these roads is, therefore, envisaged in the near future.

In case the roads are found to be of high priority within the district, then the Roads Department will certainly consider them for either classification and maintenance or classification and inclusion in the next Development Plan for construction.

Mr. Ebu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he agree with me that the establishment of a divisional headquarters at Amagoro without the opening up of

[Mr. Ebu]
access roads to that place will not facilitate free movement of the people who are supposed to be served by that divisional centre?

Mr. Keen: In agreeing to build a divisional headquarters, it does not necessarily mean that we will have to, almost at the same time, maintain and construct all roads leading to the divisional headquarters. However, as I have already said, everything possible will be done to maintain these roads within reasonable standards as soon as finances are available.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware of the fact that a divisional headquarters without acess roads will be a meaningless headquarters?

Mr. Keen: Mr. Speaker, Sir, it is not going to be meaningless and that is the reason why we have decided to build a divisional headquarters there with the aim of improving the roads in that area.

Mr. Ebu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he give an indication as to when funds might be available? Will it be in the next Development Plan or could he do something as a matter of emergency and open up some of the access roads in that place?

Mr. Keen: As soon as possible.

Question No. 274

CONSTRUCTION OF A NEW STADIUM IN NAIROBI

Mr. Mulwa asked the Minister for Co-operatives and Social Services if he would tell the House whether, now that the Kenya populace is becoming very much attracted by sports and owing to the fact that our country was in the forefront in the world of sports, he would as a matter of urgency begin plans to construct a new stadium of international status within the precincts of the City.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply. It is desirable to have a national stadium within the City precincts and investigations have been made to gauge the financial implications. Currently, a sub-committee of the Kenya National Sports Council is making feasibility studies and will later advise Government on the subject.

It must, however, be appreciated that such a project will be expensive and that the funds required may not be available at once.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister agree with me that although the stadium might cost a lot of money it is worthwhile because it might attract far more money from tourists and other people coming specifically to attend sports when Kenya succeeds in having an international competition taking place in Nairobi?

Mr. Ngureti: Mr. Speaker, Sir, we are all agreeing with the Questioner.

Mr. Mulwa: Mr. Speaker, Sir, will the Assistant Minister tell the House whether he would think it viable to commence collecting money for this project by taking all the proceeds of any games which are played in this country from now?

Mr. Ngureti: Mr. Speaker, Sir, as soon as the report on the sub-committee of the Kenya National Sports Council is out, this matter will be considered.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell this House why it has taken Government so long to produce a report on the possibility of a national stadium being constructed in this City?

Mr. Ngureti: Mr. Speaker, Sir, it is the financial implications which are hindering the progress.

Question No. 217

X-RAY PLANT FOR NANDI HILLS

Mr. Seroney asked the Minister for Health if he would tell the House when an X-ray plant would be installed in Nandi Hills Hospital.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. The provision of X-ray facilities cannot be considered in isolation—away from expansion and improvement of hospital facilities as a whole. For the moment Eldoret Hospital has priority and the provision of an X-ray unit at Nandi Hills will be considered along with other expansions and improvements in that hospital.

Mr. Seroney: Mr. Speaker, Sir, is the Assistant Minister aware that a friendly foreign organization is ready and willing to provide the necessary X-ray facilities but his officials in his Ministry are adopting a dog-in-a-manger attitude and are saying that since, in fact, they are not now in a position to provide Nandi Hills with X-ray facilities, they are determined that no one else will provide it?

Mr. ole Oloitipitip; Mr. Speaker, Sir, I am not aware of that.

Mr. Kanja: Thank you very much, Mr. Speaker. Mr. Speaker, Sir, while I do not appreciate the negative attitude the Assistant Minister is taking when answering this question. He says that X-ray facilities will have to be considered with other expansion progress for the said hospital;

[Mr. Kanja]
is this hospital going to be considered within the Development Programme laid down for this year or next year?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I have not adopted a negative attitude in the reply I have given to the House. Mr. Speaker, Sir, what I am saying is: yesterday, in this House, the same hon. Member who has asked this question asked the Ministry whether it was going to provide more facilities to this hospital and the answer I gave was, "Yes". Now, how does the hon. Member, or the House, expect the Ministry to do things miraculously?

Mr. Mnene: Mr. Speaker, Sir, since the hon. Questioner has indicated that there is a friendly foreign country which wants to give the hospital an X-ray unit, can the Assistant Minister now authorize his officials to accept that unit?

Mr. ole Oloitipitip: Mr. Speaker, Sir, for the information of the House Nandi Hills is only a small hospital. It needs, Mr. Speaker, to be expanded and built properly to look as a hospital and that is what we are doing at present. Mr. Speaker, Sir, I cannot instruct my staff to accept a foreign country to put an X-ray unit in a hospital which looks ugly and which we are constructing now.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply—I am not sure whether the Assistant Minister knows what he is talking about. Mr. Speaker, Sir, the X-ray unit is a completely separate thing from a hospital and all that he needs to do is to build a room for it and get a radiologist to stay there. Is the Assistant Minister not aware that this is one of the best instruments for quick diagnosis especially in this modern world where fractures are becoming so very common in every place and that we do not need a modern hospital to put up an X-ray unit?

Mr. ole Oloitipitip: Mr. Speaker, Sir, the hon. Member was a medical officer employed by my Ministry and he is the one who does not know what he is talking about—I do not even know why he left the Ministry. Furthermore, Mr. Speaker, Sir——

Dr. Munene: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this matter. If the hon. Assistant Minister accepts that I have been a medical officer and probably he has been nothing, who would be right, him or myself?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I think I will be the right person because I am the Minister of the day. Mr. Speaker, Sir, the doctor who has resigned, or who has deserted the medical services, is not right at all. I am in charge of the hospitals in the country and he does not know anything about hospitals. Therefore, what I am saying is that first of all we are going to expand and make this hospital a modern one, and then consider putting an X-ray unit in this hospital. Our intention in the Ministry, Mr. Speaker, and in the whole Kenya Government is that we want all the hospitals to look beautiful and modern.

Mrs. Onyango: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that sickness does not mind about the beauty of the building but whatever is being done in the hospital is what matters and therefore it is necessary for them to get the facility?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I know the hon. lady appears to be very beautiful and that she had been attacked by diseases, and I also know that diseases do not care or choose beauty. But I know that at present we have facilities to cater for the people of Nandi Hills. As I said, we have an X-ray plant in Eldoret and these people are being served from that hospital.

Mr. Seroney: Mr. Speaker, Sir, has the Assistant Minister himself seen the hospital to justify the opinion he is forming that it is ugly? Is he prepared to tell the community at Nandi Hills who have built this hospital, small though it is, that their hospital is ugly and they should be discouraged from embarking on other Harambee projects?

Mr. ole Oloitipitip: Mr. Speaker, Sir, normally, the Masai do not tell lies. I have not been there; but if the hon. Member wants me to go there I will do so and I shall allay his anxiety.

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

Question No. 218

COMPLETION OF AND EQUIPMENT FOR KILIBWONI HEALTH CENTRE

Mr. Seroney asked the Minister for Health if he would tell the House when he would carry out the pledge given by his predecessor to complete and equip Kilibwoni Health Centre.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. I am not aware of a pledge given by my predecessor relating to this health centre. Perhaps the hon. Member could assist me as to how I am supposed to honour a pledge I am not aware of.

Mr. Seroney: Mr. Speaker, Sir, when the Minister saw this question, did he check with the former Permanent Secretary of his Ministry, who

[Mr. Seroney]
is still the Director of Medical Services—I even have the photographs of this particular health centre—who is also aware of the pledge made by the former Minister to give a grant of Sh. 20,000 to the Centre? Does he want to tell the House that any promise he makes he does not want his successor to carry it out?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I am not aware of any pledge. Normally, when a Ministry or a Minister has made a pledge, it must be carried out. What I am saying now is, that if the hon. Member himself would care to call in my office and show me this pledge, perhaps we can do something. If it is too late, then we shall take another step ourselves.

Mr. Gichohi: Arising from the reply from the Assistant Minister, do I understand that when a Minister visits a district and promises the constituents that he would do this and that, that it does not bind on any coming Government? If, for example, a Minister goes to a certain constituency and promises the people that he will give such-and-such a thing, does it mean that Government does not abide with it?

Mr. ole Oloitipitip: Mr. Speaker, Sir, it does not mean—— What we are saying is if we have given a pledge before, we will always honour it. But I said in my reply that I was not aware of any pledge at all. I also said that if the hon. Member would care to come to my office and show me this pledge, where it was made and on which date, and also give me specifically the reasons for this pledge, we will be ready to take action. But I say that I am not aware of it.

Mr. Wachira: On a point of order, Mr. Speaker. It appears that the former Minister for Health was going round promising things. He promised in my area, and he has also promised the other areas——

The Speaker (Mr. Mati): Order, Mr. Wachira. That is irrelevant.

Mr. Lotodo: Mr. Speaker, arising from the answer given by the Assistant Minister, is he then going to do something about this health centre because the Member for Tinderet has drawn this to his attention?

Mr. ole Oloitipitip: Mr. Speaker, Sir, how many times am I going to give the same reply, and how many times am I going to repeat so that hon. Members could hear? I have asked the hon. Member to call in my office tomorrow so that we may start afresh.

QUESTIONS BY PRIVATE NOTICE

Shortage of Hybrid Maize

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

> Since the shortage of hybrid maize seed in the country has become a serious problem to farmers, what immediate steps is the Minister taking to contain the situation?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, I beg to reply. The hon. Member's statement is correct in that the hybrid maize seed is now in short supply. The truth is that since this type of maize was developed and demonstrated to farmers, its superiority has been realized and, therefore, the demand has greatly increased. In 1969, for example, about 260,000 acres were planted with hybrid maize. In 1970, about 350,000 acres were planted with hybrid maize—an increase of 90,000 acres in one year. This year my Ministry, in collaboration with seed producers, has planned to produce enough seed to plant at least 500,000 acres. No other immediate steps are, therefore, contemplated.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that answer given by the Assistant Minister, that his Ministry is planning to plant about 500,000 acres, before these acres are ready, can he tell the House the steps he is taking, or what he is doing for the farmers because the seed he is talking about will be for next year? What is he doing to help the farmers at present because they are short of hybrid maize seed?

Mr. Wanjigi: For this year, Mr. Speaker, my only advice is that if you cannot get hybrid maize seed there is equally good alternative seed available in the market.

Rev. Kalume: Arising from the Assistant Minister's reply, is he aware that in the Coast Province, where Katumani seeds are wanted by farmers—and now the rains have come—many people do not have the seed? Could he see to it that they get the seed immediately?

Mr. Wanjigi: I am not aware, Mr. Speaker, that Katumani seed is in short supply.

Mr. Wabuge: Mr. Speaker, arising from the Assistant Minister's reply, when he says that if there is no hybrid maize seed available we can have the alternative. Can he now tell this House what variety is suitable for Kitale if the hybrid seed is not available? Can you tell us?

Mr. Wanjigi: Mr. Speaker, the hon. Member is a good farmer. He knows that there are several synthetic varieties which are worth using——

Mr. arap Cheboiwo: What are they?

Mr. Wanjigi: They are called synthetic maize, Mr. Speaker. They were being used in Uasin Gishu even long before the hybrid seed was available.

Mr. arap Saina: Mr. Speaker, Sir, since the genetic breeding of hybrid maize seed is so complicated in as far as Kenya has different ecological zones, and in as far as breeding of this maize seed is so complicated and requires a lot of money, can the Assistant Minister consider subsidizing the breeding and the production of hybrid maize seed in order to increase supply and thus satisfy the farmers?

Mr. Wanjigi: Mr. Speaker, Sir, the programme of growing hybrid seed does not need any subsidization at all; it is quite a good economical proposition as it is now.

The Speaker (Mr. Mati): We will go on now. Next question.

DEMOLITION OF KIOSKS IN NAIROBI

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

> In view of the fact that the City Council of Nairobi in April attempted to demolish all the kiosks throughout the city, would the Minister explain to the House what steps his Ministry is taking to deter the Council from demolishing the eating and drinking kiosks in the near future?

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I believe, Sir, that the hon. Member is referring to the recent statement in the Press about the possibility of a wholesale demolition of kiosks in the city. I want to inform the hon. Member that the statement was misleading and was subsequently corrected by the council because the council was particularly concerned about the unlicensed hawkers, as well as the owners of eating places who do not adhere strictly to public health regulations.

At a meeting of the full council, Mr. Speaker, Sir, which was held only last night, 4th May 1971, the council authorized the Acting Town Clerk and the Medical Officer of Health to be very strict about the Public Health By-laws and to take the necessary action against those licensed hawkers and the owners of eating places who violate the public health regulations or the conditions of their licences. I am also happy, Mr. Speaker, Sir, to inform the House that I was very pleased to note the interest shown by the hon. Member by attending a meeting with my officers and the officers of the Ministries of Health and Housing on 16th April 1971, where this whole question was discussed and the examination of this problem is still continuing.

Mr. Karungaru: Arising from that interminable answer from the Minister, Mr. Speaker, Sir, would he further tell the House whether or not the City Council was going to demolish the eating and drinking kiosks as a result of the Ministry interfering and dictating to the council to go out and demolish the eating and drinking kiosks because that was not the City council's intentions; would he deny that?

Dr. Kiano: Mr. Speaker, Sir, I think the hon. Member is entirely wrong in his inference because the council corrected its own statement, which implies that the statement made might have been made by someone without the full authority of the council. The statement arose from the council; the statement was corrected by the same council and, therefore, I hope that the hon. Member will consider that as correct.

Mr. Ayah: Mr. Speaker, Sir, arising from the Minister's reply, in view of the fact that these kiosks are probably economically necessary and in view of the fact that sometimes they may be health hazards, would the Minister consider urging the City Council to increase the number of shopping centres or building low-class shopping outlets so that the idea of these kiosks is carried out without wasting the health of people?

Dr. Kiano: Already, Sir, the development of Eastlands is very much in keeping in accordance to what has been suggested and it is only about two weeks ago we were discussing about the shops at Kariobangi Estate: the kind of low-income level that the hon. Member has in mind.

Mr. Karungaru: Mr. Speaker, Sir, taking into consideration that what the Minister has told this House is true, and assuming that it will not be changed in due course, would the Minister tell this House whether the City Council has any plans to build some shops in the Industrial Area because it there where most of the workers depend on eating and drinking kiosks?

Dr. Kiano: Mr. Speaker, Sir, as I indicated earlier on, the hon. Member has been advising us on these matters of Nairobi and, therefore, I will take that suggestion from him quite seriously.

Mr. Kahengeri: Mr. Speaker, Sir, does the Minister not consider it very unfair that the citizens of this country should continue trading in the back streets when we have foreigners trading in the main streets of Nairobi? What is he going to do to put these people in proper business areas?

Dr. Kiano: Mr. Speaker, Sir, the kind of persons who apply to the City Council for a licence to be hawkers or for a licence to run a kiosk

[The Minister for Local Government]
are usually the kind of people who do not have enough capital to run a fully-fledged shop because, I am sure, they too would like to have a fully-fledged shop like everybody else if only they could afford it. It would be most unfair to them if we said that we have abolished all hawking licences, or if we said that we abolish all licences for kiosks, because if we do that these persons will not be able to take the kind of shops that the hon. Member has in mind. Our first and foremost concern is to make sure that this kind of licensee —and I mean "licence" and not the American one—for these establishments keep very strictly to public health regulations, not to create any hazards for any kind of epidemic to arise and to make sure that they are constantly inspected.

The Speaker (Mr. Mati): We will go on to Mr. Magugu's question.

AGREEMENT ON SALE OF CEMENT BETWEEN KENYA NATIONAL TRADING CORPORATION AND MANUFACTURERS

Dr. Munene: Mr. Speaker, Sir, on behalf of my friend, Mr. Magugu, I beg to ask the Minister for Commerce and Industry the following Question by Private Notice:—

(*a*) Will the Minister assure this House that after the Agreement between cement manufacturers and the Kenya National Trading Corporation—which stipulates that each will sell 50 per cent of cement manufactured—and which expires in May 1971, all future cement sales will be channelled through the Kenya National Trading Corporation agents and manufacturers will not, in fact, do the selling and at the same time manufacture?

(*b*) What steps has the Minister taken to alleviate difficulties now being experienced by the Kenya National Trading Corporation agents as far as the sale of cement is concerned?

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The answer to the first part of the question is "No" and with regard to the second part, Mr. Speaker, my Ministry is currently discussing the question of distribution of cement in the whole of the Republic and pray that I am given a little more time so that I can make a decision in connexion with these discussions.

Dr. Munene: Mr. Speaker, Sir, do I understand from the Minister that after the end of this month, which is May, then the Kenya National Trading Corporation and their agents will not be responsible for distribution of cement any more?

Mr. Osogo: No, Sir, I did not say that.

Mr. Gatuguta: Mr. Speaker, Sir, I think the Minister should make the answer to this question quite clear to us. We want to know whether the Kenya National Trading Corporation, in fact, will continue to be the sole distributor of cement or not after the end of this month, and if not, we want to know the reason why?

Mr. Osogo: Mr. Speaker, Sir, I said that discussions were currently being held between the Kenya National Trading Corporation, my Ministry and the cement manufacturers. It is not yet feasible that the Kenya National Trading Corporation will have enough money to handle 100 per cent of the cement produced in the country. This is an aspect that is being looked into and we are approaching the Treasury to see if we can be assisted. That is one aspect.

The other aspect is that the African cement distributors have themselves lodged a complaint with me that they would like to buy cement direct from the factory because of the handling charges levied by the Kenya National Trading Corporation.

These are aspects I am looking into and I have prayed the House to give me some time to look into them.

Mr. Kahengeri: Is the Minister aware that due to the 50 per cent left with the manufacturers to be sold at will, this is, of course, letting down the African-appointed agents because the cement buyers cannot buy from the Africans but from the manufacturers: Is he aware of that?

Mr. Osogo: Mr. Speaker, I am aware of many things concerning what the hon. Member is stating here. I am aware, for example, of the African distributors approaching the Kenya Farmers' Association, which I had refused permission to distribute cement, asking them to buy cement from the factories so that these distributors can buy that cement from the Kenya Farmers' Association. I had directed that the Kenya Farmers' Association should buy cement from the African distributors and here African distributors are challenging that particular directive and trying to reverse the instructions. This is an aspect I am aware of and it is contrary to what I am trying to do in the Ministry.

I am also aware that big contractors in the country tend to buy their supplies from the factory. It is an aspect I am trying to take care of and I think it needs some time to do this.

If necessary, Mr. Speaker, I will report to the Members, or the hon. Member who has raised this question, when we have reached a solution.

[The Minister for Commerce and Industry] It is a complex problem, I agree but it is being handled, I think, very well so far by my Ministry, Kenya National Trading Corporation and the cement manufacturers.

Mr. Mwamzandi: Mr. Speaker, arising from the earlier answer by the Minister, when he said the answer to (*a*) was "No", does he mean to say here that there was no agreement between the cement manufacturers and the Kenya National Trading Corporation?

Mr. Osogo: No, Sir. The hon. Member should do a bit of reading. The Questioner asked me whether I would assure the House of certain things mentioned in the question and I said I would not assure the House of those things.

I did not say the agreement does not exist, it is there currently being executed.

Dr. Munene: Mr. Speaker, arising from the modified statement by the Minister, would he assure this House that, the 50 per cent which I believe is going to continue as it is, even after the end of May, the distributors who have been appointed agents by the Kenya National Trading Corporation will receive their regular supplies and, for that matter, will have the cement railed to them because at present they have to get the cement from the factories with their own lorries? If you do not go there, no cement is sent to you, to the agents.

Mr. Osogo: Mr. Speaker, the 50 per cent that is being channelled through the Kenya National Trading Corporation should in principle be obtained from the Kenya National Trading Corporation's godowns. However, because the Kenya National Trading Corporation does not have enough money to buy the 50 per cent cement produced in the country it forces distributors to go direct to the manufacturers to collect it from there, using their own lorries. I hope this situation will be resolved at the end of this agreement—at the end of this month—and that the Kenya National Trading Corporation distributors will regularly get their supplies.

The Speaker (Mr. Mati): Next Order.

POINTS OF ORDER

MATTER OF CIRCULARS SENT DIRECT TO MEMBERS CANNOT BE RAISED IN THE HOUSE AS A POINT OF ORDER

Mr. Tsuma: Mr. Speaker, Sir, I rise on a point of order to seek your guidance in connexion with a circular from the Minister for Education. This circular is dated 16th April 1971, and is in connexion with membership of Members of Parliament on a board of governors. Sir, we have received such circulars from the Minister. All of us Members, Ministers and Assistant Ministers, have been given this circular regarding membership on a board of governors. This is a second circular to all Members. This one now changes a decision by the Minister where he had stated that Members of Parliament could not be members of a board of governors nor could they be chairmen. The present circular now reverses that decision.

The question here, Sir, is this: whether we are going to continue receiving circulars from the Minister for Education and yet we are Members of Parliament? Here we now have a circular which states that we can be members of boards of governors but have no right to vote. Could we have, therefore, a definite policy from the Minister for Education and/or from the Government stating whether every Minister——

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

No. Mr. Tsuma, you cannot do it that way. That is not a point of order, there is nothing about order there. You are against what the Minister has done. That is different. You are trying to make a statement, you are trying to argue against the Minister's circular, but you cannot do that on a point of order. It has nothing to do with the order of the House now. The circular was sent to Members direct, it was not sent through this House.

You can raise the matter in a different form, in the form of a question, a Motion, but not the way you are doing now.

DOCUMENTS THAT ARE REQUIRED TO LAY ON THE TABLE

Mr. Wabuge: On a point of order, Mr. Speaker, I am not disputing your ruling but the procedure, I think, has been that when a Minister has anything for Members he lays it on the Table here. But now, Sir, we are getting these circulars through our pigeon-holes. Has the procedure been changed? That is the point we are trying to get clear now.

The Speaker (Mr. Mati): That has not been the procedure, Mr. Wabuge. You have been here long enough to know that Ministers can send circulars, letters to anybody they wish. If they decide to send circulars to Members, they can do so through the pigeon-holes or through the post.

What they are expected to lay on the Table under the law are certain Government publications, for instance, the annual reports and so on. They have to lay them here because they are required by law to do so.

[The Speaker]

However, if it is their own circulars about certain things they intend to do, they can communicate with Members directly. There is no requirement that they should lay them on the Table.

Mr. Wabuge: On a point of order, Mr. Speaker, again I am not disputing your ruling but as a matter of policy what I am trying to get at is this. When a Minister sends out such a circular, then it is the policy of the Government and as such I think it is in order for such policy to be laid on the Table. That is my question here, Mr. Speaker.

The Speaker (Mr. Mati): No, I think I do not agree with you, Mr. Wabuge. Letters written to persons do not amount to policy statement and a circular could be just a letter informing you of certain action to be taken.

However, if a Minister decides to make a policy statement here, then the normal channels are there. He will ask me and then come and do so. However, if he chooses to communicate something directly to the Members, there is nothing wrong about that. If you disagree with what he is saying, you can raise the matter but you cannot do it the way Mr. Tsuma is doing it now on a point of order. That is wrong.

BILLS

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 FISH INDUSTRY (AMENDMENT) BILL

(Clauses 2 and 3 agreed to)

(Title agree to)

(Clause 1 agreed to)

THE COFFEE (AMENDMENT) BILL

(Clause 2 agreed to)

Clause 3

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move:

THAT clause 3 be amended by the insertion, immediately after paragraph (*g*), of the following new paragraph—

(*h*) the Permanent Secretary to the Treasury or an officer of the Treasury designated by the Permanent Secretary in writing.

(Question of the amendment proposed)

(Question, that the words to be added be added, put and agreed to)

(Clause 3 as amended agreed to)

Clause 4

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move:

THAT clause 4 be amended—

(*a*) by the insertion, in the proposed new subsection (2), after the word "shall", of the words ", if the Minister so directs,";

(*b*) by the deletion of the proposed new subsection (3).

(Question of the amendment proposed)

The Chairman (Dr. Waiyaki): We will deal with (*a*) first and put the question of the amendment for this one only.

(Question, that the words to be inserted be inserted, put and agreed to)

The Chairman (Dr. Waiyaki): I will now put the question of the amendment for (*b*).

(Question, that the words to be left out be left out, put and agreed to)

(Clause 4 as amended agreed to)

(Clause 5 agreed to)

Clause 6

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move:—

THAT clause 6 be amended by adding the following subclause:

Section 6 of the Coffee Act is hereby amended by the deletion of subsection (2) and the substitution therefore of the following new subsection—

(2) The Minister, after consultation with the Minister for the time being responsible for finance, may authorize the board to raise or borrow such sums of money for the aforesaid purposes as it may in its discretion think fit, and the board may secure the repayment of or raise any such sums by charge or lien upon any coffee which has been purchased, or which may be purchased, by the board under the provisions of this Act.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

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

(Clause 6 as amended agreed to)

New clause 6A

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move:—

THAT the following new clause be added after clause 6—

[The Minister for Agriculture]

Amendment of section 7 of Cap. 333.—6A. Section 7 of the Coffee Act is hereby amended by delection of the words "Uganda", "Tanzania" or "the Congo Republic" and substitution therefor of the words "any other country".

(*Question of the new clause proposed*)

(*New clause read the First Time*)

(*Question that the new clause be read a Second Time proposed*)

(*Question that the new clause be read a Second Time put and agreed to*)

(*The new clause was read a Second Time*)

(*Question that the new clause be added to the Bill put and agreed to*)

(*Clause 6 as amended agreed to*)

Clause 7.

New clauses 7A and 7B.

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move that two new clauses be added after clause 7 as follows:—

Amendment of Section 15 of Cap. 333.—7A. Section 15 of the Coffee Act is hereby amended by the deletion of subsection (5) and the substitution therefor of the following new subsection—

(5) There shall be payable for the issue of licence such fees as the Minister may from time to time prescribe.

Amendment of section 17 of Cap. 333.—7B. Subsection (3) of section 17 of the Coffee Act is hereby amended by the deletion of the words "a fee of thirty shillings" and the substitution therefor of the words "such fee as the Minister may from time to time prescribe".

The purpose of this, Mr. Chairman, is to remove all those fixed details and leave the question of fees open so that the Minister may from time to time prescribe.

The Chairman (Dr. Waiyaki): I will now propose the question of the new clauses 7A and 7B.

(*Question of the new clauses proposed*)

(*New clauses read the First Time*)

(*Question that the new clauses be read a Second Time proposed*)

(*Question that the new clauses be read a Second Time put and agreed to*)

(*The new clauses were read a Second Time*)

(*Question that the new clauses be added to the Bill put and agreed to*)

(*Clause 7 as amended agreed to*)

Clause 8

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move that clause 8 be amended by:

(*a*) the insertion in the proposed new section 18A, immediately before the word "licence" which appears in the first line of the word "dealer's"

(*b*) the deletion from the proposed new section 18A of the words "this Part" and the substitution thereof of the words "section 13".

(*Question of the amendment proposed*)

(*Question, that the words to be left out be left out, put and agreed to*)

(*Question, that the words to be inserted in place thereof be inserted put and agreed to*)

(*Clause 8 as amended agreed to*)

(*Clause 9, 10, 11 and 12 agreed to*)

(*Schedule agreed to*)

(*Title agreed to*)

(*Clause 1 agreed to*)

THE LANDLORD AND TENANT (SHOPS, HOTELS, AND CATERING ESTABLISHMENTS) (AMENDMENT) (NO. 2) BILL

Clause 2

Mr. Mwamunga: Mr. Chairman, Sir, I beg to move that clause 2 of the Bill be amended by deleting the words "the 27th September, 1966" and substituting in place thereof the words "the 1st November, 1965".

Mr. Chairman, the Act was passed by this House in 1965 and immediately, after it had been passed, several notices were issued to the tenants to leave the premises.

The decision of the Court of Appeal for Eastern Africa which has prompted this amendment by the Minister—with all due respect to the high authority in our legal systems, I think it was passed in——I will not go to the extent of saying that it was passed in ignorance of the laws passed in this House but, in fact, nowhere in the judgment was there reference to Act No. 9 of 1967. Now, Mr. Chairman, Sir, the decision of the Court of Appeal centred around a certain legal notice by the Minister—that is Legal Notice 283 of 1966, through which, in exercise of the powers conferred by the present Act, the Minister appointed different dates as the Act authorizes for the operation of the Act. The Court of Appeal felt that this Parliament did not authorize the Minister to apply the Act retrospectively. The Minister did appoint the 1st of November, 1965 as the date of operation of the

[Mr. Mwamunga]
Act in respect of Nairobi area, and he did also appoint other dates, for instance, the 3rd of May, 1966 in respect of Mombasa. The Minister also appointed different dates for different areas, towns and municipalities in Kenya: that is, municipalities such as Kisumu, Nyeri, Thika and so on. Unfortunately, Mr. Chairman, when these appointments were made the dates given were retrospective and the Court argued that Parliament did not empower the Minister to apply the Act retrospectively. However, as I said earlier, this omission was corrected by this House when it passed the Statute Law (Miscellaneous Amendments) Bill, 1967. They put this right when they said that Legal Notice No. 283 of 1966 made by the Minister for Commerce and Industry on the 19th of September, 1966 and published in the *Gazette* on the 27th September, 1966 appointing several dates for the purpose of section 1 of the Landlord and Tenant (Shops, Hotels, and Catering Establishments) Act, 1965 shall have full effect according to the terms expressed therein notwithstanding that the dates prescribed therein were then already passed and that Act shall accordingly be deemed to have come into operation on the 1st of November, 1965 etc., etc.

Mr. Chairman, the purpose of this Act is, with no doubt, to accord full and complete protection to tenants who rent business premises. I think it lingered in the mind of the legislator at that time, the importance and the urgency for encouraging our fellow Africans to go into business and therefore the need to protect their premises where they do their business. However, it does look as though this was overlooked and loopholes were deliberately left in the Act. Mr. Chairman, Sir, this is why I would like to move this amendment—the amendment is in complete conformity with the Government policy of Africanization of business. Mr. Chairman, Sir, we know it is a matter of common knowledge that most of the citizens who are businessmen do not have premises of their own, and so, they are mere tenants in the premises where they work. Now, I believe the Minister, in bringing this amendment, has in mind the need to protect our fellow Africans, or rather our citizen traders in business. If the decision of the Court of Appeal was to stand, although I understand that this decision is subject to review or could have been reviewed by now, this is not a relevant point here. I think the time is ripe for the Act to be amended so that the notices which were served to our people immediately after the Act was passed in 1965 are counteracted by the amendment. Mr. Chairman, Sir, if the 27th September, 1966 is to be the date of application of this Act, then I can see a good number of landlords who had served notices to tenants immediately after the Act was passed going ahead to evict the tenants. In the spirit of the Act, therefore, which I think is to protect the tenants against arbitrary eviction and rent raising, I beg to move that since it is the intention of the Minister to appoint a date for the operation of this Act for the whole country, the date that was originally appointed for the Act to apply in Nairobi area should be the date applicable throughout the country. That date, Mr. Chairman, Sir, is 1st November, 1965.

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

(Question of the amendment proposed)

The Minister for Commerce and Industry (Mr. Osogo): Mr. Chairman, Sir, we do not have any quarrel with the minor amendment being proposed by the hon. Member and therefore, I beg to inform the House that we accept the amendment.

(Question, that the words to be left out, be left out, put and agreed to)

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

(Clause 2 as amended agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE FISH INDUSTRY (AMENDMENT) BILL

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Fish Industry (Amendment) Bill, 1970 and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

The Minister for Agriculture (Mr. Nyagah): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Coffee (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

The Minister for Commerce and Industry (Mr. Osogo): Mr. Chairman Sir, I beg to move that the Committee doth report to the House its consideration of the Landlord and Tenant (Shops, Hotels and Catering Establishments) (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE FISH INDUSTRY (AMENDMENT) BILL

Dr. Waiyaki: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The Fish Industry (Amendment) Bill and approved the same without amendment.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Agriculture (Mr. Nyagah) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to move that the Fish Industry (Amendment) Bill be now read the Third Time.

(Question proposed)

(Question put and agreed to)

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

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE COFFEE (AMENDMENT) BILL

Dr. Waiyaki: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Coffee (Amendment) Bill and approved the same with amendment.

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

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

(Question proposed)

(Question put and agreed to)

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that the Coffee (Amendment) Bill be now read the Third Time.

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

(Question proposed)

(Question put and agreed to)

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

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

Dr. Waiyaki: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Landlord and Tenant (Shops, Hotels and Catering Establishments) Bill and approved the same with amendment.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Agriculture (Mr. Nyagah) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the Landlord and Tenant (Shops, Hotels and Catering Establishments) (Amendment) Bill be now read the Third Time.

The Minister for Agriculture (Mr. Nyagah) seconded.

(Question proposed)

(Question put and agreed to)

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

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read a Second Time.

Mr. Speaker, Sir, as the House is now aware of the fact that the purpose of the Statute (Miscellaneous Amendments) Bills which are brought to this House from time to time is to continue the process of bringing our Statute Law up to date and to remove anomalies.

The Bill sets out a number of amendments all of which are of a minor nature and do not warrant the publication of a separate Bill for each of the Bills for which it is intended to amend in the manner in which I have suggested. This is a convenient method of enacting various amendments which are required at one and the same time, and no doubt the hon. Members who are present will require me to explain these several amendments which are proposed. I will, therefore, deal with them in the order in which they appear here—in the published Bill.

First, there is the Election Offences Act. By substituting a wider definition of elections the

[The Attorney-General]
provision of this Act will be extended to Parliamentary and Local Government Primary Elections. This will cover the system which we introduced: having primary elections at General Elections and also Local Government Elections. When this Bill was passed, the Election Offences Act Cap. 66, we did not have primary elections, and therefore, this is the reason why we are now bringing in this new definition of elections to cover Parliamentary and Local Government Primary Elections.

The second one is on the Administration Police Act. At present, an Administrative Police officer can normally only act within the district of his recruitment. This amendment will enable such an officer to carry out his duties without these restrictions, for example, when he is transferred from one area to another. Again, this will allow ease of transfer and avoidance of dispute concerning jurisdiction.

The next one is on the Wakf Commissioners Act. Briefly, these minor elterations which have been suggested by the people at the Coast will render the Wakf Commissioners a more efficient body in the exercise of their powers and duties under the Act. The Wakf Commissioners are a familiar organization at the Coast and in fact it is the administration of deceased estates of Muslim faith.

The next one is the Births and Deaths Registration Act. The addition of the few words specified —if hon. Members would look at the Bill itself—merely say "Insert after 'Registrar-General' the words 'issued in accordance with the rules'. The addition of these words specified will give scope for the making of rules to prescribe authorization in certain circumstances of late registration of births and deaths. The authorization will be given by the Registrar-General. This will enable late registration, particularly by Africans, where as hon. Members know people are now coming in for birth certificates so that they can get passports and also for other purposes.

The Trustee Act is the next one. This is by adding to and varying the interpretations of this Act and by including the shares of a building society in section 4. It will become possible now to invest trust funds in bank deposits and building societies. Under the present law, this is not authorized and we feel, now, with our own banks and building societies that trustees should be able to invest trust money in banks' deposits and also in building societies so that they can get profits.

An hon. Member: Are you sure?

The Attorney-General (Mr. Njonjo): Yes, Sir, I am sure. If the hon. Member is not sure that you can get profits by investing money in deposits, then I suggest that the hon. Member should go and deposit Sh. 50 and he will see that at the end of the year he will come out with Sh. 55.

The Provident Fund Act, Sir, is designed to relieve the President from the necessity to make appointments to the board of management of the Provident Fund; a power which can be quite properly be exercised by the responsible Minister in future.

Sir, I now come to the Kenya Regiment (Territorial Force) Act. The Defence Council was substituted for the Military Council under the Armed Forces Act of 1968. Therefore, it is high time this nomenclature should be reflected in the Kenya Regiment (Territorial Force) Act and accordingly these small amendments are purely consequential amendments and to be in keeping with our Republic status.

The Public Health Act is the next one I would like to speak about, Sir. The subsection here which it is proposed here to delete appears to be in conflict with the exclusive powers given to the Attorney-General by section 26 of the Constitution. Under this subsection, a consent to prosecute—under section 55 of the Public Health Act which was enacted in 1921—has formerly been required of the Director of Medical Services. The express provision, and indeed, the spirit of section 26 of the Constitution must now prevail and accordingly this amendment will bring the Public Health Act in line with the Constitution. Now, if hon. Members wish to know what section 55 is all about I will be happy to read it. Sir, it reads as follows: "The offence is for a person to publish a notice or advertisement for the promotion of the sale of any medicine, appliance, or article designed for the alleviation or cure of any venereal diseases or other diseases affecting the generative—that is the procreation generative organs—organs or functions or sexual importence or any complaint or infirmity arising from or relating to sexual intercourse." Now, Members may have seen quite a number of advertisements in the papers where people say they are doctors and they can cure these or other ailments. It is the aim of the section to stop these people who claim that they have medicine or herbs or powers to cure these somewhat incurable diseases and in some cases some men want to be more potent than other men and so on and so forth. It is the intention of this amendment to control this situation. For the——

Mr. Wabuge: Address the Chair.

The Attorney-General (Mr. Njonjo): I am not looking at the hon. Member. If the hon. Member—— I am, Sir, entitled to look at the hon. Wabuge if I wish, but that does not mean that I am not addressing the Chair! However, that is the intention of this piece of legislation, Mr. Speaker.

The other one is the Plant Protection Act. So as to fulfil international obligations, it is important that steps should be taken to prevent the spread of plant disease from this country to others. The addition of these paragraphs to section 8 of the Act will enable such steps to be taken. This will help our farmers so that whatever is exported from this country is free from disease and there is no question that such products would be returned because they are not properly looked after.

The Tea Act hardly needs explanation. These are routine metrification amendments because, as the Minister for Finance and Economic Plannig has always reminded us, we are now going metric. In fact, I think, we have gone metric and we must therefore amend the Tea Act——. What?

An hon. Member: Not Tusker beer!

The Attorney-General (Mr. Njonjo): I understand, Sir, that Tusker has not gone metric but Pilsner is already metric and it appears that the amount of liquid is less than it was before. However, that is the purpose of this so that we go metric to satisfy the Minister for Finance and Economic Planning.

The Minister for Finance and Economic Planning (Mr. Kibaki): It is not the Ministry of Finance and Economic Planning.

The Attorney-General (Mr. Njonjo): Well, some of it affects the Minister for Finance and Economic Planning. I am sure of the beer and that is why I am complaining that the metric system has reduced the liquid in bottles.

Well, Sir, I now come to the Traffic Act. The object, Mr. Speaker, Sir, is twofold. Firstly, to spread application for the renewal of driving licences at the same time making provision for a three years' driving licence and, secondly, to allow speed limits to be prescribed in subsidiary legislation instead of their being scheduled to the Act. Greater flexibility will thus be achieved and I hope that this will also help us to reduce the untold loss we are suffering in this country from dangerous driving and drunken drivers.

The next one is the United Kingdom Design Protection Act. The correct title of the existing United Kingdom legislation is here substituted for the cognate United Kingdom legislation in 1949.

Sir, the amendments to the Armed Forces Act (No. 60 of 1968) are desirable for the correction of minor errors in the Acts. The first amendment which, somewhat, modifies the rigour of the Act in its application to female members of the services may be thought by some, perhaps, to constitute a major proposal. However, I can assure hon. Members that such is not the case. The Armed Forces of at least one other civilized country appear to have succumbed, long ago, to such sentiments of a similar kind. It may be that one or more of my colleagues have given notice of their intention to introduce certain further amendments by way of addition to this schedule. In which case, if they are related of course, to the Bill that I have published, Mr. Speaker, Sir, they will be most welcome.

With these remarks, Sir, I beg to move.

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

(Question proposed)

Mr. Mwamzandi: Thank you very much, Mr. Speaker, Sir. I would like to make a few comments on, first, the Administration Police Act which was formerly known as Tribal Police Act and whose purpose was to have people who were acquainted with the customs and the languages of the local people in the place in every district. If, therefore, we have these people transferred from one district to another, there is a danger of having people who do not know the customs of the people in that area and they will not, in any case, understand the difficulties of the people within that district. Furthermore, Mr. Speaker, the salaries of Administrative Police are so low that it will be difficult for such officers to manage if they are transferred from one place to another. I hope the Attorney-General thought about it; they do not have large enough salaries and therefore to take one individual from Kwale District to Kiambu where he will be feeding mainly from a shop is wrong.

Another thing, Mr. Speaker, Sir, is that if we provided that such people should be employed in a district where they would understand the language and the customs of those people, here, we would also have another danger because this provision would be tribalistic. As you know, whenever we have a question here asking for tribal breakdown we get no satisfactory reply. The main purpose here is to employ, in the Administrative Police, those people who understand languages spoken in the districts in which they will serve. Here, we have a danger of some districts being invaded by people from other districts or we might have people employed mainly from one tribe and the others might not

[Mr. Mwamzandi]
be seen in the Administration Police again. I will declare my suggestions later as I feel this section should be amended because we do not like to have Administration Police who do not understand the customs of the people in a given area. Furthermore, Sir, these people were very helpful during the colonial days because during the tax raids, if one individual expected difficulties he was normally told by one of the Administration Police, "You take this way, there are police officers on this side." So, that should be looked into very carefully.

Another thing, Sir, is on the Wakf Commissioners Act. This Wakf Commissioners Act is an organization which only concerns the Moslems. There has been a complaint at the Coast whereby people said that there was no proper statement or explanation with regard to the Wakf Commission. People were complaining of misuse of public funds by district commissioners. This Commission, Sir, should be properly constituted so that people can be satisfied that the public's money or funds will be kept in a safe place. The Committee, Sir, used to elect its own Chairman earlier on; but here the Attorney-General comes boldly and says that the Provincial Commissioner for the Coast Province shall be the Chairman of the Wakf Commission. This is an entirely Moslem organization within the Government and it would be very wrong and unfair to have a Christian—as you know that we do not have a Moslem provincial commissioner—who is not acquainted with Islamic laws or difficulties as the chairman of this Wakf Commission. As such, Mr. Speaker, I think the right person to be the Chairman of this Commission should be a Moslem Member of Parliament or, better still, the Chief Kadhi, although the Chief Kadhi at the Coast is a member of the Commission.

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

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

An hon. Member: Are you campaigning?

Mr. Mwamzandi: No, I am not campaigning. We hope here that we shall soon Africanize this post and have an African to be the chairman of that Wakf Commission. So, I really oppose the attitude of bringing a Christian, particularly the provincial commissioner, within this Commission. He should be a Moslem—we do not mind having the provincial commissioner, as an ordinary member, to check on what is happening.

Mr. Speaker, another point I would like to mention on the Statute Law is with regard to the Public Health Act. The Attorney-General is suggesting that we repeal a section, or to delete the section under which people can advertise that they have proper medicine to cure venereal diseases. This is very wrong. Anybody capable of curing venereal diseases anywhere within Kenya, Mr. Deputy Speaker, should be encouraged to come forward and have a licence. Why should this section be repealed? You know, Sir, some particular tribes have the effective medicines for venereal diseases; much better than the medicines we get in hospitals. It takes, maybe, about three days to cure venereal diseases in Kenyatta National Hospital but to some tribes, particularly in the Coast, it takes just a minute. Those people should be asked to come forward and get licences. If the Ministry of Health feel they have effective medicines, these people should be asked to come forward and get licences. Our aim is to fight diseases and not to accumulate them. Here, the Attorney-General should have thought it fit to encourage these people. We have very active native medicines, like the snake bite medicine. Mr. Deputy Speaker, in some places you do not need to apply medicine, what you need is just to mention the name of that particular doctor and then you will get cured.

An hon. Member: Is that true?

Mr. Mwamzandi: It is true. That medicine, Mr. Deputy Speaker, should be encouraged. We are independent, Sir, but we are developing an attitude of neglecting whatever our forefathers did. We are trying to neglect our culture; in other words we are neglecting our customs. It is in the same way as when we come forward here and say——

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

Another hon. Member: Sit down!

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, if I may ask, for the hon. young Member —I do not know from where—to shout that I should sit down when I am standing on a point of order? There are some babies over there, Mr. Deputy Speaker.

The Deputy Speaker (Dr. Waiyaki): Order!

Mr. Umuro: On a point of order, Sir, is it in order for the Assistant Minister to call me a baby when I am a fully grown-up man?

The Deputy Speaker (Dr. Waiyaki): Order! Order! I am sure it is not in order. Go on Mr. Mwamzandi.

Mr. Mwamzandi: Mr. Speaker, Sir, I said——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir. I was following up the

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
statement by the hon. speaker now speaking. He said that there are diseases for which you do not have to get medicine; all you have to do is just to mention a name and you are cured. I was wondering whether he is in a position to tell the House of an instance, for example, where somebody was bitten by a snake and he only mentioned a name and was cured?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, this is exactly what is being repealed here; when I mention them here, I am advertising them and the Attorney-General is repealing that. Therefore, we should not repeal such things; what we should do is encourage these people to come forward.

For instance, Mr. Deputy Speaker, we recently had a lot of good work done by Kajiwe; we recently had good work done by Kabwere—he left a few years ago—and some other good work done by another person in my constituency known as Mwabudzi. Now, these people, Sir, had their mouths shut; their good work stopped and it is really a problem now to those people who would prefer their medicine to that of hospitals, yet in most cases it helped them.

Therefore, I would here like to say that it is my suggestion that this section should not be repealed but a provision should be made here that these people should be asked to come forward and get licences. It is exactly the same thing, Mr. Deputy Speaker, the neighbouring government is doing in Tanzania. If you go to Tanzania, every native doctor has a licence to show that he can cure such-and-such a disease; instead of that, here in Kenya we want to repeal it. I would like to oppose this section.

With these few remarks, I beg to move.

Mr. Seroney: Thank you very much, Mr. Deputy Speaker. This has become almost a bi-annual exercise, to amend our laws because every year, there are at least two Miscellaneous Statute Amendment Bills. However, whereas in the past I have opposed using this type of vehicle to change our legislation, I agree with the Attorney-General that this is a convenient way of effecting minor amendments and, of removing anomalies.

Having said that, Mr. Deputy Speaker, I would like to support the last speaker with regard only to one of his misgivings, and that is the amendments to the Tribal Police Act, which has now been baptized into the Administration Police Act. Now, this institution of the Administration Police has had a chequered history. I remember at the time of independence, when we were discussing the Madaraka Constitution, the whole question of the future of the Tribal Police, as it then was, was to have been considered in order to decide whether it was constitutional to have two police forces. However, that question was shelved and ways and means were found later on to regularize this force, and rename it the Administration Police.

However, this amendment raises the question whether, in fact, we need the two police forces, and it is necessary to move the Administration Police to any part of Kenya, why have two forces? Why not have only the Kenya Police, because the Kenya Police can be transferred anywhere, whereas the Tribal Police do some work for the administration, and it is well known that the districts are based on real tribal boundaries, so that when you refer to Administration Police, they are still Tribal Police, in that they are drawn from the tribes of the district in which they are to serve? Now, the President's Office wants to manipulate the Administration Police, so that they can transfer them anywhere, thereby raising that fear which we have always had, with regard to the impartiality of the distribution of jobs or the availability of employment. Hon. Members will know what difficulties we had about untrained teachers, with the Teachers' Service Commission, and I would not like to be faced with the same problem of having some Tribal Police or Administration Police officers being sent from one district to another, instead of promoting those in that particular district.

Therefore, when the time comes for amendment, Mr. Deputy Speaker, I will amend the amendments, so as to leave section 7 as it is now, but also amending it by removing the proviso to that particular section which creates a certain ambiguity, which I will explain when the time comes for moving the amendments.

As far as the other Acts mentioned—I was counting them, and there are more than 10—are concerned, I think they are all straightforward, and there should be no difficulty in accepting them. I think one particular amendment is welcome, and that is with regard to driving licences, because it will then be possible in future, instead of rushing every year, every January before 15th of the month, to get your licence, one can get a licence once lasting for three years, and I think that is a welcome development.

Now, I see on the Order Paper that some of my colleagues have introduced amendments to some anomalies. I think one of these anomalies, Mr. Deputy Speaker, has arisen with regard to minimum sentences which were enacted by the last Parliament; handling stolen goods invites a minimum sentence of seven years and a maximum of 14 years, and it is possible to have somebody——

The Deputy Speaker (Dr. Waiyaki): Which part of the Order Paper are you on?

Mr. Seroney: I am referring, Mr. Deputy Speaker, to the Supplementary Order Paper.

An hon. Member: We do not have it.

The Deputy Speaker (Dr. Waiyaki): Order, I will get one.

Mr. Seroney: Now, the anomalies in these minimum sentences, Mr. Deputy Speaker, are that whereas one of the offenders, let us say, the thief, in view of the small value of the thing he has stolen, can get away with an imprisonment of six months, yet this Parliament has seen it fit to say that the handler of a property, say, Sh. 10, must be put in for seven years, regardless of the smallness of the property which is stolen, and so forth. Therefore, that creates a situation where the court is deprived of the discretion to consider people like first offenders and so forth. Therefore, I think that is an anomaly which was not appreciated when the Parliament, with enthusiasm agreed to this minimum sentence. It also applies to armed robbery or robbery with violence because this can also create an anomalous situation where a youth——

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Deputy Speaker, Sir, could my learned friend tell me which section in the Bill he is dealing with?

The Deputy Speaker (Dr. Waiyaki): Mr. Seroney, can you say which section of the Bill you are dealing with?

Mr. Seroney: Mr. Deputy Speaker, Sir, I am dealing with the amendment to the Penal Code. There are two amendments, that is: amendment to section 308 (i) of the Penal Code and section 322 of the Penal Code.

The Deputy Speaker (Dr. Waiyaki): Are they on the printed Bill, as I cannot see any part which is being amended in the Penal Code? Can you quote the page, please?

Mr. Seroney: It is on the Supplementary Order Paper, Mr. Deputy Speaker.

The Deputy Speaker (Dr. Waiyaki): That is a matter for the Committee stage. I think you are using the Second Reading of the Bill to put some of your ideas across to the Members instead of doing so at the Committee stage. I think we have to confine ourselves to the printed Bill.

Mr. Seroney: Thank you very much for your ruling, Mr. Deputy Speaker. All I am saying is that these things ought to have been included in the original Bill. In any case, I welcome the original Bill and I also welcome the proposed amendments which I will discuss later on at the Committee stage.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): I wish to make some little observations on this Bill. The first point I would like to make is that I would have liked to get a very convincing reason from the Attorney-General in why he saw it fit that we should remove the Liwali to be substituted by the Provincial Commissioner. Mr. Deputy Speaker, Sir, you might question why I am saying this and yet I am a Christian. You must know, Mr. Deputy Speaker, Sir, as much as I am a Christian, I represent about 90 per cent of the Muslims and, therefore, I would like to know for what reasons this was done. I would like to know whether it was the Chief Kadhi who has proposed this, that the change should be effected or not. If it is the Chief Kadhi, with his organization, I have no quarrel with the Attorney-General, but if the Chief Kadhi and his organization are opposed to this, I think, I reserve my support for this particular section seeking to delete the word "Liwali" and insert thereon "Provincial Commissioner of the Coast Province."

I believe we should leave this body, if it is a religious organization, to run in the way they like, so long as they do not misappropriate money belonging to certain people. I have no quarrel, Mr. Deputy Speaker, in where he suggests that the secretary shall hold some professional qualification or some accounting knowledge. I have no quarrel with that one, if the Government is worried that the present secretary is misappropriating money or the accountant or the person dealing with the money. However, if it is the question of the Chairman alone, I think we should leave the Chief Kadhi alone, unless he himself has yielded his powers to the Provincial Commissioner. In those matters I think we should leave it to them.

The second point which I would rather say it is unfortunate, is Cap. 242 section 55. I would like to say that I do need to hide anything. There are certain people from certain parts of the Republic, even when we had cholera, they never turned up in hospitals. They went to certain private fellows and were cured. This is a fact. We know there are certain people who have been treated in Galole Hospital, in Mombasa Hospital and in Kenyatta National Hospital and I remember some two prominent doctors in Kenya who told them that they would die after some five months. The people are still living, two years later because they went to some of these people. I think if somebody believes in something, there

[The Assistant Minister for Information and Broadcasting]
is no question of you making it illegal. He still believes in it. I think we are going to encourage some backdoor treatment, which I think is unfair. It is the same thing as for us saying that we are going to stop completely the drinking of *waragi*. People are continuing drinking it despite this. The sooner we look for a method of helping our own *wananchi* the better. However, in this case I do know—I am supporting the Member for Kwale East—that there are certain people in this country who will never go to the hospital when they are bitten by a snake. I am one of them. I do not go. I am being honest. It is a question of someone deciding that this is medicine that will cure me. I would challenge the Attorney-General, if he went to Galole one day, he is bitten by a snake and his friend is bitten by a snake, I will take him to this man and he will get cured faster than the one treated in the hospital. I can prove it and there is no question of us saying that this thing is not there. It is there.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Have you ever had it yourself?

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, the hon. Member for Butere asks me whether I have had it myself. I have said that I do not go to hospitals for snake-bites. I do not need to go——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, you would now agree with me that there is a case for the House to be informed. Here a Member states specifically that he does not go to hospital when he is bitten by a snake. Could he tell us since it happened to him how he gets cured by talking?

The Assistant Minister for Information and Broadcasting (Mr. Kase): I can inform him, there is no quarrel about it. If you do not want to get cholera, you go to a doctor for vaccination and if you do not want to be affected by poison from a snake, you go to the same doctor and you get some vaccination of some nature from him. It is as simple as that and it will serve for the rest of your life.

The Deputy Speaker (Dr. Waiyaki): That really qualifies your statement. You do go to a doctor of some kind but, I do not think you can say that you do not go to a doctor.

The Assistant Minister for Information and Broadcasting (Mr. Kase): I am glad, Mr. Deputy Speaker, you have come to my aid. A doctor from my place can make you get cured from a snake-bite without going to a hospital to get the Western type of medicine.

I believe that we can delete this section but the practice will still continue because, for some reason or other, some people do not just go to the hospital.

Lastly, Mr. Deputy Speaker, I would like to come to the Traffic Act, but I would like to talk on section 42 (i). I would like to appeal to the Attorney-General when making these rules or when prescribing certain speeds to consider the capacity of the modern engines and how much they can do. At the moment you can see a lorry which is supposed to move at 20 miles per hour or 30 miles per hour or something like that, however, the modern lorries brought into this country, have very good engines and they can move faster, and therefore, their engines should be designed in such a way we can make sure that the vehicles do not suffer. For instance, if you would ask a driver of a trailer to move at 20 miles per hour as it is prescribed in the Act, that driver is bound to slow down and he might doze while on the road driving because the speed is too low and the engine of that vehicle is faster and more capable. Therefore, whoever is going to prescribe certain speed limits on the road should make sure that it is consistent with the modern vehicles. Mr. Deputy Speaker, Sir, I would also ask those people who are going to introduce these speed limits to make sure that even the small car, driven by the hon. Member from Tana River North or myself or anybody else, is controlled. He should also make sure that the police can manage to prosecute a person for overspeeding. I am informed, Mr. Deputy Speaker, Sir, that it is very difficult to convict a person for overspeeding because amount of time taken is so much that the police officers find it difficult and unnecessary to prosecute a person. If this is true, Mr. Deputy Speaker, Sir, the person concerned should have ways and means to make sure that someone is prosecuted for overspeeding. The way it is done it is easy and simple for the police officers and the court to arrive at a fair judgement. The reason, I mention small cars, Mr. Deputy Speaker, Sir, is because many of us in this House are very fond of waiting until you are late for one hour and then you tell the driver there are many, many miles still to be covered, then you work out the hours you have lost and then you divide the remaining uncovered distances by the spare hours you have, and then you tell the driver to drive at 90 miles per hour, but if you had taken your time you could have driven at 70 miles per hour.

[The Assistant Minister for Information and Broadcasting]

This is one of the reasons, Mr. Deputy Speaker, Sir, I would like to see that if there is a speed limit it should be there for every car but not only for lorries because they are not the only type of vehicles which are causing accidents nor the trailers because even small cars do cause accidents. Indeed, the small cars travel faster and at such high speeds, let us say, 100 miles per hour—it does not matter if anyone tells me anything——. If at such high speed your front tyre bursts—it does not matter whether you have a new tyre because even a new tyre can burst—let us say you are driving at 110 miles per hour, your life would be at stake. Therefore, I would appeal, Mr. Deputy Speaker, Sir, to whoever is going to make these speed limits to make sure that he limits everybody, taking into consideration the class of each vehicle and taking into consideration the engines of the modern vehicles.

I would suggest, Mr. Deputy Speaker, that 80 miles per hour should be the maximum for any small car. I know my friend here would disagree with me because of his Peugeot 504 which moves faster. I would recommend 80 miles per hour which is equivalent to 130 kilometres per hour. Also, 75 miles per hour is equivalent to 120 kilometres per hour and I think 130 kilometres per hour would be quite good on a normal road. However, with a careful and ordinary driver that speed would be quite all right for him.

I do hope—and I hope that I am not hoping against hope—that when these speed limits are amended people will adhere to them so that we can have less road accidents in this country and, at the same time, ensure that our lives are safe and our vehicles are not in any danger. I would appeal to the hon. Members here that when these speed limits are introduced, they should adhere and observe them. I think here there are some people who drive faster, and although I have never seen the Attorney-General driving I hear that he can drive fast.

Before I sit down, Mr. Deputy Speaker, Sir, I would appeal to the Attorney-General to look again into the question contained in section 242, of 1965 and let it remain as it is. He should also look into the question of the Administration Police. I think in the long run we should find ways and means of how we can amalgamate the Kenya Police with the Administration Police because in some places they cause a lot of anomalies and it is not easy for one to know which of the two he is dealing with. At times it looks to me that the Administration Police is just a force for the provincial commissioner and the district commissioner and the Kenya Police looks like the force of the people of Kenya. However, the Administration Police force seems to be a force of the district commissioners, district officers or some chiefs. I think if the Attorney-General could one day do away with this force by amalgamating it with the Kenya Police. He should delete the Administration Police Act so that we can have only one force that is the Kenya Police and then the other forces like the Kenya Army and the Kenya Navy. However, the question of leaving the thing as it is so that we have some little kingdoms in the same country, I think is rather unfair.

With these few remarks, I beg to support.

Mr. Wabuge: Thank you very much for having given me this opportunity. In the first place, I would say that with this kind of Bill being brought into this House every year, I think the Attorney-General should take time off today and make sure that next time he does not come here with a Bill of this type. If he has any Bill to amend he must bring a separate Bill but he should not bring a Bill under this cover. The reason I say this is because, Mr. Deputy Speaker, Sir, if you go through this Bill you will find that there are very many sections which are intended to be amended. The sections which are intended to be amended are not printed here. Therefore, it becomes very difficult for the hon. Members here to know what is to be amended and because of this it appears that the Attorney-General wants to get away with something by bringing in here such Bills. Therefore, Mr. Deputy Speaker, Sir, I think today, we are going to allow him to move this Bill, but in future he will find it very difficult to move with such a Miscellaneous Bill like this because it appears whenever he has a Bill to introduce into this House and in his opinion it might be a controversial one, he does not bring it but he waits until he can bring it under another type, that is, Miscellaneous. I think this is the wrong way of introducing this into this House. It gives the hon. Members here a hard time because they have to go and look through all the available books trying to see what the Attorney-General is trying to amend. Therefore, Mr. Deputy Speaker, Sir, in future the Attorney-General should not bring a Bill like this one as he has done today.

Mr. Deputy Speaker, Sir, when the Attorney-General was moving the Bill he said that the intention is to amend some anomalies which do exist in the present laws. To my surprise, I find that even despite the fact that he is trying to date the laws of this country still the intended

[Mr. Wabuge]
Amendment Bill has a lot of anomalies. Therefore, Mr. Deputy Speaker, this does not make any sense. If I may refer to the clause which contains the Election Offence Act, Chapter 66, I see that this section 2 where he says that we shall have primary elections for all elections that is the local authorities and the National Assembly Elections, it is all right. However, in the same Act you will find that there are so many anomalies which have been introduced. I say this bearing in mind that we all support the idea of having primary elections. This is a very good system, it worked very nicely in the last General Election. We are going to preserve it at all costs and we are not going to allow anyone to tamper with it at all. However, Mr. Deputy Speaker, Sir, my quarrel is in connexion with the ballot papers. The ballot papers must—— A clause must be introduced in the present Bill so that we can have one ballot paper where the names of all the candidates can appear so that anyone wishing to vote to a given candidate all that he or she can do is to put an X against the name of the candidate he wants instead of having a plain ballot paper and when it is put into the box after a few minutes no one can tell whether that ballot paper was for the hon. Wabuge or the Attorney-General, for that matter, if at all he was to stand for election. Therefore, Mr. Deputy Speaker, I feel that this is one anomaly which the Attorney-General in his Chambers should have seen and found it fit to have it included in this Bill. Does he mean to say, Sir, that next time he is going to bring another Bill to amend that? This is the right time.

Mr. Deputy Speaker, Sir, another thing is about ballot boxes: we want one ballot box; not several ballot boxes and one common ballot paper so that during the Primary Elections all those people who want to vote can vote by the way of putting or marking "X" against the name of the candidate they want. Here is one anomaly which the Attorney-General did overlook or he just left it. However, I think we are going to have an amendment on this so that this is in the right manner.

Mr. Deputy Speaker, Sir, another thing is about the Administration Police Act. My friends have aired their views on this and I have also my own views. These Administration Police, the intention here is to make them transferable. What is going to come next when they are transferable? If this amendment goes through, we are going to be faced with the same situation here, where we will say, "Can you give us the breakdown of the people or officers in the Administration Police?" We will be told, "For security reasons, we are not going to reveal this". This is very serious, Mr. Deputy Speaker, Sir, because it is going to create more imbalance again. Up to this moment we have had no imbalance at all and yet the Attorney-General intends to create a situation whereby we are going to have imbalance. We are not going to accept this. At present moment, in this House, we have never asked a question of the breakdown of the Administration Police because the people are satisfied, because the people are being recruited at district level and this is being done impartially. Therefore, Mr. Deputy Speaker, Sir, I think the intention here is not the right move and I hope, if the Attorney-General does not have quarrel with us, he is going to withdraw this particular section which he wants to amend. This is because we do not want this imbalance to be created again by bringing people —underground—without Members of this House knowing where these people are coming from. Therefore, when we ask how many people from Kakamega have been recruited under the Administration Police, we will be told that for security purpose, they are not going to reveal this. We are not going to accept this at all. The intention here, Sir, is that these people speak the language of the local people in the area. Therefore, they should be recruited from that particular area; and they should not be subject to transfer. What are they going to do in other areas? For example, if you took an Administration policeman from Turkana and posted him to Kwale, what language or what means of communication is he going to use?

Instead of saying, "Come here", he will say, "run". When the person whom he is telling that runs, he will shoot him. Is that what the Attorney-General wants to tell us? We are not going to accept that. Therefore, the Attorney-General should withdraw this very quietly and let it remain as it has been, if at all it is the intention to maintain this Administration Police. If the idea is to remove them so that they cannot be there, then we should not have any Administration Police officers. This is because what they are now doing is that you may find a provincial commissioner is having two of them and what they do is to wait when the provincial commissioner is going to his car, they salute him and one of them opens the door and then the driver starts the car while the Administration Police are running after and trying to get into the car. This is very serious, Mr. Deputy Speaker, Sir. If that is the way they want to preserve these people so that they salute the district commissioner or provincial commissioner for that matter, then they should be told that that time is gone. Those were the days of the colonial time and therefore, we should not have them at this present time.

[Mr. Wabuge]

Mr. Deputy Speaker, Sir, you will find that under the Public Health Act, I think other Members have said this very correctly: the intention which the Attorney-General wants to have here is people being prosecuted in this country; that So-and-so has native medicine and as such he has committed an offence and therefore, he has to be prosecuted.

An hon. Member: How do you know that?

Mr. Wabuge: I was the "President" of Western Province and I did research in this as the "President"

Therefore, Mr. Deputy Speaker, we should not stop this by legislating a law in this House at all. What the Attorney-General should do and the best way to do it is to educate the people telling them that instead of going or using native medicine, they should go to the hospital. However, the people will ask the Attorney-General if he comes up with such a suggestion, they will say, "Yes, we accept, but where are the doctors and where are the hospitals?"

You bring more hospitals in this country, bring more doctors in this country and then the people themselves will give up going to these "bush doctors" they will go to the hospitals. Here, in this country we have not enough doctors, they are very few. We have few hospitals. You may find a patient walking for 50 miles without getting to a doctor or for that matter, a hospital. What next is left for him to do? What he is left with is to go to the "bush doctor". Some of these "bush doctors" have the best medicines which can cure. Therefore, why should you legislate against this? Mr. Deputy Speaker, Sir, this one again, the Attorney-General——

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Deputy Speaker, Sir——

Mr. Wabuge: You always stand on points of order when I am speaking.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, apart from the fact, I think the hon. Member is repeating what has already been said. I think it is wrong for the hon. Member to mislead the House. Section 55 of the Public Health Act (Cap. 242) is saying nothing against witch-doctors or against any other doctor. What it speaks about is people who publish or advertise that they are qualified to cure heart diseases or venereal diseases when they have no qualification to do it. It has nothing to do with our own doctors and herbalists. If the hon. Member would sit down, I have not finished.

Therefore, Mr. Deputy Speaker, Sir, the hon. Member is misleading the House because the section has nothing to do with what he is saying.

Mr. Wabuge: Mr. Deputy Speaker, Sir, with all due respect it was not a point of order; but it was a point of information. If I knew I would have not given you way.

Mr. Deputy Speaker, Sir——

The Deputy Speaker (Dr. Waiyaki): It was a point of order, maybe a long one, but it was a point of order.

Mr. Wabuge: I will not dispute your ruling, Mr. Deputy Speaker, Sir. What the Attorney-General tells us is that this is dealing with publications. What is this publication for? If a publication is to the extent that Mr. Wabuge is a good doctor and that he can cure certain diseases what is the matter with that? What is wrong with that? Let it be free like that so that the people can be told where they can get a good doctor to cure them. We should not legislate against these things. Mr. Deputy Speaker, Sir, this is another section, with all due respect, I request my hon. friend, the Attorney-General to withdraw so quietly and let it go and lie in the Attorney-General Chambers for some time until more education has been given to the people which will be followed by more hospitals being established in this country and also more trained doctors being found in this country. However, before that happens, this section should stand as it is at the present moment. Mr. Deputy Speaker, Sir, in view of the fact I have some amendments to introduce in this Bill, I feel that I should not touch on them now but I should wait until the time comes for me to speak on my amendments.

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

Mr. Ayah: Thank you very much, Mr. Deputy Speaker, Sir. In the first place I do not want to take the time of the House for very long. I have only three points which I would like to make, Mr. Deputy Speaker, and the first one is that I feel that the Attorney-General does not go far enough by way of amending what needs to be amended in this Bill. But, even the amendments which he has brought in, looking at them I thought that some of them needed slightly more expansive amendments than what he has brought in.

Having made that general point, Mr. Deputy Speaker, Sir, I would like to talk about two points which my hon. colleagues have already touched on. One of them, I agree with entirely as amended by the Attorney-General and the other one I have my doubts upon. I would like to start with the negative one, Mr. Deputy Speaker. This is the section that deals with the Administration Police.

Mr. Deputy Speaker, Sir, I have the impression that hon. Members are not treating this subject

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with the seriousness it deserves. This is because the fears that are being expressed here, Mr. Deputy Speaker, are those that involve other bigger aspects of our community namely that if the Administration Police were to be transferred from their original districts, then there is a fear that Members have that certain anomalies will arise in employment; that there will be nepotism, there will be tribalism and there will be all kinds of evils. Now, Mr. Deputy Speaker, Sir, this tends to obscure the necessity of having civil servants of all sorts transferred anywhere. I was thinking that perhaps the Attorney-General will understand this that at the back of this argument that Members have put forward there will be this anomaly. There is a larger problem that apparently affects our nation and that is people are dissatisfied with the question of how our people are recruited into the Civil Service. My argument, Mr. Deputy Speaker, is this: This tends to obscure the fact that we all agree that members of the Public Service should be transferred from one district to another. Maybe, if you invert the argument you will find that perhaps this might be the cure to the parochial and tribal attitudes that people have. Unfortunately, Mr. Deputy Speaker, it is difficult at the moment because large sections of our community and even Members of this House have already in their heads the idea that people are not being employed impartially. Now, it is unfortunate that that is the attitude; it is unfortunate if there are any facts to support it but I would like to appeal to the Attorney-General therefore that, given that people believe that—Members of this House do believe that and even people at large in the country—I was thinking that the best way of dealing with this matter is to do away the whole idea of Administration Police. As Members have pointed out, for one thing I am not a great believer in these people or at least in these offices because I think that they are not doing any useful job at all apart from harassing people for graduated personal tax and other non-essential activities which normally come at night. They are not doing anything useful or at any rate they are not doing anything that cannot be done by the regular police. I was hoping that the Attorney-General might consider at this stage to do without the Administration Police completely and later on to increase the regular police force so that they can help the Administrators in the local areas to enforce such laws as are enforceable by them.

Mr. Deputy Speaker, Sir, one hon. Member has already said that they do tend to function as parade masters for district commissioners and provincial commissioners, opening and closing cars' doors and in some cases going to buy meat for these district and provincial officers. But, that is neither here nor there, Mr. Deputy Speaker. I appeal to the Attorney-General seriously that this is the time when the Administration Police should not be part of our law enforcing civil servants in this country.

The second point which I wanted to raise, Mr. Deputy Speaker, is this—and this is where I have full agreement with the Attorney-General. This is the question of—— I think it is in the Public Health Act Chapter 242 section 55 which deals with public health. Now, hon. Members have already said that this is going to discourage our own medicinemen if I may call them so, Mr. Deputy Speaker. Some hon. Members have said that there are some occasions when these people are better than regular doctors or trained doctors. Mr. Deputy Speaker, Sir, I must disagree with that view. There comes a time when we must pay a price for accepting certain elements of development. I have heard it in this House, Members asking Ministers in terms of statistics how many of so-and-so do we have in the country. Now, these are figures. One of the reasons why one would like to have some of these diseases treated in regular hospitals or by doctors is the question of statistics. If we want to control venereal diseases, this is accepted by everybody but we cannot control them if—and I am not speaking from experience here because I have no experience in this field—we cannot control them if we cannot check on doctors that are trained who can give statistics. I know from hon. Members who have experience in this field who say that there are some people who can cure these diseases. I have no doubt that these Members are right. But, how are we, as a society going to control a disease like venereal disease if these people who are going to treat our own people have no knowledge of how to compile statistics so that later on when Members come to this House and ask the Minister for Health or the Minister for Local Government how many cases of venereal disease have been treated in Nairobi and what is the rate of increase and so on, then they can be given? I want the hon. Members—if they do not mind—to look at this matter in that light. The amendment does not say, for instance, that those people who would like to go to the African doctors should not go. It only says that these people should not advertise because this is one way of discouraging these people to treat such serious diseases as venereal diseases. I would like hon. Members to try and look at this matter slightly more intensively so that they do not confuse the discouragement or encouragement of these African doctors and the treatment of serious

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diseases like venereal diseases. For one thing, Mr. Deputy Speaker, Sir, I personally do not believe that the Kabweres, the Kajiwes and these others have any place in our thinking now.

An hon. Member: Are you not afraid of Kabwere?

Mr. Ayah: My hon. friend on the other side seems to think that Kabwere is going to strike me dead. I hope not. I do not think he can.

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

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

However, the point still remains, Mr. Speaker———

An hon. Member: ..... (Inaudible):

Mr. Ayah: If the hon. Abdallah would perhaps use the time that I am speaking to think of what he is going to say, he might spend his time more usefully.

Mr. Speaker, Sir, in the point that I made earlier, I said that we want to make sure that we are prepared to pay for our acceptance of development that we do not come here and say that although we accept hospitals—as one hon. Member said—we must at the same time please the local witch-doctors in our areas so that next time we can get some votes from them.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I must thank you for giving me this chance to contribute to this Bill. This is one of the most important Bills. It looks simple in appearance and it looks quite brief when you look at it, but it is one of the most dangerous Miscellaneous Bills. They are very dangerous because they only deal with "delete", "substitute in place thereof", "add" and so forth. I would kindly ask the hon. Members of this House, as the custodians of this country, to study the Bill seriously so as to avoid points of order by the Attorney-General drawing their attention to clauses which are in the Bill rather than what we are wondering about.

Sir, in the course of my speech the Attorney-General will not have the opportunity of drawing my attention to the main Acts because I have studied all of them and I have read the amendments and I know what is being amended and where it is being amended.

Sir, I want to draw your attention straightaway to page 8 of the Bill. I am now referring to the Armed Forces, section 7. You can find this on Act (No. 60 of 1968).

Mr. Speaker, with all due respect to the hon. ladies who are here, it is said here, Sir, under section 7 (2) (*b*):

"A female warrant officer or non-commissioned officer shall not exercise power of command over male members of the services of the armed forces."

The Attorney-General (Mr. Njonjo): What is wrong with that?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I have not started my debate. Do not look for trouble, Mr. Attorney-General, because you will get it thick.

Sir, it goes on:

"Provided that any such female warrant or non-commissioned officer may give instructions to such a male member who has been expressly ordered by his superior officer to obey such instructions."

Mr. Speaker, I think there is something here which is very interesting. Personally, I have never felt once that a woman would withstand the strenuous army activities. That is my personal opinion, to which, Mr. Speaker, I am entitled.

An hon. Member: Address the Chair.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I am addressing the Speaker, and I am not addressing the lady. I do not have to address any lady here, but I am expressing my feelings—that I was of the opinion, and I am still of the opinion that it is strenuous. Military exercises and all this discipline and so forth are slightly too much for women if they have to remain regularly as military women. In cases of emergency—in the case of war, just a short period—then they could withstand that, but to stay there regularly, for example, like our friend, Mr. Ndolo, who has been there for—I do not know how many years, is too much for a woman in my opinion. But then, if we talk of having them in the army I think they should only be for emergency cases or in case of war, which is only but for a given period. However, to think in terms of having them permanently employed as military women is too much.

Furthermore, if we think of having them in the armed forces, and then create this condition that she cannot give any orders to any male member, then there is no point in making her a commissioned officer or an officer in the army because her commands cannot be listened to unless that particular officer who is being commanded by her has been expressly told by the

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superior that he must obey the woman. This is cumbersome, Mr. Speaker, and it is not in keeping with African tradition. We do not take orders from women. If those who have brought civilization from the Western countries try to tell us so, Mr. Speaker, I agree here with the Attorney-General that even this proviso should be in order. No order from a woman should be taken by a man because this is not in keeping with our African tradition.

Mrs. Gecaga: Question? ..... (Inaudible).

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I hear the hon. lady saying "question". I would like her to be honest with herself. If she is proud of being an African, and if she is aware of the repeated speeches by His Excellency the President that we have to be proud of our tradition, in which there is no clause or any place providing that a woman can give orders to a man, then she should agree with me that this clause is very, very necessary.

Mrs. Gecaga: You are right.

Mrs. Onyango: On a point of order, Mr. Speaker, may I question the speaker whether he has never been ordered by a woman in his house, and whether he has never accepted. He is now pretending to be ..... (Inaudible).

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, with all due respect that is not a point of order. It is just a question. Unfortunately, I am not replying to questions now, but if she wishes I can be very nasty.

Sir, I, for one, am married and I will never take orders from my wife. On the day I will take orders from my wife, Mr. Speaker, I shall cease to be her husband.

Mr. Mwamzandi: On a point of order, Mr. Speaker, it is not, of course, a written custom that no woman will give orders to a man. To my understanding, in this African continent, there are some places where women are responsible or are authorized, according to their customs, to be higher than men. Is the hon. Assitant Minister in order to commit the whole African continent with regard to only his small tribe?

The Speaker (Mr. Mati): Where the Assistant Minister might be out of order is where he is producing matters which are not really in the Bill. The Bill refers to relationships between women officers and male officers in the armed forces. It has nothing to do with husbands and wives at all.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): What the hon. Member has said is not correct, and it is quite clear in the record. I did not say "Africa", but I am talking of African women, I am talking on this Bill, Mr. Speaker, and it does not apply on the continent of Africa. This is a Kenya Bill and, therefore, I am referring to the African women in Kenya and in the Kenya Army. I am only trying to support my arguments by pointing out that the Attorney-General is right in stating that men cannot take orders from women, and this is in keeping with African tradition. These women can be in the army, they come from Kenya. My wife can also be an army officer. When it comes to that question, it is the hon. Grace Onyango who drew me into this. I say openly that on the day I take orders from my wife I cease to be a husband. If the hon. lady, gives orders, then she is lucky!

As far as this question is concerned, Mr. Speaker, I believe that the Attorney-General should go further because I do not know, as at present, whether we have any women in the army. If there are any, I would be interested to know. I see the hon. Member shaking his head which I suppose means that there are none. Therefore, if we are going to talk of legislating a law for a non-existent person—— I know the laws are also for the future but we should make it known to the Attorney-General that in future it will be only in cases of emergency, where there is war, we should not talk in terms of "regular, military women", because this is too much and they know it.

Having made my observation on that, Sir, I wish to draw your attention to the Traffic Act, Cap. 403, section 42 (2). It just says, "delete", I looked at this Act and it appears that our books on this Table are not up to date. I am sure there must have been another amendment because the Schedule referred to—— It says, "Second Schedule—delete.". If you look into our books you will not see the section; so it appears our books here are not quite up to date. I wonder whether the Attorney-General will be able to tell us what the Second Schedule states, because it is not here at all. I hope in future the Attorney-General's Chambers will take pains, when they make amendments, to keep our books up to date. Now, whatever guns I have——

The Attorney-General (Mr. Njonjo): I do supply them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Well, they are not here in this book.

I will let the Attorney-General get away with it because there is nothing I can refer to, and I

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do not want to talk from the air without referring to specific material. I will, therefore, leave him alone on that one.

Sir, again, on the same Cap. section 30 (4), 42 (1), this is also not there and, therefore, I cannot say anything about it. Let us hope things will be brought up to date.

I congratulate the hon. Attorney-General on his amendments with regard to Cap. 324, section 8 (2). I believe this is a precautionary measure and the Attorney-General should be congratulated. When you read the main Act and in this one you see that the addition is necessary to make sure that things are controlled. Those who have read this understand what I am talking about and I do not need to read this section here because the time is short.

Mr. Speaker, I refer now to the same Cap. 324, section 3 where he says, "delete 'in Kenya' ". I do not know whether there is any amendment to that Act at all, as of now. I do not know if there is any amendment. However, it talks in terms of Kenya, and if we delete, "in Kenya" then will it be "in Africa" or "in East Africa" or where will it be? The powers of the Minister should be specified. We must know what area. If it covers the whole of Africa, then we should be told. If we delete "in Kenya", then it must be East Africa, Central Africa or the whole world. I do not think our Minister has such boundless powers. I imagine the main Act is quite in order but if the Minister has reasons why he thinks the words "in Kenya" should be deleted, then he must explain in the course of his reply.

Having said that, I come now to the National Hospital Insurance Act, Cap. 255. Again, here, when you refer to section 41 (1), where he talks of "delete 'fifty-three' and substitute 'thirty-nine thousand eight hundred eighty-one' ". I do not see this point in the main Act. However, section 42 (1) of the same Cap. says, "delete 'thirty-seven thousand' and substitute 'thirty-five thousand' ". This is in the main Act and I would like to know from the Attorney-General the reasons why this is to be reduced. Probably he did not have time to explain why this should be reduced.

I go further, Sir, and draw your attention to "The Public Health Act, Cap. 242, section 55." When you refer to the main Act you will find—— As the hon. Attorney-General pointed out to one of the hon. Members, it says, "No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions, or of sexual importance, or, of any complaint or infirmity arising from or relating to sexual intercourse." This is what the hon. Member for Kitale West probably did not read. Looking at this, this was probably drafted in 1962. I wonder—I am taking a different line—whether we cannot look at this and review it. If we have people who can cure venereal disseas, the only thing they are stopped from doing is advertising. I agree with the Attorney-General that we have not stopped the private practitioner, African medicine and so on. I know very many men in my own constituency who can cure venereal diseases thoroughly. The point I am trying to put across here is that I appeal to my colleague and say that if one person has cured, say, ten individuals suffering from X disease, using African medicine, why not allow him to advertise? We will be doing this in our own independent country. If we can prove that we have this person who can do the job, take him to the medically-qualified people—the Western ones—let them prove through medical check-up that this guy has no germs or other disease in his system, that can be confirmed. I do not see any reason why we should not advertise that this particular individual can cure disease X and that people suffering from that disease can also be relieved from suffering by going to this particular individual. We must not just advertise because some people may start advertising that So-and-so has been cured whereas in actual fact the disease has only subsided. The man was suffering very much, he was given a certain herb, he feels better but thinks he has been cured whereas, really, the disease has only subsided. If we can prove that the disease has not only subsided but the person has been actually cured, then I think it is fair that we should allow such advertisement when the medically-qualified people have confirmed that indeed this particular individual who had suffered from leprosy or some venereal disease, or some other disease, has been totally cured. We should advertise in such cases so that these people can attend to those who are suffering and in pain.

Mr. Speaker, in view of the shortage of doctors in this country we may assist him in his work of trying to cure as many people as possible; we can even assist him to improve on his methods of curing people. This is the way we can help. After all, the present Western medicines are from herbs, they do not come from heaven. So if we can get some herbs here which can cure certain diseases, then we should allow our people to say something about it. After all, in the case of Western medicines people go through a lot of research efforts and when their findings are confirmed, they are put in the medical bulletins. If we can confirm that Mr. Y has been cured of

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some disease by herbs found in this country, why not advertise that in this country so that if Mr. So-and-so if you are suffering from the same disease can go to the same doctor? I think the Attorney-General should take this into account and try to help our people.

I agree with the Attorney-General on Cap. 200 that we should delete the definition of "Military Council" and insert in the appropriate place the definition for "Defence Council". That sounds better and the meaning too is more polished. Therefore, I support him.

The same thing applies in the case of Cap. 167, section 2, which I also support.

The next point I would like to bring to your notice is in connexion with the Commissioners. Somebody has touched on this point. This appears under Cap. 109 which refers to deleting "Liwali" and substituting thereof "Provincial Commissioner". Mr. Speaker, my friend there says there is no Liwali now. If, then, there is no Liwali I do not see how the Provincial Commissioner should come in. I think the Act is in order as it is. The provincial commissioners have too much on their plate already. We in this House complain sometimes that the civil servants have too many powers and then in this Act we are adding more powers to those they already have. Then where will we end? Does it mean that if a provincial commissioner dies the country will come to a standstill? Why should everything be under the provincial commissioner? Next time we will be told to have our wives commissioned! I do not think this is in keeping —— There is so much on the plates of the provincial commissioners that some jobs should be left to be done by other people rather than saying that the provincial commissioners shall be the chairmen, provincial commissioners shall be this and that. All the powers appear to be given to the provincial commissioners and I think this is too much and one day this Government may be referred to as the "civil servants' Government". That is not necessary and I think we should get other people to be chairmen and hold other positions rather than giving everything to the provincial commissioners. A lot of things go slow because too much work is given to the provincial commissioners; and not only to the provincial commissioners but too much work is given to a few people only. Some people are chairmen of this, that and the other, they have to attend too many meetings, decisions take a long time to be arrived at because these people are at other meetings where they are chairmen, some other meetings have to be postponed, and so on and so forth. This is not the reason why we fought for independence. We fought for independence so that everybody shall have a part to play. We should not concentrate all our responsibilities on certain given individuals. What happens is that when that individual dies you find you have so many posts which need to be filled. That is why I feel the provincial commissioners should not be included here.

On the question of five years, I do not know why my colleague has reduced the period. They were supposed to serve on this institution for five years and he has brought it down to three. I would be grateful if the hon. Attorney-General would tell me why he feels he should reduce this period from five years to three years. I feel since this has something to do with religion and so forth, I think they should stay on for as long as five years. It is a reasonable period. However, if the Attorney-General has any reasonable reasons why he finds it necessary to reduce it to three, then we should be pleased if in the course of his reply the Attorney-General would tell us why he so feels.

Under the same Cap. section 8 (1), he says, "Delete and substitute—

(1) The Provincial Commissioner of the Coast Province shall be the chairman of the Wakf Commissioners."

Sir, why should we make a law that the chairman must be So-and-so? Do we still believe ourselves that we have democracy in this country? If we have democracy, then why should we dictate? Why do we not appoint people and let them sit down and say that So-and-so will be their chairman? Why should this Parliament dictate to the people what should be done? This is colonialism. I agree with the hon. Member that this is a colonial relic which we must not perpetuate. I believe it would have been wrong if we went to the elections and were told that hon. Fred Mati would be the Speaker. We would have gone to the elections, done everything necessary there and after coming to Parliament we know that we would have to accept hon. Fred Mati as the Speaker. This is colonialism! If we practise democracy in this House, where we are all elected, then when we come here we want to say, "hon. Mati shall be our Speaker . . .". We will respect him because we have elected him; but if he is imposed on us, then we shall tend to show we did not want him. Therefore, I do not think that the Attorney-General, who believes in democracy, should be a supporter of such dictation from this House, that So-and-so

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shall be the chairman, thus depriving the people of that organization of the right of choosing their own chairman. I feel the chairman of this body should be elected by the people themselves, we ought not to push the provincial commissioner on to them. As I have stated earlier, the provincial commissioners have too much work to do already.

I come now to the last point which deals with Cap. 191. I agree with the question of Provident Fund not being referred to the President because he is a very busy man, I accept the amendment by the Attorney-General, that these matters should be referred to the Minister. Probably, to make the work easier since I know also the Ministers are very busy people, in future the Minister would probably delegate his powers to other officers in the Ministry so that they can expedite this question of Provident Fund and sort out any existing problems instead of shooting matters to the President. Instead of shooting all these problems to the President they can now be dealt with by——

An hon. Member: Assistant Ministers!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Yes, Assistant Ministers. We shall then delegate the powers to other officers since we are also very busy. We can delegate our powers so that our nation can be served efficiently and the people not kept waiting for long. This is very important because we must satisfy the people who have elected us at all possible cost. If we have to channel all matters to the President and have to wait until he can deal with them—and we know he is a very busy man—and then they are channelled to the Minister who is also a very busy man, there will be some delay. Now that the amendment has brought this work down to the Minister who has two Assistant Ministers, then the Ministry will deal with the matters and powers will be delegated to officers so that *wananchi* can get the fruits as quickly as possible: they should not feel the effects of centralization.

Having said that I come to my concluding remarks. In future let us study the Miscellaneous amendments very, very seriously. There is a lot in this and a lot will go by if hon. Members are not eager to study the Bills and this may hurt the very people we were elected to this House to protect.

With these few remarks, Mr. Speaker, having made these observations, I hope the Attorney-General will take them into account seriously.

I beg to support.

Mr. Kivuitu: Mr. Speaker, Sir, the Bill before the House is a Miscellaneous Amendment Bill and it is my belief that these Bills of amendment brought about in this version—omnibus version—are very dangerous. It is dangerous, Mr. Speaker, Sir, because a lot of important amendments may slip in and thereby before the Members have had time to look at it seriously, they might pass Bills which, definitely, they have not actually had sufficient time to consider. This is easily done in a day like this one because what most of the Members would think is that this is just a formal thing and, therefore, we just pass it. However, these miscellaneous amendments are meant to be only introduced or only passed for the sake of amending particular, formal anomalies, but they are not meant to change the substance of the law, as seems to be the position with regard to, for example, the Traffic Act, which is being amended here. That is not a formal thing and also the fact that now the Provincial Commissioner for the Coast Province is to be the Chairman of the Wakf Commission these are not formal amendments. Some of them can be very touchy. It will be possible now for an Administration Policeman to work anywhere throughout Kenya. These are matters, which, although they may appear as formal, go quite deep down to certain beliefs.

Now, Mr. Speaker, Sir, I will support the Bill but, I will support the Bill with these reservations that a Bill of this nature should be confined to purely formal amendments. Any amendments which go to the substance of the provisions—existing provisions—should be brought in a normal version, on its own, so that the Members can pay proper attention. I am sure that my friend, the Attorney-General, would agree with me that it would only be fair and it would help him in carrying out his duties. We are not just saying that there is anything wrong with the amendments but, we are saying that they should be confined to formal matters.

Mr. Speaker, Sir, I will be moving certain amendments to this Bill which are in the form of additions during the Committee stage because there are certain things which have been passed by this House and they have not been brought here, for example, like the amendment of the certain sections of the Trespass Act and certain amendments of the Election Laws; however, these will be brought about during the Committee stage and the reasons for them will be made clear then.

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

The Speaker (Mr. Mati): There being no Member wishing to speak, I will call upon Mr. Njonjo to reply.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, to comment on what my learned friend has said, I took about 30 minutes or 45 minutes to be precise to explain the reasons why these amendments are introduced and I think that if my learned friend did look at these amendments carefully, I think he will agree with me that they are not, in fact, substantive but, they are in the form of an amendment to bring the Acts which are being amended into line and also to remove some anomalies which are in the legislation. Of course, I agree with him that any major amendments or amendments of substance, of course, amending a particular Bill, cannot be brought in by way of a statute miscellaneous Bill. That, I fully accept.

Now, Mr. Speaker, Sir, sometimes I find it happening: an hon. Member makes a very pretentious and a serious statement and he will expect that, perhaps, he will be in the House to get the reply. For example, there was a question raised by the Member from the Coast. He is not there and I do not think, therefore, I shall bore the House with what I was going to say about what he was saying. I think there was a misunderstanding about this section which, in fact—— All I am saying is that section 55 is to delete. This is purely a procedure in prosecution.

I did say that before a prosecution can be done in the law as it is at the moment, I have to get the consent of the Director of Medical Services. I said that it was in conflict with the Constitution and that is why we are merely deleting that power so that anybody who is being charged with the offence of publishing himself as a doctor—— I say again, Mr. Speaker, Sir, that this is not aimed at the African doctors or herbalists or people who have the knowledge of curing people with herbs or such like medicines. This is not the intention of the legislation and I hope the hon. Member who snaps now and again will agree that we really have no intention of doing away with our own people who practise—some people believe in herbs and if they are cured by them it is good luck to them. There are others who believe in going to see medical doctors. If they are cured by the doctors, again it is good luck to them. We are not here to judge where one should go but, at least, some of us believe that there are signs in medicines and one should go to a medical doctor and not to a quack. If the hon. Member who snaps was to go to a quack, good luck to him and let him go to a quack and if he can cure him of—if he argues that they can cure venereal diseases, I say once again that he is entitled to go there.

Mr. Speaker, Sir, the arguments that were brought in by my friend, the Assistant Minister for Home Affairs—— I am afraid that I do not join in this because there is nothing against women going into the armed forces. We have seen women, for instance, in Israel, I think you remember the six days' war and what those women did during that time. I believe a woman can do anything just as well as a man so long as she has the training. If you are trained to be a wife, definitely, you cannot be a fighter but if you are trained to be a fighter, I am sure that a woman can kill as many men as a man can. I therefore—the amendment here is purely the relationship between commissioned officers, that is men and women.

As I said we are going to train women in the armed forces. We have quite a number of them in the police force. The only enemy they have is getting pregnant—if we can introduce the pill in the armed forces we might get somewhere because it is really a waste of Government money in training these women because the training which these women get takes about 18 months. The women are then stationed at a particular police station and then these hazards come in and within the first month, they are out and they are no good. I hope that our women folk——

Mrs. Onyango: On a point of order, Mr. Speaker, do I understand that men who are in the armed forces do not have children? What is wrong with women having children?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, this is biology. There is no man in the armed forces with a child. I would have thought that this is a very simple biological factor. Honestly, I think that this House would like to encourage our women to join the armed forces, other professions and all other occupations in our nationalized system—if they join the armed forces to be soldiers and they stick and forget about matrimony and getting involved with men. There is one point I had forgotten to mention, Mr. Speaker, and I am glad the hon. Member did mention it, and this is the National Hospital Insurance Act. Mr. Speaker, when this Bill was passed in this House, an estimate of what the process would bring in, was given in the Act, and that is the figure which is provided in the Bill. It has now been found that the figure is not accurate and this is why the estimated figure orignally contained in the Act need to be corrected because the actual figure representing the assets transferred to the National Insurance

[The Attorney-General]
Fund is the figure given in the Bill now. This is just to have the facts correct because the estimate was wrong.

Mr. Speaker, I was just about to make a crack at my hon. friend, Mr. Mwamzandi because he seems to confuse the venereal diseases when he was talking about the title of the Act being a Public Health Act. The Act is, in fact, a Public Health Act and not Public Health Act and unfortunately he is not here to listen to what I am saying. However, I am glad that hon. Members have supported the Bill and as I said earlier on, I do accept that when these amendments are brought forward, as my learned friend has said, they would merely bring legislation into line and also remove any anomalies that may be in the Bill.

Mr. Speaker, about the other point which my friend, the hon. Shikuku raised, that these Bills here are out of date, I agree with him. Of course, these Bills here are out of date and, in fact, I was waiting for the hon. Member to quote from these Bills because I have the up-to-date amendments which we have moved and passed in this House. When these amendments are published, I send them to the Clerk of the National Assembly and it is the responsibility of this gentleman who sits here to see that these copies are up-to-date I do the same to my own copies and those who are practising law like my learned friend over there get the amendments and then they amend their own statutes. Therefore, Mr. Speaker, I hope that the books that we have on the Table will be brought up-to-date.

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

(Question put and agreed to)

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

Second Reading

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to move that the Asian Officers' Family Pensions (Amendment) Bill (Bill No. 6) be now read a Second Time. The Bill as the hon. Members see, is very brief and it is intended to give certain legal effects to certain developments which are taking place, either as a result of certain legal amendments which have taken place since independence and also to give more benefits to the members or the beneficiaries of the Asian Officer's Pensions Act Cap. 194. The main objects of this Bill, if I may outline it briefly, are three. One is to provide, as I have said, certain legal effects to the existing Act. This is done in accordance with that Act. Section 9 of that principal Act which is being amended stipulates that the fund shall be valued by an actuary at intervals of not more than 10 years. Now, this valuation has been done in respect of the fund and, as a result of this valuation, it appears that the beneficiaries stand to gain because of the appreciation of the funds. Therefore, this Act provides under Schedule A and Schedule B that the beneficiaries will get more than what was actually envisaged in the original Act and this is only meant to take cognisance of the higher values of the funds.

The second purpose of this Bill is this: As the hon. House may recall the East African Treaty was signed on 6th 1967; and it provided for the establishment of the East African Community from the 1st December 1967 which superseded the East African Common Services Organization. As a result of this change, there are certain structural changes in the East African Community, for example, the East African Railway and Harbours Corporation was split into two, and this resulted in the establishment of East African Railways Corporation and the East African Harbours Corporation. This has necessitated the abolition of the former bodies and the officers who were working under those bodies gained continuity by the establishment of a new Act which provided that the services of the officers who were serving under the bodies which had ceased to exist were to be deemed to be continuous and their benefits would continue. This was also provided for in the agreement. Therefore, the intention is to provide for a change in the nomenclature of these bodies—East African Railways Corporation and the East African Harbours Corporation in lieu of the East African Railways and Harbours Corporation.

The House will recall that before independence pension benefits were provided for on recial lines. This Bill which is meant for Asian officers only was not deemed to continue after independence. Sir, with effect from January 1966, Government introduced the Pensions Act Chapter 195 and this superseded all other pension funds which were in existence previously which provided schemes for various races in this country. Now, certain officers who were beneficiaries of this fund were Asians and they opted for Kenya citizenship. When that happened, their funds from the Widows' and Children's Pensions Fund were transferred to the common scheme which is applicable to all Kenya Civil Servants, namely, the Widows and Children's Pension Act. This Act,

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Sir, provides that these funds will now be transferred to the Consolidated Fund from which officers who were previously beneficiaries of the Asians' Families Pensions Act will now be able to draw their benefits. This is, therefore, a purely formal Act intended to consolidate and rationalize certain provisions in the pensions scheme which had existed before independence and also to take cognisance of the developments resulting from the East African Community and also to unify the pensions system with a view to removing any racial discrimination amongst Kenya citizens.

Mr. Speaker, Sir, I am sure the Bill is a short one and there is nothing which is very complicated about it. With those few remarks, Sir, I beg to move.

The Assistant Minister for Finance and Economic Planning (Mr. Balala) seconded.

(Question proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I wish to stand again and contribute something to this Bill. Anyone, if he is a nationalist at all, reading the Bill will react sharply. However, when you read the contents of it, you find that some mistakes were made somewhere and we are only being too gentle to handle them gently. If we were not gentle, the first thing we would have done would have been not to discuss it but abolish this.

However, Mr. Speaker, Sir, as a responsible Government, we undertook to do certain things at our independence and that is why we have this so-called Asian Officers' Family Pensions as you see it here. The reason why I am standing on this is to seek more information from the Assistant Minister who has just moved this Bill. He has talked of Asian beneficiaries having had a certain estimated amount and which now looks that there was a mistake in the former estimates and they are intending to put this right.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): There was no mistake!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Now, if there was no mistake—I understood him to say that there was some amount estimated but which looks, now as if they should be paid more. I would welcome any information.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): On a point of information, Sir. I would like to correct that impression. What I did say, Sir, was that section 9 of the principal Act requires that actuarial advice be obtained to determine the benefits which the beneficiaries of the Fund can receive. This is a simple matter, Mr. Speaker, Sir, because this money is deducted monthly from the people who subscribe to the schemes. These funds, if I may add, are invested.

Now at the time of the passage of the Bill the market forces did dictate, at that particular moment, that the benefits to be payable were such-and-such. These are in the schedule to the main Act. Now, it happens that the Act requires that, section 9, after an interval of less than ten years, a valuation of these funds be done to determine whether, in fact, the benefits are in accordance with the profits accruing in the scheme. It can work both ways—in fact it may happen so—then the investment can be profitable in both ways. It may happen, in fact, that the benefits can be late but fortunately for the beneficiaries of this particular fund, it was found that the investments were receiving or fetching more profit than anticipated and it is only fair that these profits should be passed on to the beneficiaries. So, I am afraid, it is not the question of not having been able to anticipate. It was, of course, only possible to anticipate market forces at that particular time.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I agree with the hon. Member and now I see the light. However, probably I will put it in different language. The point I am pursuing still remains, namely, now that there are signs of some good prospects as far as those who are still contributors, or beneficiaries, are concerned because they are going to get something more. What I was trying to ask the Assistant Minister for Finance and Economic Planning to tell me is that; now, there are some Asians who were members of this organization and who probably when leaving the country did not withdraw their money or whatever it is, if there are any, and since there are these increased benefits or what I would call devidends arising at the moment, are we to understand that even those who have gone from this country will be enjoying this? Will those who are somewhere else on retirement and who had not withdrawn their money but opened up businesses in Nairobi —and they are non-citizens—enjoy this? If it is so, then, I was also trying to find out from the Assistant Minister whether these particular individuals who are still contributing—as he says that they are being deducted a certain amount from their salaries monthly—and are enjoying this are also getting the same under the Widows' and Children' Pensions Act? They might be enjoying the former Asians' businesses—now

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that it is booming—and at the same time they are members of the Widows' and Children's Pensions Fund. Now, is that the case? If it is the case, I would be very pleased to know because these gentlemen may be really enjoying themselves.

Of course, Sir, we welcome the Widows' and Children's Pensions Act which was passed in 1966 but I would like to know from the Assistant Minister whether the Act as it stands now has any bright aspects for us? What chances do we stand? Are there any bright prospects as in this Asian and so forth business so that we can encourage our people?

I beg to support.

The Speaker (Mr. Mati): No Member wishing to speak? Well, I will call upon Mr. Cherono to reply.

Mr. Cherono: Mr. Speaker, Sir, I do not think there is much quarrel with what my colleague has said because this Bill has two sections which the hon. Member should try to distinguish. One, is that it provides for increased benefits for those members who are still continuing with this scheme. Those who became Kenya citizens and therefore opted for benefits under The Widows' and Children's Pensions Act will have their benefits under this scheme transferred to the Consolidated Fund because that is where they will be paid from. I think I should make that clear. As far as the benefits on the Widows' and Children's Pensions Act, that is, there is also a schedule of that and what I can hope for, and I am sure the hon. Members will also hope for, is that after an acturial advice, perhaps in six years' time, it will also be found that the beneficiaries are entitled to more than what we expected when we passed the Act in 1966.

Therefore, there is not much difference in opinion, and with those few remarks, Sir, I beg to move.

(Question put and agreed to)

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

The Speaker (Mr. Mati): Well, we have only a few minutes to go before we close, and I think it is better that we wait for the next Order to be taken next time.

Therefore, it is now time for the interruption of business, and the House is, therefore, adjourned until tomorrow, Thursday, 6th May, at 2.30 p.m.

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

Thursday, 6th May, 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:—

East African Meteorological Department Annual Report 1968/69.

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

Annual Report of the Registrar-General 1969.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Attorney-General (Mr. Njonjo)*)

Sessional Paper No. 3 of 1971—Kenya Government Guarantee for a loan to the Tana River Development Company Limited by International Bank for Reconstruction and Development.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Power and Communications (Mr. Ngala)*)

Kenya National Library Service Board Annual and Audit Report 1st July, 1969-30th June, 1970.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Natural Resources (Mr. Omamo)*)

Ministry of Education Annual Report 1969.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Education (Mr. Towett)*)

BUSINESS

NOTICE OF MOTIONS: CAN ONLY BE GIVEN AFTER CONSULTATION WITH THE SPEAKER

The Speaker (Mr. Mati): Mr. Wabuge before you give Notice of this Motion, I asked that you see me first but I did not see you. So, you still have an opportunity of doing what you wanted to do once we have gone through it.

ORAL ANSWERS TO QUESTIONS

Question No. 295

ATTACK ON KENENI RANCHING CO-OPERATIVE SOCIETY

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

(*a*) whether he was aware that on 17th December 1970 a group of raiders attacked the watchmen of Keneni Ranching Co-operative Society and, consequently, two men were shot with arrows, namely Mr. Nyang'au Mong'are and Mr. Mokono Simeka;

(*b*) if he would tell the House whether the culprits had been arrested and brought to justice.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. It is true that on the night of 17th December, 1970 Mr. Nyang'au Mong'are and Mr. Mokono Simeka were shot with arrows by cattle raiders as the hon. Member says. Mr. Mong'are died instantly while Mr. Simeka, who was injured, was treated at Kisii Hospital and has since been released. Extensive inquiries have been carried out into this murder but to date no arrests have been made.

Mr. Marita: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, will he agree with me that his Ministry is not protecting the people of the co-operative society in question because since Nyang'au was killed and Simeka was shot nothing has been done? Mong'are was killed in the month of February and another man, a member of a co-operative society which is near to the co-operative society in question was also shot. During this raid some head of cattle were stolen.

The Speaker (Mr. Mati): Order, Mr. Marita! A question is not a pretext for making a speech.

Mr. Shikuku: Thank you very much for your intervention, Mr. Speaker.

Mr. Speaker, Sir, as far as we are concerned, I do not agree with the hon. Member's allegation that our policemen are doing nothing or are not doing their job properly. Murders, Mr. Speaker, are murders and are usually calculated. Now, if these were raiders, they never informed anybody they were going to raid and shoot these particular individuals. Murders are carefully planned and therefore it takes a lot of time to find out the culprit. Most of the time, Mr. Speaker, Sir, you will find that you may not be able to get the co-operation from the people in the environs to enable the police to apprehend the culprits.

Mr. O'Washika: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, and in view of the fact that this crime took place on the 17th of December 1970, and as we were told in the answer that one man is already dead and the other one has been released from hospital, why

[Mr. O'Washika]
is it that the police have not been able, from that particular time, to arrest the fellows who were connected with this particular crime?

Mr. Shikuku: Mr. Speaker, Sir, I have already told the House that intensive investigations are going on, and have been going on, to get these culprits. If the hon. Member can help, or can give us a clue as to who did this, we will certainly get hold of him, but I think the hon. Member will be the first Member to complain in this House if we mounted a wholesale combing of the area, combing, arresting everybody who had nothing to do with the murder and that is why we are careful in our investigations.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this matter. If you look at part (*b*) of the question you will find the questioner is wanting to know whether the culprits have been arrested and brought to justice. The Assistant Minister insistently says that intensive investigations are being carried out. Would it not be in order to know to what extent this has gone, Mr. Speaker, because the Assistant Minister is not actually replying to the whole question?

Mr. Shikuku: Mr. Speaker, Sir, I do not agree with the hon. Member's point of order because it is completely out of question. I have already replied to this question and I said that extensive inquiries have been carried out into this murder but to date no arrests have been made. I have already replied to that part of the question, Mr. Speaker. Whether the hon. Member was asleep, or awake I do not know.

Mr. arap Saina: Mr. Speaker, Sir, realizing that the Minister recently appointed a stock-theft committee to investigate the extent of stock-theft which is at the roots of these raids and killings of people of one tribe by people of another tribe, could the Minister tell this House whether that committee took the trouble to investigate the situation?

The Speaker (Mr. Mati): No, you cannot do that. Our Standing Orders do not allow us to anticipate Report of a Select Committee of this House.

Mr. Nthenge.

Mr. Nthenge: Mr. Speaker, Sir, could the Assistant Minister tell us what method has been employed, so far, to look for the people who killed this particular person and injured the other one?

Mr. Shikuku: The usual method of investigations.

Question No. 259

EMPLOYMENT OF OFFICE MESSENGERS

Mr. Masibayi asked the Minister of State, President's Office, if he would tell the House whether he could order all the Government officers not to employ their tribesmen as office messengers, but to employ the local people for these simple jobs.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. It is not correct that Government officers employ their tribesmen as office messengers. It is, in fact, a requirement that recruitment to such posts should be done locally.

However, if the hon. Member has any specific case which he would like to be investigated, he should bring it to the attention of my office and appropriate action will be taken.

Mr. Masibayi: Mr. Speaker, arising out of that reply by the Assistant Minister, is he aware that certain unscrupulous Government officials do import people from their home area and employ them as casual labourers in the district headquarters in which they work.

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member knows very well, and it is even written in the Bible, that directives are given. In actual fact, all I would like to tell the hon. Member is that if there are officers who act contrary to what is set out in the regulations governing civil servants, action will be taken against them provided the hon. Member can give specific cases.

The Speaker (Mr. Mati): Mrs. Onyango.

An hon. Member: On a point of order.

The Speaker, (Mr. Mati): No, let us keep clear of points of order. These just waste time.

Mrs. Onyango: Mr. Speaker, Sir, is the Assistant Minister aware that same recruitment is being done here in Nairobi and then messengers are transported to other areas and that is why we have many unemployed people in the countryside?

Mr. Munyi: Mr. Speaker, Sir, the directive which has been given by the Government is that posts of messengers and subordinate staff should be filled locally. In any case, Mr. Speaker, Sir, if a person from another locality happens to be in Kisumu where a post for an office messenger exists and he applies for it, and the post is given to him, that is a different thing altogether.

Mr. Ahmed: Arising out of the reply, could the Assistant Minister take the trouble and check this problem instead of evading the question because this is happening all over the country?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member knows that ours is a just Government. Therefore, if he has a specific case concerning an officer who has been involved in such malpractices contrary to what has been directed by our popularly elected Government, thorough investigation will be made and action will be taken against such an officer who is not loyal to the Government.

Question No. 220

KENYA'S INTEREST IN UGANDA

Mr. Seroney: Mr. Speaker, Sir, the House will note that the wording of the question and so on, has been modified by events but the substance still remains valid. With that remark I will ask the question.

Mr. Seroney asked the Minister of State, President's Office, if he would tell the House, since the other partner states of East African Community and especially Uganda were behaving as though they were foreign countries, who looks after the interests of Kenya in Uganda and Tanzania.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. While the interest shown by the hon. Member on the welfare of our citizens in other countries is highly appreciated, I am not aware that any of the countries mentioned by the hon. Member are behaving as though they were foreign countries.

No Member of this hon. House should bring in his own views to implicate the Government and the people of Kenya. This House has no mandate to pass moral judgment in respect of another sovereign state.

The countries that the hon. Member has mentioned are sister countries in our East African Community and they are still friendly to Kenya. For that matter, all the neighbouring countries to us are very friendly.

Mr. Kanja: Thank you, Mr. Speaker.

While I do not want to argue on what the hon. Assistant Minister has told this House, would he agree with me that very recently a gentleman from the Luo tribe was killed or murdered at Tororo while serving the East African Community and we still have to condone these events, or actions of terrorism, as I would call them, just under the guise of sisterhood or brotherhood of sister states while our own people are dying in other countries?

The Speaker (Mr. Mati): Order! I think what Mr. Seroney said should have meant something to Members here. This question was drafted at a time when conditions were quite different. As Mr. Seroney said, the circumstances have changed. The event which Mr. Kanja is referring to is a very recent event. In fact, that was never the intention of the Questioner.

To separate these things, I do not think we can now use this question to raise other issues which were not relevant at all, when this question was presented to me.

Mr. Seroney: Mr. Speaker, Sir, the Assistant Minister has, as he very often does, avoided the question. I did not doubt that Uganda and Tanzania are friendly countries; and so is the United Kingdom where we have an Ambassador from Kenya who looks after the interests of Kenya. What I have asked in this question is who looks after the interests of Kenya in Uganda and Tanzania. That is all. There are no implications or anything else against the friendly countries.

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member knows very well that if he wants to get in touch with Uganda today, he can do it within a matter of minutes. For that fact, Mr. Speaker, Sir, I would like to tell the hon. Member the interests of Kenya in Uganda are taken care of and there is no doubt about that whatsoever.

Mr. Ayah: On a point of order, Mr. Speaker, I am trying to get some information from you. You have told us that this question was referring to a certain time and certain events and certain somes should not be asked because of what happened later and so on. I, for one, do not know what this certain time and these certain events were. It seems as if Members are being gagged because we do not know the specific era or time which this question is referring to, and so we do not know what was consequent upon a certain time that is being referred to.

The Speaker (Mr. Mati): I do not think it is necessary for me to do that. What is self-evident needs no substantiation at all. You know what has happened.

Mr. Mwithaga: Mr. Speaker, Sir, would the Assistant Minister be relevant to the question and be specific in that the House intends to know, if there is no particular officer of the Kenya Government who looks after the interests of Kenya, or after the citizens of Kenya in those two countries—would he elaborate and tell us why it was found easier to have an embassy in Somalia and Ethiopia and not in Uganda and Tanzania?

Mr. Munyi: Mr. Speaker, Sir, the answer is that it is very easy to look into the interests of Kenya from Nairobi here because we have daily contacts.

[The Assistant Minister of State, President's Office]
For example, we have direct telephone communication between Nairobi and Kampala and also between Nairobi and Arusha. Therefore, there is no need posting an ambassador there: this will involve expenditure of a lot of money unnecessarily. We can do it from Nairobi here just like we can do it with any other adjacent place.

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

The Speaker (Mr. Mati): No, Mr. Mwithaga, your last point of order was not a good point of order at all. I think you had better let us follow up question on the Order Paper.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply and in view of the fact that there has been some bad relationship as far as the three States forming the East African Community are concerned, is the Assistant Minister not aware or will he not agree with me that the time has now come, in view of the fact that the relationship is deteriorating when it is high time Kenya had somebody in Uganda and Tanzania to look after the interests of Kenya citizens in those countries?

Mr. Munyi: Mr. Speaker, Sir, the allegation which the hon. Member is trying to make is very untrue because the relationships between the sister community countries in East Africa is quite normal and there has not been any complaints either from our citizens in Uganda or Tanzania. Therefore, there is no use posting anybody to either Uganda or Tanzania.

The Speaker (Mr. Mati): Next question.

Question No. 322

BOREHOLES IN TURKANA WEST

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

(*a*) how many water boreholes there were in Turkana West; and

(*b*) how many were functioning and how many were not.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. There are eight boreholes in Turkana West. The answer to (*b*) is: five of them are in use; one is dry and another is now being equipped, and the last one is not in use because it was supposed to be an exploratory borehole.

Mr. Cheptai: Mr. Speaker, Sir, arising from the Assistant Minister's reply and the fact that it is his duty to see that Turkana, which is a dry area, is catered for, and the water within the Turkana area is salty, if one of the boreholes is not functioning well what is the Ministry doing to help the Turkana people?

Mr. Wanjigi: Mr. Speaker, Sir, I do not understand the question because I think we are very much helping the area in question.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that there are three boreholes functioning, or maybe some five, how does he know that these boreholes are functioning because as far as we know all the boreholes are not functioning and are all very old? How does he know that those five are functioning in the area?

Mr. Wanjigi: Mr. Speaker, Sir, we know that they are functioning because there is water being used out of the boreholes.

Mr. Lotodo: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, what is he going to do about these boreholes which are not functioning in order to help the Turkana people?

Mr. Wanjigi: Some of them, Mr. Speaker, have gone dry and there is nothing we can do about them.

The Speaker (Mr. Mati): Next question.

Question No. 270

SHORTAGE OF WATER AT SERICHO

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

(*a*) whether he was aware of the fact that since the Uaso Nyiro River had changed its course, the people of Sericho were without water; and

(*b*) what was he planning to do to alleviate that problem.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, the answer to (*a*) is that I am aware, and the answer to (*b*) is that for the last six months engineers and ecologists have been studying this area with a view to making concrete proposals for the improvement of water supplies. It is hoped that a programme will be produced within the next few months for Government to study and see what action to take.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he really aware that the people of Sericho Trading Centre are now about to demolish their semi-permanent buildings just because there is no water in the area? They would like to shift and go to another area. Therefore, what is Government doing right now to see that there is water in the area to help these

[Mr. Bonaya]
people? Fortunately there is enough rain right now but, what are you doing about it?

Mr. Wanjigi: I am sure there is no immediate threat, Mr. Speaker, right now because I am sure there should be plenty of water at this time in the area in question.

Mr. Araru: Arising from the Assistant Minister's reply that there is no need to hurry at this time because there is plenty of water, what will happen after the rain has stopped because the water will soon be finished there?

Mr. Wanjigi: Mr. Speaker, Sir, how do we know is that it may be cheaper, in fact, to move from that area, if the cost of drilling the water is as expensixe as we think it might be.

The Speaker (Mr. Mati): Next question.

Question No. 277

CONGESTION OWING TO INCREASE IN POPULATION

Mr. Mwicigi on behalf of Mr. Magugu asked the Minister for Finance and Economic Planning if he would tell the House, in view of the fact that Kenya's population was likely to double within the next 20 years or so—if the current rate of population growth continued—what specific proposal the Government had to guard against over-congestion in certain parts of the country and particularly in Nairobi area.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. The Government has clearly recognized the need to guard against over-congestion and the strategy adopted by the Government towards the attainment of this goal is that of decentralization and acceleration of development of rural areas. Specific programmes, currently under preparation, include the development of a number of rural industrial development centres, preparation of a rural electrification plan and more co-ordination, assistance and guidance for rural training, particularly youth training.

Specific proposals include the development of industrial estates in Mombasa, Nakuru and Kisumu; the establishment of Rural Development Centres in Kakamega, Machakos, Embu, Murang'a, Kisii, Nyeri, Kwale, Meru and Homa Bay. The conversion of 25 youth centres into village polytechnics and the establishment of approximately 30 new village polytechnics in various parts of the country. The establishment of District Development Centres for every district, beginning with two such centres in Embu and Kwale, will ensure that people are trained in matters relevant to their local circumstances. These are, of course, in addition to the various large-scale industries which have been sited in rural areas, which include the Pulp and Paper Project at Broderick Falls, the large sugar industries at Chemelil, Muhoroni, Miwani and Mumias and major expansion of irrigation schemes at Mwea, Kano Plains and at Bunyara.

The specific rural development programmes which are now being implemented in six areas are intended to lead to greater intensification of rural development all over the country with a view to making rural conditions more attractive for the people and thus reduce the flow to major urban areas.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and with all due respect to what he has given us on rural development, would he not agree with me that that is not what the question is seeking but, is seeking solution to the alarming problem of the population in Nairobi and within the Central Province? Would the Minister agree with me that it is high time he introduced birth control among the people around Nairobi because there is no land for them?

Mr. Cherono: Mr. Speaker, Sir, I really do not know what the hon. Member wants me to do. He either means that Government should enforce birth control—the Government, being democratic, will not do that—or is asking me to tell him what Government intends to do as a consequence of the increase in population. My reply was—the intention of Government is to prevent people from coming to urban areas in large numbers. The only way in which we can do that is through making life more comfortable in the rural areas.

Mr. Koigi: Arising from the Assistant Minister's reply, is he aware that we will not consider his economic planning sound until we see things happening in rural areas?

Mr. Cherono: Mr. Speaker, Sir, I do not know what the hon. Member means because we have debated the economic Plan in this House and I think it was approved. The hon. Member will not believe that the Plan will be sound until it is implemented. I am afraid there is nothing I can do about that.

Mr. ole Marima: Mr. Speaker, Sir, from what the Assistant Minister has said it looks as if the village polytechnics will only be built in places which we consider privileged at the moment. What is his Ministry doing to actually take over the various village polytechnics in those areas which have been neglected? For instance, Narok has had a self-help village polytechnic for the last three years and it has not been helped.

Mr. Cherono: Mr. Speaker, Sir, I am sorry I do not agree that there are such areas known as privileged areas in Kenya at the moment. As a matter of fact, I do not know how the hon. Member reached that conclusion because I was merely giving names of places and figures of centres of development. If I could go back to the question—— I said "The conversion of the existing 25 youth centres into village polytechnics and establishment of approximately 30 new village polytechnics in various parts of the country." I think the hon. Member is prejudging the issue. He does not yet know where these 30 establishments will be placed.

Mr. Kahengeri: Mr. Speaker, Sir, is it also the intention of the Ministry of Finance and Economic Planning to weaken the nation of Kenya, populationwise, in fear of congestion in towns?

Mr. Cherono: Mr. Speaker, Sir, I do not know how that kind of conclusion has arisen from any of the remarks that I have made here, Mr. Speaker?

Question No. 281

KARIOBANGI SEWAGE PLANT

Mr. Mwicigi, on behalf of Mr. Karungaru, asked the Minister for Local Government if he would tell the House why Government did not instruct and advise Nairobi City Council to remove, if not to improve, Kariobangi sewage treatment plant which, besides causing other inconveniences, exuded an abominable stench while the residents of the area were enjoying their meals.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The Kariobangi sewage treatment plant was installed long before the then existing city boundaries were extended and before any plans for developing a housing estate in the area were conceived.

However, with the current rapid housing development in this area, the City Council, with the help of United Nations Development Programme, is now considering reappraising the whole sewage system for the city, including these additional areas. This exercise, which is intended to include the re-siting of Kariobangi plant, is likely to cost £362,000. In addition to the cost of constructing new treatment works, it would be necessary to construct a new outflow trunk sewer to carry the existing sewage at Kariobangi to a new site at an estimated cost of nearly £2½ million.

All this money would have to be raised by way of borrowing and in this regard I would therefore appeal to the hon. Member to explain to the residents of the affected area that they should exercise a little patience in order that the City Council may determine the several important projects it has on its hands in order of their priority.

Mr. Mwicigi: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, could he be specific and say whether he is prepared to remove the plant—the sewage plant—or if he can, is he prepared to find some way of removing the smell from the area?

Mr. Munoko: Mr. Speaker, Sir, when I was replying to the question, I thought I made that quite clear unless the hon. Member was not listening.

Mr. Masibayi: Mr. Speaker, Sir, will the Assistant Minister assure the House that in future, when Government is planning a new plant, it will make sure that this particular plant will not be in a place where Government is going to build an African location because it has been the habit of the Government to treat African locations in a poor way? This is very bad indeed.

Mr. Munoko: Mr. Speaker, Sir, this is not true. Government does not put up housing estates around sewage areas but this was constructed a long time ago and, as I have said, the City Council is doing all it can to see that the sewage plant is removed.

Mr. Nthenge: Mr. Speaker, Sir, is it not true that the sewage was existing when the planning of the estate was made and yet the people who were planning it knew very well that it was going to cause great inconveniences? Why was it done?

Mr. Munoko: Mr. Speaker, Sir, the hon. Member is right, and this is why we are advising the City Council to exercise greater care in siting house estates.

Question No. 293

NAIROBI CITY COUNCIL COURT BROKER

Mr. Mutunga, on behalf of Mr. Mutiso, asked the Minister for Local Government if he could tell the House—

(*a*) whether it was in keeping with Government policy that a Nairobi City Councillor was appointed by the Nairobi City Council to be its Court Broker in some or all of its civil cases;

(*b*) whether if it was in accordance with the policy it did not open the way to corruption and it was not a negation of all the principles of fair distribution of the prospects and wealth in our country.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to seek postponement for the reply to this particular question until next Tuesday because I still have some information to be brought to me.

(Question deferred)

Question No. 238

REGISTERED FACTORY INSPECTORS

Mr. Muthamia asked the Minister for Labour if he could tell the House—

(*a*) why during the colonial days there were inspectors of factories stationed at Mombasa and Nakuru, respectively, but in an independent Kenya no inspectors were stationed in these municipalities;

(*b*) how many factories were registered under the Factories Act during the colonial days and how many were registered then.

The Minister for Labour (Mr. Mwendwa): Mr. Speker, Sir, I beg to reply. There is a serious shortage of inspectors in Kenya and therefore, Mr. Speaker, Sir, we cannot afford to have a separate inspector for Nakuru or even Mombasa. The few inspectors we have here in Nairobi do serve both Nakuru and Mombasa and even Kisumu. They visit those municipalities and carry out the inspection when it is necessary.

At the end of 1963 we had 5,414 registered factories in Kenya and at the end of February, 1971, we had 6,279 registered factories in Kenya. Mr. Speaker, Sir, you can see that there is a rise of 865 factories within seven years. This is a very big rise. This is the reason why we are short of inspectors to carry out the work of inspecting these factories.

Mr. Mwicigi: Mr. Speaker, Sir, arising from the Minister's reply, may we hear from him the number of these inspectors under training today?

Mr. Mwendwa: Mr. Speaker, Sir, we do train these inspectors—for the benefit of the House, the hon. Members should know that our factory inspectors are different from police inspectors. In fact, they are engineers, if I may say so because—— I am answering you if you will listen —they have to have the knowledge of the very complicated machines, like boilers and other machines used in factories. What is worrying us is that as soon as we train these fellows, some are taken by firms and it is very difficult for me to say how many inspectors there are, at one time, in training.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Minister, does he agree with me that these inspectors are resigning because the terms and the conditions of service are not favourable at all?

Mr. Mwendwa: That may be so, but I hope, Mr. Speaker, Sir, that the Ndegwa Commission Report is going to place them somewhere which may be favourable to them.

Mr. ole Marima: Mr. Speaker, Sir, would the Minister tell us why we have not been able to train these factory inspectors in accordance with anticipation of factory buildings?

Mr. Mwendwa: Mr. Speaker, Sir, as I said before, we train them. After training them, Sir, they do not die but they are taken by big firms and there is nothing we can do about it.

The Speaker (Mr. Mati): Next question.

Question No. 261

PLANNING OF BUSIA TOWNSHIP

Mr. Masibayi asked the Minister for Lands and Settlement if he would tell the House when Busia Township would be planned to the satisfaction of the residents of the district so as to facilitate its development.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. An overall development plan for Busia Township was prepared and approved by the Commissioner of Lands in 1965. Since then, part development plans have been prepared and approved, and these show sites for a tenant purchase scheme, additional plots for business-cum-residential development, a hospital site, a court-house, a survey camp and the new district headquarters.

Mr. Masibayi: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that since 1963, when Busia became a district, not a single business building has been put up in the area simply because of bad planning?

Mr. Angaine: Mr. Speaker, Sir, the question reads as follows: "Could the Minister tell this House when Busia Township will be planned to the satisfaction of the residents of the district . . .". I would like to know from the hon Member whether the planning is wrong, Mr. Speaker, Sir, if that is what he thinks, could I be told?

Mr. Masibayi: Mr. Speaker, Sir, the Minister has asked whether the plan is wrong. Now, Sir, the plan is wrong because it was rejected by the residents of Busia District; they asked for a replanning. This replanning has not taken place up to now.

Mr. Angaine: Mr. Speaker, Sir, as far as I am concerned—I have been to Busia myself and seen the new town—I have seen both the town

[The Minister for Lands and Settlement]
and the plan. The plan is so good—I mean it is to my satisfaction—and, Sir, if the hon. Member would care to come to my office I would show him the plan so that he can tell where it is wrong so that we can see what we can do about it.

The Speaker (Mr. Mati): Next question.

Question No. 276

IMPROVED LAND POLICY IN THE COUNTRY

Mr. Mwicigi, on behalf of Mr. Magugu, asked the Minister for Lands and Settlement if he would tell the House whether since it was the policy of our Government to protect *wananchi* against ruthless exploitation by anyone, and since the Government was committed totally to safeguard the interests of *wananchi* and since *wananchi* were up to then paying very exorbitant prices for land to foreign land owners and since the need for land continued to rise everyday, he would—

(*a*) suspend all land transactions in the Republic until a clear policy on land matters was laid down; and,

(*b*) direct that thereafter no transaction involving large-scale farms would be allowed to go through until and unless it had been given the personal approval of the Minister, the Minister having been satisfied beyond reasonable doubt that the price asked for was reasonable.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. I am not proposing to suspend land transactions. The hon. Member's question appears to refer to agricultural land. In this respect, there is already in existence a clear policy on land matters in that agricultural land can—except some which may be exempted from the provision of the Land Control Act of 1967 by His Excellency the President—be sold only to Kenya citizens at a price approved by the Land Control Board of the areas where the land in question is situated. There is sufficient safeguard to protect Kenya citizens from exploitation in transactions involving large-scale farms. Under the provision of the Land Control Act of 1967, land transactions involving agricultural land must receive the consent of the Land Control Board of the area in which the land is situated.

The Land Control Board has power to refuse consent where the terms and conditions of the transaction, including the price to be paid, are markedly unfair or disadvantageous to one of the parties to the transaction. The Act has not given power to the Minister to approve the prices asked for on large-scale farms. The only way one can be satisfied that the price asked for is fair is by obtaining an accurate valuation of the property in question from professional valuers—at present the valuation section of the Department of Lands and Settlement. It is therefore up to the Land Control Board to do their duty as laid down in the Land Control Act of 1967.

Mr. Mwicigi: Arising from the answer given by the Assistant Minister, is he aware that the present land price especially for large-scale farms, is unreasonably high?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I would not say "yes" as the hon. Members want me to say because there is an established board which can control these land transactions and their prices. If individual buyers compete in purchasing land—and probably the Land Control Board of their area does not do its work properly—then it is not my responsibility.

Mr. Mulwa: Mr. Speaker, Sir, would the Assistant Minister agree with me that the ills of land purchase arise from the fact that the valuers who do the valuation are foreigners and they usually do it to please the owners of this land? Why does he not arrange that the valuation of these large-scale farms be done by Government valuers instead the Agricultural Finance Corporation valuers, for example?

Hon. Members: Hear! Hear!

Mr. G. G. Kariuki: Mr. Speaker, Sir, I do not agree that all land valuers are foreigners. However, when valuers are employed by the Kenya Government, they cease to be foreigners; they are employees of the Kenya Government.

Mr. Kanja: Thank you, Mr. Speaker, Sir. While I do not agree with all the legal jargon the Assistant Minister has used, would he agree with me that our people have for a long time been exploited and it is the duty of this Government to safeguard the interests of our people and not leave them at the mercy of foreigners?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon. Member says that he does not agree with the jargon of the law which was passed in this Parliament in 1967. That means that he does not agree with the Parliament which was sitting at that time. He is not disagreeing with my Ministry as such and therefore, Sir, people are not exploited because we have not qualified valuers. If they think the prices are too high, they should stop competing. Why should they compete on these prices?

An hon. Member: Because they need land!

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell this House, or assure this House, that his Ministry

[Mr. Murgor]
will in all transactions dealing with land sales send Government valuers to do the valuation instead of having private valuers to do the valuation? In this way we shall have a fair land valuation in every respect.

Mr. G. G. Kariuki: Mr. Speaker, Sir, we need both types of valuers, whether they are Government valuers or private valuers. However, where the Government finance is involved Government valuers are invited. However, we cannot ask everybody to come to the Kenya Government for valuation of land which one wants to buy. However, if one applies to the Kenya Government the same will be done.

The Speaker (Mr. Mati): Next question.

Question No. 294

ROADS IMPROVEMENT IN KISII DISTRICT

Mr. Marita: Mr. Speaker, Sir, I do not need to ask this question because since I put down this question action has been taken with regard to the work.

(Question withdrawn)

The Speaker (Mr. Mati): Next question.

Question No. 282

MANUFACTURERS OF TEXTILE ARTICLES

Mr. Mwicigi, on behalf of Mr. Karungaru, asked the Minister for Commerce and Industry if he would tell the House—

(*a*) the reason why manufacturers of textiles were allowed the monopoly of import and export of manufactured goods including wholesale and retail trades; and,

(*b*) whether he was aware that those manufacturers could hardly appoint African sole agents or wholesale distributors; and if so what immediate action he was taking to correct that situation.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I beg to reply. I do not understand what the hon. Member means by saying that the manufacturers of textiles are given the monopoly of import and export of manufactured goods including wholesale and retail trade. I hope he does not mean that textile manufacturers have the monopoly of imports and exports of all manufactured goods because this is not true and the hon. Member knows it. However, if he means manufactured textiles, I would like to inform him and the House that no single trader has been given the monopoly to import or export any item. However, the Kenya National Trading Corporation is given the monopoly of importing and exporting a few items which are confined to the corporation and which are distributed in the country by the Kenya National Trading Corporation appointed agents who are Africans.

There are already local manufacturers who have appointed Africans as agents of their products and therefore it would be unfair to include such manufacturers among those who refuse to appoint Africans as implied by the hon. Member. However, I am aware that there are some local manufacturers who are reluctant to appoint Africans and I am at present correcting this attitude shown by such manufacturers.

Mr. Mwicigi: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister, can he tell us the reason why a company like the Thika United Textiles deals with manufacturing and also wholesale together with retail trade?

Mr. Anyieni: Mr. Speaker, Sir, I am not aware that the United Textiles of Thika Company is indulging in retail trade. I think the hon. Member knows very well that there are some appointed agents who are carrying on trade on behalf of such a factory. However, if the hon. Member has evidence to prove what he claims, he can then give the information to the Minister, who will take immediate action.

Mr. D. M. Kioko: Mr. Speaker, Sir, I would like the Assistant Minister to declare today that a manufacturer shall not be the wholesaler of the item that he is manufacturing or the retailer of the same. I think this is what he should say.

Mr. Anyieni: Mr. Speaker, Sir, I do not understand what the hon. Member means by, "Not being the wholesaler". If a factory is manufacturing something, then that particular factory must sell what it manufactures and cannot retain it. However, what I can assure the hon. Member is that if we find any one of them retailing, we shall take action against it.

Question No. 312

VISITING OF HEADS OF STATE AND AIRPORT TAX

Mr. Wabuge asked the Minister for Finance and Economic Planning if he would tell the House the reason why visiting Heads of State and their entourages to Kenya had been exempted from the payment of airport tax.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, hon. Members know that visiting Heads of States come here on official visits at the invitation of the Kenya Government and therefore it would be an act of discourtesy to ask them to pay airport tax.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that when a Head of State comes here on invitation he comes with probably 100 people behind him, would it not be advisable to devise a system whereby a Head of State could only be allowed to have five people exempted from airport tax and the rest made to pay this tax?

Mr. Cherono: That would also be an act of discourtesy—to ask a Head of State to limit the number of his party.

Mr. Wabuge: Mr. Speaker, Sir, can the Assistant Minister tell the House whether he means to say that when an invitation is extended to a Head of State to visit Kenya that same invitation includes all his entourage?

Mr. Cherono: Mr. Speaker, Sir, I would have thought that the answer to that one was obvious.

Question No. 298

PROSPECTING FOR MINERALS IN KITUI EAST

Mr. Kitonga asked the Minister for Natural Resources if he would tell the House when the Government would send experts to Kitui East to prospect for minerals, which the people of the area believe exist.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, I beg to reply. The mineral potential of Kitui East has been surveyed in considerable detail by the Government's geologists and prospectors. A systematic survey programme covering more than 27,000 square kilometres involving continuous work by geologists and prospectors over a period of 10 years has been carried out in Kitui District and the result of these surveys together with maps and details of mineral deposits have been published in a series of reports which are issued by my Ministry. Although in the past mineral deposits discovered in Kitui were found to be economically unviable due to their small size or low value, my Ministry is making fresh efforts to investigate any new discoveries which have not been examined previously and then advise on the possibilities of development. Additional field staff will soon be posted to Eastern Province, covering Kitui East as well, to facilitate the search for these minerals.

Mr. Kitonga: Mr. Speaker, Sir, first of all I would like to thank you. Can the Minister say how soon the team of surveyors will be sent to North-Eastern Province, particularly Kitui East?

Mr. Omamo: As soon as the next Financial Year commences.

Mr. Lotodo: Mr. Speaker, Sir, can we be told by the Minister when the first survey was carried out?

Mr. Omamo: I have already mentioned that several surveys have been carried out over the last ten years and this still continues. May I add that the exact date, the time and hour, when the first survey was initiated is not very important.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us how many groups of this team which he is going to send will go to Eastern Province so that we can at least estimate the time when Kitui East will be reached?

Mr. Omamo: At least one.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, I do not think he answered my last part of my question; which sought Kitui East will be reached?

Mr. Omamo: Mr. Speaker, a geologist will be posted to Eastern Province, which includes Kitui East. So, it means that as soon as he is posted to Eastern Province headquarters, immediately or simultaneously, Kitui East will be covered.

The Speaker (Mr. Mati): Next Order.

Mr. Araru: On a point of order, Mr. Speaker, I would like to seek your ruling. When there is a long question, like the one I had yesterday, or any other, which is given a written reply, under your ruling or the ruling of this House, is it an offence if any person publishes this outside this House? If it is not an offence, can any person publish it in the newspapers, or put it on the radio?

The Speaker (Mr. Mati): It depends on what they are publishing, whether it is something that was replied to here. If it was not dealt with there, then how on earth did they get to know what was in the reply before it was given here?

Mr. Araru: Mr. Speaker, the answer is given in writing and I received a copy. I am asking this because something that is replied to clearly is more important than what is given by way of written reply.

The Speaker (Mr. Mati): Mr. Araru, your question is important even if it is not reported in the papers. You have a reply and that is what should worry you; if you are dissatisfied you should raise it in the normal manner.

However, if the papers were to report something which was just referred to here and which was not replied to, what do you expect them to produce?

In any case, I do not see your point unless you are just asking why your question should not have been published by the papers, which is not our concern now.

Mr. Araru: On a point of order, Mr. Speaker, it is not that way at all. I think you have misunderstood me; I do not want publicity. I want your guidance because of several things, not only this issue of mine.

If such a question is not replied to verbally, is it in order to publish it? That is all I want to know.

The Speaker (Mr. Mati): Order!

Now, you are asking whether you can hand it over to the Press or something like that. For the time being it might not be advisable to do that in that way for the simple reason that any comment on that paper cannot be guided by what the Minister said here. What is contained in there could be qualified if some supplementary questions were asked.

To avoid any misrepresentation, I think we had better satisfy ourselves with receiving the replies. If we are dissatisfied, we raise the matter here differently.

Mr. Mulwa: On a point of order, Mr. Speaker, in the case of a reply given in writing, what machinery is there if I feel I have a supplementary question to ask? Would it be in order if on the following day I asked a supplementary question trying to follow up the matter?

The Speaker (Mr. Mati): You cannot do that.

Hon. Members: On a point of order——

The Speaker (Mr. Mati): Order! If any Member has a problem of this kind, or has a new problem about questions of this kind, if you could see me outside the House I will be able to explain further, instead of taking up so much time now.

POINTS OF ORDER

PAPERS LAID ON THE TABLE SHOULD BE AVAILABLE TO ALL MEMBERS

Mr. Wachira: On a point of order, Mr. Speaker, I asked the Minister for Natural Resources a question on forest areas in Murang'a and he promised the House that he would table a paper relating to this correspondence. However, he never tabled the paper, he took it away the same day. What do I do, Sir?

The Speaker (Mr. Mati): If that happened, then it was wrong because papers are laid on the Table here so as to give an opportunity to Members who are interested to have a look at them. So they should not be snatched away immediately after that. They should be available to Members, especially the Member who asked the question.

I do not know what Mr. Omamo has to say to that.

The Minister for Natural Resources (Mr. Omamo): Mr. Speaker, Sir, when I came to the Chamber I had just one copy which I decided to table. It appears that more than one hon. Member was interested in this particular paper. Having left it on the Table, I do not know who actually took it away.

However, the Clerk to the Assembly mentioned to my Ministry that they wanted additional copies, which I believe have either been forwarded, or are on the way coming, or will soon come.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, in view of what has transpired would you consider the paper was laid on the Table because it should have been given to the Clerk and circulated to Members? Do you still consider that paper as having been laid on the Table?

The Speaker (Mr. Mati): It was wrong to take it away. But I understand that Mr. Omamo is now arranging to have copies produced.

RAISING OF A MATTER OF UNSATISFACTORY REPLY TO A QUESTION UNDER MOTION FOR THE ADJOURNMENT: DISCRETION OF THE SPEAKER TO DECIDE WHETHER REPLY GIVEN JUSTIFIES RAISING OF THE MATTER

Mr. Kitonga: On a point of order, Mr. Speaker, a certain Member had asked a question here about the age of 18 being the requirement for one to be considered qualified to be a voter. In fact, Sir, you told me if I was not satisfied I could put the matter in writing to you and you would allow it to come up as a Motion for the Adjournment. I did that, Sir, but up to now nothing has happened.

Secondly, Mr. Speaker——

The Speaker (Mr. Mati): Order! I can only deal with one point at a time.

I am not sure I followed what you were raising.

Mr. Kitonga: Mr. Speaker, a certain Member of Parliament asked a question regarding the age when someone could qualify to vote. I gave you notice that I was not satisfied and you advised me to put this in writing and then the matter could be raised on a Motion for the Adjournment. Up to now nothing has happened.

The Speaker (Mr. Mati): That is completely out of order, Mr. Kitonga. If you want to find out what happened to your Motion, then you have to see me, the Clerk or some other person concerned outside the House. There are many notices given and you have to wait for your turn, if at all there is any reason to allow you to raise it.

Again, it is at the discretion of the Speaker to decide whether, in fact, the reply given in the

[The Speaker]
House was sufficient to justify not raising the issue again because you are not likely to get any further by raising the matter again.

You should try to find out from me outside the Chamber and not waste the time of the House here.

Next Order.

BILLS

First Reading

THE HOTELS AND RESTAURANTS BILL

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Dr. Waiyaki) took the Chair]

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(Clause 2 agreed to)

Schedule

Mr. Mwangale: On a point of order, Mr. Chairman, in view of the fact that we have several amendments, new amendments to the Schedule, I would like to move, under Standing Order 106 (6), the suspension of the discussion of clause 2 on this Bill until we have discussed the Schedule after which we can come back to discuss clause 2.

The Chairman (Dr. Waiyaki): Mr. Mwangale, what are you referring to?

Mr. Mwangale: I am referring to the Statute Law (Miscellaneous Amendments) Bill.

The Chairman (Dr. Waiyaki): We are not on that Bill yet. Oh, I am sorry, I must have called out the wrong Bill and that is where the misunderstanding has started. Mr. Mwangale is, therefore, on the wrong Bill.

We should take the Asian Officers' Family Pensions (Amendment) Bill first. I think we will start with the Committee stage all over again.

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

(Clauses 2, 3 and 4 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

POINTS OF ORDER

SEQUENCE TO BE OBSERVED ON A BILL IN COMMITTEE: CLAUSES MUST BE TAKEN BEFORE THE SCHEDULE

Mr. Mwangale: On a point of order, Mr. Chairman, I would like to move that we suspend discussion on clause 2 and discuss the Schedule first because there are several amendments coming, as you will see from the list of the amendments.

Here, Sir, I am quoting Standing Order 106 (6), and for the benefit of hon. Members who do not have their copy of the Standing Orders, it reads as follows:—

> "The consideration of any part of a Bill may be postponed until such later stage of the proceedings in Committee on such Bill as the Committee may decided."

Therefore, I would like to move that the House suspends discussion on clause 2 for the time being so that we can discuss the Schedule first.

The Chairman (Dr. Waiyaki): Clause 2 specifically refers to the Schedule. I do not know what authority we will have to discuss the Schedule before we discuss clause 2.

There is Standing Order 105 which specifically gives the sequence in which these clauses must be taken. The clauses must come before the Schedule.

Mr. Mwangale: Mr. Chairman, I do not want to disagree with the Chair, but I want to point out that this subsection (6) of section 106 actually allows for this type of variation in the manner in which the Bill can be discussed in the Committee of the House.

The Chairman (Dr. Waiyaki): You are quite wrong. Standing Order 106 (6) does not in any way contradict Standing Order 105.

I understand what you want done but you are using the wrong Standing Order to do the job. As it stands, you will have to go to clause 2 first before you come to the Schedule.

NEW AMENDMENTS—NOT IN THE PRINTED BILL—CANNOT BE INTRODUCED AT THE COMMITTEE STAGE AS THEY HAVE NOT BEEN READ THE FIRST AND SECOND TIME

Mr. Mwangale: Mr. Chairman, Sir, I would like some kind of clarification here because we have several amendments which have been brought on this particular Bill. Some of them are new amendments, they are an addition to those specified in the Schedule. I would like to have some kind of ruling from the Chair: whether after our discussing clause 2 we will be able to continue with the amendments, including the new amendments, to the Schedule?

The Chairman (Dr. Waiyaki): The amendments as they are proposed by the hon. Mulwa, Seroney, Wabuge, Kivuitu and Seroney—unless I am wrong—are completely new amendments, which do not appear anywhere in the Bill as printed. That being the case, the Committee is not in a position to discuss these amendments as they appear on the Order Paper. The Committee is only empowered to discuss amendments which have been committed to the Committee by the House. We are only executing a job which has been given to us by the House.

If it is the desire of the Committee to discuss these amendments as they appear in the Schedule, that desire must be made in the House and not in the Committee.

You must remember, Mr. Mwangale, that this is a public and not a private Bill.

Mr. Mwangale: On a point of order, Mr. Chairman, Sir, I do not know anywhere in these Standing Orders, or in any procedural law where it has been specified that the House cannot discuss these matters in a Committee stage. In fact, Sir, if you can remember, although I was not here yesterday, I understand there was that tendency to rush this Bill during the discussion in the House and that hon. Members were not allowed even to discuss the amendments. Now, at this Committee stage——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman.

The Chairman (Dr. Waiyaki): There is another point of order.

Mr. Mwangale: Will you sit down and warm your seat?

Sir, I was pointing out that, actually, there is not anywhere in our Standing Orders, where the Committee of the House is prohibited from discussing amendments which are not within the original Bill. Sir, I want also to point out that if this was the case—because I proposed earlier on to amend the same clause, clause 2 so that we have instead of the Schedule, in order to complete this——

The Chairman (Dr. Waiyaki): What is your point of order?

Mr. Mwangale: What I am trying to point out, Sir, is: according to our Standing Orders and procedural laws, it is not specified that the Committee of the House cannot discuss this new amendment. Therefore, I do not see why, Mr. Chairman, Sir, you are arguing against this?

The Chairman (Dr. Waiyaki): You have not read your Standing Orders properly——

Mr. Mwangale: I have.

The Chairman (Dr. Waiyaki): You have not. Order! Will you, please sit down?

You have not understood your Standing Orders at all from what you have just said. The Standing Orders are quite clear that the Bill must be printed, it must appear in *Kenya Gazette*, it must be given the First Reading, the Second Reading and only then can it be committed to the Committee of the whole House. None of these provisions here in the Supplementary Order Paper, have been printed and gazetted, circulated to Members; brought in here for First Reading and for the Second Reading. So, under what law of Kenya or of the Constitution of Kenya can you bring in a Bill which has not passed through the various stages? I think you have misunderstood. What the Standing Orders that you refer to also say is that in Standing Order 104 specifically it says that the Committee has power to discuss any amendment that they wish to provided they are the subject matter of the Bill. These are not subject matter of the Bill in question. These provisions on the Supplementary Order Paper, have not been committed for discussion by this Committee by the House.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Chairman. I stood on a point of order earlier and I was told that there was another point of order, but I thought it was a point of argument.

The hon. Member alleged that yesterday things were hushed up on this Bill. I was here, Sir. Could the hon. Member substatiate, because it is misleading the House, that this was hushed up and yet everybody had a chance to speak, the closure was moved, and I think there was only one "No"?

The Chairman (Dr. Waiyaki): Mr. Shikuku, I think the hon. Member referred to my ruling yesterday that no discussions could be done on the subject of these amendments as they appear here because they were not the subject of the Second Reading. In the Second Reading we were discussing the principle of the Statute Law (Miscellaneous Amendments) Bill, 1971, as printed; not as amended. Therefore, I ruled against discussions in the Second stage.

Mr. Mulwa: On a point of order, Mr. Chairman, I agree with your ruling, particularly, when you touch section 104 of our Standing Orders. However, the same section gives the Committee discretion to discuss an amendment which is not within the title of the Bill being discussed provided they amend the title. Therefore, Mr. Chairman, I was of the opinion that you and the Committee could also use your discretion and

[Mr. Mulwa]
allow these amendments to be discussed. If I may quote the Standing Order No. 104:—

"104. All Committees to which Bills are committed shall have power to make such amendments thereto, relevant to the subject matter of the Bill, or pursuant to any special instruction by the House, as they shall think fit, but if any such amendment be not within the title of Bill, they shall amend the title accordingly and report the amendment thereof specially to the House."

Therefore, you have the discretion.

The Chairman (Dr. Waiyaki): Even that does not apply. My reason for ruling against this is not that these particular provisions that I have referred to are not within the title; they would be within the title if they had been printed and if they had been introduced in the proper manner. They would have been within the title I am not using the Standing Order No. 104, that part which you have just read. I am quite sure that you understand but you are just trying to drive the thin end of the wedge between the truth and what is not true.

It is specifically because that allows discussion but I have ruled that we cannot have that discussion unless it is printed. I think I have made my ruling now and I will not have any further challenges.

Mr. Ayah: On a point of order, Mr. Chairman, under what circumstance were these amendments included in the Order Paper?

The Chairman (Dr. Waiyaki): Including them on the Order Paper is of no consequence to the Committee. The Chairman of the Committee only deals with what appears within the Committee.

Mr. Ayah: Mr. Chairman, I am sorry to bother you; however, frankly, I am just trying to seek your guidance so that you can clear my ignorance. I am not saying that it is immaterial or material, but I think most Members are allowed to slip because of the fact that these things are included in the Order Paper. Would I be right to assume that someone somewhere along the hierarchy or whatever it is of the House, is deliberately trying to mislead the Members by including this schedule in the Order Paper only to come and be told of these technicalities?

The Chairman (Dr. Waiyaki): If you want to hear the truth; when the Supplementary Order Paper appeared yesterday, the Speaker, had not even heard of it. As he passed the information to me, he had not been shown these things and he had not, therefore, sanctioned them yesterday. Obviously, between yesterday and today, he would have had every opportunity to see the amendments. However, that does not matter, they appear on the Order Paper as the normal procedure of bringing matters for discussion within the House. It is within the powers of this Committee not to discuss what has appeared on the Order Paper that it regards as out of order.

Mr. Wabuge: On a point of order Mr. Chairman, Sir.

The Chairman (Dr. Waiyaki): If it is on the same matter, I have made a ruling.

The Attorney-General (Mr. Njonjo): Sit down and have some snuff.

Clause 2

The Chairman (Dr. Waiyaki): I will put the question that clause 2 do stand part of the Bill.

(*Clause* 2 *agreed to*)

Mr. Seroney: On a point of order, Mr. Chairman, I wanted to speak on clause 2.

The Chairman (Dr. Waiyaki): Order! Will you sit down Mr. Seroney? We have passed clause 2. The procedure in this House is for the Member to catch the Speaker's eye or the Chairman's eye. He did not catch my eye and I proceeded to put the clause and it was adopted. It cannot be challenged.

Mr. Nthenge: On a point of order, Mr. Chairman, if we often stand and try to catch your eye what do we do when we find that we do not catch your eye——

The Chairman (Dr. Waiyaki): It is never very difficult—— Order, Mr. Nthenge! How did you catch my eye just now? It is never very difficult for a Member to catch my eye. If he sits and then waits until we have gone half way through a subject, and then stands up on a second thought, it is too late then; that is not allowed in the procedures of Parliament.

Mr. Mwangale: On a point of order.

The Chairman (Dr. Waiyaki): We will not be on the same matter, Mr. Mwangale.

Mr. Mwangale: No, Sir. Mr. Chairman, Sir, it has been characteristic of the Chair, in the past, to use the technicality of the written words to rush certain Bills in this House at the Committee stage——

The Chairman (Dr. Waiyaki): You can bring a Motion of no confidence in——

Mr. Mwangale: Yes, let me finish.

The Chairman (Dr. Waiyaki): Order! I will order you out. It is then for you to bring a Motion of no confidence in the Chair.

[The Chairman]

However, as long as I sit in this Chair, I will make rulings that I believe are appropriate without any reservations.

Mr. Mwangale: Let me finish.

The Chairman (Dr. Waiyaki): You will not finish!

Mr. Ayah: On a point of order; I agree with you that it is perfectly in order if anybody disagrees with the Chairman, he will bring a Motion of no confidence in the Chair. However, Mr. Chairman, why invite it deliberately?

The Chairman (Dr. Waiyaki): Well, I am inviting it because he is making it.

Mr. Ayah: It is because we suspect there is something wrong.

The Chairman (Dr. Waiyaki): No, the procedure is quite clear—— Mr. Seroney, would you sit down? If this Committee wants to bring in a new matter—— May I help the Committee, although it is not my business from the Chair to do that just at the moment? If the Committee so desires to bring in a new matter into a Bill, they can do that at the appropriate stage. If Mr. Mwangale, and anybody else who wants to think like him, would like to refer to our Standing Order No. 109, he will find that it helps. However, it is not possible to introduce a matter outside the Bill by using steam-roller tactics. In any case, as long as I am Chairman, I will not be steamrolled. I am following the Standing Orders very, very strictly.

Mr. Wabuge: On a point of order, Sir; here sometimes this House find it very difficult in trying to get important things through sometimes because the Chair becomes somehow very difficult. Now, if, Mr. Chairman——

Hon. Members: No! No! Stop there!

Mr. Wabuge: My point of order is this——

The Chairman (Dr. Waiyaki): Order! Will you sit down?

Mr. Wabuge: My point of order is this, Mr. Chairman——

The Chairman (Dr. Waiyaki): Order! Would you sit down?

Mr. Mwamzandi: Mr. Chairman——

Schedule

Mr. Mwamzandi: Mr. Chairman, Sir——

The Chairman (Dr. Waiyaki): Order! Are you on the same matter, Mr. Mwamzandi?

Mr. Mwamzandi: I had an amendment on the Schedule.

The Chairman (Dr. Waiyaki): Have you submitted the amendment?

Mr. Mwamzandi: Yes, it is there.

The Chairman (Dr. Waiyaki): Oh, yes, there is a supplementary Order Paper.

Mr. Mwamzandi: Mr. Chairman, I have decided to move an amendment to the Schedule, dealing with the Wakf Commissioners. Mr. Chairman, the purpose of bringing this amendment——

Mr. Seroney: On a point of order——

The Chairman (Dr. Waiyaki): I think Mr. Seroney's amendment comes first.

Mr. Seroney: Mr. Chairman, I beg to move:—

THAT the Schedule of the Bill be amended by deleting the substituted subsection 7 of the Administration Police Act (Cap. 85) and substitute the following section 7:—

7. An officer shall carry out the duties imposed upon him by this Act within the district or area in which he is appointed.

Now, the purpose of the original amendment, Mr. Chairman, was, as was stated yesterday, to enable the Administration Police, formerly the Tribal Police, to be transferred anywhere, taken anywhere in Kenya. It was pointed out that the Ministry in charge of this particular force, namely the President's Office, has given this House a difficult time because every time we want to discuss the composition of the establishment they refuse point blank to give facts. It is known, Mr. Chairman, that there have been complaints about the imbalances within the Administration. The original amendment is designed to enable this kind of thing to be extended to the Administration Police, so that, for an example, in a district like Nandi or Kericho and so on, when a vacancy occurs in the local force, instead of appointing somebody locally to take over, somebody will be brought in from another district.

An hon. Member: Kiambu!

Mr. Seroney: The purpose of the Minister's amendment is to facilitate that, and I am inviting this House to reject it totally.

Originally, when we started our independence under Majimbo Constitution, it was provided that every area will decide which civil servant or public servant they wanted to serve in their area. However, Government rejected the principle of *Majimbo* and brought about a unitary Government so that they could transfer people anywhere and the local people would have no say in the matter. Now, what is being done here is to remove that particular safeguard which has safeguarded the Administration Police from being transferred to other areas where they may not be wanted.

[Mr. Seroney]

Therefore, that is why, Mr. Chairman, I am proposing this particular amendment. Now, I would like to tell hon. Members that the wording of this amendment is exactly identical to the existing section, except that I have omitted a proviso which gave some latitude to a provincial commissioner or a district commissioner. Therefore, I am, in fact, saying that the rules that an officer shall serve in the area or district in which he is appointed should be absolute and that the district commissioners, who are mobile—and those mobile provincial commissioners and district commissioners—do not have the chance to make our Administration Police as mobile as they are. That is why in restoring the present law, I am, in fact, also amending it by removing altogether, the discretion given to the provincial commissioners or the district commissioners to manipulate things within the boundary of the section and I think this is a very obvious point. I said yesterday that if Government wants to have one police force, they could have one police force, but if there are these tribal or Administration Police they should be allowed to serve in their own district until such time that Government finds that we do not want the Administration Police, and then all the duties will be undertaken by the Kenya Police, who are as mobile as anyone could wish.

Therefore, Mr. Chairman, with those few remarks, I beg to move my amendment.

The Chairman (Dr. Waiyaki): Before we go further I would like to make Mr. Seroney's amendment clear. First of all, as I take it from his amendment of S. 7, he wants the words "anywhere within Kenya" deleted and the words "within the district or area in which he is appointed" inserted in the place thereof.

That is correct is it not?

Mr. Seroney: Yes Sir.

The Chairman (Dr. Waiyaki): So, I will propose the question.

(Question of the amendment proposed)

Mr. Mulwa: Mr. Chairman, I do support this amendment not because of the tribalistic insinuations out of it. In fact, I am one of the people who do not support tribalism. Mr. Chairman, we have to look at the duties of these officers first before we appreciate why it is necessary to amend it. You will find that these people are, usually, people from the local areas who speak the dialect of that particular area and understand the language and the way the people of that area live. You will find that whenever there is a crime, for example, in an area the police go to these officers first in order to get assistance and these are the people who lead them or help them to get the culprit. Sir, it would be very difficult if we had people who do not speak a particular language to go and investigate small crimes and things like those. They could do it, but it will be difficult and that is why I am saying that at present you will find that when the police go to an area the first people they get in touch with are these officers because they live with the people, they speak the language spoken in the area and they know how to go about anything in the area better than somebody who is new to the area.

For this reason, Mr. Chairman, I strongly believe that we need to consign the activities or the operations of these officers to the areas in which they were appointed because of the language difficulty. As the Mover says, Mr. Chairman, this is an obvious fact because if we leave it that they can operate throughout Kenya, we shall be giving our police a great burden when trying to investigate a crime. In fact, it is going to be impossible to investigate some of the crimes which hitherto have been easy to investigate by the help of these officers because of the language problem which they were able to overcome and so help the police.

I therefore support the amendment, Mr. Chairman.

Mr. Kivuitu: Mr. Chairman, Sir, I do support this amendment and I am sure the Attorney-General will agree that there should either be a Police Force for the whole of Kenya and another one for the districts or have the Police Force and have no Administration Police because if you have to have the Administration Police spread out in the same fashion as the police, then why have the two? Why not combine the two so that you only have one? In other words the whole idea of having the Administration Police is simply to have people who are stationed in a district because they have to be around the chief or the district commissioner in order to be saluting him. I have not been able to know the work of the police besides saluting. However, if they have to be there, we should either have them for the districts as they have been or we have them amalgamated with the police.

For that reason I do support the Mover.

Mr. Murgor: Mr. Chairman, Sir, I just want to speak on this from experience. Mr. Chairman Sir, I entirely agree with what some hon. Members said here. I quite agree with their fears. However, there is one thing, Sir, about transfers, that has been talked of here. Maybe some hon. Members have not noticed or seen before that

[Mr. Murgor]
this has been taking place; some transfers have been taking place where some Administration Police officers have been taken from any area to another. Although I entirely agree that Administration Police officers, who were known as Tribal Police, should remain in the district where they were recruited and where they come from because they are understood by the people and they are even much closer to the people than the Kenya Police, one thing that has been very difficult and a big problem has been that these Administration Police have not been able to do their jobs properly as far as it affects the people who break the law and disappear across the border. Take, for example, some stock raiders or thieves who go to Kisii say from Masai or Kericho and then the Administration Police follow them up. Once the raiders who are moving away with the cattle cross the border, that is the end of it because the Administration Police cannot move beyond their area of jurisdiction. The stock raiders will then disappear with the cattle and by the time you get in touch with the Administration Police of the area from where the thieves have taken the cattle it will have taken a long time, and thereafter you will not be able to get back those animals. If, therefore, it is said here as the original amendment says, "An Officer shall carry out duties imposed upon him by this Act anywhere within Kenya", it will be possible for these Administration Police to pursue criminals from where they committed crimes and follow them even beyond the borders of their own districts. There is only one danger there, and this is that once Administration Police from one district, who belong to one tribe, cross the border of their district and go to another district, the Administration Police there—those who belong to the tribe of that district—may not be co-operative in this matter. They may even help the thugs to get away with the animals. That is the only danger with this. However, I entirely agree with everything else the hon. Members have mentioned about the Administration Police and their being recruited from the area they come from and then staying there. However, I do not agree with the idea or suggestion that there should be one police force and no Administration Police because of the differences between them. As I said, the Administration Police do much more work in their own districts than in other districts. They are much closer to the people and the people go to them much more than they go to the Kenya Police.

So, Mr. Chairman with these few words I beg to oppose the new amendment. The original amendment should stand.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I think it might save time if I indicated that although, with some hesitation, I did explain the reason for this amendment yesterday, it does appear that perhaps some hon. Members have experience which might appear to prove that these people should not be transferred from one district to another. It is a pity there is nobody here from the Office of the President, but I think this amendment is reasonable.

The Chairman (Dr. Waiyaki): I think it is appropriate therefore, to put the question of deletion.

(*Question that the words to be left out be left out, put and agreed to*)

(*Question that the words to be inserted in place thereof be inserted, put and agreed to*)

S. 8 (1)

Mr. Mwamzandi: Mr. Chairman, Sir, I have proposed an amendment to this Wakf Commission. Mr. Chairman, Sir, the Attorney-General had proposed an amendment to delete section 8 (1), where members of the Wakf Commission were allowed to elect their own chairman, after every first sitting, to serve for one year. Here, Mr. Chairman, Sir, the Attorney-General suggested that the section in question be deleted and we substitute in the place thereof the words: "The Provincial Commissioner of the Coast becomes the chairman of the Wakf Commission". Mr. Chairman, Sir, I have been receiving complaints from Mombasa that this will be very unfair. Mr. Chairman, Sir, it will be very unfair to have the provincial commissioner as the chairman of Wakf Commission because this is a Moslem organization.

Mr. Chairman, as you know, whatever has been put in this chapter has been donated by the Moslem and, therefore, this must be governed or rather utilized according to Moslem law as contained in the Koran or in other history books of the Moslems. To have a Christian in this Wakf Commission as the chairman would be wrong, because for one reason, he is not a Moslem and, secondly, he is not acquainted with the Moslem law. Therefore, Mr. Chairman, Sir, for a Christian to make decisions for the Moslems, this would be totally unfair. Again, Mr. Chairman, the Moslems who die and give their property to the Wakf Commission would naturally, like their property to be utilized in a manner properly governed by the Islamic religion. I understand that there is already a case in Mombasa where the Wakf Commissioners have been accused because some of them are misusing what has been deposited by those people who offer property to the Wakf

[Mr. Mwamzandi]
Commission. Mr. Chairman, Sir, I am saying this because when a Moslem offers a piece of land for a mosque to be built there, he would not like to see that piece of land being utilized as a football ground because if this is done, it will not be in accordance with his wish. Neither would he like to see any other kind of building, such as a night-club built on that piece of land. Therefore, this must really be governed by the Moslem law. Mr. Chairman, Sir, you will agree with me that the Moslem law must be used in that commission and this is confirmed by section 16 (1) of the Wakf Commissioners Act, which says:—

"... Subject to the provisions of subsection 2 of this section all property, the subject of any Wakf which is under the control of that Wakf Commissioners shall be administered by the Wakf Commissioners in accordance with the intentions of the maker of the Wakf, if such intentions are lawful according to the Moslem law and are capable of being carried into effect, whether such intentions are ascertainable or by reference to any other evidence lawfully obtainable."

Mr. Chairman, Sir, the Islamic law must be used by the Wakf Commission and this is why we, Moslems, feel that to have a Christian within the Wakf Commission as Chairman, would be really unfair to the Moslems in this country as a whole. Mr. Chairman, we do not complain about the provincial commissioner being a member of the Wakf Commission. He is welcome, he can help us; but for him to——

Mr. Koigi: On a point of order, Mr. Chairman, what would happen if a provincial commissioner is a Moslem and he becomes the chairman of this commission? Would that be in order?

Mr. Mwamzandi: I would like to inform my hon. friend over there that we do not, at the moment, have a provincial commissioner who is a Moslem; we hope we shall have one—but we do not, as I have said, have any at the moment.

Therefore, Mr. Chairman, Sir, with these few remarks, I hope our Christian friends will sympathize with the Moslem community. Mr. Chairman, Sir, I beg to move.

THAT the Schedule be further amended as follows:—

S. 8 (1) Delete the substitute section and substitute the following—

(1) At the first meeting held in each year the Wakf Commissioners shall elect a prominent Moslem from the Coast Province to be the chairman for the ensuing year.

(Question of the amendment proposed)

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Chairman, Sir, I would like to voice a few comments on the proposed amendment by my colleague the Member from Kwale. Mr. Chairman, Sir, it is true that the working of the Wakf Commission is somehow sensitive in as far as Moslem law is concerned. The function of the Wakf Commission and the way it should distribute its assets accruing from the property given out by the generous Moslems for the cause of the welfare of the Moslems needs Moslems on the Wakf Commission who are capable enough to bear the responsibilities and to avoid misappropriations and also contraventions of the Islamic law. Mr. Chairman, Sir, the Wakf Commission, right from its inception, may be for about 30 years, has been under the management of people who, unfortunately, misappropriated some of its assets. This is why the Attorney-General finds it very difficult now to decide how Government could have control on the Wakf Commission. I think it is appropriate and proper that the Government have a say or some control over the Wakf Commission as a watchdog for the Moslem public. At the same time I do agree with my colleague that there is a necessity to amend the amendment as contained in the written Amendment Bill to the effect that the chairman should be a Moslem.

Mr. Chairman, Sir, I do also agree that the provincial commissioner, or another Government official, should be on the Board of the Commissioners as a watchdog to see how the funds and assets of the Commission are being handled. Mr. Chairman, Sir, I think the only dispute I have with the amendment moved by my colleague, the hon. Mwamzandi, is that his amendment went too far or too wide when he suggested that the chairman should be elected by the commissioners and he should come from the Coast Province. I think the correct thing to do is to suggest that the chairman should be elected from amongst the commissioners appointed. This is the right thing to do. I am sure my colleague, the hon. Mwamzandi will not have any trouble or problem, and I do not think he will oppose my suggestion that the chairman should be elected from amongst the commissioners and not from the Coast Province.

Mr. Mwamzandi: On a point of order, I think the hon. Assistant Minister has not yet read the amendment because I did not say that the chairman should be elected from the entire country, but I said that he should be elected by the commissioners. That is my suggestion.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Chairman, Sir, with your permission, I would like to read the proposed amendment, and I quote:—

"At the first meeting held in each year the Wakf Commissioners shall elect a prominent Moslem from the Coast Province to be the chairman for the ensuing year."

What I am suggesting is that the Wakf Commissioners shall elect a prominent Muslim from amongst the commissioners. This is the right thing. I would request my colleague, the hon. Jahazi, to move this amendment to that effect if the hon. Mwamzandi will have no objection.

Mr. Mwamzandi: On a point of order, Mr. Chairman, Sir, in fact, what the hon. Assistant Minister has just proposed is exactly what I meant, otherwise, it is only a typographical error. Therefore, if the amendment will remove that typographical error, I accept it.

The Chairman (Dr. Waiyaki): What he proposes to leave out is within your power without having to go through the procedure of an amendment to an amendment. If you want the words "from the Coast Province" to be deleted from your amendment, then you can do it simply. In that case there is no necessity for Mr. Jahazi to propose his amendment because you have just to write it out and give it to me; then I will effect the necessary changes. In that case, there is no need for you to move it.

Mr. Mwamzandi: I accept that.

The Chairman (Dr. Waiyaki): Do you want to speak, Mr. Jahazi?

The Assistant Minister for Health (Mr. Jahazi): No.

The Chairman (Dr. Waiyaki): I think there is general agreement about this amendment, and therefore I will put the question of the amendment.

(Question, that the words to be left out be left out, put and agreed to)

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

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Statute Law (Miscellaneous Amendments) Bill and its approval thereof with minor amendments.

(Question proposed)

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Asian Officers' Family Pensions (Amendment) 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 READINGS

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

Dr. Waiyaki: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The Asian Officers' Family Pensions (Amendment) Bill and approved the same without amendment.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Finance and Economic Planning (Mr. Balala) seconded

(Question proposed)

Mr. Seroney: On a point of order, Mr. Speaker, Sir, I thought under section 109, it is provided that when a Motion such as the one which has now been passed by the House "that the House doth agree with the Committee in the said Report" it is open to the House to consider an amendment to that Motion.

An hon. Member: We are discussing another Bill.

Mr. Seroney: Sorry, Mr. Speaker, Sir.

(Question put and agreed to)

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to move that The Asian Officers' Family Pensions (Amendment) Bill be now read the Third Time.

The Assistant Minister for Finance and Economic Planning (Mr. Balala) seconded.

(Question proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Now, that the Bill is becoming a law, Mr. Speaker, I thought I would mention it to the Assistant Minister, my fellow colleague, to note that whereas we would like to forget the colonial relics and memories it is in the interests of this country that we should also try to forget this

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

Asian business, and I hope—hoping that I am not hoping against hope—the very Asians will be ashamed of themselves for perpetuating what was started during the colonial times. I only look forward to them to forget and desert the whole system and instead join the *wananchi* system which was mentioned by the Assistant Minister in the course of his speech during the Second Reading of this Bill, namely the Asian Officers' Family Pensions (Amendment) Bill. Let me hope that these Asians will cease calling themselves Asians and the soon they forget this the better for them and the children they have produced so far in this country.

(Question put and agreed to)

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

REPORT AND CONSIDERATION OF REPORT

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Dr. Waiyaki: Mr. Speaker, Sir, I am directed further to report that the Committee of the whole House has considered The Statute Law (Miscellaneous Amendments) Bill and has approved the same with amendments.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

(Question proposed)

Mr. Seroney: Mr. Speaker, Sir, I beg to move that the Motion before us be amended by adding after the word "report" the word "subject to recommital of the Bill in respect of the proposed new and additional schedule". This has become necessary, Mr. Speaker, in view of the ruling given by the Chairman of the Committee that under Standing Order 104, he could not entertain a matter which had not been committed by the House to the Committee. Therefore while agreeing with the report of the Committee in respect of what was contained in the Bill as originally printed in the *Gazette* and as amended, this amendment is an invitation to the House to recommit the Bill in respect of the amendments which are in the schedule which appears in the Order Paper and the Supplementary Order Paper to be dealt with by the Committee.

Now, Mr. Speaker, I do not have to say how important some of the matters contained in the new proposed schedule are. When we report to the Committee it will be possible to go through each of them on merit. What I just do not like is to see things kept out of the consideration of the Committee by some technical arguments. Nowhere in our Standing Orders is it said, Mr. Speaker, that when the Government takes the advantage of bringing a Bill of this nature, a Miscellaneous Amendment Bill, where small items, which for convenience should be dealt together instead of publishing a new Bill, we should not do so. If the Government can use that convenience and get away with it, I think it is unfair to tell the Members of this House that if they have only one or two lines to amend in any form, namely, to remove an anomaly or to have minor amendments to the Statute Law, they must go through the long procedure of seeking the leave of the House, of publishing the Bill in the *Official Gazette*, of waiting for 14 days and then coming back to this House to move a Bill which may be only one or two lines. Therefore, I am asking the House to consider the proposed additional schedule on merit and not whether they can use a technicality to keep it out of the consideration of the House. If the proposals contain an additional schedule and if any of them is wrong on merit, then, I think it should be open to the Committee to decide whether they agree with any particular item. Some of the items have been agreed upon by this House, like the Amendment to the Trespass Act——

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, I would prefer the hon. Member to deal purely and simply on the Motion that he is discussing and not to raise matters, a subject matter of which we have not agreed yet.

Mr. Seroney: Mr. Speaker, Sir, I am explaining why I want the Bill to be recommitted, because it is no good saying that it will be recommitted and leave it at that. I must say what is being recommitted, namely, the additional schedule. I am not arguing on the merit of any individual proposal. I am justifying my amendment.

Therefore, Mr. Speaker, as I said, if the Committee gets the chance to go through each of the proposals, they will find that some of them had been agreed in principle by the House at one time or another. Therefore, it would be a pity to keep them out on a technicality. Therefore, this House should recommit all the items in the schedule contained in the Order Paper and in the Supplementary Order Paper so that they will stand committed to the Committee and the Chairman and the Committee can feel free to go through them on merit.

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

CONSIDERED RULING

NEW AMENDMENTS, NOT REFERRING TO ACTS PROPOSED TO BE AMENDED UNDER STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILLS CANNOT BE INTRODUCED AT COMMITTEE STAGE

The Speaker (Mr. Mati): Before we agree as to whether we should proceed with your Motion or not, Mr. Seroney, I think we should just consider what you have said.

The schedule you are referring to and the one you call new and additional schedule, is the schedule which was ruled out of order from the Chair and the grounds were given at that time. I think it took quite some time to get the grounds across. However, there is also another aspect to it, that is, if, in fact, we were to adopt this method of amending Miscellaneous Amendment Bills, then there would be no limitation as to how many amendments we could bring to this House. This is purely from a practical point of view. If an amendment was introduced, as it was introduced here, we could have pages and pages of amendments which do not refer to those specific parts of the law to which it was proposed originally to make amendments. For this reason, it is only reasonable that we have to confine ourselves to those amendments which have been proposed, agree with them or disagree with them. If you open the flood gates of amendments, it would be an endless stream and I cannot see what control we would have as a House on such kind of procedure.

I agree with Mr. Seroney that probably there is nothing clear, according to our Standing Orders. Perhaps, this is something which can be looked into, especially in so far as Government is concerned. We have also to take note of this that if the Government wants to take the opportunity of introducing an amendment of this form, it naturally invites the feelings of the Members that they, too, would like to see further amendments. I think we will have to look into the whole system of using Miscellaneous Amendment Bills and that is something, which, Mr. Seroney, who happens to be a Member of the Committee reviewing the Standing Orders might have some proposals to make. I do not feel, in these circumstances that we can go back on what was ruled from the Chair. This proposed schedule was ruled out of order. I have pointed out my additional feeling why, if we accept this, we would be in trouble in practice and for this reason, I think, so long as the House did deal with those amendments which were brought to the House as amendments to the various parts of legislations, if they wanted to amend those, obviously they could and I think there was at least one amendment on the Wakf Commission. On those grounds, I do not feel that we can go back on this. Therefore, I would rule Mr. Seroney's amendment to this Motion to be out of order on those grounds.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir. I am not trying to dispute your ruling but I am just trying to get your guidance on this matter. Mr. Speaker, Sir, when a Bill is introduced here in the House under the title of Statute Law (Miscellaneous Amendments) Bill, obviously in my opinion it means that it is a Miscellaneous Bill which, in other words, as we have just been saying, Members should have a right to have some amendments which are supposed to have some anomalies. Now, Mr. Speaker, Sir, in view of the fact that there is a Standing Order—109 subsection 2—under which Mr. Seroney is bringing this amendment, does it mean that we are now rushing aside this very Standing Order whereby you are ruling out that Mr. Seroney's Motion should not come?

The Speaker (Mr. Mati): No, I am ruling out nothing of that kind. If Mr. Seroney was complaining, for instance, about the amendments which were brought here because he felt that he was not satisfied with the discussion on them, I would, of course, allow him to move his Motion; but now he is referring to other matters which were brought for the purpose of amending certain statutes. These are new amendments introduced not related to the specific statutes which were intended to be amended.

Mr. Seroney: On a point of order, Mr. Speaker, Sir. I am not challenging the Committee. Now, the Chairman of the Committee, if I understood him well, felt that the Committee was not competent to discuss a new matter which had not been committed to it by the House and he was acting under Standing Order No. 104. I am not trying to supersede the ruling of the Chairman of the Committee nor am I appealing against the ruling of the Chairman of the Committee because the Chairman of the Committee simply said that I am not competent to do this and the only way I could do it was to refer it to the House and if the House wishes to recommit it to the House then the House can decide.

Mr. Speaker, Sir, Standing Order No. 109 subsection (2) clearly allows the recommittal in respect of a new clause. I do not understand what a new clause means nor do I understand what a new schedule means, if it had not been considered by the Committee. So, I would like

[Mr. Seroney]
to know in what way this thing is in order and under what Standing Order is my amendment out of order when in fact, it is supported by paragraph (2) of Standing Order No. 109.

The Speaker (Mr. Mati): Now, using exactly the same Standing Order and the particular section you are referring to, new clause and new schedule means a new clause proposed in the Bill and a new schedule as it appears in the amending Bill. It does not mean that anybody can come up with any amendment he wants to make a new schedule and hope that that is the one meant. No, that is not the case.

(Question put and agreed to)

Third Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that The Statute Law (Miscellaneous Amendments) Bill be now read the Third Time.

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

(Question proposed)

Mr. Seroney: Thank you very much, Mr. Speaker. Mr. Speaker, Sir, under the Standing Order No. 112 (2), I beg to move:—

> THAT the word "Now" be deleted and that after the words "Third Time" the following words be added namely "Upon this day six months".

Mr. Speaker, Sir, this is an amendment which is perfectly valid and therefore, I do not think whether it is necessary for me to quote the necessary Standing Order.

The Attorney-General (Mr. Njonjo): Yes, quote it.

Mr. Seroney: Since the Attorney-General has asked me to quote the relevant Standing Order, I will do it.

Mr. Speaker, Sir, Standing Order No. 112 paragraph 2 says, and I quote.

> "On the Third Reading of a Bill a Motion shall be made 'that the . . . Bill be now read a Third Time'; amendments may be proposed similar to those proposed on a Second Reading."

Mr. Speaker, Sir, one of the amendments permissible in the Second Reading is that "A Bill be read a Second Time six months". Mr. Speaker, Sir, that is why I am moving my Motion. There is no reason, Mr. Speaker, why the procedure of this House—and even if our Standing Orders can be interpreted to lean on the side of Ministers there is no reason why Ministers should have facilities which Private Members do not have. I have complained very often that our Standing Orders are based on those of another country and that they lean too much on the side of what they call in the House of Commons, Ministers of the Crown. Therefore, I am using this opportunity, Mr. Speaker, Sir, to invite this House to reject the Schedule which has gone through the Committee because it was not possible for us to bring in further amendments. As you have said, this is a question of interpretation of the Standing Orders, and you have made your interpretation but there is no reason why the House should accept the Bill as originally printed without protest. So, by adopting my amendment, the House is in fact saying that we do not like this method which is used time and again by the Government to amend laws and when we try to use the same we are told, "No, you cannot do it because there is no way of checking it".

Therefore, Mr. Speaker, Sir, I beg to move.

Mr. Ayah: Referring to what the Mover has said and in seconding this amendment, Sir, all I want to emphasize is the question of methods and facilities used in the Committee stage of this Bill.

Mr. Speaker, when we were discussing this Bill in the Second Reading I think there was all the opportunity and the Bill was discussed in a very amicable atmosphere and Members had the opportunity to say what they wished. However, when it came to the Committee stage, Mr. Speaker, there was a tendency of hurrying things over—and I am not accusing anybody—because certain Members had proposed certain amendments.

Mr. Speaker, as the Mover said, there is a feeling that some of us do have that in the interpretation of Standing Orders, the interpretation tends to lean too much on the side of what my hon. friend called Ministers of the Crown. Therefore, I would like this amendment to bring to the attention of the hon. Members, both Ministers and non-Ministers, that in this House, every Member should have the opportunity to use the facilities, whether they are Standing Orders or otherwise, that can be used by any other Member. This is because we do feel and, I am sure, most Ministers will agree with me, that the House will not have a reasonable debate if there is always a feeling among some Members that when it comes to the crunch the ruling or the interpretation will always lean on one side or another. With those few remarks, Mr. Speaker, I beg to second.

The Speaker (Mr. Mati): I have not yet proposed the question. My comment before I propose the question is that it is a proposed amendment which is quite in order according to the Standing Orders. I would also like to say this: that it would be wrong on the part of anybody to think that the Chair—the Speaker or the Chairman of Committees—is biased. It was only recently that we had a debate here and as a result of this we formed a committee to look into our Standing Orders. That was in itself an admission that our Standing Orders were not satisfactory. Therefore, if you find that you do not get your way, then, perhaps, you should blame your Standing Orders and not the Chair at all.

(*Question of the first part of the amendment, that the words to be left out be left out proposed*)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I think I must speak and place on record that firstly I oppose this amendment because even after six months, it will still be incompetent for the proposed amendments on the Bill to be made. I urge Members to accept that Standing Order 104, which the Deputy Speaker did rule upon, is quite valid on this point. In other words, we cannot bring amendments which are outside the Bill which is published; that is outside the amendment which it is proposed to amend. Otherwise, as you said, Mr. Speaker, you will just allow a lot of amendments to be brought in under the Statute Law (Miscellaneous Amendments) Bill.

Mr. Speaker, I know for certain and I am satisfied that the Speaker, who was there before you, had ruled on this very point that you cannot bring amendments—— In fact, I tried to bring in amendments to a Statute Bill which were outside the Bills which had been published and I was ruled out of order. The Treasury also tried the same thing and they were ruled out of order. I know there is a ruling by the Speaker in the files of the Speaker on this very point. However, Mr. Speaker, if the House wishes to have this matter postponed for another six months, it is a matter for the House to decide. In my own view, it is a frivolous attempt to postpone the Bill purely because hon. Members were not able to bring in their amendments as they thought they could. However, strictly speaking, in my opinion, the amendments which were proposed are incompetent. They cannot be proposed in this Bill that has been published.

I, therefore, support the ruling which the Chair had made in the Committee and speaking for myself and on behalf of the Government, I oppose the amendment.

Mr. Karungaru: Mr. Speaker, I must say categorically that I am going to oppose the hon. Member for Tinderet on this matter of asking the House not to consider the Third Reading of this particular Bill for a period of six months.

Mr. Speaker, the Member who has moved this amendment is a lawyer and he ought to know much better than anybody else in this House.

I happen to have been together with him in this House during the last Parliament. On several occasions, any Member who used to bring anything besides the contents of whatever the Bill had contained, the hon. Speaker, namely Humphrey Slade, always used to rule such a Member out of order. Now that we are in a new Parliament and we already know what is important for us and what should be discussed, surely when we start all over again to think of forgetting the previous rulings as if we have new Standing Orders which are guiding us, then, we are hopelessly failing to fulfil our duty in this House.

Mr. Speaker, as far as I am concerned, when a Bill is put off for six months, the aim is that the Bill is to be killed. That attempt to kill the Bill has wasted a lot of hon. Members' time in this House this afternoon. Mr. Speaker, we should not also forget that during the course of time——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, taking into account the experience the hon. Member has in this House, it is completely out of order to speak in this way in this House and say we waste time. We do not waste time here. Mr. Speaker, do you agree that it is in order for the Member to say we wasted time?

The Speaker (Mr. Mati): Now we are taking the time of the House for nothing.

Mr. Karungaru: Time has been wasted in this House throughout the afternoon discussing this matter.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, I would like to have myself very clear on this point, Mr. Speaker because I know from the beginning that we are not allowed to use the word "waste". Am I to believe that in future I could stand up during a debate and say that So-and-so wasted time of the House and I will still be in order?

The Speaker (Mr. Mati): What it amounts to is if we take time to discuss things which are not, perhaps, quite relevant to the business at hand, then one is tempted to think that the time is being wasted. You might not like the idea. It

[The Speaker]
is true that we always think that Members will come here to use their time usefully but at times, I, personally, get a feeling that some of that time could have been better used.

Mr. Karungaru: Mr. Speaker, Sir, the hon. Member for Butere has always been telling the House that it is useless for this House to waste time. This is exactly the analogy I am using to support my argument.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate what he is saying because I know my Standing Orders; can he substantiate that I ever one day referred to this House as "wasting" time? I know my Standing Orders very well and I am more senior than that hon. Member.

The Speaker (Mr. Mati): Order! Order! I do not think Mr. Karungaru said, "You waste time", Mr. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): He said that I used the words "waste time". He referred to my past speech that I waste the time. I have never said so. Let him substantiate and produce HANSARD.

The Speaker (Mr. Mati): Mr. Karungaru, did you say that? I did not hear him say that.

Mr. Karungaru: I think the hon. Member for Butere is too forgetful in that during the last Parliament, he used to claim to be the president of the poor and now he is telling us that the poor people's money can be wasted this afternoon and only to find that the whole business is going to be put off for six months——

The Speaker (Mr. Mati): No, I do not think it is necessary to say that, Mr. Karungaru. Time is not being wasted now; what is happening is that there are different opinions held here: some Members feel that they should have been allowed to discuss certain matters, you may not think so but, they are entitled to their views. They are not wasting time when they are trying to put forward their views.

Mr. Karungaru: I am sorry, Mr. Speaker. I was provoked by the hon. Member for Butere.

Mr. Speaker, Sir, it would be unwise to——

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, in view of the fact that you have now given us a ruling that since we have the two opinions here and that the same Member has used the words "wasting time" more than once, could he now withdraw those words that "the time of the House is being wasted"?

The Speaker (Mr. Mati): Order! I have put the record correct; so there is no need for that now, unless you want us to take up more time for nothing.

Mr. Karungaru: I do not know why some hon. Members are getting all that much excited but, Mr. Speaker, Sir, here we are discussing a Bill which is very important and the Bill has already been committed to the Committee of the whole House and the whole House has decided that it should become an Act of Parliament if it is passed during the Third Reading.

Mr. Speaker, Sir, I fail to understand the reason why the hon. Member for Tinderet is asking for this particular Bill to be deferred for six months. Mr. Speaker, Sir, if I was not provoked, I would make it quite clear that it is not a wise decision for this House to think of supporting the hon. Member for Tinderet because this time he has become unwise in that he has not seen the importance of the Bill which is before the House. This is a Bill which is now asking the country to allow our girls and women to be admitted into the army. We have never had such a Bill as this one before. We have been asking the Government to consider this question of admitting girls and women into the army and the Government has always been very reluctant to accept it. This time Government has accepted this particular request and, therefore, I fail to understand the reason why, when the Government has already accepted our request, we should at the same time oppose its proposals. Mr. Speaker, Sir, it would mean that we are not serious in what we are saying.

Mr. Speaker, Sir, because we have two different opinions, I tend to think that this is a matter for the House to decide and, therefore, I very strongly feel that we should support this Bill and oppose the amendment which has been proposed by the hon. Member for Tinderet.

Thank you, Mr. Speaker, Sir.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I also fail to understand why this amendment was moved at all. Mr. Speaker, Sir, records will show that when this Bill was moved yesterday by the Attorney-General, a number of Members of Parliament were interested in it and spoke at length on the Bill. When it was committed to the Committee of the whole House today, earlier in the afternoon, there was no single Member of Parliament, Mr. Speaker, who wanted to amend it in any way. The two amendments that were proposed were accepted: that one proposed by the Member for Tinderet concerning the

[The Minister for Commerce and Industry] Administration Police was accepted by the Government in good faith; that one proposed by the Member for Kwale East—I think Kwale East—was also passed. Now, these were the only two amendments amending the clauses that had been published in this Bill. However, Mr. Speaker, the hon. Member for Tinderet knows very well that he can resort to part (16) of the Standing Orders: to publish his Bill and include—— Some of his friends had suggestions to amend other Acts and, therefore, they too can resort to that and also publish the Statute Law (Miscellaneous Amendments) Bill. It has happened here before the hon. J. M. Kariuki had published a Bill in this House. It was discussed; it was passed in this House and whether it is working or not that is the question of the President of the country and not myself. However, it was discussed in this House at length.

Therefore, Mr. Speaker, Sir, the Standing Orders provide that any Member of Parliament who wishes to introduce a Bill—a Private Members' Bill—could do so under part (16) of Standing Orders. It has several sections under that part. So, if there are interested Members of Parliament who wish to bring an amendment Bill on the statute laws of the country, they can draft a Bill bring it here; discuss it; pass it and see what happens to it later. Actually, this would be the most reasonable way rather than killing this Bill as it stands now and expecting that within those six months it would again be amended unless the Standing Orders are amended by that time to provide for what the Chairman of the Committee ruled, it would be the same story because I am sure the Attorney-General will not include the proposed amendments in the Bill when he publishes it again. He will not include them and the Members will bring the same amendments which will be treated in the same manner because they will not have been published together with the Bill.

Therefore, it is a bit unfortunate, Mr. Speaker, Sir, that the Member for Tinderet—— He has struggled, we agree. We accept the sentiments expressed by him and the concern he has about this Bill. He has struggled with the Bill right from the beginning of it. He has been defeated up to now and, therefore, he should give up and say, "All right, I will use other methods". He can use other methods. I know there are other methods open to him and I think I will pray to the hon. Members that since we have other methods, those who are interested, for example, the hon. Member for Bungoma East, can come up with his university amendments and others and join up with the hon. Member for Tinderet who is a lawyer and the attorney-general for the Back-benchers and draft a Statute (Miscellaneous Amendments) Bill. We will agree to discuss it; we might also suggest amendments to it, which might be refused at that time and, therefore, Mr. Speaker, Sir, I would like to plead with the House that since there are some openings or our Standing Orders give us some openings to this Bill, we reject this amendment by the hon. Member for Tinderet and we move on.

Therefore, Mr. Speaker, Sir, I beg to oppose the amendment.

Mr. Mwangale: Mr. Speaker, Sir, this Bill here brings up a lot of fundamental questions. The first one and I am sure all of us in this House speak the Queen's language, know what is called or what is normally termed as, "What is good for the goose is also good for the gander". What it really means, if I can interpret it in African language is as follows. If the Attorney-General has all along been passing amendments to the Statute Law as it is and we have all along been telling him through various speeches that have been delivered by hon. Members in this House about the anomalies in our present Acts or some of our present Acts as they are, one, of course, would have expected the Attorney-General to use this opportunity to introduce, as he says, minor amendments to the scheduled Acts which would not warrant individual Bills to be brought in this House. There are several of these Acts. If this is not the fact, you have had eight years to make the corrections.

Mr. Speaker, Sir, we have consistently pointed out in this House that there is something wrong with our Land Act in our Constitution. We have pointed out, consistently, in this House that there is something wrong with the so-called Public Security Act and detentions. We have consistently pointed out in this House that some sections in the Acts that this House has passed in the past need correction. These can be covered in this Statute Law (Miscellaneous Amendments) Bill very well. We could have done just as the hon. Osogo suggested. We could easily introduce our own Bills and foot Sh. 306,000 to pay the lawyers. Somebody will then come round—— I want you to listen because this is not a joke——. Mr. Speaker, Sir, we can pass these Bills in this House and at the misadvice of some of the Front Bench Members, His Excellency the President may refuse to give assent to the Bill. The only way by which we can succeed in convincing the Front Bench and those that have been given the powers to draft laws accordingly—the only way in which we can convince them that we are serious about the things that we have talked about and those that we have mentioned is by saying

[Mr. Mwangale]
that what is in the Bill is not enough. This is exactly what we are saying now. We are saying that Nairobi was built in so many years but by comparison, you have taken eight years and you have done nothing as far as some of the minor amendments you are supposed to act on are concerned. I want to repeat——

The Minister for Commerce and Industry (Mr. Osogo): On a point of order, Mr. Speaker. Is the hon. Member right in suggesting that in the eight years that this Government has been in power it has not introduced any Statute Law (Miscellaneous Amendments) Bills at all? Is he suggesting that?

The Speaker (Mr. Mati): Order! What I would ask Mr. Mwangale to do is to confine himself to the amendment. The amendment is that we leave out the word "now" and insert therein the words "upon this day, six months". This is not an opportunity to reopen the whole debate. You had that opportunity during the Second Reading.

Mr. Mwangale: Thank you, very much, Mr. Speaker. What I was pointing out Sir is the background to the decision and I am sure that it is the decision of all of us in this House to postpone this Bill from going into the Third Reading. There is one point which I want to complete before I sit down.

At the moment, Sir—we are talking about this Statute Law (Miscellaneous Amendments) Bill. Even the National Assembly and Presidential Election Acts today—we have said that the Acts are rotten in one way or another in certain aspects. Sir, the only way by which we can help this country and the only way by which this House will be regarded as being serious when discussing matters of national importance that affect the whole country is to tell the Attorney-General to go and add other items which have been discussed in this House to the schedule that has been specified here and bring it back to us in six months' time. If he does not do it, it will be up to him. That is why I support the amendment.

Thank you.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to oppose this "sour grape" amendment which has been introduced by the hon. Member for Tinderet and supported by his sour grape mentality gentlemen.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, would you agree with that insinuation that this is a "sour business?" Is the hon. Member not imputing an improper motive on the hon. Members by saying that? Is that in order, and do you think it is Parliamentary?

The Speaker (Mr. Mati): No, that is out of order. There is no sourness here.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I withdraw that.

Mr. Speaker, Sir, the reason why I oppose this amendment is that it was moved with a motive. The motive behind this is that some hon. Members were not able to put across certain amendments they thought were appropriate to put at this juncture. It is not because somebody was against this amendment and not because they were not good amendments but our own Standing Orders do not allow them to be put. It is as simple as that.

Mr. Speaker, Sir, an opportunity was given to challenge—even the Chair was challenged—whether they could not side with the side that says that the amendments could not be put in. I think that the Deputy Speaker, when he was the Chairman of the Committee took the task of explaining the reasons why these amendments could not be introduced at this juncture. The Speaker, himself, repeated the same thing. This means that, if hon. Members, are to be honest, there was nobody with the intention of blocking the amendments. The amendments were opposed because it was not possible to put them across at this juncture.

The hon. Member for Tinderet wanted to ride the wave because the Attorney-General moved this Bill. He thought that because he could not use the method of introducing his own Bill he could ride the Attorney-General's waves and have his inserted in.

Since we have realized through our own Standing Orders that it is not possible to do so, and since this is not the first Statute Law (Miscellaneous Amendments) Bill to come to this House—these Bills have been coming and amendments to Bills have also been coming at a very high rate indeed.

Mr. Speaker, Sir, what prevents the hon. Mr. Seroney from going to the Attorney-General's Chambers and say "Look here, hon. Attorney-General, next time you move Miscellaneous Amendments Bills or any other Bills which are relevant to the amendments I want to move, you should include such and such a thing." This, Sir, is not the last amendment. We shall have amendments to amendments until perhaps we are thrown out of this House or die. However, those who will come in will also amend the laws we are

[The Assistant Minister for Health]
amending now. The laws we are amending now, were passed by the same House although not by the same people. So, everyday things change and we find that we omitted this here and we omitted that there. Even the amendment on the Chief Kadhi was passed here and through good intentions, we are trying not to make the provincial commissioner the chairman. I have no intention, on my part as I stand here, to block the Member for Tinderet because what he is suggesting is not to help him or me or this House alone, but the *wananchi* all over the country. So, why should somebody be a stumbling block to the Member for Tinderet or Busia "somewhere?" Nobody wants to be that. I think our attitude here should be to do things as they come. Therefore, Mr. Speaker, Sir, to delay a Bill—an important Bill—just because somebody was not able to put across his amendments, and the reason being that our Standing Orders did not allow him to do so, is not reasonable at all. If hon. Members were agreeable, it could have passed through this stage and we could be passing the Third Reading including all those amendments today, tomorrow, or the day after! However, because it is impossible, why should we delay this for six months? We have to change our Standing Orders otherwise it is impossible to include them at the moment. Mr. Speaker, Sir, to say that it be read "Six months hence" is not reasonable because who knows whether it will come back here in "Six months?" So, are we going to bring the deliberations of this House to a standstill just because somebody does not enjoy the satisfaction of putting his amendments across because of nobody's fault but our Standing Orders? Therefore, Sir, we shall be stooping so low in this House if we have that attitude prevailing. Let us trust one another and believe that there is nobody here, in this House, including myself, who deliberately wants to play the role of a stumbling block in any Member's way. I think, Sir, the amendments are reasonable but they were brought, through no fault of either or all of us or the Movers of the amendments, on one of those unfortunate occasions where somebody did not go deeper to satisfy himself that if he moved them they could not contravene our Standing Orders. After reading our Standing Orders here, publicly, we found that these amendments could not be allowed by our Standing Orders.

However, I want to appeal to hon. Members not to bring about the attitude of Front-benchers on one hand and Back-benchers on the other! I am not speaking as a Front-bencher, but I am speaking reasonably to face the situation, the unfortunate situation, as it is. This situation has prevented us from discussing these very important amendments to be added on to other equally very important amendments which we are to discuss. Let us, Sir, discuss these good ones and then hope that the Attorney-General, being co-operative as he usually is—he is now sitting with one of the Members who moved the amendments and if they were not friends he would not be sitting there—would sit with the two gentlemen and others who have similar amendments, the next time he brings the amendments, to see to it they are all included in such a Bill. Even if it will take three months, let alone six months, or two weeks we shall amend it.

So, Mr. Speaker, Sir, I hope that the appeal will be heeded by the hon. gentlemen that they should not be eager to win points or anything but as we are all nationalists we should pass these few amendments we have before us and pray that the Attorney-General will bring another Bill to include all these amendments so that we move forward.

Thank you very much, Sir.

Mr. Kivuitu: Mr. Speaker, Sir, I beg to differ with such moving words which were spoken by the last speaker and also those which were spoken by the Minister for Commerce and Industry and the hon. Attorney-General. However, unfortunately, I could not be moved by such words!

The point, Mr. Speaker, Sir, as far as I can see there is nothing urgent about these amendments. There is no reason why they should become effective from tomorrow. Even if they become effective six months from now, things will still go on all right. There is nothing urgent about having an administration officer being transferred from one place to another. It is only a few weeks ago when a certain Bill was not passed in this House although it was urgent, but when we came back, we gave the Minister his Bill and he is now happy. We will do the same to hon. Charles Njonjo when it comes up after six months. Mr. Speaker, Sir, that is why I think that one of the problems we have in this House is that there are no consultations between the Front-benchers and the Back-benchers. You see, Sir, some of these amendments we are being asked to pass have been matters passed in this House. Sir, take for example, the trespass aspect of the amendment as proposed. There was a Motion here which said that we must have this and it was passed unanimously, including the Front Bench, and it was just a matter which should have passed without any comment. Now, that this has been lying in our books here without any Bill being brought

[Mr. Kivuitu]
here to amend it. We cannot go on having this kind of thing. I remember, when we went into Recess, I specifically said that in future we are going to adopt a policy of non-co-operation where we are not shown co-operation. All we need is that there are certain matters which we want our Government to listen to as they have been expressed here through Motions and other ways. Surely, the Government should consider matters which have been brought to this House by hon. Members. Now, Sir, between now and the period after six months, we shall have had consultations and that is one reason why we want to have the postponement of this Bill. We shall have consultations between the Back-benchers and the hon. Attorney-General and any other interested party and we would be able to come out with a complete Bill. This Bill can still be withdrawn! There is nothing which says that it cannot be withdrawn! In any case, Mr. Speaker, it is true that we will co-operate and bring a better Bill. I do not see anything difficult with that. In these six months we shall have had consultations for this purpose. Sir, just because the Government thinks that these are the things that it needs to amend does not mean that it has exhausted the wishes of the Members of Parliament! They are also wise and that it why they have their own amendments. They have to be consulted and have these incorporated. The six months will give us time to do so. Mr. Speaker, Sir, I am really sorry, having gone through all these stages, that we should come to such a dilemma if it were not for the non-co-operation of the Front Bench. In fact, we would have definitely given our free hand. Now, all the way through, we have supported this Bill on condition—this is something which I think hon. Osogo would remember—that our amendments would also have been considered. That is what we spoke about during the Second Reading. We do not want to be told "Oh! Gentlemen let us just pass this." We never do that, Sir. We also have a duty here to represent the people who are suffering. I cannot see why, having passed a Motion here, we cannot bring its amendment now.

Mr. Speaker, Sir, I note that one of the Assistant Ministers, whom I never interrupted when he spoke, is now shouting. One only hopes he will keep on shouting but nobody will hear him.

Mr. Speaker, Sir, the point I am trying to make is that we want time to have consultations with the hon. Attorney-General and nothing else! Mr. Speaker, Sir, because there is no urgency about it, give us the time. That is all!

Thank you, Mr. Speaker, Sir.

Mr. Nthenge: Mr. Speaker, Sir, I have stood up to support this amendment because of the support it needs. We are grown-up and we are the elders of this country which is looking at all of us as their saviour. Now, we had an opportunity in this Bill to incorporate some amendments but because of technicalities, they could not be incorporated and the only solution is for them to be delayed for six months during which time all the amendments which are required can be shelved in so that they can satisfy everybody and be of good to the country. There is nothing like competition or fighting between the Front Bench and the Back Bench. However, we cannot infringe our Standing Orders. We know very many people sitting on the Front Bench who wanted these amendments to be inserted; and they thought they would be inserted. However, they were told by the learned Chairman that it was too late and that they had not been published. So, the only alternative is to open the other safety door: delay the Bill for six months and in the meantime prepare another Bill that will be acceptable to the whole House for the good of the whole of Kenya. That is exactly what is being done now. So, there is no question of somebody trying to defeat the other. We are grown-up and we are people who have come here for the sake of our country; and we are different from an advocate who is paid a fee and because he does not believe in something, he still fights for it since he is an advocate of a given side. We are different people who legislate for the country where our children and relatives live. Therefore, it is a very important duty which we are doing now.

Although I am supposed to know slightly more, I thought it was quite in order for some of the amendments to be fitted in. However, surprisingly enough there was a proviso in the Standing Orders which I did not realize was there and which blocked them. So, the only alternative is to open the other door and satisfy everybody. I believe in co-operation because through co-operation people can achieve a lot with very little time and money being wasted. Suggestions have been made here of Back-benchers, for example, subscribing money and getting their Bills published. Instead of doing this expensive and inconvenient thing why can we not use the machinery that exists and is being paid for by public funds so that we can get these things inserted by these experts who are employed by the Government so that the whole thing can go through without having to spend anybody's money? This will not pinch either the Back Bench, the Front Bench or the civil servants of their money and is just a question of showing

[Mr. Nthenge]
what some leaders feel so that what leaders feel is good for the country can be implemented.

Mr. Speaker, Sir, I feel that it is necessary for all of us to examine things and find out how they work by making such an argument. Supposing we adopt the other method, how long are we likely to take? We are likely to take two years because there are a lot of other things pending. However, when we get on to this one of which three-quarters or even more is done, it will be a question probably of inserting 5 per cent and thereby it will be easier to insert everything and get everything moving because there is need for it and it is not a question of competition.

Mr. Speaker, Sir, I feel that there is nothing which is specially urgent such that if it is not done now things will go wrong within six months. There is nothing specially urgent such that if it is not done now we are going to lose terribly. If that is the case, I am sure hon. Members of this House would have said, "Despite the fact that we wanted the insertion of these few amendments, we can forget and rush up". There is no urgency but there is need of inserting very important things. Through the Chair, I would like to appeal to the Members that they should not look at this House as a place for competition. This is not a debating club where we simply debate for the sake of debating; this is a place where we construct and do good things. If we have an opportunity of inserting these amendments, let us insert them for the good of everybody but not for the good of hon. Nthenge or one particular group of people. It should not also be for the good of Members of Parliament but for the good of the populace of Kenya.

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

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order, Mr. Speaker, Sir, in view of the fact that nothing is being added to what was said can I move that the question of the amendment be now put?

The Speaker (Mr. Mati): Well, that is quite a fair request and so I will put the question.

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

(Debate on the Third Reading of Bill resumed)

The Speaker (Mr. Mati): I am sorry there are only 17 people; and so we cannot have a division because the Standing Order requires that there shall be 20 people to effect a division. I have tried several times to count in order to make quite sure.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, in view of the result of what has been going on here it is quite clear from practice that if a Bill goes through in the Second Reading it is definitely 100 per cent likely to go through the Third Reading. Is it then, in order for the House to allow a Motion like this one on the Third Reading of a Bill when it knows definitely that it will go through in view of the fact that it had gone through the Second Reading?

The Speaker (Mr. Mati): Mr. Gatuguta, again, it is provided in the Standing Order 112 subsection 2 that this should be allowed.

Order! In view of what came out of an attempt to force a division and since we could not get the necessary number required, it means then that the "Noes" have it. This means that the Motion remains as it was.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, on the Third Reading of this Statute Law (Miscellaneous Amendments) Bill, I would like to have one thing quite clear. I would like to congratulate the Attorney-General for having accepted the amendments that were pushed during the Committee stage, namely, those amendments which were moved by hon. Seroney, and hon. Mwamzandi which, in itself, is a manifestation of the goodwill from this side of the House. I am sure that the hon. Backbenchers would agree with me that this is a sign of prosperity and a sign of co-operation. In this world, Mr. Speaker, we are told that one good turn deserves another, and we expect the hon. Members to do the same when it comes to other things on which the Government feels rather strongly. Nevertheless, Sir, may I remind my hon. colleagues that the Miscellaneous Amendments Bill is not the last one, there are many more amendments that are required. I would appeal to the Attorney-General in future to take into account—— May I suggest at this stage that the hon. lawyers who are in this House sit down and get all the anomalies, which they would like to see put right, and submit these to the Attorney-General. I am sure that the Attorney-General will take into account the views so expressed and bring them in the next amendment of the Statute Law (Miscellaneous Amendments) Bill so that we can have a bigger list and try to correct many of the existing anomalies. This is the only way in which we can work co-operatively. I appeal to the lawyers in this Chamber to do some homework and give us a list of many anomalies which in future will be incorporated in the Attorney-General's amendments to the Statute Law (Miscellaneous Amendments) Bill.

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

If the Attorney-General refuses to do so, which I doubt, then I think the Back-benchers will have a case to say, "On this date we gave him this but he refused. We must now act in the way we want to." I am sure some of us who are on the Front Bench—— Hon. Members must remember that there are very few on the Front Bench who were not elected, very few indeed. We are also elected, we are also here to look after the interests of our people. The fact that one is appointed an Assistant Minister does not mean he has forgotten where he came from. If he does forget, if any of the hon. Members on the Front Bench do forget, they will never live to see the four walls of this House in the next round. We have had this experience in the past and we expect it in the future too.

I hope all hon. Members who were disappointed will, in future, get all the anomalies together and I am sure the Attorney-General will be willing to co-operate and include them in the next Amendment Bill.

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

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I will be very brief on this Statute Law (Miscellaneous Amendments) Bill because I have read it over and over again. Most of the Members have spoken on the Bill.

What we want here, Sir, is unity. We do not want to have a division between the Front Bench and the Back-benchers. As the elders of this country we want to lead this country peacefully so that the people in our country can enjoy the benefits of our being in this House. It does not help me or anybody else in this House when such a Bill comes before the House that we should come to loggerheads. I suggest that the only way to avoid being at loggerheads here is by returning to our former action of having Ministerial Committees. It would serve a useful purpose if we returned to the former system of having Ministerial Committees. It is at these Ministerial Committees that the hon. Back-benchers can put forward their suggestions to the Minister concerned. Then when a Bill like this is drafted it can absorb the views of the representatives of the people. If we do this, Mr. Speaker, Sir, I am sure we will have achieved a good deal for our own country.

Mr. Speaker, I said I would be brief but since I am also a Government Minister I would like to repeat: let us go back to the former system of having Ministerial Committees so that the views of all hon. Members can be combined. Then when we come to this House we will not waste time.

Thank you, Sir.

Mr. Gatuguta: On a point of order, Mr. Speaker, the House is aware that this is the Third Reading and we have already discussed this matter in great detail at the Second Reading. There is nothing new to be put forward.

Therefore, Sir, I beg to move that the Mover be now called upon to reply.

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

The Attorney-General (Mr. Njonjo): Mr. Speaker, I merely want to thank hon. Members for supporting this Bill.

I want to repeat that it would be invidious if it were possible to introduce amendments outside the scope of a Bill already published. What I would suggest here and now is that if any hon. Member has any proposal to make, if they suggest them to me, then when I put the papers before the Cabinet I will include these amendments. I will not say that the amendments come from hon. Seroney or hon. Mwangale, I will say these are my proposals to the Statute.

Mr. Speaker, I am satisfied that it is right, and if the Speaker does undertake some research—or cause some research to be made—he will find that there has been a ruling on this point: that you cannot introduce amendments as was suggested by some hon. Members.

On the other amendments which have been suggested to the Wakf Commissioners Act, I only want to say this. There has been corruption in the Wakf Commission and that is why we are suggesting these amendments. There must be somebody responsible to see that this money which is bequeathed by a deceased person is not misused, used to buy motor cars and things like that. That is why we must have honest people and we must have an accountant who will be responsible for the accounts and the keeping of the books properly. I am sure the House will be interested to know that at the moment there is a civil suit against the Wakf Commissioners. They were all Muslims, and the hon. Member who was sitting here was asking why we should have a non-Muslim on this Commission. All the people who are now being sued are Muslims and they have squandered the money. The other Muslims are not satisfied with the way these Muslims have operated the accounts and that is why I must be sure that the people who are going to be appointed to this Commission are honest people, albeit they are Muslims. It is not a qualification that because you

[The Attorney-General]
are a Muslim you are an honest man. We have rogues even among the Muslims, and what we want to do is to appoint people who adhere to the holy Koran, not rogues who are going to pretend they are Muslims and line their pockets.

An hon. Member: Must you also adhere to the Bible?

The Attorney-General (Mr. Njonjo): That is why, Mr. Speaker, I as a Muslim would like to see some Christians mingle with the Muslims so that—— I am not afraid, as a Muslim, to have non-Muslims among the Wakf Commissioners because it will help us to have an infidel among us so that he can watch our activities.

With those few remarks, Mr. Speaker, I would like now to say that I did say I would like the women joining the forces. I hope we get more of them who will remain in the forces permanently and determined to make a profession either in the army or in the police force.

With those words, Mr. Speaker, I beg to move.

(Question put and agreed to)

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

Second Reading

THE CUSTOMS TARIFF (AMENDMENT) BILL

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to move that the Customs Tariff (Amendment) Bill be now read a Second Time.

The purpose of this Bill, Sir, is to effect changes in the Customs Tariff Act, 1970 so as to reflect the concessionary rates provided for in the trade agreement between the European Economic Community and the East African Community.

Sir, the agreement which was laid before this House during the last Session and which has been ratified by all the countries involved, that is, the members of the European Economic Community and the East African Community, became operative on 1st January 1971. The effect of this is that specified goods of East African origin are now being admitted into the European Economic Community free of customs duty and charges having equivalent effect while specified goods originating in the European Economic Community are being admitted into the East African Common Market at the rates shown in the third column of the Schedule to the Act.

The fourth column, Sir, shows the rate of concession and it follows that by adding the rates in the two columns one gets the rate of fiscal entry which applies to goods originating from third-party countries.

Tariff No. 1507 is treated separately under clause 2 (*b*) since its part had to be split to make it clear that a concession was being made in respect of olive oil only.

I think hon. Members will notice that the Bill before the House now is coming up before Parliament after the said agreement has already become operative. The explanation and the reason, Sir, for this is that there was an understanding between both parties to the agreement that the agreement should become operative with effect from 1st January 1971. Unfortunately, Sir, arrangements for its implementation were completed only a few days before Parliament went into recess after the last session, so that the enactment sought by the Bill could not have been done before that date.

Members will also realize that the implementation of the agreement is proper and legal. I say this because the Minister for Finance has exercised the powers conferred upon him by section 2 of the Provisional Collection of Taxes and Duties Act, that is, Cap. 415, and issued a Provisional Collection Order giving legal sanctions to the proposals contained in the Bill with effect from 2nd January 1971. The procedure, Mr. Speaker, Sir, is the one followed in giving legal effect to the new tax proposals for the period between the date the proposals were implemented or were made by the Minister for Finance and the date the proposals are passed by Parliament in the form of an Act.

I, therefore, would like to assure the hon. Members that whatever has been done by way of legalizing the agreement between the countries concerned, or the bodies concerned, has been done absolutely in order and legally as provided by Cap. 415 of our laws here.

With these remarks, Sir, I beg to move.

The Assistant Minister for Labour (Mr. Kibisu): seconded.

(Question proposed)

Mr. Mwithaga: Mr. Speaker, Sir, I rise to support the Amendment Bill in view of the fact that the whole thing appears to be almost self-explanatory. The only thing, Sir, is that some of the agreements reached between the European Economic Community and the East African Community——

QUORUM

Mr. Nthenge: On a point of order, Mr. Speaker, I do not think we have a quorum.

The Speaker (Mr. Mati): No, we do not. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Mati): We have a quorum now.

Mr. Mwithaga: Mr. Speaker, Sir, when it is actually relevant, we have a rule to be closing the bar to keep away the visitors so that we can have only Members here.

Mr. Speaker, Sir, what I was saying is that the agreement between the European Economic Community and the East African Community has to be examined by the Minister for Finance and Economic Planning who is actually responsible for all these endorsements. This is because, Sir, while we agree that in international trade there is no independence, all countries are dependent and we expect imports just as we expect exports. We must examine some of the things we are made to agree to come to Kenya. This is because when you examine this Schedule, some of them, are being made here in our industrial estates and some by other local manufacturers. Mr. Speaker, Sir, unless we find ways of encouraging industrial enterprises manufacturing some of the things which can be imported from Europe, then, Sir, the actual safeguarding of the local industries will not be realized by the local manufacturers.

Mr. Speaker, I know there can be a problem. If Government wants some tariffs to raise a given amount of money, a given percentage, in that way, Government gains. Similarly, the manufacturers gain, but Mr. Speaker, a way can be found; that is why that Ministry is called the Ministry of Finance and Economic Planning. They can find a way of meeting the difference between the commodities being imported and their prices, which are fixed from Europe and the price of the local goods, so that what we would lose by not having some of these piecemeal goods coming to Kenya can be raised by the sale of our locally manufactured goods.

Mr. Speaker, if you look at the whole Schedule, you will see, in fact, things like glass mirrors, safety glasses; apart from wines and spirits, most of these little things, Sir, are made here and there is no point of encouraging the continued imports. This is what I am trying to bring to the notice of the Minister, so that they examine this approach, otherwise, Sir, our intentions and our road to economic independence will continue to be subjected to the agreement, however good they may appear, however fine they may be, because the other world wants to continue making this country and other countries in Africa, the dumping ground for some of the petty goods they make.

Therefore, Mr. Speaker, if sheets can be made here, let us re-examine the economic output; if the locally made sheets can be sold at a given price, that makes all the difference, instead of selling only those which are brought from these other countries. Mr. Speaker, Sir, I know it has been done; the agreement has been signed; these things are already here and they will continue to come. However, all I was doing was to advise this Minister that we must start thinking. We might find it too late to adjust some of these agreements, and there cannot be an agreement between two economic communities just for the sake of a right; there are involved issues which make such commitments be concluded, and one can pose the question here, Mr. Speaker: why was the Economic Community in Europe trying to stop a country like Britain from joining them; why? You see, this is a point we must always ask; why do they stop those neighbours of theirs there, and they have us, from East Africa? There is always a question, Mr. Speaker, and I do not know whether the Minister takes that to be a serious question; if he does not, it is well and good, but we must examine these things.

Mr. Speaker, if you look at the Schedule again, you would also want to know how many electric fans are used in this country; how many electric fans, and I would have thought, Sir, that some of the things that are rarely used here are the only ones that would have the high-up physical entry rate; the percentage should appear to be, at least, more reasonable so that if they are not absolutely necessary, then we do not import them. Now, Mr. Speaker, Sir, I can see the Assistant Minister agreeing with me, that he will advise his Minister to re-examine some of these things, so that we have a protection on the locally manufactured goods in order to have them selling at a profitable price.

Mr. Speaker, Sir, I beg to support.

Mr. Nthenge: Mr. Speaker, Sir, I rise to support this Bill because I feel there is a need for it. I also feel that I should inform this House and the Front Bench particularly, that whenever something is reasonable, nobody will quarrel over it. I think there is a great need for supporting this Customs Tariff Bill because it is for the good of the country and I do not see anything wrong with it. I would ask the House not even to take much time because if you look at it and study the whole thing carefully you will find that it is purely for the good of Kenya. Anything that is good for everybody in Kenya should get the support of this House.

With these few remarks I beg to support.

The Speaker (Mr. Mati): There being no Member wishing to speak, I will call upon Mr. Balala to reply.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I am very grateful for the support given to this very important Bill which, as it was said by the two Members who have spoken, is in the interests of Kenya that we should go into this Agreement with the European Economic Community. A very difficult question was posed by my friend the hon. Member for Nakuru Town and this is in connexion with the entry of Britain into the European Economic Community. Unfortunately, Sir, I am not in the position to tell him the reasons why I believe that there may be some political complication, hence the negative attitude of members of the European Economic Community to allow Britain enter their Community. However, I can assure him that Kenya would not involve itself in that political involvement and we would not have any objection whatsoever if Britain was admitted into the European Economic Community.

The other point which was very important too is the question of safeguarding our own industries in the country. I would like to assure the hon. Member that in the Agreement, there is a provision which provides that the Agreement would be reviewed from time to time looking into the mutual interests of the countries involved. I can assure him that in my Ministry, we have set up a special department which looks into the Agreements, such as this one, between the East African Community and the European Economic Community. This department also looks into the different aspects which are in the interests of our country and which also involves safeguarding our own industries.

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

(Question put and agreed to)

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

THE PETROLEUM (AMENDMENT) BILL

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to move that the Petroleum (Amendment) Bill be now read a Second Time. Mr. Speaker, Sir, this Bill is required to enact the changes which were recently announced on the 21st March, and implemented from midnight on that day by means of a provisional correction order as provided under Cap. 415. Sir, the oil producing countries in the Gulf, as hon. Members are aware, recently increased the price of crude oil to the oil companies. This increase was equivalent to 2.55 cents per litre on all refined oil sold in Kenya. After examination of the profits made by the oil marketing companies in Kenya, the Government felt obliged to agree to the oil companies passing on to the Kenya customers most of the increased cost of their crude oil purchases. However, after discussions with the Government and after the Government attempted to persuade the oil companies to agree to minimize passing over some of these increases to the consumers, it was agreed by the companies that they will absorb some part of the higher costs involved in the increase.

Mr. Speaker, Sir, since the price of refined petroleum products were just about to change, Government took the opportunity to introduce amendments to the taxes on petrol and diesel fuel that would otherwise have been introduced in the Annual Budget. Firstly Sir, the consumption duty on diesel fuel equivalent to 7.77 cents per litre was completely abolished as a measure to assist farmers in reducing their costs. Mr. Speaker, Sir, such abolition of the duty on diesel fuel will cost the Exchequer some Sh. 13 million, per year. Secondly, in order to recoup part of this revenue the consumption tax on petrol was raised by approximately 4 cents per litre to bring it up to 17.5 cents per litre. This will lead, Mr. Speaker, to an increase in our revenue of about Sh. 9 million overall. This, Mr. Speaker, Sir, means that if we are losing about Sh. 13 million by way of removing the duty on diesel fuel and increasing the duty on petrol by 4 cents per litre, this will give us a loss of approximately Sh. 4 million. Mr. Speaker, Sir, as a result of these changes, the price of petrol has gone up by six cents a litre and diesel fuel has gone down by five cents per litre. Other products went up by three cents a litre. It will be noted that the customs duty on both petrol and diesel fuel was not changed and remains as it was before.

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

The Minister for Agriculture (Mr. Nyagah) seconded.

(Question proposed)

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I rise to second this Bill because I feel the step the Government has taken is quite appropriate and it is true that the so-called oil exporting and oil producing countries of the Middle East and the Gulf area are, in fact, holding the whole world using petroleum oil to ransom, and this country, being a non-crude oil producing country had no alternative but to act the way the Government acted. This is essential, Mr. Speaker, because this country must continue to run its wheels of production. The arithmetic, as presented to the House by the hon. Assistant Minister, seems to be a balanced arithmetic because what, in fact, Government has done is to

[The Assistant Minister for Labour]
slightly raise the price of the luxury oils and lower the price of the more luctrative oil of diesel which is used by a vast majority of our farmers. I think a loss of Sh. 4 million going into the hands of the farmers directly is, in fact, a protection which this country needs.

Mr. Speaker, Sir, oil is a very essential commodity, and thanks God, who is in Heaven, that one day this country will be able to strike wells of crude oil, in which case perhaps we will progressively move away from the ransom that the Arab countries and other countries of the Middle East are imposing on us because we do not produce oil at all.

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

Mr. Nthenge: Mr. Speaker, Sir, whilst rising to support this Bill I would like to make a few observations. First of all, I am not quite convinced that the general public will really benefit more by reducing the price of diesel and at the same time increasing the price of petrol. I say this because, there are—— We may consider people like ourselves who own cars which use petrol and then we consider diesel is being used in running tractors. However, we should know that diesel is also used in running buses. The ordinary person uses buses when travelling. Diesel is used in tractors—— The food obtained after these tractors have ploughed the land is sold to all the people including the rich people after the farmer has produced whatever he had grown on his farm. However, there are many other means of travelling, such as the Peugeot Cars and the rest of them which use petrol. The members of the public use these cars when travelling and therefore, you will find that the public is affected this way. Mr. Speaker, Sir, I do not have the real statistics, in my opinion the difference should not have been five cents as suggested but I think the difference should have been one cent because I think the gap is a bit too big. I do not think, Mr. Speaker, Sir, we ought to have such a big difference because we should not punish such people as the ones who use *matatus* and other small cars for travelling by making their life more expensive.

Mr. Speaker, Sir, there are other large vehicles, for example, buses which do not use diesel. Therefore, when we see that a person uses diesel today in running his car and the following day he decides to use petrol, I think even this being the case, the difference should be very great considering all these facts. To be honest it is the rich farmer who uses tractors which use diesel. The ordinary person uses a *panga,* a plough or a *jembe*. This kind of person does not particularly benefit although he is a farmer. This is because the poor farmer has a small farm in acreage. I accept the correction by the Minister for Agriculture. However, in terms of size the farms of the farmers who use a plough, a *jembe* or a *panga* might be greater than the farms of those who use tractors. We should not do things which in the end might show we were trying to favour Wafula Wabuge, Joseph Nthenge and the other people with large farms, for instance, the hon. Mr. Nyagah.

The Minister for Agriculture (Mr. Nyagah): On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate that I have a large farm while I have been trying to tell him that the farmer also benefits from travelling in buses?

Mr. Nthenge: Mr. Speaker, Sir, I even quoted myself. When I was mentioning Wafula Wabuge, George Nthenge and Nyagah, I meant people of our class. I did not mean anybody in particular because I also do not have a farm. I am a businessman and I do not have land. I do not farm. I gave that example because I saw that if I did not mention myself and a few more names, I feared that somebody might think that I am particularly giving him, as an example, with a bad motive.

The idea I am trying to put across is that there are very many farmers who produce their own food and some for sale. They are also farmers but they do not use any diesel. What I was saying is that I am afraid the man using diesel might end up being a rich farmer whom our own electors feel that we came to care for his problems much more than we care for the problems of the ordinary man. That is why I was saying that I had some reservations. I would not like to block the Bill, however, but, even if there should be a difference, I do not think the difference should be as great as suggested.

Mr. Speaker, Sir, I feel that the Treasury has a duty and it is their duty to look after finance and make sure that the finance goes very well. I do not want the Treasury to become a slave of those very influential rich people who can go and use their influence and put their case so well because they are being listened to while the larger group of our people do not have any influential people to put their cases to.

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

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Bill. I did not originally mean to speak but I was challenged by my friend, the Member for Iveti South. I want to

[The Minister for Agriculture]
make it clear that the farmer is adequately supported by the rise of petrol of six cents, which the hon. Member for Iveti South and I, admirably take on his behalf, by using our cars which use petrol.

Mr. Speaker, Sir, may I say that the same farmer, small as he may be, travels quite a bit from one place to another in some of these public buses, which use diesel. If the diesel had not been lowered, the same farmer would probably have had to pay extra few cents in fare increases. Therefore, although he is not directly involved in the tractor using diesel, he is indirectly involved that way.

Mr. Speaker, Sir, I think I am right in saying that some of the train engines use diesel. If it were not that the price of diesel had come down, the railways might think of adding a little more to their charges and a lot of our produce here comes from the farmers, be they big or small, small co-operative farms have to have their coffee transported all the way from Nanyuki and sometimes from Sagana or from Kisii to Nairobi, sometimes in lorries and buses which use diesel. It is for these reasons, Mr. Speaker, I think the Treasury has done a jolly good job of work by raising the petrol charges by six cents and lowering the *ndururu* from the diesel.

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

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for interruption of business. The House is therefore adjourned until tomorrow, Friday, 7th May, at 9.30 a.m.

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

Friday, 7th May, 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 296

ROBBERIES COMMITTED IN 1970

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

(*a*) how many robberies with violence were committed during 1970 in the Republic;

(*b*) how much money was stolen during those robberies; and

(*c*) how many criminals were involved in those robberies and how many of them were arrested.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (*a*) During the year 1970 there were in all a total number of 1,344 cases of robbery with violence throughout the Republic.

(*b*) The total value of property, including cash, stolen amounted to KSh. 4,015,455.90. The value of property recovered including cash was KSh. 390,776.05.

(*c*) The number of criminals involved in these cases was 2,703; of these, 1,039 persons have been arrested.

Mr. Gatuguta: Mr. Speaker, Sir, it is quite clear from the answer from the Minister for Home Affairs that this is a very serious matter. So much money has been stolen. Can the Minister tell us exactly what steps the Government is taking to avoid recurrence of these kinds of criminal activities by the robbers?

Mr. arap Moi: Mr. Speaker, Sir, the police are doing everything possible to curb the number of crimes committed within the Republic. But I would also like to ask members of the public to assist because unless they assist and inform the police in advance about those who intend to commit a crime, it is always difficult for the police to function properly.

Mr. Matiko: Mr. Speaker, Sir, arising from the Vice-President's reply, is he aware that it has been proved beyond any reasonable doubt that some police constables are sharing in looting?

Mr. arap Moi: Mr. Speaker, Sir, I think that one is—— It is always in the human nature to tend to pick up very minor things and magnify them. I would like to tell the House that we have a large number of policemen throughout the Republic, and it is really unfair to suggest that the police, in general, are doing such a thing. In some cases those who have been found to have been implicated in this matter have been arrested and taken to court. This has helped Government. Naturally, if one says that the police—— Even within the Civil Service this is happening; we are bound to have bad elements within any group of people or society. Therefore, Government is taking note of this. I am not saying that Government is not taking note of this. It is seriously taking note of what hon. Members have said.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us whether there has been a body instituted to investigate the causes and how they can possibly be eradicated because the crime of robbery with violence is greatly increasing?

Mr. arap Moi: Mr. Speaker, Sir, you can appoint 10,000 commissions of inquiries and the like; but still fail to solve the problem. The position is that as long as human society progresses, there is bound to be a sophisticated group of people learning new ideas. Our people may be learning new ideas from the Voice of Kenya and other media—that is why we object to showing violent activities on our television.

Secondly, it is up to us, hon. Members, to teach our constituents because unless the society is regulated by a code of behaviour which would make them good citizens it is very difficult to control the situation even if you establish a number of commissions.

Therefore, I suggest, Mr. Speaker, that whether it is those who commit robberies, or those who steal cattle, it all depends on how we teach them to be good citizens.

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

Question No. 318

CITIZENSHIP OF EUROPEAN FARMERS

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

(*a*) whether he was aware that the European farmers in Kenya who were citizens can throw away Kenya citizenship at any time they liked and get British citizenship within 24 hours; and

(*b*) if the answer was in the affirmative, whether he would agree with him that the citizenship they took was only for farming purposes.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (*a*) It is true that under the British Nationality laws persons born in the United Kingdom or whose father or grandfather was born in the United Kingdom can apply for and regain British citizenship by registration through the British High Commission; but I am not aware how long this process would take.

(*b*) As regards the second part of the question, I am of the opinion that the majority of European citizen farmers applied for citizenship on sincere grounds. As the hon. Member knows they did not have to apply for citizenship to keep the farms they already owned. I appreciate, of course, that it is possible some might have applied for citizenship mainly for their own material convenience, but how could Government know this? It is only God who knows it.

Mr. Gatuguta: Mr. Speaker, Sir, since definitely there is a loophole in this matter, is Government prepared to say that there will be no dual citizenship, and anyone who decides to be a Kenya citizen will be a Kenya citizen and will have no opportunity of becoming a citizen of another country as is the case at the present time?

Mr. arap Moi: I agree with the hon. Member that dual citizenship is the worst thing that can happen anywhere because the person concerned will not be 100 per cent loyal to the country in which he resides. Therefore, I agree with the hon. Member.

The Speaker (Mr. Mati): Next question.

Question No. 328

MARSABIT NAVY AND AIR FORCE RECRUITMENT

Mr. Umuro asked the Minister for Defence if he would tell the House whether he would consider sending a team to recruit people from Marsabit into the Navy and Kenya Air Force, because such recruitments had never been done in the area before.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. Allegations that the Air Force and the Navy have never recruited from Marsabit are both untrue and unfounded. It was only during November/December 1969, Mr. Speaker, Sir, when a number of Boran tribesmen were recruited into the two services.

However, Mr. Speaker, Sir, I can assure the hon. Member that if vacancies arise in the two services in future, the recruitment team will consider visiting Marsabit along with the other areas.

Mr. Umuro: Mr. Speaker, Sir, the hon. Assistant Minister is making a sweeping allegation. I am, therefore, going to challenge him to give me——

The Speaker (Mr. Mati): Mr. Umuro, will you ask a question, otherwise I will move on?

Mr. Umuro: Mr. Speaker, Sir, can he give the names of those people who have been recruited from this area since 1969 because there are none?

An hon. Member: Any name of one of them! Tell us!

Mr. Njeru: Mr. Speaker, Sir, in December, 1969 we recruited some Boran tribesmen from Marsabit. I do not need to give the names of those people who were recruited.

Mr. Araru: On a point of order, Mr. Speaker, Sir, when the hon. Assistant Minister replied to the original question he said that in November/December 1969 some Boran were recruited from Marsabit for the afore-mentioned forces. However, he has maintained that he cannot produce the names. Notwithstanding that, can he only give the number of people who were recruited into the Navy and Air Force?

Mr. Njeru: Mr. Speaker, Sir, when we go out for recruitment we expect the hon. Members to be in their areas so that they may know how many people have been recruited from their respective areas. If the hon. Members only live in Nairobi and they do not go home to find out what is happening there, that is their own business.

Rev. Kalume: Arising from the Assistant Minister's reply, is he aware that at Marsabit there are Rendille and Gabra tribesmen beside Boran tribesmen? Can he tell us how many people were recruited from that area into the Navy and the Kenya Air Force? We want the number only.

An hon. Member: Be specific!

Mr. Njeru: Mr. Speaker, Sir, I do not need to give the number of the people who were recruited, because the hon. Members are expected to know the number of people who are recruited from their own areas.

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

The Speaker (Mr. Mati): Order! This is the kind of reply which provokes Members unnecessarily. Rev. Kalume does not come from that area but he is interested to know the number of people who were recruited. If you do not know, Mr. Njeru, it does not matter. However, you cannot tell Rev. Kalume to go to Marsabit and know what is happening!

Mr. Araru: Thank you very much for your kind ruling. Since the Assistant Minister's constituency is near Nairobi, and possibly he lives there and therefore he is not like ourselves, can he give the information which he was asked to give? What we want to know is the number of people who were recruited in the Armed Forces in 1969/70. What the question asks touches the Air Force and the Navy. If the Assistant Minister does not know, he should keep quiet. What is he doing?

Mr. Njeru: Mr. Speaker, the question here specifically states, "Will the Minister consider sending a team to recruit people from Marsabit into the Navy and Kenya Air Force, because such recruitments have never been done in the area before?" I have already said that we recruited people from that area in 1969.

The Speaker (Mr. Mati): Order! Order! Order! I think we must be fair to each other. If a Minister deliberately chooses not to answer a question, then he should say so. Members are entitled to ask supplementary questions and are not limited to the original questions. The question which is being asked is quite relevant now because it arises from your reply that recruitment was done in 1969. Members want to know this because their point of view is that no recruitment was done and, as a follow-up, since you say there was recruitment, they want to know the number recruited. I do not say that you should or you are bound to give the number because you may not know the number. However, I think you had better be fair to the hon. Members.

Mr. Njeru: Mr. Speaker, Sir——

An hon. Member: Be serious!

Mr. Njeru: I am serious! What are you talking about?

Mr. Speaker, Sir, I am not ready to disclose the figure.

Mr. Wachira: On a point of order, Mr. Speaker, Sir, it appears as if my friend, the Assistant Minister, does not have the figure; and in view of that, will it be in order to give him time, say a week's time, so that he can then bring the figures?

The Speaker (Mr. Mati): Well, he now says that he is not going to give the figure. I do not know the reason behind this because figures of the same nature are published in the papers and, therefore, they are not secret. We have at times read the number of boys who are recruited from various places, and, therefore, this is common knowledge.

Mr. Mutunga: On a point of order, Mr. Speaker, Sir, since the hon. Member for that particular area denies that there has never been recruitment in that particular area at that time, and on the other hand the Assistant Minister tells the House that there has been such recruitment team, can we have your ruling as to whom of these two we shall trust, or whether we shall ask the hon. Member to substantiate that there has not been such recruitment or, alternatively, whether we should ask the Assistant Minister to substantiate that there has been such recruitment?

The Speaker (Mr. Mati): You cannot substantiate something to the negative. When somebody says that there is nothing, what can he produce? The Assistant Minister says that recruitment was done and he gave the year, but the only thing which he does not give is the figure. I, personally, doubt whether he knows the figure. So, let us leave it at that.

Question No. 299

ADDITIONAL PARLIAMENTARY CONSTITUENCY FOR KITUI EAST

Mr. Kitonga asked the Minister of State, President's Office if he would tell the House whether Government would consider allocating one more parliamentary seat for Kitui East because of its large size and difficult communications.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Only the Electoral Commission has the authority to increase or decrease the number of constituencies as stipulated within the limits contained in the Kenya Constitution.

The question of altering constituencies is under constant review by the Electoral Commission which meets as required by the law.

Mr. Kitonga: Mr. Speaker, Sir, will the Assistant Minister tell the House the limitation given in the Kenya Constitution and the number of times, the Electoral Commission is required to meet? Can he also tell us the date of the next meeting?

Mr. Munyi: Mr. Speaker, Sir, may I refer the hon. Member to Section 41 of the Kenya Constitution. Membership of the Electoral Commission can be studied in the *Kenya Gazette, Notice,* 1920. The names of the present members of the Electoral Commission are as follows:—

B. M. Gecaga	—	Chairman
Wakori	—	Member
B. S. Ali	—	Member
J. Jeremiah	—	Member
J. K. ole Konyu	—	Member
S. M. Mugweru	—	Member
Oduku	—	Member
Waruara	—	Member

[The Assistant Minister of State, President's Office]

Among the things that the Electoral Commission considers in determining whether to increase or reduce the number of parliamentary seats are population and the need to ensure adequate representation in the urban and rural areas.

Mr. Mwamzandi: Mr. Speaker, Sir, could the Assistant Minister tell this House why the resolution by the Electoral Commission in the last Parliament, when it recommended 11 additional seats in Kenya, was not effected. I am sorry, I understand the seats were 17.

The Speaker (Mr. Mati): Mr. Mwamzandi, I do not think we should take more time on that because the position is that the last Parliament passed an amendment to the original law which, in effect, made it impossible for the Electoral Commission to act until the Parliament enacted another law again to authorize it to do so. That is the position now.

Mr. Mbori: Mr. Speaker, Sir, could the Minister, therefore undertake to bring a Bill so as to enable Parliament to enact this law because very many constituencies are too vast for the existing Members.

Mr. Munyi: Mr. Speaker, Sir, that is a very good point and it is fully noted.

Question No. 260

COTTON GROWING IN BUSIA CENTRAL

Mr. Masibayi asked the Minister for Agriculture if he would tell the House whether he could consider writing off all the loans which had been issued to the cotton growers in Central Division of Busia District between 1964 and 1969, as the crop had been excessively damaged by hailstorms.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. The plans for the construction of the civil engineer——

Mr. Masibayi: On a point of order, Mr. Speaker, I do not know what question the hon. Minister is answering. I asked question No. 260.

The Speaker (Mr. Mati): Yes, Minister for Agriculture?

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

At the present time, it is not possible to consider writing off all the loans issued to the cotton growers in Central Division of Busia District between 1964 and 1969. The question of writing off loans depends on how far the growers in the area increase cotton production so as to enable us to absorb the loan moneys on large quantities. In this respect, I would like to advise the hon. Member to assist in campaigning and persuading the growers to grow more cotton which should provide good returns to the people to protect against future losses and cover against natural hazards that affect that area.

Mr. Masibayi: Mr. Speaker, Sir, while I agree with the Minister in his reply regarding the encouragement of more cotton growing, will the Minister also agree with me that the farmers in this particular District depend on nothing else as far as cash crops are concerned except cotton growing? If he agrees with me here, how does he expect the cotton growers to get money if the cotton they have grown is damaged by hailstorm?

Mr. Nyagah: Mr. Speaker, Sir, I think that is another question; but, nevertheless, I do not agree with him—let alone the other hon. Member thinking that I do agree with him that there are no other cash crops in that area. That is a good area for groundnuts. It is also a good area for sunflower seed, and in some parts it is a good area for keeping beef cattle and, therefore, I do not agree with the hon. Member when he says that there are no other cash crops grown there and so on.

Mr. O'Washika: Mr. Speaker, Sir, while agreeing with the reply given by the Minister for Agriculture, it is true that the cotton growers have been encouraged to grow more cotton. However, the question here is that since cotton was excessively damaged between 1964 and 1969 the loans advanced then should be written off. We would like to hear an answer from the Minister concerning this; the question of campaigning for growing of more cotton is not disputed.

Mr. Nyagah: Mr. Speaker, I have already answered the question that the hon. Member for Mumias is asking and said that we cannot write off the loans. Some of the societies have not even attempted to pay the original sum advanced to them and it is not going to be possible, as I said, to write off the loans. The only possibility that there is of considering an action that will alleviate the problem there is so that more and more cotton can be grown so as to have the ginneries there working at full capacity. The main thing is to consider how best the problem can be tackled. That is how the question of campaigning comes in.

Question No. 320

FULL SALARIES DURING MATERNITY LEAVE

Mr. Amayo asked the Minister for Labour if he would tell the House: since bearing of children by married women is service to the nation, he would allow employed women on maternity leave to be paid their salaries in full

[Mr. Amayo]

during that period because it is a time when they require financial assistance most.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. Government acknowledges the fact that bearing children is a service to the nation, but the Minister is unable to order the granting of full pay for maternity leave because he is not able to do so, either in the industry or in the public services. The trade unions, however, Mr. Speaker, are at liberty to press for full pay for maternity leave and I am glad to note that some of the unions are already making success in this field.

Mr. Amayo: Arising from the Assistant Minister's reply, am I being made to understand from the Assistant Minister that all the trade unions and all these organizations which should press for the full pay for these women when they go for maternity leave do not come under his Ministry?

Mr. Kibisu: Mr. Speaker, Sir, our function is to regulate and control the activities of unions and employers. What I said, Mr. Speaker, is that the initiative must be that of the trade unions and should they, in fact, find themselves unable to get anywhere on this issue, the Industrial Court has been very progressive.

Mr. Araru: Arising from the Assistant Minister's reply, that he is glad that the trade unions are pressing hard about this very important matter in connexion with our ladies who go on maternity leave, what is the Ministry's support to the trade unions which are fighting hard for the public?

Mr. Kibisu: Mr. Speaker, Sir, the fact of our support is reflected in the recognition of the fact that we record and register agreements reached on this issue.

Question No. 278

UNDEVELOPED LAND IN THE COUNTRY

Mr. Magugu asked the Minister for Lands and Settlement if he would tell the House what was the Ministry's policy on—

(*a*) all undeveloped land (freehold) in the hands of non-Kenyans in urban areas; and

(*b*) all undeveloped land in urban areas under the Commissioner of Lands.

The Assistant Minister for Lands and Settlement (Mr. G G. Kariuki): Mr. Speaker, Sir, I beg to reply. (*a*) As you are aware from recent statements in the Press by me, it is not Kenya Government policy to interfere with land transactions in respect of commercial and industrial plots in urban areas. Furthermore, the title to all land held by citizens and non-Kenyans in urban areas is safeguarded under the Constitution and can only be acquired by the Government either by negotiation or compulsory acquisition on prompt payment of compensation. If you will refer to the Press statement made on 29th January, 1971, it stated that Government was keeping a close watch on the alienation of urban land to *wananchi* at reasonable prices and I am now proceeding with schemes to implement this decision.

As regards all undeveloped Government land in urban areas which is administered by the Commissioner of Lands in my Ministry, as you are aware land is not, in certain areas, ripe for development; in other words, there are no persons available with the necessary finance to develop it on sound lines and it has to be developed in stages. Accordingly, the Commissioner of Lands, in consultation with the Town Planning Adviser, and the Local Authority has development plans prepared for such land as a basis for alienation as and when it is required and makes the land available to Ministries and to the public in phases so as to meet the public and private market demand whenever possible. I must emphasize that the alienation of Government Land is strictly tied to development needs, of both the Government and private individuals, and proceeds only in accordance with approved development plans for all towns in the country. You will, of course, have appreciated from my previous remarks that as far as Nairobi and Mombasa are concerned, Government is having to resort to buying land in order to facilitate residential and industrial development and make it available on reasonable terms to *wananchi*.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, as it has always been, land is the property of Government. Why does the Government not nationalize land so that we do not keep paying these settlers huge sums of money for nothing?

Mr. G. G. Kariuki: Mr. Speaker, Sir, Government is not prepared to nationalize land because the existing policy is that of giving enough land to *wananchi*.

Mr. Magugu: Mr. Speaker, Sir, I do not think that Government is keeping close watch is the policy of the Ministry. Mr. Speaker, Sir, does the Assistant Minister not actually agree with me that the land, particularly land in the city and around, which is held by foreigners under freehold titles should be turned into immediate development, particularly the land that the owners are not ready to develop or prepared to develop?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I have just said that Government is now implementing the recent policy which has been announced by

[Mr. G. G. Kariuki]
the Minister. As such, the land which the hon. Member is talking about will also be included in this implementation. It will be taken into account whether these pieces of land are developed or not.

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

Question No. 262

BUSIA HOSPITAL SEWAGE DISPOSAL

Mr. Masibayi asked the Minister for Health if he would tell the House why plans for the construction of the sewage disposal were not drawn up at the same time as the planning of Busia Hospital.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. The plans for construction of sewage disposal for Busia Hospital were not drawn up at the same time as the planning of the hospital because:—

(*a*) It was considered that sewage disposal by means of a septic tank would work at Busia. The site which was chosen for the septic tank proved to be too soft and incapable of holding the weight of the septic tank. Foundations would have to be more than ten feet deep. This was considered uneconomical and unreliable.

(*b*) An alternative site was tried. As opposed to the first site, it was found that there was marrum and hard ground which could not absorb water. The septic tank system had to be abandoned and sewage disposal by means of a lagoon considered.

(*c*) When the lagoons were agreed on, complications were caused by suggestion to include the disposal for other Government buildings. When this was resolved new site drawings, detailed drawings and new estimates, had to be prepared. This took time and it was for these reasons that the construction of the sewerage works took a considerable time to start.

Mr. Masibayi: Mr. Speaker, Sir, can the Assistant Minister tell this House whether this particular construction is now going to take place and how soon it will be completed?

Mr. ole Oloitipitip: Mr. Speaker, Sir, the Medical Officer of Health has already awarded a contract on this sewage system.

Mr. Masibayi: But how soon will this start?

Mr. ole Oloitipitip: Mr. Speaker, Sir, when I say the Medical Officer of Health has already awarded a contract, it means that the contract is in hand now. It is only a matter of starting work either tomorrow or the day after.

The Speaker (Mr. Mati): Let us go to the Question by Private Notice. Mr. Umuro.

QUESTION BY PRIVATE NOTICE

ATTACK ON GABRA BY SHANGILA FROM ETHIOPIA

Mr. Umuro: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

(*a*) What action has the Government taken since Shangila tribesmen from Ethiopia killed 73 Gabra tribesmen and a policeman of Kenya on Sunday, 2nd May 1971 at North Horr area of Marsabit District after stealing 12,000 cattle from the same Gabra *manyatta*?

(*b*) Since raiders from Ethiopia are constantly killing the peace-loving citizens of the Gabra tribe, will Government consider arming the Gabra so that they can defend themselves against rifle-armed Ethiopians or, alternatively, permanently station the General Service Unit or Army along the border between Kenya and Ethiopia?

The Speaker (Mr. Mati): This is a question for the Ministry of Home Affairs. Anybody ready to answer?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. On 29th April 1971, in the early hours of the morning, Shangila stock raiders from Ethiopia attacked a Gabra *manyatta* at Malopot in North Horr area of Marsabit Division. During the raid the Shangila tribesmen stole 12,000 head of cattle, 1,500 camels and 500 goats. Police followed tracks and after making contact with the raider fire was exchange. A total of 11 raiders were killed and the police recovered all the stolen stock.

On 1st May, 1971, a further contact was made with the raiders and a further nine members of the gang were killed. Similarly, on 3rd May 1971, the gang was spotted at Banya and suffered a further loss of 14 killed. The police yet made another contact with the same gang on 4th May 1971 and killed one member of the gang. So far 35 raiders were killed, seven rifles and 17 rounds of ammunition and nine bandoliers were recovered and one raider arrested. In all, Mr. Speaker, Sir, 58 Gabra tribesmen and one Administration Policeman were killed, plus another Administration Policeman who was seriously injured and has since been flown to Nairobi for treatment.

All in all, Mr. Speaker, Sir, the area concerned is well policed within the means available to us.

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
The prompt action by the police deserves commendation in that they recovered all the stolen stock.

Mr. Speaker, Sir, it is not considered necessary to arm the Gabra tribesmen. The hon. Member can be assured that constant patrols are being carried out along the border to repel stock raiders. However, due to their nomadic way life—the Gabra people move from one place to another without passing the information about their movements to the authorities.

Mr. Araru: Thank you very much, Mr. Speaker. According to the reply which was given by the Assistant Minister, it seems he has given more information than was given by the hon. Questioner in his question. It seems that by the end of last month and the beginning of this month there has been about five attacks and this looks like a war which is going on at the Kenya border. Mr. Speaker, Sir, could the Government tell us, since this war was still going on in that part of the country even before we were born, what measures are going to be taken to stop it? This war has been going on day and night and even we might hear, later, that something happened today. When will this war end in that part of the country? Human beings are being killed day and night and our cattle are being stolen. Mr. Speaker, Sir, 12,000 head of cattle have been stolen and the Assistant Minister can bear me testimony on this. When will these troubles end, Mr. Speaker?

The Speaker (Mr. Mati): Order, Mr. Araru. That is long enough.

Mr. Shikuku: Mr. Speaker, Sir, when these troubles will end, is a question I cannot reply to. However, whenever the raiders come in we try our utmost to do something, and from this reply you can see how many raiders we have killed. I think the hon. Member should congratulate the police for having recovered all the stock which was stolen.

Mr. Masibayi: Mr. Speaker, Sir, can the Assistant Minister agree with me that during the *shifta* menace some of the police posts in this area were closed down and this is the reason why they have given room to these Shangila tribesmen to do anything they want in this area as if there was no Government to control them?

Mr. Shikuku: Mr. Speaker, Sir, a police post is not the solution; you can have a police station in the area, and the hon. Member will agree with me—if you ask hon. Members from other areas—it is such a large area that even if you put up a police station, it is not the solution.

The solution, Mr. Speaker, if I may advise the hon. Member, would be for these Gabra people—they have to move in search of better grazing areas to inform the police or the authority that they are moving to point X, so that we can provide protection. However, what happens in that area is that the Gabra people who are at point A move to point C and we do not know of this; then the raiders from Ethiopia, knowing that the police are on this side and the Gabra people are grazing their herds on the other side, following them up, kill them and take the cattle. However, if we are all the time, kept informed of where they are moving to, we shall provide security. However, police stations are not the solution.

Mr. Marete: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can the Government not provide arms to the citizens there so as to guard themselves because it is a war between Kenya and another state?

Mr. Shikuku: Mr. Speaker, Sir, I would not call it a war because it is a question of the raiders —stock thieves—who are armed from Ethiopia. Now, if we have to arm our people, then this is a different matter because it will amount to nothing but a war. However, this is not war against Ethiopia; it is just thieves from Ethiopia. We have shot them; no representation has been made to us; they are thieves and thieves can be killed, and we are going to continue killing them. Therefore, we are not going to provide our people with arms, but will have police in the area who will go on killing the stock thieves. We have not had any representation from Ethiopia, complaining that thieves have been killed in Kenya.

Mr. Umuro: Mr. Speaker, Sir, these incidents happen only six miles from North Horr Police Post, and I congratulate the police for the work they are doing. If the hon. Assistant Minister is refusing or even completely denying that there is need for sending the General Service Unit or more help to defend these people, and they are refusing to arm them, will he tell this House whether they are going to remove all the police who are presently stationed there because they are so few that leaving them there would be endangering their lives and the local people since they can neither defend nor even defend themselves? Will he also tell the House whether members of the Gabra tribe are not needed in Kenya, so that we can find our own ways of defending ourselves if we are not needed?

Mr. Shikuku: Mr. Speaker, that is a very, very very negative attitude, taking into account the reply I have already given to the hon. Member.

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
The question of being needed or not being needed does not arise because everybody in this country is entitled to security; we have provided this, we have killed these raiders. Can the hon. Member who is talking like this deny that we have killed these raiders? We have killed them and we shall continue killing them. However, the hon. Member should do a bit of service to his people rather than merely asking questions because a question here does not help. Let him try and get this into the heads of his people, that whenever they move from one end of the area to another, they should remember to keep the police informed of their movements so that we can protect them. That is the only way we can do this, but if he asks a question here to make political capital out of this situation when his people are dying, he will find himself voted out next time.

Mr. Umuro: On a point of order, Mr. Speaker, Sir, the hon. Assistant Minister is trying to make an allegation against the Gabra people. He says that they are moving from place to place without informing the police. The policemen in the area are only 30, and these people are moving to different areas with camels, *mbuzi* and cattle. If cattle go one way and ten policemen follow them, and the camels go the other way and are followed by ten policemen, who will follow the *mbuzi*? And you are now saying that the Gabra people do not inform the police—the police are informed but the policemen are not enough to protect these people.

Mr. Araru: Hear! Hear! That is the point!

Mr. Shikuku: Mr. Speaker, that is rather an argument; what we have from the police who are there is that they are not kept informed and they are still appealing to the people to keep them informed. Now, as regards as to whether they are enough in numbers or not, we have officers there, who are responsible enough, who could keep us informed if the police officers or the personnel are not enough. So far, we have not had that report from the police officers there and, therefore, we are quite satisfied that the facilities given in those areas are adequate. However, should the case arise when they require more, we do not have to announce it in this House because the raiders also are intelligent enough and they have their ears open to hear our moves; we do not have to announce it in the House.

Rev. Kalume: On a point of information, Mr. Speaker?

The Speaker (Mr. Mati): No, you cannot do that; this is Question Time, there is no debate.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, if it is not possible for Government to send the General Service Unit or the Army there, why would Government not consider employing about 1,000 local people as home guards and give them arms, and they will be paid by Gabra people, so that they can guard the Gabra people?

Mr. Shikuku: It is a good suggestion, Mr. Speaker, if I may observe, but then the outcome of it may be different. You see, if we employ people to become home guards, a lot of things can happen. They may even use the very arms also to go and raid others, and we have heard of tribes within Kenya raiding each other; so they can as well use those guns to raid others or lend them for raiding. Therefore, we are prepared to employ—— I think there are enough people in the Police Force from that area who can provide the services of protection to the people of the area.

The Speaker (Mr. Mati): We must go on now.

NOTICE OF MOTION FOR THE ADJOURNMENT

STOPPAGE OF WATER SUPPLY BY TAITA-TAVETA COUNTY COUNCIL

The Speaker (Mr. Mati): I have received a written notice from Mr. Mwamunga, the Member for Voi, of his intention to raise on a Motion for the Adjournment a matter contained in a reply received to a Question by Private Notice concerning the stoppage of the water supply by the Taita/Taveta County Council. I shall call for the Motion for the Adjournment at the time of interruption of business on Tuesday, 11th May, 1971.

MOTION

ASSISTANT MINISTERS TO 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)

Mr. Mwamzandi: Mr. Speaker, we have seen that the word Assistant Minister—to me and the country as a whole, it means entirely nothing. It

[Mr. Mwamzandi]
is only when the Minister would like to be assisted that he can ask the Assistant Minister to help him, and when he does not want to be assisted, the Assistant Minister is always seated idly in the office.

Mr. Speaker, I have been visiting these offices and I have found the Assistant Ministers doing nothing other than reading newspapers. Mr. Speaker, these Assistant Ministers—because of the word "Assistant", they appear to be very junior to the civil servants in the offices. I have——

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Sir.

Hon. Members: Now what is the point of order about?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, the the hon. Member has made a serious allegation, and he made, in fact, a statement of fact, that Assistant Ministers always sit in the office to read newspapers, and that is not an opinion; it is a statement of fact, Mr. Speaker.

An hon. Member: Particularly you, Mr. G. G. Kariuki!

Mr. Mwamzandi: Mr. Speaker, this is a fact; I have seen this when visiting these offices, and if they have any other business apart from entirely unnecessary business—sometimes you see they do not have any work and that is why when you go to an Assistant Minister's office you find a newspaper on his table. Sometimes an Assistant Minister even goes as far as driving out, and that is why we see them here in Parliament.

Mr. Speaker, the aim here is to help them so that they work for the people rather than sitting idly in their offices. Most of the Assistant Ministers in the last Parliament, lost their seats because they had no decisions to make; even Backbenchers were much better than the Assistant Ministers, and here we want to have them serving the nation. Mr. Speaker, as we know, when a Minister goes out of this country, his Assistant Minister is not left to deputize for him; another Minister from another Ministry takes over. Why can that Assistant Minister not do something in that Ministry? Sometimes such an Assistant Minister might have been much more educated than the Minister, and yet he cannot deputize; this is wrong. Mr. Speaker, here the public get surprised as to whether this Assistant Minister is supposed to earn the salary allocated by Parliament or he is able to serve the public. First, they have no decisions to make; another thing, Mr. Speaker, they have never been put in as deputizing for the Minister when the Minister is out of the country. Therefore we want them to serve the country and not to sit idle doing nothing in their offices. Mr. Speaker, Sir, as I said earlier, some of them are even more sensible than the Ministers themselves.

Mr. Kitonga: Yes, I know them!

Mr. Mwamzandi: For example, if Government does not see sense in having the post of Deputy Minister; if Government does not have any interest in having a Deputy Minister, I, as a Member of Parliament, do not see the need to have the post of "Assistant Minister" when the holder has nothing to do but has always to be directed to do something by somebody else. Assistant Ministers make no decisions of their own. Their main job, Sir, is to come here to answer questions they have no knowledge of. They answer questions as they have been directed to say. They cannot commit Government in any other way. To make it worse, some of the Ministers cannot even make decisions here—but that is their own weaknesses. We want these Assistant Ministers to be responsible men, people who can make decisions.

Sir, these Ministers cannot speak as Backbenchers. If they cannot speak as Back-benchers in this Government, they cannot be seen by their constituencies to be doing something. The Ministers help their constituencies by their Ministerial powers of making decisions. However, these others, the Assistant Ministers, cannot make decisions, and so they cannot help their constituencies. Mr. Speaker, Sir, if they want to help their constituencies, they have to act as a Minister or a Government official as though they are begging something. This is wrong. We want them to decide things on their own.

With these few remarks, I beg to support.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, thank you very much for giving me this chance to say something.

An hon. Member: Do you support the Motion?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): One would naturally ask that I should declare my interest. I have no interest there and I am just debating because today, I am an Assistant Minister, and tomorrow I may not be an Assistant Minister; somebody else will be an Assistant Minister. Therefore, we are talking about the office of the Assistant Minister, whether it is necessary or not.

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

Mr. Speaker, Sir, let it be known that leaders come and go, but masses remain. Therefore, the principle is there and we are here to establish that principle. Those who were fortunate to be appointed by His Excellency the President as Ministers must never, for once, forget that they are only there for the time being. Even our law says, "the Minister for the time being . . .". They have to keep moving; they go and others come.

There is a lot of truth in some of the allegations made by the Back-benchers and that is why I have refrained from standing to ask them to substantiate.

Let it be known, however, that it does not apply to all Ministries. Some of Ministers are very selfish. They would not like an Assistant Minister to discharge his duties as required. Their selfishness is detrimental to the nation. This is because, fortunately or unfortunately, it so happened that some of the Assistant Ministers, Sir, are quite bright, if not brighter than some of the Ministers. I say so openly because I am in Kenya, I fought for the independence of Kenya and here I shall speak. The question of waiting to go and speak in Heaven—I do not know whether I will get to Heaven. So, I have to say everything here before I go. This is because if I go, Mr. Speaker, I do not know whether I will go to hell or Heaven. Therefore I had better leave no stone unturned so that when I have to go for "a high jump", I really go for it with no regret. Therefore, Mr. Speaker, Sir, I believe it is completely humiliating for So-and-so, the Minister for Ministry "X" travelling to New York for three months or three weeks and another Minister from the Ministry "B" comes to this Ministry to deputize. I do not believe that every Minister is more intelligent than some of the Assistant Ministers. I do not believe that I am more intelligent than some of the Back-benchers here. It was just a sheer chance that I was appointed an Assistant Minister. This does not mean that I am more intelligent than every Back-bencher here. Therefore, we would like it to be quite clearly known that when this Minister comes here he does not know more than the Assistant Minister in that Ministry. Therefore, I do not see any logical reason why another Minister should come and deputize instead of the Assistant Minister in that Ministry deputizing, knowing the situation and problems in that Ministry.

Sometimes, Mr. Speaker, Sir, some of us who have been here for quite a short time are surprised. You will find, for example, that even the post of the Assistant Minister is not recognized by some of the civil servants. You get circulars which are aimed at the civil servants—a civil servant sends it to the Assistant Ministers. Sir, according to the Constitution it is the President; after him is the Vice-President; after him, the Cabinet Ministers and then the Assistant Ministers. But then you will find that a civil servant has the audacity to direct an Assistant Minister.

An hon. Member: Some of the Ministers are directed.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Some of the Ministers are also directed. Now, it is for us to devise a better method—either this is a political Government or a Civil Service Government. If it is a Civil Service Government we should be told so. However, so far, it is a political Government and therefore political decisions must be taken and must be carried out—not in theory but in practice—by the civil servants.

Mr. Speaker, Sir, if we do not watch out this we may find that in the long run Government will become completely stagnant. Some of us have been Assistant Ministers from 1961 and some from 1963. They do not have holidays, no leave, and naturally the brains also come to a standstill. I think the International Labour Organization, as the hon. Member for Vihiga knows, require that after 12 months' service one should go on leave. How come that somebody, from 1961, has never gone on leave and yet you expect him to carry out his duties properly? Therefore, it is time that we allowed some of the bright brains to go up rather than put them down and refuse them jobs and yet they spend public money doing almost nothing.

Some of us have a lot to do. Personally, I get quite a lot of work in the Ministry of Home Affairs and I really do my job and try to exercise my powers. I refuse to be under the directives of any civil servant. This is because, I am elected by the people of Butere—and I do not think the people of Butere are fools to elect me into this Parliament twice—and, naturally, I expect the civil servants to realize that the President of the Republic of Kenya is no fool to appoint me an Assistant Minister. Therefore, I demand respect and I demand that my directives and directives of any Assistant Minister be obeyed by every civil servant, whom the public, probably does not know. This is because when a Member of Parliament is defeated it will be announced but when a civil servant is sacked he might tell people that he is on leave or that he is on holiday when he has actually been sacked. Therefore, the respect

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

of the people must be made known, and it can only be known by the implementation of this Motion.

The last point on this issue of Assistant Ministers, Mr. Speaker, is: let it be known that the Constitution is made by us and all we require in this Motion is to amend the Constitution to provide for a post of Deputy Minister who will really deputize and who will be respected by the civil servants. I do not think any hon. Member will ask me whether we are being directed because I have given them an example where we recently received a very stupid circular from one of the civil servants saying that Assistant Ministers should not have telephones in their homes and if they want to have them they should pay for their installation. However, this is done despite the fact that there are very many Under Secretaries and very junior civil servants in the Government who have telephones in their own houses which are being paid for by the Government. However, they have now written to Assistant Ministers only and they have given circulars to all Permanent Secretaries as if Permanent Secretaries were our bosses. This is an insult.

Personally, Mr. Speaker, I feel that if a civil servant wants to be an Assistant Minister, he will never be. He could probably be one when a *coup* takes place. However, as far as the present Constitution is concerned, he can never be, with the exception of the Attorney-General, who it is provided for in the Constitution, to be in this House and speak from this Table. Probably a civil servant can be an Assistant Minister after a *coup détat*. However, we are the ones in the Chair now.

Mr. Speaker, I believe that we are not asking for too much from the Attorney-General. I also believe that the Attorney-General and any Minister concerned—— We are not asking something which is not within the Constitution; what we are trying to do is to make sure that this man can deputize for his Minister. After that, it will be left to the President himself —since there are two Assistant Ministers in every Ministry—to say, "Now, So-and-so is away and the Deputy Minister So-and-so will act in his place." This can be done.

However, if they do not think that these posts are of any use I feel they should do away with them and stop spending public money or make Assistant Ministers Deputy Ministers and thus enable them to have something to do. Some of us can serve the nation better on the Back Bench.

The Speaker (Mr. Mati): This should have been the time for the Government responder to reply but I understand he does not need all his time. So, we will allow one more person to speak.

Mr. Munyasia.

Mr. Munyasia: Thank you, Mr. Speaker.

Mr. Speaker, Sir, this is a straightforward Motion and I think the Attorney-General will not object to it because the only suggestion is that he should introduce a Bill seeking to do away with the words "Assistant Minister" and inserting in place thereof the words "Deputy Minister".

Mr. Speaker, at times, as many speakers have said, we have visited these offices and we have seen what is happening. We have failed completely to know what is the actual assignment of an Assistant Minister. Why is he there? Is he not there, by virtue of his appointment as Assistant Minister, to do or to carry out the duties of the Minister when he is away?

Mr. Speaker, Sir, as the hon. Member for Butere has said, I do not remember at any one time in this Parliament, since the attainment of independence in 1963 to date, any Minister going abroad or elsewhere assigning his duties to one of his Assistant Ministers to deputize for him as a Minister. This being a political Government, Sir, what is the point of having them? If the Attorney-General thinks that these Assistant Ministers cannot deputize for their Ministers, I feel it is high time we did away with them completely. We must be told, Sir, whether this Government is a Government of the civil servants or a political Government. This is because there is a tag-of-war —call a spade a spade; do not call a spade a snake because you will be making a big mistake.

Sir, the hon. Shikuku has put a case across so well—he said that Permanent Secretaries and even Under Secretaries and junior officers send circulars around to Assistant Ministers, and they even circulate them to Ministers. Recently, Sir, there was a circular about the University of Nairobi which was circulated you know this—to a Minister who is the overall boss of that Ministry. The Assistant Ministers, according to the circular, were not given copies of that circular. See how shameful this Government is!

Sir, I was once a teacher and I will set an example. Even now, I am a teacher—when I resign from politics I will go back to teaching. In any school, there is a headmaster. If a headmaster is away, the deputy headmaster takes over all the responsibility of the headmaster from the toes to the hair. There is no question that the headmaster is away. They say, "I am deputizing for him at the moment, can I attend to you". Then you say,

[Mr. Munyasia]
"Yes. I have brought my ten children, have you vacancies for them?" Then he will say, "Yes, there are vacancies".

You go to any Ministry and find an Assistant Minister or two Assistant Ministers and say, "Could you help me?" You will be told: "Oh! I am sorry, I am directed and I am here to be directed. Could you please wait for the Minister?" What is the point of your being here then?

This is the position, and it is disappointing. So we want the Attorney-General, today, to stand up and say, "Gentlemen, hon. Members, I am going to introduce this Bill without further delay", so that we know that our hon. Assistant Ministers are assigned with duties of Deputy Ministers.

When a Minister goes away—— If Mr. Njonjo is going abroad, his Deputy in his Chambers should take over as the Acting Attorney-General. It is not a question of a *mzungu* taking over the duties.

If the Minister for Lands and Settlement goes away or goes on leave, his Assistant Minister, Mr. G. G. Kariuki, should act in his place. Whatever Mr. Angaine does, let G. G. Kariuki do. If Kariuki is unable to do that, do away with him and get a person who can do the work. This is what we want. Why should an Assistant Minister be treated as a mere picture on the wall! Terrible! You are like that. That is the truth, Sir. I am trying to save you but not rebuke you. I am trying to save you.

Sir, this is a straightforward Motion and I think the Attorney-General will agree to it.

When the hon. Member for Butere was a Back-bencher, he was forthright as a spokesman and he was also termed the president of the poor. Today that title is not there. Where it went I do not know. Why? Because now he cannot speak as freely as I do because he has been appointed as an Assistant Minister. He cannot open his mouth and say what I can say. Although he has said some Ministries have given their Assistant Ministers work to do, I do not recall any time the Vice-President having given a full assignment of his duties to hon. Mr. Shikuku as a Vice-President. Therefore, the hon. Member for Butere should agree with the Back-benchers that he has never at any one time been assigned fully with the duties of a Vice-President.

It was only recently, Sir, that hon. Shikuku paid a visit to a certain shop and he was provoked. He was abused. He came to this House and said, "Oh! You see, a certain European abused me." If he was deputizing as Vice-President, would that European there have done so? We want, when Ministers are not there, their Assistant Ministers to act in their places. Sir, all Ministers should be affected. An Assistant Minister one day was ordered by an European; he was told "Go out" from a shop!

Therefore, Sir, with these remarks, I beg to support the Motion.

Hon. Members: Hear! Hear!

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, it is really interesting that for the first time we have Back-benchers supporting the Front Bench. I wish this happened more often.

First of all I want to say straightaway that—right from the outset—we all appreciate what Assistant Ministers do in their performance of Government work. Well, maybe that some hon. Members are just making some false sympathies because there are times, we know, in this House when hon. Members criticize Assistant Ministers. It is rather convenient today that we should have these crocodile tears shed on behalf of Assistant Ministers. Now, I would like to say that Assistant Ministers do a lot of work and they work in co-operation with——

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, I thought that when we speak here, we do so with sincerity? Sir, is the Attorney-General in order to impute that we are just shedding crocodile tears here?

The Speaker (Mr. Mati): I think Mr. Mwamzandi has a point there. It is not fair to the Members for one to say that hon. Members are ". . . shedding crocodile tears." However, what the Attorney-General might have meant is that experience shows that sometimes hon. Members are not happy about some of the Assistant Ministers.

The Attorney-General: Mr. Speaker, Sir, in fact, I did not say that the hon. Member is a crocodile although he comes from the Coast. I am sure, however, there are no crocodiles at the Coast because they do not like salt water.

Now, Sir, all I can do——

Mr. Ayah: On a point of order, Mr. Speaker, Sir, in view of some of the remarks that were made earlier about civil servants doing this or that, would I be in order to suggest that a senior civil servant should not reply to this question because his interest is involved in the early debate?

The Speaker (Mr. Mati): Order! Now, if Mr. Njonjo was here as a civil servant, he would not be sitting where he is! He is here as a Member of this House. He is, also, now replying as a Minister of the Kenya Government.

Hon. Members: Hear! Hear!

The Attorney-General (Mr. Njonjo): I wish the hon. Member had never exposed his ignorance in this fashion because, honestly, sometimes he has tried to castigate me. He has been in a university and he should use more accurate information than he seems to command.

Mr. Speaker, Sir, may I say that personally, I have every sympathy with this Motion. However, it is my duty to clear the position with regard to the Constitution as it stands today. Under the Constitution, Mr. Speaker, Sir, hon. Members would remember—those who have been here long enough—that Parliamentary Secretaries, whose functions it was to assist Assistant Ministers in their performance of their duties were established under the Independence Constitution. That title of "Parliamentary Secretary" was not then popular because it was not clear to everyone that these kinds of Parliamentary Secretaries were junior Ministers and civil servants. There was some confusion in the nomenclature; in the terminology. So it was changed as soon as the opportunity arose at the end of 1964. As the functions of a junior Minister were to assist a senior Minister, the new title chosen and accepted by Parliament, this House, was "Assistant Minister." I remember we had a meeting, in fact a Parliamentary Group meeting, when this terminology was accepted at that meeting.

The functions of an Assistant Minister under the revised Constitution is, of course, still the same: namely, to assist the Minister. This, Sir, is referred to in section 19 of the Constitution. An Assistant Minister, Mr. Speaker, Sir, can perform a wide variety of duties on behalf of his Minister and can gain ample experience while he is performing those duties. However, it is impossible, Mr. Speaker, Sir, I suggest, to legislate either in the Constitution or elsewhere for the detailed relationship between a Minister and his Assistant Minister. This is a personal relationship and can only be established between the Minister and his Assistant Minister. Some relationships are happy and some are unhappy. Those who are married, of course, will understand these relationships. Some home relationships——

An hon. Member: Are you married?

The Attorney-General (Mr. Njonjo): I am not married and that is why I am saying ". . . those who are married." It is not a disqualifaction not to be married; nor is it a qualification that one is married.

That sort of relationship, as I say, Mr. Speaker, in some homes is a happy one and in others it is not a happy one.

There are, however, Mr. Speaker, Sir, certain functions of a Minister that cannot be performed by an Assistant Minister unless the Assistant Minister is appointed to be a Minister or an acting Minister. An Assistant Minister, Mr. Speaker, Sir, cannot deputize——

An hon. Member: We know that.

The Attorney-General (Mr. Njonjo): I am simply stating what the position is and what the law and the Constitution is.

Mr. Speaker, Sir, I was saying that an Assistant Minister cannot deputize for his Minister to sign legal orders or regulations unless the power is expressly conferred by a legal instrument. I heard a suggestion here that perhaps one Minister is not—if those duties are performed by an Assistant Minister—for example the hon. Mr. Shikuku—then he would be tougher than his Minister. If this is the intention, of course, one can see the underlying reason why this campaign is being made at the moment.

An hon. Member: Question!

The Attorney-General (Mr. Njonjo): There has never, Mr. Speaker, Sir, been any need to get an Assistant Minister sign subsidiary legislation. However, more important, Mr. Speaker, Sir——

An hon. Member: What is wrong with that? What is wrong?

The Attorney-General (Mr. Njonjo): If the hon. Member will speak up and not murmur that will be good because I cannot hear what he is saying. However, more important, I suggest, an Assistant Minister cannot attend the Cabinet as a deputy. Only a Minister, Mr. Speaker, Sir, under the Constitution can attend the Cabinet.

Consequently, Mr. Speaker, I suggest that——

Hon Members: We want the amendment.

The Attorney-General (Mr. Njonjo): Well, Mr. Speaker, I am trying to point out the difficulties about this amendment and what it will involve, and how difficult it will be to run a Government in the circumstances suggested by the Motion.

You can keep a secret perhaps between two thieves but when you add a third thief it is very difficult to have a secret.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, do you not agree with me that the statement made by the hon. Attorney-General is very, very insulting and insinuating a very stupid or improper motive on the status of the Assistant Ministers?

The Speaker (Mr. Mati): No, first of all, Mr. Shikuku, there is no need for you to get too

[The Speaker]
worked up. The term you have used is rather unparliamentary. You cannot say a Minister was stupid.

I think it is a question of misunderstanding the intention of the phrase Mr. Njonjo used. He was not suggesting that Assistant Ministers were thieves. As a matter of fact, I understood him to have been directing this first and foremost to the Ministers themselves; he was giving an example. I thought he chose to give an example of thieves in reference to Ministers. This is how I understood it. So there is no need for the Assistant Ministers to get too worked up about it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, perhaps I did not put my point of order correctly.

However, what I had in mind, Sir, is that it will be difficult to keep a secret between three people and that is why he referred to thieves. Does it mean that the Assistant Ministers, if they are allowed to deputize, there will be a leakage of secrets? Is the Attorney-General implying that, which is imputing improper motive?

The Speaker (Mr. Mati): That is a matter of opinion. Mr. Njonjo thinks if you get more groups, that is, if you add to the existing groups, which is a relationship of a number of groups, you might—— Well, there is the President, there is the Cabinet which is composed of his Ministers, and then you bring in the Assistant Ministers. In Mr. Njonjo's opinion, this increases the risk of secrets coming out. But that is a matter of opinion.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Speaker, in view of the fact that the President has directed that the Assistant Ministers will read the Minutes of the Cabinet meetings and we do read these Minutes, and there is no evidence that we have ever divulged any of the Cabinet Minutes, is the Attorney-General not out of order, or is he not misleading the House by so saying, that if the Assistant Ministers were given information of the Cabinet they would disclose it? Mr. Speaker, we are also under oath like the Ministers.

The Attorney-General (Mr. Njonjo): I did not say that.

The Speaker (Mr. Mati): I think we are taking up too much time of this unnecessarily.

I hope Mr. Njonjo will not pursue this point, but he did not make any allegation against Assistant Ministers, he was expressing his opinion that the wider you make the group, the greater the risk. It does not follow that all Assistant Ministers will dish out the secrets.

I think Mr. Njonjo can still make his point without stepping on the Assistant Ministers' toes.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am glad you understood the point because before the hon. Member made a stupid allegation—in my view—I did not say that the hon. Assistant Ministers would divulge information. In fact, Sir, there is an expression, and that is what I have been using, that there is no honesty among thieves. This is a general expression and has nothing to do with us in this House. It is just a general expression.

May I say finally, Sir, I accept the spirit of the Motion, but this requires consideration by the Cabinet and I can do no more than that. The hon. Member who has moved the Motion has urged the Government to have this matter considered and I will place it before the Cabinet. I will then be able to report back.

Mr. Speaker, I also have a very sharp tongue and if somebody wants to say something funny at my expense, I will give it to him squarely.

Although I cannot at this stage accept the Motion, I will place the matter before the Cabinet.

Mr. Mwithaga: Mr. Speaker, Sir, I would like to start by saying that the Attorney-General must not believe that we are all students of constitutional law. He, in his private capacity as a lawyer knows, and there is nothing impossible in trying to arrange a constitution the way you want it and as per the political climate that is in the country during a given period. Rather, he should have told us that he does not need to go to the Cabinet straightaway because he is with that Cabinet and has had to discuss this Motion with the other Members of the Cabinet before coming to the House. If he is telling us today that they do not discuss these controversial Motions, especially Motions pertaining to constitutional affairs, then I do not believe him.

Mr. Speaker, Sir, all that is being portrayed here now is fear; nothing else. Those of my political school of thought know this. A political chief, in most cases and in most political governments, would rather confine the powers to himself, rather than confine those so-called secrets to himself, because he does not want to be understood. He does not want anybody near him who can understudy him because there is no question of handing over. I am saying this with seriousness because if you think that we cannot have an inner Cabinet and an outer Cabinet in the

[Mr. Mwithaga]
Republic, then you are telling us it is impossible for you to understand the constitutional law and constitutional arrangements. If the House had said it would not back a constitutional amendment Bill providing for that inner Cabinet and the outer Cabinet, then the Attorney-General would be right to tell the House now, "You do not want it, so we cannot do it." But the House does agree unanimously, without him perhaps, that there is a need for this. Mr. Speaker, the Members who have spoken on this Motion said that what we want is to give the number two Ministers an opportunity to train themselves into men of promise and leaders of tomorrow. What is wrong in training a person for tomorrow's leadership? If we do not do that, Sir, then we will be saying that if we bring hon. Kibisu too near his Minister, deputizing in his absence, then the Ministry will be run, rather, by a group than the Minister himself. There are occasions, Sir, whereby the Minister himself goes to the Cabinet when there are very serious matters of high policy; but when matters are not of that high policy, then the Deputy Minister would go to the Cabinet. He goes to the Cabinet meetings, he knows what the Cabinet has decided, he also maintains secrecy and so it would be completely unbecoming for that Assistant Minister to go out and say, "Do you know what the Cabinet decided? They decided this and that. But this is just between you and me." Honestly, Sir, I cannot imagine anyone of them doing such a thing. I have never seen one of them so stupid. Leave alone these, what about the ones to come tomorrow? This is a thing we must avoid, this kind of fear that if you allow them to attend Cabinet meetings, the risk of secrets being divulged will be greater.

Mr. Speaker, I would like to say it is already there. I think this is a very important point to bring here. Who told Attwood about the Kenya Cabinet? Was that an Assistant Minister? We have read Attwood's report, he never quoted an Assistant Minister, he quoted Ministers. This is a fact. Therefore, Mr. Speaker, it is not good to try and look for a safety valve that is not there.

When the Minister is away the Permanent Secretary is the Minister. This is true. I have never been one but they—the Ministers—know it. I have never felt that pain but they feel it. The Permanent Secretary becomes the Minister. In fact, the Assistant Ministers we have today have no powers which are visible in those offices. They are not given the respect they are supposed to have because they are known to be assistants. We have a Speaker here; why do we have a Deputy? We have Permanent Secretaries; why do we have Deputy Permanent Secretaries? Why do we have deputies all over and not in the Cabinet? Mr. Speaker, does the case presented by the Attorney-General hold any water?

Hon. Members: No! No!

Mr. Mwithaga: Mr. Speaker, let us be honest with ourselves. The moment you start running a Government with fear, you are risking. It is not right to do that and those of us who may have had the opportunity to read the constitutions of other governments of the world are not, therefore, new political students. Most Members of this current Parliament have read them, and they know.

Therefore, Mr. Speaker, let us not pretend that we do not understand what the Motion wants. It is understood, it is a clear-cut issue. If we were to publish a Private Member's Bill, all these Members, including Ministers themselves, would contribute. I challenge the Attorney-General on this. They would contribute to publish a constitutional amendment Bill.

The Attorney-General (Mr. Njonjo): Rubbish!

Mr. Mwithaga: Mr. Speaker, Sir, he says, "Rubbish". I believe rubbish is in his head, not mine.

What I am saying is: they would all contribute because most of the Ministers, if the Attorney-General does not know, would want a strong deputy so as to help in running the jobs of his Ministry. If they were asked to say here, they would say it openly that having a good deputy would be all right. A lot of them have said this. The Attorney-General should be able to understand because he is always with them; I am always in Nakuru.

Therefore, Mr. Speaker, we have to accept one challenge, that this is a Government of leadership, we must organize a machinery whereby we will train our people to lead this country in case of any given emergency. A Minister may fall sick in Singapore for six months. You do not leave that Ministry being run by the Permanent Secretary because the moment that continues, then accusations and counter-accusations will continue, there will be confrontation between the civil servants and the politicians. A true politician sitting there as an Assistant Minister has his eyes open all round the Ministry, and if he sees things being done the way they should not be done, and he does not have the power to tell them, "Look, we have decided you are going to do this. Full stop", he has to wait for the Minister who will take some time before he comes back and in

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the meantime this chap is there doing nothing. He is a miserable Assistant Minister.

The question of a Deputy, therefore, Mr. Speaker, is a clear-cut case. The Vice-President should be happy to have a Deputy Home Minister.

Since the case has been understood and the Motion is going through anyway, I beg to move.

The Speaker (Mr. Mati): I will now put the question—— Order! That is out of order! When I am putting the question, there should be absolute silence. I will start again.

(*Question put and agreed to*)

The Speaker (Mr. Mati): Order! Before Mr. Kitonga moves his Motion, there are some minor corrections to be made. I am informed that Galole is not a district and so, where it reads "Galole" it should read "Tana River". There is also no need to say "Kitui East" because it is not a district. It should be Kitui, Garissa nad Tana River Districts.

MOTION

OPENING OF KENYA MEAT COMMISSION BRANCH AT THE BOUNDARY OF KITUI/GARISSA AND TANA RIVER DISTRICTS

Mr. Kitonga: Mr. Speaker, Sir, first of all I thank you very much for giving me this opportunity to move the following Motion:—

> THAT in view of the long distance between North-Eastern Kenya, Kitui District and the two Kenya Meat Commission factories, Athi River and Mombasa, this House calls upon the Government to open a branch factory at the boundary of Kitui, Garissa and Tana River Districts.

Mr. Speaker, this is quite a straightforward and frank Motion, which in my view, I think the Government will accept. Sir, this Motion means that the people of the area in question have never enjoyed the fruits of *Uhuru* because they have never been given any important industry as that one asked for in the Motion. Sir, the existing markets are already a long distance away from the area. It is very difficult to send cattle to the Kenya Meat Commission factory at Mombasa or the other one at Athi River. You see Mr. Speaker, we people in those areas have no other businesses from which we can earn our living. When we move our cattle to these markets at Mombasa we travel over 500 or 600 miles and by travelling on long distances like this some of the cattle die on the way before reaching the factory; some become thin and lessen their weight and some are unable to arrive at the factory. Mr. Speaker, Sir, I, therefore, urge this House and the Government to consider this very seriously since it is very well known that we do not have any other trade. We do not have cash crops in the area in question. We have seen that the Government has employed so many officers such as the livestock and ranching officers to encourage the people of the area I have mentioned in this sort of trade and to help them develop this trade. However, Mr. Speaker, Sir, if those officers are not to waste Government money or if the Government is not intending to waste its money, it should implement this Motion by building a branch factory at the boundary of the three districts.

Mr. Speaker, Sir, we are people living partly in the desert and in this place, as it is very well known, we have no other ways or means in which we can develop our area. It seems that the duties most of these officers I have mentioned are to teach our people good ranching and the benefits of good ranching. We follow all those instructions but in the end we gain nothing. You will find that Government from time to time gives orders restricting the movement of cattle to various places for selling because of Foot-and-Mouth Disease. This has become terrible in our area. We do not have place at all and we also cannot move our cattle from place to place. I can say that in a year the restrictions are made twice or thrice and this is discouranging livestock keepers and the ranchers in their business because they cannot move from one area to other restricted areas.

Now, Sir, what are we expected to do in order to have a chance of selling our cattle and improving methods of ranching as we have been advised by the Government? What else can we do? The answer is very easy and this is; we always believe that where there is smoke there is fire, and we as cattle-keepers in the said area, should be given first priority so that we can have our own factory within the area. This will make our future development in the area very easy. I believe, Sir, that if this is the Government of *wananchi* it should sympathize with the people of the districts that I have mentioned. This sub-branch of the Kenya Meat Commission should be in the Estimates of the next Financial Year, that is 1971/72 because it is very important. We have been saying here that it is the duty of the Government to develop such rural areas as the ones I have mentioned in my Motion. If this has not been a lip service by the Government then, I ask them to consider this case very seriously. We have always believed in the system of give and take and if the Government needs the confidence of the people, they should consider the day-to-day problems facing

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these people, the problems I have already mentioned. These problems are not facing only one section of the community in this country, but it affects the majority of the tribes of this country. If the Government helps these people out, they will all have confidence in the Government. There is no other way for Government to win the confidence of the citizens of this country but to treat them well. This is the only way of winning the confidence of the people but not with *bunduki*. There is no other way in which the Government can do that except by helping its people when they are faced with such problems, but to help people of different provinces, tribes and districts. This is a very serious matter indeed, Mr. Speaker, because we have heard the views of the people outside this House, the people of the North-Eastern, the people of Kitui District and the people of the Coast Province. These people are asking for only one industry, the Kenya Meat Commission factory. Why does Government not see it fit to establish a branch of the meat factory in the said area? We have seen very unnecessary things done by the Government, such as the salaries of the Permanent Secretaries which have been raised to over Sh. 5,000 a month. These salaries are only given to a very few people. If this industry were established, it would serve very many people and these people will support this Government and make it a very strong Government.

Mr. Speaker, Sir, this situation hinders our development unnecessarily because of the restrictions imposed on us by forbidding us to transport our livestock to the markets so that we can have money for other forms of development. This restriction has been there for a very long time. We would, therefore, ask the Government to accept the implementation of this Motion so that this market can encourage our people to engage themselves in the livestock business without any fear.

Mr. Speaker, Sir, we people from the area concerned—I do not want to talk much because this is nothing new and many Members would like to talk on it as they know the benefits and usefulness of this appeal of having a market in the centre of the area whose product is mainly livestock.

Mr. Speaker, Sir, I would also like to remind the Government that we, the people from the area in question, were neglected by the Colonial Government for a long time. Are we also going to be neglected by our own Government? This is the question I want to put to the Government. If the Government is committed to the policy of developing the rural areas of this country, they should take this Motion very seriously and implement it immediately. I appeal to the Government to take up this Motion as a matter of urgency. We have seen, in the past, that some people have been borrowing money from the Government in the form of loans and most of them have not paid back the money which they were advanced by the Government. If you calculate the amount of money given by the Government to individuals in the form of loans, you will find it amounts to millions and millions of shillings. Now, I am wondering what would be wrong for the Government to build only a branch factory of the Kenya Meat Commission for the people of the three districts. What is wrong with that? I am very serious about this and I feel as though I am about to cry over this. I am wondering whether our own Government has failed to see how much difficulty we face there as far as the livestock trade is concerned. We do not grow any cash crops in our area and our only source of earning our income is by rearing livestock. Let me cry for a while. This is terribly bad and I would like to appeal to the Government to take up this matter with urgency and seriousness.

Mr. Speaker, Sir, since I want other hon. Members to participate in this Motion, I would call upon the hon. Nthenge to second the Motion.

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

Mr. Nthenge: Mr. Speaker, Sir, I stand to second the Motion because I believe there is a lot of sense in what the Motion requests. First of all, we must accept the fact that the northern part of Kenya, a part of Kitui District, and a part of Tana River District are very dry places which do not have many crops grown but they are very fortunate in that the area is very suitable for ranching. It is the kind of a place where ranching will prosper very well. Of course, all the stock which can be raised there cannot be consumed wholly by the people who live around the area. They require to sell, probably three-quarters of their product.

Mr. Speaker, Sir, the first thing you find in this Motion is that it talks of distance, distance from Mombasa to some of the areas, the distance from Athi River to some of the areas. Mr. Speaker, Sir, one might ask: Why not mention places like Kisumu? The distance is equally long but, they have the advantage of having a railway line. Therefore, stock can be put on the train wagons and railed to Athi River. However, the northern side is not as fortunate as the western side because it does not have a railway line and it does not even have good roads. Therefore, for that reason, Mr. Speaker, Sir, the owners of stock

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and the traders find it very difficult, almost impossible, to move the cattle for long distances in order to reach Athi River. Some cattle die on the way; some get very weak and, therefore, are graded badly when they arrive at Athi River. For the information of those who might not know, in the Kenya Meat Commission, where once I had the honour to serve, meat is graded in accordance to the grade of the cattle or of the meat at the time of arrival. However, what happens is that if there are a lot of bruises on the cattle or if a beast is very tired and has been beaten up for along time, even if it would have been grade one, it might go down to grade four. Therefore, for that reason, you will find a trader who goes to buy cattle from distances of over 300 miles to 400 miles away from the factory and drives them to the factory and, sometimes they try to run away, the animals are liable to be beaten up often, running very fast and therefore getting very exhausted and tired by the time they arrive at Athi River. When they are butchered, the meat is graded very poorly and the payment, therefore, is in accordance with the grade. Therefore, the butcher does not realize sufficient money for the stock he had and, if he is a trader, he will be very much discouraged; if he is a farmer, he will also be very much discouraged. That is why the Member has considered it wise to try and help these people: the farmers and traders from the northern side of Kenya. They require to have a sub-branch in between because if you consider somebody who is for example, say, at Mandera, Moyale or in that place, to drive his own cattle from Moyale down to Athi River or down to Mombasa, it is really another business altogether: 600 miles to 700 miles, and mind you the animals have to eat and he has to go through various places and therefore this becomes very difficult. Therefore, if a factory is opened near those places, as suggested by this Motion, it would be a great relief to these people and it would mean that they would keep more cattle, better cattle and they would prosper more and Government would have some rich people to tax from the North. It would also mean that Government would have more meat in the country and we could export more meat to other countries which require beef. At the moment, the Kenya Meat Commission has a lot of orders from overseas for meat. It would be able to earn in foreign exchange by having more meat because those people would develop their pastures; they would develop the animals they have and it would be advantageous to the whole of Kenya.

Mr. Speaker, Sir, another thing that would develop is the spread of disease. For example, if an animal has to travel hundreds and hundreds of miles, the chances are that it will spread disease. It might go through, probably, a place which has a disease and in that way carry the disease and spread it to some other areas. So, if the distances are lessened, the chances are that we might not have so much spread of diseases and, therefore, that also might encourage the farmers to have more cattle because if you keep thousands of cattle and then they die, then you keep another lot and they die, you will feel very much discouraged. This is mainly because of diseases which are caused by long distance journeys whereby the animals might step on some kind of plants which are poisonous or something of the like and they spread the diseases.

Mr. Speaker, Sir, I feel that when a factory is built somewhere, it also does not only improve and benefit the farmers along but, it also creates employment. At the moment, Mr. Speaker, we are worried about the unemployment existing in Kenya. This is another creation of employment opportunities. The meat factory will give more people employment if the people from the North right now can improve their cattle and have their cattle benefiting and, therefore, they would produce more meat and more people would be employed at the factory. In that way, we will have solved another problem already existing in Kenya and that is unemployment. A lot of people will be employed at the factory and also more people will be employed at the ranches because better ranches will have to exist. However, if their market is at Mombasa, which is very far away, or at Athi River, the chances are that they will tend not to bother very much. For example, even if they get advice from the veterinary officers, they will still feel that even if they keep very good cattle, what happens at the end: the traders come, I ask them for a price and they offer me a very poor price. They say that the chances of losing on the cattle are very great because of the long distances they have to travel.

Therefore, Mr. Speaker, Sir, I feel that to get these two benefits of developing the industry and creating employment, there is a need for us to support this Motion very strongly and I would ask the Ministry to consider it very seriously. Some people might hear us talk of long distances and they may not know. I would like, therefore, to inform the hon. Members that the boundary of Ethiopia and Kenya and the boundary of Somalia and Kenya to Athi River or Mombasa is at least 600 miles. The shortest distance is about 600 miles to either of these two places. This means that animals will have to

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

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

[Mr. Nthenge]
travel for at least 600 miles—— And, of course, when we talk like this, Mr. Deputy Speaker, Sir, I would like to be understood: this is as a crow flies; that is in a straight line. Nobody will expect an animal to move in a straight line, it must meander due to hills and other natural barriers and, therefore, the distance will come to about 1,000 miles at the end.

Therefore, with those few remarks, I beg to second.

(*Question proposed*)

Mr. Munyasia: Mr. Deputy Speaker, Sir, before I speak on this Motion, I would like to sound a very vital warning to the Minister because I know there are other technical implications that he is going to reply to. These technical implications are the ones we have heard for the last eight years, or during the last Parliament and this Parliament, but we are now requesting the Government from time to time——

Sir, one of the implications of the Motion is that the Minister will stand up and say, "There is no railway system". That is one. Two, "There is no electricity"; three, "Water facilities". Now, these are the three vital points that I would like the Minister to reply to and that is why I said that I would like the Minister to give me a hearing because we do not want to hear these fishy things or fishy implications.

Mr. Deputy Speaker, Sir, this is a Motion which I think the Minister will not doubt agree should be passed and try to devise ways and means of how to tackle the issue. Sir, the North-Eastern areas of Garissa, Kitui and Galole are well known as being dry areas. They depend mainly on cattle keeping, and we have started some ranches. We have three ranching co-operative societies. One is known to the Minister as Kanyonyoone. The other one is Mikuyuni and the third one is Karoteni. Those are in Kitui. When you go further down to Kitui South you have a vast land where the inhabitants of the area can also create co-operative societies because there is a lot of stock.

When you go right to Galole there are also cattle keepers. In the northern part of Kenya there are also cattle keepers; that is Galole, Moyale and the rest of it. Therefore, Sir, you find that the distance from Moyale right up to the Kenya Meat Commission factory is over 1,000 miles.

Here, Government has tended to tell the people, "Okay, you can only sell your cattle to the Kenya Meat Commission in Nairobi, or Mombasa". Then there is what I may call a marathon walk. No matter how many days you walk. The traders who are engaged in this business employ people who escort the cattle. They spend almost a fortnight on the way. Now, Sir, imagine a herd of stock being escorted for a fortnight! Just imagine the distance travelled a day! A cow loses weight, it gets thirsty, catches diseases on the way, and even the people who escort them get sick on the way. Their eyes are also affected by dust, and by the time they arrive at the Kenya Meat Commission, the animals are valueless, the man is half dead and yet we are living—— Mr. Speaker, can Government not see this issue and assist us? The main question here, Sir, is Government—— The main Motion asks for a branch factory to be sited somewhere, either within Kitui or at the boundary of the three districts, so that it can serve and lessen the implications that the traders and the stock keepers face.

There is water in Tana River all the year through, but Government cannot divert it so that a factory can be built. Recently, we heard that in Embu a small village, not a district but a small location known as Kieni, was given Sh. 10 million for a water project. It is not the whole of Embu, but a location. When a Minister stands up he will say "when funds are available . . ." I want the Minister to stand up and say "Government is going to initiate a special project for water development so that a factory can be started". If he says "no" we want to know how Kieni qualified—the word "qualify"—for Sh. 10 million. A location?

Mr. Kitonga: Are you aware of that?

Mr. Munyasia: Secondly, Sir, there is no cash crop in all the areas mentioned in the Motion. In other places there are cash crops like coffee, tea and others. What is the cash crop of the three quoted areas? It is only livestock keeping. If livestock is a valuable cash crop to Kenya and abroad, why not help the people who are engaged in this industry? These people are the Kamba, Somalia and the Pokomo. These are the people who are entitled to have a factory without any further consideration. It is no good establishing a factory down in Mombasa or in Kakamega. There was an intention by Government to create a fish industry at Thika. The people of Thika have no knowledge of fish. There was such an intention. Therefore, Sir, we do not see any sense for this factory to remain in Nairobi, at Athi River and also at Mombasa. We want a branch factory right at the boundary of all the three districts so that the people of those areas can taste the fruits of *Uhuru*.

[Mr. Munyasia]

Lastly, Sir, it is the intention of Government to create small industries within the Planning period in the rural areas. If that is Government policy then this is one of the industries that the Minister should also agree to establish. I will go by the slogan of the Minister, "Our policy will remain our policy". If he is a Minister for policies, then let his policy remain as a policy of creating small industries within the forgotten rural areas so that the *wananchi* can also gain something during this Financial Year of 1970/71.

With these few remarks, I beg to support.

Mr. Araru: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance. Although whatever we say on Fridays, in this House, is just to keep the Back-benchers in this room because they have nothing to do, we just do our duty. We were elected by our people to come and express our views in this House. We do not have the right to go and beat the people so that they may accept whatever we say. If we were given that power we could beat people so much so that they would do whatever we pass in this House. I hope that Government will one day realize and take seriously whatever we speak in this House during Private Members' Day. I think they just take it as nothing. Even the whole Front Bench, is bare. The responsible Ministers and Assitant Ministers, even the Attorney-General, none of them is here. There are only two colleagues of mine, the Assistant Ministers, who I think are very responsible. Maybe, one of them is here just because of the Motion which affects his Ministry, but the others are not here.

Mr. Deputy Speaker, the building of this factory is not an expensive undertaking. My friend has brought it as it suits him and as he thinks right. Such a factory is not only needed in the places which are mentioned but in all districts in the North-Eastern Province of Kenya, if not in every district. Recently we were hit by drought. As you heard, in the whole area of Garissa, livestock died. If there was such a factory near, the people of that area would not cry out for a relief fund because they could sell their animals. They could get money to do whatever they wanted. But because there was no such thing near them they had to travel for 400 miles. My people at Moyale, the Borana, live on livestock. They have nothing else. The Somali also live on livestock; sheep, goats, camels and cattle.

Some of the people from the President's Office who took the relief supplies—I was travelling with them—saw themselves, animals dying, as they were being driven in search of water. We were just passing by the carcases of camels, cattle, sheep and goats. If you want to make sure you can ask Mr. Owuor of the Office of the President or Mr. Munene or Mr. John Kamau of the Christain Council of Kenya. I went with them and they saw this for themselves. When we drove from Moyale to Dabel which is 30 miles away we saw a lot of dead camels and cows. I was with the District Officer of Moyale. If we had such a factory near by, our people could benefit by selling their livestock which is the only property they have in this Republic of Kenya compared to some people who have buildings, and some other properties in such countries like England. However, the people from those places just look after their cattle which are but a few, perhaps 50 or 100 head of cattle in a herd.

Mr. Deputy Speaker, Sir, it is a very serious case if our Government will not be frank enough and do something in that part of the country. I have said several times in this House that we were promised—the tribes living in northern part of Kenya, for example, Turkana, Masai and the rest of the nomadic people—that we would be given priority in development. I was here during the political struggle in this country when Kanu, under its 1963 Manifesto, committed itself to the aforesaid undertaking. However, nothing has been done up to now. Can a Minister stand up here and tell us of any priority which has been given to those parts? Can any Minister pinpoint a particular factory in these parts? We are told by the Father of the Nation that towns are too crowded and that we should go back to the land. However, what should people go and do on the land? When they grow maize where will they sell it because the markets are as far away as 700 miles? The only alternative left to them is to sell it cheaply because there is no factory near them. These cheap buyers calculate the transport cost, storage cost, labour charge and then arrive at the amount payable for one bag of maize. Do you think a man can struggle with a bag of maize from the Aberdares or a *debe* from Kitale up to Maida's Unga factory? That is the reason why people are given Sh. 25 or Sh. 15 for a bag of maize and when that bag is brought down here in Nairobi it is sold at Sh. 60.

Let our Government be fair and let us not cheat ourselves and thereby make the rich richer and the poor poorer—especially the people who struggle on the land only to find that they do not get the fruit from the land. However, you will find people like myself who are dressed in suits getting the benefits due to those

[Mr. Araru]
people, and you will find the same people strolling in the town. Mr. Deputy Speaker, Sir, this question of a factory is very important as I said before. We are given this day to present Motions which require implementation by the Kenya Government which has the responsibility of seeing that something is done on them. I hope the Motion which we are discussing will be implemented as quickly as possible.

When the Assistant Minister, who is here, comes to reply, I hope he will tell us his views. I would like to thank a past speaker who has just said that only a part of Embu was given Sh. 10 million for development of water for irrigation; whereas at another part of Kenya people are dying of thirst because of lack of water. Although Government leaders are here they are not telling us what they are doing in respect of these people who are dying, including their livestock. Just look—people who have access of water which flows from Mount Kenya are given Sh. 10 million for water development! Can we be told whether we are enjoying the same justice? Can we be told whether all the citizens of this country are looked after equally?

Mr. Deputy Speaker, Sir, I always appeal in this House that we should enjoy the same treatment and have equality in respect of everything in Kenya. We warn our Government that this should be done if we are to avoid squabbles one day in this country. We know that there is a certain country at the extreme corner of that part of the country which is campaigning for its incorporation. Our people believe that they should stay in their own country—Kenya —if only what was promised to them is fulfilled and if what Baba Taifa says always will be executed by those people who are responsible for doing these things. I know, in my heart, that he is the only person who can do something for the good of his own people.

Mr. Deputy Speaker, Sir, we were told that Nairobi and other towns are too crowded and that the Government was going to develop rural areas. If that is the case, let them look at this particular part as a rural area, if they are interested to see people going back to the rural areas. Let the Government build factories in rural areas and let it follow the examples from different countries that are developed. The developed countries have built factories in the rural areas. Our Government has the time to read history of developed countries, for example, the United States of America; and in this way they can understand how the country can be divided in development circuits and how they can be responsible for their own citizens. Where will our boys and girls go if they will not learn from us so that they can know exactly what we are doing? This state of affairs has resulted in all of us going to towns for example, Nairobi, which is coming up as a European city, where nobody can have a chance of walking because of congestion. We just walk like machines! In fact, we have gone European! In other parts of this country you will see people sitting always on the streets playing the normal African games and the elders sitting under the trees enjoying and doing whatever they want. Mr. Deputy Speaker, Sir, let us develop in the same way and in same respect we are urging our Government to develop that area so that our people may be given jobs. In fact, the proposed factory is the only place where our people up north could be employed.

We understand that so many factories have been promised for Western Province, where a pulp and paper factory will be built. Even in the last Parliament, our colleagues were crying for that factory. However, you will find that most factories are brought down here in Nairobi, Thika or somewhere else. What I am saying is that if we have a factory near by, the price of our cattle or sheep or goats for that matter will go higher. Whenever the Livestock Marketing Department personnel come to Moyale they buy a grown up cow for Sh. 250 which normally is sold at Sh. 800 or Sh. 600. If instead of buying a cow for Sh. 250 at Moyale and assuming that favouritism is given, it is paid for Sh. 290. I know that when such a cow is brought to the Kenya Meat Commission it costs more than Sh. 650. You will recall that when drought struck that part of the country this city of ours and other towns went without enough meat and people used to complain with money in the pockets because they had nothing to eat. If such a factory was built at the proposed place and at any other strategic place like, say Rift Valley, Kapenguria area, Marsabit, Kitui and Isiolo you would never see anybody complaining of shortage of meat.

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

Mr. Ahmed: Thank you very much, Mr. Deputy Speaker, Sir. I would like to support this Motion because I have a little experience about this Kenya Meat Commission business, because I was working there as a representative of the traders in Garissa. I can recall that in Garissa we had about 85 or 90 traders who dealt in livestock business. However, at present we have about two or three traders and this is because there is something wrong somewhere and I think Government should

[Mr. Ahmed]
look into it and find out what is wrong with this Kenya Meat Commission. From Garissa to Lamu it is 175 miles and these traders were given time to take their animals to Lamu and then ship them to Mombasa. Therefore, they have to move their cattle non-stop for a distance of 175 miles up to Lamu. These animals grow thin and lose weight. Sometimes, you find that these animals are shipped to Mombasa and because they are living animals, after being moved for a long distance, they become thin and lose weight and when they die, the owners are not compensated. Mr. Deputy Speaker, this is why these people are running bankrupt. Furthermore, Mr. Deputy Speaker, when these people sell their animals to the Kenya Meat Commission for slaughtering, the Kenya Meat Commission first removes the skin, stomach, the kidneys and everything and after doing so, what remains is what they buy and this is a very small weight. So, Mr. Deputy Speaker, Sir, what you find is that if somebody bought a cow at about Sh. 300 or Sh. 350 and sells it to Mombasa Kenya Meat Commission, he gets Sh. 250 only and after that he has to pay those people who are looking after the cattle, the transport of the cattle and everything else.

Mr. Deputy Speaker, it is known that all our economy, and particularly so in the area I come from, depend on these animals and if the Government is reluctant to help these people, what does the Government expect us to do? Government must be very fair to us so as to show the people of the Eastern Province that they are part and parcel of this country, and if not, we are capable of doing something.

An hon. Member: What can you do?

Mr. Ahmed: Mr. Deputy Speaker, Sir, the people of the North-Eastern Province are not happy with the way Government handles their affairs and, therefore, I am warning the Government to do something for the people of the North-Eastern Province. I am sure it is very difficult for the Government to build a factory between Kitui and Galole because the factory requires a great deal of water. However, Government should do something to satisfy the people of the North-Eastern Province including the people of the Tana River District and the people of Kitui. As my hon. friend, Mr. Araru said some people who live in a place where there is a lot of water were given Sh. 10 million while the people of the North-Eastern Province are dying because of lack of water. Many people lost their lives during this drought and Government should feel it is the right time to do something. Therefore, Mr. Deputy Speaker, Sir, Government must find ways and means to help the people of the North-Eastern Province and particularly because we do not grow any crops and our economy depends on these animals and if these animals are not given a good market, good water and good grazing facilities, we are going to suffer a great deal. As a result, we are not going to be able to educate our children nor will we be able to do anything. Therefore, Mr. Deputy Speaker, Sir, I am appealing to Government to look into this Kenya Meat Commission business and at least do something good for the people of the North-Eastern Province and particularly these two districts.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Onyango: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion. Mr. Deputy Speaker, Sir, in view of the long distance between the North-Eastern Province and the two Kenya Meat Commission factories, I rise to support the opening of a new branch of the Kenya Meat Commission at the boundary of Kitui East, Garissa and Tana River Districts. Mr. Deputy Speaker, Sir, I am saying this for the simple reason that when a factory is opened at the boundary of these districts, first of all, it will save the animals from travelling long distances because when they do so, they lose weight which means at the time they are slaughtered the weight of the animals will be less than it originally was and, therefore, the price will be lower than the original price as well.

Mr. Deputy Speaker, Sir, the country at the moment is experiencing an unemployment problem and, I think, if a factory is built at the boundary, the unemployed may be helped because some people will be employed. At the same time a market will be created for the people who live near the factory because they will be selling vegetables, food and so on. Mr. Deputy Speaker, Sir, I know that the people of the North-Eastern Province own a lot of animals, but where to sell these animals is the problem, simply because the roads there are impassable and you find that the bushes in that place make it very difficult for those who take their cattle to Mombasa or elsewhere. Some of these people find it very difficult in their trade because when they are attacked by diseases, there are no health centres around to go to. Other times they find that they cannot get any drinking water for their animals and therefore, Mr. Speaker, Sir, without intending to take more of the House time, I would support that the Government opens a factory at the boundary of Kitui East, Garissa and Galole so as to help those people who are ranching there to benefit from being employed.

[Mrs. Onyango]

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

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, first of all, I want to thank the hon. Chief Kitonga for bringing up this Motion because it gives us an opportunity to explain to this House and to the country at large how we see the development of the livestock industry, particularly beef. Without wishing to be discouraging in any way, I want to say, first of all, that the area being described as a possible site for a factory is the least likely to be considered. There are very many factors and I do not want to use any of the factors that the hon. Munyasia raised when he was speaking for the Motion. About water, Mr. Deputy Speaker, we can always supply it in Kitui by drilling for it and for electricity we can always generate it by local generators and for transportation, we do not really have to use the railway line because there are many other methods of transporting finished beef from the factory. However, the most important reason, why I said this area is perhaps the least likely to be considered for a factory is even more fundamental. We do not have the kind of cattle, the kind of meat that is suitable for consumption in that area. The beef that we get from there is inadequate and very lean, indeed, and it is only after very careful fattening of these cattle that we can do anything much more with them. Therefore, the first consideration that the hon. Member should be worrying about is not putting up a factory, but is how to improve the livestock industry, the livestock husbandry in that area. In this regard, I note with some encouragement, that the Kitui people have done a great deal to establish organized ranches in the Kitui area and I hope that this trend will develop further and further in order to exploit the very vast areas that are potential for ranch management and livestock keeping. However, even when these ranches are developed and very well developed, the chances are that we will need to move the cattle to be finished, from these areas, nearer to Mombasa in order to service, not only Kitui and Galole areas, but also the Lamu District which is aggressively approaching the beef industry as you probably might have noted in the newspapers.

However, Mr. Deputy Speaker, at the moment, I think it is sufficient to say that we have a more than adequate capacity with which to utilize all the beef that is available for canning and also for the fresh meat supply in this country. We cannot supply the capacity of Athi River; we cannot supply the capacity of Mombasa which is, in fact, supposed to be supplied by the areas mentioned in this Motion. If one can afford to cast one's eyes a bit ahead, I say there are many other areas that will be more than justified in claiming a factory of a similar nature as the Mombasa one or even better. In this regard, I do not agree, Mr. Deputy Speaker, that we need to fight the development of other areas in order to justify our own development. I do not favour at all, the suggestion that because Kyieni, for example, has a water scheme and because we do not have a water scheme in Tana River, or in Kitui, therefore, Kyieni is not entitled. I do not favour, Mr. Deputy Speaker, the suggestion that because western Kenya is arguing for a case to establish a factory at Broderick Falls or another factory, they are not entitled to that factory because another area is also fighting the same issue. We have the overall responsibility of developing this country and we can develop it without having to fight the development of other areas in order to justify our own parochial Motions and parochial attitudes.

In this regard, I would also like to say, Mr. Deputy Speaker, that as far as the Ministry is concerned, Kitui and this area in question is by far not the greatest potential for livestock industry. For example, Mr. Deputy Speaker, Laikipia District is still the very largest reservoir of beef for this country. Added to this you can include Uasin Gishu and Trans Nzoia as great potentials for livestock development and if anybody wishes to see a rational development of this country, I think it is onerous for such a leader to see the rationalization of utilizing the amount of money that we have for development to the best advantage or to the best benefit of this country. You cannot build a factory costing £1 million just because it may create one or two other sources of employment. In fact, it will not create employment if in fact, there is no product to go into that factory, there is no meat that will be processed in that factory, there is not even the will to co-operate in the development of that industry. I hear——

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir, could the Assistant Minister tell us why he says that the factory which is being proposed in the area in question will not have enough meat to be processed in it? Where does the factory at Mombasa get its cattle supplies from while we know very well that there are no cattle in that area? From where do these cattle come, Mr. Deputy Speaker?

The Deputy Speaker (Dr. Waiyaki): That is not a point of order, Mr. Araru. You are putting your case.

The Assistant Minister for Agriculture (Mr. Wanjigi): Hon. Araru, Mr. Deputy Speaker,

[The Assistant Minister for Agriculture]
should listen because it is very important for him to understand how we intend to help his area and how much money we have ploughed in to help not only in the development of water in Moyale District but also in the development of livestock routes, disease control roads and opening up the entire area. To talk in terms of one area getting Sh. 10,000,000 because a water scheme is unwarranted or unjustified, I think it shows a lot of parochialism which is not in the interests of this hon. House.

I wanted to say, Mr. Deputy Speaker, that these range areas which are marginal in terms of livestock development will always be the greatest reservoirs of our livestock industry of breeding up our livestock, but the chances are that we will try and siphon these animals, generated from these range areas for the purposes of finishing the animals, to the high potential areas. This is why I mention specifically Trans Nzoia, Uasin Gishu, Nakuru District and the rest, as possible finishing areas. Because of this necessity we also hope that it is possible to put the future development factory programme nearer those areas where the animals are to be finished. This will make it easier to process the animals without an excessive distance being incurred or without having to travel miles and miles to the place where the factory is situated. But, before we get there we accept that animals do suffer a great loss of condition if they have to travel long distances without the necessary watering points, without opportunity to graze and without the opportunity to be serviced for disease possibilities and quarantine restrictions and so on. This is why, Mr. Deputy Speaker, we have submitted to this House very extensive programmes to try and improve the stock routes by the assistance we have had from the World Bank, from the Agency for International Development in the United States of America and also from the Swedish programme for water development. We think that if we should open up these areas with stock routes, with service centres for stock holding with also the possibility of elimination of disease not only in the area in question but throughout the country, then we have the potential, Mr. Deputy Speaker, of being the second Argentine of the world; the second country in the world that will be able to provide meat for the world because we realize that as trends go Argentina may, in fact, be falling down in terms of this very predominant position as the beef centre of the world. It is for this, Mr. Deputy Speaker, that I would like very much to appeal to this House to see the need for a very sober and rational approach to the beef industry instead of thinking of branch factories as if they were clinics or as if they were schools just because it fits me better to say about a factory here and there irrespective of whether that factory is going to make money, irrespective of whether that is a viable proposition, irrespective of whether there are other areas which are more than justified in claiming the same assistance. We cannot afford, I do not think, to tamper with this very great potential, in the livestock industry, by being parochial, by being short-sighted and by failing to accept the challenge of being national and being development conscious as leaders of this country,

It is with regret, therefore, Mr. Deputy Speaker, that I oppose this Motion.

Mr. Mwangale: Mr. Deputy Speaker, Sir, I have personally been interested in the development of the beef industry in this country for some time. Partly I have been so because professionally that is part of my line and because I think that the beef industry is likely to grow up to be one of the most important, if not the most important, agricultural sectors in this country. The potential for the production and export of our meat—when I say meat I include everything from cattle meat or beef to sheep and goat meat—is rapidly increasing. As far as I can remember from some of the figures I have here, the Kenya Meat Commission only exports about 40 per cent of the export demand for meat in general, from Kenya. In the world market, of course, as I say, there has been an increasing demand for beef cattle, and at the same time there is diminishing availability of range land in other countries in the world. Therefore, Kenya as a country, has one major opportunity; we have the potential for production of beef at a very high rate, at the same time, we have——

QUORUM

Mr. Ayah: On a point of order, Mr. Deputy Speaker, Sir, may I draw your attention to the absence of a quorum in the House?

The Deputy Speaker (Dr. Waiyaki): Yes, we do not have a quorum. Ring the Division Bell.

(*The Division Bell was rung*)

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): We still have no quorum. Therefore, the House is adjourned until Tuesday, 11th May, at 2.30 p.m.

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

Tuesday, 11th May, 1971

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

THURSDAY MORNING SITTING OF THE HOUSE

The Deputy Speaker (Dr. Waiyaki): Hon. Members I wish to inform you that on Thursday, 13th May, 1971 the House will meet at 9 a.m. and not in the afternoon as usual; and the House will not, therefore, meet on Friday, 14th May 1971 because it will be National Tree Planting Day. Thursday, 13th May, 1971 will, therefore, be a Private Members' Day.

ORAL ANSWERS TO QUESTIONS

Question No. 309

POLICE VEHICLES SOLD BEFORE REMOVAL OF COLOUR

Mr. Karungaru asked the Vice-President and Minister for Home Affairs if he would tell the House the reason why police vehicles were sold to members of the public before their original colour was removed.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Deputy Speaker, Sir, I beg to reply. The normal practice whenever police vehicles, painted in blue, become due for disposal by public auction is to partially spray the vehicles with grey primer paint in an attempt to obliterate the original colour. However, it has been noticed that due to the difficulty, and to some extent the cost of repainting these vehicles in lighter colours, the purchasers tend to have the vehicles resprayed in a similar blue to that used by the police.

There is no legislation restricting the use of Kensington blue coloured paint for police vehicles only.

In the event that it is considered necessary to completely respray or, alternatively, remove all blue paint prior to the sale of old police vehicles considerable expenditure on materials and labour will be involved. It is not at the present time considered that such expenditure would be justified.

Mr. Karungaru: Arising from that reply, is the Assistant Minister not aware that leaving these vehicles with their original colour not only causes inconvenience but also encourages robbers who are interested in misusing them for their own purposes?

Mr. Matano: Mr. Deputy Speaker, Sir, I do not agree with the allegation which the hon. Member has put forward because the police vehicles do not only bear the blue colour but they also bear "GK" numbers and this makes them completely different from ordinary vehicles that are running on the streets.

Mr. Jilo: Arising from the Assistant Minister's reply, can he assure the House that in future he will make sure that before these vehicles are sold they are to be painted with different colours, since he has agreed that these vehicles which are being sold with their original colours are being used by robbers for their own purposes—robberies?

Mr. Matano: Mr. Deputy Speaker, Sir, I did not agree. I said that I did not agree with what the hon. Member had said, and for another hon. Member to stand and say that I have agreed, I take exception to that. However, I would like to point out one thing. I said that there were two things: the cost of repainting different colours when we are selling these vehicles. At the moment we feel that the expenditure on this is not justified; the other thing is that when these vehicles are sold and the people use the same colour, we feel that there is nothing wrong with that.

Mr. Umuro: Mr. Deputy Speaker, Sir, can the Assistant Minister agree with me that these vehicles confuse the public and the police when they are engaged on robberies? Can he assure the House that he will ask the members of the public who buy these vehicles to paint them with different colours?

Mr. Matano: Mr. Deputy Speaker, Sir, robberies have been executed with very many vehicles bearing different colours, not only blue coloured vehicles which are usually used by police.

Question No. 235

MONEY EARNED BY COTTON GROWERS IN MERU

Mr. Muthamia: Mr. Deputy Speaker, Sir, I think this question was answered last week.

(*Question dropped*)

Question No. 321

CONTRIBUTIONS TO EAST AFRICAN COMMUNITY BY PARTNER STATES

Mr. Amayo asked the Minister for Finance and Economic Planning if he would tell the House—

(*a*) the amount of money paid to the East African Community yearly by each of the partner states;

(*b*) what percentage of shares they had in the properties of the community.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Deputy Speaker, Sir, I beg to reply. (*a*) In answer to the first part of the question, I should like to refer the hon. Member to subparagraph 4 (*b*) (ii), of Article 68 of the Treaty for East African Co-operation. The annual expenditure estimates of the non-self financing services, normally known as the general fund services, are examined and approved by the Finance Council and the required money is finally voted by the East African Legislative Assembly. When this has been done, the expenditure is financed in accordance with the formula set out in the said paragraph. Since the expenditure does not remain at the same level each year, it follows that contributions by the partner states also vary from one year to another. Here I will give examples of contributions made in two years——

Mr. Jilo: On a point of order, Mr. Deputy Speaker, Sir, I think the question is very clear. The Questioner seeks to know the amount of money which is contributed by each partner state every year and the responder is giving us a figure of two years. We want the amounts as per year.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): What does that interjection mean because I was about to give the figures relating to the contributions? It was at that stage that I was interrupted.

	Kenya	*Tanzania*	*Uganda*
1968/69	£3,579,379	£1,904,113	£1,789,079
1969/70	£3,668,653	£2,476,453	£1,879,411

As for the East African Community Corporations (Railways, Harbours, East African Airways and East African Posts and Telecommunications) I am sure that the hon. Member knows that these are self-financing.

(*b*) The answer to the second part of the question is that East African Community property is jointly owned by the partner states in undefined shares and the question of defining shares has never arisen.

Mr. Gatuguta: From the figures which have been read by the Assistant Minister, it is quite clear that Kenya is contributing almost half of the East African Community commitments. Can we be told whether we derive more benefits from the East African Community than the other partner states?

Mr. Cherono: Mr. Deputy Speaker, Sir, I think that is purely a matter of opinion; it is my opinion that this country obtains as much benefit or even more than the other two states in the East African Community.

Mr. Amayo: Arising from the Assistant Minister's reply, can he tell this House what are the big and many benefits which Kenya derives from the East African Community, which makes it contribute more than the other two partner states?

Mr. Cherono: Mr. Deputy Speaker, Sir, if I were to go into all the details of the benefits which Kenya derives from the East African Community, I think you will agree with me that it would be quite a lengthy answer and I do not think, on the other hand, that it would be in our national interests to discuss it here.

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir, can you ask the Assistant Minister to clarify what he has said because what Mr. Amayo asks is very clear: what profit do we derive from the East African Community to justify our paying more? We are not demanding to know details of every section but the total amount.

An. hon. Member: What specific benefits do we get?

Mr. Cherono: Mr. Deputy Speaker, Sir, the hon. Member wants me to give an example. However, the benefits which Kenya derives from the East African Community are quite obvious, as trade with the other two states——

An hon. Member: Point them out!

Mr. Cherono: I am sorry I am not going to do that right now.

Mr. Migure: On a point of order, Mr. Deputy Speaker, Sir, hon. Amayo has put it very clearly to the Assistant Minister that what we want to know are the benefits which Kenya, as a Republic, gets from the East African Community which justifies our paying more money for its maintenance. This should be stated because public funds are involved, despite the fact that he is trying to avoid the issue. Can he tell us specifically why we should contribute more money for the maintenance of the East African Community?

Mr. Cherono: Mr. Deputy Speaker, Sir, I do not know really what the problem is because the hon. Members know that we entered into the East African Community fully aware that there were advantages. I do not think the hon. Member is suggesting that since Kenya became a member of the East African Community it has run into disadvantages and therefore the Community only benefits the other two sister states. I would like to assure the House that this money is contributed in accordance with a certain ratio and from certain properties of the Community which I have said are jointly owned by the East African Community in accordance with the Treaty which

[The Assistant Minister for Finance and Economic Planning]

was signed. Therefore, there is no question of Kenya contributing more or suffering as a result of paying for the benefit of the other two states. That does not arise at all.

The Deputy Speaker (Dr. Waiyaki): I think we should avoid points of order. We will avoid points of order because we are wasting too much time. Mr. Amayo was on his feet.

Mr. Amayo: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, would he now tell the House that on the day of the dissolution of the East African Community Kenya will have a bigger portion after distribution of the property?

Mr. Cherono: Mr. Deputy Speaker, Sir, I really do not follow the question by the hon. Member because the question of the dissolution of the East African Community has not arisen at all. It is not in our interest—all I can say is that the Community should not be dissolved. I think the hon. Members are overlooking the point I mentioned about the "Articles of Association" subparagraph 4 (*b*) (ii). Here, the ratio in which the money is distributed is set out. The question of the property of the Community being divided —I think that is an academic expression.

The Deputy Speaker (Dr. Waiyaki): I think we should avoid further points of order.

Mr. ole Marima: Arising from the answer by the Assitant Minister, could he tell us what the determinant factor was in fixing the ratio of the amount of money to be paid by each country?

Mr. Cherono: Mr. Deputy Speaker, Sir, I will now refer the hon. Members to the Treaty itself.

Mr. Muturia: Mr. Deputy Speaker, Sir, since the Assistant Minister is unable to satisfy the House about the ratio would he then advise the House as to whether we should pull out of the useless East African Community?

Mr. Cherono: Mr. Deputy Speaker, Sir, since I do not believe that the East African Community is useless, the question of so advising does not arise.

Mr. Araru: Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, Sir, could you satisfy us on the question which was raised as a point of order on the benefits we get and thus feel obliged to pay more money? Are you satisfied with what the hon. Assistant Minister has told us?

The Deputy Speaker (Dr. Waiyaki): He gave an example. I do not know whether you heard it but he said that it was trade.

Mr. Araru: Mr. Deputy Speaker, Sir, could he tell us what we gain from the trade?

The Deputy Speaker (Dr. Waiyaki): That is another matter. It is quite obvious that if he gave the reasons—one of the reasons why we are in the Community is trade and I think that this is a good enough reason. That is the answer to the point of order that was raised.

Mr. Mbori: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House the order of importance of the partner states? For example, partner number one, Kenya, partner number two and so on? Can we be told?

Mr. Cherono: Mr. Deputy Speaker, Sir, I think that hon. Members know quite well that there is nothing of that sort. All the sister states of the East African Community are equal.

Mr. arap Chumo: Mr. Deputy Speaker, Sir, can the Assistant Minister, therefore, request his Ministry to rectify this agreement because if we are equal partners from today onwards we should pay equal contributions to the Community?

Mr. Cherono: I am sorry, Mr. Deputy Speaker, because I did not follow the question by the hon. Member.

Mr. arap Chumo: Mr. Deputy Speaker, Sir, will the Assistant Minister take steps to see to it that the Agreement is rectified so that all the partner states in the Community pay the same amount of money since they are equal partners?

Mr. Cherono: Mr. Deputy Speaker, Sir, there are machineries for correcting any imbalances or anything else which is not working in the Community, like the Tribunal. I think we have an adequate machinery for ensuring that whatever is wrong is corrected.

The Deputy Speaker (Dr. Waiyaki): The question was whether you will be prepared to advise Government.

Mr. Cherono: Thank you, Mr. Deputy Speaker, for reminding me. In the light of the existence of that machinery for correction, I do not think I can do that.

The Deputy Speaker (Dr. Waiyaki): We shall now move to the next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 321: CONTRIBUTIONS TO EAST AFRICAN COMMUNITY BY PARTNER STATES

Mr. Karungaru: Mr. Deputy Speaker, Sir, this being a very sensitive subject and matter, I would like to pursue it on a Motion for the Adjournment.

The Deputy Speaker (Dr. Waiyaki): If you submit it in writing you may do it.

We go to the next question.

Question No. 293

NAIROBI CITY COUNCIL COURT BROKER

The Deputy Speaker (Dr. Waiyaki): Is Mr. Mutiso here?

Mr. Nzelu, on behalf of Mr. Mutiso, asked the Minister for Local Government if he would tell the House whether—

(*a*) it was in keeping with the Government policy that a Nairobi City Councillor was appointed by the Nairobi City Council to be its Court Broker in some or all its civil cases;

(*b*) if it was in accordance with the policy, it did not open the way to corruption and it was a negation of all the principles of fair distribution of the prospects and wealth in our country.

Mr. Umuro: On a point of order, Mr. Deputy Speaker, usually when an hon. Member is not in to ask a question the hon. Member who is to ask the question on his behalf waits until the end of Question Time, just in case the Questioner comes in before the end of Question Time. Could he tell us where the hon. Member is if he is right to ask the question now?

The Deputy Speaker (Dr. Waiyaki): Yes, I think we could wait until the end of Question Time. That was a good point of order.

Next question.

Question No. 300

MORE COUNTY COUNCIL SEATS IN KITUI EAST

The Deputy Speaker (Dr. Waiyaki): Is Mr. Kitonga not here? Let us go to the next question.

Question No. 285

JOBS OFFERED TO NYAMBENE FREEDOM FIGHTERS

Mr. Muturia asked the Minister for Labour if he could tell the House the number of freedom fighters from Nyambene North who had been offered jobs in the Republic of Kenya.

The Minister for Labour (Mr. Mwendwa): Mr. Deputy Speaker, Sir, I beg to reply. All the Kenya nationals who register themselves as job-seekers are advised to go and get employment where it is available regardless of whether they come from the forest of Nyambene, Meru or Kitui. They are all regarded as the same people because, Mr. Deputy Speaker, there were no cards given to the freedom fighters. In fact, every hon. Member here was a freedom fighter.

Mr. Muturia: Arising from that very sensitive answer given by the Minister——

Mr. Ayah: On a point of order, Mr. Deputy Speaker. I want to seek your guidance because this is not the first time that this terminology has been used in questions here in this House. Perhaps some hon. Members ought to know what it means. Who are these people referred to in this question as freedom fighters? I gather that practically everybody did fight for the freedom of this country. Are there some fellows——

The Deputy Speaker (Dr. Waiyaki): Mr. Muturia, would you like to answer that or shall I answer it?

Mr. Muturia: Mr. Deputy Speaker, Sir, I am sure the hon. Member knows very well that he was not, at that time a freedom fighter. He was, actually, at school——

Mr. Wachira: On a point of order, Mr. Deputy Speaker. The question raised by the hon. Member seems to suggest that there were no freedom fighters. Shall I say that there were freedom fighters and that they fought for *Uhuru*? They were in Nyandarua and Mount Kenya.

The Deputy Speaker (Dr. Waiyaki): You are misusing a point of order. I do not wish the House to be drawn into this argument as to who was and who was not a freedom fighter, but I imagine that the word freedom fighter, specifically, in this question refers to the *Mau Mau* fighters. I do not think that everybody was a *Mau Mau*.

Order, I think there is a point of order.

Mr. Migure: On a point of order, Mr. Deputy Speaker. Do I understand that only the *Mau Mau* are called freedom fighters in this country and in that case even people who fought for political independence of this country, like the late T. J. Mboya, were not freedom fighters? It indicates that it was only the *Mau Mau*—and it also means that the other people who were, perhaps, not in the bush, but who fought for political independence of this country either constitutionally or through other means were not freedom fighters. Could I understand the opinion of the Chair?

The Deputy Speaker (Dr. Waiyaki): I have already explained the meaning in so far as it has been used in this House before. Since 1963, the two words "freedom fighters" have been used in this House in reference to those who fought in the *Mau Mau* movement. It does not follow, therefore, that the words "freedom fighters" specifically generally, only confine themselves to the *Mau Mau* fighters, fighters in a physical sense. This has been the meaning of these two words all along in this House.

Mr. Jilo: On a point of order, Mr. Deputy Speaker, Sir, since this has been one of the most burning issues in this House since we achieved

[Mr. Jilo]
independence, could the Chair define these words, "freedom fighters?"

The Deputy Speaker (Dr. Waiyaki): I said I did not want to be drawn and I do not think the House should be drawn, into this definition. I have already given the meaning as it has been used before on the Order Paper and in debate. You can go through the HANSARD and you will find numerous places where those words have been used in that sense. It is not for me, now, to define what this country should regard as a freedom fighter other than the way I defined it. It is not my job to define it. I think we shall not spend more time on that matter.

Mr. Mwendwa: Mr. Deputy Speaker, Sir, I am dealing with this question and I am quite capable of answering it. If they can only leave the question with me, I will clear this matter. The words "freedom fighters" are used in connexion with employment and I am in charge of employment. Why do they not leave it with me?

The Deputy Speaker (Dr. Waiyaki): Mr. Muturia, would you like to pursue this question any further?

Mr. Muturia: Mr. Deputy Speaker, Sir, arising from what the Minister has just said, that we leave the matter to him, may we, then, know how many freedom fighters you have employed from Nyambene, and I know all of them had cards?

Mr. Mwendwa: Mr. Deputy Speaker, Sir, if by freedom fighters the Member means those who joined the *Mau Mau* movement, they made a mistake in the first instance because they did not bring the cards with them to show us when they came to register as job-seekers to show that they were *Mau Mau*. We regard an individual as an individual when he comes to seek employment, whether he was a freedom fighter, a forest fighter or whatever he was.

Mr. Kanja: Mr. Deputy Speaker, Sir, with all due respect to the hon. very senior Minister of this Government, who expects those who fought for independence in Mount Kenya and Nyandarua and elsewhere to have been carrying cards with them while he was dancing as a Mkamba, is it not an insult and lack of gratitude to refuse to appreciate what some people did for this country?

The Deputy Speaker (Dr. Waiyaki): Order! Order! Mr. Kanja, would you withdraw the words "dancing like a Mkamba" because that is quite out of order?

Mr. Kanja: I withdraw.

The Deputy Speaker (Dr. Waiyaki): We move on now.

Question No. 251

LEASES FOR OYUGIS AND KADONGO PLOT-OWNERS

Mr. Mbori asked the Minister for Lands and Settlement: As buildings in Oyugis Market and Kadongo Market had 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 development with immediate effect.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, I beg to reply. My Ministry will issue leases to proprietors in Oyugis and Kadongo Markets as soon as we receive a request from the county council which has set aside and owns these markets. However, these leases cannot be issued until the markets have been planned, plots surveyed and demarcated and all particulars entered into the appropriate registers.

Mr. Mbori: Mr. Deputy Speaker, Sir, arising from that reply by the Assistant Minister and bearing in mind that these markets have been set aside, properly surveyed and included in the necessary details, could the Assistant Minister tell me what he means by as soon as they receive a request?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, would you not agree with me that the House is too noisy? I can hardly follow what the hon. Member is asking.

The Deputy Speaker (Dr. Waiyaki): It is understadable after that little confusion. Let us go on with Mr. Mbori's question.

Mr. Mbori: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and noting that these markets have been properly surveyed and the necessary details written in the county council's records, would the Assistant Minister tell the House how soon these leases would be released? Is it tomorrow, the day after tomorrow or next week?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, I have answered that one. I said this will be done as soon as the owners apply for what they want.

Mr. Araru: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister when he said: "as soon as the owners apply", does he mean that nobody from the markets in question has applied for these leases or title-deeds?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, the answer is no.

Question No. 279

DETAILS ON NEW MUTHAIGA ESTATE

Mr. Magugu asked the Minister for Lands and Settlement—

(*a*) whether he was aware of a newly created estate known as New Muthaiga;

(*b*) to give the House—

(i) the acreage involved in (*a*) above;

(ii) the previous owner of the said land; and

(iii) the date the subdivision was authorized;

(*c*) how much, in terms of Kenya Shillings, the previous owner paid for the said land and when;

(*d*) the number of plots which have been demarcated out of the said land and the average size; and

(*e*) the average price of each plot.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. The New Muthaiga Estate, formerly Hill Crest Estate, is made up of L.R. Nos. 8445, 19/2/1/R and 19/2/2/1 comprising, in total, approximately 163.24 acres.

The previous owner of the land was a company known as "Minival Limited" having as its Directors, Stephen Michael Lambrou and his wife Nafsika Lambrou, both of Greek nationality.

The subdivision was approved by the Nairobi City Council under its by-laws and recommended for approval to the Commissioner of Lands under the Town Planning Act on 30th July, 1969. It was approved by the Nairobi Land Control Board on 23rd March, 1970 and approved by the Commissioner of Lands on 28th April, 1970, and a slight amendment was made on 5th December, 1970.

The present registered owner of the land is a company known as "Matella Limited" having as its Directors, A. Rosica (Italian); J. Murumbi; B. Madella Amadei (Italian) and M. Rosica (Italian), and the sole handling agents are Messrs. Associated Estate and Finance Agencies Limited whose directors are Mr. and Mrs. Jan Mohamed of Nairobi. The present owners purchased the property from Minival Limited for Sh. 900,000. The transfer was registered on 21st December, 1966. The previous owner, Minival Limited, purchased the property in 1964 from Hill Crest Estate Limited for KSh. 519,875.

The area has been subdivided into 127 plots of an average size of one acre each. There is also an area of some three acres to be surrendered to the Government for public purposes. I understand from the Agents that 86 of the plots have been sold, and that options are held on the others. This means on remaining.

The best plots are being sold for KSh. 65,000 and the cheapest plots for KSh. 20,000.

An hon. Member: Of how much land?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): One acre. Sir, hon. Members will, of course, recall that it was the high prices of some of these plots and plots at Lavington and elsewhere in the city which led to the decision to buy large areas of coffee farms in the vicinity of Nairobi to make plots available to the *wananchi* on reasonable terms and in the statement of policy which the Minister gave on 29th January, 1971.

Mr. Magugu: Mr. Deputy Speaker, Sir, would the Assistant Minister take his pen and write down KSh. 900,000 and then deduct from that KSh. 519,000? Sir, after the deduction you find that there is something like KSh. 400,000 realized between 1964 and 1966. Will he then agree with me that this is pure land speculation?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, it is common knowledge that, as evidenced by the figures I have just quoted, this is purely speculation. This is why the Government has resorted to the decision of buying land within the vicinity of Nairobi.

Mr. Ayah: Mr. Deputy Speaker, Sir, according to the reply by the Assistant Minister—one of his replies, anyway—apparently the approval of both the Commissioner of Lands and the Nairobi Area Land Control Board did not come until some time in April. Now, would the Assistant Minister tell the House how it came about that people started advertising for applications and clearing the land long before this approval was made? What was the reason for this; or did they just assume that the approval would be given automatically?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, I am not aware of what the hon. Member is talking about because this land does not belong to the Government. It is a private land, but the information required by this House is what I have just provided now. I am saying, and I repeat it, that this kind of speculation which is taking place in Nairobi will be stopped.

Mr. Ayah: On a point of order, Mr. Deputy Speaker, Sir, I do not want to get into an argument with my hon. friend, but it is just because I probably did not understand him. However, my question was on what he said, that approval

[Mr. Ayah]
was given by the Commissioner of Lands and also by the Nairobi Land Control Board. He said this in one of his answers. Now, my question is: were these mere formalities or were they necessary for the development of the land? My information is that they started subdividing this piece of land long before the date you have mentioned as having been the date for approval by the Commissioner of Lands and also the Nairobi Land Control Board.

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, whatever was done by officials of my Ministry and the City Council together with the Land Control Board of Nairobi was quite in order. However, it is up to him whether or not to rely on his own information.

Mr. Magugu: Mr. Deputy Speaker, Sir, whereas I agree with the Minister that various consents are necessary, can he tell the House why the Land Department gave its consent in 1970—I think December—while still they had Land Control Board whose policies or whose activities are to control speculation on land amongst other things?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, whatever was done here is procedural. After the Land Control Board had approved the application of the seller, then the Commissioner of Lands is invited to prepare the title to register according to——

Mr. Magugu: On a point of order, Mr. Deputy Speaker, Sir, I think I am being misunderstood here. The final approval, which actually is given by the Commissioner of Lands, was given in 1970. In this same year, Sir, the Kenya Government had, under the Ministry of Lands and Settlement, Land Control Boards. These Control Boards are supposed to prevent this kind of activity. Now, why was this allowed to go through?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, this Parliament and my Ministry have people we think are competent enough to deal with this kind of affair and able to control land prices. This is the responsibility of the Land Control Boards. If the Land Control Board accepts and approves applications, then we take it that all factors have been taken into account.

Mr. Kahengeri: Mr. Deputy Speaker, Sir, now that the Assistant Minister has told us that the Assistant Minister has told us that the Ministry has decided to buy all the land around Nairobi, what steps have they taken in regard to plots, that are at the moment being negotiated for sale, in order to control the price?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, my Ministry will not do anything about individual plots which have not been taken because this has already been stated and it is up to the owner of the land to sell it to the willing buyer.

Mr. Kahengeri: On a point of order, Mr. Deputy Speaker, Sir, is the Assistant Minister not misleading the House when he says on the one hand that his Ministry has decided to buy the plots and on the other he said that he cannot do anything because these are individual plots? Sir, which are the plots that the Ministry is deciding to buy from the private land?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, I think the hon. Member did not understand what I said. Sir, what I did say was that Government is intending to buy land available around Nairobi, including that within the vicinity of Nairobi. I am not saying that Government is going to buy individual plots, say, one acre or three-quaters of an acre; we are not interested in those plots.

Mr. Kanja: Thank you, very much, Mr. Deputy Speaker, Sir. While I do not dispute the procedure followed by the Ministry of Lands and Settlement, would the Assistant Minister agree with me that if this kind of perpetuation, of allowing foreigners to buy land which is Kenyan soil, the Kenyans themselves will never be able to buy even an inch of land although they have money to buy it?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, it is not a discovery that foreigners own land. We all know that they own land here, but they are protected in the Constitution. If hon. Members want to change the Constitution, it is at their disposal to do that and my Ministry will act on directives given by this House.

Mr. Koigi: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the whole country and this Parliament are averse to hearing that the foreigners are purchasing land around Nairobi while our intention is to Africanize jobs and our own land?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, under the Land Control Act of 1967, no foreigner is allowed to buy land except those who get consent from——

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir, is the Minister not misleading the House when we know that a former American Ambassador, Mr. Attwood, bought 250 acres in this country; yet he is saying that foreigners are not allowed to buy land in this country?

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, the reason why there is confusion or misunderstanding is because the hon. Member is not

[Mr. G. G. Kariuki]
familiar with the Land Control Act. If he takes the Act and reads it, he will definitely see that no foreigner is allowed to buy land except in special cases which are subject to Presidential approval.

The Deputy Speaker (Dr. Waiyaki): We will move on now.

Question No. 297

AVARICIOUS LAND ACQUISITION IN KITUI EAST

The Deputy Speaker (Dr. Waiyaki): Chief Kitonga not in? Next question, Mr. Magugu.

Question No. 280

BREAKING PASSENGER TRANSPORT MONOPOLY IN NAIROBI

Mr. Magugu asked the Minister for Power and Communications if he would the House—

(*a*) whether he would consider, as a matter of urgency breaking the passenger transport monopoly in Nairobi which is now being enjoyed by one company;

(*b*) whether he would also tell the House why he has not acted on (*a*) above since the introduction of Sessional Paper No. 10 which, itself, does not leave room for capitalistic monopolies; and

(*c*) what action he has taken to ensure that this unskilled industry is in the hands of *wananchi* since Government declared its policy of putting economic control of this country in the hands of *wananchi* over a year ago.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Deputy Speaker, Sir, on behalf of my colleague the Minister for Power and Communications, I beg to give the following reply. (*a*) It is my intention to enter into discussions with all parties concerned regarding the provision of adequate public transport in Nairobi. In the meantime I see no reason to disturb the existing arrangements.

(*b*) My approach to this matter is guided by what I consider to be the public interest. I am not convinced that present transport arrangements in the city in any way conflict with the provisions of Sessional Paper No. 10.

(*c*) Plans are already under way to transfer majority control of the affairs of the Kenya Bus Service, Nairobi, to the citizens of this country by offering them 51 per cent of the shares. By May this year, the Nairobi Kenya Bus Service, the Kenya Bus Services, Mombasa; and the East African Road Services will merge into one holding company, and in accordance with a Government directive 51 per cent of the shareholding in the Holding Company will be offered to the members of the public. Already, the City Council of Nairobi owns 25 per cent of the shares in the Nairobi Kenya Bus Services.

Mr. Magugu: Mr. Deputy Speaker arising from—— My friend here should——

The answer to part one of the question was not given. To that and I will ask a supplementary question whether or not the Assistant Minister is in agreement with me that there is a passenger transport monopoly in Kenya, in fact, enjoyed by the United Touring Company.

Mr. Ngureti: Mr. Deputy Speaker, though I am answering this question on behalf of the Minister for Power and Communication, I have been a Member of the Road Transport Board in Kenya for six years. So I am speaking from my experience that there is not a complete monopoly as the Member refers.

An hon. Member: This is why you should be kicked off.

Mr. Karungaru: Arising from the Assistant Minister's reply, would he agree with me that in the City here we will only be able to get proper transport for our people who attend their duties in the morning and leave the offices in the evenings when the Government will do away with this kind of monopoly of Kenya Bus Services and thus enable the indigenous people to participate fully in this kind of enterprise?

Mr. Ngureti: Mr. Deputy Speaker, I said before, in my reply, that steps are underway to rectify any signs of monopoly in the transport trade.

The Deputy Speaker (Dr. Waiyaki): We will move on to the next question.

Mr. Gatuguta.

Question No. 252

C.P.E. RESULTS IN KIKUYU CONSTITUENCY

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

(*a*) how many students sat the Certificate of Primary Education examination in Kikuyu Constituency in 1970 and how many passed;

(*b*) how many of those who passed were admitted into high schools; and

(*c*) what was the cause of the poor results in this particular area of Kiambu District.

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

[The Assistant Minister for Education]
My Ministry does not register candidates for Certificate of Primary Education Examination on constituency basis and as such it is not possible for me to give the hon. Member the number of students who sat Certificate of Primary Education Examination in Kikuyu Constituency in 1970 or the number of students from the same area who secured places in secondary schools.

Mr. Gatuguta: Mr. Deputy Speaker, I would like to say that this is a very, very disappointing answer from the Ministry because some of our Ministers here are not bothered to give statistics of the things required of them by the country.

Now, the Ministry has a provincial education officer a district county education officer, and a divisional assistant education officer. Is it then true to say that these people do not keep the record of the students who appear for this examination?

Mr. Mbai: What I have informed the hon. Member in this House is that we do not keep these figures on a constituency basis. If the hon. Member wanted to know the number of students from Kikuyu as an administrative division who sat this examination in 1970, I would have straightaway told him that there were 1,185 students from the 30 primary schools in that division. Out of these students, 171 of them were found Form 1 place in Government aided and maintained schools.

Mr. Gatuguta: I am glad that the Assistant Minister is now coming to answering my question. My Constituency is based on administrative division. Could the Assistant Minister then tell the House, since from the figures he has given it appears that it is only a very small percentage of the students—in fact, less than one per cent—that were admitted to high schools, why was that the case?

Mr. Mbai: In fact, Mr. Deputy Speaker, this was quite a high figure, realizing the limited number of Form I places we have throughout the country in the Government maintained schools.

I would also like to inform the hon. Member that the total number of students in Kiambu District as a whole who sat this examination was 12,865. Out of those—of course, this includes his constituency—1,448 students were found Form I places in Government aided and maintained schools. This figure represents approximately 11.20 per cent of the students who were admitted in Government aided schools. This is quite a reasonable figure and I do not think that it is true—— Although I am sure the Member is anxious to see many more students get places in high schools, we cannot do that due to lack of such places.

The Deputy Speaker (Dr. Waiyaki): Next question.

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, part (*c*) of my question has not been answered by the Assistant Minister.

The Deputy Speaker (Dr. Waiyaki): He said there was no cause.

Question No. 264

HARAMBEE SECONDARY SCHOOLS TAKEN OVER IN 1971

The Deputy Speaker (Dr. Waiyaki): Mr. Masibayi. Not here?

Question No. 319

RENTAL SCHEME: MINISTRY OF EDUCATION

Mr. Amayo asked the Minister for Education if he would tell the House, since the Minister for Education had left the responsibilities of building and repairing classrooms and teachers' houses in primary schools to the school committees, if he would agree that a body responsible for buildings should prepare a rental scheme for the Ministry of Education to pay some amount monthly for use.

The Assistant Minister for Education (Mr. Mbai): Mr. Deputy Speaker, Sir, I beg to reply. There is always provision for charging rent for houses which are built to the Ministry of Works' specification. The majority of primary school teachers' houses are not rentable. Therefore, the answer to the question is, "Yes" and "No" at the same time.

Mr. Amayo: Arising from the Assistant Minister's reply which appears to be an almost definite one, "Yes", could he tell the House that the "Yes" which he has said includes the classrooms, not only the houses of the teachers?

Mr. Mbai: No, Mr. Deputy Speaker.

The "Yes" which I gave to this House did not cover the classrooms. This only covers the houses which are built according to the specification of the Ministry of Works, that is, up to their standard. Then, it is quite possible to assess and ascertain what type of building and what rent can be paid.

However, the majority of primary school teachers' houses are temporary and, therefore, they cannot be charged rent.

It might interest the hon. Member to know that the Ministry of Local Government has sent

[The Assistant Minister for Education]
a circular to the local authorities saying they will be responsible to maintain these buildings in primary schools—just maintain them—and this might help the school committees.

The Deputy Speaker (Dr. Waiyaki): We come back to Mr. Mutiso's question.

Question No. 293

NAIROBI CITY COUNCIL COURT BROKER

Mr. Mutunga, on behalf of Mr. Mutiso, asked the Minister for Local Government if he would tell the House—

(*a*) if it was in keeping with Government policy that a Nairobi City Councillor was appointed by the Nairobi City Council to be its Court Broker in some or all of its civil cases;

(*b*) if it was in accordance with the policy if it did not open the way to corruption and if it was not a negation of all the principles of fair distribution of the prospects and wealth in our country.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Deputy Speaker, Sir, I beg to reply. Mr. Deputy Speaker, Sir, as a matter of Government policy, Court Brokers are appointed by the Registrar of the High Court for specified areas. Within those areas, interested parties may select which of the authorized brokers or auctioneers they may wish to employ for their purposes.

In the case of Nairobi City Council what happened is that in 1968 the Council decided to put to tender the job of selling obsolete stock, which had been previously carried out by a firm of auctioneers for a long time.

The tenders were accordingly advertised, and when the Finance Committee met on March 19th, 1969 to consider these tenders, they recommended that the tender be awarded to a firm of African auctioneers, namely Young Traders Limited.

In the circumstances, Mr. Deputy Speaker since the correct procedure was followed, I do not consider that the fears of the hon. Member with regard to corruption are justified.

Mr. Nthenge: Arising from the Assistant Minister's reply, can he tell us whether it is only one Councillor who is an auctioneer or are there more than one?

Mr. Ogutu: Sir, this company of auctioneers which was awarded the tender, for the information of the hon. Member, one of the directors is a Councillor. However, being a Councillor was not the criteria taken into account for the award of the tender.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker——

The Deputy Speaker (Dr. Waiyaki): Order! Order!

Mr. Mutunga: Arising from the reply given by the Assistant Minister in his original reply he did not deny or agree that there is a councillor involved. However, would he tell the House how many firms were invited to tender in this case and what was the basis of the Council's selection? Would he further agree or deny that if this councillor he has mentioned is a director of that firm and if he did not use any influence?

Mr. Ogutu: Mr. Deputy Speaker, when the tender was advertised three firms of auctioneers tendered. The first tender was Kirima and Sons, the second tender was Muter and Oswald (Kenya) Limited and the third tender was Young Traders Limited. Kirima and Sons was the lowest tenderer, he had just obtained his licence of auctioneer. He had not tendered according to the specification which required him to meet all the cost of advertisement and cataloguing. Instead he said that the council would meet the cost of cataloguing and advertising.

As there was the intention of awarding tenders or jobs to African companies, Young Traders Limited which was the highest tenderer among the three was awarded the tender because Young Traders Limited met the required specification. They had tendered they would meet the cost of cataloguing and advertisement, and they also had financial stability.

Mr. Nthenge: Mr. Deputy Speaker, arising from the Assistant Minister's reply, do not Kirima and Sons auction properties of the City Council, and is he not the Deputy Mayor?

Mr. Ogutu: Sir, I disagree, because Young Traders Limited were awarded the tender and they are now the authorized auctioneers of the City Council.

The Deputy Speaker (Dr. Waiyaki): Order! The question was, whether or not Kirima and Sons do auction City Council property.

Mr. Ogutu: Mr. Deputy Speaker, Sir, I am not aware.

Mr. Koigi: Mr. Deputy Speaker, Sir, does the City Council allow their councillors to have special trading interests?

Mr. Ogutu: Could the hon. Member please repeat his question?

Mr. Koigi: Mr. Deputy Speaker, we understand from other quarters that councillors are not allowed to campaign for tenders in the council?

[Mr. Koigi]
The council should allow outsiders to come in and tender.

Mr. Ogutu: Sir, there was no question of councillors campaigning. This was a company registered as Court Brokers, tendering to be authorized auctioneers of the City Council.

When the tenders were being considered, the committee considering the tenders, of course, realized that within these companies the directors were councillors of the City Council, but this was not taken into consideration because the tender was advertised and the people who applied or tendered were considered.

The Deputy Speaker (Dr. Waiyaki): We will move on to question No. 300.

Mr. Mutunga: On a point of order, Mr. Deputy Speaker, you will remember I asked a question and at the time the Assistant Minister asked for this question to be postponed up to now. At that time I had received a written reply which is quite different from the one he has given the House today. He is answering the same question but with a different reply. Can we have your guidance on that, Sir? Why two replies to one question?

The Deputy Speaker (Dr. Waiyaki): Was the question you asked identical to the one asked by Mr. Mutiso, which is on the Order Paper today?

Mr. Mutunga: Yes, Sir.

The Deputy Speaker (Dr. Waiyaki): Well, normally you would expect Government to be consistent with their answers to the same question. I am not now aware of the circumstances which have led Government to change their answer because Government is in a position to do that whenever circumstances change. I expect there must have been some reason.

Mr. Ogutu: Mr. Deputy Speaker, Sir, the question was on the Order Paper last Thursday. I stood during Question Time and withdrew the reply which the hon. Member has. The answer I am giving now is the correct reply.

Question No. 300

MORE COUNTY COUNCIL SEATS IN KITUI EAST

Mr. Matiko, on behalf of Mr. Kitonga, asked the Minister for Local Government if he would tell the House if he could establish two county council seats in each location of Kitui East owing to the vast size of and the poor communications in the area.

The Assistant Minister for Local Gvernment (Mr. Ogutu): Mr. Deputy Speaker, Sir, I beg to reply. The hon. Member's question forms only part of a larger question involving a matter that affects the whole country. As I have already explained to the House on a previous occasion, when a similar question was raised by another hon. Member, it is the Government's intention to establish, for the purpose of future local government elections, single electoral areas for each councillor elected to a local authority. This means that an extensive exercise entailing a detailed examination of all existing electoral areas and electoral boundaries with a view to revising or restructuring them will have to be undertaken in the near future.

The Deputy Speaker (Dr. Waiyaki): We will move on to question No. 265.

Question No. 265

NUMBER OF PEOPLE EMPLOYED UNDER TRIPARTITE AGREEMENT

Mr. Tsuma, on behalf of Mr. Masibayi, asked the Minister for Lands and Settlement if he would tell the House, as promised, the breakdown figures of the number of people who were employed as a result of the Tripartite Agreement, showing also how many were employed by the Government as opposed to private firms.

Mr. Matiko: On a point of order, Mr. Deputy Speaker, question No. 265 appears to have been directed to the Minister for Lands and Settlement when it should have been directed to the Minister for Labour. Is this question in order, Sir?

The Deputy Speaker (Dr. Waiyaki): I do not know what happened but it is obviously a question for the Minister for Labour. Is the Minister for Labour here? Nobody to answer for him? Mr. Kibisu, the Assistant Minister is here, let us hear what he has to say.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Deputy Speaker, Sir, I apologize that there has been misdirection of that question. I, however, promise to give the breakdown tomorrow.

Question No. 297

AVARICIOUS LAND ACQUISITION IN KITUI EAST

Mr. Matiko, on behalf of Mr. Kitonga, asked the Minister for Lands and Settlement if he would tell the House, since some people in Kitui and especially Kitui East had taken to fencing around many hundreds of acres of land so that if there was land consolidation they would claim the land, if Government would take immediate steps to stop this avaricious activity.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Deputy Speaker, Sir, I beg to reply. The land in question is Trust

[The Assistant Minister for Lands and and Settlement]

Land vested in the County Council of Kitui which is the county council within whose area of jurisdiction it is situated. Consequently, if certain people in Kitui East are fencing large tracts of land so as to strengthen their claim over the same when adjudication and registration eventually takes place in the area, it is within the powers of the county council to take appropriate action against such people should the county council consider such claim to be baseless.

It should, however, be noted that the process of land adjudication and registration has been started in certain parts of Kitui District. Currently, work is in progress in Matinyani Location and very soon it will start in Mutongushi, Changwuithya, Mulango, Nzambani and Migwani Locations and eventually spread to other parts of the district. During this process, the rights and interests of Kitui people over their land will be determined by the various tribunals in accordance with the provision of the Land Adjudication Act, No. 35 of 1968, and no one will have land registered unless he is the owner of that land.

It should be further noted that it is in the interests of the Kitui East people to fence their land and clear their boundaries prior to the actual commencement of adjudication as this will speed up the exercise of land adjudication and registration when it is commenced in their area. The hon. Member should, therefore, urge his people to continue with this important preparatory work.

Mr. Munyasia: Mr. Deputy Speaker, Sir, while I agree with the Assistant Minister, and in view of the fact that these people who are referred to here—and it was said that they are fencing a vast acreage of land—settled there many years ago, and the county council has kept mum, would the Assistant Minister not consider that these people have the right to stay on?

Mr. G. G. Kariuki: Mr. Deputy Speaker, the county council has not kept mum. The hon. Member should approach the county council on behalf of his people and find out what is happening because on our part we are not going to turn ourselves into a tribunal.

The Deputy Speaker (Dr. Waiyaki): Let us move on to Question No. 264, Mr. Masibayi's question.

Question No. 264

HARAMBEE SECONDARY SCHOOLS TAKEN OVER IN 1971

Mr. Tsuma, on behalf of Mr. Masibayi, asked the Minister for Education if he would tell the House how many Harambee secondary schools were either taken over or aided by Government during that year, giving figures according to districts.

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I beg to reply. I wish to inform the hon. Member that a total of 30 Harambee secondary schools were taken over by my Ministry as from 1st January, 1971 in the following districts:—

Taita-Taveta	1
Kilifi	1
Meru	3
Kitui	1
Machakos	3
Isiolo	1
Kiambu	2
Nyeri	2
Murang'a	2
Kirinyaga	1
Nyandarua	1
South Nyanza	2
Gusii	1
Kisumu	1
Siaya	1
Al Kajiado	1
Turkana	1
Uasin Gishu	1
Kericho	1
Busia	1
Bungoma	1
Kakamega	1

Mr. Tsuma: Arising from that very elaborate reply, can the Minister tell the House how many Harambee schools were in each district, as he has explained that in some districts one was taken and in others two? How many Harambee secondary schools were in each district?

Mr. Towett: Mr. Deputy Speaker, Sir, with all due respect to the hon. Member's supplementary question, in my opinion that is a separate question.

The Deputy Speaker (Dr. Waiyaki): Yes, that is a separate question.

Mr. D. M. Kioko: Mr. Deputy Speaker, Sir, can the Minister tell the House the criteria for taking over these Harambee secondary schools?

Mr. Towett: Mr. Deputy Speaker, Sir, every time I answer a question which is similar to this one I give the criteria. First, it is the population of the children in the whole district, the second one is the number of children in the schools who pass the Certificate of Primary Education Examination; and the third one is to look at the whole country to see which areas deserve a secondary school.

Mr. Komen: Mr. Deputy Speaker, Sir, according to the reply which was given by the Minister, the number of schools which were taken over in Central Province were about eight and those which were taken in Rift Valley were only three. What was the actual reason when we had many passes in the province, and Kericho had even better results than other schools?

Mr. Towett: Mr. Deputy Speaker, Sir, each hon. Member would like to praise his or her own area, but in this respect, there were more children in the schools which were taken over than other schools. The ones with few pupils were left out for future consideration.

Mr. Amayo: Mr. Deputy Speaker, Sir, arising from the Minister's reply, can he tell us the two schools which were taken over in South Nyanza?

Mr. Towett: Mr. Deputy Speaker, Sir, the two schools which were taken over in South Nyanza, if the hon. Member is not aware of them and their whereabouts, are Isebania Secondary and Nyambaria Secondary Schools.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Deputy Speaker, Sir, is the Minister not misleading the House in saying that the whole country is well covered in so far as the question of Government take-over of Harambee secondary schools is concerned when it is an undeniable fact that the entire province North-Eastern Province has been left out altogether; not even one secondary school has been taken over there by Government? Is he not misleading the House?

Mr. Towett: Mr. Speaker, I never said that the whole country was covered, and the HANSARD reporters will show this.

Mr. Amayo: On a point of order, Mr. Deputy Speaker, Sir, the secondary school mentioned is not on the list of the schools in South Nyanza which we know. Can he tell us where this school is situated?

Mr. Towett: According to the latest geography of that place, Isebania and Nyambaria are supposed to be in South Nyanza. If I am wrong, then I stand to be corrected.

Mr. Mbori: On a point of order, Mr. Deputy Speaker, as it is clearly known that Nyambaria is not in South Nyanza, and since it is now enumerated South Nyanza, can the Minister assure us that he will give us name of another school in place of Nyambaria, which is in Kisii?

Mr. Towett: Mr. Speaker, Sir, I understand the earlier geography includes this place in South Nyanza. I will look into the correction and see what I can do about it.

The Deputy Speaker (Dr. Waiyaki): Let us now move on to the Question by Private Notice. Mrs. Onyango?

QUESTION BY PRIVATE NOTICE

SHOOTING AND KILLING OF ONYANGO IN MBALE, UGANDA

Mrs. Onyango: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice:—

(*a*) What led to the shooting and killing of Mr. Dominic Onyango by Uganda soldiers at Mbale on 22nd April, 1971; and,

(*b*) What action is the Government taking to procure compensation for the loss of life and to ensure the safety of other Kenya nationals now living or working in Uganda?

The Minister for Foreign Affairs (Dr. Mungai): Mr. Deputy Speaker, Sir, I beg to reply. This matter of Mr. Dominic Onyango is currently under investigation in Uganda and Kenya Government is in contact with Uganda Government on this matter plus a few others that we are investigating, and I think it will help a lot if we did not make any statement at this time until we have received a full reply from the Government of Uganda.

The Deputy Speaker (Dr. Waiyaki): That is a fair request, I think from the Minister.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, during the last Session before we went for recess, I remember, the Minister for Local Government had promised this House to come and report the question of labour recruitment in the City Council by the councillors. Up to now, Sir, this has not been done. Am I in order to ask why this has not been done through you?

The Deputy Speaker (Dr. Waiyaki): I do not think the Minister for Local Government is here right now. The Assistant Minister may be able to answer.

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir——

The Deputy Speaker (Dr. Waiyaki): We are dealing with a point of order.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Deputy Speaker, Sir, I will take the message to my Minister and I will make sure it is followed up and an adequate reply given to this House.

Mr. Ayah: On a point of order, Mr. Deputy Speaker, I appreciate what my friend, the Minister for Foreign Affairs has said, but I was hoping that he might make a categorical statement and say that when this information comes, he——

The Deputy Speaker (Dr. Waiyaki): You were late in this; in any case I will not allow any further questions.

Mr. Ayah: Mr. Deputy Speaker, Sir, my point of order is different. I was only asking whether since, as he said, because of the circumstances he cannot make the statement now, he would promise that when the investigation is completed he will definitely come and make a statement in the House.

The Deputy Speaker (Dr. Waiyaki): This was the implication.

POINTS OF ORDER

NEWSPAPER'S CRITICAL COMMENTARY ON LACK OF QUORUM IN THE HOUSE: MEMBERS CAN ONLY AVOID SUCH COMMENTARIES BY ENSURING THE HOUSE IS ALWAYS IN QUORUM

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir, last Saturday in the *Nation*—anybody who read the editorial commentary about lack of quorum in this House would agree we need an explanation. Secondly, in the same paper, the *Nation*, yesterday, there was an article written by Hilary Ng'weno about a barman telling a drunkard he is closing because of lack of quorum.

Mr. Deputy Speaker, Sir, regarding the importance of this House and these criticisms—I think there is no place more important than this House —what are your views? I say so because anybody reading the latter article, which was written in a joking way—three Members of Parliament who were talking, one of them was sleeping the whole of Friday in order to be able to attend to the General Gowon's arrival in time. The second one was saying that because Ministers were not there on Tuesday, the House had to adjourn. In the third part Mr. Ng'weno jokingly goes on to say that because the Minister was busy with his constituency, he was not paid because he did not also attend the House and so on.

Under our rules, in the National Assembly, it is only you who can comment. What is your view on this matter because it is affecting all of us?

The Deputy Speaker (Dr. Waiyaki): First of all on views on lack of quorum, I was here and I think Members should stay here right through. If we remain outside this Chamber and, therefore, create a lack of quorum of the House, we are bound to invite comments not only by the Press but by the public. The comments by Hilary Ng'weno, which I found extremely amusing, are intended to be in a light mood. The quotations that the Hon. Araru is making should be more amusing, say, than those by Mr. Ng'weno, and should be very much the concern of us here, except, in so far that we should keep our quorum in order to avoid such remarks. We were only lucky that we do not have "Punch" in this country. If "Punch" was here the remarks would have been more cutting. There is nothing Parliament can do to stop the public and the Press being interested in what goes on here.

As to the commentary that was in the *Nation*, that was a serious commentary and I think the hon. Members must take it extremely seriously. We cannot expect to be given the job to do only to find the House nearly empty, if not empty. I was in the Chair throughout. Therefore, if you want to avoid commentaries of this kind, then the answer is with us here; to keep the House in quorum.

Mr. Jilo: On a point of order, Mr. Deputy Speaker, Sir, since this was reported on the paper and we have agreed that this has happened twice since the beginning of this Session, does not the Chair agree that this has been encouraged by the Ministers? This is because the Ministers have been absent, and as a result they have been unable to answer some of the Members' questions. Would it not be in order that the Ministers are cautioned and warned that they should be on time in future?

The Deputy Speaker (Dr. Waiyaki): Yes, that is a fair comment on the part of Mr. Jilo. However, a quorum in this House is not in reference to the Front Bench. A quorum in our Standing Orders refers to 30 Members of Parliament, that is, the Front Bench and the Back Bench put together. It so happened that on that day, neither the Front Bench nor the Back Bench was particularly well attended; otherwise we would have had a quorum. I do not think we should enter into arguments between the Front Bench and the Back Bench.

ANY MEMBER—INCLUDING MINISTERS—CAN ASK A QUESTION WHEN HE CATCHES THE SPEAKERS' EYE

Mr. Muturia: Mr. Deputy Speaker, Sir, I have seen something funny in the history of the House and perhaps contrary to the little experience I have gained here. I have been used to seeing Back-benchers only asking questions to the Ministers. This afternoon, Sir, during the Question Time when Mr. Towett was answering a question I saw an Assistant Minister asking a Supplementary question to the Minister; how do we treat this situation?

The Deputy Speaker (Dr. Waiyaki): It is not for the Chair to stop any Member asking another Member a question. At least this question came up before when there was a debate here and I said that this was not a matter for the Chair but a matter for the Government. It has nothing to do with the Chair.

[The Deputy Speaker]
If a Minister wants to ask another Minister a question and he catches my eye, I am likely to allow him to ask it.

Hon. Members: Hear! Hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it not provided in our standing Orders that any Member can rise on a point of order; namely, a point of order is intended to bring the House to order. I though my hon. colleague, Mr. Khalif, stood on a point of order. What he said was that the Minister was misleading the House. Is it not in order for him to bring the Minister to order?

The Deputy Speaker (Dr. Waiyaki): I think he was in order and he would be in order if he stood up to ask a question; I would allow him.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, I would like to state here, in this House, that as far as Government is concerned, no Minister or an Assistant Minister is allowed to ask another Minister, a question, whether a supplementary or any other question.

Mr. Amayo: On a point of order, Mr. Deputy Speaker, Sir, I am seeking for your guidance. Since Ministers and Assistant Ministers are also Members and are representing constituencies in this country could we be told where they ask their questions, apart from this House.

The Deputy Speaker (Dr. Waiyaki): You know where they ask their questions. The Leader of Government Business who sits in this House and who is in charge of Ministers and Assistant Ministers has made the position quite clear. If a Minister wants to ask a question, he does not ask it here; obviously, they have their own ways of asking their questions elsewhere; not in this Chamber.

The Minister for Agriculture (Mr. Nyagah): On a point of order, Sir. I wonder whether I am in order to suggest that, in view of what the Leader of Government Business has just stated, your eyes should not avoid completely catching such a person?

The Deputy Speaker (Dr. Waiyaki): No, as far as my eyes are concerned, and the eyes of the Speaker are concerned, we are only guided by the Standing Orders. We are not to know what an hon. Member is going to say; he might even be going to help the Minister on his feet. Therefore, we cannot foretell. Unless the Leader of Government Business disciplines his team, we will never know how to defend this.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, I would like further to clarify the position. If any Minister or an Assistant Minister wishes to challenge the Government—of course, the letter of appointment made everything clear—the option is for him to resign and be in a position to ask questions.

The Deputy Speaker (Dr. Waiyaki): We will go on now.

An hon. Member: On a point of order!

The Deputy Speaker (Dr. Waiyaki): No; no further points of order. Order! Sit down!

BILLS

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN COMMITTEE

[The Chairman (Dr. Waiyaki) took the Chair]

THE CUSTOMS TARIFF (AMENDMENT) BILL

(Clause 2 agreed to)

Schedule—

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Chairman, Sir, I beg to move that the Schedule to the Bill be amended by correcting and inserting in the appropriate places the following figures and words:—

Tariff No. 15.07: The rate of Full Import Duty should read "Free";

Tariff No. 22.06B: The rate of Fiscal Entry should read "Per litre Sh. 4.18 or 66⅔ per cent";

Tariff No. 90.07A: The tariff No. should read "90.07B";

Tariff No. 92.12C: "Gramohone records" should read "Gramophone records";

Tariff No. 93.13: The Tariff No. should read "92.13."

Mr. Chairman, Sir, these are merely typographical errors and by these amendments, it is only intended to correct the errors that were made in the printing.

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

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

(Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Customs Tariff (Amendment) Bill and its approval thereof with minor amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT CONSIDERATION OF REPORT AND THIRD READING

THE CUSTOMS TARIFF (AMENDMENT) BILL

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, on behalf of the Chairman, I beg to report that a Committee of the whole House has considered The Customs Tariff (Amendment) Bill and approved the same with minor amendments.

Mr. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Education (Mr. Mbai) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, I beg to move that the Customs Tariff (Amendment) Bill be now read the Third Time.

The Assistant Minister for Education (Mr. Mbai) seconded.

(Question proposed)

(Question put and agreed to)

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

Second Reading

THE PETROLEUM (AMENDMENT) BILL

(The Assistant Minister for Finance and Economic Planning (Mr. Balala) on 6th May 1971—Resumption of Debate interrupted on 6th May 1971

The Deputy Speaker (Dr. Waiyaki): Nobody wishing to speak; the Minister for Finance and Economic Planning?

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, at this stage of moving to the final stage of the Second Reading of this Bill, I would like to thank the hon. Members who have contributed to the Bill before the House now. From the contributions made by the hon. Members, I am satisfied they are appreciative of Government moves to abolish duty on diesel, which is being vastly used by our farmers in this country. This has, in fact, relieved the farmers of a very big problem; an outstanding issue, on which Government has taken a very positive and effective step, and I am glad that this move has been supported and appreciated by the hon. Members. Needless to say when introducing this Bill, I narrated exactly the history behind the Government move, when we increased the duty on petrol and decreased the duty on diesel.

With these remarks, Sir, I beg to move.

(Question put and agreed to)

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

Second Reading

THE EDUCATION (AMENDMENT) BILL

The Assistant Minister for Education (Mr. Mbai): Mr. Deputy Speaker, Sir, I beg to move that the Education (Amendment) Bill be now read a Second Time. Sir, the purpose of this Bill is to amend the Education Act of 1968 so as to provide for the establishment of District Education Boards in the rural areas where primary education was being run by the county councils before the Government took over. Sir, when the primary education was under the county councils, there was a provision——

QUORUM

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, Sir, may I draw your attention to the fact that there is no quorum in the House?

The Deputy Speaker (Dr. Waiyaki): Yes, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. Waiyaki): We have a quorum now. Continue, Mr. Mbai.

The Assistant Minister for Education (Mr. Mbai): Mr. Deputy Speaker, I was saying that when primary education was under county councils before Government took over, there was provision for the local people to participate in the running of primary education in the rural areas through representation on the respective council education committees. However, since the take-over by Government, the primary education has been run by my officers in the field, and though effeciently, it has been found that there is an apparent need for a recognized body to be established through which the local people will tender advice and suggestions to the Minister with regard

[The Assistant Minister for Education]
to the administration and running of primary schools in the rural areas.

Mr. Deputy Speaker, on the establishment of these district education boards, which will be charged with the responsibility of running primary education in the rural areas, my Ministry will be responsible for formulation of general policy, financial control, direction and supervision of schools and the payment of teachers' salaries——

The Minister for Agriculture (Mr. Nyagah): I doubt if he will do all those things.

The Assistant Minister for Education (Mr. Mbai) Mr. Deputy Speaker, Sir, if the hon. Minister listens, perhaps I might clear his doubts. It is, therefore, considered necessary that the local people in the rural areas should be involved in the running of primary education in their respective districts. They can do so, Sir, through representation on these district education boards which this Bill seeks to establish.

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

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

Mr. Speaker, Sir, this used to be the case before independence and the district education boards were working very well then. There is no reason, Sir, why, if they are established, they will not do better than they were doing before, or even much better. Mr. Speaker, the Bill itself, as it is printed here, is quite short and straightforward. It has about six clauses. The first clause, which is 27A, provides for the establishment of these boards in the areas specified in the Bill, and clause 27B provides for the Membership of each district's education board. According to this clause, each board shall consist of not less than ten, and not more than 15, members. The composition of the board will include the provincial education officer, three representatives of the county council, three representatives of sponsors or managers of schools and one representative of Kenya National Union of Teachers. This body will be headed by a chairman, and will a secretary who will be an executive of the body. Although it is not provided for specifically in the Bill, it will be possible to include representatives of parents' associations and any other relevant organization provided the total membership of the board does not exceed 15 members. Mr. Speaker, clause 27C provides for the procedure of the board's meetings.

The Minister for Foreign Affairs (Dr. Mungai): On a point of order, Mr. Speaker, Sir, I am just wondering whether you could do something about this because, soon, we are going to expect a visit, in this House, of a very distinguished guest and Head of State and I see some hon. Members are walking out and a few minutes ago we did not have a quorum. Could you please appeal to them to stay in the House so that when General Gowon comes to visit us in the House he will find some Members and not find an empty House?

The Speaker (Mr. Mati): Yes, we have just received the information that General Gowon would like to visit Parliament for a few minutes. He is expected here at five o'clock. He will not stay for long and so I would ask Members to remain in the House until he leaves. It will also help if those who have friends around the building could let them know so that they can be in at that time.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I was on clause 27C, which provides for the procedure of the board's meetings and also provides for the meetings of the Permanent Secretaries in the Ministry of Education and that when a board is meeting and the provincial commissioner is out they can participate in the proceedings of the board without the right of voting. Mr. Speaker, Sir, I hope the Minister for Agriculture, who is very interested in this Bill, is listening.

Clause 27 (*d*) provides for the main functions of the board, which includes the preparation of estimates and the receipt of grants, etc.

Clause 27 (*e*) provides for financial control of the funds made available to the boards and the procedure which is going to be followed in order to maintain their books, etc.

The last clause, 27 (*f*), gives the Minister power to make regulations relating to the boards.

Therefore, as I said in my opening remarks, Mr. Speaker, Sir, this is just a very short Bill and all that it is seeking is to amend the existing Education Act and to provide for the re-establishment of district education boards which will help in the running of primary education in the rural areas.

Mr. Speaker, Sir, with the reasons that I have explained in my introductory remarks, I hope that the Members will not object, because some of the Members, if I may say so, have been pressing for the boards to be established and I am sure this is a good opportunity for them to support the Bill, and if need be, to suggest any other thing that, perhaps, might help in the establishment of the boards.

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

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Bill before the House; but I do hope, Sir, that at the appropriate time when the Minister comes to reply to the Bill, he will make it clear whether these district education boards are going to deal with all educational matters and of all educational levels: primary, secondary, technical and what-have-you. I would like to see, Mr. Speaker, Sir, if I may give my views, these boards specialize on primary education only. If the district education boards were allowed to give recommendations, even for the secondary schools, you would find that some districts would overload the advice with all sorts and types of secondary education and, perhaps, this might make the work very difficult in selecting which secondary schools, technical or otherwise are to be aided. This, perhaps, might help the Ministry if they allowed another body of a similar nature, on a provincial basis, which will have an overall picture of the whole secondary school development in the province.

Secondly, Mr. Speaker, Sir, I do hope that the hon. Minister, when he comes to reply to the Bill, will clarify the position of the secretary executive to the board because as it is now, I think it is all right for the Minister to appoint a chairman from among the board members, but, I do not think it is all right because it is very vague that the secretary executive will be appointed from a similar board. It could be from a similar board, but I would like to see it, if I may give my views, Mr. Speaker, Sir, stated clearly that the appointment of such an officer —the secretary executive to the board—will be that of the District Education Officer or of some other public officers who will be secretary to the board, keep minutes, follow up resolutions, and also who will be able to be the executive of such a board, rather than leave it that you can choose anyone from the members of the board to be the secretary—otherwise we shall find ourselves back in square zero where we had started.

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

(*Question proposed*)

Mr. Ayah: Thank you very much, Mr. Speaker, Sir. First of all, deferring certain observations which I shall make later on, I would like to support the Bill generally. The first thing, Mr. Speaker, I would like to do is to congratulate the Ministry for having thought fit to bring this kind of Bill to the House. I think it is important because for a long time the Members of this House and the other Kenyans outside have wished and expressed that there should be a local body to have a say or at any rate regulate the manner in which our primary schools are run.

However, Mr. Speaker, Sir, I still also want to say something about the composition of the board as set out in the Bill and also as mentioned by the Mover. We have just had an experience recently, Mr. Speaker, of the Government—and, therefore, this House—later on had to remove certain functions from the local authorities. The argument at the time was that there was a general inefficiency, and also that because of lack of finance—which was also because of a general inefficiency—these local authorities could not run the functions, for instance, of education, health and other things. Now, again, Mr. Speaker, Sir, we are being told that county councils or local authorities will have a big say in choosing members of these boards. I personally would not oppose that, Mr. Speaker, for the simple reason that I would like our local people to have as much say as possible in the running of the local affairs. However, it is necessary at this stage, Mr. Speaker, Sir, to ask the Minister, that there should be strict instructions by him to the local authorities as to what type of people they are going to nominate to these boards because, otherwise, Mr. Speaker, we might find ourselves going back to a stage where the Government, and perhaps, later on, the House, might be forced to either dissolve or amend the composition of these boards just because the local people are still playing politics in these boards.

Now, in such a situation, Mr. Speaker, Sir, I would like also to bring up one point, that is: in the composition of these boards, I would like it to be included, as a matter of policy, that all the Members of Parliament in the district should be members of local education boards. Now, Mr. Speaker, Sir, it has been said here, time and time again, that the reasons why sometimes the Members of Parliament are not included in these local boards, or in these local functions, is because they tend to play politics. They are, therefore, sometimes excluded from them. However, this is contrary to the actual composition as expressed in this Bill because members of the local councils are no less political than the Members of this House. It is only unfortunate that they deal with matters at a lower level and we deal with matters at a national level, but we are all politicians. For example, the Members who were in this House before and contested the election in 1969 will realize that some of the sharpest competitors in the elections were members of the local authority. Therefore, I see no reason, Mr. Speaker, Sir, why Members of Parliament

[Mr. Ayah]
should not be allowed to be members of these boards.

The second reason, Mr. Speaker, Sir, why they must be members of these boards is because, very often, the Members of this House are excluded from participating in the local bodies which are the development bodies. In other words, Sir, we do make laws in this House and most of the development plans, estimates and other things which we pass are carried out at the local level. If the Members of this House are not allowed and are not there on the ground to help carry out these development plans—for instance, education and other things—then they are excluded from a very important function of our Development Plan. I think it is important that hon. Members should consider it as a matter of urgency, as a matter of national importance, that we should be included in these education boards because I cannot see how the Members of this House will be sure that their thinking for their constituents and for their districts is catered for in these boards if they, themselves, are not allowed to participate in the boards' debates. I do not care, Mr. Speaker, Sir, whether the Minister thinks we can be either non-voting or voting members either here or there, but it is important that we should be able to be there physically so that we can contribute in the local development of our areas.

The point I would also like to raise, which I noticed in the Bill, Mr. Speaker, Sir, is in connexion with what the Minister said: that the Auditor-General—and I think he means the Controller and Auditor-General, or maybe the auditor for this board or another auditor who may be appointed—should see the accounts. Mr. Speaker, Sir, it is my contention, from the little experience I have of public finance and also because of the history of these local boards, that we should insist that these accounts should be looked at by the Controller and Auditor-General. This has the following advantages, Mr. Speaker, Sir, firstly, it will help the Ministry to keep a close and tight hand over the finances of these boards. This, of course, goes to improve the general efficiency of the boards. However, more important, this House will have a clear view of how money is being spent at the lower levels in our country.

I think the only constitutional office we have which can make these boards have their accounts well accounted for, well run and well presented for our approval, is that of the Controller and Auditor-General. I see no other body because, Mr. Speaker, Sir, I have the fear that—but I have no reason to distrust anybody—because of the general level of inefficiency which we have had in the last few years. I therefore think it is necessary that we should have the highest body in the land dealing with the accounts to go over the books of the local boards so that we know what is going on.

Mr. Speaker, Sir, I do not think it is necessary for me to go on talking about this, but I only want to re-emphasize my point that in the composition of this board I would like to see the widest representation at the local level and this is why I have suggested—and I will endeavour to include this at the Committee stage—that Members of Parliament should be an integral part of these local boards.

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

Mr. Gatuguta: Mr. Speaker, Sir, whilst supporting this Bill, I would like to associate myself with the remarks which have been made by the two previous speakers. The first one was made by the Minister for Agriculture, Mr. Nyagah. This question of appointing a secretary and an executive officer should be clarified because what are going to be the duties of a secretary and of the executive officer? In normal circumstances, the secretary should be the executive officer as well; that is the person who should be the education officer for that particular area. Therefore, this point ought to be clarified.

Secondly, Mr. Speaker, Sir, this question of excluding Members of Parliament from an important board like this one needs explanation because we are the people who are involved with the educational problems in our constituencies. It is unthinkable to imagine that a board like this one, which is expected to plan the development and all the other things, should do all these things without the presence of a Member of Parliament who represents that particular area. In this case, Sir, I think it should be the views of all the Members that Members of Parliament should not be excluded from this type of education board. Therefore, before we pass this Bill, Sir, we request the Minister concerned to bring an amendment to this effect.

The other thing, Sir, is the question of the composition of the board. I have no quarrel with it apart from the fact the Members of Parliament have been excluded from it and they are important people in the development of education.

Thirdly, the members who are going to be appointed in these committees or in these boards, their qualifications or their standards are not laid down. We must remember that we are dealing with education which is a profession or a subject which needs an expert to handle. We cannot just think of an ordinary councillor from anywhere

[Mr. Gatuguta]
being a member to advise the Minister for Education on what is going on unless that councillor is in a position to do so. In other words, I am trying to say that the Minister should have laid down the qualifications of these councillors. We know that some councillors are illiterate. We do not expect these people to plan education for the nation. Therefore, whilst agreeing that we should have some councillors in these boards, I feel that their qualifications should be laid down. We need some educated people in these boards; that is people who can understand what is required. There is no doubt that these councillors are elected by the people who know what the country wants, but when it comes to the question of technicality, if they are not qualified men or women they will merely become the rubber stamp of the education officer. Whatever, the education officer says they will accept it and just say, "yes". If that is the case, there is no use of having an education board if it is going to be run by one person. Therefore, we must have people who can discuss matters intelligently with the education officer in this board. These points are important and they should be noted by the Minister so that in his reply he can let us know what the position is.

I want to raise a few other questions. About the membership of the boards, under section 27 (*b*), clause 1, a number of things are listed down which include the following:—

(*c*) "three shall be nominated by the managers or sponsors of the schools or groups of schools in respect of which the board has jurisdiction".

We know there is a problem here. The managers of schools are very many in this country now. You have the Presbyterian Church of East Africa which manages schools; you have the Anglican Church, which manages some schools; you have the Catholic Church which manages some schools; you have the Orthodox Church, which manages schools and other various managers who manage schools. How are they going to get together and nominate three candidates unless you appoint the largest organization and let them appoint their own manager. In that case, the other organizations will not be represented. Therefore, this is a problem which the Minister must tell us how he is going to solve. There is another problem under clause 4, where it is said as follows:—

"where the office of a member of a board becomes vacant by reason other than the expiry of the period of such office, the Minister may, in accordance with subsection (1) of this section, appoint a person in place of such member who shall hold office for the remainder of the period of office of the member he replaces.

I think this is a complete contradiction of the whole thing because if you allow organizations like the managers to appoint or choose their own representatives, and you also agree that the trade unions of teachers should appoint their representatives, then it is absolutely wrong to say that if any of those members ceases to be a member for any reason the Minister should appoint somebody else to replace him until the end of that term. This simply means, for instance, that teachers appoint their representative to the education board today and he dies after one week and the Minister has to appoint someone in his place for the rest of the remaining period; that is, three years. That is absolutely wrong. This is because what should be provided here is that if someone ceases to be a member of the education board, then the organization that appointed him should be asked to reappoint someone in his place. This clause, I think, should go out of this Bill.

When we come to consider the general powers of the education board, it appears that the board is going to be simply an advisory organization and nothing more than that. I think this board is very important, Sir. It is very important because it is going to be concerned with the development of education in a district. It consists of men and women who know the problems of education in that area. To be merely an advisor to someone in Nairobi who does not know the local problems is absolutely wrong. Therefore, I think this board should have more powers vested in it, instead of being mere advisory board. This is because it is going to be a rubber stamp of the Permanent Secretary or of the Minister. If that is the case, it is going to be useless and the members will lose interest in it if they know that they will all the time be overruled when they suggest something because they have no powers to implement anything. It is a purely advisory board. It is said as follows—

(*a*) "to prepare and to submit to the Permanent Secretary of the Ministry of Education for approval estimates of revenue and expenditure;

(*b*) to receive, grants or grants-in-aid from public or local authority fund."

I think, Sir, greater powers should be given to this board. We are not told in the Bill, Sir, where they will get the money from. It is not said whether the members of the board will be paid sitting allowances, travelling allowances or not.

[Mr. Gatuguta]
This is not shown in the Bill. Where is the money to pay them going to come from? Where is the money going to come from if they are going to be paid remunerations and sitting allowances and travelling allowance? Without this, Mr. Speaker, Sir, members will not be able to attend and therefore the board may not be able to function. Therefore, this is another clause which the Minister should clarify and tell us where he is going to get the money to enable this board to continue functioning because this is not provided for in the Bill.

Mr. Speaker, Sir, these are some of the remarks that I wanted to make in connexion with this board and they are very important as far as I am concerned. Therefore, I hope that I will get explanations from the Minister when he comes to reply. The Minister is not in the House and I do not know where he has gone. Mr. Speaker, Sir, it is usual for a Minister to listen to Members of Parliament when they are speaking so that he can reply properly.

Thank you very much, Mr. Speaker, Sir.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Speaker, Sir. This is one of the most important Bills to be brought before the House, Mr. Speaker.

Mr. Speaker, Sir, we are told that experience is the best teacher. Mr. Speaker, Sir, formerly there were boards which were known as district education boards. I think this was during the Majimbo Constitution, and the education standard in this country was really high. Today, Mr. Speaker, the education standard has gone down; you can find chaps in Std. IV who cannot even write a letter. Even Std. V, there are chaps who cannot write a letter, Mr. Speaker, Sir. This is as a result of having done away with the former District Education Boards which were even incorporated in the Majimbo Constitution. Now, Mr. Speaker, Sir, we have a very low standard of education and therefore, I believe that here is the Bill that will bring back light. We have been in darkness and here is the Bill that is again bringing us back into light. Therefore, I feel that this is a very, very important Bill.

Having said that, Mr. Speaker, may I draw your attention to page 19 part 8 (*a*) under the heading "The District Education Boards". I am drawing your attention specifically at 27 (*a*) (ii) and I quote:—

> "A notice under this section shall specify the classification or types of schools or groups of schools in respect of which the board concerned shall have jurisdiction within the area for which it is established."

Mr. Speaker, Sir, I entirely agree with the first speaker and the Seconder of this Bill, hon. Nyagah when he said that we should be specific. He proposed that these boards should be for primary education only. Mr. Speaker, Sir, I would like to draw the attention of the House to the fact that District Education Boards were for the primary education and that even in the Constitution of *Majimbo* they were for primary schools. We can leave secondary education, technical institutes, and training colleges to be taken care of by different bodies or to be taken care of by the Central Government. But where the crux of the matter lies is with the primary schools. This is what we are supposed to improve so much in order to facilitate better brains at the top. Therefore, I think during the Committee Stage the Minister will see fit to bring in an amendment to state specifically that the District Education Boards will be for primary education and for the secondary education they can have another body or have the Central Government control it. We do not want to leave it to the Minister to think of types of schools and so forth. Let us just be specific and say that these boards will be for primary education rather than saying that there will be types of schools or groups of schools in respect of which the board concerned shall have jurisdiction. The board should have jurisdiction on primary education and that is all. Then, secondary education, technical institutes and other higher institutions can fall under the Central Governmet. In this way, Mr. Speaker, Sir, I am sure we shall have a very, very bright future for our children.

Mr. Speaker, Sir, I have no quarrel with the composition which is mentioned here. However, I have one point which I would like to mention here, Mr. Speaker. Just like one hon. Member said, there is no point putting a member on this board just for the sake of it; just because he happens to be a district commissioner or just because he happens to be a provincial commissioner. This is not the point, Mr. Speaker. To start with these people are already too busy; they have already too much on their plate. Therefore, we should take professional people who can plan education and not just anybody because it is provided for in the Bill. That is why I say the first member of this board which is mentioned here, Mr. Speaker is: "One member shall be a provincial education officer". Mr. Speaker, Sir, physically speaking, this man will not be able to perform all these functions. For example, Mr. Speaker, in Western Province, there are three

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districts. This man will not be able to be in Busia, Kakamega and Bungoma at the same time. Therefore, naturally, it should be a different man. This should be provided for here rather than putting in the provincial education officer. This will be putting too much work on this officer. He cannot be in three different places at the same time. Therefore, it should be specified that the district education officer in that district shall be the member referred to in the Bill. Let it be that way because it is no use including the provincial education officer here when he cannot be in three different places at any one time. Therefore, Mr. Speaker, Sir, I think my colleague may consider the fact that when these boards are established, the district education officer shall be a member so that we could do away with the provincial education officer because he cannot do everything by himself for he will have to appoint some other people.

Mr. Speaker, Sir, I would also like to say something on the section which says: "Three members shall be nominated by local authorities for the area of jurisdiction". Mr. Speaker, Sir, I do not want to repeat what has been said by my hon. friend but I quite concur with him where he says that those members of the local authorities shall be members who have known or who have any—— If he is a teacher, unfortunately the teachers are no longer going to be members of local authorities. But, I think somebody in the local vicinity or within that local area who has knowledge of education should be appointed but not necessarily coming from the members of the local authority. It is true, Mr. Speaker, that there are very, very few people who are going to stand for election in local authorities who have anything or who have any rough idea about education. This is because so far, the teachers are barred from becoming members of local authorities. I may be wrong, Mr. Speaker, and it can straightaway be said that out of the local authorities we shall not be able to get the right personnel to serve on these district education boards. Therefore, at least, it should be provided here, Mr. Speaker, that from a local authority in a given area a person—not a local authority member in the sense that he is elected—who is educated or who has any knowledge in education should be nominated to serve on the District Education Board, rather than having councillors serving in those boards who might not even know anything about education.

Mr. Speaker, Sir, I would like to raise another point on page 20 of the Bill under 27 (*b*) (iii) (*c*) where the Minister says that: "When the Minister revokes his appointment". I do not know under what circumstances this is but it should be made known to us so that the members of the board are aware that if they did this or that or the other the Minister will have the power to revoke his appointment. Mr. Speaker, Sir, this is to avoid any ill-feelings between the Minister and the members of the board. I am saying this Sir, because the Minister is not an Angle and therefore, if he does not like the hon. John Keen to be a Member of that board, he may as well say, "I am using my powers and John Keen is no longer a member of the District Education Board". Mr. Speaker, we must stop this, and there must be rules and if you go against certain rules laid down for the District Education Board, then it is only at that time will the Minister have the power to revoke his appointment. However, Mr. Speaker, it is said here, "In case of the Minister revoking his appointment". We do not want the Minister to be given this power because he is not an Angel. I have enemies and other people have their enemies as well, and therefore, if I am a Minister and I do not like a certain Mr. X, I just say that I have revoked his appointment. This, we must not allow. Although it looks very simple and it is all contained in one line, it is a very dangerous line which gives dictatorial powers to one individual to mess about with the future of the nation. Therefore, Mr. Speaker, Sir, let us have rules to the effect that if a member of the District Education Board acts, contrary to regulations like failing to attend a meeting for a number of days or this, that or the other, he will be required to resign or the Minister will revoke his appointment. However, Mr. Speaker, we should not leave it just like it is where the Minister can mess about with things and do anything he likes.

Mr. Speaker, Sir, on the same page, you will still find that under section 27 (*c*) (ii), they say:—

> ". . . the Permanent Secretary of the Ministry of Education or his representative and the provincial commissioner or his representative and any person invited by the Chairman, may be present at meetings of the board and take part in proceedings, but shall not be entitled to vote on any question."

Mr. Speaker, here again, there is duplication of work. We normally have one or two Permanent Secretaries in any of the Ministries. However, the Permanent Secretary, as it is said here, cannot be in 42 districts. Mr. Speaker, the point I am trying to put across is about too much centralization which delays the function and all the progress in this country and it is just about time we came out quite clearly and spoke our minds that as much as we would like to have the Permanent Secretaries, they should know that they have

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
enough—they have enough on their plates—and therefore should sit in Nairobi and let some other people also do some of the jobs. I am saying this, Mr. Speaker, Sir, because if 42 districts have to wait for a Permanent Secretary in the Ministry of Education or his representative to do everything, then we are not going to move at all.

Mr. Speaker, Sir, as the hon. Gatuguta said, it appears that this board is only going to be an advisory board to the Minister but has no teeth to bite. Mr. Speaker, Sir, there is no point in making boards which do not have teeth to bite. They must have teeth to bite and thereby provide what our constituents expect. If they have to wait for a reply to come from Nairobi here which usually takes a long time, this is extremely serious and this has been our experience. How many times have we voted money for given projects or for other buildings or headquarters to be built which has never been implemented? We find that the money was paid there, but it was sooner or later returned to the Treasury because there is all this tug-of-war—the Permanent Secretary has to write a minute and somebody else has to write this or that and before the Financial Year ends the money is returned to the Treasury. Must we repeat that by putting this load back to the Permanent Secretary? On the other hand, we as elected representatives of the people of this country are required to deliver the goods. You do not deliver the goods by having the money returned to the Treasury because some of the civil servants will come to you and say, "So-and-so is your Member, he has made a lot of noise in Parliament, that much you agree, but what has he done?" When the Member has made the noise and voted the money, it was sat on by that very civil servant and now, after the election, the Member is being told that he did nothing. Therefore, Mr. Speaker, we must not do this and this comes about because of too much centralization and so, we must try and decentralize things thereby providing our people with some services.

Now, Mr. Speaker, I cannot see how the provincial commissioner comes into this. Does it mean that once you are a provincial commissioner you are then master of everything? Mr. Speaker, Sir, there is no——

An hon. Member: Some of them do not even have a K.A.P.E. certificate.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, an hon. Member is saying that some of them have no K.A.P.E. certificates. Mr. Speaker, I do not want to go into the question of having or not having a K.A.P.E., but I want to be practical. What I was saying, Mr. Speaker, is; does it mean that once you are a provincial commissioner you are then an expert in education, an expert in agriculture, an expert in everything? I do not agree with this because it is not the case, Mr. Speaker. I believe that the Provincial Agricultural Officer is a master in his field and, therefore, anything to do with agriculture should go to the Provincial Agricultural Officer because he is an authority in that field. There is no point in putting Mr. Shikuku there just because he is a provincial commissioner and therefore, he must be a member of the agricultural board when he knows nothing about agriculture. Mr. Speaker, Sir, this delays the progress of our country and, at the same time, delays the delivery of the goods to our people and, therefore, I do not see where the provincial commissioner comes in here or his representative for that matter. What has the provincial commissioner to do with this?

Mr. Speaker, then they go further and say:—

> ". . . the provincial commisioner or his rep-representative and any person invited by the Chairman".

Mr. Speaker, Sir, I do not object to anything here because if the Chairman of the board feels that a certain Mr. X will be able to give bright ideas to the board, he should be invited, this , I agree. However, I totally do not see any reason why the Permanent Secretary in the Ministry of Education or his representative, who cannot practically go everywhere, should be paid to go down into business. I think the District Education Board should have powers and have teeth to bite and actually be allowed to function and perform the duties given to them in such a way as to meet the local needs. Here, Mr. Speaker, when you come to districts, there are very many divisions in those districts and, at the same time, there are very many locations and so on. When it comes to the question of who should represent a certain district in the District Education Board, it may be quite a serious problem. Therefore, Mr. Speaker, I agree and concur with the hon. Members who have so far suggested that Members of Parliament should be *ex-officio* or should be Members of the District Education Board. This will be a very fair representation. I am saying this because you will find that in Kakamega, for example, we have several divisions and we have several locations—19 of them—but if you tried to take three representatives from these locations to serve on the board, this would be very unfair because you may have all the three people coming from the same area or one from

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
this area and the other from that area when there are several divisions in the district. Therefore, Mr. Speaker, a Member of Parliament would be a better person to represent his people on this board though if this is done, there is fear that when you have so many members on this board they will be political. Mr. Speaker, we cannot run away from the fact. What is politics after all? Politics is almost everything. Even the way you look is political, Mr. Speaker. Everything is political. Mr. Speaker, one of the hon. Members is asking me "How?" The Speaker has curly hair which no *muzungu* has. That is political. No *mzungu* looks like that. Everything in Kenya, Mr. Speaker, Sir——

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to say that you have curly hair?

The Speaker (Mr. Mati): That could be based on Mr. Shikuku not quite being sure of what it is.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I said everything is political. We Africans naturally have curly hair, our hair is not straight. Therefore, the Speaker, being an African has curly hair. That is political. No *mzungu* or *mhindi* has that type of hair. Therefore, it is political. We also find that no *mzungu* is brown. Therefore, Sir, we cannot run away from politics. Mr. Speaker, I am being told that the district commissioners are also appointed politically, and we also know that Permanent Secretaries and Ministers are appointed politically. The Ministers' appointments are political. If that is so, why do you not face these things and stop pretending here saying, "Oh this is political and this is not——" We should face this and accept Members of Parliament on these boards without talking of politics because even civil servants are political.

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 dance whenever he is talking in this House? Can you not rule it out of order because that is not a parliamentary way of talking?

The Speaker (Mr. Mati): I think he was emphasizing his point!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Speaker, Sir; this point does not need any more emphasis because it is well known. I am sure, my colleague will see fit to include Members of Parliament as *ex-officio* members on that board when we come to the Committee stage of this Bill.

Mr. Speaker, Sir, I would like to draw your attention to section 27D (*a*) which states the functions of the District Education Board: "To prepare and submit to the Permanent Secretary of the Ministry of Education for approval estimates of revenue and expenditure".

Mr. Speaker, Sir, I do not have much quarrel with that but I would like to ask a question about the speed in which this can be executed. How many times have we heard, of local authorities, which have made their estimates, waiting for too long for approval, by the Ministry of Local Government? This frustrates the people and any intelligent man on this board having made all these estimates and then submitted them to the permanent secretary and there happens to be delay he will naturally be frustrated and say, "There is no point in submitting estimates if we submit estimates and then they are not approved although approval is anxiously awaited, only to find that nothing is being done". I hope that when my colleague stands up to reply, he will tell us whether the permanent secretary will be under an obligation that when estimates are submitted to him he will not sit on them and thereby frustrate the fuctions of the district education board saying, "You can do everything but so long as I am the boss that is nothing". That is where I agree with the hon. Gatuguta that these people should not be subjected to going on their knees before the Minister or before the permanent secretary. I believe that this will enable our people to run their affairs very well.

27B (*d*) section of the Bill states: To submit to the Minister for approval plans for the development or promotion of education in the area to carry out such plans if approved". Assuming that the district education board is made up of people who know more about education, they are supposed to submit their estimates to the Minister for approval and before such approval is endorsed they cannot carry out whatever they have submitted to the Minister. What will happen, I might inquire from my colleague, if the Minister has to deal with other pending matters or say he has gone to such places like New York etc. and the acting Minister says, "Well, I think we will have to leave this for the Minister concerned to sanction". This will be a delay again. Let me hope that the Minister will have time to approve this.

The last point is based on section 27D (*g*) which states: "... to superinted the management of public schools". Mr. Speaker, Sir, I do not see any

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
point behind this and I do not know either where they will be able to get the personnel to supervise the management of public schools because in the past, experience has shown when district education boards were in existence, most of those schools were poorly run because of lack of supervision. I would like to know from the Minister whether he has more money to pay these people—and I believe this money must be found if we are going to improve education. I can see that the amount which is stated here is very little. In the Memorandum of Objects and Reasons they say: "The enactment of this Bill will involve additional expenditure of public moneys amounting to approximately £10,000 per annum relating to expenses of the members of the district education boards".

I guess that this is only in terms of mileage, sitting allowances and so forth. I do not know where they are going to get the money to provide for the supervisors of these various institutions or schools so that they may be facilitated——

COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY MAJOR-GENERAL YAKUBU GOWON—HEAD OF THE MILITARY GOVERNMENT IN NIGERIA

The Speaker (Mr. Mati): Hon. Members may I invite your attention to the presence in the distinguished visitor Row of very distinguished visitors, our State guests, His Excellency Major-General Yakubu Gowon, head of the military Government of Nigeria and members of his entourage.

In spite of his many engagements His Excellency Major-General Yakubu Gowon has decided to alter slightly his today's programme in order to honour us with his personal visit.

What I want to assure him on behalf of the Kenya National Assembly is that he and Mrs. Gowon, who is not here at present, and members of the entourage are most welcome to Kenya and also here in the Parliament buildings; and we hope that at the end of their short visit, they will take with them happy memories and our very good wishes.

(Resumption of Debate on Second Reading of Bill)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, having welcomed our distinguished guests, I would like to continue with my speech.

I was in the process of concluding my speech and I was drawing your attention to page 22 where regulations are stated. I talked a bit about expenditure of which I expressed concern as to where money will be tapped from so that it is ensured that district education boards' schools are well supervised and managed.

The last point is about regulations which are found on page 22 of the Bill. Clause 27F states: "the Minister may make regulations—(*a*) prescribing the powers and duties of boards regarding the manner of establishment of new schools or groups of schools."

Mr. Speaker, I agree that these rules have to be made but I was wondering whether it would be advisable for the Minister for Education to see to it that such rules or regulations are brought before the House because our experience in the past has shown that such a thing like this one as it stands gives my colleague a blank cheque to make whatever regulation he wants to make. However, it so happens that having passed this Bill regulations which have to be made are made, probably by people who do not have the feelings of the people at heart and at times, such regulations can be very nasty; and then what happens is that when we go back to our constituencies and complain we are told by those executing, "This Bill was passed in the National Assembly and, therefore, we are only carrying out what your Members of Parliament passed". So, Mr. Speaker, having heard some of the rules governing our primary elections which were brought here by the Attorney-General—we debated them and we amended some of the rules and later approved them. That is a wonderful thing, Mr. Speaker, and we can take the blame when we face the public and say "Yes, we did this and we have passed this and if we have made a mistake somewhere, when we go back we shall rectify the mistake by having another amendment". So, I would appeal to my colleague that when he makes rules that concern us—education is the foundation stone of this nation—he should make these regulations, bring them to this House where we shall debate the regulations and pass them and then we shall have a joint or a collective blame or collective praise, if there is any.

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

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, the purpose of this Bill is very clear, and that is to fill a missing gap because since the Central Government started running education there has not been any other provision at a lower level to look after education.

[The Minister for Power and Communications] Through this Bill Government intends to provide that provision.

I would like to congratulate my colleague, the Minister for Education for providing this missing link in our educational system in Kenya. This Bill is also intended to improve the management of education. It is indeed a worthwhile exercise which is being introduced by this Bill.

The other thing which the Bill is endeavouring to do is to give a better administration to the education sector which is going to be governed by the provisions of this Bill but one other aspect, which I think is very pleasing, is the way in which this Bill has tried to put education very close to the local man. At the primary level, for example, when we provide nursery schools or primary schools we need to get the local people involved into the system as much as possible. This Bill is doing that and, therefore, I think it is a very worthwhile Bill.

Mr. Speaker, Sir, I would like to make three comments for my colleague to consider.

The first suggestion I would like to make is that since all the powers are with the Minister, the Minister here is trying to delegate some powers to the District Education Boards and there should be real delegation. I would like to support the hon. Member, who has just sat down, on this. In matters of primary education, for example, there should be real delegation so that the district education board has almost conclusive ability to make decisions on primary education. If this power is not completely delegated to the District Education Board, I think there will be delay involved. I would like to agree with the hon. Members that have suggested that delays in making decisions at Permanent Secretary's level will take place—delays of making decisions at ministerial level will come about and also delays in approval of petty cash will also come about. Therefore, in matters of primary education, I think there should be a very strong delegation of powers to the District Education Boards. This, Mr. Speaker, will provide a very close contact and involvement of education with the local people. The local people are the more knowledgeable people and they will themselves determine where they want a primary school instead of waiting for somebody in Nairobi, who is probably 400 miles, to approve a primary school in Kitui East which he may not know, or another one in Machakos, an area he does not know. Therefore, I think it is very important that such powers at the lower level are really exclusively delegated to the District Education Boards.

For secondary education, I think it is important that powers are delegated differently. The powers should be delegated differently at secondary school level because it is a different type of education. The Minister himself and members of his Ministry should be more concerned. I think, therefore, that there should be a difference in delegation of powers between the sector of primary education and the sector of secondary education in the Bill. This has not been made very clear and I hope that when my colleague replies he will distinguish between the two ways of delegating these powers as he had in mind in proposing this Bill.

My second point, Mr. Speaker, is the question of inspection of public schools. Any education system can only be strong if there is a strong inspection team. Our weakness has been in the inspection and supervision of schools. Therefore, I am very happy that in section (3) (*g*) of this Bill there is a provision for inspection.

I would like to support the hon. Members who have suggested that ways and means of showing how this inspection would be effective and efficient should be indicated in the Bill. If it is not covered, you will find that the £10,000 which is provided will only buy small things and not be for strengthening the system of education inspectionwise. Therefore, I would like to say that inspection should be managed and legal provisions should be made available to strengthen the schools' inspection.

There is a point that I would like to add. The schools concerned should not be public schools only. I would like to add that even private schools in the district should be covered. Mr. Speaker, Sir, a lot of people who run primary schools just exploit citizens and this has become a very paying racket. We have seen some people who say that they are running schools privately. They put away Government inspectors and they try to avoid anything to do with Government or the District Education Board's powers. Such people, I think should be caught in this Bill by the provision of a specific clause which says that private schools should also be covered for inspection. In some of the private schools you get people who work as dockworkers in Kilindini, who, as they go home, are asked to teach a class for 50 minutes, when they are already tired because they had been working somewhere else. I think that this is taking the education very lightly indeed. It is high time we took education very, very seriously so that we make sure private schools are properly inspected. Some of the private schools do not even have a

[The Minister for Power and Communications] curriculum or a system of work. The teachers do not have lesson preparations, and they have no curriculum that they follow. The history that they teach is colonially absurd and they go on teaching this kind of history. There is nobody to check——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. I think you will agree with me that the statement made by the hon. Minister is quite serious in itself. Namely that some chaps, the dockworkers at Mombasa, on their way home stop somewhere and are engaged in teaching. Could he not substantiate that they are dockworkers because I understand the Minister agrees with us?

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I actually meant coming from the harbour at Kilindini, after having done all the day's work, then, they are easily obstructed by a private manager of a school to go into a classroom and teach for 30 minutes when they are very tired. This is what I meant. It is common knowledge.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, are you satisfied with that substantiation because he should tell us the day on which this happened and where he saw it happen and which school this was?

The Speaker (Mr. Mati): Order! Order! What Mr. Ngala is saying is very general. You cannot pin him down to a specific case and I think it is the general feeling of the Members too.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I am very thankful to you for helping me out. Anyway, it is common knowledge which did not need any substantiation.

Now, Mr. Speaker, Sir, having made that point, I would like to make another point, and this is the question of the establishment of the District Education Board. What kind of establishment is it going to be because we do not want half-baked District Education Boards! We want a real establishment which will be meaningful to the running, supervision and management of the schools. In the past, we have had primary schools run by the county councils, which are local authorities and they have done their best. Now, a little time ago, we had *Majimbo* running the primary schools and they did very well. Therefore, there have been specific establishments that do run primary or secondary schools effectively. I would like to see that included in the Bill so that it is very clear as to what the establishment is going to be because if we do not do that here in the Bill, there will be weakness in some of the districts. There will be overlooking of some important aspects in some districts. Therefore, I think, this should be laid down properly so that some districts do not suffer just because they do not have people to look after them properly.

Some hon. Members are panicking now and they are in a hurry to speak and I will give them their time very soon.

Mr. Speaker, Sir, I would like to say that I oppose the Members of Parliament being *ex-officio* members in this board. I have some reasons for saying so. I am exactly in the same tone of the hon. Member who has sat down. I am not saying that Ministers should be there. I even oppose some Ministers being there. I think it is wrong for a Member of Parliament to try and take up everything in his constituency. Some of these hon. Members are often in Nairobi and meetings must be going on if we mean business so that every day, every week work is done properly and I think it is not right for hon. Members to be members of these boards. I would, therefore, appeal to the hon. Members to leave this job to some of your people who voted for you so that they can do this job, day after day, properly.

I would also like to say that in the representation, it is very, very important that some managers or representatives of schools are included as members of the boards because they know what they are doing and they have done a lot in our history here in Kenya to help with the contribution of education and I, therefore, think they should do even more.

Lastly, Mr. Speaker, Sir, I would urge that parents, particularly women, should be included in these boards because at this primary level most of the teachers there are women. Even in Parliament here we have two gracious ladies. Mr. Speaker, Sir, to avoid any blame from the ladies sitting at the back, I used the words "gracious ladies".

Mrs. Onyango: Mr. Speaker, Sir, who are going to be Members of District Education Boards because while we are in the just Government of men, why can he not talk of men only and leave women alone?

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, this is a just Government of men, but the meaning of "men" there is mankind, men and women.

Mr. Speaker, Sir, with these few words, I beg to support the Bill.

Mr. Seroney: Thank you very much, Mr. Speaker, Sir. I am not inclined to be as charitable as some of my colleagues. It is my view that the Bill before us bears a hallmark of something hastily concocted and something better could have been done about it. If, however, we agree with some of the things which Members have said, particularly some of the remarks made by the last speaker, the Minister for Power and Communications, it will be clear that extensive and serious amendments will be required. We have experienced, time and again, Ministers bringing in hasty legislation to this House and then telling us: "Please do not oppose it at the Second Reading but you have a chance to amend", then they make sure that you are not able to amend when you come to the Committee stage. I would like to quote the example of two Bills which have been steamrolled through this House. One of them affects the Ministry we are talking about, namely, the Ministry of Education. I am referring to the famous University of Nairobi Bill. There, we had many amendments which we wanted to bring up to make the Bill acceptable, but efforts were made to make sure that our amendments had no chance whatsoever. Therefore, as far as this particular Bill goes, I think it is acceptable and I hope the Minister and the Assistant Minister do not wish to be the odd men out in this House. I think it is generally accepted that we need many things to be amended and we would like, when the Minister or the Assistant Minister replies, to give an assurance that they will welcome amendments introduced and that they are not going to play tricks, such as they played in the past, and that when we make our decision, whether or not to accept this Bill for Second Reading, they should know that it will depend entirely on their agreement to accept amendments which have been expressed by Members in this House. We are determined to ensure that if the Ministers insist on bringing hasty legislation, we shall either throw these out or amend them properly and do the work of the Ministers themselves. I do not see why we should do the work of the Ministers and I do not see why we should not throw this Bill out. However, we have all been waiting for this move in the direction of decentralization. My own observation, as the Minister for Power and Communications said is that this does not go far enough. Now, Mr. Speaker, Sir, the drafting of this Bill reveals the mentality of those who drafted it.

Hon. Members: Hear! Hear!

Mr. Seroney: Sir, those who drafted it are guilty of a hangover. They are suffering from a hangover of Colonial Civil Service prejudice against politicians. It is all very well for civil servants to say that we are not interested in politics, we are above politics and we are there only to serve at the discretion of the President. However, one thing these civil servants forget is that the President himself is a politician!

Hon. Members: Hear! Hear!

Mr. Seroney: Now, Ministers also are politicians and it is strange that Permanent Secretaries who advise them on such legislation appear to respect a Minister and give him functions when they are hoping that the Minister will not exercise them but they themselves would exercise those powers on behalf of Ministers. Now, how often, Mr. Speaker, Sir, have we seen in Acts of Parliament, provisions that a Minister shall make this or that appointment when we have found, in actual practice, that Minister never make these appointments but they are either done by the Permanent Secretary on his own initiative or on the advice of the Permanent Secretary in the President's Office? The poor Minister, Sir, is simply a rubber-stamp!

Hon. Members: Hear! Hear!

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker, Sir, the hon. Member has made a very serious allegation that although provisions are made in Acts of Parliament here covering powers of Ministers the Ministers do not exercise those powers. Secondly, Sir, he says that Ministers are just rubber-stamps. Now, can the hon. Member substantiate what he has just said?

The Speaker (Mr. Mati): Order! Before Mr. Seroney explains further whatever he might have meant, it would be wrong to generalize. Where there is a big group like the group of Ministers, even if you could produce one case, that does not mean that all Ministers are rubber-stamps. It is dangerous to generalize in that way, and I think Mr. Seroney should keep off these controversial remarks especially where they are bound to affect people who might not be guilty of what he is alleging.

Mr. Seroney: Mr. Speaker, Sir, I will now——

The Speaker (Mr. Mati): Order! Order, Mr. Seroney! What is your point of order Mr. Ngala?

The Minister for Power and Communications (Mr. Ngala): On a point, Mr. Speaker, Sir, I am actually seeking your guidance, Sir. The hon. speaker has just said that where a Minister is to appoint a chairman of a board or a member of a board, according to a Parliamentary Act, the Minister does not do that! He says that he has some examples. He either gives the examples or he withdraws and apologizes to Ministers because we cannot be treated——

The Speaker (Mr. Mati): Order! I think you had better give Mr. Seroney an opportunity of explaining further what he meant.

Mr. Seroney: Mr. Speaker, Sir, as you said earlier, this is a controversial point. I do not know whether the Minister wants to be quoted as one of the examples, but——

Hon. Members: Hear! Hear!

The Minister for Power and Communications (Mr. Ngala): On a point of order, Mr. Speaker, Sir, this makes the situation even worse. We are entitled, I think, to substantiation on this point. He should point out where a specific Minister has to appoint a member of a board but he has not appointed him or where he has had to appoint a chairman of a board but he has not done it! Now, Sir, if he is quoting me as a specific case, he has to prove that, in my Ministry, that happens. This, Sir, is challenging Government integrity!

The Speaker (Mr. Mati): Yes, Mr. Ngala has a point there if Mr. Seroney still insists that there are Ministers who are rubber-stamps. In this case, then, he has to substantiate especially if he goes so far as to say that the Member, who is challenging him to substantiate, is guilty of that offence. Then, in that case he would have to tell us how he knows that. Mr. Seroney, Mr. Ngala is objecting to your allegation that Ministers are rubber-stamps and do not use powers given to them by Acts of Parliament, instead they let Permanent Secretaries do the work for them. So, unless you give a clear indication, I think, for the benefit of the House you might as well withdraw and then, continue with your speech.

Mr. Seroney: Mr. Speaker, Sir, in the interests of tranquility of the House I withdraw that remark. Mr. Speaker, Sir, I withdraw that particular remark especially as it affects the Minister himself. Now, what I find difficult to understand, Mr. Speaker, Sir, is the mentality that a Member of Parliament, who might have been a civil servant before he became a Member of the House—he may have been a teacher, he may have been anything—but the moment he becomes a Member of Parliament they become suspicious of him!

An hon. Member: He may have been a provincial commissioner!

Mr. Seroney: Yes, he may have been a provincial commissioner. We have them in this House, but there is a mentality that the moment somebody wears the label of a Member of Parliament, he ceases to be responsible! I cannot accept that proposition, Mr. Speaker, Sir, because many of us here are members of various boards and committees and I challenge anyone to say that we have carried out our duties irresponsibly. Many of us are members of boards of governors of various schools, some are even chairmen, and yet it is surprising—considering the mentality of this Ministry which is indicated by some of the circulars we receive which show the way the mind of this Ministry works—that by curious ways of thinking the Minister for Education does not trust his fellow Members of Parliament, even Ministers, to act responsibly and therefore, he has to ask them to leave some of these boards like boards of governors!

Having been a representative of the people both before and after independence I know what happens if we entertain these bodies which will operate in our districts and yet we have no say in them. Time and again we are challenged by Ministers when we say that the Government has done very little, it has not done as much as it should, we are challenged—what have you done yourself? Now, I wonder what a Member of Parliament, having voted the money, and having attended to his duties properly is expected to do? Is he expected to put his hand in his pocket and give out money to build new schools? One of the functions of the district education boards is making recommendations to the Minister regarding new schools, development and inspection of schools in general. Experience of those of us who have been in politics long enough shows that every time you appoint people to appear in responsible committees—it may be even Kanu chairmen—— We all know of places where a Kanu chairman does not happen to be a Member of Parliament and how the so-called Kanu chairman feels so important and use his position to undermine the Members of Parliament of the area. These people who are elected or who are appointed to Agricultural Finance Corporation, District Agricultural Committees, Joint Loan Boards or the committees appointed to do selection in settlement schemes—we know how they use their position there to say, "We have done this. What is your Member of Parliament doing? He is simply shouting and shouting."

If you take the example of my constituency, Mr. Speaker, half of it requires at least 30 schools. Am I going to be asked to stay out of the body which recommends new schools so that I have to go instead to somebody who may be my political opponent and who happens to have been nominated into the board and tell him, "Please, give me so many schools in Tinderet?" He will then be using his position when he wants to make a come back. I may have had defeated him and his supporters during the elections. However, they will now be using that position so that next time there is another election he will say, "All right, I have done this and that. What has your Member of Parliament done?"

[Mr. Seroney]

I think to avoid any of these things happening, we do not have to apologize for being politicians. We do not have to lose confidence in ourselves simply because some senior civil servants have no confidence in us and they do not want us to have confidence in ourselves. Let us make it quite clear that this is a political Government and we are going to be associated with it in every way. Some people are not going to say, "All right, politicians are not wanted here and there." That is why if the Minister or the Assistant Minister cannot assure us that he will accept the amendments to the Bill so that Members for the constituencies concerned automatically become—I am not suggesting that they be appointed—— They should become members of that board plus any others which the Minister may appoint.

The other thing, Mr. Speaker, again shows the mentality of the Permanent Secretary in the Ministry of Education. He has arranged matters in such a way that he has given himself the right to attend any district education board meeting. He has also divided power in two ways. In some matters, he has said that the board may advise the Minister. In matters of money, the board will be advising the Permanent Secretary and not the Minister. I cannot understand the thinking here because if the responsibility is given to the Minister, he must make the decision. After all, when matters are referred to the Ministry of Local Government, decisions are taken by the Minister. We know, of course, that he has his own advisers and so forth but the legal responsibility belongs to the Minister and not to the Permanent Secretary. I do not, therefore, know why the Permanent Secretary in the Ministry of Education wants to single himself out and give himself these powers. Therefore, if this Bill is to be amended, I think those provisions where it says that Permanent Secretaries or provincial commissioners may attend the boards' meetings should be deleted.

With regard to the functions of district education boards, there is one function which is omitted. That is the question of recruitment of teachers. We know that an existing Act of Parliament has created the Teachers' Service Commission. However, we have seen over the controversy regarding untrained teachers, what the Teachers' Service Commission has done. It picked up untrained teachers from one corner of the country and dumped them into another corner. I would like to see, if this Bill was to be amended to make it acceptable, that included in the services of district boards must be also the recruitment of teachers.

The Minister for Power and Communications has spoken in glowing terms about decentralization. I believe with him that decentralization must be effective. There is no point in giving us the appearance of decentralization if all the decisions will have to await the approval of either the Minister or the Permanent Secretary. As has been pointed out, that will lead to delays such as we have seen in the Local Government. Therefore, the functions of the boards must be made more executive than they are, already, in the Bill. I do not mind the Minister having the final and supervisory powers but at least these local boards should be given executive responsibilities.

With regard to proposals that the Minister may make regulations about the functions and procedure of the boards, I agree with the Member for Butere when he says that these regulations must first of all be approved by a resolution of this House. We do not want arbitrary rulings which the Minister may dream about one day and when he gets up he says, "All right, I must make this particular regulation." We know, for instance, one ruling which was made by Minister and which affected teachers' participation in Local Government matters. It is interesting to note that the Ndegwa Report suggests that teachers should be allowed to participate in Local Government politics. However, the point I am trying to make, Mr. Speaker, is that any regulations must be laid on the Table of this House so that Members can put forward ideas. After all the Minister is human and he can do well with different suggestions. He can test proposals in the light of what other Members feel. Once these relations are approved he will be confident that they have the backing of Members who will stand by him in the teeth of opposition.

The last remark I would like to make is with regard to the Auditor-General. I entirely agree with the hon. Member who says that public expenditure, at the hands of District Education Boards, must be available for scrutiny of this House. We do not want to allow situations where things go from bad to worse and then, as was done in the case of local government, the Minister came to this House and asked the House to authorize the Auditor-General to look into the accounts of local authorities. I think we can commence right from the start saying that since the District Education Boards will be spending public money their accounts must be scrutinized by the Auditor-General and be the subject matter of the Public Accounts Committee exercise which we undergo every year.

I feel the Bill does not go far enough, it merely says that the Auditor-General may be appointed but it will require his consent. I do not actually know the meaning of that particular clause. Why say the Auditor-General may

[Mr. Seroney]
audit the accounts and in the second breath say that he cannot be appointed without his consent. I think this confusion can be removed by leaving no loophole whatsoever, by simply saying that this being public money, it shall be scrutinized by the Auditor-General on behalf of this House.

With those remarks, Mr. Speaker, I trust that those who support the Bill, and particularly the Minister when he comes to reply, will set our fears at rest so that we may be able to support the Second Reading of this Bill; otherwise we will not do so.

The Assistant Minister for Housing (Mr. Bomett): Mr. Speaker, Sir, I would like to say that the idea of establishing these District Education Boards is a very welcome one indeed and, in fact, I think this is long overdue. In fact, having been a member of District Education Boards in the past during the colonial days, I do know the work that District Education Boards used to do, and I do know that the standard of education has gone down tremendously in primary schools especially, due to arbitrary decisions carried out by officers without directions from an appointed body of citizens to look after the interest of the people.

Having said that, Mr. Speaker, Sir, I would like to remark that the Bill, as it stands at the moment, is short of what is desirable. It is short, indeed, and I would like to appeal to my colleague, the Minister for Education, to examine ways of improving this Bill so that at the Committee stage the necessary amendments can be brought in. Otherwise if we pass it as it is, it will be just a body to advise the Minister, that is all. We shall still have interference which is very common indeed nowadays in every given sphere of life in this country.

Sir, the people of the country have fought very hard for democracy and they cherish it. Therefore, I think it is time we decentralized most of the things so that people in a given district have a lot to say about the matters that affect them from day to day. This is very important, especially in education. It is extremely wrong, for example, Sir, when I read this Bill, not to see the powers given to the District Education Boards. I see very few powers, especially in connexion with the appointment and dismissal of teachers in primary schools. This function should be taken back to the District Education Board. It is very important that parents have a say, in a given district, about who will teach their children in the early stages of education, Std. I, II, III and so on, where the vernacular language is so important. The Teachers' Service Commission should have the function of appointing teachers who teach in secondary schools, but appointment of teachers, transfer of teachers and so forth as far as primary schools are concerned should be delegated to the District Education Board as they used to be. I think this is of paramount importance.

Mr. Speaker, that was one contribution I feel I should make as far as the powers of the District Education Boards are concerned.

I also think that the District Education Board should have funds from the Ministry of Education to recruit supervisors who will be under the District Education Boards as they used to be, and they should also have a say. In fact, they should advise the Education Officer and the Minister as far as the supervision and control of schools is concerned—as he said here—but there should be some more direction and delegation of powers. It is wrong, Sir, to have, as I see it, so many people who are not concerned with education, especially the administration staff. It is a system which we adopted from the British, that every board, be it Agriculture, Veterinary, Education, or anything, administration must be there. This is a suspicion which I do not understand. If the administration which is under the President does not trust the Ministry of Education, then there is something wrong somewhere. The Ministry of Education is part of the Government and, therefore, I do not see how and why the provincial commissioner should be a member of a District Education Board. This is a colonial legacy which should be done away with. This is a body which will direct education and should consist of people who are technically qualified on educational matters.

This Bill also gives me an opportunity to touch on the very important subject which we hear every now and again. Nowadays, wherever you go, you hear that you do not want a Member of Parliament on this and that, because he is a politician. This is what my colleagues have said. I do not want to repeat but I want to stress one point. I would like to appeal to my colleague, the Minister for Education who has himself been a teacher, to do something about this. It is really a slap on the cheek which is not called for when his Ministry writes letters to us saying we have to cease becoming chairmen of Boards of Governors or things like that when Members of this House go out of their way to collect money on Sunday, Monday, all the time, and most of it goes to building schools. Instead of the Ministry saying, "Thank you" to the Members of the National Assembly, they say

[The Assistant Minister for Housing]
Members of the National Assembly should collect money, should build schools but should not tell them what to do. I think that is very unkind and I now thank the Minister for having removed that direction because it was a very unfortunate one. We must not be asked to assist only where collection of funds is concerned and when it comes to the question of helping to mould and direct the schools in constituencies, we are asked to mind our own business. I think this is cheap attitude and this is a way of doing away with democratically elected representatives of the people. I want to support those Members who have said that Members of this House be *ex-officio* members of District Education Boards. We are fed up with situations where we come to this House, we pass Bills and then all the powers are delegated to certain people who will use those powers to minimize the functions and the workings of Members of Parliament in the country-side. Mr. Speaker, Sir, it is here specifically stated that three members will be appointed by county council. Now, county councils, do not dish out the money to run the District Education Boards to run the schools because we have passed a law in this House that all the money will come from the Ministry of Education. Therefore, they do not have as much right as we have because the money originates from this House. I do not say that we have time to attend "full-time" on all District Education Boards in our districts but whenever it is possible Members of Parliament should attend these boards and should be allowed to attend. We have a right to attend the District Agricultural Boards. We do not attend these board meetings always but whenever we have the time we have the right to attend. Similarly, I would urge that in this particular case that this be the case as far as District Education Boards are concerned.

Mr. Speaker, I do not want to repeat more but would like to stress very much that the functions of District Education Boards, as specified by this Bill, are very much limited. I, therefore, appeal to the Minister to make sure that District Education Boards in Kericho run the Kericho schools. We hate this business of dumping teachers from certain districts into other districts. I know of a teacher who is a Std. VII student and he bosses about in my district saying he is a School Certificate person while he does not even hold a School Certificate. He has been sent there by a certain person.

Sir, either we accept democracy in this country or we accept domination by a big man somewhere and when I become big one day, I also will dominate. Otherwise, we must accept that we are all equal. Either we are all equal, we are all citizens of Kenya and we belong to this country or we do not. So I demand that these Boards to be decentralized, they must have powers so that the man in Baringo will speak and say they want schools in Baringo, the primary to be run in such-and-such a way, the secondary to be run in such-and-such a way, and so on. Why should a Permanent Secretary who is so occupied in Nairobi have anything to do with a primary school in Kabartonjo, for example?

Sir, in reply to what the hon. Member there said, "it is too late to cry for *Majimbo*", but I hope it comes back.

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

Mr. Migure: Mr. Speaker, Sir, I consider this Bill to be one of the most important Bills which have been brought to this House during the course of this year. I call it important because it discusses the destiny of our young generation who are going to be the leaders of this country tomorrow.

Sir, it is very unfortunate that we should be discussing the contents of this Bill at a time when the whole educational system in our country, particularly the primary schools, is completely confused and we do not know which system to follow in this country. We should be very keen about the young generation because these are the leaders of tomorrow. The children have to go to school and learn their responsibilities and these are the pupils who are going to be the Ministers, the Assistant Ministers and Members of Parliament as well as the *raia* of tomorrow.

If you look at section 27 (*b*) of the Bill and I see that one person shall be the provincial education officer, three shall be nominated by the local authority and so on. When I count the number I find I get eight members. But the Bill says there will be not less than 10 members and not more than 15 members. Now, I ask myself, supposing South Nyanza District would like to have 15 members, and here, as far as the Bill is concerned, we are only told how these 8 people will be nominated to this Board, what shall we do? Why does the Minister for Education not tell us what he is going to do about the others. What if we decided to have 10 members on the Board, what are we going to do about the other two? The Minister should be in the position to tell us exactly how we are going to choose the other two people. Here we are only told how we are going to nominate eight people, but what about the other seven if we want to have 15? The Minister should tell us how these people will be

[Mr. Migure]
nominated. This is most important to us because we would like this Board to be more representative. We do not want the people on this Board not to represent the people they serve, the people in the district.

Mr. Speaker, I would like also to say that I hate this question of the chairman of the Board being appointed by the Minister. The chairman should be appointed by the members of the Board. This is the way I look at it because if the chairman is appointed by the Minister, then he will not be in a position to disagree with the Minister in certain matters. This is very true. If somebody appoints me to be a Member of this House, then it is obvious that I will serve the interest of the person who has apointed me to this House. Then I, as a representative of my constituency, will talk with authority for Mbita Constituency and nobody has the same authority in this Republic. Therefore, Mr. Speaker, Sir, I would suggest very strongly that the chairman of the Board should be elected by the members of the Board. We do not want someone who is going to be directed from Nairobi, perhaps, the Permanent Secretary if the Minister is not in a position to do this. We want the person who will represent the interests of the district. It is impossible that even the Minister will send us someone from Nairobi to be the chairman of the Board and we will agree to that. If this were to be done in the case of South Nyanza District we would not accept that. If this Bill is left as it is, then it is possible that the Minister will bring us somebody we do not like and this will be like giving a blank cheque. It will lead to confusion in Kenya. This is what we do not want.

Mr. Speaker, this Bill deals with the destiny of our children. We are very concerned about it. Nobody can tell me he is more concerned with the young generation than me. I have children and my colleagues here have children too. We cannot just give a blank cheque. We must be told who is this person who is going to be the chairman of the Board, who is this person who is going to decide the destiny of our children.

There should be some amendments brought here. I do not say I distrust the Minister. The present Minister for Education, I know, is a good man. He is educated and is interested in the public of this country, but suppose we have another Minister who will bring us a chairman from some other part of the country—— If we have a Minister from Nyanza Province or Coast Province and he is going to bring us a chairman from there to become the head of this Board, then this will not be a good thing. I know what the present Minister for Education is doing for the good of this country. He has done as much as he can and he intends to do more, but this is a political Government and tomorrow this Minister for Education may be transferred. It is possible, then, we may have somebody who will order us in what we have to do. So if we give the Minister for Education a blank cheque, this will put us into trouble some day. We must always know where the destiny of this country lies. I would like it to be recorded that Migure has said, "We do not know where the destiny of this country is going to take us if we give the Minister for Education this blank cheque." So we must be specific and say that the chairman of the Board should normally come from the district concerned, and nobody should be brought from outside. If we agree on this one, then we are safe. We do not intend to create jobs for others, we want service and the Minister for Education should take it for granted that our interest is to serve. We do not want people to come from other areas and dominate us.

I come now to another point. This deals with the question of having executive officers—these people could be members of the Board. I do not know if I am wrong but, in this case, I would like to ask the Minister for Education to look into the position for the following reasons. I suggest that the secretary of the board should be an employee. He should not be just a nominated member whether he is a councillor or whatever he may be. He should be a full-time employee whether he is going to be a member of the board or not, but I would like to suggest that he should be a full-time employee. We cannot just pick up a councillor or a Member of Parliament to become a member of the board and then tomorrow we say that he is the secretary of the board and yet he does not have the time. Therefore, I think this should be an officer of the board who should devote all his time dealing with matters affecting the board—all administrative matters and the employees of the board because some other districts are so vast that at least we shall need several employees to look after the funds and the affairs which are allocated to boards.

Mr. Speaker, Sir, I now come to the question of regulations. The Minister may make regulations prescribing the powers and duties of the board regarding the manner of establishment and the individual schools or groups of schools. Mr. Speaker, Sir, I think that on this one the Minister for Education is trying to be vague. I know that the Act gives him the powers to make regulations, but in view of the fact that this Bill is brought

[Mr. Migure]
before this House the Minister should bring up the regulations so that we can scrutinize the kind of regulations he is going to bring. The Minister is a human being. Just as I said that we are not sure—— Now in Kenya we are worried because you pass this one and the next day you see quite a different thing. You pass this one in good faith, but the next time you see quite a different thing. We are worried here as to what type of regulations the Minister is going to make because I think the Minister should give some powers to the board in case we get the wrong man at the top, and then the executive comes to interfere with the board.

I hope that all the time, His Excellency or any other succeeding President—I said I am going to stand for Presidential Election and if I am elected president in 1974 or 1975 I will make sure that I make good regulations to this board.

Mr. Speaker, Sir, in this case I would like to ask the Minister to think of the ways he can do this so that there will be no interference. If there is interference in the board then it is going to be very unfortunate. I hope the Minister for Education, being a man of his calibre, I am sure he is going to find out how best he can make this one to be in such a way that nobody can come to interfere with the management.

Mr. Speaker, Sir, this Bill is telling us that the board will supervise the management of public schools. I think that those colleagues of mine who spoke before me told this House plainly that the problem we have here is the way our schools are being supervised. I think that the Minister for Education must have also received somebody's complaints that the methods in which the schools are being supervised are sometimes very poor. You would find in an area, for example, in a division, an officer takes even five years without visiting a particular school. He does not know what the school looks like and he does not know what happens in that place. Sometimes you find that even the teachers are affected Therefore, I think if the board takes over the responsibility they should check. For example, in Mbita Constituency I have an island called Mfangano Location. This is the interior part of Lake Victoria where you find the teachers leave the island and go to the mainland for their salaries and stay there for four days waiting for their salaries. During that time the schools remain closed as the children have no teachers at school. We have already complained about this to the Education Department in Homa Bay. I think this is a case for the board to examine and find out how best a particular officer could visit these remote areas so that the teachers do not waste time going to the mainland when the children have paid their school fees. Instead of an officer going there he feels he is so important that he cannot go and waste his time there. Mr. Speaker, this is ruining the destiny of the young generation in this country for whom we are now working. Therefore, I think that these are the things the board must find out how they could investigate and devise better methods—— In fact, I appreciate the decision of the Minister for bringing up this Bill. He realizes the way we are going because at the moment, Mr. Speaker, Sir, you find that a Std. VII chap—this is very serious, Mr. Speaker—cannot write a sentence in English properly. Even the handwriting is horrible, but you find that he has been given a good mark and has passed the Certificate of Primary examination. This is terrible, Mr. Speaker. Even if he could be 12 or 14 years of age, Mr. Speaker, this is terrible. Why were those people who were studying—— Even during the colonial time a Std. VIII chap could make a very good officer. He could talk some good English and write a lot of good things, but why is it not so at the moment? What is wrong with the country? I think that some investigations should be carried out by the Ministry of Education to find out as to what are the requirements in this country. It is ridiculous! You find a chap about whom his teachers say that he is so clever and he takes position four, but if you look at his books, the way he writes is not even what you could expect. The way they write now in Std. VII is what Std. IV or V chaps used to write in 1958, 1960, 1963 or even 1964 and 1965. This should be investigated. Therefore, the Minister has brought this Bill and I am sure the board will help him. He is human. Unless he has the authority to help him to detect this it may be difficult for him. Even around his areas he has primary schools and he, himself, has small children who go to primary schools.

We should not play with the destiny of young generation of this country. Who is this man who is wrecking the education system in this country, Mr. Speaker? I think it is up to the Minister today, if he is to reply to this Bill today, tomorrow or whatever time it could be, he should tell us why the system is so bad.

One of the reasons is because of the importation of teachers. Mr. Speaker, I do not agree, and I have refused so far that if this is the way things are going to be done I am not going to be a party to it. There is no need, as the Assistant Minister has just said that he knows of a particular chap in his own area who is a Std. VII

[Mr. Migure]
chap. He goes around filling the peoples's ears with broken English. Broken English, Mr. Speaker! I say "broken English". Instead of saying "ladder" they say "radder". We cannot accept this sort of thing, Mr. Speaker. You cannot educate my small kid by telling him "radder" instead of "ladder", why are you talking to him in this manner? Are you trying to confuse his head so that he grows weak and then exploit him when he grows big or what is your intention? Mr. Speaker, we cannot allow this sort of system. We must care for the educational system to suit—— If he talks about "radder" you take him to the area where the people talk of "radder". The people who never speak good English. It is true. If you take him to the area where the people can talk all this sort of nonsense—— Mr. Speaker, I am not going to accept this sort of thing.

Mr. Ayah: On a point of order, Mr. Speaker, Sir. While I do not want to interfere with my hon. friend's vigorous exposition, I was wondering whether he is speaking to the Bill.

The Speaker (Mr. Mati): He is only using that as an example of something that the district education boards could look into.

Mr. Migure: Mr. Speaker, with due respect to my colleague, who is the Member for Kisumu Rural, this problem which I am discussing here is disturbing him very much in his own area, and I think that he should be more attentive. Instead of blocking me to sit down he should give me moral support.

Mr. Ayah: All right, you have got it, George.

Mr. Migure: Mr. Speaker, Sir, I am much concerned with this particular issue, and this is why I must appreciate what the Minister has done to bring the Bill, Mr. Speaker, Sir. There is no point—— We would not like the boards to create employment in other districts. Instead of bringing a Std. VII chap in Mbita Constituency to be a teacher, I have so many Std. VIII chaps in the district. Some of them were teachers and some of them passed the Kenya African Preliminary Examination very long time ago. Why can we not utilize them? This is the problem that we would like the board to examine and this is very serious. Mr. Speaker, Sir, there is one point which I want to make very clear. I am not sure; I may miss or I may not be even in the world in the next General Elections. I do not mind what is going to happen. However, I say strongly that if we keep on making mistakes because we are sitting on top of Parliament and that we have the powers, then Sir, we are going to run into a terrible situation. If we are going to import teachers from other districts because we are in power and we know that we can create jobs for our people, this is terrible. One of these days history is going to come against those people who are doing it. Whether they will be dead or not, we shall bring them to trial even when they will be in their graves. This is because we cannot allow the people to play with the destiny of Kenya.

Mr. Speaker, Sir, importation of teachers—this is impossible, and any——

An hon. Member: What do you mean?

Mr. Migure: The Member is living in the town and he represents the town.

An hon. Member: Question.

Mr. Migure: I said, the hon. Member for Embakasi is representing a constituency in the town here.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, the Member has repeatedly said that there has been importation of teachers and yet he has not told us what kind of importation? Are these teachers coming from Great Britain or any other country in the world? What does he mean?

Mr. Migure: This is a very, very simple factor. Just last time before we went into recess, in the last Parliament, we complained that teachers were being imported from Central Province to other districts, and there they are in Mbita Constituency. This is not a matter which we can hide. Why are they being imported, Mr. Speaker, Sir? What is the reason? Why should we create jobs for your people in my area? Do not we have our own people who can work from that area, Mr. Speaker? What this Member is trying to ask me is something which he knows very well.

Mr. Speaker, Sir, I think I have made remarks to the Minister and I think he has taken note of them. I understand his feelings because he normally speaks in this House and I can see his position as a Minister. However, I would say very frankly, that if he is going to allow these mistakes to continue then after leaving that office that he is holding, his work which he has done to the country might not even be seen by the next generation. Therefore, I am appealing to the Minister that if this question may not—— If it is a matter of principle, he should make sure that at least he controls the Teachers' Service Commission. We do not want importation of teachers.

The other thing is that Members of Parliament should be allowed to participate in these boards.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, do you, really agree that the hon.

[Mr. Karungaru]
Member is speaking on the Bill: has it any relevancy or anything to do with the Bill?

The Speaker (Mr. Mati): It depends on which part, Mr. Karungaru. The last point he made is definitely related to the Bill. But the Teachers' Service Commission has nothing to do with the Bill.

Mr. Migure: Mr. Speaker, Sir, I am talking about the Teachers' Service Commission because if you look at this question of "responsible for the management of public schools"; when you talk about the management you do not talk about stones or houses. There are at least human beings included. Therefore, if these teachers normally come from the Teachers' Service Commission, I think that is why I am talking about it, Mr. Speaker.

I am appealing to the Minister asking if he could try and find out how we Members of Parliament can come in. We might have been misunderstood in this House or in this country. I think we do not really talk against the Civil Service. We talk against those people who are not doing their jobs. For example, I have never come here to say that our district commissioner is not doing his job well. I know he is doing his job well. I have never come here to say that our district commissioner in charge of Mbita Constituency is not doing his job well; he is doing his job well. Therefore it is not a question of blaming all civil servants. What we are saying is that those who are not doing their jobs properly must be told so. Anybody who is saying that we are to levelize all the civil servants; this is wrong. I, therefore, think that somebody somewhere should come out —if it is a Permanent Secretary in the Ministry of Education who is maybe, a bad civil servant to me, well, I will say so. This has nothing to do with the provincial education officer, Nyanza Province, who is giving us good service.

Therefore, I appeal to the Minister that we would like to participate in these committees, so that we can avoid the mistakes which are made from time to time. If we take part and, being the public representatives, we can advise the boards as to what they can do. It is not advising them either to be for or against the Minister, I do not think this is the case. The Minister is the person who is responsible for educational matters in the whole country, if that power is really given to him. Therefore, he should exercise certain powers of his office. This is highly appreciated. However, the thing we do not want Mr. Speaker, Sir, is to see mistakes happening in our districts and then come here and complain that this and that was not done. What we want is participation in the committees and we can advise them on exactly what the public needs; especially when it comes to high policy matters of education. Here we are the final people; this is the final House, although some people take this House to be a place where you can come and make noise. If fact, Mr. Speaker, Sir, if this is the way the National Assembly is going to be treated; if this is so then the people are going to say this is a place where you can come and make noise, then I would hate even to be a Member of Parliament. It would even be better if I had remained as a Game Officer; I used to have executive powers. Therefore, I do not think I am going to be treated like this.

Mr. Speaker, Sir, I hope the Minister will make a note of this and with these few remarks, I beg to support.

The Speaker (Mr. Mati): We have only about two Minutes before the Motion for the Adjournment.

Mr. Mwicigi: Mr. Speaker, Sir, thank you for giving me chance to speak on this. I will start straightaway because I have no time.

I support the Bill with some reservation, Mr. Speaker, Sir. It is a good idea to have this district education board system in the country. They are going to be experimental, but they are worth trying. They were here during the colonial era and there is no reason why they cannot work now. In fact, the Minister should be thanked for having an idea of re-introducing such a Bill. The administration of it will involve grass-root participation. This, I feel, is why it is better to have things done in this way.

What I want to add, Sir, is that Members of Parliament should participate in these district education boards because they have something to offer. I would like to emphasize, Sir, that the appointment of the board members or of the chairman, will either make the board or will break the board. This is where the Minister must be very careful. We need people to do forward planning in education development; we have to think what we are going to do with our children. We have to consider seriously the establishment of technical schools even at district level. We have also to co-ordinate Harambee institutions. All these will be done by the board and, therefore, it must be very well selected.

Mr. Speaker, Sir, there is a Member or two who spoke on this: "importation" of teachers to other provinces. Mr. Speaker, Sir, the old disease is coming back. Some people, in order to catch the headlines in the newspapers, must attack Central Province. I want to remind these people, that in——

Hon. Members: Which people?

Mr. Mwicigi: Hon. Members, we have teachers in Central Province who have been coming from other provinces. What are we supposed to do with them? Mr. Speaker, Sir, I believe if such attacks are levelled this way, these people are just interested in having their names in the headlines in the papers. Those who make such attacks, Sir, should also investigate and find out whether in Central Province there are teachers from elsewhere.

The Speaker (Mr. Mati): You will continue next time.

MOTION FOR THE ADJOURNMENT

STOPPAGE OF WATER SUPPLY BY TAITA/TAVETA COUNTY COUNCIL

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 Local Government (Mr. Ogutu) seconded.

(Question proposed)

Mr. Mwamunga: Thank you very much, Mr. Speaker, Sir. I will be extremely brief because I would like to give the opportunity to other Members to express their views on this most important aspect of rural life.

It was on 10th March, Members will recall, that this question came up. It was also at this time, Mr. Speaker, that the whole country was hard hit by conditions of drought. Now, Mr. Speaker, it was again at this very time that our County Council of Taita/Taveta chose to disconnect water supplies in various schemes in those areas of Taita District which were most hard hit by conditions of drought. Mr. Speaker, Sir, I hope the Minister will come up today with a more convincing answer, with regard to the policy to be adopted for rural water supplies in their administration, maintenance and repair and so on.

The Minister told the House that at the time the question came up, the two schemes—— He said two schemes were running normally and, therefore, the question of reconnection did not arise. I would like to assure the Minister that the information he received was incorrect or else, it was highly equivocal because it was only today, as I did, in fact, immediately after the answer given, rushed down to my constituency and checked on the supplies that had been damaged by the county council; I think damaged is the right word to use, rather than the polite word I used of disconnection. The pipelines were damaged or destroyed by the county council. I went down, immediately after the answer and I found that the county council had done absolutely nothing to repair the damage they had done, and for the interest of the Minister, I also checked this morning before I drove up this way, and I received the same answer, that the county council has done nothing, since they damaged the water supply pipelines. I say the pipelines were damaged, the self-help scheme pipelines were damaged by the county council because I still submit, Mr. Speaker, Sir, that the council had no authority to do what they did because the schemes were the people's schemes; the council had no proprietory right over the pipelines, which in most cases were established with aid from such organizations like African Land Development Board, Aldev and so on, and so forth. To forestall any argument by the Minister to the effect that the council has been maintaining these pipelines, I would categorically say the council has not been so maintaining the pipelines in the recognized standards of maintenance because the pipelines, since being installed way back in 1950's, no replacements of the pipes has taken place, and whatever replacement has been done, it has been the effort, purely and solely of the local people concerned; that is the local people enjoying that water.

The Minister told the House that the council used powers conferred by Regulation 148 Paragraph 2, to pass the resolution they passed and also that Regulation 178 empowered the county council to own or to acquire certain pipeline schemes. I would like to, and very humbly, submit that is not so because Local Government Regulations do not make any provision for a county council even to acquire a water scheme. What the regulations do say is that a municipal council, an area council or an urban council could acquire water schemes. Nowhere in the regulations is the county council exempted from full compliance with the Water Act. I have not seen it anywhere. So, the local authority was bound to comply with the law passed by this House. Indeed, the local authorities have very wide residuary powers. They can interest themselves in almost anything; such as agriculture, forestry, game, fishery and so on. However, the fact that they can interest themselves in these things does not give them powers to legislate on those things because there are laws passed by this House to control those functions. So, Mr. Speaker, Sir, I would like to call upon the Minister, today, to order the local authority concerned to repair the damage done. This is because, my own area—Voi area—or the lower zone of Taita, is an area which does not have as many springs, rivers or rivulets as the upper area of the district. Now, the action

[Mr. Mwamunga]
done by the county council at the time when it was the peak of the drought, is not understandable. I wish the Minister would order the county council concerned to pay compensations for the damage caused to human beings and their livestocks because this is damage which was, in fact, inflicted on the people.

Mr. Speaker, Sir, I think the time has come when the Minister for Local Government, in collaboration with the Minister for Agriculture or the Minister responsible for water for the time being, should chart or work out a policy of administration and maintenance of rural water supplies. We have a case of a very, very big school in the district closing down for a whole week or even longer because water was not flowing to the school and the students had no water. It was not because there was no water in the rivers. There was plenty of water in the rivers. What went wrong was that the county council lacked human and financial resources to correct the blockage of the pipeline. Mr. Speaker, Sir, I understand there is an argument put forward by the local authority to the effect that they are capable of supplying water to the local population more cheaply than if, say, the Government undertook to supply water to the people. However, I would like to assure the Minister that I have noted that the current charges of the rural water supply undertaken by the Water Division Department are no higher than those chargeable by the county council. The rate is Sh. 2.50 per month for treated water. The rate which was attempted to be charged by the county council was Sh. 1 per month per family for raw or untreated water.

Now, the council's thinking is that, Mr. Speaker, Sir, for raw water, untreated water, the charges are low and, therefore, people can better afford untreated water. Mr. Speaker, Sir, I think with all fairness to everybody concerned, that argument does not hold any water. Our people are as much entitled to clean water as people in the cities and it is for the Government, if necessary, to subsidize the water supply in rural areas.

How about an outbreak of an epidemic disease if that argument of the county council is allowed to rule the day? We had a case of cholera the other day.

Therefore, Mr. Speaker, Sir, I am calling upon the Minister to take this very, very seriously and as I would like the Members to express their views on this, I beg to move.

Mr. Mnene: Thank you very much, Mr. Speaker, Sir, I stand here to second this Motion.

Mr. Speaker, Sir, I always ask myself why we have such Motions on an Adjournment. This is just because we get unsatisfactory answers to our questions and these unsatisfactory answers come from the officers in the fields. They do not come from the Ministers. The Ministers just telephone or send some messages or *baruas* to get this information, and this information is sought from the person who has contravened what we wanted to happen. Then, how on earth is he going to give the true information to the Ministers?

That council, if the hon. Member would remember the question of 10th March, 1971, that council—Taita/Taveta County Council—never, never at any time put up those pipes or ever contributed anything apart from, perhaps, transport to the maintenance of such water schemes. These were done on a self-help basis and the council's action on that day, Mr. Speaker, Sir, was really inhuman because the people of those locations: Kandile, Kishushe and other places worked hard with their own hands and installed the pipes which they were given as gifts by some organizations because they were in need of water. As they were using that water, the county council went and cut off the supply of water just because that council was running broke and it wanted money from those people. They want to reap where they never sowed any seed.

I would like to sound a warning to that council and any other that has the same mentality as that council, be they county or municipal councils, they belong to the people and not to the executive officers of those councils and not the councillors either; they are the instruments of the people. They are there to be used for the betterment of our people and not for those officers. I would ask the hon. Minister here present, now that I have discovered that his officers and especially the county councils do not know their own regulations, to introduce the system whereby all council executive officers must sit for an examination and pass it based on the local government regulations because, Mr. Speaker, what that County Council did—the Taita-Taveta County Council—is true evidence that its officers do not understand their own regulations. The regulation referred to by those officers and again repeated here by the Minister himself does not authorize any council to become a water undertaker or to charge any fees on any water scheme initiated by the people or even if it was initiated by the council itself; that regulation—regulation No. 148—empowers the council only to charge a fee on anything it has licensed or anything it has submitted in writing. That council does not allow people from Kandile to use that water,

[Mr. Mnene]
despite the fact that they did all the work on their own initiative. Therefore, that council cannot go back and charge those people for using the water. After all, Mr. Speaker, Sir, as it has just been said by the Mover, it is only an area council or a municipal council which has powers or can be allowed to become a water undertaker, but a county council, no matter whether it is bigger than an area council, it is not allowed to do so. That is why I say that the county council's officers should know their regulations properly.

Mr. Speaker, Sir, what amuses me most is that the Minister said here that the water had been reconnected. This was said on 10th March, and today we are in May and nothing has been done to that effect. People are just complaining. Why should we, Mr. Speaker, Sir, get such wrong answers which show that no homework was done? When we ask questions here we must be taken seriously. If someone can just telephone to ask for some information and then he comes to argue with us, although we come from the area in question, and at the same time he claims he is right, when he is not, I think this is wrong. I would ask the Minister to inform that council tomorrow—and he should do that firstly—by telephone to go round restoring the water system which it had disconnected and it should not charge any fee on a project they had not initiated. They should study their regulations properly.

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

Mr. Mwamzandi: Thank you very much, Mr. Speaker, Sir, I would like to make a few points. It is said that the county council had done nothing to introduce a water system in that area. However, the people themselves started their own Harambee projects and introduced a water scheme to serve them. Then the county council took over that water scheme despite the fact that it had not contributed towards the financing of that project. If the county council had to take over such a scheme, it would have been proper for it to have paid compensation to those people who had incurred a lot of expense to have their own water scheme. However, the county council is moving in and is collecting fees on a project it had not initiated or incurred any expense. Mr. Speaker, Sir, this is tantamount to theft. This county council is robbing the rightful fruits of those people. The Minister, when he stands up here to reply, should tell this House if this county council had contributed anything. This is quite wrong, to see one county council after it has run bankrupt trying to take things over by force. This is not the Kenya Government policy, Mr. Speaker, Sir. The Kenya Government, whenever it is taking over any business or any type of association, compensation is paid. If the county council behaves this way, this is contrary to the Kenya Constitution. Mr. Speaker, Sir, I hope the Assistant Minister will give a proper reply, by ordering that these people be compensated so that with that compensation they can start another water scheme somewhere else to serve them. Recently, Mr. Speaker, Sir, we saw Kenya Government taking over land where water was scarce, and here we see that Taita/Taveta County Council, instead of giving water services to the people just cut off the water system so that the people could suffer. This is wrong, Mr. Speaker, Sir.

With those few remarks, Mr. Speaker, Sir, I urge the Minister to give a proper explanation as to why this was done.

The Assistant Minister for Local Government (Mr. Ogutu): Thank you very much, Mr. Speaker. Mr. Speaker, Sir, I must thank the hon. Member who has raised this matter on the Adjournment today. Mr. Speaker, Sir, you will remember that this question was Tabled on 10th March, this year as a Question by Private Notice. Mr. Speaker, Sir, I am surprised to hear from the hon. Member that the two water schemes he refers to—possibly Kajura pipeline and Ndome pipeline which we were informed about at the time I replied to this question that the position had been rectified. If the position had not been rectified at that time, and this water was not running why could the hon. Member not come to my office and advise me so that I could take action? Why did it take him two months to ask this Question by Private Notice?

An hon. Member: You are never in your office!

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, for the information of that hon. Member, I am always in my office.

Mr. Speaker, Sir, may I clarify the position. The Taita/Taveta County Council has 16 water projects and two irrigation schemes. These schemes were established by the aid of various agencies with the understanding that when they were completed the county council will undertake to maintain them and also that the consumer will be able to pay water rates or water fees to help the continuance of maintenance. Mr. Speaker, Sir, may I also mention the projects which are concerned. Number one, Mr. Speaker, is Kishushe which was constructed by African Land Development Board

[The Assistant Minister for Local Government] between 1962 and 1965. Kishingime was constructed by the Water Development Department with material aid from the Health Department between 1968 and 1969, Mr. Speaker, Sir, Msange Nyika was constructed by the county council and the Water Development Department with material aid from the Health Department which was donated to them by UNICEF between 1967 and 1969. Josa Pipeline was constructed by African Land Development Board and the county council with about half the material provided by UNICEF between 1964 and 1967. Mwatate/Ngerenyi was constructed by the county council and the Water Development Department with materials provided partly by UNICEF between 1967 and 1970. Talio was constructed by the county council and the African Land Development Board. This Board is now defunct, Mr. Speaker, Sir. Talio was constructed in 1950 and the pipes were renewed by the county council in 1954. Mashingati originally constructed by African Land Development Board in early 1950 and the line in the whole was renewed by the county council in 1968. Kajire, already constructed in early 1960 by ALDEV and in the whole renewed by the council in 1966 and 1967. Marapu constructed by ALDEV between 1960 and 1961 and then handed to the council for maintenance in 1961. Rukanga, built by ALDEV in 1951 and handed to the county council in 1961. Jora constructed by ALDEV in 1962 and also handed to the council in that year. Ndome constructed in 1963 and also handed for maintenance to the council in 1963. Ghazi, constructed by the Water Development Department with material offered from UNICEF, was completed in 1968 and handed to the council for maintenance. Tausa, which was built in 1960 was handed to the council in 1961 and Mwakwasinyi constructed by the Water Development Department in 1969 from material donated by UNICEF was also handed over to the council the same year. Tiambila was built by material supplied by UNICEF in 1969 and handed over to the council in 1970. Mr. Speaker, Sir, there are also irrigation schemes. Msau Irrigation Scheme constructed by ALDEV in 1967 was handed over to the county council in 1971. Makijini Irrigation Scheme constructed by ALDEV in 1960 was handed over to the council in 1961.

Mr. Speaker, Sir, about the council's time factors, I will briefly touch on the criticisms raised by the hon. Member. Mr. Speaker, Sir, the county councils have the power to establish water projects and charge fees within the Local Government Regulations, which are part of the Laws of Kenya. I am not trying to dispute the law as the hon. Member feels that the county councils have no power. They have powers within the Local Government Regulations and he can refer to regulation 178 and also the fees and rates that they are entitled or authorized to charge are covered by regulation 148, and also to constitute a committee in regulation 91.

Mr. Mwamunga: On a point of order, Mr. Speaker, Sir, is the Assistant Minister not misleading the House by telling us that the Local Government Regulations can over-ride national legislation passed by this House, that is, Water Ordinance, Chapter 372.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, the Local Government Regulations are regulations of Kenya and they are laws that empower the local authorities to establish a water supply for use within their jurisdiction and also authorize them to sell water to the consumers.

Mr. Speaker, Sir, I will briefly touch on the allegations that the hon. Member made, about the water recently cut off in one of the schools in Mwatate area by the county council. May I say that what happened when this water project was constructed is that the contractor did not install the wire mesh or the screen on the suction pipe to prevent silt of sand from running into the water. What happened is that the——

Mr. Mwamunga: On a point of order, Mr. Speaker, may I make one point clear here. The blockage was not at the point where the water was taken into the school but the blockage was at the intake. It had nothing to do with the contractor's job. The intake is about three miles from the site of the school.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, this is what I was saying: the suction pipe was not protected by a wire mesh and I did not particularly indicate that this was in the school but this was from the water source and this caused the sand to enter the pipe for almost three feet and this is what caused the blockage which cut off the water of this school. This has now been rectified and there is already £5,000 given to this county council to change the pipe which was 1½ in. to 3 in., and the water is now running normally. The Ministry of Education has also allotted sufficient funds to buy a big reservoir tank which will enable Mwatate school to have sufficient water and my Ministry will make sure that, in future, there will not be any shortage of water.

About the other point which the hon. Member mentioned in connexion with the pipe repairs, I

[The Assistant Minister for Local Government] will also make sure that the county council maintains this water constantly so that there are no further complaints regarding maintenance.

With these few remarks, I beg to close.

ADJOURNMENT

The Speaker (Mr. Mati): It is time for the interruption of business and therefore, the House is adjourned until tomorrow, Wednesday, 12th May, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 12th May, 1971

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

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

PRAYERS

PAPERS LAID

The following papers were laid on the Table:—

1967/68—Statement of Excesses

1968/69—Statement of Excesses

1970/71—Supplementary Estimate No. 2—Recurrent Expenditure

1970/71—Development Suplementary Estimate No. 2.

(*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

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:

STATEMENT OF EXCESSES, 1967/68

THAT a sum not exceeding K£92,533.12.55 cents be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1968 in respect of Statement of Excesses 1967/68.

STATEMENT OF EXCESSES, 1968/69

THAT a sum not exceeding K£1,089,936.5.34 cents be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1969 in respect of Statement of Excesses 1968/69.

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71 —RECURRENT

THAT a sum not exceeding K£1,708,013 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971 in respect of Supplementary Estimate No. 2 of 1970/71 (Recurrent).

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71 —DEVELOPMENT

THAT a sum not exceeding K£1 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971 in respect of Development Supplementary Estimate No. 2 of 1970/71.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, the President's consent has been signified to these Motions.

PERSONAL STATEMENT

CLARIFICATION OF A POINT OF ORDER RAISED BY AN ASSISTANT MINISTER

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Deputy Speaker, you will remember that yesterday I rose on a point of order regarding whether the Minister for Education was right to mislead the House in the statement which I said he had made. I see in the Press today, as well as in HANSARD—— You will remember, Sir, that after making the point of order I left the Chamber right away, I was not here. However, I have been given to understand that my point of order became a bit controversial and there was discussion regarding this point of order.

I see in the Press today that I was referred to as having asked a question. I think there should be a correction here because I did not ask a question. All I did was to rise on a point of order and ask you, Mr. Deputy Speaker, whether it was in order for the Minister for Education to mislead the House by saying that the country at large was covered in that the Government had taken over Harambee secondary schools in every province whereas amongst the names of the Harambee schools he mentioned not a single one was in North-Eastern Province.

The Deputy Speaker (Dr. Waiyaki): That is a repetition. I think the Press will take note of that.

ORAL ANSWERS TO QUESTIONS

Question No. 327

ATTACK BY ARMED ETHIOPIANS AT DUKANA

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

(*a*) if the Minister as aware that on 18th January, 1971 two people were killed at Dukana by armed Ethiopian raiders and 200 cattle taken away; if he is also aware that on 22nd January, 1971 at Elbeso one man had been killed and 4,000 goats taken;

(*b*) what action the Government was taking to safeguard the lives and livestock of the Gabra tribe;

(*c*) if the Minister would, as a matter of urgency, establish Police Posts at the following places which are routes for stock raiders:

Dukana
Buueki
Darade
El Yibo.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Deputy Speaker, I beg to reply. (*a*) It is true that on 18th January, 1971 armed raiders from Ethiopia raided a Gabra *manyatta* at Dukana and after killing two Gabra stole 250 head of cattle. When the incident was reported to the police, they followed tracks for almost four days and on 22nd January, 1971 encountered the gang and fire was exchanged for almost nine hours, when the raiders fled. All the 250 head of cattle were recovered.

(*b*) Similarly, another raid was carried out on 22nd January, 1971 when raiders from Ethiopia attacked the Gabra at Elbeso and after killing one person stole 4,000 goats. Once again, police followed tracks and on 26th January, 1971 made contact with the gang, which resulted in eight raiders being killed and the recovery of all the goats.

(*c*) The areas mentioned by the hon. Member are adequately policed within the means available to us and they are fully covered by frequent patrols from North Horr and Sabarei. Furthermore it is not possible to establish police posts at every place where raiders have attacked people.

Mr. Umuro: Mr. Deputy Speaker, although the Assistant Minister has followed my question properly and answered it well could he tell this House since this question has been coming up every now and then, and the hon. Members are fed up with this question of killings and animals from Kenya being stolen, they are frustrated, and agree with me that unless these places have established police posts nothing will be satisfactorily done there to prevent these things even if they put hundreds and thousands of police at North Horr?

Mr. Matano: Mr. Speaker, Sir, before I answer that question I think it is right that I explain to the House the exact situation. The area in question is a vast area, with sparse population. Then we get people from Ethiopia who are armed. I told this House earlier that the Government of Ethiopia is trying to co-operate with us to endeavour to put this thing right.

However, Sir, the Government of Ethiopia cannot, and will not be able to disarm the people. This is what they say because in Ethiopia, to have a gun, is part of the furniture. Everyone is armed there, everyone has such arms in his home.

To cut a long story short, Sir, these raiders come to Kenya at different places scattered all over. All that we can do, therefore, is to try to check on the raiders when they attack. This is where the police need a lot of help. We need to be told immediately, and we take action immediately.

As I said earlier, Sir, all the cattle and the goats which had been stolen were recovered because of the quick action of the police.

Mr. Deputy Speaker, with all these things in view we need co-operation from the local people because I believe the police are doing their best.

Mr. Tsuma: Arising from the reply from the Assistant Minister, while realizing that Ethiopia is a friendly country and not forgetting that stealing and raiding is a kind of open war if not a cold war, could we be told by the Assistant Minister, now that we have a Select Committee of this House looking into the question of stock-theft why therefore, we should not have another Government committee, made up of representatives from Kenya and Ethiopia, on border to discuss the question of raiding and stealing animals and even killing?

Mr. Matano: For the information of this House, Sir, there is a committee in existence which deals with this type of problem. We do meet regularly to discuss this problem. I do not want to give the impression to this House that it is only the Ethiopians who cross the border and come into Kenya. There are cases where our people from Kenya have crossed the Ethiopian border and carried out a raid there. The whole thing affects both sides and I know the two Governments are working very hard to put matters right.

Mr. Umuro: Mr. Deputy Speaker, can I ask the Assistant Minister, when he said that they are not going to help unless the raiders come into our area and then we can chase them away, which is better, to chase them away or to prevent them from coming to this area because they kill and steal our animals and take them away?

Mr. Matano: Mr. Deputy Speaker, we must realize one thing: having police posts will not stop these people from raiding. These raids have been going on from time immemorial. They have been coming across, raiding Kenya, the Kenya people have been going across, raiding the Ethiopians. To them, this is a game.

Mr. Umuro: On a point of order, Mr. Deputy Speaker, the Assistant Minister is just beating around the bush. He does not even know what the area looks like——

The Deputy Speaker (Dr. Waiyaki): What is your point of order?

Mr. Umuro: Sir, this is my point of order: these places are the only water points from Ethiopia. These people only get water there and there are no police——

The Deputy Speaker (Dr. Waiyaki): Order! That is not a point of order. What is your point of order?

Mr. Umuro: If these are the water points, why can we not have police posts there?

The Deputy Speaker (Dr. Waiyaki): No, that is a question, it is not a point of order.

Mr. Amayo: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, since these people are Kenya citizens, and this House, including His Excellency the President, has entrusted the security of the people around that area in the hands of the Ministry of Home Affairs, and as is being experienced in Kenya the Ministry of Home Affairs has completely failed to defend the people in that area, could the Ministry in question——

An hon. Member: Resign.

Mr. Amayo: ——resign?

Mr. Matano: Sir, the question of resigning does not arise.

Secondly, the Ministry of Home Affairs has done its best and I am sure we have succeeded.

Mr. Ahmed: Mr. Deputy Speaker, Sir, is it fair for the Assistant Minister to tell us what the Ethiopian Government feels about this when we have always complained about these problems in this House? It appears as if the Ethiopian Government is not doing anything.

The Deputy Speaker (Dr. Waiyaki): Would you please repeat your question?

Mr. Ahmed: Sir, is the Assistant Minister prepared to tell us what the Ethiopian Government feels about this because this question has been raised in this House several times and our Government is just playing around without doing anything? What is the Ethiopian Government doing to control its own people?

Mr. Matano: Sir, the feeling of the Ethiopian Government is the same as ours. As I said earlier, they are co-operating very much in trying to check these people. I know the officers at the border, from Ethiopia and Kenya, do work hand in hand to get rid of this menace.

Mr. Araru: Thank you very much, Mr. Deputy Speaker, Sir. Arising from the Assistant Minister's reply that the Ethiopian Government is taking the same steps to safeguard the lives of the Kenya citizens along the Ethiopian border, does he not agree with me that it was only last week that 73 Kenya citizens were reported by his Ministry to have been killed by the Ethiopians? What is his Ministry doing to safeguard the lives of Kenya citizens?

Mr. Matano: Mr. Deputy Speaker, Sir, I think that is a different question altogether because we are now dealing with——

An hon. Member: Question! It is not!

Mr. Matano: Mr. Deputy Speaker, I think it is a different question because the hon. Member is talking about the 73 people killed, while here I am talking about definite cases which have been brought to the House and these are the ones on which I have answered. What I would like to assure the House here is that the Ethiopian Government and the Kenya Government are working hard to try and get rid of this thing. However, Mr. Deputy Speaker, it is for us hon. Members of this House to educate our people and to teach them not to indulge in this type of game.

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

The Deputy Speaker (Dr. Waiyaki): No point of order Mr. Araru.

Mr. Munyasia: Arising from the Assistant Minister's reply, especially to part (*b*) of the question which asks:—

> "What action will the Government take to safeguard the lives and livestock of Gabra tribe?"

Earlier on, Mr. Deputy Speaker, Sir, the Assistant Minister told us that the Ethiopian Government and everybody in Ethiopia is armed. Would the Kenyan Minister be prepared to arm these people as well?

Mr. Matano: No, Sir, we are not going to arm our people.

The Deputy Speaker (Dr. Waiyaki): We shall move on now to Mr. Kitonga's question.

Question No. 301

ADVERTISEMENT OF DISTRICT ASSISTANTS' AND DISTRICT OFFICERS' POSTS

Mr. Kitonga asked the Minister of State in the President's Office if he would tell the House whether——

(*a*) the Government would give priority to remote areas, such as Kitui East and other places, when considering applications for district assistants' and district officers' posts; and,

(*b*) the Government would also ensure that advertisement of the said posts reach these places in time.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Deputy Speaker, Sir, I beg to reply. The Government being aware of the communication difficulties in the remote areas

[The Assistant Minister of State, President's Office]
of Kenya does ensure that applications for advertised posts from applicants in these areas are processed. However, all applications are considered on merit irrespective of where applicants come from. Copies of the *Kenya Gazette*, which normally contain these advertisements, in addition to the local papers, reach these areas in time.

Mr. Kitonga: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, does he not agree with me that he has told the House a lie because last September——

The Deputy Speaker (Dr. Waiyaki): Would you withdraw the word "Lie", Mr. Kitonga.

Mr. Kitonga: I have withdrawn it, Sir.

Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply that applications are considered on merit, while we know very well that one tribe has a majority in the Administration and, secondly, Sir, since last September these advertisements have not been seen in my area, would the Assistant Minister tell this House how he ensures that the advertisements reach these areas in time? Does he use helicopters, aeroplanes or what?

Mr. Munyi: Mr. Deputy Speaker, Sir, although my good friend is trying to make an allegation, what I would like to tell him is that what he has been trying to say is not correct. I am saying this, Mr. Deputy Speaker, Sir, because I can give the hon. Member an example of the advertisement of posts which appears in the *Official Gazette*. These advertisements, Mr. Deputy Speaker, do appear on the district commissioners' notice boards everywhere in the Republic, and this is quite true.

Mr. Koigi: Would the Assistant Minister not agree with me that he has not answered the question because the question as put, to him asks whether he would give priority to the hon. Member's area when he is considering the applications for the posts of district assistants and district officers?

Mr. Munyi: Mr. Deputy Speaker, Sir, although the hon. Member is trying to go out of what I have said, the truth remains, which is: as far as advertisements are concerned, wide publicity is given because notices are always displayed in the district commissioners' offices and if there is any prospective candidate who wants to apply for any advertised post he can always visit the district commissioner's office and see whether there is any post which is advertised.

The Deputy Speaker (Dr. Waiyaki): No, Mr. Munyi. The question is whether you would be prepared to give priority to Kitui East.

Mr. Munyi: Mr. Deputy Speaker, Sir, the hon. Member is one of the people who know that all parts of Kenya are treated equally. Kitui East is treated on an equal basis with any other area, and this is the truth.

Mr. Kitonga: Mr. Deputy Speaker, Sir, is the Assistant Minister not misleading the House when he says that I am one of those who know that all applicants for the advertised posts are treated equally in the whole of the Republic? Can the Assistant Minister substantiate how I know this.

Mr. Munyasia: Arising from the Assistant Minister's reply that district assistants and district officers are appointed according to their merit, would he tell the House why the district assistant attached to the Eastern Province has been a district assistant since the colonial time and up to this time he is still a district assistant? Why has he not been promoted to district officer?

The Deputy Speaker (Dr. Waiyaki): That is a different question, Mr. Munyasia.

Next question. Mr. Ejore.

Question No. 324

HOUSES FOR LORUGUM AND KAKUMA ADMINISTRATION POLICE

Mr. Ejore asked the Minister of State, President's Office if he would tell the House whether he was aware that the Administration Police who were stationed at Lorugum and Kakuma had no houses at all and they were living in bad local *manyattas*, and whether he would consider building good houses for these Administrative Police.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Deputy Speaker, Sir, I beg to reply. The Administration Police at Lorugum and Kakuma are housed in temporary houses. There are plans to build a divisional headquarters at Kakuma in the next Financial Year and these plans include houses for the Administration Police.

Mr. Ejore: Arising from the Assistant Minister's reply that the Administration Police at Lorugum and Kakuma have temporary houses, while I know very well that these are not even temporary houses but *manyattas*—if you do not know the meaning of the word *manyatta*, it is the type of houses built by the Masai and the Turkana—does he agree with me that these people are living in shanties and not in temporary houses? Would the Assistant Minister also consider building good houses during the next Financial Year at these places?

Mr. Munyi: Mr. Deputy Speaker, Sir, that might be a very strange interpretation of the word

[The Assistant Minister of State, President's Office]

manyatta because the hon. Member knows that the Administration Police are housed in temporary houses and I have already stated that during the next Financial Year houses will be put up at Kakuma, and Kakuma which is within the same area. Action has already been taken, Mr. Deputy Speaker, Sir.

Question No. 283

1969-71 COFFEE STILL IN STORE

The Deputy Speaker (Dr. Waiyaki): Mr. Magugu not here? We will wait until at the end.

Next question.

Question No. 323

OROPOI AND LOKICHOGIO WATER SHORTAGE

Mr. Ejore asked the Minister for Agriculture if he would tell the House whether he was aware that the police posts at Oropoi and Lokichogio are suffering a lot in getting water because the boreholes which are in those posts stopped working four months ago and the police get water by lorries from Kakuma which was 100 miles from Lokichogio and Oropoi. Also, whether he would make sure that those boreholes functioned again.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, I beg to reply. The two boreholes at Oropoi and Lokichogio are the responsibility of the police who have mechanics at the posts who should be able to maintain these boreholes for the exclusive use of the police posts. As far as I am aware, Mr. Deputy Speaker, Sir, the Water Development Division of my Ministry is only involved in repairing these boreholes when invited to do so by the police at Lokitaung and there is normally no delay in getting them into operation. No such notification has been made in this regard. However, an inquiry is being made with the Provincial Water Officer, Rift Valley Province, and if necessary the police will be given assistance to ensure that the boreholes operate satisfactorily.

Mr. Ejore: Arising from the Assistant Minister's reply that the two boreholes are under the police care and considering the fact that these two posts are on the borders of Kenya, Sudan and Ethiopia what action is he taking to ensure that they are always functioning because they are right at the two borders?

Mr. Wanjigi: I think that question, Mr. Deputy Speaker, Sir, is already answered.

The Deputy Speaker (Dr. Waiyaki): We move on to the next question.

Question No. 373

WATER DAMS IN GARISSA SOUTH

Mr. A. H. Ahmed asked the Minister for Agriculture if he would tell the House whether he was prepared to introduce a crash programme to build permanent water dams for the people of Garissa South Constituency in the following important grazing areas: Ijara, Day, Galmagala, Handarow, Runi and Garse Gabo.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, I beg to reply. Crash programmes for building permanent dams for Garissa South Constituency cannot be implemented immediately because the Government does not have the necessary machinery.

Secondly, Sir, the planning of a water supply in the area is also, contingent on the Range Management proposals which are now in the planning stage.

Mr. A. H. Ahmed: Arising out of the reply, Mr. Deputy Speaker, Sir, and bearing in mind that the Assistant Minister knows that there is a big forest with a waterway through which water flows to the sea every year when we have heavy rains, why cannot the Government block that waterway so as to form a dam to help those people?

Mr. Wanjigi: I think, Mr. Deputy Speaker, Sir, the hon. Member knows very well that the Government is doing a lot for that area and will continue to do so contingent with other development proposals, as I have just said.

Mr. Lotodo: Thank you, Sir. Arising from the answer given by the Assistant Minister, is he not aware of the fact that it is easier to maintain a dam than a borehole?

Mr. Wanjigi: That is a different question, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Dr. Waiyaki): We will move on to the next question.

Question No. 376

WATER SHORTAGE: HOMA BAY SECONDARY SCHOOL

Mr. Owala-Orwa asked the Minister for Agriculture if he would tell the House whether he was aware that the shortage of water at Homa Bay Secondary School was still a problem because the filter-plate, collection pipes and coagulation basin has not been fitted on the water tank, which was to have been completed in 1969, and if the answer was in the affirmative, what urgent steps he was taking to ensure that there was no problem of water any more at the school.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, Sir, I beg to reply. The last official complaint regarding Homa Bay Secondary School was in August last year when a booster-pump broke down for a short period. Since then the Provincial Water Engineer has had no complaints from this school which has a supply of 60,000 gallons per day.

The coagulation basin has now been completed and the erection of the filter is already done. As I speak, Mr. Deputy Speaker, Sir, our information is that the pump is now working normally.

Mr. Owala-Orwa: Mr. Deputy Speaker, Sir, as this problem has been on and off for the last ten years, I would suggest, and at the same time the Assistant Minister should agree with me, that the tank at the school should be connected to a water reservoir from the hill which is supplying Ogande Secondary School instead of the one which is near the school and which is causing the school to suffer from time to time Sir, it is because of the elevation.

Mr. Wanjigi: That is a possibility we will be prepared to look into.

The Deputy Speaker (Dr. Waiyaki): Next question.

Question No. 266

TARMACKING YALA-BUMALA-BUSIA ROAD

Mr. Masibayi aked the Minister for Works if he would tell the House when the Yala-Bumala-Busia Road would be tarmacked as provided for in the first phase of the 1970/74 Development Plan.

The Assistant Minister for Works (Mr. Kuguru): Mr. Deputy Speaker, Sir, I beg to reply. This project is scheduled to start on 1st July, 1972 provided the necessary funds are available. Of course, Sir, my Ministry has applied for loans from the World Bank and the African Development Bank. Therefore Mr. Deputy Speaker, Sir, I think our hon. Members will be satisfied with that reply.

Mr. Masibayi: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that this section of the road has remained undone since 1965? New roads have been constructed and yet this one has been left undone. What is the purpose of leaving this one half undone?

Mr. Kuguru: Sir, whether I am aware or not, the question is: when are we preparing to start the construction of this road? The reply is: we are starting on 1st July, 1972. Of course, apart from that, if the maintainance is not done, we can do it.

Mr. arap Cheboiwo: Mr. Deputy Speaker, Sir, arising from one of the replies from the Assistant Minister, that this road will be started in July 1972—and then he adds "Provided that the money will be available"—now, could he assure the House that they will definitely start this road and forget about the phrase "Provided that the money will be available"?

Mr. Kuguru: Well, Sir, the question of assuring the House is not possible because this depends on the availability of funds.

Mrs. Onyango: In view of the fact that the Yala Road is a major road in Kenya and it could not be extended to Busia simply because the people of that area were K.P.U., why can the Government not complete it now that the people in the area are all Kanu.

Mr. Kuguru: Sir, I did not understand what the hon. Madam was trying to ask—the hon. Mrs. Onyango: can she repeat it please?

Mrs. Onyango: In view of the fact that the Yala/Busia Road is one of the major roads of Kenya—work on the section between Kisumu and Busia was started and was abandoned due to political reasons, because people in that area were K.P.U. Now everybody there is a Kanu member, why can you not finish that road?

Hon. Members: Hear! Hear!

Mr. Kuguru: Well, I think the question of party affiliation or anything of the sort is not involved here, Sir, whether we had an Opposition Party or not the road will be started in 1972. When we start this road the whole section will be completed.

Mr. Mutiso: Mr. Deputy Speaker, Sir, taking into consideration the fact that the Minister for Finance and Economic Planning returned recently from fetching for some money from overseas, and according to his report he came back with a lot of money for development, would the Assistant Minister ensure that part of the money which was borrowed for rural development will be used for this particular area?

Mr. Kuguru: Sir, certainly this is thought so. As I have told you, we have made an application for loan, for the construction of this road, to the World Bank and the African Development Bank.

Hon. Members: How much?

Mr. Kuguru: The question of "How much", Sir, can wait until next time.

The Deputy Speaker (Dr. Waiyaki): Next question.

Question No. 332

ESTABLISHMENT OF A BANK AT MARSABIT

Mr. Umuro asked the Minister for Finance and Economic Planning if he would tell the House whether he would consider establishing a bank at Marsabit.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, I beg to reply. I should have been pleased to have been able to answer the hon. Member's question in the affirmative. All I can state now, however, is that the question of extending the banking system to as many points of the country as possible is under active consideration and the Government is carrying out the necessary consultations.

An hon. Member: Have you finished?

The Assistant Minister for Finance and Economic Planning (Mr. Balala): I have not finished.

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

The Deputy Speaker (Dr. Waiyaki): No point of order. Would you carry on and finish the answer, Mr. Balala?

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Yes, I will continue with my reply, Mr. Deputy Speaker.

The Government has, where appropriate, spared no effort in encouraging extension of banking services by the commercial banks to as many parts of the country as possible and, I am glad to say, these efforts have been fruitful. Similar efforts will continue being made pursuant to the Government's policy of encouraging monetization of the rural sector of the economy. The particular places where new banking services may be located, will, of course, depend on a number of considerations, which include the overall demand for such services in the country and the overall business potential of each location.

Mr. Muturia: Mr. Deputy Speaker, Sir, the Assistant Minister has given the House a very encouraging story but the question is: When is the Minister going to establish a bank in Marsabit? This is the question, Mr. Deputy Speaker, but the Assistant Minister is going round it instead of giving a straight answer.

Mr. Balala: Mr. Deputy Speaker, Sir, as I have said, and I still say, it is not possible to indicate exactly when a bank will be established in that area. Sir, Government is examining ways and means of ensuring that the growth of banking services is in step with Government policy of accelerating development in the area.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir, I wanted to find out from the Chair whether it is really in order, when an hon. Member rises on a point of order, for the Chair to rule that it is not a point of order when in fact it does not know what it is.

The Deputy Speaker (Dr. Waiyaki): The Chair rules out of order these points of order which come bang in the middle of an answer to a question. These points of order make us lose the track of what hon. Ministers are trying to answer. If you would like to place your points of order in a better position we might consider them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, despite repeated rulings from the Chair by the Speaker himself to the effect that there should be no points of order during the Question Time, we still find Members standing on points of order. Is it not time you became very firm so as to avoid this situation?

Hon. Members: Why! Why! Sit down!

The Deputy Speaker (Dr. Waiyaki): Order! No, it is clearly not unwise for us to encourage points of order during Question Time. Many of the points of order that are being put to the Chair are, in fact, questions. Where there is a dissatisfaction with a reply, instead of asking a supplementary question Members stands up, knowing very well that a point of order has precedence over a supplementary question, to raise a point of order which happens not to be a genuine point of order. So, that is why the Speaker is unhappy about points of order, and I am trying to discourage them as much as possible. It is sometimes possible that there is a genuine point of order and so we cannot make a complete or a hundred per cent ruling that we shall not allow them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, when a Member is on his feet on a point of order, is it not time you repeated it to the Members that no Member should shout "Sit down"? There are no babies in this House.

The Deputy Speaker (Dr. Waiyaki): Order! A habit is growing whereby hon. Members rising from their seats are taking the Chair illegally. This is because where you assume the role of the Speaker or his Deputy you are, in fact, doing that illegally and unconstitutionally. I would prefer that the "Sit downs" are left to the Chair.

Mr. Nthenge: Mr. Deputy Speaker, Sir, would the Assistant Minister consider, for the sake of

[Mr. Nthenge]
convenience of people in remote areas, to organize a mobile banking unit?

Mr. Balala: Mr. Deputy Speaker, Sir, there is already a mobile banking unit operating in different parts of the rural areas in this country.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir, my question was referring to remote areas. By that, Mr. Deputy Speaker, Sir, I mean remote places like Marsabit and the rest. We are dealing with a question on Marsabit and, taking into consideration the fact that there are other places with similar difficulties, I asked for consideration of all remote areas.

Mr. Balala: Mr. Deputy Speaker, Sir, I said there is already, in existence, services of a mobile banking unit and this can be extended to other remote areas in the country.

Question No. 263

HOSPITALS NOT YET OPENED OWING TO LACK OF STAFF

Mr. Masibayi asked the Minister for Health if he would tell the House how many hospitals had been constructed by the Government or on Harambee basis but had not been opened owing to lack of staff.

The Assistant Minister for Health (Mr. Jahazi): Mr. Deputy Speaker, Sir, I beg to reply. The Ministry of Health is not aware of any hospitals which have been constructed and completed by Government, or on a Harambee basis, and have remained closed because of lack of staff. However, if the hon. Member could tell us of these hospitals which he is referring to, we would be interested to know them.

Mr. Masibayi: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that in Busia District there is Amukura Harambee Hospital, which is complete and there are no staff there, and also the Asiyo Post which, in fact, is not fully staffed by him?

Mr. Jahazi: Mr. Speaker, Sir, I am not aware of these hospitals. Therefore, if the hon. Member knows of any hospitals started by us, I would ask him to talk the matter over quietly in the office of the Ministry so that we could see what we can do. However, as far as I am concerned, Mr. Deputy Speaker, I do not know of any hospitals started by the Ministry of Health——

An hon. Member: What about health centres?

Mr. Jahazi: Health centres are not hospitals.

Mr. ole Marima: On a point of order, Mr. Deputy Speaker, Sir, hon. Masibayi did ask the Minister the number of hospitals started on Harambee basis but not started by the Ministry. Is the Assistant Minister in order, therefore, to speak on hospitals started by the Ministry whereas the question refers to Harambee hospitals?

The Deputy Speaker (Dr. Waiyaki): The question states: "Government hospitals as well as Harambee hospitals" and the Assistant Minister has said that he is not aware of any hospitals.

Mr. Mulwa: On a point of order, Mr. Deputy Speaker, Sir, since it is obvious that the question meant that the word "Hospitals" here includes health centres——

An hon. Member: It does not mean so!

Mr. Mulwa: It does.

The Deputy Speaker (Dr. Waiyaki): Order! I am better qualified to answer than you are, Mr. Mulwa, I think. In the context of the usage of this word in Kenya, a health centre is quite separate from a hospital. Therefore, that is not a good point of order.

Mr. Mulwa: We are looking at this from a layman's point of view and from a doctor's point of view, Mr. Deputy Speaker. This is because we, as laymen, always refer to health centres as hospitals and I am sure that was what the hon. Questioner was referring to.

The Deputy Speaker (Dr. Waiyaki): Order! I am ruling that that is not correct. It is obvious that the hon. Masibayi knows the difference between a hospital and a health centre.

Mr. Tsuma: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply to the effect that if the hon. Questioner has any knowledge of a health centre which was started on a Harambee basis and has not been taken over——

An hon. Member: A hospital, not a health centre.

Mr. Tsuma: A Harambee hospital is there also. We know they are health centres but we take them as hospitals. Now, could the Assistant Minister tell this House if he is aware that—adding to what my hon. friend has said—Ebushiri Health Centre, in my constituency, was given Sh. 20,000 and completed by Government but has never been taken over by the Government? Is that not within his knowledge, Mr. Deputy Speaker, Sir?

Mr. Jahazi: Mr. Deputy Speaker, Sir, I think the hon. Member is confusing this House completely. I said—and the Chair has ruled—that the definition of a health centre is very different from that of a hospital. Let us not, therefore, confuse the two issues. If the hon. Member meant hospitals, I hope next time he will know the difference between a health centre and a hospital. As far as we are concerned, there is a——

Mr. Tsuma: On a point of order, Sir, I would like you to tell us whether it is in order for the Assistant Minister to hide under the cover of what you have said here while we know that a health centre and a hospital are all the same? What is he talking about?

The Deputy Speaker (Dr. Waiyaki): When the Chair has ruled—— The question is specific here. It specifically asks about hospitals. If you expect the—— Order! Order! Shall I read the question?

"Could the Minister inform the House how many hospitals have been constructed by the Government or on Harambee basis but have not been opened owing to lack of staff?"

If you ask the Ministry of Health about hospitals, the reply is given, I think, by the Director of Medical Services, who is a doctor and will confine himself to hospitals.

Mr. Mulwa: Mr. Deputy Speaker, since it is most likely that in his preparation for this answer on which, because of the way in which the question was framed, the Minister had eventually to confine himself to hospitals; but since it is likely that he also came across health centres, could he tell us whether in the course of his investigations he came across some health centres which have not been taken over by the Government but which were built by the people with the help to the Government and are not operating due to lack of staff?

Mr. Jahazi: Mr. Deputy Speaker, Sir, the question of health centres will come and it has already come to this House and we have replied accordingly. I should not give any impression that we are scared of being asked questions about health centres. We know there are many that have been constructed on Harambee basis that are at the moment not functioning due to lack of staff. This we have said openly in this House. There is another question coming regarding the same thing. If we have to be responsible, then we must pay a little more attention to how we frame our questions so that we get the right answers.

The Deputy Speaker (Dr. Waiyaki): Next question. Mr. Lenayiarra.

Question No. 337

HEALTH CENTRES IN BARAGOI DIVISION

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

(*a*) whether he was aware of the Harambee spirit demonstrated by the people of Baragoi in building the following health centres: (i) Lesirikan, (ii) Tuum, and (iii) Marti;

(*b*) when the public would make use of the above mentioned health centres.

The Assistant Minister for Health (Mr. Jahazi): Mr. Deputy Speaker, Sir, I beg to reply. We are aware that Lesirikan, Tuum and Marti Health Centres were built on Harambee spirit and at the moment, as they stand, I think the people's spirit is being damned because they are not operational. The excuse we have—which is genuine—is that we cannot staff them at the moment because we are now indulging in training as many people as we can so that we can eventually man these health centres. So, if the hon. Member could continue to be a little patient, I will invite him to come and help us in deciding—since they are three—which one we should staff first; I want him to participate in deciding on which one should have the topmost priority. I will call him personally, Mr. Deputy Speaker, and I do not think I have more to add to that.

Mr. Amayo: On a point of order, Sir, is it in order for a non-Member to be allowed to sit on the Front Bench in the Chamber? I mean a stranger.

The Deputy Speaker (Dr. Waiyaki): Who are you referring to?

Mr. Amayo: The stranger is the member between hon. Kalya and hon. Owala-Orwa.

The Deputy Speaker (Dr. Waiyaki): This has long been explained. It was explained last year many times; there is no need to repeat it now.

Mr. Cheboiwo: Mr. Deputy Speaker, Sir, arising from the answers given by the Assistant Minister that they cannot staff these Harambee health centres now because they do not have the staff, could he tell the House——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir——

The Deputy Speaker (Dr. Waiyaki): I have said that you should refrain from these points of order unless they are absolutely necessary.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): We were told that a stranger—a non-Member—is sitting on the Front Bench. Could we be told who the stranger is?

The Deputy Speaker (Dr. Waiyaki): The word "Stranger" applies only to non-Members of Parliament. If he used the word "Stranger", then, I might have overlooked it. "Stranger" refers to any member other than that of Parliament.

An hon. Member: Can he withdraw?

The Deputy Speaker (Dr. Waiyaki): No, it is not necessary. Order!

Mr. Cheboiwo: Mr. Deputy Speaker, what I was trying to ask the Assistant Minister is that arising from one of his replies, that his Ministry cannot staff these health centres because they do not have the staff, could he be specific and tell the House when these people will be available because if he does not do that, I am sure he will agree with me this will discourage these people from building more health centres?

Mr. Jahazi: Mr. Deputy Speaker, Sir, I cannot be very specific as to the date when these health centres will be staffed because it is really impossible. Our training programme is being frustrated by a number of causes, including the fact that all the girls we put in training are being raided—and the rate of pregnancy is increasing—and thus forced to leave school. So, if it was not for all these causes, I could be able to say approximately when we shall be able to do it. At the moment, however, we are doing our best and I think before the end of this year, one of them should be functioning very well. As I said, I will call hon. Lenayiarra to help us in deciding which one we should open first as soon as possible.

Mrs. Onyango: On a point of order, Sir, could the Assistant Minister tell the House the reason why he thought it in order to say that the rate of pregnancy is increasing while we all know that everyone is fighting for the country to get more children?

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, while I appreciate the answer that one health centre will be opened this year, will the Minister give these other two health centres priority as soon as the staff become available due to the fact that these health centres were built two or three years ago?

Mr. Jahazi: Mr. Deputy Speaker, Sir, these are not the only health centres in the Republic. I think every Member here is being confronted with one completed health centre in his constituency that is not operational. So, we are trying to see how we can equitably distribute these chaps who complete their course so that we do not open all health centres in one area but distribute them in as many areas of Kenya as possible. So, if it was possible I could open all health centres that are not operative at the moment at once; but since it is not possible we will have to pick them up one by one from different areas until we cover the whole Republic.

The Deputy Speaker (Dr. Waiyaki): We will move on to Mr. Lenayiarra's next question.

Question No. 338

MOBILE HEALTH CENTRE VEHICLE IN SAMBURU

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

(*a*) whether he was aware that the Mobile Health Clinic Vehicle in Samburu had been stationary in most of 1970 because there were no funds allocated to run it; and,

(*b*) whether the Minister would make sure that the same problem would not arise in future in view of the useful service rendered to the *wananchi* by this vehicle.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. Regretably, the answer to the first question, which is part (*a*), is: yes, we are aware. And part (*b*) is: yes, we are aware and the loophole has been blocked and such things—will not happen again.

The Deputy Speaker (Dr. Waiyaki): Mr. Kurgat, would you go to the Bar when you cross the floor?

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, arising from the answer by the Assistant Minister that vehicles, in most of 1970, could not move due to lack of funds, could he inform the House why this happened whereas we know that the Ministry of Health was given a lot of money for these services?

Mr. Jahazi: Mr. Deputy Speaker, Sir, I think it was an oversight on the part of one inefficient officer in my Ministry. I have to apologize to the hon. Members and the House and say that we have now corrected the mistake and it will not happen again. I hope hon. Members will be satisfied with that.

Mr. Wachira: Mr. Deputy Speaker, Sir, in view of the fact that the Assistant Minister has accepted that there was one officer who did not do his duties as he was supposed to do, did he discipline the officer or what did he do?

Mr. Jahazi: Mr. Deputy Speaker, Sir, his pay was reduced a little bit, and I am sure that he will never do it again as long as I am still there in the Ministry.

Question No. 378

IMPROVEMENT OF ROADS AT CHERANGANI

Mr. arap Yego asked the Minister for Works if he could tell the House whether since tea was the main cash crop grown in Cherangani Settlement, he would consider as a matter of urgency, improving the roads and bridges in the area so as to enable the growers to transport their tea during the coming rainy season.

The Assistant Minister for Works (Mr. Kuguru): Mr. Deputy Speaker, Sir, I beg to reply. The hon. Members are aware that the construction of settlement roads started last year

[The Assistant Minister for Works]
and was being done by my Ministry. We had a loan amounting to £2 million and we have been given another one now and roads are being constructed.

The Cherangani Settlement Roads, in the Development Plan, will begin between 1973/74. The maintenance of the roads, the levelling and so on will be done when funds are available. I think hon. Members are aware that we are very keen on bettering these settlement roads to enable our farmers to transport their cash crops like tea, grown in their areas.

Mr. arap Yego: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, is he aware that tea leaves in this area get spoilt because the roads and the bridges are very bad?

Mr. Kuguru: Mr. Deputy Speaker, Sir, of course, I am not aware because I have not been there. I hope the hon. Member is aware. As I have said, the construction of these roads, or the bettering of these roads and also the building of bridges, is being done and will continue to be done up to the end of this Development Plan. I hope they will be all right.

Mr. Muturia: Mr. Deputy Speaker, Sir, arising from what the Assistant Minister has said, and bearing in mind that tea is one of the most important cash crops and the fact that the Minister for Finance and Economic Planning has been out of the country for money, would the Assistant Minister consider giving priority to the maintenance of the roads leading to the tea areas for the sake of the economy of this country?

Mr. Kuguru: Mr. Deputy Speaker, we have considered this and plans are underway to ensure that roads are constructed; not only the tea roads but also the other roads—even the roads in Kitui.

Question No. 284

GOVERNMENT BOARDING SCHOOLS IN NYAMBENE

Mr. Muturia asked the Minister for Education if he could tell the House whether—

(*a*) he was aware that there was no Government boarding secondary school in Nyambene North; and,

(*b*) Government would confirm to the House that Igembe and Burieruri Secondary Schools will be made boarding schools with immediate effect.

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I beg to reply. (*a*) Yes, I am aware that there is no Government boarding secondary school in Nyambene North.

(*b*) My Ministry has extremely limited funds for secondary education, and considering all the relevant aspects of maintaining boarding schools, it is the Governmen's view that priority should be given to aiding Harambee schools. It is therefore, impossible for me to consider converting Igembe and Burieruri Secondary Schools into boarding institutions now.

Mr. Muturia: Mr. Deputy Speaker, Sir, arising from the answer given by the Minister for Education, is he aware that since independence no Government secondary school, with boarding facilities has been built in the whole of Meru District, apart from the ones which had boarding facilities during the colonial régime? Mr. Deputy Speaker, Sir, could we know when he is going to institute this, if not now?

Mr. Towett: Mr. Deputy Speaker, Sir, I am well aware, but, there is no commitment on the part of Government to say we are going to build and maintain boarding secondary schools.

Mr. Kadir: Mr. Deputy Speaker, Sir, will the Minister tell the House why he has never, at any one time, while replying to question, said "Yes" to a question. Why has he not been doing this?

Mr. Towett: Mr. Deputy Speaker, Sir, I now imply, "Yes, Sir,".

Mr. Mulwa: Mr. Deputy Speaker, Sir, arising from the Minister's reply, is it not true that economically it will be better to have day schools in the whole of the country instead of having boarding schools? Is it not better to discourage boarding schools with a view to encouraging more schools aided by Government?

Mr. Towett: Mr. Deputy Speaker, Sir, I agree with the idea of having more day schools in this country instead of running and maintaining boarding schools. I agree with that wholly.

Mr. Tsuma: Mr. Deputy Speaker, Sir, arising from the answer by the Minister, and since at present we have both boarding and day secondary schools, could the Minister tell the House what qualifies a school to be considered by Government as a boarding school?

Mr. Towett: Mr. Deputy Speaker, Sir, schools that are now having boarding facilities must remain boarding schools and those that will be built later must be day schools.

Mr. Tsuma: Mr. Deputy Speaker, Sir, the habit of evading questions is annoying some of us. My question was, could he tell the House what warrants a school to be considered a boarding secondary school?

Mr. Towett: Mr. Deputy Speaker, Sir, in my speech, during the Budget Debate, I did say that we consider this in areas where children have to travel miles and miles from their homes. I did mention areas like North-Eastern Province, and

[The Minister for Education]
some parts of Masai. We consider distances. We want to save those children from having to walk ten to 20 miles from their homes to the school. That is the only criterion I use.

Mr. Muturia: On a point of order, Mr. Deputy Speaker. I am a little bit perturbed by the answer given by the Minister. Now that the Minister is encouraging day secondary schools rather than boarding schools—— I know that the place I am referring to in this question is a place where students from all over the country especially from the northern parts of Eastern Province and many other places, come to for secondary education. Mr. Deputy Speaker, may I know whether we should chase away these students so that we have the only local students who will be able to walk to school?

Mr. Towett: Mr. Deputy Speaker, Sir, my aim for this country is that there should be a school not more than five miles away from any home: the idea is that those children can go back home where they came from, and even ask their parents to put up Harambee secondary schools and then come to us and ask for help and assistance in maintaining day secondary schools instead of boarding secondary schools which discourage others from putting up schools elsewhere.

Mr. Wachira: On a point of order, Sir. Now that the Minister has stated that if in the most populated areas, children can reach schools after walking short distances then they will never have a boarding school and in view of the fact that the crowded areas pay more graduated personal tax than these non-crowded areas does the Minister think——

Hon. Members: No! No!

The Deputy Speaker (Dr. Waiyaki): That is not a point of order! Mr. Ahmed, your question.

Question No. 374

MASALANI PRIMARY SCHOOL
ACADEMIC STANDARD

Mr. Ahmed asked the Minister for Education if he would tell the House whether he was aware that the academic standard of Masalani Primary School were deteriorating because the teachers were untrained; and, if the answer was in the affirmative, what he was doing to improve the situation.

The Assistant Minister for Education (Mr. Mbai): Mr. Deputy Speaker, Sir, I beg to reply. I am not aware that the standards of Masalani Primary School are deteriorating. Contrary to what the hon. Member says, this school has six trained teachers out of a total of seven. Only one of the seven is untrained. The Headmaster is a P2, and is trained, and in addition to him there is one P1 trained teacher, two P3 trained teachers and two P4 trained teachers. These are all the grades of trained teachers in the school. There is, therefore, no question of improving the situation.

Mr. Mwamzandi: On a point of order; Mr. Deputy Speaker, Sir, the reply to this question has caused great concern in this House because the Member clearly put it here that there is no trained teacher, and that is why the standard there is deteriorating. Here the reply says the school has six trained teachers out of seven. Could the Member who asked this question substantiate his allegation that there is no trained teacher, so that if he cannot substantiate, we do not condemn the Ministry for failure to get correct information?

The Deputy Speaker (Dr. Waiyaki): Yes, that is a good point of order.

Mr. Ahmed: Mr. Deputy Speaker, arising from the reply——

The Deputy Speaker (Dr. Waiyaki): Order! There is a point of order. You have to substantiate that, in fact, there are untrained teachers in that school.

Mr. Ahmed: Mr. Deputy Speaker, if we have no untrained teachers in that school, why is it that in 1968 we had only one pass; in 1969, two passes and in 1970 three passes?

The Deputy Speaker (Dr. Waiyaki): Mr. Ahmed, you are responsible for the facts that you put down in your question; the question clearly states that the teachers are untrained. The Assistant Minister said that out of seven teachers, six are trained; if that is not true, would you then substantiate to the House.

Mr. Ahmed: Mr. Deputy Speaker, I think I do not have anything to substantiate because I am very much concerned with the pupils who are taught there, and they do not pass any examinations.

The Deputy Speaker (Dr. Waiyaki): What about the facts?

Mr. Jilo: On a point of order——

The Deputy Speaker (Dr. Waiyaki): I am dealing with a point of order, Mr. Jilo.

The House is concerned about what you said in the question; the allegation you made must be proved.

Mr. Ahmed: Mr. Deputy Speaker, Sir, I know most of these teachers: some of them were shopkeepers and some of them are even *miraa* sellers from Meru, and if the Assistant Minister——

The Deputy Speaker (Dr. Waiyaki): Yes, but can you prove that they are untrained?

Mr. Ahmed: Mr. Deputy Speaker, Sir, I do not know them since they are all from Meru.

The Deputy Speaker (Dr. Waiyaki): In the absence of——

Mr. Ahmed: Mr. Deputy Speaker, Sir, to save the time of the House I withdraw this, but I warn the Assistant Minister: this, Sir, has become the practice of the Ministry of Education, to send rejected and untrained teachers to the North-Eastern Province.

Therefore, can the Assistant Minister tell us what led to the poor passes in that primary school in Masalani in 1967, 1968, 1969 and in 1970?

The Deputy Speaker (Dr. Waiyaki): Well, we are in a difficult position: your question is: "Is the Minister aware that the academic standard of Masalani Primary School is deteriorating"? That, I think, he might be aware of, because—the reason being that the teachers are untrained. This is what you are being called upon to substantiate, and I do not think you are substantiating.

Hon. Members: He has withdrawn!

The Deputy Speaker (Dr. Waiyaki): Has he withdrawn?

Mr. Ahmed: No, I have not withdrawn. Mr. Deputy Speaker, Sir, since there are so many meanings of the word "untrained"—— These teachers are, perhaps, untrained-minded!

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): On a point of order——

The Deputy Speaker (Dr. Waiyaki): No, I am dealing with another point of order.

Mr. Ahmed, if you do not have the facts, perhaps you would like to withdraw that or you can ask why the standards are deteriorating instead; would you?

Mr. Ahmed: Mr. Deputy Speaker, okay, I withdraw that small part of the question.

The Assistant Minister for Co-operatives and Social Services (Mr. arap Choge): On a point of order, in view of the fact that once a question comes to this House, Sir, it is the property of the House, and some of us are not willing to have the hon. Member withdrawing the question. I think he should be given more time, so that next week he brings us the exact names, so that in future some of these people avoid alleging some of the things they bring to this House which have no grounds at all.

The Deputy Speaker (Dr. Waiyaki): He did not withdraw the question; he withdrew the allegation about the untrained teachers but he insisted that the standards are deteriorating and is calling upon the Minister to answer why they are deteriorating.

Mr. Mbai: Mr. Deputy Speaker, Sir, I think that ought to have been the substance of the question, but I think the hon. Member had his facts wrong, and that is why he could not substantiate that in this school—— I am trying to explain to him the reasons!

Mr. Ahmed: On a point of order, Sir——

The Deputy Speaker (Dr. Waiyaki): What is your point of order, Mr. Ahmed?

Mr. Ahmed: I think the Assistant Minister is not in order to say that I do not go home.

The Deputy Speaker (Dr. Waiyaki): He said you had your facts wrong, which is true.

Mr. Mbai: Mr. Speaker, Sir, the Member was saying that this school has low standards because the teachers are untrained, and I proved him wrong, in that we have six trained teachers in this school, and the reason of the poor performance in the Certificate of Primary Education might have been caused by other reasons, but not the teachers being untrained.

First of all, I think the Member should remember that these pupils who sat their Certificate of Primary Education last year and the year before were the ones who had been studying under difficult conditions during the shifta times and their lessons were so interrupted that by the time they reached Std. VII, Sir, they might not have covered the work they should have covered in lower classes. Therefore, this could be one of the reasons, Mr. Deputy Speaker—and many others, depending on the circumstances in the area.

The Deputy Speaker (Dr. Waiyaki): No more on that now. We shall go back to Mr. Magugu's question.

Dr. Munene: On a point of order, Mr. Deputy Speaker, Sir, before I ask this question, it seems as if we are getting into some confusion. There was a ruling that if a Member wanted his question to be asked by another Member and so long as he stood up when his question came up, the question would be asked at that particular time. Now, it seems as if the method has differred lately; now, which way are we going to follow, Mr. Deputy Speaker?

The Deputy Speaker (Dr. Waiyaki): I am going to do it the way it has always been done in this House. I do not know what the ruling you are talking about is; it is not in the Standing Orders anyway, it is a matter of practice.

Dr. Munene: Mr. Deputy Speaker, Sir, we are living in a changing Kenya, I understand and, therefore, on behalf of my friend——

Hon. Members: Were you authorized?

Dr. Munene: Yes, I was!

Question No. 283

1969-71 COFFEE STILL IN STORE

Dr. Munene, on behalf of Mr. Magugu, asked the Minister for Agriculture——

(*a*) whether he can inform the House how much coffee, from the 1969/70/71 crop, is still lying in stores unsold and how much of it is expected to be sold within the near future;

(*b*) why coffee growers have their money deducted, which money is supposed to be for coffee factories, roads maintainance and, where necessary, construction, and yet such money has never been spent for the intended purposes; and whether he will see to it that those farmers are not cheated and the money so deducted or cessed is immediately put to its proper use; and,

(*c*) why the Kenya Planters' Co-operative Union, the Kenya Coffee Board or any other relevant body cannot be the sole buyer of coffee from growers instead of being an agent for them.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Deputy Speaker, Sir, I beg to reply. (*a*) There is no coffee from 1969/70 which has not been delivered to the board and the whole crop has been sold and the producers paid for it. The 1970/71 crop is in the process of being delivered to the board and it is hoped that all will have been delivered to the board before the closure of the current pool on 30th June, 1971. At the present time there is an estimated 20,000 tons still held by producers. It is the intention of the board, however, to mill and sell this before 30th September, 1971, which is the end of the Coffee Year.

(*b*) The board deducts county council cess from the proceeds of growers under the authority of a legal notice and is obliged by law to make such deductions. This money is paid directly to the county council concerned and, as far as I know, the money is not earmarked for specific projects.

(*c*) Under the Coffee Ordinance, all coffee grown in Kenya has to be delivered to the board and the Board is the sole purchaser. When this coffee has ben sold, all the proceeds are returned to the growers.

Dr. Munene: Arising from the Assistant Minister's reply, which is very comprehensive, on part (*b*)—we all know that there is no taxation without being told why you are being taxed—would he not agree with me that he does not know where the money which is deducted as a tax for the local authority, goes and undertake to see that it is utilized for the benefit of coffee-growers: that is in making roads from the factories to the main roads?

Mr. Khaoya: Mr. Deputy Speaker, Sir, there are two aspects of that question. First of all, the role of a county council in any given district.—— We know that a local authority is a representative body where farmers' interests are also taken care of by the sheer exercise of electing representatives to that organization. However, all the same, we in the Ministry of Agriculture would like to recommend to these councils through this House today, and perhaps later in a communication, that it would be better for them to try to look and care for the interest of farmers from whose coffee they are getting revenue.

Dr. Munene: Arising from the Assistant Minister's reply, and since he knows very well that responsibility for maintenance of roads has been taken by Central Government from local authorities, would he recommend that this money should go to the appropriate section of the Ministry of Works rather than being given to the county councils, who have no power to make roads for these people?

Mr. Khaoya: Mr. Deputy Speaker, Sir, I do not wish to be dragged into that very beautiful sort of leading statement from my friend. However, the fact is that county councils are there with specific duties to the said districts. They have every right of raising revenue to carry out the necessary functions within their district. If our hon. Member thinks that the money is not being used properly, all that he should do is to discuss the matter with his fellow colleagues who are in the county councils and, mind you, they are elected just as much as we are, and then see whether they can produce resolutions which can then be considered by the Government.

Mr. Koigi: Mr. Deputy Speaker, Sir, what we are asking the Assistant Minister to do is to set aside this coffee money for construction of roads in the coffee areas; would he do that?

Mr. Khaoya: No, Sir, I am not going to do that. All that I am going to say to the county councils is that if they receive any revenue from the coffee farmers, the interests of coffee farmers shall be taken into consideration that is: by way of expenditure of that local authority. It could be a road; it could be something different. There are quite a number of ways in which a local authority could look after the people.

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir, the Assistant Minister has answered parts (*a*) and (*b*) of the question and he should answer also part (*c*) of the question.

Mr. Khaoya: Mr. Deputy Speaker, Sir, I answered parts (*a*), (*b*) and (*c*) of the question. Now we are dealing with supplementary questions and if the hon. Member wishes me to answer specific questions, I am prepared to answer them and that is why I am here.

Mr. Kahengeri: I heard the Assistant Minister quoting a legal notice by which the county councils are empowered to receive cess from the farmers. Therefore, do I understand that the cess from the farmers is not primarily intended to be used for the construction of roads in the coffee farming areas and that it is only a general way of raising revenue for the local authorities so that they can spend it in any way they might think fit for the people in the country?

Mr. Khaoya: Exactly yes! And if I may, I will explain the way in which this is done. A local authority, by resolution, makes an application to the Minister for Local Government that they wish to put a cess on a commodity' "A" "B" or "C". The Ministry of Local Government then discusses this with the Ministry of Agriculture—and we are interested, as far as the prices of commodities are concerned—and if we agree, then, the request goes through. Surely, you can see very easily that a local authority would sit down and find out ways and means of raising revenue, and if they decided that coffee should be one of them, or if they decided that they should, perhaps, get some licences here and there, then, this would add up to what they might call "revenue" which they may spend.

The Assistant Minister for Works (Mr. Kuguru): On a point of order, Mr. Deputy Speaker, Sir, I think I can declare my interest here—— We should be told why county council cesses, which were aimed for education and for construction of roads are still levied and yet these services have been withdrawn from the county councils. We want to know whether these taxes are justified or not?

The Deputy Speaker (Dr. Waiyaki): Order! Order! Will you sit down, Mr. Khaoya!

There was a directive from the Leader of Government Business that Ministers will not ask other Ministers questions and the system must succeed. We are moving on to the next Order now.

POINT OF ORDER

Delay in Making Promised Ministerial Statement on Recruitment Procedure Followed by Nairobi City Council

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, I demanded a statement from the Assistant Minister for Local Government yesterday and I can see him now on the Front Bench. Am I in order to continue demanding the same statement?

The Deputy Speaker (Dr. Waiyaki): Would you make the demand?

Mr. Karungaru: Mr. Deputy Speaker, Sir, during the last session, the Assistant Minister for local Government, the hon. Munoko, undertook the task of investigating the matter which I asked here concerning recruitment by the City Councillors of Nairobi instead of the administrative machinery being used and he promised that he would give a statement or issue a statement to this House to clarify the matter. I can see him now sitting here.

An hon. Member: He has not done it. He should do it now.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Deputy Speaker, Sir, that is very true. What we are doing right now is carrying out investigations. When I get full facts, I shall be able to make a statement to the House.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, does the Chair agree with the statement made by the hon. Assistant Minister, which is unspecific because if we are to leave it like that I do not know for how long we are going to wait?

The Deputy Speaker (Dr. Waiyaki): Yes, you will have an opportunity in a few days from now to stand up on a point of order and ask whether he has completed his investigations. At that time, we shall know whether he is going to answer or not.

Mr. Mbori: On a point of order, Mr. Deputy Speaker, Sir, yesterday, the Minister for Education, when answering a question, said that South Nyanza had two schools, one of which geographically, either in ancient days or today belongs to Kisii. Can the Minister tell us whether he has now assigned to any school in South Nyanza grant-in-aid in 1971?

The Deputy Speaker (Dr. Waiyaki): The Minister seems not to be in at the moment. Therefore, you will raise this at another time.

The Assistant Minister for Works (Mr. Kuguru): On a point of order, Mr. Deputy Speaker, Sir, I am seeking your clarification because I have said that this type of taxation means the cesses are not equitable because the farmer has to suffer deductions——

The Deputy Speaker (Dr. Waiyaki): Order! Mr. Kuguru, we have already passed that. You easily find this out from him because you are sitting next to him.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Dr. Waiyaki) took the Chair]

THE PETROLEUM DUTIES (AMENDMENT) BILL

(Clause 2, 3 and 4 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Chairman, I beg to move that the committee doth report to the House its consideration of the Petroleum Duties (Amendment) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE PETROLEUM DUTIES (AMENDMENT) BILL

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, I am directed by the Chairman of the Committee of the House to report that a Committee of the whole House has considered The Petroleum Duties (Amendment) Bill and approved the same without amendment.

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

The Assistant Minister for Finance and Economic Planning (Mr. Cherono) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Deputy Speaker, Sir, I beg to move that The Petroleum Duties (Amendment) Bill be now read a Third Time.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono) seconded.

(Question proposed)

(Question put and agreed to)

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

Second Reading

THE EDUCATION (AMENDMENT) BILL

(The Assistant Minister for Education (Mr. Mbai) on 11th May, 1971)

(Resumption of Debate interrupted on 11th May, 1971)

Mr. Mwicigi: Thank you, Mr. Deputy Speaker, Sir, yesterday, I said that I would support this Bill with some reservations. I would like to point out, for instance, that under section 27A, clause 2—it reads as follows:—

"A notice under this section shall specify the classification or types of schools".

We are not told in the Bill what type of schools the Minister has in mind. We want to know if these types of schools are primary schools, secondary schools or technical schools. Therefore, the Minister in his reply should clarify that point.

Mr. Deputy Speaker, Sir, in section 27B, clause 1, we are given the number of members to be appointed. When you count the members mentioned here, you get a total of eight members who will be appointed or nominated. In the same Bill, Mr. Deputy Speaker, Sir, the Minister says that the number involved will be between 10 and 15. Since from what the Minister has specified we find the number to be eight, we should be told how the extra members, to a maximum of seven members, will be appointed. Where will those members come from? Mr. Deputy Speaker, Sir, that is another point which will require clarification from the Minister.

Again, Mr. Deputy Speaker, Sir, with regard to the sanction of bonds, which comes under section 27D, we require further clarification from the Minister how this money will be administered. I note that in this set-up there is no mention of the district education board secretariat. We do not know where this board will be administered from. We are not told of the dates and we should know at this stage how the Minister intends to go about it. Mr. Deputy Speaker, Sir, when the Local Government has all sorts of responsibilities, and especially over finance, the results we got at that time were not very encouraging. A lot of responsibilities were removed from the local authorities to the Central Government and the thing that caused this removal was money or finance. The Minister should tell us how he is going to handle this because these district education boards will also be handling a lot of money. If there is no proper control over money, or proper accounting, we are going to involve ourselves in difficulties.

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

[Mr. Mwicigi]

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

Mr. Speaker, Sir, in section 27D clause 1, I find that paragraph does not make sense to me. The first sentence says as follows:—

"The Minister shall appoint the Controller and Auditor-General"

When you go further to the next sentence, it reads as follows:—

"provided the Controller and Auditor-General shall not be so appointed without his consent"

In one place the Minister is appointing, and in the second place we are told about the Minister's consent, yet he is the very man who is making this appointment. I also feel that there is some mistake somewhere and the Minister should take the trouble to explain it.

Mr. Speaker, Sir, we are told somewhere in the Memorandum of Objects and Reasons that the amount involved is approximately £10,000. Mr. Speaker, Sir, in spending £10,000, we are not told the nature of expenses, whether this money will be spent for sitting allowances, mileage allowance or gratuities or whatever you call them. Let us know Mr. Speaker, Sir, what this money is going to be used for? This is public money and it does not hurt anyone if some clarification is made.

Mr. Speaker, Sir, I hold very strong views that Members of Parliament should be in these district education boards. They should participate in the development plans. Their views should be heard if they have any. To omit them is a big error. I believe the Minister is making some arrangements to amend this. We find that the local authorities will be appointing three people, who are actually politicians. However, Members of Parliament are kept out of it, presumably so as to avoid politics while the actual formation is political itself. We, therefore, feel that the Minister should consider this point very seriously because most of the Members hold very strong views on this point.

Mr. Speaker, Sir, I must say a word of praise for this Ministry which controls one-third of our national Budget. About £24 million in our Budget has been going towards education. In fact, we require only two more Ministers taking such huge sums of money to end up with only three Ministers controlling the entire Budget. Also, the way this Ministry has been operating —they have been doing a very good job considering the size of their work. What I would like the Minister to think seriously about is that they should not merely aim at producing students as we know that some students are produced while there are no jobs for them. There should be proper planning in our education where students go to school then get a place to go for finishing their education. You will find that parents work very hard to have these students educated. However, at the end of their education, they have nowhere to go. I, therefore, think the Ministry should take very serious action on this and they must do it urgently because of the very large number of school-leavers today who have nowhere to go although they have finished their education.

Mr. Speaker, Sir, I would like to appeal very strongly to our Minister to consider and clear the confusion which was recently in the Ministry where, in some areas, especially my area, 5 per cent of the students were getting remission in their school fees. There was a circular, however, which was very well received and which increased the number of students to receive remission from 5 per cent to 10 per cent. Recently, there was another circular to cancel the earlier circular and it stated that it is not 10 per cent of students who should be getting the remission but the original 5 per cent. By the time this circular was sent to all the headmasters, a lot of students had been given the remission of their school fees. In other words the circular recommending the 10 per cent of students for remission had already been received and acted upon. Teachers had, therefore, a very painful duty to throw out of school students who had been given remission on the authority of the Ministry of Education. Mr. Speaker, those people who had received the remission and who are now being told that they must leave schools were needy cases. They received the remission because they deserved it and because they could not have afforded the fees. I would, therefore, appeal to the Minister to allow these children to continue with their education and to receive that remission at least for this year. This would be very well received. The mistake was made by the Ministry, if it were a mistake at all. They are the ones who promised students that 10 per cent of them would receive a remission. Since, however, they cancelled it later, I believe there was an error somewhere and we must accept it. A Minister dealing with such a large Ministry and such huge sums of money—£24 million—must have an oversight, and here there must have been an oversight. However, it is not too late to correct it. If these children are thrown out of school, they have nowhere to go unless they go into the streets, which would not be very helpful to our nation. I therefore put it very strongly to the Minister

[Mr. Mwicigi]
that he should bear this in mind and take immediate action.

Mr. Speaker, Sir, I also recommend the district education boards. When administration is done at local level and done well, it is very effective. I would also like to ask the Minister to consider having education boards on an advisory basis at a lower level: that is at a divisional level because they would gather the problems and complaints and they would be responsible to the district boards. This is very important because by doing it you get people at the actual root doing the work and it would be very effective.

Mr. Speaker, Sir, I must stress one point here, because of its importance, which hinges on the success or failure of district education boards. This is about appointments. Mr. Speaker, Sir, to think that the Minister will recommend a friend, or that a Permanent Secretary or a provincial education officer will recommend his friend for a certain post, one must bear in mind that if the friend is not efficient, that is going to wreck the boards. So, appointment to the boards should be seriously considered. Appointment to chairmanship of the boards should also be seriously considered so should the appointment of the personnel who will be running that organization. Mr. Speaker, Sir, I have a very strong view on that and I would like to ask the Minister to take heed.

Mr. Speaker, Sir, it is unfortunate that we find some hon. Members are attacking the teachers who are teaching in their areas. We have quite a large number of teachers in Central Province who come from outside the province. They are very welcome and they are doing a very good job in teaching our children. There might be some teachers from Central Province who have gone elsewhere. Teaching is a very important thing and it is a good thing when we have teachers. We know there are some schools, particularly Harambee schools, which are short of teachers and where they have bad examination results as a consequence of that. I believe that when one is making such a comment he should not be tribalistic because we have had a break in this for some time but there are some people who think that it is time to revive it. This will be very unfortunate.

My last point on this is to congratulate those members of staff in the Ministry of Education who work long hours to see that they attain their goal in giving good education and to see that the Ministry is run efficiently. I have myself been a civil servant for a period of seven years and I know how hard civil servants work. Sometimes, they work for almost 24 hours to see that they do a good job. Therefore, when they are attacked, inside or outside Parliament, without singling out the people who have made the mistakes, it is demoralizing. If there is a civil servant who has made a mistake, and since there are about 80,000 or 90,000 civil servants, it is good to pinpoint the particular person who is responsible for the error instead of blaming 80,000 people. Some of them work very hard. I would, therefore, like to thank those civil servants who are doing such a good job, Mr. Speaker. They are helping us in the building of the nation and we would like to see them continue in the same spirit, particularly those who are serving in the Ministry of Education.

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

An hon. Member: Tell him that you are a politician, and hence you must criticize civil servants.

Mr. S. Lugonzo: Hon. Members, I have been a teacher and so I have a right to comment on the Bill.

I think this is one of the most important Bills that has come before us this year because Government is now beginning to see the necessity for some kind of democratic arrangement to be used in running our education and other institutions. I want to say here that this is a step in the right direction, and which will go a long way in improving our educational system. Many people have alleged or complained, both in this Parliament and outside, about imbalances in the educational developments; and some of these people think that some provinces or some districts are developing faster than others. This may be true or untrue; however, this new system is going to ensure that people at the local level will take responsibility of planning for their own education. What we would request the Minister to do is to make arrangements that will enable the Government to be fair in distributing the funds that will be necessary in order to enable education boards to run educational matters in their respective areas efficiently and effectively. We hope that the Minister will realize that they cannot run education properly without enough funds, and therefore we hope that the Minister will make sure that the funds which are distributed to these district education boards will be given on an equitable ratio based on school population, so that there is no unfairness to any district education board. He should make sure that these people get enough money to run the schools efficiently.

[Mr. S. Lugonzo]

Mr. Speaker, Sir, I would like to stress a few points which should be considered before we approve this Bill. I feel that we should have a district education board—in fact I thought we would have a provincial education board—which has enough responsibilities but it should not be there only for the sake of it, without appropriate responsibilities. Again, it should not be a board that could be dictated to but should be a free board. It should be a board that would control the staffing of all the schools within its jurisdiction. However, it will not have power or be effective, if it cannot control the staff—school staff and other staff dealing with educational matters. The board must hire and fire the staff that will run education within its jurisdiction and in this way it will have power and on the other hand the staff will respect it. However, if the staff has to be hired and fired by somebody else from the top, then they will not be responsible people: they will not behave properly or work hard because they know that the board at the local level, which sees what they are doing, has no power to exercise over them.

I think this question of planning the development of education within the jurisdiction of the board is also a very important thing and is very much welcome. This board should be allowed free planning of all school development within its area of jurisdiction. We do not want plans to be imposed on them from the head office here in Nairobi. They are the people at the local level and therefore know the needs of every corner of that locality and therefore they should be given the responsibility of planning for development in that particular area where they exercise jurisdiction. So, this is a very welcome point as planning is being put in their hands.

The other question is about supervision. At present you will find that we have some supervisors of schools. The other day, and to my great surprise, I found that they are not responsible to the district education officer or to any local person but instead they have sent their reports to the head office here, in Nairobi, and this is put under confidential cover. Such reports are useless because, I feel that when inspections are carried out reports thereof should be given to the people who are on the spot—to the district education officers and the district education boards so that they can take immediate action. However, if the report has to be brought to the head office here it is useless since it is shelved because the man at the head office cannot take any action because he is too far off to be effective in a local area. So, it is time for these supervisors to come under a local body—the district education board; and we are sure that they will be able to do a good job because the district education board will make sure that they do a good job and will check on their reports and probably give them instructions as to how they should work. All members of a district education board will come from various areas of the district upon which the district education board has the jurisdiction and they will be able to detect any defects or disorganization of a school or a group of schools and discuss it in the meeting and thereby take immediate and necessary steps. So, supervision should come under district education boards.

The question that is puzzling most of us concerns finance. We still think that the Ministry of Education will still hang on to finance and give grants according to its own discretion. However, some of us think that this question should be tackled very carefully. We must, say, have a national committee consisting of members from these district education boards—perhaps one member from each district education board, which should be given the responsibility of dishing out the £24 million which is to be used by our nation for educational purposes. This will ensure that it is distributed properly to the district education boards which will, in turn, devise their own plans and distribute their respective funds in their own areas. We do not want somebody sitting in the head office here to make a decision as to how much money should go to such places like Wajir, Mombasa, Kitui East, Kakamega and so forth but instead there should be a formula which should be decided upon by an impartial body which should be given the responsibility of distributing this money according to need and population. For example, they could argue this way: there are so many schools in Kakamega and therefore we shall give £5 million to Kakamega and then the district education board will plan how to use this money, economically and fairly, so that education can be run smoothly and development can progress. This will relieve Government of the blame that is an imbalance in the development of schools in the whole nation. Let the people make their own plans; and for this reason give them enough money. This money should be shared out fairly.

I would like to say something about the schools which will be under the responsibility of district education boards. Some of my hon. colleagues think that these boards' responsibilities should be confined to primary school education level. Mr. Speaker, Sir, I do not see the reason behind this. I think that these boards should also be respon-

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sible for secondary schools because I do not find any difference between the running of a primary school and the running of a secondary school. The only thing which should be left with the head office here is the question of the curriculum, which should be the responsibility of the Ministry of Education so that we can have a general standard of education all over the nation. We have the same kind of education all over the country, but the administration should be given to a local body which would be able to administer and supervise eduction in that area. Why should we exclude secondary schools? What is the unique thing about a secondary school compared to a primary school? I feel all education, except, teacher training education, should be given to the district education boards. A teacher training may be considered special—some of you have not been trained as teachers but I have and I know that is a special kind of institution—but secondary education, technical education, adult education and nursery education could easily be administered and controlled by a district education board. I also agree with the hon. Ngala when he included Harambee schools in this category. They, too, should be controlled by the district education boards because eventually they will have to be taken over by the district education board. Furthermore, they are public schools. There are a few private schools which are exploiting, but, many of our Harambee schools, say, in our district, are public schools. They do not belong to individuals. We should include them in the responsibility of a district education board.

Mr. Speaker, Sir, there are other small matters, like the procedure where we are told that in order for a meeting to be convened, six people must request for one. I do not see why we should not agree that three people requiring a meeting, should be allowed to convene it. This should depend on how vital the matter to be discussed is. Even if it is only one member and he has a very vital matter to be discussed, I do not know why the chairman should not feel that a meeting should be convened. However, for the sake of formality, we can, perhaps, say three people, but six are too many. These people might be living far distances from one another and it would be too much for someone to look for people who live far apart. I also think that six weeks is too long. If there is a mess somewhere, which has to be discussed by the district education board, I do not see why a notice of two weeks should not be enough instead of six weeks. Why wait for a month and a half before you discuss matters of urgency just because the law says you have to wait for six weeks?

On the question of membership, the composition of these boards, I think we should again consider democracy, in which case we should get members who are widely representative. The members of the district education boards should come from different parts of the district. They should represent areas. I know, if the district education board is going to distribute Form 1 or new primary schools, it is possible that if the members of the district education board belong to one area, they will tend—this is natural—to increase schools in that particular area from where they come. They will have a tendency to place schools in that area. Therefore, these district education boards should be representative. If they are five—they are not five, this is only an example—members and we have five administrative divisions in a district, there should be one member from each division. This will ensure that there are democratic discussions in the district education board and there is fair distribution of whatever the district education board has to distribute. If we have ten or fifteen divisions, we should even consider getting one member for each location, then, each person will speak on behalf of his own location, although they are supposed to speak as a team, but there are matters, for which areas have to be represented, and someone has to speak on behalf of that area. Therefore, they should be either on locational basis or divisional basis, but they must be representative, because this is actually a political body. It is going to be an extremely important body as far as our educational development is concerned.

Mr. Speaker, Sir, I do know how else the local people could have a say as to who represents them on the district education boards. I think it is wrong for the Minister, much as we respect our Minister and his integrity and his capability, but this is asking too much from him to think that he will be able to choose people with integrity and people that will be impartial and people that will represent certain areas effectively. I think some system should be introduced by which the people themselves will get the man who should represent them on the district education board. This is democracy but as long as we still appoint people—there will be some dilution of democracy in this kind of appointment all the time.

I agree, Mr. Speaker, Sir, as some Members have said, that some qualification should be taken into consideration, because I think it would be wrong if a very popular man, who knows nothing about education should be on a district education board because he will not be able to contribute to discussions or even to plan for estimates. Therefore, the first thing which the Minister can do is to set some standards, not very high ones but

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standards, basic standards that will be required as vital for a member of a district education board. However, after setting up those standards, the Minister should leave it to the local people themselves to choose the members of the district education board.

I think, I should finish with one other point and that is the powers of the district education board. We have already seen that they will be responsible for planning, but we do not want their planning to be checked and counter checked by an individual. This is what we do not want because this is not democratic. If we have capable people at the district level making plans, cutting their coats according to their cloth, and are satisfied that they have made a plan worthwhile for their area, and then, when it comes to the top here, it is slashed or changed, this is extremely frustrating. It frustrates the people who have been given the responsibility and then one individual says that they have not done a good job. We would like their planning to be final and their estimates to be final, provided they have cut their coats according to their cloth. What the Minister should do is to give them the cloth and let them cut their coats and simply take note of what they have done. Probably the Ministry or the Cabinet can have some policy control or can check on some extreme cases where a district education board is going away from our national policy, but it is not necessary for them to go into minor details and try to disrupt the whole plan of a local district education board. The Ministry may be responsible for supplying the necessary statistics, figures and other material that is necessary to enable a district education board make a worthwhile and sensible plan. I do not see why a board should not be allowed to raise some funds from its district for some extra development or functions within the district if the district is wealthy. I think it is quite healthy to do so provided that the district is wealthy. It would be wrong for us to ask, say, a poor district like——

Mr. Kitonga: Kitui District.

Mr. S. Lugonzo: Kitui District? Is Kitui District poor? Well, let us assume that Kitui District is poor. It would be wrong for us to permit a board to levy some tax in a poor district, but if a district is capable; they produce a lot of maize and they have a lot of grade cattle, the district education board should be free to raise extra funds in addition to the grants given by the Ministry of Education to improve the standards of education, or even to increase certain facilities within their educational system.

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

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, while supporting this interesting Bill on district education boards, I do not want to take the time of the House over matters which will be handled by the hon. Assistant Minister who moved the Bill. I just want to try to alleviate or remove some of the fears expressed by hon. Members in as far as——

Mr. Mwamzandi: On a point of order, Mr. Speaker, I thought that if the Minister is going to reply to this Bill the question has not been put yet.

An hon. Member: He is not going to reply.

Mr. Mwamzandi: I am asking the Speaker.

The Speaker (Mr. Mati): I do not know whether you were here, Mr. Mwamzandi, when this debate started. It was Mr. Mbai who moved this Bill, and he is, probably the one who is going to reply. What Mr. Towett is going to do—this is why I gave him priority over other Members who stood up—is to indicate some of his intended amendments so that we do not spend time on things which are really not necessary. That is why I allowed him to speak at this stage.

The Minister for Education (Mr. Towett): As I was saying, Sir—probably, I spoke inaudibly—I am trying to alleviate or remove some fears which have already been expressed by some hon. Members who have spoken on this Bill. I want to suggest that we have looked at the membership side and my Ministry has worked on fresh ideas from hon. Members. We, in the Ministry of Education, believe in working together with the hon. Members of Parliament and with the *wananchi* of this country. We are running the Ministry for ourselves and on our own behalf, but we are doing so for the people. When we get brilliant and intelligent suggestions we do adopt them.

Having looked at the suggested membership we are going to move at the Committee Stage some of the following amendments, which, I hope, will be accepted later on by hon. Members. I do not want to anticipate their support on this, but I hope they will.

Under clause 27 (*b*) (1), I have added one extra member from the local authorities to make them four so that these four people will come from the local authorities, but will have specific instructions from me that the clerk of the local authority should be among those who will be elected because I do believe that those clerks of local authorities are very important and they can

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advise. When matters come up later on in their respective local authorities they will be in a better position to explain to the whole of their local authorities what took place in the district education board meetings.

The other one which is going to be amended will be under subclause 27 (*b*) (1) (*d*), we shall insert—— There was a mistake, and it was pointed out here, that the numbers did not add up—or if it did it was a very unwieldy way of adding up —to 15. So we have seen that one and a provision is made so that the Minister shall appoint another six people to the district education boards.

The other amendment, Sir, is that we shall have to delete the whole of section 27 (*b*) (2), and we shall have to insert: "The Minister shall appoint one member of a board to be chairman, and the district education officer to be the secretary and executive officer of the board."

I think the hon. Member for Tinderet, Mr. Seroney, did point out this particular matter where it was not very clear in the terms. The legal people, probably, understood it better than some of us who are not completely legal, but it was not clear. The Minister shall appoint one member of a board to be chairman, and the district education officer will be secretary and executive officer of the board.

The other one, which is No. 4 on my piece of paper, which I will leave here with the Clerk of the National Assembly, is that we shall have to delete subsection 27 (*c*) and then insert the following:

"The following persons may be present at any meeting of a board and take part in proceedings, but shall not be entitled to vote on any question—

(*a*) Members of the National Assembly from the area over which the board has jurisdiction;

(*b*) Permanent Secretary of the Ministry of Education or his representative".

That will include some of the officers when we want them to go there and give advice.

"(*c*) Provincial Commissioner or his representative;

(*d*) Any other person invited by the chairman."

We are becoming even more democratic, according to hon. Lugonzo's idea of democracy. We are becoming more democratic giving the chairman the right to invite whoever he wants to invite, at any time, to come and give some views to the board.

The last one is: The hon. Member for Tinderet, Mr. Seroney did say it appeared as if there were two Ministries or two departments within one Ministry, where in one section we have the Minister and the other we have the Permanent Secretary. We have rectified that, and the new clause is as follows: We are amending clause 27 (*d*) (*a*) to read:

"To prepare and submit to the Minister for approval Estimates of revenue and expenditure."

These, Sir, are the things we thought were of material importance, and I wanted to point them out here so that hon. Members of this House may not take a lot of time—not to "waste"—on the things I have already acceded to.

With these few points, Sir, I beg to support the Bill.

Mr. Lotodo: Mr. Speaker, Sir, I stand to support the Bill and, of course, criticize the Minister for not having done his homework properly.

Sir, I am only trying to bring to the attention of the Minister that the Provincial Commissioner has too wide powers. I do not see the necessity of the provincial commissioner being a member of this Board. There might be three meetings in the same province on a given day, one in South Turkana, one at Kitale and the third at Nakuru West. How is the provincial commissioner going to divide himself into three persons. His representative may be there, it is said, but I do not think it is essential to have the provincial commissioner on this board.

Another thing is about the Members of Parliament. The Minister has just said that the Members of Parliament can be there but they will have no right to vote.

The Speaker (Mr. Mati): Order!

May I point out that Mr. Towett's speech was not an invitation to debate the amendments. All that was intended was, if that point was covered in one of the points Mr. Towett made and it answered your problem, then you do not waste time on that particular issue, you move on to other matters. However, if you do not agree with any of his proposed amendments, then you do not discuss them now, you wait until the Committee Stage. You must confine yourself to the Bill as it is, avoiding those points which have already been indicated and which, therefore, do not need labouring on as far as you are concerned. Instead you produce any new points you can make. So keep completely clear of the amendments until the Committee Stage.

Mr. Lotodo: Thank you, Mr. Speaker. Most of the points I was going to raise are those which have been dealt with by the Minister.

I do not know why the Minister is worried about politicians and yet he is a politician himself.

Anyway, with these few remarks, Sir, I support the Bill.

Mr. Tsuma: Mr. Speaker, Sir, this is a very, very important Bill. It takes us back to where development of education in this country was stable, and I must thank the Minister for having introduced this Bill now and for having accepted amendments. At this very early stage of my contribution to the debate I wish to say that there will be an amendment coming and it is already in print.

Sir, it was Archbishop Beecher who disrupted the smooth running of our education by bringing about his plan which was completely unworkable. I am glad the Minister has tried to bring us to the stage before that time.

Here we have the Ministry of Education at the top and by introducing this Bill we go back to the days when we had Regional Education Boards. I do not refer to this in connexion with the regional set-up of *Majimbo* time, but during the time we had the District Education Boards, I happened to be a member of one such board. We had the District Education Board dealing with primary education and then in the middle we had the Regional Education Boards to deal with secondary education. I would like to ask the Minister to consider having Regional Education Boards so that we do not need to have another Bill coming here, if we accept this, to deal with the secondary education set-up in an area. If this could be included so that we have Regional Education Boards to deal entirely with secondary education, rather than having secondary education included in the District Education Boards, that would be better. We want to avoid confusion of the whole issue. District Education Boards should deal specifically with primary education, right from nursery to primary education, whereas we should have Regional Education Boards to deal with secondary education, the running and recommendations as regards this aspect. This would give closer administrative functions as far as education in the country is concerned. With that establishment, the Ministry of Education will have lesser work and lesser worry to experience.

While we set up the District Education Boards we should also know what their functions are going to be in so far as giving grants is concerned, or running of the schools for that matter. Here I would like to give an example. The Ministry of Co-operatives and Social Services has broken down the money that is estimated and provided for this House into provinces and districts. I would like here to follow what my friend, Mr. S. Lugonzo said. There is a national committee that receives the money which the Government gives for development of the various districts. This money which goes to the provinces and the districts is then given out for development according to properly worked out methods.

Here, too, there should be some provisions so that the Minister for Education knows where and if the money is dished out equally. So the boards must give money for the proper establishment of primary schools in every area.

I am glad to note that the Minister has seen this point and, therefore, in my amendment I am going to leave it out, that Members of Parliament have been accepted to sit on the boards in their various districts. Whether they are entitled to vote or not, is another matter, because their contribution, sharing of views, running of education in the district is very important. Now that the Members of Parliament are going to be there, I do not want to waste time on that point. Otherwise, I might have rejected the whole thing if no Members were to be allowed to participate in the functions of District Education Boards.

Therefore, Sir, this changes the membership number, if he agrees. The membership figure is changed where it says not less than ten and not more than 15. The number has changed considerably so that it does not have to confuse what number he has, or where the numbers still read 10 and 15. In the amendment we have suggested names and, I am sure, he will agree.

Under the question of membership I do not see, where a District Education Board is established and why a provincial commissioner who is above the district should be a member. For example, if the District Education Board of Bungoma sits and that of Busia sits at the same time, where would the provincial commissioner who wishes to sit on the board go to? This is where I suggest in the amendment which is coming that instead of the provincial commissioner being on the education board the district commissioner or his substitute should be the person to attend, not the provincial commissioner. Now that we have the Education Officer as the Secretary, and executive officer of the board, and he is also a representative of the provincial education officer, why do we not have this provincial education officer on the board? This is where I differ completely with the Minister.

[Mr. Tsuma]

Under the local authorities I do not see where the amendment comes in. There was nothing wrong with the local authority nominating three members to the board. Whether it is now for the county council to say, "All right, the Kakamega County Council says the Clerk or So-and-so shall represent us on the board", not specifically the Clerk because the Clerk is the executive officer of the council and he would like to see a report of the District Education Board brought by members of the council so nominated by the council, instead of him going to sit on the District Education Board himself. Probably, what comes out from the District Education Board might be decisions which might jeopardize the finding out of facts. In this case, therefore, Sir, I would suggest that the Minister, when he brings in his amendment, leaves out the question of Clerk to the council sitting on the District Education Board. Instead the councillors should have a say as to who should represent them in the board and when they come back they report to the board and the Clerk advises accordingly. This is my opinion and I hope that the Minister does not suggest otherwise. As it is, that is proper provided the members I have mentioned are included.

Coming to section (27B) *(c)* the question that "three shall be nominated by the managers or sponsors of schools—" this is what I want to say. While taking in what the hon. Member for Kilifi South, the hon. Mr. Ngala said, we have schools, although on primary level, not under private management. Do we understand, therefore, Sir, that managers and sponsors are also managers and sponsors of private schools in this case? If they are, how do they come in? Here we have private management and as such they sponsor private secondary schools. The question here is: are they amongst the managers and sponsors in general? If a manager who is on private management wishes to sponsor a primary school, and the primary school comes under the running of the District Education Board, will he be able to do so? In Nairobi, for example, we have some schools which are primary schools but managed by private sponsorship. I have been asked to declare my interest and I would like to declare that I am a registered manager in Kenya and I manage schools. Therefore, when I have declared my interest where are these primary school managers placed when they are managing private primary schools like the ones in Nairobi and many others, mainly in Rift Valley? Here, this question we would like to have some clarification when the Minister for Education comes to reply.

I agree with the suggestion made by hon. Ngala, that the old schools, maybe private or Government schools, should be supervised by the staff and personnel of the Ministry of Education as it is today. They have not been left out. All private schools being supervised are being regularized by the Ministry of Education and so they should continue.

I would like to know from the Minister whether managers and sponsors are included in private and or mission management.

One point that has been left out, Sir, on which I would like to inform the Minister, is that this is coming up for amendment, and I would ask the Minister to accept the amendment. Here we do not see how the Kenya National Union of Teachers is represented on the board and we forget the parents' organization. The parents' organization, the parents who are very concerned about the children who go to primary schools and/or any other schools, have often been left out. Therefore, where a parents' organization has been established, do you not think, Mr. Speaker, there is a genuine request——

The Minister for Education (Mr. Towett): Agreed.

Mr. Tsuma: Agreed. I am very grateful. Thank you very much.

You will find this in the amendment, that the parents' organization should be represented on the board. Mr. Speaker, Sir, if this is the case, I will then go further and say I am glad that the Minister has seen the point because I thought he had forgotten that a long time ago, before he went to school the District Education Officer was the secretary and executive officer of the board. I know this because I have been a member of both the regional and the district education boards and I am glad you have seen the point that the district education officer should be the secretary and the executive officer of the District Education Board. I have no quarrel here and if this goes through I will withdraw the amendment.

Mr. Speaker, Sir, the point under section (ii) here is this: we find that this is a District Education Board, but what is in the minds of the Ministry when they put the provincial commissioner on the board? What function does he render to the board? Why must he be there? In the amendment, Sir—and I would ask the Minister to see the point in this—we all know that the provincial commissioner is the overall head and he presides over the provincial heads' meetings when they discuss matters concerning the province. Why is it that the provincial commissioner must be a member of this board?

[Mr. Tsuma]

Here, Mr. Speaker, Sir, the Minister should allow us to delete this provision. The question of putting the provincial commissioner on the board is, in fact, minimizing the status of the provincial commissioner because you remove him from the provincial level and bring him to a district education board when a Member of Parliament for the area is under the district officer and could very well represent his people on the board. Therefore, Mr. Speaker, Sir, the Minister should tell us what he is talking about here. Mr. Speaker, we have said here that Members of Parliament representing the interests of our people within each district should sit on that board. Therefore, Mr. Speaker, Sir, here, there is a necessity to amend the provision by deleting the word "provincial commissioner". If you want an administrator to be on the board, he should then be the district commissioner or his representative.

Mr. Speaker, Sir, I do not want to interfere with the amendment proposed by the Minister just now, but when we come to that, I shall have to interfere with it. Mr. Speaker, Sir, under "Functions, 27 (*c*)", we know very well that we have the Teachers' Service Commission which under the law undertakes the employment of teachers. However, Mr. Speaker, I have a suggestion here that there is a necessity of adding under section (*e*), another function of the board and I hope the Minister will agree to this because we cannot have a district education board which does not have concern over the appointment of teachers. This is very important, Mr. Speaker, and therefore, not withstanding the provision that is laid down here by the existing authority, that is, the Teachers' Service Commission, the board should have some concern in so far as the appointment of teachers is concerned. Here, Mr. Speaker, Sir, there is a slight addition to the functions of the board, that is, the appointment of teachers. I do hope, very sincerely, that when we are no longer Members of this House, the Minister being one of us, will not think that if he comes to us being members of the board or probably if he becomes the chairman of the board, he has been denied the right to consider who should be members of the staff in a school in his area when he has no say over them. Therefore, Sir, this is my observation.

Mr. Speaker, Sir, I would like to move right down to the "Financial Provisions". Mr. Speaker, Sir, section 27 (*e*) (i) is quite in order, but the question is: what was in the minds of the Ministry when they say that the appointment of the Auditor-General shall not be done by the board without his consent. Here, Mr. Speaker, there is a necessity of amending this section by deleting it completely. I would like to assure hon. Members that through experience, I may quote cases within the National Social Security Fund where Government funds were allotted for expenditure and the records, the accounting procedures and the rest of it has never been brought up to date until the Auditor-General went into it and now you can see some light. In this case, Sir, we would like to go straight to the fact and point out to the Minister that the Controller and Auditor-General of Government shall be the one to inspect, check, examine and report the financial status of every district education board in this country to this House. Therefore, Mr. Speaker, Sir, the Minister should agree to delete the whole of section 27 (*e*) (ii) completely and substitute thereof a paragraph which will enable this House to throw its feelers out on how the money is spent.

Mr. Speaker, Sir, when we come to consider regulations, we want the regulations governing the district education boards to be determined by the Minister and I would like the Minister to listen to this very carefully because he might miss it, and I am now referring to section 27 (*f*), where the Minister says:—

". . . the Minister may make regulations . . ."

Mr. Speaker, Sir, the crux of the matter lies within these regulations. This is where the whole emphasis lies, this is where the job lies and this is where the House must, as well, approve any drafts of regulations drafted by the Minister. There is one point here, that if all the regulations are going to be made by the Minister, in one way or another, these may be regulations well planned to fit the way the Minister thinks and, therefore, when these regulations go out for implementation—just like the regulations governing the University of Nairobi—if we do not, as a Parliament, approve these regulations we shall be required to answer if anything goes wrong and if we point out some mistake, they say, after all, the regulations were prepared by the Minister and went thought Parliament. Therefore, I would like to ask hon. learned Members of Parliament who are lawyers in this House to assist us regarding section 27 (*f*). We also want the Minister when he brings this out to prepare the regulations that he has in mind and which will embody *a, b, c, d, e, f* and so on and then the House will approve such regulations. This is in order that Parliament and its Members are pinned down on regulations they passed and not just passing regulations that the Minister does not bring to us. What sort of

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regulations do we know the Minister and his Permanent Secretary are going to draft in their office. Therefore, I do hope that hon. Members will back me up in this so that we, as Members of Parliament, should as well see the draft of regulations so that they are passed along with this Bill so that they may be part and parcel of the Bill. Mr. Speaker, Sir, under the Memorandum of Objects and Reasons, I would like to say this before I finish my——

An hon. Member: You had better take some water first.

Mr. Tsuma: I do not have to. I am like a camel and, therefore, I have my water here in the belly. I have some water in this belly of mine. Mr. Speaker, Sir, the amounts so estimated—my friends have hinted on this—let us know what expenses of the members of the boards shall be. There is no quotation here. The Bill only says "Approximately K£10,000 per annum relating to expenses of members of district education boards . . ." will be incurred. Now, what are the expenses of these boards? Will this be paper work, stationery, salaries, sitting allowances, travelling allowances, or what expenses are they? The time has come when we should be told the breakdown. This is why I have always said in this House that when any point of money is mentioned we want it in full and not just to say K£ (*a*), (*b*), (*c*), (*d*) and all the rest of it shall be spent. We do not want to be told that only K£10,000 is going to be spent and then tomorrow you find that there is an over-expenditure and they say that the excess expenditure is there because there was a need for travelling allowance, salaries, this or that. They go on to say that they never foresaw this when the Bill was being passed.

I, therefore, appeal to the Minister that under this column we want things to be shown clearly because we do not want to be asked for a supplementary estimate with the reason that the K£10,000 was not enough to meet the expenses of the boards. When you consider the number of boards that will be established in the country, it might number about 42. Therefore, if this is the amount, let the Ministry come forward with a breakdown of what the money will be spent on so that we can know if the money is enough. If it is not, in view of the fact that we have seen that this Bill is important, we shall ask the Treasury to give us more money.

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

Mr. Koigi: Thank you very much, Mr. Speaker, Sir, and I will start by saying that establishment of education boards in this country has come at the right time. I would like to tell the House that the distribution of membership on these boards ought to be remembered.

We, Sir, want the members of the board to be representative of the district. For example, if you envisage the proposed Nyeri District Education Board, we should have members representing all the divisions in Nyeri District. For instance—I would like the Minister to hear this—we have South Tetu, Othaya, Mathira, Nyeri, East Kieni and West Kieni Divisions. We must have strong people appointed from these areas. The method of appointing these people must be devised by the Ministry. What I am saying here is that to the contrary of this suggestion, the Ministry is heavily represented by Government officials. The Minister goes to the extent of saying that he is going to include an officer from the provincial office.

The Minister for Education (Mr. Towett): On a point of order, Mr. Speaker, Sir, can the hon. Member show me how I am heavily represented in this particular composition because I cannot see it?

Mr. Koigi: Mr. Speaker, Sir, we have read the composition put in the Bill and all we are saying is that we want the Bill to include representatives from all walks of life in the district. We would like to see District Education Boards being represented by all the important people in the district.

I was once a member of one of these boards and I know what it is like. That was during the colonial era. However, now we want some changes. At that time—many Members of this House, who were then members of these boards, would agree with me—there were only a few officers who had powers in that board. The secretary of the board, who was at the same time the district education officer for that particular district, and the district commissioner, were the only people with more powers. We would still like them to be on that board because they serve a useful purpose on the board. We are not quarelling with this. The others were the heads or principals of big schools at that time. However, at this time, we would like to see the Kenya National Union of Teachers representatives on the board. We would also like to see enlightened members of the public serving on the boards. This board would be a board capable of modern development. In this way, Sir, the various members can suggest ways and means of running the boards. We do not want to see "yes" men on the board. We do not want picture-like people on the boards. Simply because they are good and servants of the people who are in authority——

The Minister for Education (Mr. Towett): Is that what was happening in the Nyeri Education Board?

Mr. Koigi: I am discussing the whole of Kenya and not Nyeri, Mr. Speaker, Sir.

What we would like this board to do is to run and help the Ministry by giving a range of suggestions; a board which will bring development and progress where it will be functioning. The board should not accept regulations, as we are told here, from the Minister if they are not good regulations. It should be a board which has powers to suggest to the Minister and the Minister in turn to agree with these suggestions if they are correct. I would like to repeat here that this board should also be capable of receiving suggestions from the Ministry if they are correct. This board should also be capable of suggesting to the Ministry some policies and the Ministry should accept them if what they are saying is correct. From these suggestions, the Ministry will be helped by the local people to determine where they are going to build a fresh school and where they are going to recommend grants and aid for certain schools.

The running of schools by such a board should not be confined to primary education. I would like these powers to be extended to secondary education. I would like to advise the Ministry to consider the fees and building funds which are contributed by parents to Harambee secondary schools. Government Primary Schools should also be incorporated under this Bill because all primary schools are the property of the Government. I would like all building funds to be paid to the authority and not as is the case today where building funds are received by teachers. I would like this system to be changed a bit so that the money should go to the District Education Boards. The District Education Boards should have a say in deciding how the money of the building funds can be used. Now, the Government will be able, if it can receive this money, to make rough estimates —annual draft estimates—how much they can spend in a particular district. The Minister should know what Harambee schools were initiated by the Government when the Government said that everybody must respond to the call of Harambee. The Government will be evading the Harambee education by merely directing that the public should do this or that. It should come near to the public by receiving money and this way they will know how much money has been collected from a given Harambee school. Then, in this way, they will be able to determine how much money they are able to give to each Harambee school. I can tell the Minister that in some Harambee schools, the burden shouldered by parents is too heavy; too heavy! I would like the Ministry to consider this issue thoroughly.

It should be the function of the Government to go on taking over these schools. This exercise should not just affect a few schools every year. I suggest that they should take about 90 schools every year! If they cannot take about 90 schools, they should take over 30 schools per year, Mr. Speaker. This will accelerate the so-called free education in this country. The Minister should know that we are still waiting for free education and we hope that this board one day will be in charge of free education in all districts. I am sorry the Minister seems not to be paying attention to what I am saying, Mr. Speaker. May I repeat what I have said to him. I am saying, Mr. Speaker——

An hon. Member: His Assistant Minister is sitting just below you.

Mr. Koigi: That is all right.

Mr. Speaker, Sir, I would like to repeat this point. The whole public in this country is waiting —I know that we do not have sufficient money to run the whole education in this country. However, the whole country is waiting for free education which we promised them in the Kanu Manifesto. Mr. Speaker, Sir, every able-bodied person should remember this promise because it did not come from the air but came from the mouths of the politicians. We are the politicians and the leaders of this country. As such, Mr. Speaker, Sir, we must one day provide free education to our masses.

Mr. Speaker, Sir, the estimates and the revenue which are going to run these boards or the estimates which are going to be estimated for education through the District Education Boards must come, as I said, from many channels. They must come from our pockets as parents of the areas concerned, from the pocket of Government and possibly from the organizations in the districts. If we can do that, Mr. Speaker, we can accelerate the promotion or teaching in Harambee secondary schools. I mention Harambee secondary schools because before I came here I taught in a Harambee secondary school and I know how they are doing with the little finance they have.

I would also like to raise the question of planning, Mr. Speaker, Sir. I have been questioning planning in this country time and time again, Mr. Speaker, Sir. When planning is going to be mature, it must be conducted by the whole team of a whole district. I do not believe when people say there is an economic planning section in the country. Unless planning is done by all sections

[Mr. Koigi]
or by all departments of the Government, it will not be possible to produce results for the rapid development in this country. For example, Mr. Speaker, Sir, under these District Education Boards we should have the so-called rural training centres wherever they are found in various districts. For example, in Nyeri we have a rural training centre at Kaheti and we have another one near us at Kerugoya near Sagana which is under construction. All these centres do help the progress of this country. If they are to be managed, I would ask the Minister to allow such rural training centres to come under the district Education Boards. We should also establish institutes like agricultural technical training centres, especially at Wambugu Farmers' Training Centre and make it an institution. I know Ministers who have been in Nyeri like hon. Omamo, and hon. Wanjigi know that this institution can be turned into another Egerton College gradually under the District Education Board. These are the suggestions that the District Education Boards are expected to act on when they become operational.

Mr. Speaker, Sir, I would now like to touch on management of education. You will see that in many primary schools, the management is still in the hands of the missionaries. I do not want to accuse the missionaries nor do I want to blame them because I know they have done a good job by running the education in this country. But, the time has come when a purely African District Education Board should be closer to this management. They should know what they are doing with these schools. They should devise, along with the Ministry, a policy of how these schools can be run. I would like to ask the Minister to consider whether this management is always correct when it is under the missionaries. I think the time has come for all the education to be managed by African boards which are the district education boards.

In the Bill there are no regulations provided, Mr. Speaker, Sir, and we are being asked by the Minister to agree with his list of regulations which I tend to reject simply because they should tell us what sort of regulations they are going to make.

I would like to touch on the appointment of the Controller and Auditor-General which is mentioned in the Bill. This officer should not be asked whether he wants to be appointed or not. He is a servant of this country and what he should be asked is to be in charge of the functions which are operated by the District Education Board. There is nothing like asking his consent in this matter. If he is employed by this country, he should be told by the country what to do. He should be given the job and I am sure he is prepared to do this job happily.

The next point, Mr. Speaker, is that the teaching profession should be included in these boards. There are some Ministers who fear the enlightened section of our community. They do not want politicians either, Mr. Speaker, Sir. We were told the other day through a circular, the day when Members of Parliament are included in these boards, they must keep mum when decisions are made. They are only in a board to be shown that a board is existing. But, I would like to say that these Members of Parliament who are going to be members of these boards should be allowed to participate fully in their deliberations. They should also be allowed to vote because they are parents and are even the people who raise money for various schools and other projects in the country. I do not see why some people in authority fear politicians, Mr. Speaker, Sir. Why these people fear politicians remains a mystery to us, Mr. Speaker, Sir. Politics is allowed to be taught in our universities and colleges, Mr. Speaker, Sir. In any international universities if you attend lectures, you will find that politics is taught. Again, if you can discuss development in this country or education, you cannot drop politics because politics is the normal way of life. Nobody can define the demarcation line between politics and economics. We want to develop and teach our people because by doing so we are creating an investment. This is because when you teach a human being he goes out into the field to increase production and if he increases production —that is when we say, if we increase productivity and we increase wealth, we are developing on matters economical.

In the district education boards, as it has been said here by many hon. Members, we need enlightened people. I do not mean highly-qualified people but I mean people with some knowledge, people with some education and the people who can sit down and plan. If you are elected, all we want is for you to serve this country and I repeat, we do not want stooges who, in the normal language I call, "Yes men". No, we do not want "Yes men", we want people with independent minds who can carry out authority near to the heart of the poor African who is in the village. We do not want a man who will be told "Do not act, the Government says no."

I now come to my last point and this is on the £10,000 which will be spent. We are not told in the summary of the Bill to what uses the Government is going to put the £10,000 and we urge the Ministry to explain on what this money is to be spent or what we are going to do with this money.

[Mr. Koigi]
We have found many things in the books we have here. When we study the accounts and so on, we find many irregularities. Why do these irregularities occur? It is because money is provided by the Treasury straight to the Minister of Education and no directives are given. Nobody will know what the money is going to do and so when the Permanent Secretary goes to spend the money he does so in any why he wants. That is why we are asking that this £10,000 should be specified and we should be told what the Ministry is going to do with this money.

Another point is that we are told in the Bill that this board will be meeting three times. No, let the board meet at least four times in a year. I know if the chairman of this board is going to be a good man—and I hope some will be very, very, active chairmen—or a man who can work hard, it is going to be a very, very busy district education board. It is going to spell out and do all that we want, something that cannot be done today by the Ministry of Education although they would like to do so. I always see that the officers in Nairobi never go to the districts and they do not know how the districts are doing. They just write letters, something which is very little. But the local man who is going to be the Chairman of the District Education Board is the man who has the welfare of his people at heart. He is not like the man in Nairobi who is too busy and cannot run a District Education Board.

I beg to support.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. I welcome the idea of establishing District Education Board. It is a good organization which we have been waiting for from early last year when Government took over the primary education from county councils. Sir, I call upon the Minister to see that when members of this board sit, he should call upon them to visit every part of the area concerned in order to see the schools on the spot because some of the schools—even in my part—have been left out since Government took over. In some places where new schools were being built, some of the material that had been bought by the county councils was left there and up to now nothing has happened to them.

Mr. Speaker, when I came to know about this board and was told the members number from ten to 15 I do not know how a board with 15 people will work in Marsabit District because, Sir, as we have said in this House, we have an area of over 42,000 square miles. One of the places—Moyale—is 165 miles from Marsabit and even now, it is difficult for such a board to work in this area. Even the councillors of Moyale County Council cannot attend several meetings held in Marsabit because of the long distance to travel. First of all, they do not have cars and transportation is very difficult and they are not paid enough money. I, therefore, do not know how the members of this board will fully participate in the functions of the board. My idea is this: if the Minister will agree with me, certain areas, like Moyale, which have more than three or four primary schools could be given priority along with other large districts in the rural areas such as Turkana which has very large area and people are far away from developed areas. Such areas should be given their own boards which can work in collaboration with the major board sitting in Marsabit District. I am honestly bringing forward this information because if we are doing this, because we want to serve the public, then, the public must be served properly. I have brought this suggestion, with an example of councillors in Moyale. If they have several meetings in Marsabit they cannot afford to come, first of all because of the roads condition particularly when it is raining. It happens that there is no other way by which they can move. The lorries cannot travel on the roads. One can only go to these places by air but the county council or this board cannot afford to charter a plane to go and collect them and bring them to the meeting and then return them to their homes. Because of such difficulties I am suggesting that the Ministry of Education should see what it can do to the areas concerned like this one so that they can enable this board to work.

Mr. Speaker, we are in the rural areas which were promised in writing—as I have said several times in this House—in the Kanu Manifesto that we in the northern part of Kenya, the Masai and Turkana shall be given the first priority because we were accidentally left behind. If this is the case and if the promise was true, then, our Government has to follow it as a Kanu Government and I hope it will implement it.

Mr. Speaker, I am staying near a school which is 120 miles north of Marsabit. The missionaries have built primary schools up there which the Government took over and left the missionaries to look after the top official matters. There is one in Galuba, for example, which is a training school and the Galuba people are learning in that school. This is in the corner of the other part near Ethiopia and is always being hit by the raiders who kill the people. Is this the sort of civilization we want? I thank the missionaries who went there to collect the poor boys and girls and brought them together with the Gabra boys and girls when they were enemies—just like what I could term as animals in the jungle and human beings. When they see each other, they

[Mr. Araru]
kill or eat each other. These two tribes behave like that in that part. However, I thank the missionaries very much because they went there and built very nice schools and one boarding school at their own expense. Italian missionaries came in from Rome and collected those boys and girls and mixed them together and taught them to live together there. Therefore, Mr. Speaker, there is a school at North Horr today. This is the sort of civilization we want. Therefore. if we get such people who will help our boys, when they grow up they will go back and help their own people so that they stop fighting and thus stop killing each other. Why do they kill each other? If we do not educate them I do not think there will be peace there unless these boys that have had education to educate our people so that they are also civilized. I think that the Minister will see that every corner of the district is represented in that board. I do not know the way in which the district will be represented and that is why I am explaining our difficulties. We do not want to see the board being run like other boards which never meet, because the members of the board can never attend the meeting because they are far from the meeting place, and they are not paid and, therefore, they cannot afford to attend the meeting there being no special car sent to collect them and it is so difficult to reach Marsabit town so that they can participate in the meeting of the board. I think that when the Minister will be appointing the members to the board he will be looking into all the corners of the district so that we are all represented. In villages where there are schools, they should be given the priority of being members and they should be nominated to the board. I say this, because, Mr. Speaker, if we do not have the right men from home sitting on the board, I do not know how somebody in a town like Marsabit, which is just like Nairobi—— Yesterday, one of our hon. Ministers said that some of the members whom we do not want on the board, stay in Nairobi.

Mr. Speaker, Sir, I say this because there may be some members in the town who are always there and they do not know about their homes. When the Minister will be appointing the members of these boards he should look into all corners of the country which have primary schools so that these places are given the chance of being represented in these boards. The number of members on the board is given as 10 to 15 but our area being so large, we should be given more members because we have been neglected in the Department of Education. If the members of the board are only four or eight, only a few places will get a chance of being represented.

The other point I want to speak on is about teacher training. I have heard many of my colleagues complaining about the training of teachers and I, myself, have seen teachers in my area who are not disciplined. Some of these teachers are careless and they organize things very poorly. Just recently when I was at home, that is before I came for this Session, two teachers were fighting in a classroom and they were taken to the police station. When teachers fight amongst themselves, how will they expect the boys, who should copy their good behaviour, respect them so that they can become good citizens, if the teachers themselves are not well behaved? Mr. Speaker, Sir, I expect that the boards will be given more powers so that everything concerning education in a particular area is controlled by the board. The board will study an area very carefully, particularly, these teachers. I know a number of teachers who are in business, they are working as teachers and some of them during holidays do bad things when they come to Nairobi. There are people in my area who have not travelled anywhere far and when these people come here—— I do not object to their coming here or stop them from doing business in the country because they can do it in partnership or in any other way but when somebody is involved in education and, at the same time, he is thinking about his shop, I do not think that he will teach properly. Particularly, our area where we are demanding a very high standard of education.

Mr. Speaker, Sir, the other point is on the appointment of the chairman. Just now our Minister for Education has clarified some points but he did not tell us where these chairmen of the boards will come from. I can hear him telling me that they will come from home. Mr. Speaker, Sir, this is the kind of thing—this is the kind of job which should be given to the people of a particular area. If there is any kind of organization through Government it should be given to the local people of that area concerned. This is the right way. We do not want to see our Minister appointing anybody from somewhere else apart from our home. Our people are lining up everywhere in this country looking for jobs. This is the time that a local man should be given that post. We want the right man appointed from among the local people of an area, so, Mr. Speaker, I have no quarrel with that.

The other point is on district commissioners and district officers who always become members

[Mr. Araru]
of every board. Mr. Speaker, Sir, I am surprised to see that in every Government organization a district commissioner or a district officer is appointed as a member of the board. In my area, I know that the district commissioner is a member of the Liquor Licensing Court, he is a magistrate, is a member of every committee and every board. I do agree that hon. Members of Parliament should not be elected as councillors because if one is everywhere, you will not be able to serve all these boards well. Maybe all the boards will be meeting on the same day and I do not know how the district commissioner can attend all these board meetings. Why does Government nominate district commissioners only whereas there are so many other officers in Government such as the agricultural officer, health inspector, prisons officer, police officer and so on? Why does Government nominate the district commissioners and district officers only? Are the other officers not able and are they not human beings? In this particular board which deals with education needs somebody who is well educated, and can educate all the members of the board and help that board. I do not see the reason why the district officers should be given every power in a district.

Mr. Speaker, Sir, I am telling my colleague, the Minister, that there are so many officers in a district and a district officer is not the only one but there are others. You can also consider a health inspector who does not have much to do and can participate in the board because he is a civil servant. I think if you give all the powers to the district commissioner instead of helping the people you will be destroying them because he will be so important, he will be concerned with everything in the district. If you pass on any road you will find that man everywhere.

Mr. Speaker, Sir, the Teachers' Service Commission cannot see that teachers, particularly in the rural areas are of high qualifications. We have seen several teachers in our areas who are very poor. We are begging the Ministry to see that we are well served in education because we want to join the other citizens in building our economy and be employed in every office or in every department. Mr. Speaker, Sir, we should have highly-qualified teachers to teach our people because we are waiting to see our boys and girls in every office or department and so join other citizens. If you are not educated today you cannot enjoy the fruits of our *Uhuru*, Mr. Speaker. It is only when you have education that you will be employed in any department in the Civil Service. I think that our Government knows this very well. We were left behind because we were not educated. Somebody like me, I can speak English but I have never been to school, for the information of this House, but I participate in every debate here because I have worked hard and I have learned the language. At times, when I want to advance a point here, I cannot do it because I was not taught English. If colonialists gave schools or built schools in that area, things would have been different. I think we could be the majority in Government offices. I tell you, we would be in the majority, employed to serve this country in every office you visited: just as it is today, in every office you go, there are forms you fill to show your qualifications, and these are the same qualifications you would have to show in every other office.

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

Mr. Kahengeri: Mr. Speaker, Sir, I rise to support this Bill. There are two things that I would like to say, that needed to be in this Bill, for the Bill to be complete.

I cannot see in this Bill, the power to buy—to purchase, to distribute school equipment being given to the District Education Boards. It is one of the powers that should be given to the District Education Boards and they would serve the people in the districts better, not only could they buy what they distribute in the schools from Nairobi, but they would also enhance the economy of the country in the parts the district boards are serving: in other words, they will buy whatever materials they need for their schools from the local business people.

Secondly is the power to receive money from the contribution from the parents, which is already now being received from the parents for the building of schools. There is a great need that our schools should now be built with permanent materials. It is, and it would be rather good, if the Ministry has given the District Education Boards powers to receive this money, so that the boards can plan with the parents to build their schools with permanent materials.

The third point is that there is no membership for parents. It is disinteresting. I hope to me and to the parents, that no members will serve from the parents' organizations on these boards: these will determine the fate of their children, how their education is to go on for years and years and they do not have representation in the boards. It is, therefore, my considered view that these people —the parents—should be represented on the boards.

[Mr. Kahengeri]

The fourth point, I strongly suggest that the regulations which are to be made by the Minister regarding the boards, should equally be debated in this House, as has been the regulations of the local authority elections.

The fifth point, I would suggest that the boards be given powers to appeal to the people in the Harambee spirit, to collect money in the districts they are serving, for one particular thing, that the people of our country today would like to see their schools built with permanent materials. We cannot do anything about this one, until we have a body, a representative body, a responsible body, which collects funds from the people, and thereafter, plan how they are going to build permanent buildings for their schools.

The sixth point is about the time in which we are told here that six of the members, if they have something urgent, they can write to the chairman and the chairman would call a meeting within six weeks' time. It makes no sense if we have an urgent matter that is to be dealt with, so that we can alleviate problems, to wait for six weeks. Therefore, it is my suggestion that the time be reduced to two weeks.

Mr. Speaker, Sir, having this Bill, as the Bill that has been waited for by the people of this country for some time, and realizing that the Ministry has now realized that centralization of education cannot possibly serve our people to the degree required, I do not want to waste a lot of time, but to support the Bill.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I stand to support the Bill. First of all, it is a very excellent expression of what Government has always wished to push, that the area of decision-making, implementation and the running of our own country be passed to the people, and I am very happy indeed, that the Ministry of Education should bring a Bill of this importance, at this time to nail down the development of education to the grassroots of this country, in the sense that the District Education Boards will have a lot to gain and a lot to lose, depending on how they administer the educational policy of their districts. It is in this area, Mr. Speaker, that I very much wanted to contribute because while we have already a great divergence of district development, we could find ourselves in a situation whereby, because of the composition of these District Education boards, you might find certain districts lagging very far behind in terms of education; lagging very far behind because the people who are members of these boards do not take their appointments seriously, or perhaps, they were appointed with other motives behind. We know very well, Mr. Speaker, that all too often, we are coming to political whims as opposed to the national interests of the country, and where we have appointments merely on political basis, where we have expedience of politics taking precedence to the ability of the members to contribute to the policy of those boards they are representing, we find that a lot gets left undone, a lot gets left behind, a lot lags behind in terms of our policy implementation and formulation. I fear, Mr. Speaker, in this regard, this Bill, although a very good one, I have talked slightly with my colleague, hon. Mbai about this Bill, I think, he agrees to some extent that although the Bill attempts to push the theme of decision making to the district level, it is still very much weighted on political representation, and I take very strong exception to this, in the sense that the highest representation is that of the local authority, where they have, I think, four members on the boards: the others being: one provincial education officer, all his representatives and so on; I will speak about the other point. However, to find that the largest single group of representatives is that of the local authority, and noting that in this House, Mr. Speaker, we have had quite serious words to say about the calibre of the local authorities; I think it may be a surprise to us, at a later stage, to find that these boards are not executing the responsibilities we vested in them because the calibre of the local authority members representing their own districts is perhaps not good enough. This is a point which I would like to pass on to my colleague, the Minister for Education, to consider as to whether we have not overweighted the representation of local authorities in a matter in which, perhaps, they have very little to consider; in a matter in which we could have, perhaps, more parents' associations, more parents representation, direct representation of parents because, after all, it is the parents who have the highest interest in education, in the level of education and the quality of education that is being given to their children.

I think, Mr. Speaker, Sir, this calls for a complete reorganization of the next part of the same Bill; that is part 27 (B), small paragraph (*c*): where it is calling upon the representation of three members nominated by managers or sponsors of the schools or groups of schools. In this, Mr. Speaker, I smell the old association of schools with religion where the Catholic schools managed their own schools; where the Presbyterian Church of East Africa managed their own schools; where the African Inland Mission managed their own schools, a system which we

[The Assistant Minister for Agriculture] have quietly done away with and I think with a lot of interest. I do not think, Mr. Speaker, Sir, that we can afford to develop a national education policy where we have religion mixed up with education.

Therefore, I suggest that again this is an area where we should say that there will be three representatives of parents associations in those districts. It is for this reason that I would like to move on to suggest that it is very much in our interests as Government: very much in the interest of the Ministry of Education to encourage the formation of a national parents' association, just as we have the Kenya National Union of Teachers, we should have a national parents' association which will tend to balance the education drive; the education programme so that it is not just weighted to the levels of salaries that teachers can get or to the levels of politicians who want schools all over the place, perhaps not justifiably, or even to the level of a policy which is not directly related to the wishes of the parents who, after all, produce the children who are being educated.

It is for this reason, Mr. Speaker, Sir, that the suggestion of forming a national parents' association which will be as important or should be as important as that of the Kenya National Union of Teachers, should be sponsored and assisted or even if it should be the question of check-offs by the Government organization so that we have an organization which will look after and regulate the aspects of education; will look after also the next most important issue that I wish to comment on, Mr. Speaker, and that is of training of our children; educating our children to the purpose at hand.

All too often we have talked about the quality of our education: the orientation of education in this very House, Mr. Speaker. However, little is being done to reorient our own education policy in order to make sure that we are turning out, not just academicians; not just people who are white-collar orientated and not just people who are employment-minded. We want to make sure that of the 170,000 kids who leave primary education should know where to go. They should be looked after by the country; they should be looked after by the Government so that they become assets, instead of liabilities, to our country.

It is, therefore, Mr. Speaker, Sir, in our interests that the parents should be more involved: they should be more acquainted with the problems and the potentials of our country so that they can see ways in which they can consult Government in matters and ways of solving what lies at hand. I say so, Mr. Speaker, because while we have been talking about reorientating our own education programmes to technical education, to applicability of our own aptitudes, I think it is taking too much time which we cannot afford. I would like to see the day when our own primary schools are called "technical schools" so that the emphasis is turning out 90 per cent of kids who can use their hands: who can use their brains to employ themselves and to be employed directly by the economy. The rate at which we are going, I think the Minister for Labour said the other day at Kericho, in ten years time we shall have a major problem on our hands of two millions kids who are educated, kids who have a brain and they want to do something for this country, and they will not be able to do so because we shall not have jobs or occupations for them. The training we will have given them is that of white-collar responsibilities which we will not be able to give them.

I think, Mr. Speaker, Sir, I would like to see all this talk about technical education reorientated to produce masons, carpenters, technicians, and draftsmen whom we need in this country and whom we very much desire to support our own growing industrial programme. At this rate, Mr. Speaker, Sir, I am not satisfied that we are doing enough to ensure that this is being done. It is at this stage, when we should specify very definitely that the district education board will not just represent these fellows because they happen to be members of the local authorities. It is the ability of the people who will man these District Education Boards that matters whether, in fact, they are members of local authorities or not but more so because of their qualifications as parents.

Mr. Speaker, Sir, with these words, I beg to support.

Mr. ole Marima: Thank you, Mr. Speaker, Sir. I am not going to repeat, but to summarize a few points which I think are important in relation to this very appropriate Bill.

Mr. Speaker, Sir, it has already been emphasized that the participation of the local people is important. I do support the speaker who has just sat down that the participation must be of good quality and predominantly of parents. It should be composed of those people who are known by the local people to be actually interested in enhancing education in a particular district, but they should not be people chosen because they happen to be friends of some other people.

[Mr. ole Marima]

Mr. Speaker, Sir, I want to dwell on the functions of the district education boards which are to be created. Mr. Speaker, Sir, it is important that we all realize that unless education in this country is brought nearly to the same pace, some parts of Kenya are going to be left behind, as they were before independence. I have said this several times in this House, and I repeat that it is not selfish for the people from these areas to ask for priority in the development of education. I would like to repeat this and tell the Minister for Education that in places, for instance, the pastoral areas where we know we have difficulties in getting water, great distances to be travelled by children to get to schools, I think the district education board should have the functions of designing and telling the Ministry where the boarding, primary and secondary schools should be erected so that these areas have their children enjoying uninterrupted courses of education for the whole term and then go home and come back again. I would even go further and say that feeding should actually be introduced in these areas to cater for those day school children. You will find small kids travelling five to six miles before they reach the nearest primary school often or sometimes without food to eat. I feel we should find a way of feeding these small children in these areas. Mr. Speaker, Sir, the functions of the district education board, in my opinion, should be there to determine the schools that are going to be built in any one given Financial Year, where these schools should be and the order of priority in which these schools should be built. Secondly, it is the work of these boards to take great interest in the training of teachers. I am not going to be deceived here, Mr. Speaker, by anybody that a good teacher from another place is as good as that one from your own area. In fact, in many cases, he is worse off than a poor teacher from that local area. These people cannot put up with the local conditions and they cannot persevere with them nor agree with the people. I have seen many times, in my own area, somebody coming from around Nairobi where his father has enjoyed a good salary and his school fee was, therefore, paid in time. When he comes to teach in a remote area in my district, he cannot understand the situation when a parent comes to him and says, "My only source of school fees is selling *ng'ombe* and I cannot sell them because Foot-and-Mouth Disease has led to the quarantine of cattle in the district. Could you wait until I can sell the *ng'ombe* or get money from somewhere else?" Despite the plea the little kid is sent back home and he has to go for 40 to 60 miles on foot because he has no school fees. This is very disheartening and very discouraging. It is the local people, therefore, Mr. Speaker, who should take the concern of picking the people who should go to the Teachers' Training Colleges, together with the district education officer. We are, however, not going to accept an imposition such as we had recently in the Tripartite Agreement, of people being sent from other districts to our districts who were not even better qualified than the local people. These people came to our areas and they were sent from those districts to our Teachers' Training Colleges as if they were from our districts. Who would get deceived that those people, actually, came from those districts from where they were sent to colleges.

Another important aspect of the District Education Boards should be the supervision of the schools. Related to this is the amount of funds that should be provided. I know of at least one supervisor who is supposed to supervise Narok and Kajiado Districts. He has no vehicle and, therefore, he has to go by bus or to go hitch-hiking. How adequately do you expect that officer to do his job? He cannot. Therefore, we must increase their funds and be able to give these people the means of transport—quick means of transport.

Mr. Speaker, I think we are going to discourage the activities and the interests of the boards if we are going to put so much limit, only to three times on the number of sittings they should have in a year. The problem cannot be related throughout Kenya and the frequency of the sitting would vary from district to district and from region to region. I, therefore, think we should have a flexibility here so that we can say that they should meet for no less than three times and probably for no more than seven or eight times in a year. We should give that limit, otherwise, many of them cannot do just what they should.

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

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir. I am delighted to get this chance to say a word on this Bill. First of all I would like the Ministry to understand that we welcome this idea in principle but I would like to say that I, together with a good number of my colleagues in this House, do not agree with the details. The boards first of all must be manned by highly qualified people who should be the right people so that we can achieve what we want. One does not need to be a councillor or anything of that nature to be a member but one must be an outstanding intellectual so that we can have District

[Mr. Nthenge]

Education Boards which are manned by people who are able and acceptable to the respective district and people who can foresee the future and plan accordingly. Education in the primary schools is very important for the future of a child, the would-be leader of this country in 20 or 30 years to come. Therefore, the foundation which is laid at the beginning is very important and that is the reason why I have said that the board should have men and women of high calibre so that in the end we can have the right kind of thing which we now have in our minds.

I feel that the chairman of such a District Education Board should be one of the most outstanding persons in the respective district; and the same case should apply to other members. We do not want to have a situation whereby, if one is, say a councillor—perhaps he could be a great comedian and whenever he speaks, women clap and elect him to be their councillor—he is elected to the District Education Board although he may not be the right kind of man to deal with educational matters. Therefore, on this point I would like to say that there should only be one person representing the local council so that instead of having three councillors as suggested in the Bill there should be only one councillor to represent the local council so that we can have room for other able men and ladies in the country-side. In this way, the education of our children will stand on a very good foundation.

Mr. Speaker, Sir, we have witnessed a lot of corruption manoeuvred around even on matters concerning school equipment etc. because of having people on committees concerned with these affairs who, on their own can hardly feed themselves, and whenever they get a little temptation they do all sorts of silly things. Mr. Speaker, Sir, I feel that we should have this point hammered to the Minister: we accept, in principle, the Bill but we do not agree with the details. What we want to see is a really strong board which, if entrusted with education at the district level, will give satisfaction. That is what we want to see.

The other point which I would like to point out concerns the Minister's ability on these boards. Section 27B (3) (*c*) states something about revocation of membership of these boards. If membership is composed of men of high calibre, there will hardly be any need for the Minister to revoke membership of any individual sitting on these boards. I feel that whenever a vacancy occurs, say due to ill health or death of a member, there is a need for replacement but the question of revocation should not arise unless we put in *takataka* or cheap men who might be agitators since they have nothing to do but to agitate and be accepted by the people as leaders. Many leaders are people who are outstanding even before they are elected. There should be some basic qualification for a person to be a member of these District Education Boards; such a person should be qualified in A B C—— In this way we can get the cream—the people whom we want and no revocation would hence be necessary.

Mr. Speaker, Sir, religious bodies should also be represented but not by too many people. If they would like to put forward their bishop as their representative, well and good but at least we should not——

An hon. Member: Or a Kadhi!

Mr. Nthenge: Even if he is a Kadhi or anybody so long as he is an outstanding person in that particular religion because we are not just interested to put forward a chap simply because, say, he is a Moslem. If it is a question of a Moslem to be appointed an outstanding person should be sought. The idea which I am trying to get at is the first one which I mentioned: getting worthwhile people. I do not want religion to be ignored in the education of young people because it has a lot to do with them since religion has a lot to do with character making. I have been in religious schools and I accept that they have something to do in a child's up-bringing. Therefore, I do not think it is a good idea to ignore the religious groups. Let them be represented and let religion be taught for half an hour or even for one hour. What is wrong with it? Some people seem to be scared of religion. What is wrong with religion? It talks of God and character and these help one to be good. What is wrong with it? People seem to think that if one hour is taken up by religion in a school, the whole school has wasted time. What is wrong with a child being taught the catechism, Mohamedanism, where they teach character formation. What is wrong with character building?

Mr. Speaker, Sir, from my experience, I have seen, when there was the system of Government schools, no religion was taught, but in religious schools such as Catholic schools, African Inland Mission schools and other religious organizations, there was a tendency for the employers to ask for people educated in mission schools because they thought that good character was taught to these people. That is why I feel that religious bodies should be regarded highly in this House. Religion should be taught at schools because I have never seen anything wrong with religion.

If anybody comes to your house and says he is the Reverend So-and-so, do you not feel that you

[Mr. Nthenge]
have an honourable guest coming in? What is wrong with religion? If someone came to your house and said he was Sheikh So-and-so, who teaches religion in the whole of Mombasa, you would feel you have the right kind of guest. This idea of somebody, because he does not practise religion, because he does not live up to the set standards and, therefore, saying that religion is *bure,* is wrong, Mr. Speaker, Sir. How much respect in this House do we give to Rev. Kalume? We believe he is somebody worthwhile. Recently we suggested that he should be a chairman of a Committee, because we feel he is somebody likely to aim for the good and that is exactly what religion often does. Therefore, Mr. Speaker, I do not want this to be ignored at all. I want the Ministry to know that there is a lot to be derived out of religion, whatever religion it is. They all talk of God and God is nothing but goodness. Therefore, what is wrong with goodness? Therefore, Mr. Speaker, Sir, I want this to be noted by the Ministry very strongly. Any Member who probably, because he knows he is not living up to the standards expected by the religious bodies tries to brush them aside because he wants to be the king of everything, I am not going to support such a Member. If Nthenge becomes a thief tomorrow, I should not say that, because theft is not taught by Moslems and it is not taught by Christians and not taught by Hindus, it is a bad thing and, therefore, these are bad people. It is me who is bad and not the religious bodies that say that I am doing a bad thing. Therefore, Mr. Speaker, Sir, it is important for our young children to be taught religion and that is why I want schools to be associated with religious bodies.

An hon. Member: Any other point?

Mr. Nthenge: My colleague here is asking me whether I have any other point. I am sure he wants me to keep on talking about religion because he, himself, believes in religion and practises it, and I believe he went to a mission school as I did.

Mr. Speaker, Sir, I have heard even some old atheists suggesting they want their children to go to some religious schools because the standard of character-building there is very important. That has nothing to do with practising religion at all. For that reason, you can see, Mr. Speaker, why I am stressing this point because they are known to be good. You find people trying to get their girls into schools run by nuns and such like people. Why? It is because they think that their daughters are likely to end up as good people.

The other thing that I would like the boards to look at is unification. I believe that education is a vital thing. It is like *chakula.* It is like food and nobody should be denied it or be denied the chance of getting to a certain standard. Mr. Speaker, I say this because I would like to see the child of my messenger or the child of my clerk going to the same school with my own child. They are all children. The system which is adopted by having the children of the Permanent Secretaries and Members of Parliament go to the former European schools where the fees are very high because there is a dress for kicking the football, a dress for playing golf, a dress for going to bathe on a certain day, another type of gown for going to—— Therefore, the fees are very high. I want to see this system abolished, Mr. Speaker. Not that I am an inferior Member of this House, and not that I am too junior to have my children go to, probably, a more privileged school, but the idea is that I want the child of my messenger, the child of my driver and the child of my clerk to have the same opportunity as my own child. But if we insist on certain ideas saying, "Well, this is a private school, you know", the whole idea is that at the end you find 25 children in a class in these schools and in others 50 in one class with one teacher. Is that good? Is it equality? Mr. Speaker, to break this I would like to see a unification of standards so that anybody can be admitted to any school and the fees be the same. Wherever a child cannot afford the fees there should be remission. His mother or father might have died and he is an orphan. Let us have the same opportunities of education as that one of George Nthenge whose income might be Sh. 10,000 a month.

I would like, therefore, the District Education Boards to exist and make sure that they control all the schools in a district all schools without exception, Mr. Speaker, so that we may have every child with equal chance.

The idea of saying, "this is a private school", is to create a snobbish club or society in our community. It is wrong to have a special group, and that is developing now, Mr. Speaker. I am saying this, not because I come from the other type of class. I am from the cream of Kenya. I agree, but it is wrong. Our children are, in fact, likely to tell the other children, "but you have not been to such and such a school". We are developing it instead of breaking it up. Then we say it is bad in theory, but we practise it. Which is more important, Mr. Speaker? To practise something or discuss something. Whoever discusses something does less harm than the one who really practises it. If I talk of theft, but I

[Mr. Nthenge]
do not steal, I am a better person than the thief who goes to steal. The one who steals commits a bigger crime than I who might have discussed this with and, probably, encouraged him.

Therefore, Mr. Speaker, I say that there is need for us to make sure that we are on the right footing on this thing. This is because education is the backbone of a society and I do not want classes to emerge. That is why we are going to demand our salariers go higher—far higher—so that we can afford to send our children to private schools where only ten children are taught by a teacher. But if my servant is told to send his child to a class of 60 children per teacher this is not just. The attention paid to a child in such a class is not the same because in one class there are ten children only and in the other there are 60. It is not the same for the teachers who handle 60 children and those who handle only ten children.

ADJOURNMENT

The Speaker (Mr. Mati): You will continue next time. It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 13th May, 1971 at 9.00 a.m.

The House rose at Seven o'clock.

Thursday, 13th May, 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 302

POLICE POST: KITUI DIVISIONAL CENTRE

Mr. Gatuguta, on behalf of Mr. Kitonga, asked the Vice-President and Minister for Home Affairs if he would tell the House—

(*a*) when the proposed Police Station at the Divisional Centre in Kitui East would be built;

(*b*) when a Police Post would also be built at Endau on the border of North-Eastern and Coast Provinces.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. There are no proposals at present to build a police station at Mtito Divisional Centre in Kitui East, nor is it considered necessary to have a police post built at Endau. The areas concerned are adequately policed from Kitui Police Station, and the present security arrangements for the area are considered adequate.

Mr. Gatuguta: Mr. Speaker, Sir, is the Minister, aware that the population of these areas is so big and that there is a great need to site a police post there in order to maintain the security of the area?

Mr. Shikuku: Mr. Speaker, Sir, we are aware of what the hon. Member is probably trying to imagine. However, what we have in mind, Sir, is that Kitui Police Station, where it is situated, is enough to look after that area. Sir, we do not just put up police stations for the sake of it; because the area is big, we put up more police stations. We take into account a lot of things before putting up a police station.

The Speaker (Mr. Mati): Next question.

Question No. 329

ATTACK ON EL-YIMBO BY ETHIOPIANS

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

(*a*) whether he was aware that on 13th January, 1971, a gang of Ethiopian armed raiders broke into a Gabra *Manyatta* at El-Yibo, killed six people and made off with 60 head of cattle and 1,000 goats;

(*b*) if the answer was in the affirmative, whether the Minister would inform the House what plans Government had to safeguard the lives of innocent members of Gabra tribe in that area.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. (*a*) It is true that on 13th January 1971, a gang of stock raiders from Ethiopia attacked a Gabra *Manyatta* at El-Yibo and after killing six people stole 60 head of cattle and 1,000 goats. On receipt of the report the police followed tracks and contacted the raiders; fire was exchanged which resulted in 11 raiders being killed and recovery of all the cattle and goats.

(*b*) The hon. Member can be assured that constant patrols are being carried out along the border to repel stock raiders. However, due to their nomadic way of life, the Gabra move from one place to another, and sometimes they do not even inform the security authorities there.

Rev. Kalume: Mr. Speaker, Sir, arising from the Assistant Minister's reply; having toured the area myself as the Chairman of the Stock-theft Committee, I have seen that the problem there is caused by the scarcity of policemen. They cannot cover the whole area. The local people there asked us whether Government——

The Speaker (Mr. Mati): Order, I think I said last time that you could not anticipate a report of a Select Committee of this House. Therefore, you cannot start telling us what is contained in that report here.

Rev. Kalume: It is not affected yes.

The Speaker (Mr. Mati): No, that is the rule; it is in your Standing Orders.

Rev. Kalume: May I ask a question, then?

The Speaker (Mr. Mati): Yes, a different one.

Rev. Kalume: Is it possible for Government to send the General Service Unit and the Army to the area so that the people can be protected because they are not armed and they are attacked day and night?

Mr. Shikuku: Mr. Speaker, Sir, the proposal by the hon. Member, which is just the same as his previous supplementary question, can be quite ideal. However, Sir, if you have to send the General Service Unit all over the country actually, we do not have enough General Service Unit members to go round. But so far, Mr. Speaker, Sir, our officers on the scene have not made it known to us that they want more policemen. If they do then we shall move policemen to the area. Nevertheless, from the activities you see here, this shows that the policemen are doing

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
something. The only thing I would like to hear from the hon. questioner is whether what I have said is not true: that these policemen, get reports, they go into action immediately, kill the raiders and bring back all the goats and cattle stolen.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, would the Assistant Minister tell us, since these raids have been taking place for a long time on this border, what plans are there to combat them? Instead of waiting until the people are killed and their property taken and then chase the raiders they should take preventive measures.

Mr. Shikuku: Mr. Speaker, Sir, I agree with that very reasonable suggestion, but I would not divulge the plans we have for security in the area for the simple reason that raiders are not fools, they keep their ears and their eyes open. They can read and know exactly what we are doing. We have something up our sleeves and soon we will be doing something.

Mr. Umuro: Mr. Speaker, Sir, what plans have the Ministry of Home Affairs to safeguard these people? If the raiders are not fools, then the Ministry should not rely on reports from the police officers in the field only.

Mr. Shikuku: Mr. Speaker, Sir, I have more or less replied to a similar question a few seconds ago.

An hon. Member: He was not listening.

Mr. Shikuku: If he was not listening, then may I take this opportunity to tell him that we have plans which we cannot make known. This is a public House and once you make a statement here it has to be published in the Press and these people can read it: they have radios to listen to and so I do not have to give this information. What I can assure the hon. Member is that we are aware of these raids and we have some plans. I have even discussed with the hon. Member of what we intend to do. Therefore, I do not have to disclose it here.

The Speaker (Mr. Mati): Next question.

Question No. 267

COMPLETION OF THE FIRST PHASE OF DEVELOPMENT PLAN

Mr. Karungaru, on behalf of Mr. Masibayi, asked the Minister for Finance and Economic Planning if he would tell the House when the First Phase of the present Development Plan would be completed.

The Speaker (Mr. Mati): Anyone here from the Ministry of Finance and Economic Planning?

Next question; Mr. Muturia's question.

Question No. 286

LEASES IN NYAMBENE NORTH

Mr. Marete, on behalf of Mr. Muturia, asked the Minister for Lands and Settlement if he would tell the House when he was going to give leases to the following markets in Nyambene North: Maua, Lare, Kangeta, Mutuate, Kanuni, Athiru Runjine, Athiru Gaiti and all other markets in Meru District.

The Assistant Minister for Lands and Settlement (Mr. Amin): Mr. Speaker, Sir, I beg to reply. The markets concerned are all situated on Trust Land vested in the county council. The Commissioner of Lands will issue leases in respect of plots in markets on the instructions of the county council. However, before such leases are issued and registered, it is necessary to have the markets planned and the plots surveyed or demarcated and a registry index plan provided by the Director of Surveys as a basis upon which such titles can be registered.

It will be appreciated that with the heavy burden of work on the Survey of Kenya and the number of urgent surveys required for development projects, it is not possible to send surveyors to all those areas calling for title surveys. However, in order to facilitate the issue of title deeds by demarcation and survey of plots, the Survey of Kenya has set up a special course designed specifically to train county councils' staff in survey work so that they are capable of carrying out the necessary basic demarcation and the course in question already started last month.

Mr. Marete: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister that Government is endeavouring to give leases to the small markets in rural areas—if this is really the plan, why is it that despite the fact that the County Council of Meru has asked Government several times to give leases to these small markets and Government has not taken any step? What step is Government now going to take?

Mr. Amin: Mr. Speaker, Sir, all that I can say is that the County Council of Meru has not yet approached our Ministry. If they are ready to approach us, then we are willing to help them and send these chaps to courses.

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

Question No. 325

BRIDGES—TIYA, KALOBEYOI AND NAKALALE RIVERS

Mr. Ejore asked the Minister for Works if he would tell the House—

[Mr. Ejore]

(*a*) when he is going to put up bridges over the following rivers: Tiya, Kalobeyoi and Nakalale.

(*b*) whether he is aware that these rivers were very dangerous during rainy seasons.

The Speaker (Mr. Mati): Anyone from the Ministry of Works?

Next question, Mr. Lenayiarra.

Question No. 340

REPAIR OF ROADS IN BARAGOI

Mr. Lenayiarra asked the Minister for Works if he would tell the House whether he would consider, as a matter of urgency, directing the following important roads to be repaired—

(i) Baragoi/South Horr Road to Lake Rudolf;

(ii) Baragoi/Wamba Road through Parsaloi;

(iii) Baragoi/Ilaut Road to Laisamis; and

(iv) Baragoi/Opiroi Road to Parsaloi.

The Speaker (Mr. Mati): The Minister has not come yet.

Next Question, Mr. Masibayi. We had somebody else who asked Mr. Masibayi's question last time.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, earlier on the hon. Karungaru asked that question on behalf of hon. Masibayi; and as a matter of fact, he never said, "on behalf"—he just stood up and said "Mr. Speaker, Sir, I beg to ask question No. 267", instead of saying, "on behalf of Mr. So-and-so, I beg to ask . . ." Now, why is it that we have two gentlemen standing up to ask the same question; hon. Wabuge and hon. Karungaru?

Question No. 265

NUMBER OF PEOPLE EMPLOYED UNDER TRIPARTITE AGREEMENT

Mr. Masibayi: Mr. Speaker, Sir, I apologize for having came late.

Mr. Masibayi asked the Minister for Labour if he would promise the House to give the breakdown of the people who were employed as a result of the Tripartite Agreement, showing also how many were employed by Government as opposed to private firms.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. The total number of people employed under the Tripartite Agreement is 43,603 the breakdown of this being; Government and local authorities 15,477; private firms 28,126. Mr. Speaker, Sir, the breakdown of the private firms quota is available and is rather lengthy. However, it is regretted that we cannot prove the breakdown for Government quota as the number of people employed by Government was split among Ministries, who in turn posted these people to the provinces. Therefore, Mr. Speaker, Sir, I beg to lay, on the Table, the breakdown of the private sector quota in view of its length.

(*The hon. Mr. Kibisu laid the papers on the Table*)

Mr. Masibayi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I think it is imperative that the House should be told exactly how many people Government employed because they were the initiators of the scheme, and also how many people were employed by the private sector.

Mr. Kibisu: Mr. Speaker, Sir, I have already given these details; I have just said Government employed 15,477 people, and, Sir, for those who are interested in percentages, as at the date of the Tripartite Agreement, that figure of Government represents roughly 20 per cent.

Mr. Mutiso: Mr. Speaker, Sir, would the Assistant Minister tell the House whether at the expiry of this period of the Tripartite Agreement, the people so employed will continue working in the same firms.

Mr. Kibisu: Mr. Speaker, Sir, it is a bit too early to presuppose the fate of those employed under the Tripartite Agreement, but there is a standing Tripartite Committee which will be looking into this matter.

Mr. Ogalo: Arising from the Assistant Minister's reply, is he aware that some people have been dismissed by the people who employed them?

Mr. Kibisu: Mr. Speaker, Sir, I am not particularly aware of that.

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

Question No. 333

ESTABLISHMENT OF A POST OFFICE AT MARSABIT

Mr. Umuro asked the Minister for Power and Communications if he would tell the House—

(*a*) whether he was aware that the people of Marsabit experienced great difficulties in receiving mail; and

(*b*) if the answer to (*a*) was in the affirmative, whether he would, as a matter of urgency, consider establishing a post office in Marsabit District.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, on behalf of the Minister for Power and Communications, I beg to reply. (*a*) I wish to inform

[The Assistant Minister for Co-operatives and Social Services]
this House that I am aware of the difficulties experienced by people of Marsabit in receiving mail.

(*b*) Already there is a sub-post office at Marsabit which transacts all postal business with the exception of money order services, but the problem of delay is due to bad road communications from Isiolo. As soon as the Kenya/Ethiopia Road is completed, Marsabit Sub-post Office will be upgraded to full departmental status, and it is very much hoped that people will be able to receive their mail in good time.

Mr. Umuro: Mr. Speaker, Sir, the Assistant Minister is talking of problems previously experienced due to poor road communication—what action will they take now because the construction of Nairobi/Addis Ababa Road has already passed Marsabit and is now approaching Moyale, which is 165 miles from Marsabit?

Mr. Ngureti: Mr. Speaker, Sir, as I have said in my main reply, that steps have been taken and we have been trying to rectify the problems in these areas—as I have said, when the road is opened, things will be straightened out.

Mr. Kahengeri: Now, I heard the Assistant Minister saying "with the exception of money and postal order services", now that the Marsabit District is going up economically, and we have the Great Road to Ethiopia, has he specific plans to open these services in the very, very near future, to cope with the demand?

Mr. Ngureti: Mr. Speaker, if we are informed by the people of the area of the necessary things that should be done as far as postal services are concerned, Government is willing to do whatever they are advised to.

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

Question No. 382

DISCONNECTION OF LIGHTS BY EAST AFRICAN POWER AND LIGHTING COMPANY

Mr. Karungaru asked the Minister for Power and Communications if he would tell the House—

(*a*) what made the East African Power and Lighting Company frequently disconnect lights in Nairobi before the consumers were properly notified as provided in the company rules; and

(*b*) since most of the disconnections were the fault of the Company but not light consumers, why it was that the said company never reconnected the light unless and until the consumer paid Sh. 20.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, on behalf of the Minister for Power and Communications, I beg to reply. (*a*) I wish to inform this House that the East African Power and Lighting Company Limited is empowered by section 77 of the Electric Power Act, Cap. 314, to disconnect power to anyone neglecting to pay for the electric power services provided. The proper method of notifying the consumer is to post the bills to the consumer on the addresses provided by the same. That is then considered a proper notification and a right to disconnect the lines if the charges are not paid in the time stated.

(*b*) If the lines are disconnected by mistake, no more charges are made for reconnection. If, however, they are disconnected as a result of the customer's failure to pay the charges, the same customer is required to pay Sh. 20 for the expenses incurred in this disconnection and reconnection.

Mr. Karungaru: Arising from that reply, is the Assistant Minister aware that in most cases disconnections are carried out without customers having received the notices in question?

Mr. Anyieni: Mr. Speaker, Sir, I do not know what the hon. Member expects the company to do. If the company posts the notice and the consumer does not receive it, I do not know whether the hon. Member wants them to follow up these letters they send to their customers and make sure that they have reached them before they disconnect the power. I think if that exercise was undertaken it would be a very expensive one.

Mrs. Onyango: Mr. Speaker, Sir, would the Assistant Minister tell this House whether the East African Power and Lighting Company Limited is prepared to pay compensation where they fail to provide the public with power? Sometimes they fail to provide the public with power and no one charges them for that failure.

Mr. Anyieni: Mr. Speaker, Sir, the East African Power and Lighting Company Limited does not charge people where they have not provided services.

Mr. Jilo: Mr. Speaker, Sir, would the Assistant Minister promise this House that his Ministry will revise their methods, by which their officials would ensure that the customers have received the notification of disconnection in time?

Mr. Anyieni: Mr. Speaker, Sir, I do not know what the hon. Member wants to suggest. If the

[The Assistant Minister for Commerce and Industry]

East African Power and Lighting Company Limited post letters or these notifications of their intention to cut the power, I do not know whether the Member is suggesting that every letter that is sent, notifying the customer or the consumer that his electricity supply is going to be disconnected, that the company should employ people to go to every home, to every consumer, and make sure that they have received the letter. I am not prepared to give that undertaking, Mr. Speaker.

Mr. Y. Ali: Arising from the Assistant Minister's reply, since the customers must pay a deposit of Sh. 40 or Sh. 100 before they are supplied with power, would the Assistant Minister strongly recommend to the East African Power and Lighting Company to consider deducting any arrears from the deposit put down by the customer, before disconnecting the power?

Mr. Anyieni: Mr. Speaker, Sir, provided the cost of the services provided is not more than the deposit, I think the suggestion is a good one.

Mr. Mutiso: Mr. Speaker, Sir, can the Assistant Minister deny the fact that since Government took over the East African Power and Lighting Company Limited the services have deteriorated, compared to how they were before the take-over?

Mr. Anyieni: Mr. Speaker, Sir, I very, very strongly wish to deny this charge, and I know the hon. Members know that the services have not at all, deteriorated; in fact, they have improved.

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

Question No. 326

HOSPITALS AND DISPENSARIES IN TURKANA DISTRICT

Mr. Ejore asked the Minister for Health if he would tell the House how many Government hospitals and dispensaries were there in Turkana District.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. There are two Government hospitals and one sub-health centre in Turkana District. Besides these, Government also maintains a mobile clinic. There are several health centres run by church hospitals, which are partially assisted by Government.

Mr. Ejore: Arising from the Assistant Minister's reply that there are church hospitals in Turkana District, can he assure this House that these church hospitals are giving the *wananchi* medicines if they do not pay money? Can he assure the House that these church hospitals will serve the *wananchi* by giving them free medicines as Government hospitals do?

Mr. Jahazi: Mr. Speaker, Sir, I did not say that they are not church hospitals; I said that they are church hospitals, but are partially aided. We give them money so that they can serve *wananchi*. Now, as they are church hospitals, I am sure that no church hospital would see a poor person dying and refuse to give him medicine just because he is not able to pay for it. I do not think that they would be worthy of being called church hospitals. Therefore, if any Member has any incident of any church hospital refusing to serve a poor man who was very sick, then he should report this matter to us and we will take action. However, I am sure that because they are church hospitals, they take the poor people's position into consideration and give free medicine.

Rev. Kalume: Arising from the reply given by the Assistant Minister, is it not unfair to expect the church hospitals to give free medicine to poor people whereas they do not have money to buy the medicine? Where will the money come from if they continue to give free medical treatment to poor people in those areas?

Mr. Jahazi: Mr. Speaker, Sir, I do not think the Reverend is very well versed in church hospital business because, as he knows, these church hospitals were established by the churches. They know where they get their funds; for example, from overseas and all over the place. However, our Ministry appreciating their good job, gives them a grant towards running them. The church hospital difficulties have been discussed in this House and I am sure that the Reverend also has a church hospital where he is serving as a committee member and we have also gone in to help these church hospitals when they are in difficulties. Therefore, I do not think the question of where they get their money from comes in here.

Mr. Lotodo: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, that there are two Government hospitals, and taking into account the fact that Turkana is the largest district in the Republic, would he undertake the task of increasing the number of hospitals from two to ten or twenty?

Mr. Jahazi: Mr. Speaker, Sir, we are always considering not only increasing the number of hospitals but also improving the standards of the present hospitals. So I think the Member should press, first, to have the operating hospitals—and especially the one at Lodwar—improved so that the

[The Assistant Minister for Health]
standards could be better. That is what we are planning to do so that the hospital there is expanded and is big—we could even teach a few Turkana girls how to serve as nurses in those hopitals.

Mr. Cheptai: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the missionary hospitals supplying medicine to Turkana area are engaged in trading? Is he aware that Turkana people do not get free medical treatment like other people because these missionaries are charging, for medicine for one day, up to Sh. 90? How can we expect free medical treatment if Government is not prepared to expand the existing health centres and make them Government hospitals?

Mr. Jahazi: Mr. Speaker, Sir, I am sorry to hear that the missionaries there are trading, although I do not believe it. I do not think that they are actually trading because they are doing a good job in this area and they are at least providing medical services where Government cannot actually provide them at the present moment. I think the Member should see those in charge of the missionary hospitals in his area if he has any difficulties. If any one particular missionary is trading in the area, he should be reported to the headquarters. However, I do not think it is fair to accuse all the missionary hospitals in Turkana District as being run on commercial basis.

Question No. 379

EXPANSION OF KITALE DISTRICT HOSPITAL

Mr. arap Yego asked the Minister for Health if he would tell the House whether he had any plans of expanding Kitale District Hospital which was currently overcrowded. If the answer was in the affirmative, whether the Minister would tell the House how soon the work would start.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. We are planning to expand this particular hospital at Kitale during the Financial Year, 1972/73.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House why this hospital cannot be expanded during this Financial Year, 1970/71?

Mr. Jahazi: Mr. Speaker, Sir, this Financial Year ends on 30th June, 1971, and I am, at the moment, carrying out expansions about which other Members asked, last year, why they should not be done during the Financial Year, 1970/71. Therefore, we have to take one hospital at a time and not all hospitals in Kenya at the same time

Mr. arap Yego: Mr. Speaker, Sir, in view of the fact that I have appreciated the Assistant Minister's reply, could he, alternatively, try to aid some of the Harambee health centres in order to assist them until the next Financial Year?

Mr. Jahazi: Mr. Speaker, Sir, I do not see where Harambee health centres come in this question.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that the hospital was built during the colonial times and also at the time when the population was very small—in other words, it lacked a lot of facilities—would the Minister tell the House what expansion he has in mind as far as that hospital is concerned?

Mr. Jahazi: Mr. Speaker, Sir, to make it better; to make it bigger—those are the expansions.

Mrs. Onyango: Mr. Speaker, Sir, in view of the fact that in the olden days people were not getting sick every now and then, would the Minister endeavour to see that all hospitals in Kenya are expanded in order to cater for our people, who become sick from time to time?

Mr. Jahazi: Could the hon. lady repeat herself because her voice was a bit soft and I did not hear properly?

Mrs. Onyango: Mr. Speaker, Sir, in view of the fact that in the olden days people were not becoming sick in large numbers as it is today, and in view of the fact that hospitals were built in small proportions, would the Assistant Minister make it a point of enlarging the hospitals so that the patients are not sent home and they can be treated and get accommodation in the hospital?

Mr. Jahazi: Mr. Speaker, Sir, I think we are doing exactly that. In every province, we are not only expanding the small hospitals but, in some areas we are building complete new ones. I think all the Members here will bear me witness that when you go to Machakos, Garissa, Mandera, Marsabit, Busia and Homa Bay and you will find nothing but new hospitals coming up. So, these are the new hospitals or expansion of old hospitals.

Therefore, Mr. Speaker, Sir, I appreciate the hon. lady's question and we are doing exactly what she is suggesting.

The Speaker (Mr. Mati): Next question. Mr. Bonaya's question anyone here authorized to ask on his behalf?

Question No. 377

EXPATRIATE GAME WARDENS IN KENYA

Mr. Lenayiarra, on behalf of Mr. Bonaya, asked the Minister for Tourism and Wildlife if he would tell the House—

[Mr. Lenayiarra]

(*a*) why was it that up to now four out of the five Divisional Game Wardens in Kenya were still expatriates; and

(*b*) in view of the prevailing unemployment in the country, would the Minister replace the said expatriates with qualified Africans immediately.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Tourism and Wildlife, I beg to give the following reply. (*a*) African Game Wardens who would have qualified to take over from the expatriate Divisional Game Wardens have from time to time moved to better paid jobs in the public service and private sector. This has made it difficult for the Ministry to Africanize all the posts of Divisional Game Wardens.

(*b*) It is Government policy to replace expatriate officers with suitably qualified and experienced Kenyans, and the present expatriate Divisional Game wardens will, in due course, be Kenyanized.

Mr. Muthamia: Mr. Speaker, Sir, arising from that answer, will the Minister not agree with me that the African Game Wardens have not been so successful in the department because the European expatriates have made the position very difficult for them to work well in the Ministry?

Mr. Mbai: Sir, I do not agree with that allegation.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that one of these expatriates who was in Samburu, and who stayed there for 21 years refused to be transferred to some other place because he wanted to stay in Samburu?

Mr. Mbai: Mr. Speaker, Sir, I am not aware of this officer who refused to be transferred from Samburu. However, if he has been there for all that long it shows that he has been doing very well.

Mr. Migure: Can the Assistant Minister tell this House why the post for a divisional game warden has not been advertised so that the local citizens of this country can apply and then a suitable candidate may be taken to fill the post?

Mr. Mbai: Mr. Speaker, Sir, posts are not advertised unless they fall vacant. If the Member has any applicant who he thinks is qualified enough to be employed, as the divisional game warden, it is up to him to advise the gentleman to approach the Ministry and his case could be looked into.

Mr. Migure: On a point of order, Mr. Speaker, my question is that since it is the policy of Government to Africanize all posts in the country which, at the moment, are occupied by expatriates—— Mr. Speaker, what I am trying to find out from the Assistant Minister is why these posts have not been advertised so that the local people can participate in this——

The Speaker (Mr. Mati): Order! Are you then alleging that you know there are vacant posts which have not been advertised? You do not advertise any post unless a vacancy exists.

Mr. Migure: Mr. Speaker, Sir, my point is that the Assistant Minister has just told us that it is the policy of Government to Africanize the posts when there are suitable Africans to take over, how does the Ministry expect the African to take over if these posts are not advertised that they are vacant because these expatriates are still occupying the posts?

The Speaker (Mr. Mati): I do not understand your question. Anyway, you can answer, Mr. Mbai.

Mr. Mbai: Mr. Speaker, Sir, the Ministry has so much machinery to find out whether there are qualified Africans to replace the expatriates in a certain section. Therefore, Mr. Speaker, the hon. Member should be aware that the Ministry has a machinery to find out if there is an African qualified to replace these people; then they go into it in the proper manner.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that the unworthy investigations which are carried from time to time within the Ministry of Tourism and Wildlife is caused by these expatriates because they do not want to be ruled by the two top Africans who are there?

Mr. Mbai: Mr. Speaker, Sir, I am not aware and, therefore, I cannot say "yes" unless the Member can prove it.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's answer to one of the supplementary questions which he was asked whether he would agree with the Member that there are expatriates only on this business, and the Assistant Minister said that he did not agree with the Member, can he now tell us how many Africans have been given the chance to participate on this business?

The Speaker (Mr. Mati): Could you repeat your question, Mr. Araru.

Mr. Araru: Mr. Speaker, Sir, I think the Assistant Minister for Education does not know much about this matter. If the right Minister was here it would be much better. My point is, as he said, he did not agree that it is only the expatriates who participate in this business when

[Mr. Araru]
he was replying to one supplementary question which was asked by an hon. Member. Can he tell us how many Africans have been given chance to participate in the wildlife business?

The Speaker (Mr. Mati): I think Mr. Araru is asking how many Africans are game wardens of this category.

Mr. Mbai: Mr. Speaker, I am not in a position at the moment to give the number of Africans who are game wardens, but if the Member wants I will give the number and the names. But I can tell him the Chief Game Warden is an African.

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

Question No. 267

COMPLETION OF THE FIRST PHASE OF DEVELOPMENT PLAN

Mr. Masibayi asked the Minister for Finance and Economic Planning if he would tell the House when the first phase of the Current Development Plan would be completed.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to reply. It is not clear what the hon. Member is referring to since the current National Development Plan is not divided into phases. It covers a total period of five years, and we are now in the second year of its implementation.

The Plan, however, provides that reviews will be taken from time to time and the main revision will be made around the middle of the period covered by the Plan.

It is hoped, therefore, that such revision will take place in the year 1972/73. In general, Sir, public expenditure and the Plan can be considered as being phased on an annual basis in view of the fact that the appropriations are made on a yearly basis. But it must be remembered that the public expenditure constitutes only one part of the Development Plan since the Plan covers also the whole economy including the private sector.

Some specific projects, Sir, and programmes in the Plan have been broken into phases, but the phasing of the various projects will not coincide in time. Many of these projects are already in the course of implementation. As there are altogether several hundred development projects in the public sector alone, the hon. Member may wish to raise questions on the phasing and implementation of any specific project. As such, information will be provided by the Ministries concerned with the implementation of the projects.

Mr. Masibayi: Mr. Speaker, Sir, arising out of that lengthy reply from the Assistant Minister, will he agree with me that in the past it has been the practice of the old Plan overlapping the new Plan, and would he make sure that, in future, if there is any phase of the present Plan left undone the House will be specifically told what phases have not been done and what has already been completed so that we may know the overlapping of the new Plan which should be included in the new Financial Year?

Mr. Balala Mr. Speaker, what usually happens is this, when there is a particular project or there are projects, or a phase in the Plan which has not been implemented during the Plan period, that unimplemented phase is usually carried forward to the next Development Plan. This is how it is done.

It is also shown during the revision of the Plan within the Plan period and as such, Sir, usually when a revision is done the unimplemented projects within the Plan are carried forward to the next Development Plan.

Question No. 325

BRIDGES—TIYA, KALOBEYEI AND NAKALALO RIVERS

The Speaker (Mr. Mati): Mr. Ejore?

Question No. 340

REPAIR OF ROADS IN BARAGOI

Mr. Lenayiarra asked the Minister for Works if he would tell the House whether he would consider, as a matter of urgency, directing the following important roads to be repaired—

(*a*) Baragoi/South Horr Road to Lake Rudolf;

(*b*) Baragoi/Wamba Road through Parsaloi;

(*c*) Baragoi/Illaut Road to Laisamis; and

(*d*) Maralal/Opiroi Road to Parsaloi.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. Yes, I will.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, Yes, can the Assistant Minister inform the House when he is going to work on these roads?

Mr. Keen: Now.

QUESTIONS BY PRIVATE NOTICE

IMPRISONMENT OF EIGHT SOMALI CATTLE OWNERS

Mr. Ahmed: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

[Mr. Ahmed]

(*a*) Is the Minister aware that on the 23rd of March 1971, rustlers from Galole District raided a village in Masalani and made away with 140 cattle after which 128 cattle were recovered by the police; and that 14 rustlers were apprehended and later released instead of the eight cattle owners who had been called to claim their livestock and who were remanded and subsequently imprisoned for four months each?

(*b*) What is the legality of this procedure which has caused grave concern among the Somalis?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. On 23rd March, 1971 some Somalis grazing 148 head of cattle crossed from Garissa District into Kinakomba Location of Tana River District for the purpose of raiding cattle. Whilst in the area they came upon some Orma youths who were looking after some cows. The Somalis threatened the youths and after taking the cattle as well as the calves they made off with all the stock. The youths raised the alarm and some six Orma followed the Somalis who, on seeing that they were being followed by Ormas made good their escape, leaving behind all the cattle. The Ormas collected all the cattle and took them and handed them to the chief of the location. The chief returned the cows to the Ormas but retained the Somalis' stock.

Meanwhile some 20 Somalis gathered together and after arming themselves with spears and *pangas* went to fight the Ormas. The police from Masalani arrived at the scene and dispersed them and retained 14 Ormas for interrogation, but later released them.

The eight Somali cattle owners were eventually charged with offence of illegal movement of stock as the area concerned was under quarantine. All the accused pleaded guilty on 2nd April, 1971 to the charges and they are sentenced to sentences ranging from three months to six months.

Mr. Ahmed: Mr. Speaker, Sir, arising from the reply, the Assistant Minister is misleading the House because it is a fact——

The Speaker (Mr. Mati): Order! You know that is not parliamentary. You cannot say someone is deceiving the House. You may disagree with him but you cannot say that.

Mr. Ahmed: I did not say "deceiving", I said "misleading" the House.

The Speaker (Mr. Mati): Misleading? That is in order. I am sorry.

Mr. Ahmed: Mr. Speaker, the Ormas raided the cattle and took away 148, and the Masalani Division Police followed them. They arrested these 14 people with the cattle. They even fought with the police and wounded one Corporal called Abdi who is from the Special Branch. All the arms were taken to Garissa Police Division. These people were released and the owners of the cattle were called to collect their cattle. When they went there they were charged and imprisoned.

For the information of the House, there was no quarantine in Masalani Division because these people have been allowed to move up to Kebini to graze their cattle there during the drought.

Mr. Shikuku: Mr. Speaker, this question was received in our office yesterday. The information we have received from the place in question is that these Ormas crossed from their district into Tana River District. This is a fact. They moved from one to another and the hon. Member knows very well that you have to get a permit from the veterinary officer to do so. When they were arrested, and were charged, they pleaded guilty. I do not know whether the hon. Member wants us to believe that the court made a mistake. If he so believes, why does he not go to the court and prove them wrong.

Mr. Ahmed: Mr. Speaker, is the Assistant Minister aware that these people did not cross the river but they were called from their villages to collect the cattle? It was after that they were arrested.

Mr. Shikuku: Mr. Speaker, I am aware, but how did the cattle get into the other area? Did they go astray? They were grazing in a district where they are not supposed to graze. When the youths raised an alarm the raiders ran away and later on how did they go to the chief of Tana River to collect their cattle. The chief called them and when they went to collect their cattle they were charged.

Mr. Haji: Arising from out of the reply given by the Assistant Minister, is he aware that these people were allowed, during the drought, to graze their cattle in Galole District and, therefore, the question of getting permission does not arise?

Mr. Shikuku: Mr. Speaker, when the Member talks of being allowed, and they were allowed, I do not think the court would make a mistake. They were given a chance to defend themselves in the court. I guess they must have raised this argument in the court and said they were permitted to graze their cattle there. Since the court was convinced that these people had contravened the law of the country, and they themselves admitted this, they were convicted to sentences

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
ranging from three to six months. It is open to the hon. Member to hire a lawyer and find out what went wrong with the court of law. That is beyond the police now.

APPROVAL OF NDEGWA SALARIES COMMISSION REPORT BY PARLIAMENT

Mr. Mwamzandi: Mr. Speaker, Sir, on behalf of the Member for Tinderet, Mr. Seroney, I beg to ask the Minister for Finance and Economic Planning the following Question by Private Notice:—

In view of the fact that the recommendations of the Ndegwa Commission Report involve a substantial additional increase in public expenditure, will the Minister, before including the recommended increases in his Annual Estimates prepare or cause to be prepared a Sessional Paper on the said Report for the consideration and approval of the House?

The Speaker (Mr. Mati): Finance and Economic Planning? I thought we had one Assistant Minister and, in fact, the two Assistant Ministers were here a little while ago.

An hon. Member: They ran away from here.

The Speaker (Mr. Mati): Let us move on to the next question. Mr. Abubakar-Madhbuti.

GOVERNMENT POLICY ON OWNERSHIP OF BUILDINGS

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, I beg to ask the Minister for Housing the following Question by Private Notice:—

Following reports in the Press that as a result of an Act of Parliament enacted by a sister state authorizing the acquisition of buildings and houses by the Government of that state, the Government had already embarked on massive take-over of such property, would the Minister inform the House what the Government policy is with regard to ownership of buildings and houses?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. No property of any description shall be compulsorily taken possession of nor interest in right over property of any description shall be compulsorily acquired except where the following conditions are satisfied, that is to say, according to the Constitution of Kenya.

(*a*) The taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of any property in such manner as to promote the public benefit.

(*b*) The necessity thereof is such as to afford reasonable justification for the causing of any hardship that may result to any person having any interest in or right over the property.

(*c*) Provision is made by a law applicable to the taking of possession or acquisition of any for prompt payment of compensation.

Mr. Karungaru: On a point of order, Mr. Speaker, is the Minister in order to read the Constitution instead of answering the question?

The Speaker (Mr. Mati): If a reply is in the Constitution, he can read it. There is nothing out of order there.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, if Mr. Karungaru had not behaved like a kangaroo, then he would get the answer. I was quoting from the Constitution in order to give my answer.

Under those circumstances, Sir, Kenya's Constitution lays down very clearly that no property shall be taken by the Government. Any property belonging to individuals shall be safeguarded.

Having that in mind, unless the Constitution is changed by this Parliament or by the Government of Kenya, I see no reason for some of the hon. Members having any fear at all. I would like to state categorically that the Government will not take any arbitrary steps against Kenya's Constitution to take possession of individual property.

However, I would like to add that this should not be a stepping stone for those property-owners to put up the prices. I shall be looking for measures to ensure that people do not sell their houses at exaggerated prices which do not conform with the present situation.

Mr. Kahengeri: Mr. Speaker, Sir, does the Minister realize that there are buildings in this country which are safeguarded by the Constitution and which are owned by foreigners, and were built in the 1920s at, say, a cost of Sh. 20,000 are now costing the African people who want to buy such buildings Sh. 200,000 or Sh. 300,000? Is he aware of that? Is that fair?

Mr. arap Cheboiwo: And what are you doing about that?

Mr. Ngei: Mr. Speaker, I have said that the Constitution does not say that there are properties owned by foreigners but properties owned by the individual. An individual can be anybody. It can be a black Eskimo, a white Eskimo, a person from New Zealand and so on.

There has been a tendency that some people are taking advantage of shortage of buildings

[The Minister for Housing]
and houses and they have chosen to price them very high. Some of these have been built many years ago. This is being taken care of. At present the process is the one allowed by the Constitution. In other words, Sir, I am not going to take any unconstitutional measures to play about with people's property. However, I shall check on the price of the property.

An hon. Member: What about absentee landlords?

Mr. Abubakar-Madhbuti: Mr. Speaker, arising from that encouraging answer, is the Minister prepared to help those Kenya residents who have been affected by this notorious Act regarded in Tanzania as the ..... (Inaudible.) Act? If he cannot, then is he prepared to retaliate against those Tanzanians owning houses or property in this country?

Mr. Ngei: Mr. Speaker, I am a gentleman Minister and I cannot really talk about people in other countries. I am concerned with the houses in this country. I have given assurance that I will not act arbitrarily, nor will the Government by taking the people's property.

However, Mr. Speaker, I shall check on the prices. That means, that I am not prepared to throw my cards on the table now, but I know what I am doing and I know my work. Therefore, when Parliament allows me, when they allow the Bill which will come here, I will see that the prices are curbed. It is definitely true that some people are taking advantage of the shortage of properties. It is true that some houses which were built a long time ago, about 20 years ago, are being charged at very high prices.

But we must not forget that some people did invest their money into property, not for nothing but to gain. We shall, however, see that they do not gain very much.

An hon. Member: They have already gained!

Mr. Ayah: Mr. Speaker, Sir, arising from the answer given by the Minister, where he was trying to quote the Constitution, in view of the fact that the Constitution should express the wish of the people, the aspirations of the people, can the Minister tell the House whether he considers taking these buildings or property in itself is wrong or whether it is because of the Constitution, in which case, why does he not bring some changes if it is the right thing to do?

Mr. Ngei: Sir, when the hon. Member implicates whether I should speak my mind on this thing, I would like to say that I am acting collectively, I speak on behalf of Government. At the same time I must take the wishes of the people of this country into consideration. If the hon. Member can assure me that his constituents are prepared to allow me to take possession of property, I will do so immediately.

But the country has the law which does not allow us to take an individual's property at all. That is why the Constitution is there today.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, what is Kenya Government going to do to stop such notorious Acts coming from other countries? How are we going to prevent our citizens from being victimized with such types of Acts?

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance in this matter. Is it really in order for a Member of the National Assembly of Kenya to term Acts passed by a sister country, which is passing these Acts so as to help their own people, as notorious Acts?

The Speaker (Mr. Mati): Order! No, it is out of order. You cannot make any statement which is discourteous to a friendly nation or a friendly government and Acts passed by those governments are their own affairs. So, we cannot be judges of them.

On the other hand, it is a fair question if the Member is concerned about certain Kenya citizens who have been affected by such a move, but he must use courteous language when he is asking such a question.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, what is Government going to do to protect or to compensate those Kenyans who have been affected by that type of law?

Mr. Ngei: Mr. Speaker, Sir, as I said I am not prepared to comment on anything that has really happened in a sister country. However, I would like to say this, because I want to be clearer: Government will consider the question of those people who are owning houses in Kenya and who are living abroad and they are not Kenya citizens. Government may think on the same lines, perhaps, as it thought when it introduced the Trade Licensing Act. But, if a citizen of Kenya owns property, or if you, as a Member of Parliament, owns property, it is going to be safeguarded. There is no question of taking over this property whether you are a white Kenya citizen or a black Kenya citizen. We are going to protect your property and we are not going to take it so long as you are a Kenya citizen. We are also not going to take over the property belonging to other people who are not here unless—and I repeat, "unless"—you here, responsible hon. Members, change the law. The Constitution is there and you cannot act arbitrarily. But, Government is considering—if I may say so—the

[The Minister for Housing]
question of absenteeism and so on. If the hon. Members, Mr. Speaker, could be more patient, they would see that we intend to act reasonably.

The Speaker (Mr. Mati): Order! Let us go back to Mr. Seroney's question. I do not know whether there is anybody to reply to it.

APPROVAL OF NDEGWA COMMISSION BY PARLIAMENT

Mr. Seroney: 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 the recommendations of the Ndegwa Commission Report involve a substantial additional increase in public expenditure, will the Minister before including the recommended increases in his Annual Estimates, prepare or cause to be prepared a Sessional Paper on the said Report for the consideration and approval of the House?

The Speaker (Mr. Mati): As I said before, I do not think there is anybody to answer this question. All right, since there seems to be nobody to answer the question, it will be put on the Order Paper again.

Mr. Migure: On a point of order, Mr. Speaker, Sir, I saw some Ministers go out of the Chamber and they knew very well that the question was going to be asked. Is it not very unusual for a Minister to run away from the House when he knows his question is coming before the House?

The Speaker (Mr. Mati): We do not know why they are absent at this moment. So we will wait and find out later.

(*Question deferred*)

COMMUNICATION FROM THE CHAIR

ANTICIPATION OF REPORT OR DISCLOSURE OF EVIDENCE OF SELECT COMMITTEES—OUT OF ORDER

The Speaker (Mr. Mati): Now, during question time the hon. Rev. Kalume tried to introduce, in one of the supplementary questions, matters which affect his Select Committee on Stock-theft and I ruled him out of order. I think it is only fair that I should make it clear why I did that so that he does not think he was entitled to do it and also for the benefit of other Members who might not know what I was referring to.

Now, Standing Order No. 37 section (15) says, and I quote:—

"A question shall not refer to preceedings of a Select Committee before that Committee has made its report to the House.

Now, Mr. Kalume's Report has not yet been presented to the House. There is also another provision in Standing Order No. 156 which is relevant to this and says:—

"No evidence received by and no documents presented to a Select Committee shall be published or otherwise disclosed to any person other than a Member of the House until the Report of that Committee shall have been presented to the House."

Now, in this Chamber we have still what we refer to as "Strangers" who are listening to the proceedings here so that your reference to evidence given during your inquiry would be publishing that evidence to people who are not Members of this House.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

HARASSMENT OF AFRICANS BY A EUROPEAN FARMER

The Speaker (Mr. Mati): I have received a written Notice from Mr. Munyasia of his intention to raise on a Motion for the Adjournment a matter contained in a reply to a question by Private Notice concerning Mr. Norman Peckover harassing people around his farm. I shall, therefore, call for the Motion for the Adjournment at the time of interruption of Business on Tuesday, 18th May, 1971.

RECRUITMENT OF MARSABIT PEOPLE INTO NAVY AND AIR FORCE

The Speaker (Mr. Mati): I have also received a written Notice from Mr. Umuro of his intention to raise on a Motion for the Adjournment a matter contained in a reply to question No. 328 concerning recruitment of people from Marsabit into the Navy and the Kenya Air Force. I shall therefore call for the Motion for the Adjournment at the time of interruption of Business on Wednesday, 19th May, 1971.

BUSINESS

PRECEDENCE OF BUSINESS ON ORDER PAPER

The Speaker (Mr. Mati): Order! We still have something to do. Order, Mr. Koigi.

Now, the next Order is a Motion by Chief Kitonga, the Motion which was not concluded last time. Following that there is another Motion by Mr. Mutiso and another one by Mr. Kivuitu. Now, I understand that these hon. Members are not able to be here to move their Motions. They are officially engaged elsewhere. Therefore, we will move on to Order No. 8 which is a Motion by Mr. Karungaru.

MOTION

PROSECUTION OF PEOPLE FOR DRUNKENNESS

Mr. Karungaru: Mr. Speaker, Sir——

An hon. Member: Mr. Karungaru, you are a nationalist!

Mr. Karungaru: Yes, I am.

[Mr. Karungaru]

Mr. Speaker, Sir, I would like to move 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 that—

(*a*) 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.

The reason behind my bringing this Motion in the House is because it has become a habit of our police in this Republic of Kenya to arrest people on suspicion. Mr. Speaker, Sir, the time has come for this House to voice this matter openly and particularly with regard to this kind of arrest without support of any evidence at all. It should be known that in this country we are free and independent and, therefore, we are not going to accept any kind of arbitrary law to be practised. It should be known that a law which does not have the support of the people is not a law of any society. Again it should be known that people take the law in the image of their own God and if it does not reflect anything of that nature, then, it is not suitable to such people. In this context, I am submitting that the present law, which is subjecting people to wholesale arrest, is not a law which is suitable to our society. I would like to go further and say that this state of affairs is being experienced because the law which is in operation is a law which we inherited from the Colonial Government; that is the reason why this law is very discriminatory so much that you find in most cases that the people of African origin are subjected to mass arrests and, as if this were not enough, they are sent to court in groups of say, four, five, ten and so on and asked to answer charges of being drunk and disorderly. In so far as the concept of drunkenness and disorderliness is concerned it is where a degree of consideration should be viewed—the degree of seriousness of an offence should not only be determined by merely looking at a person and assuming in advance that he is drunk and disorderly. That approach is undesirable and at the same time it interferes with the freedom of individuals. There is no reason for the Government to engage itself in resorting to punishing its own citizens—these are acts of brutality and have resulted in the Government being unpopular.

Mr. Speaker Sir, I am presenting this Motion in good faith because the Government is ours and we are no longer under the Colonial Government. Mr. Speaker, Sir, the deterioration and abuse of the law started as soon as we achieved our independence in 1963. Instead of the police, through the Commissioner of Police, co-operating as advised by their head, they are unco-operative. You cannot expect the members of the public to be co-operative if the police are not reciprocating that co-operation. Mr. Speaker, Sir, the tendency our police on the part of to behave this way——

QUORUM

Mr. Nyakweba: On a point of order, Mr. Speaker, Sir, is there a quorum in the House?

The Speaker (Mr. Mati): No, there is no 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. Speaker, Sir, since we are going to have this problem now and then, do you not think that we should amend our Standing Orders to stipulate that when there is no quorum those absent at that time should not be given that day's salary?

The Speaker (Mr. Mati): We are reviewing the Standing Orders. Mr. Shikuku, you might care to come and give evidence to that committee.

Mr. arap Saina: On a point of order, Mr. Speaker, Sir, since Parliament is getting into a situation whereby lack of quorum is bringing its business to a halt, and even last week it was reported in the newspapers that there was no quorum, which in any case gives it a bad name, can we not use the Standing Orders of this House to initiate a rule which would require Members to be here until the end of the proceedings of the House?

The Speaker (Mr. Mati): I referred to what could be done when I replied to the other question.

There is a quorum now.

Mr. Karungaru: I would like to continue, although there has been an interruption. Mr. Speaker, Sir, in Nairobi——

Mr. Tuva: On a point of order, Mr. Speaker, Sir, I am seeking your guidance. Was the Chair in order to accept points of order when there was no quorum?

The Speaker (Mr. Mati): Well, it could have been a conversation, which in any case was useful.

Mr. Karungaru: I have lost a lot of time!

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Speaker, you have said that there is a committee which is presently reviewing the Standing Orders and that everyone should give evidence. Do the Standing Orders not give you powers to make certain rulings for the interest of the good name of this House because this habit Members being out of the House is spoiling our name very badly?

The Speaker (Mr. Mati): Order! The position was made quite clear by the Deputy Speaker either yesterday or the day before when this point was raised by, I think, hon. Araru. However, I cannot act arbitrarily.

Will somebody take care of that, because somebody is making a noise at the back here.

So, the position is as it was put. I disapprove of the idea of having to adjourn the House because of lack of a quorum because it reflects very badly, especially when it is done on two occasions in the course of the same week. However, we have to abide by our own rules and if there is nothing I can use it then becomes difficult for me to do anything. However, there is a committee which is now reviewing the Standing Orders and any suggestion which is put forward to that particular committee will be considered and presented to the House in their report; and then it will be for the House to decide what to do about this problem. Nevertheless, I hope that we will not continue having this problem arising from time to time because it was not good last week. So, we will leave it at that and allow Mr. Karungaru to continue with his speech.

Mr. Karungaru: Mr. Speaker, Sir, I would like to continue. It appears as if there is a tendency on the part of our police force to arrest people without even asking themselves as to why they are doing so. I am saying this because, in a place like Maringo police just come in their vehicle and, after parking it, they go to all the shops and bars and collect so many people. In so doing they humiliate, molest and exasperate our people. Mr. Speaker, Sir, we do not expect our police to behave that way. When police force is uncooperative, they provoke the members of the public, who reciprocate—this is not good because we are now independent. We would like to see our police behaving like good policemen. I am, however, inclined to think that this is happening as a result of our not giving our policemen proper training, but I am not insinuating that, maybe——

The Speaker (Mr. Mati): Order! I notice we are drifting into some of——

Mr. Muthamia: On a point of order, Mr. Speaker, Sir, there is a stranger who is talking to a Member over there, what do we do?

The Speaker (Mr. Mati): The Assistant Serjeant-at-Arms will take care of that. Go on, Mr. Karungaru.

(The stranger was escorted out of the Chamber by the Assistant Serjeant-at-Arms)

Mr. Karungaru: Mr. Speaker, Sir, we would like to ask the police officers, who are in charge of training to train, our people in accordance with the needs of the modern world; they should change from the system the Colonial Government used to follow in training policemen. In this kind of exercise, I believe, we can make several changes which can be for the good and interest of our people. Further to that, Mr. Speaker, Sir, there must be social education; we should educate our people beyond any doubt that they should not be afraid of the police. However, this cannot be done unless the police are also prepared to treat our people fairly.

The other point I would like to raise is this question of arresting people, particularly when there is a public holiday. In Nairobi, for example, on every occasion whenever there is a public holiday, police move in and arrest more than 500 people. You can then ask yourself, Mr. Speaker, Sir, why, when people are supposed to enjoy themselves and be happy, their happiness is being interfered with. I would like to see that sort of thing stopped immediately.

It is common knowledge that if police agree to co-operate with the public the public will, in their turn, co-operate with them. I would hate to see our policemen dictate things to our people; this would be a reflection of their failure to seek for truth and truth only. I would not also like to see arrests being made before it is proved beyond any doubt that a person has committed a crime. We do not want our people to be pre-judged and accused of having committed an offence before they are proved by court of law to have broken this or that law.

Mr. Speaker, Sir, what is the desired move? I would answer this—happiness; and happiness to its full extent, is the utmost pleasure we are capable of getting. I would further like to tell the House that the necessity of pursuing true happiness is the foundation of all liberty. Why I have said this is because in this country we have seen many times our people being arrested in the absence of the medical evidence to support that they are really drunk. In Great Britain, which we are trying to copy, there is a method whereby a breathalyser, which is a scientific device, is applied to show that a person has taken such-and-such an amount of alcohol. It is from

[Mr. Karungaru]
the result of such a test that a person is prosecuted for having been drunk. This is not what is happening here. To make it worse, Mr. Speaker, we are copying the kind of a traditional law Great Britain is using. Why do we not, then, apply the same method in order that we may arrest this kind of a situation. If this happens, no member of the public would voice anything against the Government. However, in the absence of this method, the members of the public will continue to question why their freedom is being interfered with.

Mr. Speaker, Sir, a policeman, like any citizen of this country, should know that we are not living in a police state. We are living in a political state. We do not like this kind of "police state" laws to be practised here, as we are in South Africa. We are not, at all, in South Africa. We are in Kenya; we are on the soil of Kenya and therefore we require fairness in the execution of justice in this country. If this is not going to happen, then the members of the public will continue to question this House and, indeed, the Government, because it appears as though Government appeals for co-operation and at the same time it is not prepared to co-operate. Time and again, we have raised this matter in this House. In Nairobi alone, every year they arrest more than 6,000 people. This is a very serious state of affairs and we do not, at all, welcome it. This in itself shows that one-quarter of the population of this Republic is subjected to an arbitrary kind of law every year. We do not want this kind of thing to continue —— This is because we are the representatives of the people; many of us do not like anybody in this country being harassed. With this in mind, it is high time that the Government should come up and review some of the colonial laws which are still subjecting our people to mass arrests and also collective prosecution. We do not like to see this happen and we are not trying to question the intelligence of our magistrates and our judges, but we are questioning the intelligence of our police because we are being subjected to this kind of treatments by our own police. We do not like also to see our police harassing only people of African origin. In most cases, if you go to Makandara or Kibera you will find that the people in those courts are people of African origin. Does that necessarily mean that Europeans never drink? Does it mean that when an European drinks he never gets drunk? Does it mean that when an Asian drinks he never gets drunk? The answer is "NO", with capital letters. They equally get drunk. However, our people have the tendency, which they have had since the colonial days, to regard an African as a third or fourth class citizen. They should be told, in the very strongest terms possible, that these are not the days when they were serving their colonial masters; they are serving the indigenous people of this country and should therefore change their mentality.

Mr. Speaker, I would like to appeal—through you—to the Ministers concerned particularly the Minister for Home Affairs, to rectify this position. Every time we come to question anything the police have done here the Minister for Home Affairs tells us, "Oh, that is *sub judice*", and so on. We are not going to accept these kinds of explanations in this House, and indeed in this country, because if we are going to accept them we shall end up with being unpopular, and as a result any Tom, Dick or Harry can take advantage of that unpopularity. Sir, we would like our people to correct these imbalances which have been there for so long.

Mr. Speaker, Sir, since we have already experience of this kind of attitude is it not fair that we should now let this matter be known to the Minister concerned and the Head of the Police so that they may change this attitude? The answer is, "Yes". This is because it is a bit too late; an anomaly like this one should have been corrected with immediate effect. It is now seven years after Independence Day in this country and yet there has been no change shown by our own policemen. We would like to help them to arrest robbers and these other people who are thieves; we would like to assist them in all the fields. But how can you, Sir, associate with somebody who disassociates with you? It is very difficult for you to accept that type of co-operation. We would like the police to comply with what they preach. We would like them to know that they are now in an African Government and that they should be more proud because most of them are black people. I understand they are also good "boozers". Who arrests them when they are drunk? We want to know who arrests the police when they are drunk. At the same time, Sir, they even go as far as using police vehicles to go to the places where they "booze" under the banner of going to arrest people. This is the kind of a thing we do not like to see in this country.

Mr. Speaker, Sir, if drinking is an offence in this country, we should be told so that the public who drink can stop drinking. I will be the first person to stop drinking and I will go to my constituency and advise my constituents to stop drinking. Mr. Speaker, because the law is

[Mr. Karungaru]
there and there are so many liquor licensed premises; there are so many bars and off-licence shops in this country which have been registered so that people can go and drink there, people cannot stop drinking.

Mr. Speaker, Sir, until all these bars and all these other drinking places have been done away with, drinking still remains legal. I would like to challenge anybody who says that it is not legal.

Mr. Speaker, Sir, I beg to move, and Mrs. Onyango is seconding.

Mrs. Onyango: Mr. Speaker, Sir, in seconding the Motion that no person should be prosecuted unless and until medical evidence in support of the offence is available, I have a few comments to make to the Minister concerned, though I do not see him here, but his assistant is here. Time and again we have been hearing that the Liquor Licensing Board is sitting to give licences to those people who are trading in selling drinks which, of course, may be hot or soft or *chang'aa* and so on and so forth. Sir, when the bars are closed it means that people are resting in their houses, but when they are opened, anybody who has money can go in and enjoy himself by way of taking drinks and you will find that some people who do not know the capacity their bellies can hold will overdrink and then become drunk. But they will not sleep in these bars; they will have to go to their homes. How are they supposed to go home? They will go on foot. But you will find that some policemen wait for these people outside the bars so that they arrest anybody who comes out. Is that *ungwana*? It is not.

Mr. Speaker, I am not having any quarrel with the police, but the actions they are doing is what I hate and what I would not like to see being done in future. Sir, when the policemen are arresting these people, they do so in front of the bars and then take them to police stations. It means that the first person who is arrested will accompany them on their raids throughout the town. I am speaking as a person representing a town and I have seen this happening. You will find that the first person to be arrested will go with the policemen to all the places they go to from the time he is arrested, maybe ten o'clock, before he is delivered to the nearest police station, say, about two o'clock. By the time this man will be going round with them, he will be getting more and more drunk; if he was really drunk when arrested, by the time he is taken to the police station he will be more drunk. Then he will be asked to remove all his belongings and sit on cold cement floor.

Mr. Speaker, Sir, on some occasions, it is alleged that if the policemen themselves go to a bar, and the owner refuses to give them drinks on credit, they start harassing the bar owner and the customers, who only went to the place to drink. Mr. Speaker, Sir, this is like having two bad sides of it. One thing is that the person who is trading in *pombe* is losing, and the other hand those people who have gone in to drink are harassed and maybe taken to a police cell. They will then need to have the balance remaining in their pocket ready to pay in court the next time because when they are taken to court they are forced to agree that they were drunk. Unless one agrees that he was drunk he will be required to stay in the cells for even up to seven days. When he goes back before the magistrate and deny that he was drunk, he will be taken back to the cells again and stay there for seven more days. Now, if you stay in the cells, and probably you are employed, it means that you will have to lose your job just because of saying, "No", even if you know that you were not drunk. With this, I mean to say that the policemen are trying to encourage people to tell lies in the court. For this reason I would ask and request the police not to force people to agree that they were drunk when they were not drunk.

Mr. Speaker, I have heard of Christians in my constituency, Kisumu Town, being taken to the court and forced to agree that they had taken some alcohol, or told they will not leave police cells unless and until they did so; and because these people do not want to stay in cells for a long time, they accept that they had drunk some *pombe*. Mr. Speaker, this is not good and we therefore, request the police not to harass our people. Mr. Speaker, Sir, on some occasions we find that the policemen go into some houses to search for *pombe*. They even disturb the people who are found sleeping, and if you tell them that you are sleeping you will be wakened up and taken to the police station where they will say that you are drunk. At times they carry false exhibits, and at times, when the exhibits are the right ones, they drink the *pombe* after the judgement and you find the containers empty. Who drinks the *pombe* in the container? The allegation is that the policemen drink the *pombe* on their way taking these people to the cells. Does this mean that the policemen do not get drunk after taking the beer while taking these people to the cell?

Mr. Speaker, Sir, the policemen misuse Government vehicles because they are the people who get the *pombe* from outside towns and bring it to the town. If anybody is against their taking this *pombe*, they harass this person and say that he is drunk.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker——

The Speaker (Mr. Mati): Order!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Speaker, for bringing the House to order. My point of order is this, Mr. Speaker: Can this type of allegation be made without being supported by adequate substantiation?

The Speaker (Mr. Mati): This is a very serious allegation to make because you are making it against people who cannot reply for themselves here. If you allege something like that, which is an offence in itself, then you must be prepared to substantiate. Otherwise, do not make general allegations like that. Mrs. Onyango will either substantiate the allegation or withdraw these remarks. I know that Mr. Karungaru tended to do the same and nobody challenged him, but we shall not allow such allegations to continue.

Mrs. Onyango: Mr. Speaker, Sir, although I am required to substantiate the allegation that the policemen are misusing Government's vehicles——

The Speaker (Mr. Mati): Order, Mrs. Onyango, you cannot make an allegation through another allegation. You are now making an allegation, youself. Unless you know that it is true and you can give us the evidence, then you had better withdraw it.

Mrs. Onyango: Mr. Speaker, Sir, if I am given time to substantiate this—give me two weeks and I will go to a police station and try to find out——

The Speaker (Mr. Mati): This is something that affects the behaviour of some people—a department of Government—and these people are public servants who are serving the people. What you are saying affects not only their morale but also the regard which the people should have for them. So, we cannot wait for two weeks while these people are suffering under this very bad burden——

An hon. Member: On a point of order——

The Speaker (Mr. Mati): I am dealing with another point of order.

Mrs. Onyango: Mr. Speaker, Sir, I did not want to say that. I just said it for the sake of talking but I know that some policemen are misusing Government's vehicles. Therefore, if I am given time I will lay on the Table of this House the registration numbers of the vehicles being used and the names of some of the policemen who go to their police stations while drunk.

I hope that hon. Members will help me in getting some of the evidence.

Mr. Seroney: On a point of order, Mr. Speaker. I do not have the Standing Orders with me right here but I think there is a reference to something being notorious and common knowledge. If a matter is within the experience of the majority of hon. Members here, and we, being constituency members, is it not notorious knowledge?

The Speaker (Mr. Mati): Order! No, here is the case. If it is so common, one example could serve. Mrs. Onyango says that she needs time, which shows that it is not as notorious as you think.

The Assistant Minister for Information and Broadcasting (Mr. Makone): On a point of order, Mr. Speaker. When an hon. Member makes an allegation, such as this one, is it not required that he must have evidence on which he or she bases the allegation? Mr. Speaker, Sir, this House cannot entertain——

The Speaker (Mr. Mati): Mrs. Onyango says that she will substantiate this.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. The hon. Member stands up and says the matter——

The Speaker (Mr. Mati): I said two weeks is a very long time on a matter like this one. If the matter is as common as Mr. Seroney, for instance, thinks then Mrs. Onyango does not need two weeks. I will expect her to substantiate the allegation by the end of next week.

Mrs. Onyango: Mr. Speaker, Sir, I hope that some hon. Members will help me in this but I will try my level best to bring the names to this House of the people who are misusing Government vehicles and also the names of policemen who drink *pombe* now and again and arrest people while they themselves are drunk. I think, I will lay their names on the Table so that hon. Members can read them.

Mr. Speaker, Sir, time and again you will find people brought to the court and you will also find some mothers—— I witnessed a mother, who was found holding a cup of local *pombe*, being arrested. This mother had a baby which was three days old. This is where I was requesting the policemen that on such occasions where they find some people with a little *pombe* for their purpose—in some cases you might find some people with the *pombe* who have it for a reason of taking it as medicine. When these people are arrested, you will find that they are not drunk but are forced to accept that they are drunk. On such occasions, Mr. Speaker, Sir, I am requesting Government to advise the police they should not force people to admit that they are drunk when they are not drunk.

[Mrs. Onyango]

Mr. Speaker, Sir, I maintain again that the exhibits which are carried by the policemen—only empty containers are returned to the owners but at times the containers are not returned at all. Therefore, if these people were licensed they have to find some money to buy more equipment for brewing *pombe*.

Mr. Speaker, Sir, without taking much more time because some hon. Members want to speak, I would remind the Minister to try and remember that bars are there for people to drink in and whenever one drinks he must get satisfied. The police should not only arrest the people who are on foot but they should also arrest the people who after drinking the *pombe* drive cars. Sometimes you will find that most people leave the drinking places in cars.

With these few remarks, I beg to second.

The Speaker (Mr. Mati): I think it is time that hon. Members realized that one cannot speak before the question has been proposed. The Motion was moved and Mrs. Onyango was seconding it. I have not yet proposed it; but before I propose the question, I have something to say.

COMMUNICATION FROM THE CHAIR

A CRIMINAL OFFENCE FOR A STRANGER TO GO INTO THE CHAMBER WHEN THE HOUSE IS SITTING

The Speaker (Mr. Mati): I think I should say something about the incident which took place here when a stranger entered the Chamber and occupied a seat or spoke to an hon. Member.

I understand that the member happens to be a civil servant and he is new to the proceedings of this place. He was paying his first visit using an official card which we give to civil servants to come and occupy the Civil Service Bench. He did not know where to sit. He just passed along the Chamber without intending—— For the benefit of others who might not take a serious view of this; I think the senior officers in the Ministry should have, at least, explained to the junior ones what goes on here so that we do not have this embarrassing situation. It is a criminal offence, in fact, if this man happened to have been a stranger who is not entitled to be anywhere near here. We could take legal action against him. Under the Powers and Privileges Act, section 18 (*f*) it says that:

"Any person who creates or joins in disturbance which interrupts or is likely to interrupt the proceedings of the House or any Committee while the House or such a Committee is sitting shall be guilty of an offence and liable on conviction before a subordinate court of the First Class to a fine not exceeding Sh. 2,000 or to imprisonment for a term not exceeding 12 months or to both such fine and such imprisonment."

So this should serve as a warning.

(Resumption of debate on Motion)

(Question proposed)

The Assistant Minister for Commerce and Industry (Mr. Anyieni): I think the spirit of this Motion is good. I do not know what the Ministry concerned is going to say about it. However, Mr. Speaker, Sir, it somehow creates a lot of embarrassment, it used to be all right when I was a Back-bencher because if a policeman did anything that was bad, I used to say that it was a bad thing to do so, and that was the end of the matter, however, when I am an Assistant Minister of the Government and I see a policeman stand up, sometimes in our presence, and does something in the name of the Government to which I also belong—this is something which is very shameful. Sometimes policemen arrest a person and in some cases it is not the *mwananchi* who is drunk, but it is the policemen who are drunk. In such cases because the policeman is drunk he cannot see properly, he thinks the *mwananchi* is drunk. Mr. Speaker, Sir, this Motion should not be taken as though it is blaming all the policemen. There are very many policemen who are good and who are doing very good work for the State and for the *wananchi*. However, Mr. Speaker, here we are trying to put our ideas forward because some of the policemen, sometimes after they have quarrelled with their wives if they see someone who is innocent they tell him they are policemen and they are going to arrest him. I think, Mr. Speaker, Sir, this Parliament makes the laws of the State. It is the duty of the policemen to carry out their duties in implementing these laws. However, Mr. Speaker, Sir, the officers working in the Armed Forces should not take these laws into their own hands.

I have seen, Mr. Speaker, Sir, some policemen sitting with some civilians in a bar drinking together and something happens which they may not like or sometimes one of the civilian snatches a girl from a policeman and the policeman concludes that that man is drunk and that he should be arrested. Therefore, they arrest the man and they put him into jail. I have seen this type of a case, if someone wants me to substantiate, I can do so. I saw a case in Kisii the other day whereby a certain gentleman was drinking with some policemen and one girl. When this girl said that she was not going to go with a policeman, the policemen decided to arrest the man and put him into the cell to show the girl that that man

[The Assistant Minister for Commerce and Industry]
was a small man. When the man tried to protest he was badly beaten up. I was there and I was very embarrassed, I, as an Assistant Minister of the Government, to see something wrong being done on behalf of the Government. I am ashamed because they want me to give evidence against the State. I do not know what I am going to do, Mr. Speaker, Sir.

I think this kind of behaviour is very shameful. In particular my home district Kisii has suffered a lot from this type of behaviour. Mr. Speaker, Sir, I think it would be good if the Ministry concerned will give a warning to such people. I know that not all the policemen are bad. However, those who use bad behaviour should be warned.

Mr. Speaker, Sir, sometimes the *mwananchi* has no way out at all. I know of someone who belongs to the Seventh Day Adventist Church and he does not drink at all, but he was arrested because of being suspected drunk and he was taken to the police station. He was later taken to the court and he pleaded guilty because if he did not plead guilty he would have been sent to remand for a week. Therefore, in order that he may be fined Sh. 10, he pleaded guilty. If he did not plead guilty, he would have been sent to remand for a week and, to avoid that he pleaded guilty and yet he was not drunk. Mr. Speaker, Sir, I think this is something which should be looked into. In other words, Mr. Speaker, Sir, if an ordinary policeman arrests a person, I think the police officer in charge of that police station, should be able to say that this man is not drunk and let him go home. This idea of an ordinary constable arresting a person and then taking him to the police station and there is nobody who finds out why that man was arrested, but he is just put into the cell and on the following day the officer in charge of that police station comes to ask why they brought that man and he is just told that the man was drunk, I think this is wrong. The police officer in charge of that station should be able to ascertain that the man who is arrested by constable was really guilty of the offence for which he was arrested. I think Mr. Speaker, Sir, this is an independent State and *wananchi* must feel that they are free. The police are there to make sure that a citizen does not ever-enjoy the freedom accorded to him or interfering with other people's freedom. However, Mr. Speaker, Sir, *wananchi* should not be harassed unnecessarily.

Mr. Speaker, Sir, I have also sometimes seen people sitting in a bar and they are not drinking beer, but when a police officer comes to arrest those who are over-drinking, he even arrests a person who maybe was drinking Coca Cola. This is very wrong, Mr. Speaker, Sir. I think the Ministry concerned, that is the Ministry of Home Affairs should take these police officers and constables regularly for refresher courses so that they learn what to do. Mr. Speaker, Sir, we are not saying that if people over-drink the police should let them continue to do so because sometimes the police do a very good thing by arresting a person who is drunk because if they do not arrest him he might start walking on the street and he might be knocked down by a passing car. Therefore, if a person like that is arrested, we are not saying that the police are doing a bad thing, but they are doing so for his safety. However, Mr. Speaker, Sir, these arrests are not done in the interests of the person who is being arrested nor in the interests of the public, but for the interest of the police officer to prove that he is a very big man.

Mr. Speaker, Sir, I was talking to an hon. Member, the hon. Shikuku, whom everybody knows does not drink and he confidentially whispered to me that at one time he was arrested and he was charged for being drunk, and yet he had not drunk any liquor at all. This goes a long way to prove that if a man who misbehaves himself, for instance, the hon Assistant Minister here was arrested when he is not drunk, what will happen to a *mwananchi* who is not properly dressed? I think such a poor *mwananchi* will suffer. As the hon. Karungaru said, I have seen it in the Press that when there is a holiday, a lot of people are arrested. Mr. Speaker, Sir, I think if many people are over-drinking during the holidays, they should be arrested, but you cannot get about 400 people living in the same location all of them over-drunk. Mr. Speaker, Sir, in such cases, it becomes difficult to know where it is legal and where it is illegal. This is because if a person has just taken one beer and he is arrested because he is smelling of alcohol, then the idea should be that we should outlaw the drinking of beer and then we close down the breweries and then people will start drinking Coca Cola and, therefore, the problem of over-drinking will not arise again and the police will not be arresting anybody because of being drunk.

With those few remarks, Mr. Speaker, Sir, I think steps should be taken to help our policemen and, at the same time, help the *wananchi*, but they should not harass the *wananchi*. I beg to support.

Mr. Tuva: Mr. Speaker, Sir, I rise to support this Motion. I thought by this time, probably, after several complaints from Members of Parliament this law would have been amended a

[Mr. Tuva]
long time ago. It is high time that the Minister amended it.

Mr. Speaker, Sir, I can prove that teetotallers, not only Mr. Shikuku, in many parts of the country have been arrested for being drunk and yet they have never tasted alcoholic drink in the whole of their lives. Accusations normally brought in the court are that somebody is drunk and disorderly. However, you will find that all these *pombe* clubs have been legally licensed and have been operating for several years and yet when somebody walks out of them, sometimes, you find that a policeman is waiting for him outside and accuses him of being drunk and disorderly. This is an abuse of the law, Mr. Speaker, Sir, and the time has come when an amendment to this act was brought to this House.

Sir, these people who are executing the law, the policemen, are misusing their privilege of protecting the *wananchi*. You will find on most of the charge sheets the word "incapable" meaning that somebody is being charged for being incapable. In most cases, you will find that many of these people walk in a staggering manner. This is natural with some of teetotallers who never drink; they cannot walk upright like normal people. When they walk in a staggering manner, they are accused of being drunk. Since there is no proof, a man is arrested by two constables and when he is taken to court another constable—to prove that the man was drunk and disorderly—shows the way he was behaving by jumping up in court to show that the man was, indeed, disorderly and drunk. After the queer evidence, the man is locked up or fined KSh. 30, for no good reason at all. Therefore, Mr. Speaker, Sir, the Motion has been brought at the right time and the Attorney-General should take action at once.

I would like to give an incident where hon. Mwamzandi, his driver and myself had just arrived from Mombasa and we were driving around the town. When we arrived here, Sir, one 999 car started chasing us from behind. I think they had been given the number of the car by somebody: a mysterious person. As soon as the 999 car overtook us, they stopped us and came to ask us why we had allowed that driver to drive us whereas, they said, the driver was drunk. This was just immediately after we had arrived in the City and this man had not tasted anything. In fact, this man does not taste any alcoholic drink. This was in December 1969. We were taken to Bengal Police Station and stayed there for two hours. There were no papers on which to write the charge and later on we were taken to the Traffic Police Headquarters in Nairobi and ultimately the charge was that this man had entered a "No Entry Road". Mr. Speaker, Sir, because of the inconvenience we had there was no alternative but to ask the driver to plead guilty because the following day we were going to the Coast and we could not drive all the way from the Coast to Nairobi to give evidence to show that this man was not drunk.

Mr. Speaker, Sir, all these incidents are happening in the country, and Mr. Karungaru found it fit to bring this matter to the House, and I feel that every Member should support this Motion and, if possible, urge the Attorney-General to take immediate action on this matter. We urge the Attorney-General because many Motions are passed in this House and no action is taken. I am sure that this one is going to get the support of all Members of Parliament together with the moral support of the whole country.

With these few remarks, Mr. Speaker, Sir, I should sit down urging the Attorney-General to bring the amendment to this law.

Mr. Wachira: I stand to support this Motion, Mr. Speaker, Sir, because this is a very, very straightforward Motion and, in fact, in the rural areas, it appears as if the police are above everything.

You will find that some of the constables drink so much and when they arrest people, they, in fact, include non-drunkards. I witnessed one case in my own area where a constable sat down in a bar and watched people drinking because he had no money. After which, because he was not given some beer, he arrested almost everybody who was near him. Mr. Speaker, Sir, we are no longer under the colonial rule; we are in our own country and we have freedom. Now, if drinking is an offence, then, it should be stopped forthwith. The Government allows that one should drink if he wants and therefore there should not be anyone to interfere with his freedom when he is drinking.

Some of the constables, when arresting people, do not care whether or not they break the necks of the people they are apprehending! They hold people and push them in their Land-Rovers as if the people they have arrested are murderers. It is a high time our Government looked into this affair because it has gone to the extent of even spoiling the good name of our good Government. The people who are now suffering, especially the people who cannot afford to buy beers like Tusker or Pilsner, take *karubu* or

[Mr. Wachira]

muratina instead and are, in fact, the backbone of the country. These people fought for *Uhuru*. It is surprising, Sir, to find that a young boy who was employed as a constable the other day did not even care about breaking a bone of a Kikuyu Central Association member who fought for *Uhuru* and, in fact, who made this constable get the good salary he is now enjoying! It is high time that these people treated the ordinary *wananchi* as their own employers. These constables are paid from the graduated personal tax which the *wananchi* pay to the Government. If they kill all these members of the public, they will have no job. I would advise them to treat the people with due care and respect.

Well as far as the police are concerned there are a good number of them who behave very well but the few who are crooked should be sacked from the police force because they are, now, making the *wananchi* doubt their own Government which, in fact, they should be grateful for.

Traders, too, get a lot of trouble. If a trader has a bar and he does not give tips to these crooked policemen, he always gets into trouble of not having licence any more because they endorse his licence saying that he breaks the law. Of late, Mr. Speaker, Sir, a very good chap working with the Government, was collected from his own house and it was alleged that he was very drunk. The truth is that this man was very, very tired because he had come from work. In the court, Sir, this man had to accept the charge because if he did not, he would have lost his job.

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

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

It is time, Mr. Speaker, Sir, that both this House and the Government took care of the ordinary man because it is through the ordinary men that we Members of Parliament are here. It is through the ordinary men that we have this Government. As a matter of fact, the Government we are in is a good Government. However, unless somebody looks after the affairs of the ordinary men, the time will come when these people will doubt the stability of their own Government! Mr. Deputy Speaker, Sir, I think trained police officers should know their jobs better. They should track down thieves, robbers and let peaceful *wananchi* have their good times when they want to drink a bottle of beer. In many cases you will find that constables go around in the same party and whereas they are in the same party they watch the ordinary *wananchi* in that party!

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

The Minister for Power and Communications (Mr. Ngala): Mr. Deputy Speaker, Sir, the Assistant Minister, in the Vice-President's Office and Ministry of Home Affairs, the hon. Martin Shikuku, will reply on behalf of the Government to this Motion. However, I would like to give a few points. The Government very much recognizes the need for good relationships between the police force and the citizens of this country. The Government feels that this is a very vital relationship in our political set-up. No hon. Member should go out of this Chamber feeling that this Government would support any torture or any unfair treatment of a citizen by the police. I feel that is the proper conduct. Therefore, if there is unfair treatment on the part of the citizens, we very much sympathize with the Mover in this relation. Therefore, I would like to state very, very clearly that Government does not endorse any unfair treatment of its citizens.

Mr. Deputy Speaker, Sir, having said that, the Kenya Police must be given credit generally. We have a police force here which we can be very proud of generally. There might be a few cases where there is no co-operation or a few cases of misconduct. However, I think it would be very wrong, Sir, to give an impression that the whole police force is bad. I hope the Mover was not giving this impression because he lacked specific examples in his submission. I was having the feeling that perhaps he was generalizing and condemning the whole force. I hope he will make this point clear when he answers. On the whole we have a police force which we should be proud of.

Mr. Deputy Speaker, Sir, allegations of police generally, drinking, receiving tips or doing this and that, must be substantiated very clearly so that Government can follow up these points. To give just very general allegations is not very helpful to Government. We require to know exactly the specific cases and where they are happening and so on. This is because it is very important and we would like to know.

Sir, whereas there is need to look into this and see whether there is anything wrong in the Act, it would be impossible for Government to have a doctor every time a drunken and disorderly person is arrested. It is not possible to have doctors everywhere. Where are the doctors? This country is lacking doctors even in the health centres; the hospitals. Therefore, how can we have doctors in every bush for drunkards and so on? It is not practicable and Government will only accept a practical measure: something possible. I agree the

[The Minister for Power and Communications] Act is to be looked into, but you cannot ask—— Where would you get a doctor on your island there where there is no hospital?

Mr. Migure: There is a hospital.

The Minister for Power and Communications (Mr. Ngala): If you need a doctor you will have to go about 70 miles and by the time he comes, the man will have ceased to be drunk.

An hon. Member: That is your propaganda!

The Minister for Power and Communications (Mr. Ngala): I have never been voted in for cheap propaganda in the last 14 years I have been in this House; I have told my people exactly what I mean. Therefore, I would like to make it quite clear that to expect Government to agree to section (*a*) of this Motion is very unfair. I think Government can agree to consider section (*b*) of the Motion. However, section (*a*) is completely impossible, we cannot have doctors every time we come across these people. I agree that the people who are not disturbing the peace after having a drink they must not be disturbed because they are not disturbing the peace. The people who are not disorderly or the people who are walking towards their homes after drinking beer should not be disturbed. However, to expect to have a doctor to examine every drunkard is impossible and we cannot accept it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I have taken serious note of the hon. Members' views, so far expressed on the Motion. The intentions of the Motion by the hon. Mover are quite clear and well known to all of us. Mr. Deputy Speaker, the only thing I would like to emphasize very, very strongly, just as the last speaker has said, is that not all policemen are bad. There are only few who are discrediting Government by their own behaviour, and Sir, I will state personally, in the history of this House, I have never made any allegation in this House which I failed to substantiate. Hon. Members should be vigilant enough to do their homework, get hold of a case, bring it here or refer it to our Ministry, and somebody will be dealt with. When I was a Back-bencher, Mr. Deputy Speaker, I was arrested as it was stated, for being drunk, near Kikuyu, I did my homework, I got the policemen concerned, sent them to a medical officer, we were all examined: Shikuku, one corporal and two constables; they were proved to be drunk and they were dismissed. Now, this sort of thing is ideal and, therefore, hon. Members should be specific: not just say, "Oh, vehicles are being used, Mr. Speaker, give me two or three weeks to go and look for evidence": why go and look for evidence?

Mrs. Onyango: On a point of order; is it in order for the hon. Member to agree that he was arrested when he was drunk, and now he is saying that the other Member, who alleged the police vehicles are being used by drunken policemen, was behaving as he was behaving when he was arrested?

The Deputy Speaker (Dr. Waiyaki): It is in order. Continue, Mr. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, as you say, I will continue; I will ignore the remarks made by that hon. woman.

Now, Sir, the point——

Hon. Members: Shame! Shame!

Mrs. Onyango: On a point of order!

The Deputy Speaker (Dr. Waiyaki): Mr. Shikuku, that is out of order; she is an hon. lady.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Okay, the hon. lady! That makes some——

Now, Mr. Deputy Speaker——

Mr. Wabuge: On a point of order, is the hon. Member in order to say that while the hon. lady has promised to bring some substantiation by next week, but the Assistant Minister goes on repeating what has already been passed over; is he in order?

The Deputy Speaker (Dr. Waiyaki): What are you referring to?

Mr. Wabuge: Mr. Deputy Speaker, Sir, the point I am trying to get at is that when the hon. lady was speaking on this Motion, she made some allegations and these allegations were challenged by the hon. Assistant Minister, of which she undertook to bring some substantiation here next week. Now, when the hon. Assistant Minister was making his speech on this Motion, he went further by referring to the very allegations or to the very statements the hon. lady made here. Now, what I am trying to get at is: is the Assistant Minister in order to go back to what has already been decided on?

The Deputy Speaker (Dr. Waiyaki): There is nothing gained by going over what has not been substantiated in the House sufficiently, because as far as I gather from you, I was not in the Chamber them; the gracious lady will bring some information which she regards as facts to prove what she alleged; so it is not necessary now to go back into that.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, when we—— What I was trying to say is that when you have facts, Sir, and you substantiate them, you make the debate lively and so forth. However, I have said that if they are so obvious and the Speaker gives his ruling, then these things should not take so long, but I gave my own example when I—and several others, even in Pumwani.

Now, Mr. Deputy Speaker, may I go ahead and inform the House that any Government worthy of its salt, cannot accept——

Mr. Y. Ali: On a point of order, Mr. Deputy Speaker, Sir, is the Assistant Minister in order to continue speaking, when in actual fact he has just been asked by the Chair to apologize and withdraw the remarks he directed towards the hon. lady?

The Deputy Speaker (Dr. Waiyaki): I called upon the Member to use the word lady instead of woman; it was not in preference to ....(Inaudible.).

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I did that, Mr. Deputy Speaker.

Now, Mr. Deputy Speaker, Government cannot accept part (*a*) of this Motion because it is completely impracticable: you cannot have doctors to check on how many people are drunk every night. Physically speaking, Mr. Deputy Speaker, for political propaganda, that is quite in order, but for practicability, Government is not capable and cannot afford to have so many doctors to examine those people who are suspected to be drunk. Today, we have genuine sick women and men in this country, but because of the shortage of doctors, we have some reports, Sir, where some of them have collapsed, even at Kenyatta Hospital, before they are attended to by the doctors. I would rather go for a patient and get a doctor to look after her, and save her life, than get some doctors just to sit by, waiting to examine drunken people.

Nevertheless, Mr. Deputy Speaker, the point is not practicable and, therefore, I am moving an amendment, whereby I am, in the first paragraph of this Motion, in the third line of the first paragraph, I want to include only two words: "some of". Mr. Deputy Speaker, it will be misleading to say that all cases of drunken persons, none of them is medically examined because we have arrested people who were suspected of being drunk whilst driving, we have taken them to a doctor and some of them have been proved to have been drunk—some of them, not all—100 per cent. The other words I want deleted are: that this House urges the Government to see to it; we delete the words "see to it that", and delete part (*a*) of this Motion. The amended Motion, Mr. Deputy Speaker, will read:—

> 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 some of 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 make any necessary amendments to the existing law to facilitate the implementation of this Motion.

In this case, Mr. Deputy Speaker, I have in mind—just as it is done in England, because we cannot get doctors to examine these drunken persons, we have an instrument which if one puts it into his mouth, and breathes and it changes colour, we know how many pints this particular individual has taken, and we can charge him straightaway, without having to look for a doctor. This is the only practical way which can help the people of this country and which will be fair to drunken persons or the persons suspected of being drunk, and this will be a very, very practical way and the Attorney-General could easily bring such amendments here, to provide for such fairness on both sides. That is why, Mr. Deputy Speaker, I believe that if we have to pass the Motion as it is, it is not practicable, it cannot be implemented, and if we do so, Sir, we would actually be reducing the House's intelligence because physically, even our own voters would wonder how we can provide doctors to certify drunken persons; it is impossible, and any Member voting for such intentions, it would leave much to be desired on his capabilities of being practicable.

Therefore, I am sure the hon. Members will be able to support this Motion by having the present law amended to provide for facilities; to provide the instruments which somebody can put into his mouth and if it changes colour we know he is drunk, we charge him and then—— This is the only way we can do this. However, I appreciate the views expressed because there are some of those, just like in any other society, where we have black sheep who mess up the whole society. I know, Mr. Deputy Speaker, that there are some of them who say that this is the law made by Parliament, and so forth and, therefore, we appreciate——

Hon. Members: Why black?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Black sheep, Mr. Deputy Speaker—— We have

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
been made to believe that anything black is not good, it is evil.

Hon. Members: By whom?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): By the colonialists. All right then, let us make it white for a change.

Now, Mr. Deputy Speaker, Sir, there are white sheep or white devils in every society and in this amendment, you will find that I have not changed the intention of the Motion: I have accepted the fact that a problem exists which is caused by a few individuals in the police force and I have also gone further to assure the House that the Attorney-General will have to bring amendments to the present Act to provide for facilities whereby we can probably obtain and use these machines to detect the drunkards. Therefore, Mr. Deputy Speaker, Sir, I have no doubt in my mind because I have suffered and I shall continue to suffer because I go round the places and I know these problems personally. For example, even the other day I was arrested in Pumwani area by my own policeman because I had no "A.M." on my car; I had no "M.P." on my car and I did not even have the sticker of the Member of the National Assembly. So, I realized the difficulty; I have been around and I know what is happening but, this is confined to——

Mr. arap Saina: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the noisy Assistant Minister to go on wasting time of the House by saying that he had no "M.P." plate number on his car?

Hon. Members: Yes! Hear! Hear!

The Deputy Speaker (Dr. Waiyaki): You know very well that we do not use those words. Would you withdraw the words, "wasting of time"? It is not good at all saying of another Member that "he is noisy". I have not found him noisy myself. Would you withdraw those words?

Mr. arap Saina: Mr. Deputy Speaker, Sir, I meant, "taking a long time". I, therefore, withdraw them, Mr. Deputy Speaker.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Deputy Speaker, Sir, I have experienced this thing myself and, therefore, it is not anything new. We have taken into account the—— I am sure the hon. Members would agree with me that policemen, some of them are very good; some of them are very bad but, we have to cope with these people. We are going to take it upon ourselves and soon, this afternoon, we are having a meeting of the Heads of Departments and the views of the House will be transmitted to them by myself, I will tell them the feelings of the House which are——

Mr. Deputy Speaker, Sir, one of the hon. Members is asking me what part I am going to play. I am going to play the part of an elected representative of the people because I am not a civil servant; I am also going to play the part of a representative of the House because I am hearing the views of the hon. Members here which I will transmit to the officers concerned so that they can warn the subordinate staff who are under them so that we can have good relationships between the police and the people.

However, before I sit down, Mr. Deputy Speaker, Sir, I think it would be very good for this House, being responsible people, to appeal to our people to co-operate with the police in their endeavours to find the criminals. So long as we have this bad attitude because some of us have a bad attitude towards a few policemen and, therefore, this creates or transmits a bad feeling to the people and there will be no co-operation between the police and the public. The losers are our electors because when the people are hostile to the police then, the police will relax and say, "after all, I am not suffering. He is suffering and if he does not want me to do anything, I do not mind". I think we should appeal to our people to be friendly to the policemen and the policemen are going to be friendly to them so that we can detect the criminals and remove them from our society so that we can make the lives of our people better. However, if we have to have ill feelings, naturally, our electors will have the same and the losers will be our electors.

With these remarks, Mr. Deputy Speaker, Sir, I beg to move the amendment and the hon. Khaoya is going to second me.

The Deputy Speaker (Dr. Waiyaki): I will only allow him a short time merely by nodding, to second.

The Assistant Minister for Agriculture (Mr. Khaoya): I beg to second.

The Deputy Speaker (Dr. Waiyaki): Unfortunately, we do not have any more time to speak on the Motion. It is time for the Mover to reply. If the hon. Karungaru does not mind, would he stop two minutes before the end of his time so that I can put the question.

Mr. Karungaru: Mr. Deputy Speaker, Sir——

Mr. Migure: On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that this is a very important Motion, could the time be extended so that we can debate until 12 o'clock?

The Deputy Speaker (Dr. Waiyaki): No!

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would like to thank you and all the hon. Members who have spoken on this Motion and who have supported this Motion and its intentions. Mr. Deputy Speaker, Sir, I am also not having any quarrels with the amendment which has been brought up here because we know pretty well that there is a method known as "breathalyser" which can be used to detect a person who is drunk. If that can be provided for, Mr. Deputy Speaker, Sir, then I would have no quarrel with the Government at all.

Mr. Deputy Speaker, Sir, I would like to appeal to all the hon. Members to support this Motion and make sure that it goes through as amended without any opposition. This Motion is expressing the feelings of the people in this country and there is no person in this country and no hon. Member in this House who can be against the sentiments so properly expressed in this House because it is nothing but the truth that has been spoken.

Mr. Deputy Speaker, Sir, I would not like to generalize on the question of attacking the policemen in a wholesale manner but, those few policemen who do practise malpractices and those few who do misinterpret and misuse the law instead of maintaining it, it is only fair that they should be dealt with by their senior police officers. Mr. Deputy Speaker, Sir, I would support this idea of a refresher course which would remind some of our policemen in this country that this is a Government of our Africans and to forget the practice of the Colonial Government because the tendency is that they still have some colonial hang-over which should have been done away with during these past seven years of our independence.

Mr. Deputy Speaker, Sir, we know pretty well the good work the police are doing in this country and we also know that policemen are good people but, assuming that they are good, they should at the same time, assume that people are good as well and that they should not be arrested wholesale. Mr. Deputy Speaker, Sir, I would go further and say that despite the fact that the Government has amended the Motion, it would have been for the interests of this country if Government would have accepted the Motion in the form it was drafted, because this would discipline the police who have the tendencies of misinterpreting the law. This surely, could make them conform with what they are supposed to do. However, trusting that the Government of the people will not betray the trust which it has been entrusted with, I accept the amendment and I hope the Government is not going to betray the wishes of the people since the people have already trusted the Government.

Mr. Deputy Speaker, Sir, nothing is above the wish of the people who have elected the Government. In the absence of the Government of the people for the people and by the people, we are subjected to the state of having no good government because there can be no government unless people are there. These same people require protection and to be given an amount of fair judgement in all their deliberations. If this is not going to happen, then our Government will continue being unpopular and will end up being very unpopular.

Mr. Deputy Speaker, Sir, I have seen that in a number of cases Government finds it difficult to implement what it has accepted in this House. Why is this so? I have seen many cases where Government accepts a Motion in this House, only to find that there is no implementation. What is the use of accepting a Motion here, but at the other end there is no implementation? This defeats the purpose of Government and its psychological effect which we trust.

Mr. Deputy Speaker, we would like to trust Government, but at the same time Government should have a reciprocal treatment in order that the words "an eye for an eye" may not arise.

With these few remarks, Mr. Deputy Speaker, Sir, I strongly move the Motion.

The Deputy Speaker (Dr. Waiyaki): I would first explain the amendments. The amendments are that between the words "that" and "such" in the third line of the Motion there be inserted the words "some of".

Further down the Motion, in the sixth line, the words "see to it that" shall be omitted; the whole of part (*a*) shall be omitted. In part (*b*) the words "that the Attorney-General shall present to this House" be omitted. Before the word "any" in part (*b*) there shall be inserted the word "make".

I first put the question of deletion.

(*Question that the words to be left out be left out put and agreed to*)

(*Question that the words to be inserted be inserted put and agreed to*)

(*Question of the Motion as amended proposed*)

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

Resolved accordingly:

THAT, in view of the frequent arrests being made by the police of suspected drunk and disorderly persons and in view of the fact

[The Deputy Speaker]

that some of 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 make any necessary amendments to the existing law to facilitate the implementation of this Motion.

SETTLEMENT OF PEOPLE LIVING AT GOLINI, KWALE DISTRICT

Mr. Boy: Mr. Deputy Speaker, Sir, I beg to move the following Motion:

THAT, in view of the fact that 500 families at Golini in Kwale District happen to be within the Kwale Township, and 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 the said families; and

(*b*) to allow the Land Adjudication Committee to give the said families land title-deeds.

Mr. Deputy Speaker, Sir, these people have built houses and they have been living there for a long time. It will be quite wrong, Mr. Deputy Speaker, to deny them the right of ownership of land in that area.

Recently, Government set up a land adjudication section to adjudicate the land. These people, Mr. Deputy Speaker, were denied the right of having their land adjudicated. They were told that the land belongs to Government. The fact is that a long time ago, even the colonialists who were staying there used to recognize the right of those people owning the land. They have been staying there for many years. It will be quite unfair for Government not to recognize the right of ownership of land by those people. Mr. Deputy Speaker, we do not dispute the expansion of the Kwale Township, but the fact is, if Government wants to establish an industry or any institution there they have to buy the land which is occupied or owned by the local people. The people never refuse in fact to give it to Government if it is required. However, if such local people will be denied the right of ownership of their land, of course, they will be asked to leave the land. Where will they go, Mr. Deputy Speaker? The people of that place have lived there for many generations, and I hope that Government will realize that it will be quite unfair in our independent Kenya for Government to take the same measures that the Colonial Government established, if they deny these families the right of ownership of their land.

Even during the colonial time, Government could not remove these people any time. They knew that these people had been there for a long time. Now, the quarrel has come regarding the land title-deeds. The people have been denied the right of ownership of land. It will be quite unfair and quite wrong, Mr. Deputy Speaker, if Government will not issue land title-deeds for those particular pieces of land which are occupied by the people. There are 500 families on that particular land and they have their *shambas*, their crops there, they have been established there for some time and made a lot of improvements. It would be wrong to remove them even if you are going to give them land in settlement schemes. I know the Government might feel that such people will be given land elsewhere for settlement but there is no African who would like to be removed from his land, the land where his father, mother, grandfather and sister have been for a long time. He would not like to leave their graves there and go to other places.

Let me give an example here. During the time of the Emergency our President was arrested by the colonialists and the land was confiscated by the Government but when he was released, the Coalition Government thought it fit to give him back the land where he came from. There was no point in giving him land in some strange place; they gave him land where he used to stay.

Mr. Deputy Speaker, everyone feels proud to stay in his own place, a place where he has lived for a long time.

If this Government is the Government of the people, the Government which looks after the welfare of the people, and if the people on that land have voted for this Government, then this Government should not make any mistake. I do not see any harm if the Government recognizes the right of ownership of those 500 families and gives them land titles so that they can stay there with proper rights.

The question has come in that Kwale being a township the Government would probably like to establish some industries, or make other improvements; the Government is not hindered from doing this! All the Government needs to do is to recognize ownership of the people in question. They will do as what is happening in Nairobi or Mombasa where the Government buys land. But the right of ownership of land should be recognized by our Government.

It would reflect very badly if our Government would follow the same practice of the Colonial Government, of using the colonial powers for

[Mr. Boy]
declaring land Government land, imposing township boundaries and so on, and in this way forcing people to leave the places on which they had settled. Our Government, Mr. Deputy Speaker, should rectify such mistakes, such miserable things which the Colonial Government had resorted to. Our Government should recognize the right of people and allow people to own the land.

If right of ownership to land of these people will not be recognized, then what will happen to those people who have been there in that area for many years? These people have been there for many generations. They have their crops, *shambas,* houses and families there. Traditionally, they have been there for many generations, they have the family graves there. It would be very bad if the Government would not recognize the right of these people.

I would like to ask the Government and this House to be very sympathetic on this issue and accept this Motion realizing that these people should be given the right of ownership of land. At present this Government has its offices to deal with land in Kwale District and they should instruct that land office to adjudicate that particular land and give land titles to the people so that the people can feel proud of themselves and their Government. They will feel their problems have been overcome by our Government.

I would like to urge the hon. Members very strongly to look into this matter very carefully and support the Motion so that the people in question can be given their land rights. Even during the colonial times they could not remove these people because they knew very well this would be a mistake and the people would resist such action very strongly. If the Colonial Government had attempted to do such a thing, then there might have been bloodshed at the time because the people maintained that they owned the land and without their consent they could not be asked to leave the land. Since then the people have been there. Now, if the Kenya Government which is the people's Government ask, these people to leave, use force, or give them land somewhere else, ask them to leave their land, crops, *shambas,* houses, this will bring conflict between the people and the Government. I am sure hon. Members of this House will also look into the matter and say that such a situation must be rectified. In saying so I mean that the Minister concerned with land and settlement should see that such a Motion is accepted by the Government and that the people in question are given land titles.

I know that the Colonial Government could not place any control on the people who are staying on this land. If the Colonial Government could not do that, then how about our own Government, even if they tell us they want to develop the land later on? Nobody refuses the Government the right to carry on development but the Government must recognize the rights of people.

Sir, this is a very important Motion and I know other Members have the same problem in their areas. I also know very well that this Motion will be accepted by the hon. Members. The Motion is self-explanatory and I would not like to spend more time on this issue. I wish to give other Members time to debate the Motion.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to move. Mr. Mwamzandi will second the Motion.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, the Mover of the Motion has put the case very clearly and I have only a few points to add.

The Motion seeks the recognition of the right to the land occupied by the 500 families. This can be done by allowing the Land Adjudication Committeee to give these families title-deeds. This Motion has not been brought here for the sake of making noise; it is an extremely acute problem which is facing Kwale Central at the moment. These families were on this land before the first Arab and Portuguese entered the Coastal Strip, and when the District Commissioner moved from Shimoni to Kwale, these same people were not told that their land was taken over as Crown Land. They were left there and only now they have been led to believe that this is Kwale Township Trust Land. Kwale Township would not, in any case, extend to this area simply because this area, the present Kwale Township, has been separated by a big valley where it would be impossible for any development to be carried out. This is because, one, there is no bridge to that place and, two, if it is left to extend to that place the Government would be led to incur a lot of expenditure. Mr. Deputy Speaker, Sir, these people have been living there for a very long time and they settled there even before the first Portuguese went there. Some of them are very old, Mr. Deputy Speaker. If today, Mr. Deputy Speaker, you ask somebody of the age of the Minister for Lands and Settlement to go somewhere else to start developing that area, the Minister will agree that it is a great problem. He himself is old now and he would not like to begin developing an area afresh. Yet, some of these people are as old as the Minister, and some are even older than him, and they are being told to move somewhere else. I understand the Minister for Lands and Settlement very well as

[Mr. Mwamzandi]
a very considerate man, Mr. Deputy Speaker, Sir. But, here, Mr. Deputy Speaker, Sir, we are faced with a position whereby our Ministers are furnished with information from the districts which is not for the benefit of the people and which is never favourable for the good running of this Government. I have told the Minister that there is no need for Kwale Township to have plans as big as they are proposing now with the existing land available to them. The place we want these people to be given has already been developed by them. They have trees, they have everything and they are old people, Mr. Deputy Speaker, Sir. To take them somewhere else, Mr. Deputy Speaker, Sir, is completely inhuman. The Minister should recognize the existence of these people, Mr. Deputy Speaker, Sir. The Land Adjudication Committee should be allowed to issue title-deeds, Mr. Deputy Speaker, because we have a very big squatter problem in the Coast Province. Government has been urging the landlords to be co-operative to the effect that they should offer some plots to the Government for the settlement of these squatters. If Government has been urging landlords to be co-operative and give plots for settlement of the landless people, I do not see any difficulty here for the same Government not to be co-operative and offer these same plots to these same people who can also be called squatters.

Mr. Deputy Speaker, Sir, since the land belongs to Government and the people belong to Government, I do not see why this problem should arise.

Mr. Deputy Speaker, Sir, I said it earlier here that the Minister might be in a position to help in this situation. But, the information he has been receiving probably from Kwale District Commissioner is not favourable. If there is any single doubt that this land should be used by Kwale Township in the next 30 years I would advise the Minister to go and see the place himself. If he goes there, Mr. Deputy Speaker, Sir, he will find out that Kwale Township will never make use of this area in the next 30 years. Kwale Township, Mr. Deputy Speaker, is situated in a form of a plateau and the whole of the township is surrounded by water, by steams, and it is almost a plateau because the township is at the top. As such, Mr. Deputy Speaker, there was no need for Kwale Township to have been extended to the place where people were staying.

An hon. Member: It is good for industries.

Mr. Mwamzandi: One says that Kwale is good for industries but there is none at the moment although we would like to have some industries there. Mr. Deputy Speaker, Sir, I hope that the Government will be very co-operative and allow these people to be given title-deeds.

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

(Question proposed)

Mr. Boy: On a point of order, Mr. Deputy Speaker, Sir, I would like to make some corrections with regard to this Motion: the proper name which is given as "Gotini" should be "Golini". We do not have a place in Kwale which is known as Gotini.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speker, Sir, taking that amendment which has been submitted by the hon. Member into account, I was wondering what this place could be because I have been to Kwale.

An hon. Member: When?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I was in Kwale when the hon. Member who is questioning me was teaching—I do not know where, he was teaching but it was during Kadu time. He is a babe in politics.

I have been to Kwale on several occasions. Whilst appreciating the need of the people in Kwale whom this Motion is trying to help I wish to make it known to my friend that I differ with him on this Motion. My reasons are as follows: first the Motion states, "That in view of the fact that the 500 families at Golini——"

QUORUM

Mrs. Onyango: 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 Deputy Speaker (Dr. Waiyaki): We have a quorum now.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member who is sitting next to me, Mr. ole Oloitipitip, in order to come in this House wearing just a shirt?

The Assistant Minister for Health (Mr. ole Oloitipitip): I am in order!

The Deputy Speaker (Dr. Waiyaki): We cannot be drawn into that just now. He is not in order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Deputy Speaker, after all he saved the quorum. Mr. Deputy Speaker, Sir, I was in the process of trying to elaborate the

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
question of the intention of this Motion. The hon. Member wants the people in Golini, Kwale, District who happen to be in Kwale township to be given title-deeds of their plots. Mr. Deputy Speaker, Sir, it is provided in our laws of this country that we can take over any land in any given part of the country for development. Suppose in that given area, where the hon. Member is saying 500 families are residing, we found some useful minerals, naturally the powers which are known can be given to the Minister to remove such people so as to provide a chance for mining or exploiting such minerals that may be found there. Similarly, if it is a question of road development, the same rule can apply, for example, if a certain road is required and it has to pass through somewhere because it cannot go through the air, some people's land will have to be taken. There are also facilities provided so that when such land is taken, the owners of that given land are compensated or alternative accommodation or land is found for them. Mr. Deputy Speaker, Sir, the issue here is Kwale Township. When we talk in this House, we say that there are too many people rushing to towns like Nairobi, Mombasa and Kisumu for jobs. If Kwale is developed into a city in future, it will be in the interests of the people of Kwale that that city or that township is improved because they will get employment there, they will be able to trade there and so forth. Therefore, this is in the interests of the people of Kwale. I thought the Member was going to tell us that: "that now that the township has taken up the area where these 500 families were living, the people have been left homeless, they have no place to go to, we have seen the Minister for Lands and Settlement who has not done anything to provide a livelihood for these people". I, being the president of the poor people, would have stood up and supported the hon. Member, because it would have been very wrong if these people are without land, they are without food——

Mr. Mwamzandi: On a point of order, Mr. Deputy Speaker, Sir, the former president of the poor is misleading the House here by imputing —because he is no longer the president of the poor—that if these people are given title-deeds, it would hinder the extension of the township whereas we know that in towns, everybody has either a title-deed or freehold land.

The Deputy Speaker (Dr. Waiyaki): That is not a point of order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, having told him that it was not a point of order, it is a shame on him, a Member, for having stayed in this House for all those years does not know what a point of order is. Furthermore, Mr. Deputy Speaker, I was not talking of the land title-deeds. I was imagining if the Member had brought a case here that these 500 families are homeless, they have no land as a result of extension of the township, I would be the first and foremost person to come to his aid and support him that the Minister must do something. However, as the president of the poor people—not the former president of the poor people because I am still elected by the poor people of Butere and I have the full right to speak regardless of the hon. Member's views—this would have made a case. However, if he wants this land to be owned by these people and that the township should go on, this is a different question. It is not a question of hardship which is being looked into. It is the question that they want the land title-deeds. When we make a provision for a township, even Nairobi today, some of the hon. Members might not know that Nairobi is a Masai land. For those who do not know our history they should know this today. Nairobi is Masai land and this name is derived from the Masai word *nairobi* which means cold water. There was a lot of cold water here. Now, the Masai people were removed from here to make room for the city——

An hon. Member: By whom?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): By the colonialists, Mr. Deputy Speaker. The hon. Member has not been refused to come to Nairobi because the colonialists removed the Masai people from here. He is here and putting on weight. Nairobi was taken from the Masai people by the colonialists and it has been developed into a city where he and myself and everybody else is enjoying these facilities.

Mr. arap Saina: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Assistant Minister to say that the Colonial Government moved the Masai from here to allow the hon. Juma Boy to come and put on weight here.

The Deputy Speaker (Dr. Waiyaki): I did not hear that.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, I did not say that. I said that the Masai were removed from here and the town they had started here has now resulted into a city for him and me and anybody else here to come and enjoy and put on weight. What is wrong with putting on weight?

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

Sir, having said that Nairobi started as a township and, in the same way Kwale Township may develop into a city, this will be in the interests of the people of Kwale. However, if they want land title-deeds, the land has been taken over and if they are suffering, I have just spoken to the Minister for Lands and Settlement and he says that Government is prepared to compensate them. The Government is even prepared to go further and provide them with alternative land. Now, what else does the hon. Member want? If the people want land they will be given other land, if they want money they will be given money. But there must be some development in that given area so that we can have the people of Kwale, who are not enjoying the facilities in Nairobi, enjoy them in Kwale. There are no factories in Kwale: are there any? None. Just like Butere. Now, when the township is developed, there will be factories there which will provide the people of Kwale with employment. I am sure if the hon. Member went to the Kwale people and told them there will be a factory in this township to make clothes or coconut oil which will provide employment and that they should make way and take the Government alternative land which has been given to them, but that their children would be employed in Kwale when they find it quite difficult or impossible to get a job in Thika or Nairobi where there are factories, I am sure the people in Kwale will agree with the hon. Member because it would be in their own interests.

In the same way, Mr. Speaker, we have to sacrifice some of our land in Mumias, for example, where land is being taken to be used for planting sugar-cane. We have to persuade the owners of that land to agree because the factories that are to be built will provide them with employment. They have agreed and we are putting up the factory there. The Minister for Commerce and Industry cannot put up the factory in the air: he must put it somewhere. In this way, Sir, Mumias Township will grow, Butere Township will grow and our people will have something to eat and something to live on.

Having said that, Mr. Deputy Speaker, I see no point in this Motion whereby I can help my friend because the people concerned are not suffering hardship. Since the Minister is prepared to give them land elsewhere, or compensation if they want it, I do not see any problem. I am all for, and I am sure the Kwale people, are all for development. If Kwale District can develop into another Mombasa or another Nairobi, it will be in the interests of the people in the given area. I, therefore, find it very difficult to support my hon. friend.

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

Mr. Mnene: Thank you, Mr. Deputy Speaker, Sir. Sir, it is so interesting these days to see that we seem to have inherited a lot of things. Even the wig we use in this House has been inherited.

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 say that we have inherited a lot of things and that amongst them is the wig we wear in this House? Could he tell us who wears the wig here? There is no wig.

The Deputy Speaker (Dr. Waiyaki): We have not inherited any wig in the House. I do not have any wig as you can see.

An hon. Member: Do we have any wig in this House? Who wears it?

Mr. Mnene: Yes, the Speaker wears it.

Mr. Deputy Speaker, why I say that we have inherited things that are not necessary is that we have also inherited what the colonialists did; they went to Kwale and demarcated an area in which they enclosed the indigenous people of that area within that circle. The same thing was done in other places in Kenya and that is why we find we have squatters. Today, Mr. Deputy Speaker, we have heard the Assistant Minister saying that Nairobi belonged to the Masai and they were removed from here and that is why we have a town existing. Mr. Deputy Speaker, Sir, if the Masai were removed by the colonialists we do not have to follow suit so that wherever we find beautiful things we have to remove the inhabitants.

Mr. Deputy Speaker, Sir, this House enacts many laws and they are now becoming very ambiguous. We have the Limitation of Actions Act. This was enacted by this same House and this law gives a maximum of 12 years. If someone remains on a piece of land for 12 years without any interruption from anybody claiming that the land is his, then, that land becomes his. You cannot take the person to any court because no court will ever give it to you if you claim the land from such a person.

We also have what we call prescriptive rights. For those who do not know this—this is a right on land whereby if a person remains in the occupation of this land undisturbed for a long time then that land becomes his. That law is not even 30 years—— These people have been there before the Portuguese explorers came to

[Mr. Mnene]
Kenya, and today they are being told that they should not be there because they will get other land somewhere else. The Assistant Minister who does not have a good knowledge of the geography of Kwale District—he only went to the District Commissioner's office. Kwale District is not Golini alone. That township could extend to other parts of Kwale—from the district commissioner's place leaving Golini out. We have other areas, adjacent to Kwale township, which are not occupied. Most of it is a National Park. Why should we cater for animals and disturb the people who have established themselves there? They have a lot of coconut trees—permanent trees which are cash crops and now we are telling them to go away because that is a township and State land. Which state is this? The state is composed of the people. Without people we have no state.

Mr. Deputy Speaker, Sir, we should first of all look after the interests of the people before we do anything else. Let this township extend towards the game reserve or the National Park and leave the Golini people undisturbed.

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

Mr. Y. Ali: Thank you very much, Mr. Deputy Speaker. I stand here to support the Motion very, very strongly.

I must confess that I have not been to Kwale but in view of the Motion before us, I will have to contact my friend, hon. Boy to arrange for my visit to Kwale. Even so, Mr. Speaker, I would like to associate myself fully with the speakers who have spoken here previously. In their speeches, they have made a lot of points and a lot of sense which, I believe the Minister, who has been termed as a considerate Minister in this Government, has taken note of.

The problem facing the Kwale people is similar to the problems facing other *wananchi* of this country, including, Kibera. Last year I moved a Motion here on a similar basis and it was supported fully by this House and it was accepted by this honourable Government. I do not see the reason why this Motion affecting Kwale District should not be treated likewise. Mr. Deputy Speaker, Sir, we are making a great mistake because here we have 500 families, and if you multiply that by 10 you will get 5,000 people a number which will include children who will be living and those expected to be born. People who have been occupying that portion of land in Kwale from time immemorial are being told to go away. Where are they expected to go when this happens to be their home? Their forefathers, their grandfathers were buried in the same place. We claim that this is a Government of the *wananchi* and it is our just Government. If it is our Government it means that we have the full control of running it; if it is our Government it means that we can enact the laws and repeal the laws, we can do away with the laws and even rescind the laws. Mr. Deputy Speaker, Sir, I feel quite strongly that these people are being mistreated, suppressed—I am sorry to use that word because during the colonial days these people were suppressed, harassed—and yet today when we are in a free country we are still treating our same brothers and sisters in the same way as the colonialists did. We are making mistakes, Mr. Deputy Speaker, Sir. I am not convinced whatsoever, that because of development or expansion of the town, that these people are not wanted. I want to know about these towns which are being built in this country and about the people who are expected to live in these towns, are they human beings or animals? I believe, Mr. Deputy Speaker, Sir, that we are building cities or towns for human beings, that is, the indigenous people. I am not convinced at all, and I will never be convinced by anyone who will stand up in this House and say that because Kwale is being expanded, these people must be moved away from the town unless the town is being expanded for devils or angels to come and live in that town, I will not accept such contention.

We are living in Nairobi here and when you go to Makadara you will see that people have been given title-deeds and they are putting up better houses and they are living right in the City centre, the capital of the Republic. You go to Kibera and you will see that the hon. Angaine is doing something for the *wananchi* there to have plots so that they can put up their own business premises. There is nothing wrong in that. If you go to Makadara and Kariobangi you see the same thing happening. I would like to see this spreading out all over the country. We are not colonialists, but it appears as though we are suffering from a colonial hang-over. This is very serious, Mr. Deputy Speaker, Sir. His Excellency, the President has said again and again in public rallies that we must behave like Kenyans of African origin. We must forget the feelings we inherited from the colonialists and the attitude and what-not they left behind. Bearing all these things in mind, some people still stand up in this House and with pride and with their hands in the pockets, they praise the colonialists for what they did in this country. They are very wrong in doing this. We are not going to be a party to this.

Mr. Deputy Speaker, Sir, if Asians and Europeans are owning large tracts of land, and as

[Mr. Y. Ali]
yet there has not been any move to take away this land from them and give it to *wananchi* or the indigenous people of this country, I do not see the reason why we should pursue the policy of removing Africans from the towns to elsewhere because we believe that since they are Africans they cannot live in towns.

Mr. Deputy Speaker, Sir, this Motion is straightforward, and I support it fully, and I hope my colleagues will support it very strongly. After all, its implementation will not cost the Government a lot of money. What is there is just to legalize the matter or the position. These people have been living there from time immemorial. What the Minister should do since he has all the technical officers and they are being paid with the tax-payers' money and they have all the know-how, is to make use of them. Demarcate the plots, and in this way they will be able to put up good houses. They can organize themselves into co-operatives—of course, they are poor but once they organize themselves into co-operatives they can raise money and in few years will be able to put up houses which will be part and parcel of Kwale Township. Do not remove these people from this land. You will be making a big mistake because these people must have their freedom. This is the freedom we have been fighting for; we have not been fighting for freedom in this country only for it to be taken away from us the following day or the following year! We fought for this freedom in order to live happily and in order to decide our destiny appropriate for our future generations. When we do this, Sir, our Ministers are told by their technical officers that this place is for development. Mr. Deputy Speaker, Sir, development without people is no development at all. If there are no people, there is no development. The State cannot exist without people; the masses! During the General Elections, you find Ministers and Members of Parliament going to seek votes from the poor people; the masses. After they have been elected and form the Government, they come to this Parliament and oppose the *wananchi*. I challenge anybody who will oppose this Motion to resign his seat be he a Minister or a Member of Parliament. We feel very strongly about the fate of these 500 people, poor *wananchi*, who give us their votes to come and speak on their behalf here. They give us their votes to come and plan for their future generations and yet we are trying to mess about with things here. This is a colonial hang-over and Mr. Deputy Speaker, Sir, if we are not careful, time and time alone, will sort out things. This is a very straightforward Motion and I fully support it.

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

Mr. arap Chumo: Mr. Deputy Speaker, Sir, I stand to support this Motion because it touches the problems of *wananchi* in the country. We all have seen many *wananchi* in places where their land has been occupied by townships. In many cases, Sir, these people are the rightful owners of such land. They are, in fact, Sir, ignored.

Mr. Deputy Speaker, Sir, since our Government is a just Government it should in all fairness consider these people. I therefore, wish to support the Motion very strongly and hope that the Government will respond likewise. We know that for a long time the *wananchi* were living, in the colonial days, under frustrations. In many cases people who owned such pieces of land could not stand and face those colonial masters to demand their rights. They could not even approach those colonialists. Now, that we are independent, Mr. Deputy Speaker, Sir, I feel that in all fairness, we should take action to see to it that we do the best we can to help our citizens who, indeed, are the people of this country. This is the only opportunity when these people can really and rightly claim what belongs to them. So, I feel the Kwale people should be considered in this respect so that they can rightly receive what belongs to them.

The Government has always, Mr. Deputy Speaker, Sir, encouraged land adjudication and we all know that this is a good thing. It is a good thing because we know that after they have done this, they will have security for obtaining loans and such other things in order to develop their well-being. The development of *wananchi*, Mr. Deputy Speaker, depends on the improvement of whatever little they have. So, we ought to consider these people. Many *wananchi* are faced with the same problem. For example, Sir, in my Bomet Constituency, there are many citizens——

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): Order! You will continue next time. It is time for the interruption of business. So, the House is adjourned until Tuesday, 18th May, at 2.30 p.m.

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

Tuesday, 18th May, 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. 330

ATTACKS BY ARMED RAIDERS FROM ETHIOPIA

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

(*a*) whether he was aware that since 1963 the animals taken from Marsabit District by armed Ethiopian raiders totalled up as indicated hereunder:—

59,588 goats;
41,237 cattle;
888 camels;

while 130 human lives had been lost;

(*b*) if the answer to (*a*) was in the affirmative, if he would tell the House whether the Kenya Government would ask the Ethiopian Government to pay compensation for the above-mentioned animals;

(*c*) since those people were still coming in great numbers to raid our people, he would agree to appoint a committee to look into the matter of the Ethiopian/Kenya border.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (*a*) According to records maintained by police the following animals were reported as stolen since 1963 up to 17th March, 1971: 53,511 goats, 31,237 head of cattle, 888 camels.

Of the above stolen stock, the following were recovered: 53,020 goats, 30,112 head of cattle and 817 camels. During the same period 130 of our people and 517 raiders were killed.

(*b*) The general question of compensation has been raised with Ethiopian Government but nothing as yet has been agreed. However, the hon. Member will appreciate that this raiding is not always a one-way affair and this makes the question of compensation a very difficult one.

(*c*) There is already in existence an Ethiopian/Kenya Consultative Committee which deals with Kenya/Ethiopia affairs, which include such matters as raids.

Mr. Umuro: On a point of order, Mr. Speaker. As regards part (*c*) of the answer given by the Vice-President and Minister for Home Affairs, will he substantiate that the raiding is not a one-way affair by telling us the day and month in which our people from Marsabit are alleged to have raided the Ethiopians?

Mr. arap Moi: Mr. Speaker, Sir, there is no point of substantiating. Marsabit is not the whole of Kenya. We have other parts apart from Marsabit and if they have raided the Ethiopian tribes, the same thing would apply.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the answer given by the Vice-President of our Republic, where he says that the question of compensation is a difficult one, could he tell the House what makes the question of compensation difficult? As far as we know, these two Governments are very friendly, particularly the two leaders of the two nations. What makes it difficult—why should there be no compensation?

Mr. arap Moi: Mr. Speaker, Sir, part of the hon. Member's tribe lives in Ethiopia and he should be in a better position, with the language he understands, to talk to his brothers.

Mr. Umuro: Mr. Speaker, Sir, when the Vice-President and Minister for Home Affairs says that we, the hon. Members of Kenya Parliament, should talk to our brothers on the other side—this question of raids does not arise from our brothers who are Boran. The people doing the raids are Shingilla and Galuba, who have no relations with the Boran who are in Ethiopia whatsoever.

The Speaker (Mr. Mati): Perhaps, you have something to say, Mr. Moi?

Mr. arap Moi: Mr. Speaker, Sir, I now want to talk and speak to the hon. Member in the language he can understand. Mr. Speaker, Sir, when 59,598 goats were stolen, Government recovered 53,511 goats. Instead of not being appreciative—if he cannot shut——

Mr. Umuro: On a point of order, Mr. Speaker——

The Speaker (Mr. Mati): Order! We are now dealing with a point of order. You raised your point of order and now you have to listen.

Mr. arap Moi: Mr. Speaker, Sir, if the hon. Member is agitating, then he is not doing any good to his own people. He is very unappreciative of what Government has done—when I fly there, I will tell his people what you are trying to do here.

The Speaker (Mr. Mati): We are dealing with a point of order, Mr. Bonaya.

Mr. arap Moi: Mr. Speaker, Sir, I am not asking him to talk to the Ethiopian Government; I

[The Vice-President and Minister for Home Affairs]
said that some members of the tribes living in his area are also found in Ethiopia. It would have been better, Mr. Speaker, for us to try to impove relationship between the tribes living in Ethiopia and those living in Kenya, so that they can get along better. As we know we also have some Masai living in Tanzania and some living in Kenya and we have no difficulties. If good relationship is established, there will be a better chance for a better living——

Hon. Members: On a point of order——

The Speaker (Mr. Mati): I think you are going to take too much time on this and you will not be able to follow up this question on points of order.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker. I do not know why hon. Members are clapping, but the point I want to make is this. When Government makes an official statement or gives a reply like the one the Vice-President has just given, is it in order for any hon. Member to ask for substantiation? I thought official replies are official as such.

The Speaker (Mr. Mati): Order! I am afraid you are wrong there, Mr. Khalif. If what you say was the case, then there would be no point in asking supplementary questions. If an hon. Member feels that what he has been told is not what he believes to be the case, he has every right to challenge the Minister replying—— If he thinks, for instance, that the information could be misleading, he can get up on a point of order and ask for substantiation. There is nothing out of order there.

Mr. Ayah: Mr. Speaker, Sir, in the course of the Vice-President's reply—actually, I want to seek your guidance. He said to the hon. Member "I will tell his people what he is". Mr. Speaker, Sir, I think that this was a clear straightforward threat. Was it in order for the Vice-President to stand up in this House and tell an hon. Member, "I will tell your people what you are"? Is he using his power? Is he threatening hon. Members of this House whereas he, himself, is the Member of Parliament for Baringo, a constituency Member like any other hon. Member in this House?

The Speaker (Mr. Mati): No, threats are not allowed here, but I did not get the impression that the Vice-President was threatening Mr. Umuro so that Mr. Umuro could not follow up this question. Mr. Umuro was still trying to follow up the question but there was so much interruption that he could not do it. He could not have been threatened.

Order, if this goes on, the loser is the Questioner.

Mr. Araru: Mr. Speaker, Sir, when we drew attention to the inadequacy of replies given to questions concerning neighbouring countries, you said that our Government has no right to condemn the laws of a sister country. Is it in order for the Vice-President to tell us that the hon. Member should tell the people in Ethiopia to co-operate? What powers do we have to do that?

The Speaker (Mr. Mati): Well, I am sorry I must admit that I could not follow, exactly, what point Mr. Araru wanted to make, but if it is the question of the Vice-President and Minister for Home Affairs having suggested to Mr. Umuro that he should get in touch with the people across the border and so on, so long as it is a friendly approach there is nothing wrong. What we are not allowed by our own Standing Orders, to do is to be discourteous to our friendly neighbours and not to use offensive language against a friendly Government, a friendly country or the head of a friendly Government. Where it is a matter of friendly persuasion without malice, there is nothing wrong.

Mr. Umuro, you are just taking your time on that.

Mr. Umuro: On a point of order, Mr. Speaker, if our Government has failed to talk with the Ethiopian Government so that they can persuade their people, how can an hon. Member talk to these Ethiopians who are wild? The Vice-President says that he will tell my people what I am when he goes to my constituency. If that was for the people of Marsabit, the Vice-President would have resigned——

The Speaker (Mr. Mati): Mr. Umuro, you could have used your time in a better way by asking a question. You do not expect me to reply to that.

Mr. arap Moi: Mr. Speaker, Sir, I want to make this very clear. I said—the hon. Member should listen—there is already, in existence, an Ethiopia/Kenya Consultative Committee which deals with Kenya/Ethiopia affairs and these affairs include such matters as raids. Therefore, the question of me asking him to talk to the Government of Ethiopia does not arise. I told him that better relationship between the two tribes on the border is something that should be encouraged.

The Speaker (Mr. Mati): I am sorry—in this way we cannot go through all the 15 questions. We have spent 15 minutes on this question.

Next question.

Question No. 395

CONTROL OF JEHOVAH'S WITNESSES

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

(*a*) what steps he was taking to rid his constituency of the people calling themselves Jehovah's Witnesses, who are roaming his constituency preaching that since Christ will be coming at the end of March, this year, the people should neither go to see doctors when they are sick nor should children go to school, etc.—a state of affairs which is causing a lot of confusion since a large portion of the population is believing in this kind of teaching; and

(*b*) if these people are not preaching under any registered church, whether the necessary steps would be taken to prosecute them.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (*a*) It is true that the Jehovah's Witnesses are in existence in Makueni Location and are trying to convert the local people so that they join their sect. So far there is no evidence that these people are advising the locals, not to see doctors when they are sick and not to send their children to school, nor is there any evidence that they are preaching that Christ will be coming at the end of the month.

If the hon. Member has any information to substantiate the allegations, he should pass such information to the police, who will then commence inquiries.

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

The Speaker (Mr. Mati): I think we had better keep away from these points of order: they only take the time of the House.

Mr. Mulwa: First of all, Mr. Speaker, part (*b*) of the question was not answered.

The Speaker (Mr. Mati): Yes, part (*b*) of the question, Mr. arap Moi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): (*b*) It has not been established that such witnesses are a security risk; however, their activities are being watched and, should they go against the law, they will be dealt with accordingly. The sect is registered under Certificate No. 2202 of 13th March, 1962. The sect exists elsewhere, but it is mainly in Machakos area.

Mr. Jilo: Mr. Speaker, Sir—I wish the hon. Members will listen—is it not true that this sect has been banned in many parts of this continent because of its activities?

Mr. arap Moi: Mr. Speaker, Sir, I am aware that the sect has been banned in Malawi and, as I said, their activities are being watched by the Government.

Rev. Kalume: Arising from the Vice-President's reply——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Sir, is the hon. Umuro in order to cross the Floor like a rat, without going to the Bar?

The Speaker (Mr. Mati): Order! Order! Well, he was not seen, so we will excuse him this time.

Mr. Umuro: On a point of order——

The Speaker (Mr. Mati): No more interruptions!

Mr. Umuro: On a point of order, Mr. Speaker——

The Speaker (Mr. Mati): No, Will you sit down, Mr. Umuro?

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker.

The Speaker (Mr. Mati): No more points of order.

Rev. Kalume, will you continue with your question.

Rev. Kalume: Arising from the Vice-President's reply, since this question was asked before March, and we are now in May, why was it not cancelled and not brought to this House, since it is out of date?

An hon. Member: It is not late.

Rev. Kalume: Jesus Christ did not come in March and, therefore, why should it worry us?

An hon. Member: You tell us when he is coming!

Mr. arap Moi: Mr. Speaker, Sir, the question is not out of date. This religious sect is still in existence and their activities are still continuing; so the argument that this question is out of date does not arise. As I have said, all religious sects throughout the country are registered by the Registrar of Societies, and should any of these

[The Vice-President and Minister for Home Affairs]

sects cross the bounds, break the laws or go outside their constitutions, of course, Government will have no choice but to take action.

Mr. Mulwa: Would the Vice-President let the House know what sort of evidence he needs in order to act against these people? Before I brought the question I had gone round the constituency with my chiefs and learnt that these people were talking to my constituents, including children, and as a result a number of people had been confused, I also informed the police at Sultan Hamud—could he tell us what sort of evidence he needs?

Mr. arap Moi: As we know the Kenya Government does not interfere with the freedom of worship; but if they go against the constitution of their sect Government will take action. I am aware, of course, of a number of religious sects coming up like mushrooms throughout the country and of some people fighting for positions. I also know that sometimes they disturb the peace, or it becomes difficult to maintain law and order in the affected areas. I hope the hon. Members of this House will tell their constituents, who are members of different sects, that they should keep peace when they worship God because God wants peace. It is written in the Bible, Romans 13, that the Church must obey the Government in power. Therefore, that being so, they are expected to obey the Government because governments are not made by men; it is through the will of God that there are governments in the world. Therefore, I hope that they will adhere to the constitutions of their societies.

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

Question No. 390

WITHDRAWAL OF WORK GIVEN TO THE KENYA PHOTO ENGRAVERS

Mr. Kivuitu asked the Minister of State, President's Office if he would tell the House why orders given to the Kenya Photo Engravers by the Government Printer on or about 12th October, 1970, for colour separation, etc., with regard to the School Broadcast Programme and the *Inside Kenya Today* publication, had been —without any advance explanation—withdrawn and given to foreign-owned and operated company.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Orders given to the Kenya Photo Engravers by the Government Printer were cancelled because the work produced was far below the required standard. The work involved documents which are widely circulated within the country and abroad, production of which requires a very high standard. After evaluation, the Government Printer found the work produced completely unacceptable.

Mr. Kivuitu: Arising from the Assistant Minister's reply, and considering that the Kenya Photo Engravers is one of the small industries which are sponsored by Government and owned by *wananchi,* was it not found necessary to inform them of their weaknesses with a view to having their standards raised, rather than merely withdrawing the order and giving it to a foreign company?

Mr. Munyi: Mr. Speaker, although I have already answered that question I would like to tell the hon. Member that the work which, involved colour separation, was given to M/S. Printing and Packing and the cost was Sh. 4,250 while the Photo Engravers had charged Sh. 7,980. However, in any case, Sir, the point which has been raised by the hon. Member is quite reasonable, and is fully noted.

Mr. Kanja: Thank you, Mr. Speaker. While I appreciate the standard of workmanship must be maintained, would the hon. Assistant Minister tell this House why he has to expect the standard of Kenya to be compared with such advanced countries like England or America when we are a young country and we have to learn through mistakes?

Mr. Munyi: Mr. Speaker, Sir, I think I have already answered this, and said that that suggestion, which is very similar to the one expressed by hon. Kivuitu, is fully noted. I would like to ask the hon. Member to advise the company not to hesitate, in future, in getting in touch with the Government Printer.

The Speaker (Mr. Mati): Next question Mr. Chumo.

Question No. 394

GOVERNMENT EMPLOYEES DRAWING BOTH PENSION AND SALARY

Mr. arap Chumo asked the Minister of State, President's Office if he would tell the House how many persons are now employed by Government temporarily or on contract at a salary while at the same time drawing a pension for previous Government service.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. As at 5th May, 1971, there were 65 pensioners on temporary terms of service, in Government service.

[The Assistant Minister of State, President's Office]

As at 5th May, 1971, there were 75 pensioners on contract terms in Government service.

Mr. arap Chumo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, what is the reason that makes Government continue employing such people, who, I believe, are drawing two salaries, when there are so many people unemployed?

Mr. Munyi: Mr. Speaker, Sir, pensioners on contract are mostly designated officers who are allowed to retire voluntarily and convert to contract terms for a specified period, during which period Government would endeavour to recruit and train local replacements.

Mr. Speaker, Sir, I would like to add, for the information of the hon. Member, that the officers in question are doing what is known as technical and specialized work, and in actual fact, Sir, we need people of that calibre.

Mr. ole Marima: Mr. Speaker, Sir, accepting that these officers should be allowed to retire voluntarily, why do we have to let them retire, and then re-engage them, if we know we have no replacements?

Mr. Munyi: Mr. Speaker, Sir, this is something which is common sense—— Today you might retire a person who is a technician and after a short time you find that you cannot get, or Government cannot get, another technically qualified person to take over from him; that is one of the reasons, Mr. Speaker.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he agree with me that most of these officers are British citizens? And if he does not agree, will he agree with my contention that there is no African who has resigned and then re-engaged on temporary basis?

Mr. Munyi: Mr. Speaker, Sir, there is truth in what the hon. Member has said. However, I would like to assure the hon. Member that if, today, he can give a list of people who are technically qualified, Government would take action and see to it that non-citizens whose posts can be filled by such technically qualified people, are retired immediately.

Mr. Gichoya: Would the Assistant Minister agree with me that his scope of knowledge regarding the ability of one being technically qualified is so limited that he does not even know that today we can replace many non-citizens with the existing African manpower if it is properly used?

Mr. Munyi: Mr. Speaker, Sir, I would like to ask the hon. Member to repeat his question.

Mr. Gichoya: Mr. Speaker, Sir, would the Assistant Minister agree with me that his scope of understanding the term "technically qualified" is so limited that he does not even know that we have many Africans in Kenya who, if we had better plans, would have taken over from expatriates who are now being called specialists? I would like to give an example of an African doctor who is a specialist today. Sir, he is Dr. Omondi, a consultant.

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member should understand the answer which I have given because it is a reasonable answer. Further, I would like to tell him that if, today, he brings forward, say, a water engineer, or a scientist for that matter, then an expatriate officer would be replaced by such African water engineer or scientist.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, where he says that the officers are doing technical jobs, can he give the period of their contract—— I mean to ask: are they re-employed on contracts of, say, one year, two years or three years?

Mr. Munyi: I think, Mr. Speaker, Sir, the hon. Member knows the meaning of the word "contract". A contract can be signed for two years, three years, etc. This, Sir, depends on what has been agreed upon by interested parties. That is the meaning of the word "contract", Mr. Speaker, Sir.

The Speaker (Mr. Mati): Next question.

Question No. 383

MALPRACTICES DURING LOCAL GOVERNMENT ELECTIONS

Mr. Karungaru asked the Minister for Local Government if he would tell the House how many of the recently elected local authority councillors were disqualified on the ground of election malpractices, particularly arising out of exceeding the KSh. 2,000 limit as provided by the Local Authority Elections Act of 1970.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. So far no cases of malpractices in respect of election expenses by candidates who stood for the recent local government elections, have been reported to my Ministry. Accordingly, Sir, all the successful candidates who participated in these elections have been declared duly elected and have satisfied all the requirements of the Local Government Elections Rules of 1970.

Mr. Karungaru: Arising out of that reply, is the Assistant Minister satisfied that the limit was adhered to and no more money was spent? If so, what machinery did he employ to determine this?

Mr. Munoko: Mr. Speaker, Sir, I do not know what the hon. Member wants to know. I do not know whether he wants to know whether the amount which the candidates spent was sufficient. If this is all he wants to know, then, I would say that it is for them to know. However, the Government has laid down, with the approval of this House, that they cannot spend more than KSh. 2,000.

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

The Speaker (Mr. Mati): No.

Mr. Njiru: Mr. Speaker, Sir, since the Minister brought a Bill in this House and it was enacted that candidates for local authority elections should not spend over KSh. 2,000, and recently we had local government elections, what did the Ministry of Local Government do to make sure that the candidates spent in accordance with what is stipulated in the law?

Mr. Munoko: Mr. Speaker, Sir, the law which this House passed and which, has been enacted, laid down that the election agent of any candidate at any election has to certify that the amount spent was actually spent. There is no other way of checking this; we have to rely on the affirmation by the election agent.

Mr. Jilo: Mr. Speaker, Sir, arising out of the original reply—what this House is demanding to know is the machinery the Minister employs in order to make sure that the amount of money specified in the Regulations, that is Sh. 2,000 is not exceeded. How does he determine this, Sir?

Mr. Munoko: Well, Mr. Speaker, Sir, Rule No. 66 (1), which was approved by this House, specifies that within 35 days after the day on which the results of the election is declared, the election agent of every candidate shall transmit to the Returning Officer a true return in such a form as the Director of Elections may direct, verified by a separate declaration, showing all election expenses which have been paid, all election expenses which have been unpaid and undisputed, all disputed claims and all moneys required to be disclosed by paragraph 3 of Rule 63 of these Rules.

Now, Mr. Speaker, Sir, in this Rule, the Minister, or the Ministry is not required to keep any record.

Mr. Kivuitu: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, having admitted that the only method they have is the certifying document by the agent and they have no other method, would he agree with me that, of course, in such a situation he would not expect the agent to give a figure which is higher than KSh. 2,000 and therefore this is a useless piece of legislation?

Hon. Members: Hear! Hear!

Mr. Munoko: Mr. Speaker, Sir, it may be a useless piece of legislation, but it was approved by this House and the hon. Member is a party to it.

The Speaker (Mr. Mati): Next question.

Question No. 380

LAND TRANSFER FROM EUROPEANS TO AFRICANS

Mr. Yego asked the Minister for Lands and Settlement if he would tell the House what immediate steps he was taking to speed up the land transfer from the remaining Europeans to Africans who are in need of land on which to settle.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. Funds for purchase of approximately 57,000 hectares, about 140,000 acres, have recently been made available through a British Government Grant. The necessary preliminary work and negotiations are in progress. Planning and demarcation of the farms, and consequently settlement of the landless *wananchi*, will follow thereafter. The current Government's policy on land transfer is in accordance with the Kanu Manifesto.

Mr. Magugu: Mr. Speaker, Sir, will the Minister tell the House whether or not he will take action on any European who refuses to sell his land for settlement purposes?

Mr. Angaine: Mr Speaker, Sir, no action will be taken because under our Constitution one's property is protected. Land transactions are based, on the willing-seller, willing-buyer. We can take action only on compulsory acquisition of land, but this will cost the Government a lot of money because it involves the market prices plus 15 per cent of the cost.

Mr. Yego: Arising from the Minister's reply——

Mr. Angaine: Speak louder; I do not hear you.

Mr. Yego: Mr. Speaker, Sir, would the Minister control the prices of land as such because although it is the policy of a willing-seller and a willing-buyer, the prices are too high?

Mr. Angaine: Mr. Speaker, Sir, there is a current market price which is taken into consideration. First of all we do not buy a farm before our senior valuers have valued it. After the valuation has been made, we negotiate with the vendor basing our argument on the existing market price.

Mr. Kurgat: Mr. Speaker, Sir, is the Minister saying that Government helps in willing-seller

[Mr. Kurgat]
willing-buyer negotiations or that it is only when they want to buy land for settlement that they negotiate with the European owner? If, say, I want to buy a farm today, I have to negotiate with the farmer owning the land. Now, in such a case, can the Government come in between us to help both of us in our negotiations?

Mr. Angaine: Mr. Speaker, Sir, I think the hon. Member has been in this House long enough and knows—or I must tell him—that we do not just pay any price to the vendor without having negotiated with him first. We negotiate on the price and try to make him lower his price to our valuation. We then pay for the land according to the Government valuation and not according to what the vendor wants.

The Speaker (Mr. Mati): Next question.

Question No. 389

RESIDENTIAL PLOTS IN NAIROBI

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

(*a*) whether or not the Government will sell, to *wananchi*, the residential plots it intends to acquire in and around Nairobi in a short while at the cost price or at a profit; and

(*b*) what is the basis on which he determines the price of the said land.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. (*a*) The Government intends to purchase agricultural holdings within the city boundary which are mainly held on leasehold tenure with user restricted to agricultural purposes, and in a few cases freehold farms. The price paid will be the present market value of the property in accordance with its title.

The valuation for alienation of residential plots will be based on the market value but care will be taken not to take into account the recent inflated market conditions and to see that the plots are reasonably priced. Further, there is already a Government policy to require only one-fifth of the capital value as stand premium or cash down and the remaining four-fifths is converted into an annual rent.

While no profit will be included in the calculation of the cost of the plot, since Government is following the above-mentioned generous policy in alienation of plots, consideration has to be taken of the interest on the capital which will be tied up in the purchase of the land, costs of management of estate, costs of survey, rates, provision of roads, drains and in some cases foul sewers, water reticulation, road lights, etc.

It will be appreciated that with this policy the Government plots in various parts of the city, such as, Kileleshwa, Woodley, Nairobi South B and C are very much in demand and are always quickly taken up as the price of Government plots always compares favourably with the price asked for plots sold on the open market.

(*b*) Actually, the suggestion that Government should sell its property at cost price is a novel one and is contrary to the policy of basing its sales of land for leasehold purposes upon suitable market value, but ignoring temporary fluctuations both up and down. The policy is to require the allottee to pay one-fifth of such value as a down payment together with service costs and to accept a rent of 5 per cent per annum on the remaining four-fifths of the value not paid. This rent, at 5 per cent per annum, compares strikingly with the rents of land required by private owners.

Mr. Magugu: Mr. Speaker, Sir, while appreciating the long answer from the Minister, taking into consideration all the facts or factors he has enumerated, and going back to his written Press release on plot prices in and around Nairobi, which he said were very high, would he agree with me that, in fact, they are not high taking into consideration all he has said? ,

Mr. Angaine: Mr Speaker, Sir, I cannot agree with the hon. Member. If I may disclose this—the hon. Member did speak to me about the prices of private land here in Nairobi and I promised him that I was going to issue a statement, which I did on 29th December, 1970, explaining Government stand on the price of private land, not only here in Nairobi but even in Mombasa and elsewhere. Mr. Speaker. I am now trying to fulfil what I promised the *wananchi*. I think the hon. Member must appreciate the action which Government has taken.

Dr. Munene: Mr. Speaker, arising from the Minister's reply, is he aware that most of his valuers and negotiators are Europeans? If so, what is he doing to Africanize these posts so that we may get fair prices for our own land?

Mr. Angaine: Yes, Mr. Speaker, Sir, we have some expatriates as land valuers. Although they are there, Mr. Speaker, they are governed by the market price. They cannot go beyond the market price, but below it. I am keeping an eye on every valuation to see whether it is a reasonable one or not. So there is nothing wrong with the European valuers because they are employees of this Government.

The Speaker (Mr. Mati): We move on to Mr. Muturia's question.

Question No. 288

COMMERCIAL INDUSTRIES IN MERU DISTRICT

The Speaker (Mr. Mati): Is there anyone who was authorized to ask Mr. Muturia's question? Let us then move to the next question. Mr. O'Washika?

(*Question dropped*)

Question No. 392

RAIL MILEAGE AND NUMBER OF RAILWAY WORKERS IN EAST AFRICA

Mr. O'Washika asked the Minister for Power and Communications—

(*a*) if he would give a breakdown of rail mileage in Kenya, Uganda and Tanzania;

(*b*) how many Kenyans were engaged in Uganda and Tanzania as workers on lines in the said countries and how many Ugandans and Tanzanians were employed on the Kenya lines.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. (*a*) The mileage of railway track in each of the partner states are as follows:—

	Mileage	*Percentage*
Kenya	1,844	42.2
Tanzania	1,642	37.6
Uganda	884	20.2

(*b*) As on or about 28th February, 1971 there were 1,153 Kenyans employed in Uganda and 950 Kenyans employed in Tanzania. The total was 2,103 Kenyans.

At the same time there were 491 and 568 Tanzanians and Ugandans respectively employed in Kenya excluding those in the headquarters. Their total was 1,059 Tanzanians and Ugandans.

At the headquarters we have 996 Kenyans, 93 Ugandans and 80 Tanzanians.

Mr. Koigi: Mr. Speaker, Sir, arising from the answer on the persons employed here—Tanzanians Ugandans, and which the Minister has given, is he referring to Government employed persons?

Mr. Ngala: Mr. Speaker, Sir, this question is related to the Railways Corporation of East Africa, not the civil servants of the respective state Governments.

Mr. O'Washika: Mr. Speaker, Sir, arising out of part (*a*) the reply, which gives the breakdown, can the Minister tell the House what system he used in reaching this breakdown?

Mr. Ngala: Mr. Speaker, Sir, so far it has been on merit and suitability, Mr. Speaker.

Question No. 303

UNTRAINED LONG-SERVICE MIDWIVES

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

(*a*) whether he was aware that there were some untrained long-service midwives in some hospitals who were working properly but had not been promoted even to the maximum of their salary scales; and

(*b*) if Government would trace these people and get them promoted to full midwives by virtue of their long service, experience and ability.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply to the hon. Serious Chief's question. (*a*) Yes, I am aware that there are some untrained midwives who have not even reached the maximum of their salary scales.

(*b*) Mr. Speaker, Sir, the answer is "no". Long service is not a substitute for passing prescribed examinations.

Mr. Kitonga: Mr. Speaker, Sir, I fail to understand the Assistant Minister's reply; particularly the part referring to examinations. If it means that someone should be suitable for a certain job, and he has already said that some midwives are giving very good service and he appreciates the good services they give, what is the necessity of doing "the prescribed examinations"? Are we inheriting the colonial system, Mr. Speaker, Sir? I would like to know this.

Mr. Jahazi: Mr. Speaker, Sir, there is no question of inheriting anything from the colonialists here. The question is, a midwife is a professional person and she is like a turn-boy. However, long he sits on a lorry, as long as he does not know how to drive his experience in serving as a turn-boy for 50 years cannot make him a driver.

Mrs. Onyango: Mr. Speaker, Sir, is the Assistant Minister aware that there are some untrained midwives who do better than trained midwives because they have long-time experience.

Mr. Jahazi: Mr. Speaker, Sir, I think the hon. Lady might have a point there, but if she knows of a particular person who is qualified and who can help a woman when delivering, then it is easier for her to sit and pass the examination. I do not see why she does not take the opportunity of sitting the examination if she is so good and experienced. I hope the hon. Lady will encourage these midwives, who know better than the trained ones, to sit for the examination.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir, is the Asistant Minister not really misleading the House by saying that if the hon. lady knows anyone who is fit for the job she should advise her to sit for an examination, when we know that practical experience matters very much? We should also bear in mind the fact that these examinations are for young people who have already sat for the Cambridge School Certificate Examination.

The Speaker (Mr. Mati): That is not a point of order, Mr. Kitonga.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, whereby he says that these ladies should sit for an examination, why did they keep these ladies before and did not ask them to sit for these examinations?

Mr. Jahazi: For the simple reason that they are not employed as midwives.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, if he agrees that these people have been giving valuable service as midwives, how would the examinations improve them when they are already giving valuable services?

Mr. Jahazi: Mr. Speaker, Sir, I think the Member should be a little bit serious in this matter. The question refers to "untrained midwives". Now, if the Chief was a bit more serious, he should not have used the word "untrained".

Question No. 339

IMPROVEMENT OF BARAGOI DISPENSARY

Mr. Lentaya, on behalf of Mr. Lenayiarra, asked the Minister for Health if he would tell the House what plans there were to improve Baragoi Dispensary which had only one ward.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. Within the limitation of available resources, the Ministry of Health is satisfied with the services provided at Baragoi Health Centre. The Ministry is also aware that not all that is required has been provided at the centre and in our annual improvement programmes consideration will be given to Baragoi. It should, however, be pointed out that this would depend on priorities as there are other units which need improvement more than Baragoi.

Mr. Speaker, Sir, I would also like to add that this does not entirely depend on the Ministry of Health. The development committee of the district has so much to say in this matter. Therefore, if the hon. Member would go back and see what the development committee of his district are proposing and send this to us for development next year, we will do this accordingly if they say that Baragoi should be given the first priority.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, where he says that his Ministry is satisfied that this dispensary is serving the people sufficiently, can he tell the House why it has only one ward, which is for both men and women? Is it really fair for the Ministry to provide only one ward, for both men and women, in this dispensary, Mr. Speaker, Sir?

Mr. Jahazi: Mr. Speaker, Sir, that is not the question, and that is why I said we are going to improve this dispensary. However, if the matter is very serious we would like it to be supported by the development committee, saying that out of all the development for next year Baragoi should come first. If they say this, Mr. Speaker, Sir, we shall give it first priority.

Mr ole Marima: Mr. Speaker, Sir, if the Assistant Minister was not aware that there was only one ward for both males and females in Baragoi Dispensary, could he undertake to do something now that he has been made aware?

Mr. Jahazi: I was aware that there was only one ward for both men and women, and even the question says that. Maybe the hon. Member was not aware. Mr. Speaker, Sir, I have spent the whole time explaining that we are going to do something about it. Therefore, in order to do something quickly, we would like the recommendations of the development committee of the district, confirming that the situation is very serious and asking us to forget all other dispensaries or health centres in the district and start with Baragoi. We will then act, Mr. Speaker, Sir.

Question No. 375

NORTH-EASTERN PROVINCE MOBILE HEALTH CLINIC

Mr. Ahmed asked the Minister for Health if he would tell the House whether he was aware of the great need which the nomadic people of North-Eastern Province had for a mobile health clinic; and if the answer was in the affirmative, how soon Government would take to provide the area with a mobile health unit.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. I will not agree with the hon. Member that the situation in the area mentioned in this question can only be most suitably served by having a mobile health clinic. I think we can consider other ways of serving this area but the provision of a mobile health clinic is not the solution.

Mr. Ahmed: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, is he aware that during the colonial time the emphasis was on

[Mr. Ahmed]
mobile health clinics and, if so, what has changed the situation?

Mr. Jahazi: Could he repeat his question and speak loud like a man?

Mr. Ahmed: Mr. Speaker, Sir, my question is: during the colonial time the emphasis was on mobile health centres because they were the only ones which rendered good services in the area; what has now brought the change?

Mr. Jahazi: Mr. Speaker, Sir, I do not understand why the hon. Member, or anybody else who might be having the same views, should compare the present Government with the Colonial Government. I think he must appreciate what the present Government is doing for these areas. We are building four brand-new hospitals in these areas and colonialists did not bother to build hospitals there. Mr. Speaker, Sir, I would like to say that these people are nomadic, they move right in the bush and a Land-Rover cannot follow them unless they have a clinic built on camels or something of that sort. Mr. Speaker, Sir, even a Land-Rover cannot keep pace with these nomadic people.

Mr. Umuro: Mr. Speaker, Sir, what other action will the Ministry take if they do not accept there is need for a mobile clinic unit, yet the Assistant Minister agrees with me that these people move from place to place with their animals? These people are nomadic and they travel hundreds of miles with their animals. What action is the Ministry hoping to take if they do not accept there is need for a mobile clinic unit, Mr. Speaker, Sir?

Mr. Jahazi: Mr. Speaker, Sir, we would like to accept—and we accept our moral obligations as the hon. Member puts it. However, the question here is one of practicability, Mr. Speaker. How do we put a mobile health centre on a camel? Mr. Speaker, Sir, even in the present areas where these mobile units are serving, we have to say, "on such-and-such a day the mobile clinic will serve such-and-such an area". Now, Mr. Speaker, Sir, we do not have permanent settlements in these areas; today these people are here, tomorrow they are there and the next day they are at another place. They do not even inform anybody where they will be next week. Furthermore, Mr. Speaker, Sir, they do not move along the roads to make it easy for our Land-Rovers to keep pace with them. They move through the bushes where there are no roads and we cannot chase them. So, if the hon. Members want these people to have medication, they should ask them to stop moving from place to place.

Mr. Ahmed: Mr. Speaker, Sir, for the information of the Assistant Minister, we have about 120 trading centres in Garissa District which do not have any hospital or clinic. Therefore it is very wrong for the Assistant Minister to say that there are no specific centres where these mobile health units can be sent, Mr. Speaker, Sir. What is the Ministry doing about this matter because some people travel more than a hundred miles to come to Garissa Township for treatment?

Mr. Jahazi: Mr. Speaker, Sir, if there are all those centres the people should go to health centres where there are doctors and medicine. It is impossible for me to tell this House that we will make available mobile health units in all these areas and cover this nomadic population. That is impossible and we cannot do it.

QUESTIONS BY PRIVATE NOTICE

SHORTAGE AND DISTRIBUTION OF MAIZE IN THE COUNTRY

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

(*a*) Could the Minister explain to the House why, despite his assurance to this House that there was enough maize in the country, there is still an acute shortage of this commodity?

(*b*) Is it the responsibility of the Maize and Produce Board or the Minister to distribute maize meal?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. I wish to thank the hon. Member for bringing up this question or this matter before the House and I will take the opportunity to explain the position.

First, it is false to say that there is shortage of maize in the country——

Hon. Members: There is!

The Minister for Agriculture (Mr. Nyagah): Leave alone the allegation that there is an acute shortage of that commodity. The hon. Member is, perhaps, confusing his dissatisfaction with the method of distribution of this commodity at the local level with what he calls "acute shortage of this commodity throughout the country". May I assure the honourable House that Government keeps a very careful eye on all aspects of the food position in the country at all times. It has, however, been particularly necessary, as a result of the prolonged drought which is just finishing, to organize and reorganize, after periodic and careful review, the food distribution methods.

Perhaps it will be remembered that the worst time during the drought period——

Mr. Kitonga: You are not the Nyagah we used to have.

The Minister for Agriculture (Mr. Nyagah): Let me say this before the hon. Member interrupts again: perhaps it will be remembered that at the worst period, during the drought time, maize was and had to be delivered for sale to areas other than the normal maize produce depots. With the coming of the rains, therefore, this practice had to be discontinued in a number of places. The method of appointing agents by the Maize and Produce Board in various strategic market places was introduced. This was done in close collaboration with the provincial administration.

Sir, may I say here that the views of the hon. Member and other leading citizens are most welcome at all times. The advice at the local level and even their drawing the attention of the Minister to any shortcomings that they find in the organization, or distribution methods, are always most welcome. I, therefore, refute again the allegation that there is an acute shortage of maize in this country and to say that where the attention of any hardships in the availability of this staple food has been drawn to Government, immediate action has been taken. For example, the problems experienced during the past fortnight in certain parts of Central, Eastern and Nyanza Provinces, are being promptly attended to by stepping up extra supplies to those areas and improving the distribution methods.

Mr. Speaker, Sir, the answer to the second part of the question is; neither the Ministry nor the Maize and Produce Board is responsible for the actual distribution of the maize meal; I emphasize the words "actual distribution." Both are, however, keen to regulate its distribution so that the consumers do not suffer any inconvenience. The Maize and Produce Board and the Ministry collaborate very closely, as I said earlier on, with the provincial administration who know the day-to-day situation at places in their areas.

May I appeal to the hon. Members, Sir, and to all those responsible citizens of the country to report any cases of exploitation of the *wananchi* by any unscrupulous traders in both the administration in execution of the exercise of food distribution. It is good "citizenery" to report to the authority anyone found holding such food commodity or diverting any amount of such commodity from the area where it is intended to go, for individual or selfish motives of profit making.

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, arising from the answer by the Minister, may I, first of all, ask him to apologize to this House for alleging that he had enough maize in this country while, Sir, this morning, in Kitui District, a place called Mwingi Market Trading Centre, the agent for the Maize and Produce there could sell only ten bags of maize for the whole Division? If at all he had enough maize, why did they not send at least even ten lorries full of bags of maize to Mwingi Market where the demand is so high?

Mr. Nyagah: Mr. Speaker, Sir, I have nothing to apologize for. First, the hon. Member is not very conversant with the situation. Since he mentioned Kitui, may I tell him what the position is like in Kitui?

Hon. Members: You do not know.

Mr. Nyagah: Would the hon. Members be patient. If I do not know, then they will tell me where I do not know.

As a result of constant review, Sir, it has been—— The matter has been put right. The people in Kitui can go and draw anything up to 1,500 bags of——

Mr. Kitonga: Rice!

Mr. Nyagah: Mr. Speaker, Sir, it is a matter of opinion. I think, the hon. Chief is misleading the House quite a lot by shouting, "rice!", when I am saying, "maize." I am talking about maize. The people in Central Kitui can go to the depot there—the allocation has been raised to 1,500 bags. Those living south of Kitui can go to Kibwezi and those living north of Kitui, where Mwingi Market is, can go—if the hon. Member wants he can ring up his friend at Mwingi Market and tell him that he should go to Thika and get his maize for distribution.

Mr. Kahengeri: Mr. Speaker, Sir, I heard the Minister for Agriculture telling the hon. Member to go to Thika when he needs maize. Is he aware that the allocation for Thika Depot, which should be selling 3,000 bags of maize a day is inadequate because they are now selling 3,000 bags of maize per week?

Mr. Nyagah: Mr. Speaker, Sir, the hon. Member for Juja, may have a point; but probably he did not get the major part of my reply where I said the matter is always kept under review. As a result of this review we have doubled, with immediate effect, the supply for Murang'a, Embu, Kirinyanga, Kiambu and other places, as well as Kisii.

Mr. Masibayi: Mr. Speaker, Sir, arising from the Minister's reply, if it is true, that there is enough maize in the country, can he tell us what happens to the maize meal which is locally milled here? Where does the flour go to because there is a real shortage of maize flour in the country, especially Nairobi, at the moment.

Mr. Nyagah: Mr. Speaker, Sir, that is a very difficult question for me to answer.

Hon. Members: No! Resign.

Mr. Nyagah: Wait for a minute. Mr. Speaker, Sir, I will resign if I do not know whether there is enough maize or not. However, what I do not know is what happens to the milled maize. What I know is that the mills are working and that the depots are supplying the millers with maize: what I do not know is what is happening to the maize after that.

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, arising from the Minister's reply to part (*b*) of my question, is he aware that there is an acute shortage of maize meal in the country as a whole—leaving alone Kitui District. In addition to that——

The Speaker (Mr. Mati): One question at a time.

Mr. Mwengi-Nzelu: ——there was a case at Kitui where a district officer bought a five-pound packet of flour at Sh. 5 when it is supposed to cost Sh. 1/75.

Mr. Nyagah: Mr. Speaker, I agree with the hon. Members when they shout "Shame" because if a Government servant can go and buy a packet of flour at black market prices——

Hon. Members: Why! Shame! Resign.

Mr. Nyagah: Mr. Speaker, Sir, it is perhaps that kind of practice——

Hon. Members: Shame!

Mr. Mwangale: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance here because the hon. Minister is evading the actual question. If you will permit me, Mr. Speaker, Sir, I want to define the scarcity of the maize meal in the country as unavailability——

The Speaker (Mr. Mati): No, I did not allow you to make a speech, Mr. Mwangale. That is not a point of order. If you have no point of order, please sit down and do not take the time of the House for nothing.

Mr. Mwangale: Let me come to the point. Would the Minister tell us exactly in precise terms——

The Speaker (Mr. Mati): Sit down!

Mr. Nyagah: Mr. Speaker, I was still replying to the hon. Questioner. I said that people who indulge in the practices of accepting such prices when the price is about Sh. 1/75 are encouraging exploiters to hold *posho* and maize meal all the more and they are making the situation more difficult to *wananchi*. I agree with the hon Member not because of what he says but from what I have noticed. I have not hid from this House, the fact that I do not know what happens to the *Unga* when it has been milled.

I have seen people, with my own eyes, queueing and trying to get maize meal and the matter is exercising the minds of the Government trying to find out what is this fathomless pit where the maize meal goes to.

Mr. Mutiso: Mr. Speaker, since the Government has all wings and hands of tracing where maize meal is disappearing to, could the Minister give us a specific answer or give an undertaking to this House that in the next week or so the Government will ensure the country has adequate supply of maize meal, and maize in particular, having checked up where this maize meal is disappearing to?

Mr. Nyagah: Mr. Speaker, Sir, I have said that I do not know what happens to the maize meal. I have also said that Government is very much concerned and they are doing what they can to find out what happens to the maize meal. With regard to his request for that I give an assurance to the House within the next week or so. I would not like to commit myself to seeing what the answer will be about the maize meal. However, maize will be available to those people who want to buy it and it is already being made available. If there is no maize—— Mr. Speaker, I——

Mr. Kahengeri: On a point of order, Mr. Speaker, is it not true that the hon. Minister is misleading the House now, since we know that the Questioner here brought the question just because there is no maize for those who want to buy it? The Minister is now telling us that there is plenty of maize for those who want to buy, while, earlier on he said that he was going to increase the allocation. Is he not really misleading us while we were at the depots this morning and there was no maize available?

Mr. Nyagah: Mr. Speaker, I think I had better make myself a little simpler.

Mr. Speaker, I take this opportunity to inform the House that as a result of a fortnight's performance at the depots and in the country-side, the Government has decided to double the outflow from the depots for those areas which have made representations. Any representations which will be made will be met. What perhaps, the hon. Member, Mr. Kahengeri, has not known is that instructions ordering the doubling of the outflow from the depots to those areas have already gone out. I would invite him to go to Thika, Sagana, Konza and all those other places to see whether these instructions are being complied with.

The Speaker (Mr. Mati): We will move on now. Mr. Tsuma.

Mr. Kitonga: On a point of order——

The Speaker (Mr. Mati): No more points of order. We have no time.

Mr. Tsuma, will you ask your question.

ISSUE OF GRADUATED PERSONAL TAX CARDS IN LURAMBI SOUTH

Mr. Tsuma: Mr. Speaker, Sir, I beg to ask the Minister for Finance and Economic Planning the following Question by Private Notice:—

(*a*) Could the Minister tell the House why the people of Lurambi South were not provided with Graduated Personal Tax assessment forms in time to enable them to make the necessary appeals within the statutory period of 30 days and were instead required to pay the tax the same day they received the forms?

(*b*) Could the Minister tell this House whether these people will be given a chance to appeal against the assessment?

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, the District Commissioner for the area referred to in the question is not aware of any incident of this nature.

According to the information which was made available to me, assessment forms were available to the people of Kakamega and other districts at the time of the assessment.

(*b*) As the hon. Member knows, a tax-payer has the right to appeal to the district commissioner within 30 days after he has been assessed and notified. If he is not satisfied with the district commissioner's ruling, he may, within 21 days of such a ruling, appeal to a court of law.

Mr. Tsuma: Mr. Speaker, Sir, I am surprised to hear the information that has been given to the Assistant Minister while I know that no forms were given to the people in my area until the 22nd of April. Could the Minister tell the House, therefore, whether these people had the time to appeal because on the same day they were told to pay the tax?

Mr. Balala: Mr. Speaker, Sir, as I have said, at that time the forms were available to the people. However, as is the usual procedure, the forms are not given out to people. It is the people who go and get the forms.

Mr. Ebu: Arising from the Assistant Minister's reply to this question, will he tell the nation what exact procedure an ordinary *mwananchi* should follow if he has not been well assessed and given the assessment form? What procedure will he take to appeal because, normally, when he appeals he has to have that form which indicates that he should appeal within thirty days? Suppose he does not appeal within that period, how else can he go about that issue?

Mr. Balala: Sir, as I have said, there is a provision for the time in which to appeal. It is clearly shown that if a person is not satisfied with the assessment he should appeal to district commissioner within 30 days. If he does not agree with the ruling of the district commissioner, then he can appeal to the court of law within 21 days. It is as simple as that.

Mr. Tsuma: Mr. Speaker, Sir, what the Assistant Minister has said is true, but in view of the fact that the people were given the forms on 22nd April, the day they were supposed to pay the tax, could the Assistant Minister assure the House that these people still have 30 days within which to appeal?

Mr. Balala: Mr. Speaker, Sir, the forms are always available at the district commissioners' offices.

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, I think the Assistant Minister is misleading the House. I agree, and the people agree, that the forms were given to them only on 22nd April. Now, my question is: between 22nd April and May, do they still have 30 days, within which to appeal, as is laid down in the law?

Mr. Balala: Mr. Speaker, Sir, I think there may be some misunderstanding here. If the people had followed the procedure properly and had approached the district commissioner and asked for the forms this problem could not have arisen at all. I think the hon. Member could help in this connexion. He could advise his people to go and appeal at the right time before the expiration of the appeal date.

The Speaker (Mr. Mati): I think we had better get this cleared for the benefit of everybody. Mr. Tsuma said that the forms were issued on 22nd April. He is asking whether these people will be given the statutory period of 30 days from 22nd April to appeal. That is all he is asking.

Mr. Balala: Mr. Speaker, Sir, I think such cases will always receive sympathetic consideration.

APPROVAL OF NDEGWA SALARIES COMMISSION REPORT BY PARLIAMENT

Mr. Seroney: 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 the recommendations of the Ndegwa Commission Report involve a substantial additional increase in public expenditure, will the Minister before including the recommended increases in his Annual Estimates, prepare or cause to be prepared a Sessional Paper on the said Report for the consideration and approval of the House?

The Assistant Minister for Finance (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. The revised emoluments recommended by the Ndegwa Commission are being implemented with effect from 1st July, 1971 on the direction of His Excellency the President and the financial position is being made in the 1971/72 Estimates.

Mr. Seroney: Mr. Speaker, Sir, the Assistant Minister has referred to Presidential directives—is he aware that nowhere in the Constitution is provision made for substituting the authority of this House by a President directive?

Mr. Cherono: Mr. Speaker, Sir, I think I had better make one point very, very clear. The determination of the salary structure of the Civil Service is an executive and not a legislative function. There is nowhere in the Constitution, or in an Act of Parliament, where the salaries of civil servants are laid down. In the normal cases, when a civil servant is being promoted, no seperate request comes to the Legislature in order to get the authority to implement it. It is done in the normal way and the request comes through the Estimates. The mere fact that this has been done to the whole of the Civil Service, *en masse*, does not alter that principle.

Mr. Ayah: Mr. Speaker, Sir, does the Assistant Minister agree with me that this method, which he has just explained, was adopted because of fear that if the matter is brought to the House some changes would be made?

Mr. Cherono: Definitely no.

Mr. Seroney: How is the Minister going to effect the necessary increases arising from these recommendations if Parliament refuses to give its consent?

Mr. Cherono: Mr. Speaker, Sir, the Estimates will be presented to the National Assembly next month and that matter can be debated at that time.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that under the Constitution, all public expenses are to be approved by this House, and as this involves an increase in the expenditure it should be brought to this House for debate?

Mr. Cherono: Mr. Speaker, Sir, I do not think any suggestion has been made by either me or anybody else to the effect that Parliamentary authority will not be sought. This will come in the normal way during the Estimates, and as I have said before, this is an executive function and if the hon. Member would like to read section 23 (i), of the Constitution of Kenya, he will see that all executive authority of the Government of Kenya is vested in His Excellency the President.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, would he tell us why Government did not prepare a Sessional Paper, as has been done in the past, in respect of this particular Commissions' Report in order for this House to consider the recommendations for approval? Why did His Excellency the President make that directive as if it was particularly necessary at that particular time?

Mr. Cherono: Mr. Speaker, Sir, for the information of the hon. Member, the Ndegwa Report covers very many other aspects of the public service, it includes, not only the Civil Service but the Education and teaching service, Statutory Boards and Local Government, and it does recommend quite fundamental structural changes. The Government is considering all these and when its views have been determined, a Sessional Paper will be laid before this House, but not in respect of emoluments.

BILLS

First Reading

THE LOANS AND CREDIT FACILITIES (AMENDMENT) BILL

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

Second Reading

THE EDUCATION (AMENDMENT) BILL

The Assistant Minister for Education (Mr. Mbai) on 11th May 1971—Resumption of Debate interrupted on 12th May 1971)

The Speaker (Mr. Mati): Mr. Nthenge, you were speaking the last time.

Mr. Nthenge: Mr. Speaker, Sir, thank you very much I was explaining the importance of education to everybody in the country. I was making the point of equality in education. Mr. Speaker, Sir, I feel that since education is based on the brains of a person and nobody can tell what type of brains a child has in advance, the only way to sift the best brains for those who can be professors, for those who can be great engineers and the rest of it, is only by sending all our children to school. I was arguing that there is no need for my child to go to a better school than my servant's child because the brain of my servant's child might even be better than my child's brain. It might be a more useful brain to the country than my child's brain. Therefore, Mr. Speaker, I fear this point here, prejudging a child here, saying that since this child has been born of such-and-such a home it cannot prove to be a useful child. This child is, therefore, sent to compete with 50 children

[Mr. Nthenge]
while Nthenge's child is sent to a class where there are only 10 children he has to compete with. I feel there is a necessity, therefore, of narrowing the gap between the haves and the have-nots.

I am talking as a person who has the "cream" in Kenya. I am a man of high income comparing with the ordinary African and the ordinary citizen of this country. I am not trying to favour my class but I stress that we are always going to say we want more money so that we can take care of our children. What about the man who is supposed to get Sh. 200 or Sh. 300? That man, too, wants his child to go to school and, therefore, he will definitely want more money or as much money as I have. However, Sir, if we standardize education so that all the children go to similar schools and not let some children have a lot of luxuries. Let a child have all the luxuries it can get at home but not at school, let the school be a place of equality. Mr. Speaker, if we do this we will acquire something and not many people will then want their salaries to be far beyond that of other people. One of the essentials of life for any parent is his child's education. This will be taken care of by the District Education Boards the Bill hopes to create. I am, therefore, saying that every district will have the same standard for every child. Nairobi will have the same standard, and this is my wish. All the children, including the child of a Minister, of the President, of a Member of Parliament, of the Permanent Secretary will go to the same school. It does not matter whether the father of the child is a sweeper or anything else. That is one point I wanted to make. If we want to narrow the gap between the haves and the have-nots, this will be a necessary exercise. It will be very necessary so as to make the children grow up together and feel they are equal. Unfortunately, Sir, we used to have European standards, Asian standards and, last of all, African standards. Some of the Africans, the well-to-do class, the class I belong to, are trying to jump into what used to be the European class. Then you come to the middle class who are jumping into what used to be the Asian class. Now the poor ordinary people, the drivers, the sweepers, the cooks are supposed to educate their children in the African class. Mr. Speaker, I thought we were going to kill this once we became independent. That is why I say I want this thing to die because that is what we used to say and stand for. Some of us who were in politics during the colonial times used to cry for equality but once we have attained independence equality disappears. And we are not dead, we are still alive, Mr. Speaker. That is why I am saying there is a necessity of equalizing education. Let the Permanent Secretaries, let the Members of Parliament, let them do something. They are the ones who are very much involved in policy-making. They are the ones who must realize that this is something we promised this country will be done. If this is not done, then in 20 years' time things will be awful. We are going to create a class, or three classes which will be very difficult to handle. I am afraid to think that what is termed to be the African class will be by far the greater class, they will have a big majority. One day the upper class which I belong to, which the Permanent Secretaries and the rest of the highly-paid people belong to will know that they may be more brainy and have more money but when it comes to the question of manpower activities they may be defeated, and badly defeated.

Therefore, Mr. Speaker, my suggestion contains the idea of preparing a new outlook for Kenya in 10 to 15 years' time. All the children will go to school together, they will think they are equal and equality will set in. I know a lot of people object to this word "equality", they say all people are not equal. Of course, they are not all equal in some respects but in many other respects they are equal. All right, if the child happens to be less brainy than the other, nobody objects to that. One will become an engineer and another will become a mechanic. But, Sir, I want the change to be given to them all equally right at the beginning so that we can have some sort of an equal standard.

Sir, as I said earlier, education is the key to national development. In accordance with how much education we have, we develop. This is how any country goes along. Therefore, it is an important item in any country's planning, any country which knows what it was to have done. I suggest, Sir, that even if we have to reduce some money from other services to improve the standards of education, and to standardize them, then I will vote for that, Sir.

We are told there are very few teachers and the rest of this kind of thing. I had better touch on this aspect because it is a part of education. Teachers are badly paid and that is why they are leaving the teaching service. Check in this House and you will find a lot of teachers with diplomas——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, I thought during debate on a Bill a Member, according to Standing Orders, is required to confine himself to the Bill. The Bill actually talks about District Education Boards.

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

Has the question of teachers' salaries, teachers leaving the teaching service anything to do with this Bill? Is the hon. Member not going too much outside the scope of the Bill?

The Speaker (Mr. Mati): Yes, I think Mr. Nthenge is running the risk of discussing education too generally. We must remember that this Bill deals with the establishment of District Education Boards and unless you can relate what you are saying to that, you are far beyond the scope of the Bill. We must not speak too generally.

Mr. Nthenge: Mr. Speaker, I was coming to that, I was saying that as far as District Education Boards go I can see one of their problems which is lack of teachers. Why is this? It is because the teachers are so lowly paid that many young people feel what is the use of sticking to teaching when they can get better jobs for their education. I am suggesting that if it is necessary, the District Education Boards should be given a certain amount of money, even if other things are to suffer, so that they maintain some sort of standard. A class should have 30 children and the boards should employ sufficient teachers. Let the teachers' salaries be competitive with that of any other profession. Teaching is taken to be "the profession". If a child who has finished school certificate standard can get Sh. 600 a month without having any training why should another child go and train for four or five years to become a teacher and then only get Sh. 500 a month? This is asking the teachers to sacrifice too much. What is wrong with them? What do they do that is not acceptable? They do a good job and educate everybody's children, those of the President, of the Members of Parliament and so forth, and that is why the District Education Boards should have a lot of money.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, I am sorry to interrupt the hon. Member's speech but the Standing Orders of this House must be upheld.

I have been listening to him very attentively and I cannot link what he is talking about with District Education Boards. The District Education Boards will not be required to look after the salaries of the teachers. The Bill does not talk—anywhere—about salaries and so forth of teachers. Nothing at all. Does the hon. Member have a copy of the Bill with him? If he has he can tell me perhaps what clause he is referring to now.

The Speaker (Mr. Mati): Mr. Nthenge, you had better confine yourself to the Bill.

Mr. Nthenge: I do agree, Mr. Speaker, but I am suggesting some things which I feel should be incorporated. Am I out of order to do this? We are trying to create an education board per district but what do we expect it to do, how do we expect it to function properly? I have welcomed the creation——

The Speaker (Mr. Mati): Oh, no, Mr. Nthenge. In fact, the functions are clearly set out in the Bill itself. If you read the Bill you will see them set out in a special clause, in one of the clauses; they are set out in detail.

If you have not read the Bill, Mr. Nthenge, you had better not speak too long.

Mr. Nthenge: Mr. Speaker, I must say I have read the Bill properly and I felt there were some things missing. I do not know if the hon. Member means that if something is missing in a Bill it should not be incorporated, we should not talk about it.

However, Sir, since I have covered most of the points I wanted to make, I think I will say this in conclusion. I welcome District Education Boards and I am sure the whole House does too. However, the main point is that they should be as effective on the side of education in this country as possible. There should not be any institutions of learning of the lower standard that are not under a District Education Board in any district. This is the main point at issue. If education boards are to be effective, then they must be made up of worthwhile and respectable ladies and gentlemen.

The Attorney-General (Mr. Njonjo): That is what the Bill says!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): That is all right now.

The Speaker (Mr. Mati): Mr. Kase.

The Attorney-General (Mr. Njonjo): I hope they will say something about the Bill on the Voice of Kenya tonight!

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, I rise to support the Bill. As many Members have said, I wish to make one little point in connexion with what I hope District Education Boards will not do.

Clause 27 (*f*). The Minister is given powers to make regulations prescribing what matters can be handled by the District Education Boards. I hope here it shall be stipulated that all—and I mean all—transfers, serious transfers of teachers from one school to another at the beginning of the year will go through the District Education Board. The reason why I say this is as follows. I have seen

[The Assistant Minister for Information and Broadcasting]

in certain districts the District Education Officer, if he is left alone and he happens to be a local person, he finds a teacher who is good in arithmetic and posts him to the nearest school to his home. He finds another teacher who is good in English for teaching in Standard V and he will post that teacher from one school to where his home is. Therefore, what you find is that in certain primary schools they have good results at Certificate of Primary Education level; others, regardless of what they are, just fail. I hope that these District Education Boards will take over this responsibility from any given individual. I am saying this from experience, I do not need to substantiate because my own district is a victim of this exercise.

The second point I wish to speak on is that there is a tendency where an Education Officer or a person responsible for education, comes from a certain area he visits those schools near his home more than any other schools in the district for which he is responsible. I think the District Education Boards must be in a position effectively to see that the executive officers of this Board are the ones properly entrusted to carry out the educational system in that part of the country, and that they do carry out their responsibilities most effectively. Otherwise I do not think the District Education Boards will serve any useful purpose. In this respect I would say that this does happen. Some of us are accused of this, even at the top level. If one is an Assistant Minister for Lands and Settlement, like my hon. friend, Mr. G. G. Kariuki, he will have the tendency—— We have been accused of this, that we do visit our own constituencies more than many others. In calling on the District Education Boards to correct this we should also try to correct at the top.

As far as education is concerned, Sir, this is a very important function which the District Education Boards must have and should be given by the Minister. These powers or responsibilities should not be left in the hands of an individual.

Having said that, Mr. Speaker, I would like also to suggest to the Minister for Education to make sure that the District Education Boards, if they are to run the country, should have a say in the teachers being posted to their districts by the Teachers' Service Commission because it is possible that they will be sent—— Not the worst teachers because they have all been trained, but ineffective teachers, teachers who will not be as good as others. And so there will be that tendency, that once a teacher proves ineffective, say, in Nyeri the only place you can dump him in is Eastern Province. When a District Officer is bad in Murang'a, you dump him in North-Eastern Province. This is a tendency which we should try to avoid. I am saying this with sincerity, that there is a tendency of officers working in certain parts of this Republic feeling they have been sent there by way of punishment. We should have District Education Boards in every district having a say as to which teachers should come to their districts. I do not think it is right that Tom, Dick or Harry can be sent there.

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

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

I come now to a very interesting part on which I would like some clarification from the Minister. In his appointment of members he has set out three categories and my question is in regard to (*c*) where the Minister can revoke his appointment. I wonder under what terms the Minister will revoke his appointment. Is it because he does not agree with the executive officers of the Ministry? What? I think this is a dangerous subclause in the Bill. We know what we have suffered because of things of this nature and I would not like to see that because Mr. X happens to be on the District Education Board in Tana River and the Education Officer complains about this man being difficult that the Minister will use his power to revoke this man's appointment. I would not like to see such a condition in the Bill. If he is an effective member, let him sit there. Whether the Minister likes him or not, perhaps that is the best member the district can produce. I would like to see each district have very effective members, not people being chosen because they are members of county councils.

In reply to what the Minister says, Mr. Deputy Speaker, I do not need to resign if I want to correct my own Government. I suppose the Minister himself has to correct certain mistakes in the Government and I do not think he needs to resign for that. When he quietly allowed Sh. 72 to go back to Sh. 45, I would say this is a little mistake he has corrected quietly, and there is nothing wrong in that.

Having made these few observations on the Bill, Sir, I hope that where these boards will be established the funds will be properly controlled by the boards; I hope they will plan properly. They should not say that every child should walk to school. They must take into consideration the fact that where schools are far from the children that boarding schools should be established. It must not be said that because there are 50 pupils in a school, and consequently about 20 pupils in a given class, there be a teacher or the school should be closed. Take the distance between Kitui

[The Assistant Minister for Information and Broadcasting]

East and other places you will find the distance so great that you should welcome boarding schools. I do hope the Ministry will accept that in certain areas the district education boards should be given the mandate to open as many boarding schools as possible so that the children from distant places will be able to take advantage of schools. It is no good saying that one must have a school within a radius of 11 miles because in certain parts of the country this is just impossible. Some people are 40 miles away from each other and if you demand that they should walk, then that is not possible.

Another thing is that every teacher must teach at least 20 children in any given class. If we want to develop certain parts of the country, then we must allow for a lower number than that. I must say that I also think there is a dangerous trend in certain parts of this country; in certain schools you find certain teachers teaching 11 periods per week——

The Minister for Education (Mr. Towett): On a point of order, Mr. Deputy Speaker, is what the hon. Member is saying really relevant to what we are discussing on the Bill?

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Deputy Speaker, Sir, I was coming to say what the Minister wants me to say, if he could have waited. You will find, in certain schools a teacher having 35 or 40 periods in a week. I think this is so because the executive officers of such districts are allowed to over-staff certain schools at the expense of other schools. I think it is in such cases where the board should help in staffing of schools so that teachers do not have more periods in some while in some other schools teachers have less subjects to teach.

Mr. Deputy Speaker, Sir, having once been a teacher, I can tell the Minister that if he puts ten teachers in a school of 720 and 30 teachers in a school of 720, the latter will have less subjects to teach. I think the Minister should use his knowledge in mathematics. Therefore, Mr. Deputy Speaker, Sir, although the Minister does not seem to understand what we are talking about, I will leave it at that stage, and hope that the boards will take care of this and try to remove these anomalies in our schools.

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

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order Mr. Deputy Speaker, Sir, I think we have debated this Bill for nearly three days, and therefore, I feel the closure is really necessary. I beg to move that the Mover be now called to reply.

The Deputy Speaker (Dr. Waiyaki): Let us hear what Dr. Munene is going to say.

Dr. Munene: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to air my views on this Bill. I am very grateful to the Minister for Education for having found it necessary to bring this Bill to this House. This is one of the cries which the country has had since this Government took over the functions of running primary education from the local authorities. This Bill sets out very clearly the functions of the boards which were actually under the control of the local authorities. The Minister must have seen that it is impossible to maintain the primary schools without getting some ideas from the local people. I believe my suggestion will be taken by the Ministry of Health as well as by the Ministry of Works, so that they have the actual planning starting from the ground, not from the top. Therefore, I would say that I am very grateful for this step.

On the question of membership as outlined in this Bill, I am alarmed because of the fact that the Minister says there will be a minimum of ten people and a maximum of 15. According to this Bill the people who will represent the public will only be seven: that is three who will be nominated by the local authorities, those will be councillors whom, I believe, since they are elected by the public, will represent the interests of *wananchi;* there will then be three others who will be nominated by the managers or the sponsors of the schools. Those will also be representing the public interests in their respective districts. One member will be representing the interests of the Kenya National Union of Teachers, or a union recognized by the Minister to represent teachers. Besides those seven, the Bill stipulates that there will be a provincial education officer, who may be anything, as the previous speaker said—you can get anyone from anywhere—and therefore he is not a local representative. Then there will be the district education officer, who will also be a member. This officer can come from any part of the country, and therefore he is not representing the interests of the local people. Therefore, I believe other ways must be found for appointing an additional three people to make the minimum number.

The Minister for Education (Mr. Towett): On a point of order, Mr. Deputy Speaker, was the hon. Member speaking absent when I gave that explanation last week to the House.

Dr. Munene: Even if the Minister gave his explanation it does not matter because I am giving my own explanation. The Minister should note it for his benefit and the benefit of the country. Mr. Deputy Speaker, Sir, I am saying that there

[Dr. Munene]
should be another three people and thank you, if there are already three people. Still, on this question of nomination, I do not see where the Minister mentions the membership of Members of Parliament. In each district——

The Minister for Education (Mr. Towett): On a point of order, Mr. Deputy Speaker, Sir, if I may repeat what I said, I said that——

Dr. Munene: I do not want your explanation, Mr. Minister. The Minister seems to underrate the Members of Parliament as far as their representation is concerned. I want to tell the Minister that Members of Parliament are ordinary people; they are parents; they are leaders they are farmers—they are almost anything anybody can think of, and for that matter they are the best people and the most influential people in the districts. I think they should not only be asked to represent as *ex-officio* members of the board, but one of them, amongst the Members of Parliament in a respective district be the chairman of the board. They know—and the Minister should not say "Oh"—much more about the problems in their districts and they have better channels of airing the views of the people in their respective districts than an ordinary councillor. Although he has given the councillors three seats on the board, out of how many seats has he given to the Members of Parliament? These are the people who are the cream of their districts and must therefore represent their districts in such vital institutions like the district education boards. That way they can help to formulate the functions, where schools are going to be built and also deal with distribution and administration of schools. In fact the cream of this country will come from such schools. If that is the case, and Members of Parliament are not going to have a full say, that is, to vote—I would suggest to the Minister that he reviews his ideas and instead directs that in each district the chairman of the board will be a Member of Parliament from that respective district. This is because he has the channels which he can follow, he can go to see the Minister in his office or his home and he can also air his views in Parliament. We want boards which are going to be extremely effective. We do not want you to nominate minor fellows—you want to tell your professional education officers to dictate to them what they are going to do. This is exactly what you people want to do. You just want to pick up people who have no voice so that when the provincial education officer and the provincial commissioner—who I understand will be executive officers—go to a meeting of the board these people are told they do not know anything. They will find it hard to tell such things to a Member of Parliament because they know that he knows as much, if not more than, they know. Therefore, the Minister should change his views on the membership of these boards.

Mr. Deputy Speaker, Sir, I also feel that there is room on this board, whereby the Minister can incorporate in the regulations—there is a way in which the board can be made to handle the affairs of the numerous Harambee Secondary Schools in the respective districts. These schools are actually taking away a major part of opportunities from our children, some of them through no fault of their own. As the previous speaker said, you might have some unfortunate schools where the teachers of a low class standard, or teachers who are not keen to teach the children, are posted. In such cases, the children would not qualify to go to the Government-aided schools. Some of the extremely brilliant children go to these Harambee schools. I feel that these Harambee schools should not be left like that. As far as schools which are not taken over by the Government are concerned, there should be a clause where the Minister can incorporate a way of looking after these schools. This should not only include the Harambee schools, but all the private schools found in the country, about whose standards nobody who seems to care, or to find out, how many teachers they employ and for how many hours they teach. If this board can be given the right, to probe into the affairs of these schools, they can advise the Minister better. As my friend says, the nursery schools should also come under this board. There are a number of this type of schools which are cropping up in the country.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Deputy Speaker, Sir, since there has been repetition in this Bill, I beg to move that the Mover be now called upon to reply.

The Deputy Speaker (Dr. Waiyaki): Yes, I think it is reasonable for the House to consider that now.

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

The Assistant Minister for Education (Mr. Mbai): First of all, Mr. Deputy Speaker, Sir, I would like to thank all the hon. Members who have taken an interest in this Bill and put forward very useful suggestions during their time of talking. Mr. Deputy Speaker, Sir, when I introduced the Bill, I made it very clear that the purpose of introducing this amendment Bill was to establish district education boards so that

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they can take care of primary education in the rural areas where the county councils have been running primary education until Government took over at the beginning of last year. Mr. Deputy Speaker, I also explained the jurisdiction of these boards to the effect that they will have jurisdiction over primary schools in the districts where they are established, and at the same time they will have both advisory and executive powers in those districts. Mr. Deputy Speaker, it is intended, and I think I had better clear this point, that a list of schools will be published in a gazette notice, and this list will be changing every year, to show which schools will be covered by what district education boards. Therefore, there will be no confusion as to the extent of these boards' jurisdiction in the operation of the schools.

Mr. Deputy Speaker, Sir, many hon. Members have touched on the question of the composition of membership of these boards and the desire has been expressed in this House of having members in these boards who are academically qualified to be able to decide matters concerning primary education or any other educational matters discussed by the district education boards. This view, Mr. Deputy Speaker, is quite appreciated by my Ministry and I would like to assure hon. Members that when the Minister will be making appointments, this point will be observed.

Mr. Deputy Speaker, Sir, when this Bill is passed, regulations will be made laying down the minimum academic qualifications required for members to be appointed to these boards. This point has been touched on by several hon. Members, and I feel that I should assure them that this will be observed.

Mr. Deputy Speaker, Sir, the other thing which has been highly voiced by hon Members is in connexion with the question of including hon. Members on the district education boards. I have no quarrel with this because we, in the Ministry, feel that Members of Parliament should participate on the district education boards. In view of this, therefore, I am intending to bring an amendment during the Committee Stage of the Bill to include Members of Parliament on these boards. Mr. Deputy Speaker, this is one of the things which I think hon. Members feel very strongly about and, therefore I think it is just and proper that Members of Parliament, who take part in many matters concerning our schools in the rural areas, and even in the urban areas, should be given the opportunity to participate in matters concerning these boards. This, as I have already indicated, will be taken care of by my introducing an amendment to provide for Members of Parliament to be on these boards.

Mr. Deputy Speaker, Sir, another point which has been raised by several hon. Members is in connexion with the representation of sponsors by churches and managers. The Member for Kikuyu, the hon. Gatuguta, was wondering how the three representatives of the managers and sponsors will be appointed, since it is a matter of fact, that in many areas we have so many charged denominations who are sponsors of various schools and these might pose some difficulties in trying to select who should represent what denomination on these Boards. Mr. Deputy Speaker, the intention of my Ministry here is that since we have two major charged denomination, that is, the Presbyterian Church of East Africa and Catholic denominations, the Presbyterian Church of East Africa will have a representative on these boards, as well as the Catholic denomination. This will apply to any other denominations, depending on whether there are such denominations in a district. This, Mr. Deputy Speaker, will not pose any difficulty in selecting the charged representatives to the district education boards.

Mr. Deputy Speaker, another point which a good number of hon. Members touched on is the question of representation of provincial education officers. Here, they expressed the fear that such officers who are in charge of provinces will not be able to attend District Education Board meetings due to other matters related to their office which keeps them busy. However, Mr. Deputy Speaker, I would like to dispel this fear from the hon. Members because the meetings of the District Education Boards will be arranged in such a way that the provincial education officers will be able to attend. I would like to inform hon. Members that the provincial education officers attend the Board of Governors of secondary schools and teacher training colleges and these are by far more frequent than these district education boards, meetings and it is therefore possible for them to attend these meetings. It is necessary for the district education officers to attend these boards to advise on matters which they are competent in doing as far as these boards are concerned.

Mr. Deputy Speaker, the other point touched on was the question of the secretary and the executive. I would like to clear this point by saying that the secretary and the executive officer of any District Education Board will be the district education officer in the district. Therefore, this point is quite clear and straightforward. With regard to the chairman, Mr. Deputy Speaker, I would like

[The Assistant Minister for Education]
to say it has been the normal practice that the selection of the chairmen to many boards in the various Ministries is done by the Minister concerned. Therefore, Mr. Deputy Speaker, I feel that the Minister for Education should be given this power to select or appoint the chairmen of these very important boards.

Mr. Deputy Speaker, the other point is about the attendance of Permanent Secretaries and provincial commissioners. This should not worry hon. Members because these officers will not have any power to vote but will only attend the boards' meetings when they so wish. Further, it is important to provide for them to attend the meetings of these boards just in case there is something they would like to advise the boards on. There is no harm in doing this really and I do not see why hon. Members should worry about it. Mr. Deputy Speaker, Sir, again, several hon. Members have touched on the question of recruitment of teachers. Mr. Deputy Speaker, Sir, I would like to point out that the role of recruiting teachers belongs to the Teachers' Service Commission in accordance to the provision of Teachers' Service Commission Act No. 2 of 1967. However, in practice the Teachers' Service Commission, being stationed here in Nairobi it will be practically impossible for it to do these things in the rural areas. Therefore, what the Teachers' Service Commission does is that they delegate powers to the district education boards to advise upon any educational matters, as well as on the transfer of teachers to various schools. In fact, it means that administratively the district education boards will be involved in this exercise of appointment of teachers, transfers, discipline and so forth. So, this one, Mr. Deputy Speaker, should clear the mind of hon. Members who felt that the District Education Boards will have no power or anything to do with the appointment, transfers and discipline of teachers.

Some hon. Members spoke in connexion with inspection of schools. That is adequately provided for in part of the Education Act; section 18 and 19 of Education Act 1968. There is, therefore, no fear that schools, be they public or private primary schools, will not be inspected accordingly.

Mr. Deputy Speaker, Sir, some Members were wondering how these boards would get the money. What is shown in the Bill is the additional money which will be required to meet the travelling and subsistence expenses for the members of the boards. It is provided under part IX of Education Act No. 5 section 28, how the Minister in charge of Education will provide finance for purposes of development of education.

Mr. Deputy Speaker, if Members will be quieter, I am coming to an end. Some hon. Members expressed the view that regulations which will be made by the Minister for these boards should be brought before the House. I would like to inform them that this view is noted and it will be observed as required by section 34 of the Interpretation and General Provisions Act, Chapter 2. Therefore, these fears should go away.

Other Members expressed the view that the duty of providing school equipment should be given or vested in the district education boards so as to enable the schols to receive their equipment in time. Mr. Deputy Speaker, this point is noted and will be studied by my Ministry before any decision can be made.

Mr. Deputy Speaker, the other point is about the parents' association representation on the boards. This one, Sir, is provided for as I explained in my introductory remarks that the Minister will be able to appoint representatives from parents' associations wherever they exist. What I would, therefore, ask the hon. Members is to try and encourage the formation of these parents' associations in their districts because at the moment we have very few districts which have parents' associations already in operation.

Mr. Deputy Speaker, Sir, some Members wondered as to whether the District Education Boards will be in the position to advise on secondary school matters and teacher training colleges. As I have said, Sir, the purpose of the establishment of these District Education Boards will be primarily to manage, administer and run primary education for the time being; but there is nothing wrong, later on, when the Minister finds that there are certain functions which he can delegate to the District Education Board which have anything to do with secondary education and teacher training colleges. The Minister would do so; but at the moment, Sir, the District Education Boards will be more concerned with primary education.

Mr. Deputy Speaker, Sir, I think in those few words I have tried to explain, in a very brief way, some of the points Members have raised and I have clarified some of the points raised by Members when they were speaking on this Bill. I hope, as Members have expressed their general support of the Bill, they will support it in the Committee Stage and even in the Third Reading because we need this Bill in operation as soon as it is practicable.

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

(Question put and agreed to)

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

Second Reading

THE HOTELS AND RESTAURANTS BILL

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Deputy Speaker, Sir, I beg to move that the Hotels and Restaurants Bill be now read a Second Time. Sir, the licensing and the regulation of hotels was formerly governed by the Hotel Act Chapter 495. When the regional system of government was introduced in 1963, this Act was amended to confine its operation to the Nairobi area and at the same time to other regions which applied to the former Hotels Act to the areas in modified form. The position now is, therefore, that there are several laws dealing with the administration of Hotels and it is desirable that this system should be centralised. The object of this Bill, then is to repeal the existing laws and replace them with a new law, applicable throughout Kenya, which would cover the regulation of both hotels and restaurants.

Kenya's tourist industry is based on the tourist attractions that the country has, such as wildlife, good climate, beautiful beaches and the tourist facilities that have been developed in order to meet the needs for accommodation and transport within the country.

Without assuring a visitor a good place to sleep and dine, the country would be unable to enjoy the present tourist boom. We regard development and the general catering trade with the importance that should be attached to them as they are the backbones of the tourist industry. It is with this Bill in mind, Mr. Deputy Speaker, that we consider that a more up-to-date law for the regulation of hotels and restaurants is needed. There are about 150 tourist hotels throughout the country and many more hotels are expected to come up in the course of the current Development Plan period 1970-74 during which time a total of 5,000 new hotel beds are expected to be provided. Hon. Members would have seen for themselves construction of hotels and lodges going up in places such as Nairobi, the Coast and in some game parks. New hotels are expected to be constructed in the next Financial Year in such places like Masai Mara Game Reserve and Marsabit.

Hon. Members: Hear! Hear! Very good.

The Minister for Tourism and Wildlife (Mr. (Mr. Shako): Plans are, of course, under way for more hotels to be developed in other parts of the country but this development cannot take place all at once. It is a gradual process. Thinking of the catering trade is not only confined to the needs of tourists. We have to ensure that facilities are also available for our own people. Therefore, while encouraging the development of hotels, we have to bear in mind the fact that purchasing power differs between the overseas tourist markets and the local markets. We, therefore, encourage the development of different categories of hotels which ultimately charge different fees for different services rendered. However, one thing joins the needs of the tourist market and those of the local people—the desire for good and efficient service equivalent to their moneys worth. Every customer would like to obtain the true value for his money whether the service is in a hotel or in a restaurant and whether such a customer is a local person or a foreigner. Bad service in the preparation or serving of food and the upkeep of hotels and restaurants must be of concern to the Government. The new law will give the Government powers to license hotels, hotel managers and restaurants. This is desirable in order to maintain good standards in the catering industry. The hotel premises or restraurant premises must be clean and good enough for the carrying out of the catering trade. These provisions will also allow for general improvements among hotels and restaurants since deterioration in the quality of the premises might disqualify the owners of these establishments from obtaining licences.

It is further intended to license the hotel managers in order to ensure that the people in charge of this important industry are themselves properly qualified. We would like to clear the management of the catering industry of people who are not professionally trained to provide the services which they are sometimes engage in to discharge. We do not think that the mere possession of capital which might have been acquired from another section of the economy qualifies the hotel owner to become a hotel manager; and, therefore, we propose to introduce a system by which hotel managers will either be professionally qualified or will have been in the hotel management trade for a long time and acquired sufficient skills. Importation of hotel managers from foreign countries will in future be restricted to those non-citizens who have the necessary qualifications since obtaining a licence for hotel management will otherwise be difficult.

Through licensing of restaurants we also hope to improve the standard of service; because they are complementary to hotels and provide a good revenue for the exposition of African dishes and it is important, therefore, that service in this sector should also be good. Besides the requirements of good service the hotels would be expected to indemnify to a limited extent any damage

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or loss of property of resident hotel guests. Such liabilities on the part of hoteliers shall be limited to Sh. 1,000. The intention, of course, is not to punish hotel owners but to encourage them to adopt greater security precautions so that the property of the visitors is safe.

Recently, there has been concern in Government as well as among local people about hotel prices and complaints about alleged discrimination in hotel bookings. It is not possible to ignore complaints indefinitely; and, therefore, we believe the time has now come for Government to be seriously involved in the regulation of prices. The Bill proposes to give Government powers to fix maximum charges should the need arise. However, before such decisions are taken it will be necessary to examine fully the economic circumstances leading to undesirably high prices. It is easy to blame hoteliers for high prices but we should be careful not to restrict hotel prices when costs for other commodities are going up.

The current Development Plan calls for the establishment of a central booking office which would assist the Government in keeping track of the accommodation available and accommodation which is utilized; and would also assist us to get a better assessment of foreign exchange receipts to hotels. The present Bill provides the Government with the powers to direct the channel through which hotel bookings could be made. Without such powers Government would be unable to create a central booking office to play any meaningful role.

The promotion of tourism costs the Government and the people a lot of money in that we have to set aside large areas for wildlife conservation, provide roads to these places and other infrastructure development: and furthermore Government spends money for publicity purposes overseas and it is only fair that we should insist on all foreign exchange earnings accruing to the country to be credited to us. Too often one hears of allegations that tourism does not really bring in much foreign exchange earnings and to the extent that the industry is still under foreign hands. This possibility cannot be entirely ruled out.

The hotel industry is one of the biggest sectors in the tourist economy and we consider that through licensing and such powers as are envisaged in clause 25 of the Bill, Government will be able to have access to the account books and visitor registers etc. and, therefore, determine what should have come in; what was received and who the fraudulent hoteliers are.

We estimate that about 10,000 people are employed directly or indirectly in the hotel industry which at the moment offer about 9,000 beds. Besides this, there are many restaurants scattered throughout the country numbering between 300 and 400 in all. We admit that there is the problem of qualified local manpower in the catering industry; and that we need to train our people as cooks, waiters, receptionists, hotel managers, etc. At the moment, the Government has a hotel training wing at the Kenya Polytechnic with an intake of about 20 hotel manager trainees per annum. While this might cater for the need of the top management in hotels, it leaves the vast majority of employees in the hotels without training facilities. We do not want African hotel managers who rely on expatriate staff in the lower positions or who rely on unqualified citizen staff under them. It is because of this burning desire to provide qualified manpower in this very sensitive industry that the Government proposes to introduce a training levy in the hotel industry so as to raise sufficient capital and thereby establish and run a hotel training school with the capacity of 500 students in different grades per annum. This school is to be established on a 12-acre site in Nairobi on Thika Road; and a friendly Government has already proposed to supply the required lecturers and buy the required equipment which will be imported. It is our hope that this school would prepare many Kenyans for careers in the hotel industry and assist the Government in the Kenyanization of the catering trade.

Mr. Deputy Speaker, Sir, in the course of advertising Kenya overseas, we come across questions from prospective visitors concerning the standard of hotels in this country as compared to hotels in the developed countries. We feel that there is a need to classify hotels, not only the basis of the price they charge but on the basis of the quality and quantity of facilities they possess. This has now been done and a hotel guide book is under preparation; and we, therefore, hope that this categorizing of hotels would encourage a dynamic situation and lead to modernization of hotels throughout the country. Furthermore, the licensing of hotel managers is intended to be in respect of different categories of hotels, and this, we hope, would improve the standard of services in the industry. While the hotel manager of a first class hotel would be competent to deal with the management of other hotels, it is not necessarily true that a manager of a lower class hotel would efficiently manage a first class hotel. This is an aspect which the hotel and restaurant authority would look into.

As far as revenue is concerned, it is unlikely that licensing fee will give the net income to Government. Revenue from licensing is expected to offset the expenditure or enforcement of this

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Act. However, as previously stated, the Bill will help Government to regulate the activities of the hotel industry and help us still with the problem of bookings, regulation of prices, keeping track of foreign exchange returns and the establishment of the hotel training school.

These objectives, Mr. Speaker, Sir, are in line with the many needs of the country today and I hope that the Bill will receive the support it deserves from this hon. House.

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

The Assistant Minister for Labour (Mr. Kibisu): Thank you, Mr. Deputy Speaker, I rise to second the Bill and I have a few observations to make.

First of all, in supporting this Bill, Government, I think is taking the right steps because the tourist industry which, essentially, is the hotel business, is claimed to earn a lot of money for this country. Too many times too many questions are asked as to whether this money is in the Kenyan's hands or whether it is, in fact, in foreign hands. This Bill is designed, as the Mover has said, to exert greater control on the revenue accrued in that industry.

Mr. Deputy Speaker, Sir, the training part in the Bill which is designed to, progressively, promote the indigenous Kenyan into the hotel industry is a very welcome part of the Bill because for as long as we have the hotels still controlled by foreigners it will be difficult to convince anyone that the industry is of benefit to this country at all even though in book form the revenue accrued is, in fact, in the exchequer terms, a very handsome revenue, indeed, to our Government. Mr. Deputy Speaker, Sir, I say this because with the tourist industry, a great many times these visitors who come here, while they are indeed, welcome, one wonders whether, in fact, the cost of their trip is paid for in this country or whether it is paid through our operators in some foreign destinations. This Bill, I think is designed to check on that point and to ensure that the money paid by these visitors—not all of it—but the greater part is, in fact, tangible revenue to the tax of this country.

Mr. Deputy Speaker, Sir, there are a lot of matters one can say about the hotel industry. For example, in this country, I do not know why it is that, even, at this late stage of our political independence and progressive move towards economic independence socially, the main hotels are, not counting for the visitors, are still predominated by virtually the foreigners and a few of the upper class people. Perhaps, the Minister will take into account the fact that we need also to make the hotel industry easy enough to be patronized by the greater majority of our own people. When you turn, Mr. Deputy Speaker, to the ethics of the hotel industry, take for example the question of whether a menu is in Swahili or whether it is written in English, Gujerati, French —— These are small matters as they would appear but I think that they are vitally important. Why, in the name of this world, should the hotel menus in this country continue to be written in French when, in fact, we said we would go national? I think, Mr. Deputy Speaker, that the powers now conferred upon the Minister by this new Bill should make it possible to regulate such matters as reading of a menu. I dare suggest that there are hon. Members in this honourable House who have no clue as to what they would eat next in, say, the New Stanley Grill or some other hotels like the Inter-Continental and Hotel Hilton International because the menu is written in a language that is foreign even to the most learned of our own people in this country.

Mr. Deputy Speaker, Sir, I think this is a matter that ought to be checked. It reflects the national pride of this country. We have talked about introducing a national dish, whether it be—excuse my Swahili terminology—*Ugali, Irio* or such other food like *Nyoyo*—I am sure that my hon. Luo friends will know what I am talking about. We need to move fast and introduce these types of dishes in our hotels because when these visitors come, when other people come to this country they do not want to feel they are back in their own country eating steak. I think they want to feel that they came to Kenya and went Kenyan and they can recall the holiday being fully Kenyan because they have been treated to Kenyan food. Mr. Deputy Speaker, Sir, I have experienced this at the West Coast, Africa, that there is nothing unusual. In Nigeria or Ghana hotels or the hotels in Senegal you find native dishes. *Fufu,* which is a very popular Nigerian dish is freely served in very high tourist class hotels in Lagos. Why do we not have *Ugali* introduced at the New Stanley Hotel and also in these towering hotels in this country? There is nothing to be ashamed of about a Kenya dish. I think that this—— No, we do not wish to suffer from an inferiority complex at all because we are not less national than the nationals of France who are reputed to be hoteliers of the first class.

Mr. Deputy Speaker, Sir, I believe that the Minister has now powers, under the amalgamated law, to exert greater control on this matter. Mr. Deputy Speaker, I notice, of course, that a new hotel and restaurant authority is to be appointed. Like all statutory boards, may I appeal that only the best qualified people are appointed in these

[The Assistant Minister for Labour]
matters. We are, or Government may be, at a certain disadvantage in the sense that in the hotel industry there are not so many Kenyans who would be classified as qualified. Nevertheless, if we assume that all of us eat food which is cooked by less qualified people in our own homes, why are we ashamed of making such people as members of either the appeal board or the hotel and restaurant authority or all the other committees planned for in the Act. I mean that there is nothing to be ashamed of in food. Our food is as important as any one else's food. I do not see why, I am sorry to say this, the foreigners should continue to guide the types of food that we eat in this country. I think the Kenyan is in a position to do this and there is nothing to stop the Kenyan going on to these authorities or on these boards in their entirety. Do not just put people there because they have a big say in the hotel industry. Of course, they are the rich people but they do not have to decide the type of food that we offer our visitors or to ourselves in our public hotels.

Mr. Deputy Speaker, Sir, I think this is rather important. There has been too much said about the expatriates because they own the Block Hotels, the Hilton Hotel, Hotel Inter-Continental and Keekorok Lodge. This is a financial power which does not satisfy our national needs. We need them to be here and invest here but, I think, there is a limit to which they can decide on our matters in the field of the catering trade.

Finally, Mr. Deputy Speaker, I would like to say something about training. I speak with some experience in this having been long enough in the management training. There seems to be conflict between the proposed section 16 of this Act and the Industrial Training Act, which was earlier passed by this House. There is conflict because there is the possibility that the hotel industry will consider themselves a privileged industry, and that they can have a law unique to themselves, in the matters of training. I do not know, but we have already passed a law here, to say that every employer in this country, in the private sector, will be required to produce a levy or contribute a levy, to a central pool, to enable Kenyans to be trained in those particular industries.

Now, here we come to the hotel industry particularly being given a section of their own, and saying that the training levy under the Training Act should not apply to the hotel industry here. I think there is little conflict here because while I agree that the hotel industry is capable of training their own staff, and that they are a specialized industry, they are no less or more specialized than the engineering industry, for that matter, and it is a question of application of uniformity of the law here. Do we need to accelerate the training in the hotel industry faster than the rest of the industries, or do we need to apply our laws, such that the hotel industry has training programme going slower than the other industries?

I think this is something which I am sure the hon. Minister for Tourism would like to look into. Mr. Deputy Speaker, the Bill provides for training, and we gather from the Minister that a school will be built very soon, somewhere around Thika Road; this is fine, but please, for goodness sake, recruit Kenyans into that school with liberal minds; do not bring a man from the middle of Paris, who has been cooking all his life, he never went to school, to try and recruit our youngsters into the hotel industry on the Paris standards; we quarrel about this far too often. I hope that the hotel industry will be made to take note of this; recruit youngsters into the hotel industry, basing Kenya's needs first and foremost, not London, New York, Moscow or Paris standards; this I think, we have been treated to far too much, and I hope that the Minister will have powers to put down his foot and say, "The hotel industry, you will do as Government needs to be done".

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

(Question proposed)

Mr. Mwicigi: Thank you, Mr. Deputy Speaker. I would like to contribute to this Bill, and Sir, I must first of all, praise the intention of the Bill, of bringing something to unify the law. Mr. Deputy Speaker, Sir, I have gone through the Bill very carefully, and there are some points I would like to point out to the House regarding the Bill.

Mr. Deputy Speaker, Sir, the Bill is supposed to license hotel and restaurant managers, among other things, and also to regulate hotels and restaurants. My concern here, Mr. Deputy Speaker, is how this Bill will affect thousands of Africans in urban areas and also in rural areas.

Hon. Members: Hear! Hear!

Mr. Mwicigi: Mr. Deputy Speaker, Sir, I think if we accept this Bill in the way it is, we are going to have a lot of Africans out of business, and we are going to have a lot Africans, especially in urban areas, without food during lunch hours. Mr. Deputy Speaker, Sir, if you read this Bill, the definition of a hotel: means at least four people being supplied with food and drinks, only four. If you go to some areas like Kariokor and see the number of Africans who are served

[Mr. Mwicigi]
there, and see the number of Africans who are served in the Industrial Area, and so many thousands in the rural areas, you would feel that this Bill is going to hurt our fellow Africans, rather than help them.

Hon. Members: Hear, hear!

Mr. Mwicigi: Mr. Deputy Speaker, Sir, the way the Bill is beautifully framed, it looks as if we are asked to pass the system rather than to serve the Africans, and, Sir, I am worried, if this Bill were to be passed, our fellow Africans will be hurt. Mr. Deputy Speaker, they mention the hotel and restaurants' authority of seven members, and these seven members are the ones who are going to do all this work.

An hon. Member: Who are these people?

Mr. Mwicigi: Mr. Deputy Speaker, Sir, somebody is asking, "Who are these people?" If you read the Bill well, it can give you an indication as to who they are: this is part 2 section 3 (1): a chairman appointed by the Minister: we do not know whom he has in mind, Mr. Deputy Speaker, Sir, not less than five and not more than seven persons, appointed by the Minister, of whom—now let us watch here closely—one shall be appointed by reason of his knowledge of the hotel industry and international tourism. That alone, Mr. Deputy Speaker, will eliminate Africans; secondly, at least one shall be appointed to represent the interests of hotel-keepers. Mr. Deputy Speaker, this person is likely to be Jack Block; again, Sir, at least one shall be appointed to represent the interests of restaurant keepers; the chances are that he will not be an African.

Mr. Deputy Speaker, Sir, the Permanent Secretary of the Ministry or a person deputed by him in writing, is likely to be an African; only that one, unless the Permanent Secretary appoints his adviser, who is likely to be a European.

Mr. Deputy Speaker, Sir, I doubt, if this Bill is going to help Africans. If you go below, you read another section which also points out that he will not be an African. Let me read this section, Mr. Deputy Speaker, Sir, with your permission; this is Part II 3 (2):—

> "Before the Minister makes an appointment under this section, he may require the person to be appointed to declare whether he has any, and if so what, financial interest in any hotel or restaurant."

If he has financial interests, he is likely to have the post and the chances are that he will be a European.

Mr. Deputy Speaker, Sir, this is the Bill which is not likely to help an African. Mr. Deputy Speaker, Sir, we have heard an Assistant Minister complaining about the conflict the Bill is already creating in section 16. What worries me is that before the House is given this Bill, do Ministers not consult each other? If they are going to have a collective responsibility, why do they not first read, and perhaps circulate the Bill to the Ministries, so that when they come here, at least, they have something in common?

Mr. Deputy Speaker, Sir, I know the Vice-President gives warnings to Ministers and Assistant Ministers, reminding them of their letters of appointment, that if they oppose the Bill, they will be biased.

The Assistant Minister for Labour (Mr. Kibisu): On a point of order; Mr. Deputy Speaker, Sir, I am sure the hon. Member for Kandara knows that I second the Bill, so I do not see what it is, that he is complaining about.

The Deputy Speaker (Dr. Waiyaki): The Member for Kandara is raising an issue with regard to the warning given by the Vice-President: not about you, about the warning given to Ministers. He thinks that the Bill could not possibly get the support of a number of Ministers; the whole Government comes in from the Minister for Tourism, before being considered by the others.

Mr. Mwicigi: Mr. Deputy Speaker, Sir, I did not mean to offend anybody.

Mr. Deputy Speaker, Sir, let us have one thing clear in this House: that if so many Africans——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker.

An hon. Member: Continue, Mr. Mwicigi!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Could you silence that Mkamba who is making noise when I am on my feet; he thinks he is in Yatta Market!

Now, Sir, we are in Parliament and I am standing on a point of order; let us forget Yatta Market.

The point I am raising, Mr. Deputy Speaker, is: arising from your ruling, I seek further guidance. Are we, Assistant Ministers, not allowed—— All that I remember is that the Vice-President said, "if you ask questions, then you should cease to be an Assistant Minister". However, are we not allowed to contribute on any Bill here—and when you express your views, you may propose ways and means as to how you feel a thing should be done: is that completely out of order now, are we to understand that?

The Deputy Speaker (Dr. Waiyaki): Any Member of this House, Minister, Assistant Minister or Back-bencher, is entitled to stand up and try to catch the Speaker's eye. Once he has caught the Speaker's eye, his responsibility is to try and keep peace in this House. It is not for the Speaker to try and guide the Member, Minister or Assistant Minister, as to how to behave within his Government. That is the matter, entirely, for the Minister or Assistant Minister and the Leader of the Government Business and further up the scale a matter for the President. It is not for this Chair.

Hon. Members: Hear! Hear! Very good.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, I see your point well but the point of order I was trying to raise is in connexion with the ruling of the Vice-President. I think, much more has been added to it because all he said, I recall very clearly because I was in this House all the time, was that an Assistant Minister is not to ask another Minister or his fellow Assistant Minister questions in this House. He did not say that you cannot contribute to any Motion or anything in this House!

The Deputy Speaker (Dr. Waiyaki): Within the process of contribution, presumably, you can agree or disagree. If you disagree with the Minister, then, the question of collective responsibility starts to come in. The Leader of Government Business says that this Bill has been brought in by a Minister with full authority of the Cabinet and how can you, then, as a Minister, an Assistant Minister or otherwise challenge it. However, that is not a matter for this Chair. My business or the business of the Speaker, is merely to see that somebody catches my eye at the right time.

Hon. Members: Hear! Hear!

Mr. Amayo: On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance here. Now, since the question of Assistant Ministers speaking or asking questions does always arise here, and since the terms of their letters of appointment by the Vice-President are not known to this House, why should this be raised to us here? Mr. Deputy Speaker, Sir, the House is put in an embarrassing situation which the Government knows very well about and so why should this be the case here?

The Deputy Speaker (Dr. Waiyaki): Order! Of course the hon. Amayo is quite right that Back-benchers do not know the contents of the letter of appointment of individual Ministers and Assistant Ministers and neither does the Chair know. However, even if they knew, it should not worry them. The question is raised here merely because the presentation of views happens to be in this Chamber. So, then the Leader of Government Business must protect himself and his Government by attempting to keep some kind of control over the Ministers and Assistant Ministers. However, that is not a matter we should go on and on worrying about.

Mr. Araru: On a point of order, Mr. Deputy Speaker, Sir, really this point that has been brought to your attention was stressed here by the Vice-President when he said that Ministers and Assistant Ministers should read carefully their letters of appointment. So, is it really a matter which should concern us here?

The Deputy Speaker (Dr. Waiyaki): Well, we will leave it there for Ministers and Assistant Ministers to take care of themselves.

Mr. Mwicigi: Mr. Deputy Speaker, Sir, as I was saying, it would be very difficult for me to see the reasons why I should support the Bill. Mr. Deputy Speaker, Sir, those Africans who will be affected adversely by the Bill cannot take the facilities available in these big hotels because those big hotels are already full.

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

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

Mr. Speaker, Sir, because of this it does not really make sense to let our people suffer by closing their businesses, the way they are living and supporting their families and I wonder whether it was wise for this Bill to come into its present form. If those hotels or small African restaurants in the rural areas and urban areas close down many of our people will suffer because they have nowhere else to go. When you consider such services being rendered to them in the Industrial Area in Nairobi, they are going to suffer and for that reason, I do not think that I should really support the system. I think I should support the Africans if there is a case for it.

Mr. Speaker, Sir, you will find that there is a fine imposed, this is in clause 4 (3), of KSh. 10,000, I repeat this sum "KSh. 10,000", or 12 months' imprisonment. I do not think that most of these offenders who will happen to be Africans may have the KSh. 10,000. Mr. Speaker, Sir, most of them may go to jail for trying to earn a decent living and I cannot support the Bill in that form.

Mr. Speaker, Sir, I was very much amused when I read in clause 6 a reference of good character. The clause says that an applicant must be of a good character. I would like to hear from the Minister who introduced the Bill the definition of a "good

[Mr. Mwicigi]
character". Furthermore, Sir, the members of the authority are not supposed to be of good character; it is not spelt out that they are to be of good character yet they are the people who will judge the applicants of good character. Now, one can ask himself if this person, supposedly to be of good character, was to change his character in the middle of the year, what happens to his application and who are the judges of the good character? Mr. Speaker, Sir, it is unfortunate that such a statement was put there. Perhaps it was an oversight, or the Bill was drafted in a hurry.

Mr. Speaker, Sir, we talk highly of tourists and the money which is brought into the country by tourists. Of course, there is a book-entry as to how much tourists bring into the country. I have my own reservations, Mr. Speaker, Sir, regarding the amount of money which tourists bring into this country to our advantage. Sir, you find thousands of tourists coming here by aeroplanes and they pay for their tickets at the point of origin. That money is recorded as money spent by tourists, but it is not paid to Kenya. They come here and, of course, fill the New Stanley Hotel, Hilton Hotel, Hotel Inter-Continental and the rest of them. In some of them, our Government has a small contribution, we get a little benefit. However, where they stay, that money is sent back outside the country because those companies are foreign companies and do not benefit us.

Mr. Speaker, Sir, in some of these hotels, you find some foreign newspapers being sold there including curios, shells and the rest of it. The money from such commodities does not help Kenya at all because it goes back. It goes back to them as profit. So, in the end, what was actually got is not much. In fact, you find that some of these tourists prefer to use some foreign company transport like the United Touring Company, which I do not think is African, and here we do not get any benefit.

Mr. Speaker, Sir, I am worried that I have very little I can find to support in this Bill.

Section 10 (3)—that is page 37 of the Bill—somewhere in the middle there is a very intriguing sentence, and I would like to read it to the House, Mr. Speaker.

> "A person shall not be qualified to be appointed a member of a tribunal if he is a member of the authority."

Hon. Members: What is wrong with that?

Mr. Mwicigi: I am sorry, I had not seen that one correctly, Mr. Speaker. I mean the one just below, that is, No. 4.

> "There shall be an assessor to the tribunal who shall be an advocate of not less than five years' standing."

Why they chose five years instead of four or six years is what I do not understand. In fact, this kind of condition, Mr. Speaker, often bars the Africans from being engaged in certain places because they are looking for excuses so that they can say, "This person is not qualified and we cannot get a qualified African. For that reason we are going to look for non-Africans to do that work." Even if there are Africans who have attained a service period of, say, four or four and half years they will say that according to the law you do not qualify unless you have the required service of five years.

Mr. Speaker, Sir, I would urge my colleagues to agree with me that the Bill should "die" and it should be redrafted so that other Ministries, like the Ministry of Labour, are consulted. Section 16, which is about training, should also be looked into by both Ministry of Tourism and the Ministry of Labour.

I support hon. Kibisu when he talked about food. He said that tourists are not allowed to eat our food because it is not well cooked and the Ministry does not do anything about it. Those people who will be thrown out of the business are those Africans who cook this kind of food. I support the Assistant Minister for that and I hope other Members will support him. The Ministry officials should sit down and ask themselves whether they are here to help the Africans or whether they are here to serve a system. Will the Africans benefit by this or not? Mr. Speaker, Sir, I do not think that the Africans will benefit. I oppose the Bill.

With those few remarks, Mr. Speaker, I sit down.

Mr. Kanja: Thank you very much, Mr. Speaker, I have not had much time to study the Bill as such because of some inconveniences that were beyond my control. All the same this is a short Bill which really does not require a genius to understand what is required by the Minister.

Mr. Speaker, we are being requested to strangle our own Africans in this Bill.

An hon. Member: We cannot do it.

Mr. Kanja: We cannot do it, Mr. Speaker. Our people are just starting to run small restaurants in Nairobi, Mombasa, Kisumu and elsewhere and if we are going to ask them to do beyond what they can really do, Mr. Speaker, it is impossible. I note that for one to be able to run these restaurants he has to meet certain conditions. These conditions are far too steep for an ordinary

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African who has not undergone any training. He has probably learnt to make *ugali* and *sukuma wiki*. We live on *sukuma wiki* and we are contented with that as Africans, Mr. Speaker.

Therefore, there is not much use in labouring on the Bill because I can say straightaway that the Bill should be redrafted so that our people are exempted from the Bill, and the bigger established hotels can be included because they know what is required of them. Otherwise, Mr. Speaker, we shall not be able to meet the requirements of this Bill.

Mr. Speaker, I note also that there is a qualification that is required in this Bill for one to be able to run a hotel. To get the qualification really takes a long time. I wonder whether the Ministry is aware that we do not even have 10 Africans who are qualified as hotel managers yet in this country. What is going to happen in this country is that we are going to import a brown and white man from foreign countries to come and man our own hotels because we do not have qualified personnel, Mr. Speaker. Therefore, I would suggest that we should wait for our people to catch up before a Bill of this nature is introduced.

I concur with what hon. Mwicigi said earlier as to who is going to be responsible for say So-and-so is man of good character. Who is going to be the judge to determine that X or Y is a person of sound mind to run a hotel? Is it the doctor who runs Mathari Mental Hospital or is it a civil servant in a Ministry? Who is going to do it? We still do not know, Mr. Speaker. Therefore, it is my feeling that this Bill is asking far too much.

The Assistant Minister for Labour (Mr. Kibisu): You are lost.

Mr. Kanja: Mr. Speaker, Sir, hon. Kibisu says that I am lost. Yes, I seem to be lost. Therefore, I would rather not waste other Members' time. I only wish to say that I oppose the Bill very strongly, Mr. Speaker.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. We have seen in this Bill quite clearly, and as my colleagues who have spoken before me have said, this Bill is not suitable for those people who need to come up like ourselves. Sir, even now we have some hotels in our city which our people, the indigenous people, cannot go into for meals because the prices charged there are too high because, as they say, the facilities are very good. Our Africans cannot go to hotels like Hotel Inter-Continental because the prices charged are very high. This is a way of showing that some people are not wanted there. In my opinion this is a sort of discrimination because if the prices are so high that some people cannot afford eating there it is a clear indication that they should not go there.

Mr. Speaker, Sir, when we come to matters relating to the disqualification because of character we wonder why our Government cannot do as they did in other business, like shop-keeping, which they have promoted by providing loan facilities through the Industrial and Commercial Development Corporation in order to Africanize these businesses. Of course, we are very happy about it. If you travel through Government Road and River Road here in Nairobi you will see that few Africans have taken over some of these businesses, Mr. Speaker, Sir. They have not only taken over businesses but have also taken over employment in some parts of the city where our people could not have been employed before and they are serving the public in a very good way, Mr. Speaker, Sir. Why should Government not devise a system of taking over hotels in this country instead of introducing such a law, Mr. Speaker? Why has Government found it fit to introduce such a Bill to promote the interests of those people who were referred to by the Minister as "people of good character"? These are the people who are sitting on top of everybody and when they come to the Minister they are "people of good character" because they have covered all the areas, Mr. Speaker. These people can represent their case very well because they can fly to Paris and the United States and when they present their memorandum on the table of the Minister their case is considered. When they do this, Mr. Speaker, our people are told, "Yes, you see, this company works very well and since they are nice people they should be given licences". Mr. Speaker, Sir, I think the Minister should declare his interest on the characters which he has termed "good characters", so that we can know what it means by the term "people of good character". Mr. Speaker, Sir, we have taken over very many businesses and we have never had such a Bill whereby it was said that only people with good character should be licensed to carry out businesses. Why should we talk about something that we do not know about, Mr. Speaker, Sir?

The other thing, Mr. Speaker, Sir, is about the Africanization of the hotel industry in this country. The Minister has told us just now that they are going to open a training school for hotel-keepers. Why are they not speeding up the opening of this training school for hotel-keepers so that they can take over the businesses as quickly as possible? We know that there are many people who would like to join this training for hotel-keepers and are only waiting for this Bill to go

[Mr. Araru]
through. As some of my colleagues have already said, this Bill has been very badly presented to the House and unless suitable amendments are proposed to it, it cannot easily be passed by this House because we are here to present the views of those poor people who are waiting to take over the hotel business from foreigners. I am saying this very clearly and although the Minister is looking at me I am not afraid of him or worried about him. We want our people to take over business in the country according to the policy of Kanu and of Government of helping our people in trade. Mr. Speaker, Sir, if we are going to build these hotels why do we not build some in the rural areas? The tourists who come to this country would like to see much of our rural areas and they can do this only if we have hotels in those parts of the country.

An hon. Member: We are going to build some in Marsabit District!

Mr. Araru: Oh! Marsabit has been known for a very long time and geographically everybody knows that it is there. Also, there is this elephant known as Ahmed which was given protection through a Presidential Decree, Mr. Speaker. Therefore, Marsabit is very well known but has only been neglected for many years. The hotel which is there came into existence even before I was born, Mr. Speaker.

However, what is surprising me is that we cannot serve every part of our country if we take into consideration what the Minister calls "people of good character". We must keep these hotels according to how our people want them, Mr. Speaker.

Mr. Speaker, Sir, I would like to touch on the prices which are charged in our hotels. Some tourists have told me that the prices in some of our hotels are very high, Mr. Speaker, Sir. Is this because our country is very much loved and many tourists would like to come here or what is the reason for these high prices, Mr. Speaker? Even ourselves, Mr. Speaker, are just like tourists. I cannot cover the whole of Kenya enjoying the amenities which might be provided in different parts of this country. But, it might be that when I become an old man and I retire from the service of this country I may like to visit places such as Narok and Keekorok and other places which I have never seen with my eyes. But, how can I manage to visit these places when the prices charged in the hotels are so high, Mr. Speaker, Sir? The indigenous people of this country would like to visit places like Treetops and others. If they cannot do this themselves they would like their children to enjoy themselves in those places, Mr. Speaker, Sir. But, we cannot afford this although some Africans in this country can afford to visit these places. These high charges are discriminatory in a way and they are reserving these places for big people like ourselves and others. We do not want these places to be reserved for us, Members of Parliament, Ministers and other big people because this is what is happening at present. If you visit these places and you are known to be a big man these people will say, "Well, you are welcome, Sir. This is your place and we will give you all the facilities you require." We do not want this practice but we want the public of this country to be served equally regardless of whether they have much money or not.

Mr. Speaker, Sir, since the Bill is a very short one according to how the Minister has presented it, I have nothing much to add to what I have already said. However, I would like to tell the Minister that this Bill is not going to get our support unless some amendments are introduced into it.

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

Mr. Mutiso: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to air my views on this very important Bill.

Mr. Speaker, Sir, while listening to the Minister in charge of this Bill when moving before the House, I was surprised by the briefness of the Minister's speech when the Bill itself is 51 pages. He only took about ten minutes to explain this fat Bill. All what he told us—I am sorry to say it because the Minister is a good friend of mine —is almost nothing, Mr. Speaker.

For example, Mr. Speaker, Sir, in his speech opening the Bill, the Minister says that this Bill will require professionals to be the managers of hotels.

The Minister for Tourism and Wildlife (Mr. Shako): I said "not only professionals".

Mr. Mutiso: Mr. Speaker, Sir, the hon. Minister is trying to qualify my statement by saying, "not only".

But, Mr. Speaker, listening to his own words, whether he said "not only" or whether he said "hotel managers shall be professionals" amounts to almost the same thing. When we look at the whole issue, Mr. Speaker, you cannot tell me that we do have African professional hoteliers and what-have-you in this country. In my view, this Bill is aimed at kicking out our people, not only out of employment but also to keep them out of this particular industry. Now, Sir, the Minister, also, when speaking did say that throughout the

[Mr. Mutiso]
country there are about 300 or 400 restaurants. These restaurants, Mr. Speaker, are equally affected by this Bill in that there are certain standards and certain requirements which this particular Bill will require for the operators of those particular restaurants to fulfill and if not so, then they will never get licences to operate them. Mr. Speaker, Sir, when you examine this issue very closely and carefully you will find out—and you will agree with me—that in our country today, most of our people who are engaged in this business of hotel keeping cannot be given a definition or a demarcation line between an hotel and a restaurant. This is because in the rural areas what you will find, Mr. Speaker, is that somebody puts up a building, he erects small lodging houses at the back and in that building he runs a beer shop while on the other side he is running a restaurant where people come and eat. Now, with the standard of living of the rural areas, Mr. Speaker, if that particular person will be required by virtue of this Bill to fulfill the standards required by this Bill, how many of them will really qualify to run those restaurants? Mr. Speaker, Sir, my submission is, none; only a few perhaps, in the urban areas, in places like Nairobi, Mombasa or Kisumu. However, they will be in a very small number. Therefore, are we, really, legislating laws here only to protect foreigners or to protect our own people? That is the main question, Sir.

The hon. Minister himself said that they were going to classify hotels. In this classification, Mr. Speaker, he did not tell us what will be the requirements; what will be the procedure of classifying these hotels? Mr. Speaker, classification can be interpreted in many ways. You can classify the hotels that I have mentioned as, hotels required under this law now, if it is passed; so that those people will require or the applications will require professionals as managers. They will require all sorts of thing, Mr. Speaker, but for whom? When you look at these big hotels here in the City, how many Africans do go to those hotels? This is the question.

An hon. Member: Very few.

Mr. Mutiso: Very few, Mr. Speaker, Sir. How many of our people can afford this? We are only seven years after independence and our people have just begun to catch up in this particular business of which in the past 70 years they were kept out of it completely. Few Africans have bought buildings in the City and turned them into restaurants, bars and what-have-you and these are the things the Minister wants now to grab and make sure that Africans will never advance. This is because the alternative will be that if you do not qualify for this particular thing, you will not have the licence. Or if you operate it, then, you will be required to fulfill those standards the Minister has set on this particular Bill. How many of them are going to qualify, Mr. Speaker? In my view, very few would qualify or almost none.

Hon. Members who have spoken on this Bill, have really advanced very important points which the Minister must take into account. This Bill is not required now; the House does not need this particular law at this particular moment. Many speakers who have spoken on this Bill have indicated to the hon. Minister that the time has not yet come when we require such laws, Mr. Speaker. This is because we are here to safeguard the interests of our people; we are here to protect the ordinary citizen, *mwananchi* most of them who are going bare-footed because of difficulties. These are the people whom you want even to keep out of the business they are doing.

Sir, I will not repeat what other hon. Members have touched on this Bill. However, Mr. Speaker, Sir, one particular point I would like to emphasize is in clause 3 section (3) which says, and I quote:—

> "It shall be the duty of the Authority to keep under review the standards of hotels and restaurants and to advise the Minister on the improvement and development of hotels and restaurants and on any other matters which may be referred to it by the Ministry."

Mr. Speaker, Sir, these standards, one may ask, "standards for who?" For us? Do we really need such standards?

An hon. Member: Which ones?

Mr. Mutiso: The ones here; the ones which are in this Bill. Unless, this Bill in itself, is dumped, then I do not understand. This is because it says that they will keep on reviewing the standards. What standards?

The Assistant Minister for Labour (Mr. Kibisu): Eating with forks.

Mr. Mutiso: Eating with forks? We do not need these forks Mr. Speaker. You cannot introduce these forks in Kariokor and many other places where we do go, Mr. Speaker.

An hon. Member: Do you use your hands?

Mr. Mutiso: Yes, we use our hands. We do not need forks,

Mr. Karungaru: We are being Europeanized.

Mr. Mutiso: Mr. Speaker, Sir, we are being Europeanized. This is what this Bill is asking us because these standards are not for us and not for the *mwananchi*, but for the foreigners who are coming. We do not require them.

[Mr. Mutiso]

Mr. Speaker, Sir, look at another very burning point, in clause 5 section (6) which says, and I quote:—

"The Authority shall not grant a hotel licence or a restaurant licence unless it is satisfied that—

(*a*) the applicant is of good character and is a fit and proper person to hold such licence; . . . ."

This point has already been touched on. However, Mr. Speaker, Sir, as the other Member has said, what kind of character does the Minister need? Our people, as we know them, do satisfy us as good people of a good character. Do we need this to be stipulated in the law? Therefore, rightly, this Bill is not for us and that is why, Sir, the Minister saw it fit to bring it here so that he can please the foreigners who come here.

Mr. Speaker, Sir, I will come to another point, and this is in clause 7 section (5) and I quote:—

"Where, as a result of a complaint made against a licensee the Authority finds after investigation that the complaint is frivolous or vexatious, the Authority may order the person making the complaint to pay to the Authority or the licensee such sum as the Authority considers equitable in relation to expenses incurred and attributable to the complaint, and any sum so ordered shall be recoverable as a civil debt."

Mr. Speaker, this is an indication that this particular Authority now assumes the powers of the court. If a person makes a complaint and claims that he was mistreated or that he found bad behaviour in a particular hotel, is it the business of the Authority to determine what should be done? Are there no courts? In the previous clause, Mr. Speaker, Sir, we had seen who are Authority. By reading between the lines, we can see that the Authority, in fact, if there will be any African, among the seven, perhaps, they will be one or two. These are the people who are now going to judge our own people. Instead of taking a person to the courts, this Bill and the Authority act as a God.

Mr. Speaker, Sir, I will give you another example in clause 8 section (3) this Authority assumes some powers which are not there; and I quote:

"Where an employee of a licensee has his employment prematurely terminated by reason of requirement made under this section, no action shall lie in any court against the licensee in respect of such termination."

Mr. Speaker, Sir, we know in this country we have trade unions. The trade unions have already —from my understanding—signed an agreement with hotel keepers for any question of dismissing an employee of a member of the trade union. Now, this power of collective negotiations and bargaining, is being [illegible] This is because, if a member of a trade union is sacked by virtue of such requirements, then the union in question will not have the powers to protect their members. Who is making the laws, Sir? Who is drafting these things for us? This is the question. The Minister here definitely sees the point and does not argue it out. He cannot deny that there are signs or negotiated agreement between the unions and the employees of hotel-keepers. Now, here there is a case of one worker being sacked and the union has no powers to fight for him. This is the point. You will tell us.

An hon Member: Address the Chair.

Mr. Mutiso: I am addressing the Chair, Mr. Speaker.

Another very disturbing point, Sir, is in clause 12 (5). It is very funny and I quote:—

"Every holder of a hotel licence shall cause a notice in the form in the Third Schedule to this Act, printed in plain type", and will here now spell word after word, "in English, French, German, Italian and any other language——"

Now, Sir, who are we? Where are we?

An hon. Member: We are in Italy. We are English.

Mr. Mutiso: Mr. Speaker, Sir, you will agree with me that we passed a Motion in this House stating that Swahili shall be the national language, particularly when working——

An hon. Member: But not in the Chamber.

Mr. Mutiso: Although not in the Chamber, it was to be the national language when working in the industries and other places. I am now ashamed to see that we call ourselves Africans and say that we have our language in which we are now ashamed even to print these things. Mr. Speaker, you have travelled widely in many parts of the world. If you go to England, you find that they write these things in French or in English because they are more or less one and the same people. If you go to the Soviet Union, they have their own language with words which go upside down which you cannot understand. For those who do not understand them, then they write in French or any other language. If you go to China, you find the same thing and it is the same even on the moon, if there are people who live there.

Mr. Speaker, why are we ashamed of putting our language here? Does the Minister want to convince the House that Swahili is such a shameful language that it cannot appear here and that it cannot be part of the standard languages he wants used in these hotels? Definitely no, Sir.

[Mr. Mutiso]

Therefore, this is one of things which I have been ... the Minister that they make this Bill in fact, a disgrace and he should not have brought it here. This is because it really shows that the African is not fit and he is a shameful person in his own country. This is a thing which we cannot allow to happen. I am afraid to tell the Minister that whoever drafted this Bill for him, I think, worked him down.

Mr. Speaker, the other point is in clause 18——

An hon. Member: Go further.

Mr. Mutiso: I am trying my best but I think I cannot go further than that.

Clause 18 (2), Sir, and I quote:—

"The Catering Levy Trustees shall, by that name, be a body corporate having perpetual succession and a common seal, and may, in its corporate name sue and be sued, and, for the purposes of its functions, may purchase or otherwise acquire, hold, manage and dispose of property, movable or immovable..." and so forth.

There is a big loophole and I will tell you where it is.

Mr. Speaker, Sir——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, I think this is the third time I have heard the hon. Member addressing the Members instead of addressing the Chair. He says, "I will tell you." I think he should say, "I will tell the". He should be addressing the Chair all the time. This is the third time I have heard him doing this.

Mr. Mutiso: Mr. Speaker, I am sure you know that I am addressing these hon. Members, through you, Sir.

Mr. Speaker, when we examine this particular body of trustees, who will they be? That is the first question. When you examine them, Sir, you will see that the majority of them will be foreigners and, in fact, non-citizens.

An hon. Member: All of them?

Mr. Mutiso: Yes, Mr. Speaker.

This is a back-door method of allowing these people to own property in this country because when they are allowed to invest their money in purchasing or buying property, movable or immovable, what are we doing? This is the crucial matter. We are supposed to deny the non-citizens ownership of property but this is now another way of bringing them in. The Minister cannot definitely convince me that these gentlemen who will be—— What are they called? These trustees will never be citizens, in my opinion. This is because they will be a part of these other big bodies. This is the way I understand it, Sir.

Mr. Speaker, because of this defect in the Bill, I want to inform the hon. Minister that this Bill in fact, should not have been brought in this hon. House because it is going to ashame the Minister because it is going to be thrown out by this House for the reasons which I have enumerated and several other reasons which have been advanced by hon. Members who have spoken. Also, the hon. Members who are going to speak have several other points, I am sure, Sir, which support this move.

Because of that, Sir, I want to move an amendment to this Bill. The amendment to this effect shall read as follows:—

THAT the word "now" be left out of the question and there be added after the words "second time" the words "upon this day six months."

Sir, with those few words, I beg to move.

(Some Ministers stood up)

The Speaker (Mr. Mati): Well, it is very interesting seeing Ministers standing up to second that amendment.

Mr. Karungaru.

Mr. Karungaru: Mr. Speaker, this is the first time this House has been asked to debate a Bill which is very, very unpopular to this Republic. It is not our intention to oppose every Bill in this House but there comes a time when we are provoked by a Bill which we are being asked to pass, only to find we have to react.

Mr. Speaker, we have been told time and again, we have also been badly treated by the Minister who has moved this Bill this afternoon in that what he has said carried absolutely nothing of importance with regard to the importance of our nationals.

Mr. Speaker, it is no purpose making a law if that law is not in the interest of the people. Mr. Speaker, when we make a very unpopular law like this one, it amounts to saying that we do not know what we are doing simply because if we knew what we were doing, we ought to have thought of doing something good.

What is bad in the eyes of the people is evil in the eyes of God. What is good in the eyes of the people is also good in the eyes of God.

Mr. Speaker, Sir, we have carefully listened to the Minister when he was moving his Bill and we have ended up in not gathering the truth

[Mr. Karungaru]
involved in moving this kind of legislation. Hopelessly enough, what he has told us is that he is going to train some people and that unless these people are trained, they cannot be allowed to run the business. Can you not see the contradiction of the whole thing? The Minister has not told this House that the Government or the authority in question, which he has not told the House, has already carried out the training of some people in that particular industry.

By passing this Bill, Mr. Speaker, Sir, it means that the Government will now undertake to train some people, which will obviously take a long time. I think training such important professionals, such as we have been told, will take between two to five years, during which time the implementation of this piece of legislation will be absolutely impossible. Therefore, why should we be asked to pass a piece of legislation which will not be implemented? You can see the contradiction of the whole thing.

Having said that, Mr. Speaker, Sir, I would like to move up to another point. We have been told that as soon as this Bill is passed, every person who is in the hotel and restaurant industry will be compelled to comply with a certain regulation, without which he will be out of that industry. In this kind of exercise, it means that our people are going to be compelled to go and eat at the Inter-Continental Hotel, Hilton, Norfolk and the New Stanley Hotels. Sir, I have never seen a Bill which is aimed at compelling its citizens to go to eat at certain given places, failure to which they will not be able to eat.

The Assistant Minister, Vice-Preident's Office and Ministry of Home Affairs (Mr. Shikuku): Which section is that?

Mr. Karungaru: Mr. Speaker, Sir, unless your hotel and restaurant is licensed, you are not allowed to run a business. This is a matter of common sense and I do not need to tell the hon. Member for Butere what section it is when it is already known what section it is. Mr. Speaker, Sir, I am not teaching anybody here but what I am doing is to address the House through you, Sir, with your permission.

An hon. Member: Improve your English.

Mr. Karungaru: I am not improving my English because it has already been improved and if it has not been improved, then, it means, whoever doubts it should go back to school but not the hon. Member for Embakasi. I did pass my English test and I do not need to pass it again.

Mr. Speaker, Sir, the argument which has been brought up this afternoon is not to the advantage of the Kenya nationals. It is aimed at promoting the interests of the foreigners. Sir, if we have been elected as representatives of foreigners in this country and not for our people, then, I fail to know why we are in this House. Mr. Speaker, Sir, if this piece of legislation is passed, it means that even the hotels in River Road will be compelled to license their businesses and failure to licensing that kind of business, nobody will be able to eat in those hotels because they will not be licenced and running them will be illegal. Sir, is it not true that up to now the hotels in the River Road are licensed under the existing Act? If so, Sir, what is wrong with that existing Act? Have we been told what is wrong with it? We have not been told, Sir. Therefore, it has been unwise of the Minister to come here and ask this House to accept this piece of legislation blindly, which he is attempting to ask this House to legislate for. What I am trying to say in this argument is that it would be naive of this House, very naive, indeed, if this House would agree to pass such kind of legislation like this, which is aimed at promoting the New Stanley Hotel, Inter-Continental Hotel as opposed to the hotels in the River Road where most of the Africans take lunch and super. Sir, I hear the Minister saying that this is cheap politics, I would also say that he is a civil servant Minister. He is not supposed to utter such kind of language. I was elected by the people of Embakasi and the people of Kenya to come and represent their interests in this House. To make matters worse, the area which is mostly affected is Nairobi. People from his constituency will not face the problems he is about to pose in this country. Why, Mr. Speaker, should we pretend that we do not know that our people cannot afford to go to eat at the Inter-Continental Hotel, because their pockets are completely exhausted? This is true because you can see what is happening in this country. It is only those who have, that continue having, and those who do not have will continue to be bulldozed. Mr. Speaker, we do not want this kind of treatment. We know that we are in this House so that we may point out what is wrong and also tell the Government what is right so that the Government can do what is right, so that the people may take the Government to be right and that the people may feel that they are in the right society. However, when we do evil things, then, our people will always doubt our sincerity. We are completely against this legislation, Mr. Speaker.

Mr. Speaker, Sir, I would not like to waste the time of the House because I know the House is with me fully in opposing this kind of legislation.

The Speaker (Mr. Mati): I must now propose the question of the amendment which is in two parts. The first part is to leave out the word "now" from the question and then to add after the words "Second Time" the words "upon this day six months".

(*Question of the first part of the amendment, that the word to be left out be left out proposed*)

Mrs. Gecaga: Mr. Speaker, I do have the great pleasure to speak on the amendment to the Bill—

An hon. Member: And Support it.

Mrs. Gecaga: ——and support it too.

When the Minister was introducing the Bill to the House he said that there are about 150 tourist hotels in Kenya and I would like to remind the Minister that there is a saying which goes, "When in Rome, do as the Romans do". Kenya is a country in Africa and some international bodies have decided to come and invest here, build hotels and so on in our country. Whenever the Africans try to go to these hotels they feel lost because they have to listen to the music from Israel, or from Italy or from any country in Europe—they can just as well go to a country in Europe. If these people have come to Kenya, they should accept our local musicians playing in their hotels. In this way some of our culture can be demonstrated to the world through the tourist industry. Sir, when this is done in Kenya and the Ministry for Tourism allows the music from other parts of the world to be played here, then that leads to very bad propaganda to be practised in Kenya, in hotels in Kenya. It has been said that a nation without its own culture is not a nation, and this is why this foreign music has to be stopped from being played in our hotels.

Mr. Speaker, I agree that in order to give the Minister time to go through this Bill again, to include things which are for the benefit of the Africans we need this amendment.

In those hotels the foreigners make money with accommodation and food and yet they go further even to sell curios which are from Kenya; they sell these in the shops in the hotels. This must stop. There are some materials which are locally made in Kenya, tie-and-dye, batiks and others and you see the very same people making all the money from the tourist industry by selling these things. This is done by African women employed in the same hotels. Sir, these licences must be given to the African women.

If the Front Bench can give me some time I will give them some advice which is good for the Africans. And it is the responsibility of all Members of Parliament to promote this with good heart.

The other point which I am very much against —when I listened to the Minister—is why should the Minister really accept a Bill of this nature to be brought here? This Bill will completely keep the majority of the people of this country who eat in small places out of business and make our people go hungry. Our people cannot keep up with international standards. We will come to those standards one day, Sir, but the time has not come yet. This is one prospect the Minister should consider seriously. We cannot boost this tourist industry only because we must consider international standards. This is a standard to come in the future in Kenya, but not today. It will be considered in international hotels but other places are more important than these places for us.

The Speaker (Mr. Mati): Mrs. Gecaga, it is time now for interruption of business. You can continue tomorrow.

MOTION FOR THE ADJOURNMENT

HARASSMENT OF AFRICANS BY A EUROPEAN FARMER

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Tourism and Wildlife (Mr. Shako) seconded.

(*Question proposed*)

Mr. Munyasia: Mr. Speaker, Sir, I think the House will recall that on the 29th May, 1970, a question was asked in this House, Question No. 482, by the Member for Kilungu, regarding the notorious character, Mr. Norman Peckover.

If I were to refer to the reply given by the Vice-President on the 1st April, 1971 this is what he says:

> "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 . . ."

Something has been left out here, sir.

> ". . . however the activities and the crimes which were committed by the farmer in question were considered and he was taken to court. Therefore, the outcome of the case was the question of the court and not of my Ministry".

Sir, at that time the Minister stated, further, that at the time he was replying to the question, which was in May, 1970, this man, Mr. Norman Peckover, set dogs on a police constable. That was one thing.

[Mr. Munyasia]

Secondly, he also tried to shoot at a woman, near his farm which nears a railway station.

I am now telling the House exactly what the Minister said in April, 1971.

Mr. Speaker, Sir, I would like to quote further, with your permission. This is what the Vice-President said:

"Mr. Speaker, Sir, I beg to reply.

"Efforts were made to trace the woman, Kavu Nzingu, without success, and there is no report made by her to a police station concerning this.

However, on 19th January, 1971, a woman known as Kase of Kasika was reported to have 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."

Mr. Speaker, that is what the Vice-President reported.

Sir, the argument here is as follows. Although the name is wrong—since when we do not have such a name in Kikamba, Kase Kasika—here is a case where another woman, forget about Kavu, whom this notorious character tried to shoot. The Vice-President admitted that the police reported that there was another woman who Mr. Peckover shot at but missed. I do not know if this is the woman known as Kase.

Despite all these things, Mr. Speaker, is any person authorized to shoot at a human being as if she were a dog or a sheep? Kavu is a woman, a Kamba woman. Kase is a human being and this notorious character has no right to shoot at any human being. It does not matter whether there is a difference between Kase and Kavu. It does not matter whether the European did or did not shoot at the alleged person; the fact is that he shot at a human being.

From history it appears that this European is a very difficult character, especially around the station at Emali. Do you know why? It is because he is a person who hates Africans. This man carries many dogs in his car only to release them when he so feels. I want to know whether this character is allowed to keep dogs, about ten, in his car so that he can set them loose on people. Does he have licences for these ten dogs?

The question here, then, is this: does the Vice-President not think it is high time this man, Norman Peckover, was deported? It was stated that this man was sent to court but was acquitted. Then he repeated the same act of shooting Kavu. He does not respect this Government and that is why he tried to shoot Kavu Nzingu.

So, Sir, is it not time that this person was deported?

Sir, also, this *mzungu, kaburu,* also chooses to set the dogs on a police constable who is a civil servant. That was very serious and I see no reason why the Vice-President should show any mercy on this person. I think it is high time he was deported.

There is a letter written to the Government by the Member for the area about this man. All the reports we have show that this man is notorious and he has harassed the people around Emali for a long time.

The matter was reported to the President when he was coming from Mombasa and he was very disappointed, yet up to now our Ministers have done nothing. But what action has been taken? The man is still enjoying himself here. This is not in keeping with the call of the President. The President does not want to see the people harassed at any time. Here is a *mzungu,* and the Minister is aware of his notorious activities, but he does not take action against him.

Therefore, Mr. Speaker, I think the solution, the only solution is that the Vice-President should take action and deport this man. There is no alernative but to take this action.

With these few remarks, because I would like other Members to speak, I beg to move.

The Minister for Housing (Mr. Ngei): Mr. Mr. Speaker, Sir, the case before us is not the case that concerns the lady Kavu who has been hunted as a guinea fowl. The case before this House is the case of a European in the middle of Kamba land who refuses to behave. He acts as though he is living in the time of the treking of the Boers when they were trying to find out what Africa looked like. This is a man who has an attitude which is very unpalatable even to the most diplomatic people like the Kamba. This is a man who has been really proud all along. This is a European who has been really some person who has not seen reason, who does not conform with the changes of time. He appears to be living in the past, in the times when the *mzungu* was on top of the world and the *mzungu* ruled the waves.

This, Mr. Speaker, is a serious case, a case that Government must decide to deal with now. Government must decide whether to keep the Kamba people or to keep Mr. Peckover. We know that we have to behave like human beings.

[The Minister for Housing]
We have been very diplomatic, we have been very reasonable and, above all, we have been bearing all the rudeness for all these years from one single individual. Sir, Government must save the situation because the Kamba people are saying they cannot tolerate this sort of attitude any more. We do not want the Government to come in later on and regret this because the Kamba are being provoked. Think of a gentle wife of a gentleman being shot at. Suppose the husband of that woman took a gun or a bow and arrow and decided to revenge, what would happen? It is true, I was told by the police that one time this European set dogs free on a police constable. Setting dogs free on a police constable amounts to a very serious contempt of the Government, leave alone the welfare and well-being of the people in the area. Very often, Mr. Speaker, Sir, I as a Chairman of Kanu have received reports about this *mzungu* all the time. Mr. Speaker, Sir, if we are taken to be unreasonable and unrealistic, there are some other Europeans who are enjoying themselves in other parts of the country where they are farming in Ukambani. They are very happy to be there. They go very well with *wananchi*. They are quite happy. They attend each other's ceremonies. However, here, we have a kingly farmer by the name of Norman Peckover who is trying to show the Kamba that he can behave in the way he likes. Mr. Speaker, Sir, I shall give a serious warning that unless Government takes serious views of this *mzungu* and act immediately, we shall not be responsible for whatever will happen in that area. Mr. Speaker, Sir, this is not a matter for the Cabinet to decide, but this is a matter that requires the decision of a Minister. The Minister has all the information required, but if he is cowardly, he had better give up his job and leave it to others who can do well.

I can see the hon. Shikuku laughing. Mr. Speaker, Sir, when it comes to the question of telling the truth, we must tell the truth and we should not fear saying the truth. We are here to protect those who honourably and desirably elected us to represent them here in this House without fearing and favouring any side. We cannot see our people being harassed like this. I remember the remark by the hon. Mover, Mr. Munyasia, that it is the game of shooting the guinea fowl. However, I would say that even the guinea fowls are protected by the Wildlife Act. If that is the case, what about this poor lady. If the wild snakes etc., are being protected by an Act of this House, what about a wife of somebody being shot at. I am only asking. I cannot kill a hyena because the hon. Shako tells me that he will send me to prison if I do so. If that is the case, what of a wife being shot at? If Mr. Peckover thinks that he is in the wrong society, I think he had better go to the right society and leave that piece of land to be farmed by the Kamba.

Mr. Speaker, Sir, the political feeling in the area is very strong against this person and the Government must listen to the views of the elected Members from that area. The Government should tell this man that no more nonsense is wanted from him. If he wants to stay in this country he must respect the *Bwana Mkubwa* in the land. Mr. Speaker, Sir, I remember a long time ago when I started to indulge myself in politics that Europeans were very biased, prejudiced, arrogant and conceited. However, they have changed their normal voices to the voices of authority. They changed their normal voice to a voice of authority and, I think, it is just about time we Africans also changed our voice and go down there and say to this European, *"Bwana* Peckover, you had better go *Nyumbani kwako"*. We are going to do this and we are serious about it because we are not just talking politics. I am saying this, Mr. Speaker, because we are constitutionally defenders of a poor lady like that one. If, for example, Mr. Peckover had put a sign board saying that "Do not pass across here", or "Do not tresspass", and so on, that would be another matter. However, this was not the case and the poor woman seeing a path decided to follow it. If Mr. Peckover can let a swarm of bees pass through his farm, how much more should he do so to a good lady like the one whose story we have just heard. I am urging the Minister and the Assistant Minister who is sitting here to take drastic steps and this is the final warning we are giving. I have said that we are diplomatic and we have been behaving very well to these farmers. I can quote many other farmers in Ukambani who are very happy and enjoying themselves. These farmers are liked by the Kamba because we do not discriminate other than just defend our people.

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

Mr. Mutiso-Muyu: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to say something about this particular farmer who comes from my constituency and, in this case, I would like to give the House first-class information. Mr. Speaker, Sir, I have, indeed, been disappointed by our good Government for not taking action against this particular farmer. On 29th May, 1970, I informed Government, in this particular Chamber, that this particular European farmer who is not a citizen of this country, a non-citizen, I repeat, and owning 12,000 acres of land goes round my

[Mr. Mutiso-Muyu]
constituency beating my people and calling them *Nyati*, which means buffalo. Furthermore, Mr. Speaker, Sir, Government assured this House that they were going to take action. That was a good reply and I would like to thank the Government for that. However, Mr. Speaker, Sir, on the 19th of January, this year, the same European farmer shot at a woman, but missed her. I came to this House and raised the issue on a question by Private Notice and I was told that the matter was going to be looked into but no action has been taken yet. What are we let to do? I am the leader of that constituency and the people I represent are now left with no alternative but to take the law into their own hands. We have exhausted all the channels of representation with the Government and what is now left to us is to defend ourselves, and I want to give a warning here, that we shall kill this European before he kills us. We shall kill him before he kills us! He has tried to shoot this particular woman, but fortunately missed her and, therefore, we are not going to wait for him to shoot me or anybody else. For your information, Mr. Speaker, Sir, although it is not allowed by our Standing Orders, and I am saying this just by the way—— Mr. Speaker, Sir, I once had a case with this particular farmer in court. What happened is that when I told him not to go on beating my people, he in turn told me not to harass him. I then told him that he was a *Kaburu*. He told me he was going to sue me in court because he has a lot of money and owns 12,000 acres. Anyway, Mr. Speaker, I was mentioning this just by the way, although it is not allowed. However, Mr. Speaker, my question is this: why should our Government turn a deaf ear to this particular and important issue, which involves the lives of citizens of this country while we know very well that this particular European is not a citizen of this country? This leaves the *wananchi* without knowing what to do. I am their representative and when I come to this Chamber to tell the Government that my people are being harassed, the Government does not take steps. What are we expected to do? Mr. Speaker, what we expect our Government to do is to protect the legitimate citizens of this country and we believe that as loyal citizens, we are entitled to protection and more so against foreigners. That is why we are asking the Government to protect us; we have already been attacked.

Mr. Karungaru: The Government will continue dancing with them.

Mr. Mutiso-Muyu: Now, Mr. Speaker, I am of the opinion that somebody who is, perhaps, in love with the white man or the European for that matter has been sabotaging our case whenever we present it. We do not hate the white men or the Europeans for that matter, but whenever we give representation, somebody somewhere, in the oblivion where we do not understand, interferes with that representation I do not understand this type of love. Today is the last day we raise this question here because this is the third time, Mr. Speaker, and we hope tomorrow we shall be told that we are protected and we are safe.

Thank you very much, Mr. Speaker.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, the question before the House is not a new one. As a matter of fact, as the last speaker said, it is the third time that it has more or less come here. Right from the outset Sir, the duty of this Government is to protect every individual in this country, be he a citizen or a non-citizen, and that each and every individual in this country has the right of self defence. Now, Mr. Speaker, I am not supporting the idea by the hon. Member that they will kill the European before he kills them because that is advocating violence which this Government is not supposed to encourage. The point I would like to make known to the hon. Member and the House is that; on two occasions, this particular individual has appeared in the Court and on two occasions he has been acquitted. Mr. Speaker, Sir, Members must accept one point, that is, that we have Courts of Law which are independent and on whose judgement—if we are not satisfied with it—we are entittled to appeal and if the appeal is dropped, we have to take in the sentence given by the court. What we cannot deny is that the public relation of this individual and the people in the given area is very much strained. This much, Mr. Speaker, we must concede. Mr. Speaker, as far as what we are supposed to do when the hon. Members talk of deportation, we take into account a lot of things. You will find, for example, in the latest case, we tried to get some evidence to see what happened. It appears here, Sir, from the report that when we inquired as to who saw the incident when this particular individual—the lady—was being hunted down, I remember even the workers of Mr. Peckover denied that they saw the incident. One, Mr. Speaker, may safely say that they were threatened and that because they feared that if they dared open their mouths, then, they would end up jobless. This could happen, but then, Mr. Speaker, we must have evidence. If, even today, I kill you in the Chair and every hon. Member here decides to say that they did not see me kill you, I will be acquitted in the Court of Law but the fact will remain that you have been killed, you are dead and you will be buried. But because there

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

is no evidence to support the fact that I killed you or if there is nobody who will say he saw me kill you and everyone denies that he ever saw me kill you, no one will convict me.

Now, Sir, the point I would like to assure the House on is that we on this other part have not stopped our investigations at all. We are keeping an eye on this. The President, himself, has made it very clear in his public speeches that he will not tolerate any abuse of Africans by foreigners in this country. This, Mr. Speaker, is not a joke; he means what he says. We who are under him are engaged in a very painful exercise of getting any little evidence and when we get it we shall act. Mr. Speaker, Sir, it is not only Mr. Peckover because there are many such type as "Mr. Peckover" who have not yet realized that Kenya is independent but we are doing our utmost to get rid of them. However, I would like to appeal to Africans not to take the law into their own hands and warn the minority of people who are foreigners here, namely the whites—not all of them in any case—and the brown fellows—the Indians. The warning is that they should not look for trouble. As a matter of fact, if we recall what happened during the colonial days, when they used to spit on us, and when they used to shoot us at their will and humiliate us; and refuse to serve us in hotels which we have in this country, and when there used to be toilets for Europeans and Indians and toilets for Africans, it is only the minority whites and Indians that will suffer if we have to revenge ourselves. So, I would like to request them not to assume that because they provide employment for Africans it is a licence for them to abuse Africans, to shoot them and do anything they want to do. On 4th March, 1971 I read a letter addressed to the Editor of the *Daily Nation* which was written by an American—I suppose he was a tourist—who described how he saw three Asians being beaten at a certain petrol station like one beating dust out of a carpet. We do not want such incidents because if the Africans behave in such a manner they will blow a lot of dust from these few Europeans and few Indians. We warn them not to try and abuse Africans or humiliate them.

Recently, I had a case of Mr. Jobling from Factory Guards who had the audicity to abuse an African in front of his subordinate and I had to warn him. For such Europeans, we have to do something because they should be made understand how the situation stands. With regard to the case of Peckover, I would like to assure the House that we have noted the feelings of the House and that we are engaged in trying to find out something to justify our actions and when we get it we shall act. That is all that I can say and hope that we shall not be pushed further than that.

With these few remarks, I beg to reply.

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow Wednesday, 19th May, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 19th May, 1971

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

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

PRAYERS

NOTICES OF MOTIONS

PROTECTION OF SISAL INDUSTRY

Mr. Kahengeri: Thank you very much, Mr. Speaker, Sir, I wish to give notice of the following Motion:—

THAT, in view of the fact that synthetics, jute and other raw materials are imported from foreign countries, and noting that such importation is sabotaging our Sisal Industry, this House resolves that the importation of all bags, twine, carpets and all other products that the Sisal Industry is capable of producing should be banned with immediate effect, so that sisal farming can be protected for the employment of many of our citizens who are now jobless.

APPOINTMENT OF SELECT COMMITTEE ON CORRUPTION, NEPOTISM AND TRIBALISM

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

THAT, in view of the Government policy of national outlook and its condemnation of corruption, nepotism and tribalism, and the fact that the numerous allegations of these vices so prevail in our nation, this House supports the Government in strongly condemning such practices and resolves to appoint a Select Committee of the House to—

(*a*) investigate the causes and extent of corruption, nepotism and tribalism in our Republic; and

(*b*) recommend to the House before the end of the year ways and means of combating, eradicating and deterring any further practices of these vices.

ORAL ANSWERS TO QUESTIONS

Question No. 331

ARMED ATTACK NEAR URAN-URAH BY ETHIOPIANS

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

(*a*) whether the Minister was aware that on 22nd December, 1970, Ethiopian armed raiders described as Shangilla attacked a Gabra *manyatta* near Uran-Urah, killed one person and drove away 2,289 head of cattle, and

(*b*) if the answer was in the affirmative, what made the aircraft which usually helped the ground patrol not to operate on that day.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to give the following reply. It is true that on 22nd December, 1970, a gang of Shangilla from Ethiopia attacked a Gabra *manyatta* and after killing one person stole 2,289 head of cattle. The answer to part (*b*) of the question is that there was no police aircraft available at the time. However, when the matter was reported to the police, they followed the tracks of the stolen stock and recovered all of them.

Mr. Umuro: Mr Speaker, Sir, when this raid occurred, I was in the area and I followed the police operations. We spent four days and nights but because of lack of information to the ground patrol, these animals crossed the Ethiopian border ond nothing was recovered. Therefore, Mr. Speaker, Sir, will the Assistant Minister admit that these animals crossed the border because there was no aircraft to help the ground patrol?

Mr. Shikuku: Mr. Speaker, the hon. Member seems to have turned himself into a police officer. However, we want co-operation like his, but unfortunately, on this occasion, it appears that what he is telling the House is contrary to the report from the people on the spot. If the hon. Member did accompany the police officers who were tracking these cattle and probably became tired and left the police officers to continue tracking, then he cannot dispute the fact that these head of cattle were recovered. Mr. Speaker, Sir, may I add here that we were not able to arrest the raiders because they ran away and left the cattle. However, Sir, if the hon. Member can substantiate it is true that these cattle were not recovered, he should see you, as provided by the Standing Orders, and give his proof to this effect. I will then investigate further and if we have mistaken his information, it is only natural according to our Standing Orders to apologize or make a statement in this House. However, as far as the report is concerned, it still stands.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from the Assistant Minister's reply when he said something about the police aircraft, could he tell us specifically who is in charge of police aircraft at Wilson Airport. Who is in charge?

Mr. Shikuku: Mr. Speaker, it was only on this occasion that this aircraft was not available. It

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

happened to be—Mr. Speaker, I thought I was in the market place, but now I realize I am back to Parliament again. What I was trying to tell the House is that we usually use the aircraft on such occasions. However, on this particular day, the aircraft was not available because it was engaged on other business and, therefore, we could not have used it for this incident. Nevertheless, we followed the track and recovered the cattle and that is the most important thing. Do you want the cattle or the aircraft? I am sure you want the cattle which we recovered.

Mr. Lentaya: Arising from the answer given by the Assistant Minister and knowing very well that this kind of question has so often been brought to this House, what drastic steps is the Ministry taking in order to get rid of this situation?

Mr. Shikuku: Mr. Speaker, this will always live with the House. It will always live with the House so long as women go on producing children some of whom become thieves and we shall have this problem——

Mrs. Onyango: On a point of order, Mr. Speaker, Sir, is it in order for the Assistant Minister who has more than 20 children all over the country to blame the women that they are the ones who go on producing these thieves.

The Speaker (Mr. Mati): I am afraid I cannot comment on that. I do not know what Mr. Shikuku has to say about it.

Mr. Shikuku: Mr. Speaker, I am very much obliged and grateful to the hon. Member because I am here to make children and if she has one from me, I do not mind. However, the point——

The Speaker (Mr. Mati): Order, Mr. Shikuku! It is absolutely important to maintain the dignity of this House and that kind of statement is completely out of order. It is absolutely undignified.

Mr. Wachira: On a point of order, Mr. Speaker, Sir, it was only yesterday that the Assistant Minister, the hon. Shikuku called an hon. Member of this House a rat. Today, he has gone further by saying some very dirty things to the gracious lady here. Would you please, Mr. Speaker, Sir, send him out or ask him to apologize for the two misbehaviours.

The Speaker (Mr. Mati): These are two separate incidents and I am quite sure this point which the hon. Wachira is making now was perhaps going to be raised later. However, it is true that Mr. Shikuku used unparliamentary language again yesterday when he stood on a point of order to draw my attention to the fact that a certain hon. Member crossed the Floor at the wrong place, that is, in front of the Table instead of going to bar. In the process of doing that Mr. Shikuku himself broke the rule by referring to the hon. Member as having crossed like a rat, something which is completely unbecoming when applied to an hon. Member of this House. I think he is entitled to an apology, Mr. Shikuku. So Mr. Shikuku, you will have to withdraw these two statements.

Mr. Shikuku: Mr. Speaker, I have no intention to disagree with your ruling. I, therefore, do apologize for having said the hon. Member was crossing the Floor at the wrong place like a rat. However, I did not call him a rat as the hon. Member alleged. I said he crossed the Floor like a rat. I know the hon. Member is not a rat. He could be like a camel or like anything else, but I did not say he was a rat. Therefore, if what I said was offensive, I withdraw it. As far as the hon. gracious lady is concerned, Mr. Speaker, I withdraw what I said because of your ruling but I would like to ask her, through you, Sir, whether she is in a position to substantiate that I have over 20 children all over the country.

The Speaker (Mr. Mati): Since two wrongs do not make one right, it is quite in order that if Mr. Shikuku thinks that Mrs. Onyango said something untrue about him, she will either substantiate or withdraw and apologize to the House. Mrs. Onyango, we are waiting for you.

Mrs. Onyango: Mr. Speaker, Sir, it is very difficult to substantiate something to do with birth as I said and, therefore, I withdraw because——

The Speaker (Mr. Mati): I think you had better apologize, Mrs. Onyango.

Mrs. Onyango: I have withdrawn, Mr. Speaker, Sir.

The Speaker (Mr. Mati): The House requires an apology because you have taken a lot of time now.

Mrs. Onyango: Mr. Speaker, Sir, I apologize but ask the hon. Assistant Minister to try and speak sense in this House every day.

Mr. Shikuku: On a point of order, Mr. Speaker, our Standing Orders provide that when you withdraw, you do not qualify your withdrawal. Do you, Mr. Speaker, agree that the gracious lady has withdrawn?

The Speaker (Mr. Mati): Let us not take useful time of this House unnecessarily. Mrs. Onyango,

[The Speaker]

the practice is you do not make a condition when you withdraw and when you apologize, you do it unconditionally. So, will you apologize without putting any condition to your apology?

Mrs. Onyango: Mr. Speaker, Sir, in view of the fact that I cannot mention the names of the children the Assistant Minister has, I apologize to the House.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, Sir, I notice that the gracious hon. lady has withdrawn and apologized to the House in accordance with your ruling, and I also notice that the hon. Shikuku withdrew a remark made yesterday when he referred to someone as a rat, but he did not apologize. Is he going to apologize to the House because the remark is very serious?

The Speaker (Mr. Mati): No. Mrs. Onyango provoked a scene here. We are now held back simply because of the remarks she made. She was apologizing to the House for the delay she caused to the business of the House. Mr. Shikuku withdrew his remark unconditionally. That is the end of the matter. Therefore, let us not waste more time on it.

Mr. Shikuku: Mr. Speaker, Sir, whilst continuing with my reply, I would say that I was in the process of telling the hon. Member that so long as women continued to produce children some of whom will become stock raiders, this problem of stock-theft will remain. This is a living fact. So long as the situation remains the same, the problem will continue to be with us and it is our responsibility to combat this type of theft through physical methods, sometimes when we find them we will kill them. This is the only way we can deal with them successfully. There is no guarantee that we can stop the practice completely. However, we are doing our best and what we are doing can be seen because whenever such incidents occur we recover all the cattle.

The Speaker (Mr. Mati): We must go on. This question has in fact, been covered by the previous questions. There was a general question which covered this problem by the same hon. Member.

Question No. 391

AMOUNT OF MONEY ROBBED FROM BANKS

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

(*a*) how much money had been robbed from banks in Kenya between January, 1970, to date; and,

(*b*) how much of this money had been recovered.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. (*a*) The total amount of money stolen from various banks in Kenya between 1st January, 1970 and 22nd March, 1971 was KSh. 1,037,584.

(*b*) The amount of money recovered totalled KSh. 132,468.

Mr. Kivuitu: Is the Ministry satisfied that it is doing its duties efficiently? Is the Assistant Minister aware that his Ministry is failing in its duties by failing to recover such a large sum of money according to the figures he has given?

Mr. Shikuku: Mr. Speaker, Sir, I cannot meet the hon. Member's opinion, but all I can say is that we do what is within our abilities to do. We would like to recover 100 per cent as we have done in some cases in the past as far as cattle are concerned. This is easier because one can see the tracks the cattle followed, but with money, it is a very difficult problem as the hon. Member knows. We try our best. We must realize our thieves have become so advanced in their techniques of stealing that it is not very easy to get hold of them. However, we try our best to do so. We should also realize that they are also improving in their techniques of stealing.

Mr. Lotodo: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister can he tell us how many thieves have been involved in these thefts?

Mr. Shikuku: Mr. Speaker, Sir, I think that is a slightly different question because last week we gave the number of thieves who have been arrested and how many had been convicted and so forth. This question has nothing to do with the number of thieves apprehended.

Mr. Magugu: Mr. Speaker, Sir, will the Assistant Minister agree with me that some of the difficulties encountered in dealing with these cases of theft or robbery is because some of the policemen who are charged with duties of recovering the money stolen are interested in pocketing the money they find?

Mr. Shikuku: Mr. Speaker, Sir, I consider that to be a very serious allegation to say that some of the policemen in charge of recovering the stolen money are involved in pocketing the money. I would be very much obliged if the hon. Member quotes cases whereby policemen took the money with them for their own use.

Mr. Magugu: Mr. Speaker, Sir, I am surprised to hear that particular remark from the hon. Assistant Minister. What happened in Pumwani Maternity robbery? Did you follow that case?

Mr. Shikuku: Mr. Speaker, Sir, I can see what the hon. Member is referring to. However, it is wrong to state that in every bank robbery that has taken place, policemen were involved. However, quoting an incident like the one we had in Pumwani, which we still remember, but to start with this one was not a bank robbery because we are talking of bank robberies. If the hon. Member can read the question, it reads as follows: "Will the Minister tell this House how much money has been robbed from banks", so it does not include the Pumwani robbery. Therefore, it is wrong to have one incident and use it generally to cover other incidents taking place in the country.

Mr. Barmalel: Arising from the Assistant Minister's reply, why is it that we hear that these robberies take place in Barclays Banks alone, but not in other banks in the country?

Mr. Shikuku: Mr. Speaker, Sir, I was expecting that question to be raised. We have noticed that most of the thefts have taken place in Barclays Banks. We have even tried, Mr. Speaker, for the information of the House, to get in touch with those concerned in managing the banks to try and improve their security measures. We are prepared, Mr. Speaker, Sir, to assist them. However, since they are having their own organizations and because of the fact that they say that they have insured their money, they do not seem to be taking us very seriously. However, we are prepared to work with them, especially with the Barclays Bank to improve their security measures.

Mr. Kivuitu: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is it correct to say that these robberies seem to be arranged by the same gang because the pattern happens to be very similar and so much alike that it must be arranged by the same gang? If that is the case, is it impossible to track down such a gang?

Mr. Shikuku: Mr. Speaker, Sir, methods might appear to be similar, but we have policemen who are human beings, and we would be very much obliged if the responsibility was not left solely on the police to try and find where the gang is, if we can be given any useful information that can lead us to know where the mastermind is hiding, like the man who masterminded the Great Train Robbery in Britain, we would be very much obliged. I agree with the hon. Member that the methods used are similar and therefore, there must be a gang masterminding these thefts. However, we have not been quite able to locate the gang's headquarters. If we can get any information, we will really catch up with the gang.

Question No. 381

RECRUITMENT OF WOMEN INTO ARMED FORCES

Mr. Yego asked the Minister for Defence if he could tell the House when he could introduce the recruitment of women into the Armed Forces as was the case in the Prisons Department and the Police Force.

The Minister for Defence (Mr. Gichuru): You can go to hell.

Mr. Ang'elei: On a point of order, Mr. Speaker, Sir, is it in order for the Minister or parliamentarian, to say to the hon. Members, "You can go to hell?"

The Speaker (Mr. Mati): Mr. Gichuru, I am afraid that is unparliamentary and you will have to withdraw the words.

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

The Speaker (Mr. Mati): Please, do not interrupt the Minister.

The Minister for Defence (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, in the Ministry of Defence, we fight and we just do not sit as we sit here and talk.

We appreciate the offers by the women. When they come home in the evenings, we always definitely help them. However, the question of having them enlisted in the Armed Forces, the Navy, the Air Force and in the Army, it is, no.

Mr. Mulwa: Although the answer by the Minister was rather vague, can he tell us whether he is aware that women in many countries all over the world are joining the Armed Forces and they are very useful during the time of war?

Mr. Gichuru: I am not aware, Sir.

Mr. Muturia: Mr. Speaker, Sir, arising from the Minister's reply that he is not aware, is he not aware that in Israel, most of the fighters in the Armed Forces are women?

Mr. Gichuru: I am not aware, Mr. Speaker, Sir.

Mr. Mwamzandi: Mr. Speaker, Sir, it was just last week when we passed a clause in the Statute Laws that women in the Armed Forces would not be giving orders to men soldiers. Here the reply to this question, is "no" that there cannot be any recruitment of women into the Armed Forces. Can you, Mr. Speaker, Sir, tell us where we stand because the laws state that women could be employed in the Armed Forces, but in the reply by the Minister, he says, "no". Where do we stand, Mr. Speaker, Sir?

The Speaker (Mr. Mati): You could have directed that question to Mr. Gichuru, but not to me.

Mr. Migure: Mr. Speaker, Sir, arising from the Minister's reply, can we know from him, whether his reply, that women cannot be recruited into the Armed Forces, is Government policy? If that is the case, why has Government not been able to inform this nation that our ladies cannot be recuited into the Armed Forces?

Mr. Gichuru: Mr. Speaker, Sir, I have been to Israel several times and I have seen that women are great fighters. However, women in this country are not great fighters at all.

The Speaker (Mr. Mati): Order! We have moved on to the next question.

Question No. 304

ABOLITION OF CHIEFS' GRADES

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

(*a*) whether since the duties of chiefs and sub-chiefs were the same everywhere in the Republic, the Government would abolish the colonial system of grades of chiefs and sub-chiefs and give them equal grades;

(*b*) if promotion were granted whether it could start at district assistant level to any higher rank in the Civil Service.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The duties of chiefs and sub-chiefs are not the same as the hon. Member states. These duties do differ in intensity. One chief might have several sub-chiefs under his charge and might have a large area and population to look after. There are peculiar geographical, economic and social circumstances in different areas which make duties of chiefs assume various dimensions.

Mr. Speaker, Sir, I am trying to show the other side of the coin.

Grading of chiefs is not necessarily a colonial system. If I may remind the hon. Kitonga we had chiefs of different grades before foreigners ever came to this land. We had some who were stronger and more famous than others.

Grading of chiefs enables the newer chiefs or sub-chiefs to rise to higher grades through hard work. It also provides necessary incentive to hard work. It is not considered advisable, therefore, to make all grades of chiefs and sub-chiefs equal, as individuals who work harder than others must be rewarded. Mr. Speaker, Sir, if the duties were the same—they are incidentally not—because some people do more than others and they must be rewarded.

In view of the above, the second part of the hon. Member's question does not arise.

Mr. Kitonga: Mr. Speaker, Sir, in view of the Assistant Minister's reply, can I with your permission submit that the Assistant Minister misunderstood my question. My question ran, "Since we know that there are three grades of sub-chiefs—Grade 3; Grade 2; and Grade 1 and the same order applies to the chiefs, why can we not have only grade 1 either in sub-chief or chief cadre instead of having disparities?"

The Speaker (Mr. Mati): Mr. Kitonga, your question was very clearly understood.

Mr. Kitonga: I am sorry, Mr. Speaker, Sir!

The Speaker (Mr. Mati): Will you ask a supplementary question or sit down?

Mr. Kitonga: Mr. Speaker, Sir, I was saying that the Assistant Minister misunderstood my question. My submission was that the sub-chiefs should be placed in grade 1 but not equal as the Assistant Minister——

The Speaker (Mr. Mati): Order! I am sorry that is not a question.

Mr. Kitonga: Therefore, Mr. Speaker——

The Speaker (Mr. Mati): Mr. Kitonga, you have taken your time and can you sit down!

Mr. Kitonga: I am sorry, Mr. Speaker.

The Speaker (Mr. Mati): Will you sit down!

Mr. Kitonga: Mr. Speaker, Sir, my question——

The Speaker (Mr. Mati): Will you sit down!

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that during the colonial days, the chiefs were recruited from different jobs and the same applies today, and then they moved to chieftainship with their former salaries whereas at present these people are penalized in that a person who has been earning a good salary and happens to be a chief is put back to a lower level of earning? Is that not an anomaly?

An hon. Member: Including sub-chiefs!

Mr. Munyi: Mr. Speaker, Sir, the point which the hon. Member is trying to raise here has been raised many times. However, according to the Code of Regulations before a person is appointed as a chief he or she is asked to give details of the work which he might be doing. If there is any chief who thinks that his salary is not given in accordance to a relevant grade or to the work which he used to do before, he can submit his case and the same can be considered.

Mr. Kitonga: With your permission, can I ask my question next time because I was not satisfied with the reply which was given by the Assistant Minister?

The Speaker (Mr. Mati): You can raise it in a proper manner.

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

The Speaker (Mr. Mati): I am not allowing any more points of order.

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

The Speaker (Mr. Mati): You will go out Mr. Cheptai! Do you want to go out?

An hon. Member: Say, "Yes"!

Question No. 402

AFRICANIZATION OF CHIEF ZOOLOGIST'S POST

Mr. Mulwa, on behalf of Mr. Nthenge asked the Minister for Agriculture if he would tell the House—

(*a*) the reason why the post of Chief Zoologist had not been Africanized yet it was held by a non-African from South Africa who was not very highly qualified;

(*b*) the reason why he did not have a deputy.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The present holder of the post of Chief Zoologist is a British citizen and not a South African. He is the most qualified and experienced officer in the field of tse-tse flies and trypanosomiasis. The post has not been Africanized due to lack of suitably qualified citizens. Hon. Members should be very much aware of the shortage of manpower in the Government service, and particularly in this field. However, my Ministry has recruited a citizen whom, it is hoped, after gaining the necessary experience will be able to assume the duties of Chief Zoologist.

Mr. Mulwa: Mr. Speaker, Sir, can the Assistant Minister tell us whether this African who has been recruited has been taken in as a deputy to this gentleman or whether he is understudying him?

Mr. Wanjigi: Mr. Speaker, Sir, he is an Assistant.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister that there is no suitable African who can take over this post, can he tell us whether this post was ever advertised and then no suitable Kenyan was found to fill the post?

Mr. Wanjigi: Mr. Speaker, Sir, we did not advertise this post because we know the people who are available.

Question No. 403

SHORTAGE OF WATER AT OL KALOU TOWNSHIP

Mr. Muregi asked the Minister for Local Government if he would tell the House—

(*a*) in view of the fact that water was very essential in places where many people lived like townships, whether he was aware that Ol Kalou Township suffered from a serious lack of water and that traders travelled 10 miles to get water.

(*b*) whether he was aware that that township was owned by a European who lived in Malindi and if so whether the Government would take it over and alleviate that serious situation.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. (*a*) I would like to inform the House that due to a mechanical fault in the pumps operating the two boreholes which supply water to Ol Kalou Township, there was a temporary shortage of water supply in that town. In fact, I visited the area with the hon. Member several months ago and we then authorized the repair of those boreholes and now I am glad to say that repair work is now in progress. As a matter of fact, I believe that one of the pumps is already repaired.

(*b*) It is true that the land upon which Ol Kalou is built is owned by a certain European. The Commissioner of Lands' record shows that the area within which Ol Kalou town is situated was originally registered in the name of a Mr. Morgan Grenville, who owned the land on a freehold basis. In view of the changing political trends this gentleman kindly offered to surrender the land to the Government free of charge. Negotiations have been going on in respect of the items, such as buildings, machinery and so forth, with regard to the amount of money he would receive from the Kenya Government in compensation for that alone. I am happy to inform the House that this exercise is just about to be completed and the Government is going to take over that land of Ol Kalou within the next few months.

Mr. Muregi: Mr. Speaker, Sir, will the Minister tell the House how soon this will be effected because the agent of that land did not allow the local authority to take over the pumps although the Minister gave them permission—and I am happy of this—and up to now these pumps are still broken down and the county council has no access?

Dr. Kiano: Mr. Speaker, Sir, I really hope that this exercise will be completed in less than three months time because all the documentary work is now complete and what we are doing now is to decide whether when this land is taken over by the Government it will be trust land under the

[The Minister for Local Government]
hands of the County Council of Nyandarua or it will remain a part of the lands under the Commissioner of Lands. So, that is the only legal part which is remaining.

Question No. 398

AFFORESTATION OF ATHI RIVER/MTITO ANDEI AREA

Mr. Mulli asked the Minister for Lands and Settlement if he would tell the House, since it was common knowledge that half a million of the Kamba tribe lived on bare rocky hills of the Machakos District while tracts of flat fertile plains lay over 200 miles stretching from Athi River down to Mtito Andei, when it would be possible to start afforestation on those hills and subsequently settle the displaced people on the unsettled land so that they could reap the fruits of the "Back to the land" call.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. The Government would consider resettling people residing in these hills after the evaluation of land use has been completed showing where conflicting interests exist—for instance where land could be used either for agriculture, forestry or wildlife and tourism, and when the people are prepared to hand over the hills to Government for afforestation purposes.

Mr. Mulli: Mr. Speaker, Sir, is it reasonable for the Government to leave a population of 500,000 on bare and rocky hills and yet there is so much of their land which was taken by Europeans along this stretch of the Athi River down to Mtito Andei, and yet expect them to develop?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I beg to give further information.

Machakos hills are among those areas that have a high agricultural potential and densely populated areas. When an exercise was carried out in order to ease the population concentration on these hills by opening up Makueni Settlement Schemes the inhabitants of such areas like Boni were reluctant to move and even now peasants in Boni or Kilome, for instance, would prefer to have one piece of land up on the hills and another one on the dry low lands instead of vacating the hills for afforestation. Currently, there are only 35 gazetted forests in Machakos and there is no doubt that if the hills of Boni, Mitaboni, Kilome and Kangundo were afforestated a better and protected water catchment would be formed and also provide firewood and raw materials for such industries like saw-mills, furniture, construction and so forth.

Question No. 289

TARMACKED ROADS IN MERU DISTRICT

Mr. Muturia asked the Minister for Works if he would tell the House—

(*a*) how many miles of roads were tarmacked in Meru District;

(*b*) how many miles of road the Government had taken over from Meru County Council;

(*c*) the time when Meru/Kina Road will be tarmacked.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply. (*a*) There are 53 miles of road which have been tarmacked.

(*b*) We have taken over 745 miles of road which were under the county council and the area council.

(*c*) It is not in the Development Plan to tarmac Meru/Kina Road.

That is the reply, Mr. Speaker, Sir.

Mr. Muturia: Mr. Speaker, Sir, apart from cheating the House that the Government has tarmacked 53 miles of road in Meru and that they have taken over 745 miles of road, can the Assistant Minister tell the House when they are going to tarmac this very important road—Meru/Kina Road—a national park road and a road which is contained in the Development Plan?

Mr. Kuguru: Mr. Speaker, Sir, I think the hon. Member does not understand what he says or what he does because I am not cheating or teaching. I have said what is true—that we have tarmacked 53 miles and that we have taken over 745 miles of road. I have also added that Meru/Kina Road is not contained in the current Development Plan.

Hon. Member, it is up to you to go to the development committee of your area——

The Speaker (Mr. Mati): Address the Chair!

Mr. Kuguru: I always do that.

It is up to the hon. Member to take the matter with his development advisory committee in his area.

Mr. Muturia: Mr. Speaker, arising from what the Assistant Minister has said that I should go back to the development committee, is he aware that this request has been repeatedly placed on the Meru District Development Committee plan from 1964 up to now and yet it has never been considered in the National Development Plan?

Mr. Kuguru: Mr. Speaker, it is not my Ministry's responsibility to do that. It is up to you

[The Assistant Minister for Works]
to press hard so that this road will be incorporated in the Development Plan—maybe the next one.

Question No. 405

ACCESS ROAD TO MR. NDIKWE'S FARM

Mr. Kanja asked the Minister for Works if he would tell the House—

(*a*) whether he was aware that Mr. Joseph Ndikwe's Farm which was adjacent to Laikipia District near Nanyuki had no access road within Central Province;

(*b*) why the European farmer who was next to him blocked the farmer's access road; **and**

(*c*) whether the Ministry could get this access road reopened.

The Assistant Minister for Works (Mr. Kuguru): Speaker, as a matter of fact, the road leading to Mr. Ndikwe's farm is a private concern. Therefore:—

(*a*) My Ministry is not aware.

(*b*) We have no knowledge that the road has been closed by a European.

(*c*) Mr. Speaker, we cannot interfere with private affairs If his road of access has been closed, which is not a classified road, it is up to the farmer to discuss the case with his neighbour.

Mr. Kanja: Mr. Speaker, with all due respect to the hon. Assistant Minister, the case was brought to the attention of his Ministry which is a part of the Government machinery. He is further aware that Mr. Ndikwe has no road of access to his farm. What action has he taken as part of collective responsibility of the entire Government to see that Mr. Ndikwe gets access to his farm?

Mr. Kuguru: Mr. Speaker, as a matter of fact, it is not the responsibility of my Ministry to make the Government concerned with private roads. If the road is going to the farm, it is up to the farmer himself to take the matter up or to make the road himself.

The Speaker (Mr. Mati): I think we must move on. Questions end at 3.30 p.m. and we do not have much time left.

Mr. Mulwa.

Question No. 404

AMENDMENT TO NATIONAL ASSEMBLY ELECTIONS ACT

Mr. Mulwa asked the Attorney-General if he would tell the House whether, since it was clear that our Constitution envisaged a great role for the Electoral Commission which in turn was very much pruned by other Parliamentary Acts which were designed to bring in the executive arm of the Government, he would introduce an amendment to the National Assembly Elections Act—

(*a*) to ensure that it was the Electoral Commission rather than the Government which prepared the voters' register and acted as returning officers to ensure that its democratic character was not imperilled by interference by the Government; and

(*b*) to ensure that Constitution was amended to allow the Commission to carry out its functions easily.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to reply. First of all, I do not accept my learned friend's point that the work of the Commission is not democratic. In my view, the Electoral Commission is doing useful work as an independent body and there is no need to amend the Constitution which we amended only last year to bring the changes——

An hon. Member: We cannot hear.

The Attorney-General (Mr. Njonjo): My learned friend can hear what I am saying and so it is up to you.

——to bring the changes which were brought in the last Parliament.

Mr. Mulwa: Mr. Speaker, will my learned friend agree with me that at the moment, even though the Constitution lays down that the Electoral Commission is an independent body, when it comes to the elections, for example, you find that it is the executive arm of the Government which carries out the elections and which, in fact, prepares the Voters' Register, thereby mixing both the executive arm of Government and the independence of the Commission?

Mr. Njonjo: I do not think there is any confusion, Mr. Speaker, with due respect to the hon. Member. These are mechanics of the elections and, I think, the House will agree with me that the mechanics of the elections must be carried out by the administration staff who are on the ground. However, the decisions about the Voters' roll and also the constituencies are matters which are for the Electoral Commission. The mechanics of elections—the voting and the dates of voting—those are matters for the Electoral Commission.

Mr. ole Marima: Mr. Speaker, Sir, since the members of that Commission earn monthly salaries, could the Attorney-General tell us how

[Mr. ole Marima]
often they have been sitting and when they sat last so as to justify the salaries?

Mr. Njonjo: I require a notice to know when they last met. This is proof that the Government has no control over them and that we leave them as an independent body.

Mr. Mwamzandi: Arising from the Attorney-General's reply, and due to the fact that the question here seeks to know whether the Electoral Commission can be entirely responsible for carrying out the elections as an independent body, will he see to it that an amendment is introduced so that we have the Electoral Commission entirely responsible with regard to carrying out the elections in order to avoid the unfairness by Government civil servants?

Mr. Njonjo: Mr. Speaker, I wish the hon. Member would read the Constitution which he made because he was a Member of the House. Section 4 of the Electoral Commission Act make the Electoral Commission independent. Nobody controls them.

Mr. Mwamzandi: On a point of order, the Attorney-General is misconstruing my question. I did not say that the Electoral Commission is not independent. I said that it is independent and asked if he could bring in an amendment so that the Electoral Commission becomes responsible for carrying out the Elections rather than the Civil Service being responsible.

Mr. Njonjo: I do not know whether, Mr. Speaker, every Member wants the same answer repeated. I replied to that when I replied to my learned friend. I said that the only part the administration takes in the elections is on the mechanics of the elections. They have no decision about the elections. This is a matter which is decided by the Electoral Commission. However, surely, I do not think the House wants to create another department or another ministry to run the elections.

Mr. Kivuitu: Arising from my learned friend's reply and considering the fact that the returning officers and the presiding officers in these elections have a lot of powers which require independent decisions, and considering that on many occasions it is the administrative officers who are appointed to do this, does not the Attorney-General agree with me that there is room for injustice in making these decisions and, therefore, we should have people who are not involved with Government?

Mr. Njonjo: Mr. Speaker, that is an opinion from my learned friend which I respect. However, even if we were to change and make returning officers other officers, the question will still be that perhaps, they will not be trusted. However, Mr. Speaker, if a candidate is not satisfied with the decision of the Electoral Commission, of course, lawyers who are here know that one has recourse to the court of law, if the decision by the returning officer happens to be wrong. However, I submit that the arrangement we have at the moment is fair. If the returning officers violate the law, then this creates more jobs for my learned friend to go to a court of law.

Question No. 384

LICENCES FOR MATATU VEHICLES

Mr. Karungaru asked the Minister for Power and Communications if he would tell the House what immediate action he was taking to help *matatu* vehicle owners in Nairobi get licences for their vehicles.

The Minister for Power and Communications (Mr. Ngala) Mr. Speaker, Sir, I beg to reply. It is illegal for anybody to operate any *matatu* before obtaining a licence for it. The normal procedure is for the *matatu* owners to apply for such licences and then proceed to buy the vehicles after the licences have been granted.

For the City of Nairobi, applications should be made to the City Council of Nairobi and to the Transport Licensing Board for transport outside the city limits.

Mr. Karungaru: Mr. Speaker, knowing pretty well that there is a big shortage of transport in Nairobi particularly for the indigenous people who are the main users of the present means of transport which we have and which is owned by foreigners; bearing in mind that there is a need for more transport facilities within the city, will the Minister tell this House whether his Ministry is prepared to help these people if they form co-operative societies with a view to securing or obtaining licences, as he had indicated earlier on?

Mr. Ngala: Mr. Speaker, Sir, the Ministry is aware of the transportation difficulties in Nairobi. The Ministry would be very pleased if, either as an individual or as a co-operative society wishing to operate within Nairobi, people would apply for licences. I have already stated that they can apply to the City Council for the licences and the City Council would consider the applications whether they are from a co-operative society or from an individual.

Question No. 393

RATIO OF RECRUITMENT: EAST AFRICAN RAILWAYS CORPORATION

Mr. Ebu, on behalf of Mr O'washika, asked the Minister for Power and Communications if he would tell the House—

(*a*) whether it was true that the East African Railways Corporation Board of Directors

[Mr. Ebu]

resolved that the ratio of recruitment would be for every Kenyan recruited in Kenya one Tanzanian and one Ugandan must be recruited in Kenya; and

(*b*) whether this applied also to both Uganda and Tanzania.

The Assistant Minister for Power and Communications (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. (*a*) Indeed, it is true that the East African Railways Corporation, by a majority vote of directors, resolved that the ratio of recruitment will be on that basis, but Kenya Government has not yet accepted that decision. The matter is being pursued through the normal channels.

(*b*) That decision was for all the three states regardless of where the vacancies arise.

Mr. Ebu: Mr. Speaker, arising from that reply given by the Assistant Minister, could he tell us exactly what techniques are used to ensure that each partner state gets its rightful share in the employment within the Railways Corporation?

Mr. Onamu: Mr. Speaker, I have said that the Kenya Government has not accepted that decision and that the matter is being pursued.

Question No. 401

FISHERIES STATION AT KERIO DELTA

Mr. Ang'elei asked the Minister for Tourism and Wildlife if he would tell the House what arrangements the Ministry was making to establish a fisheries station at Kerio delta.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, the reply to the question is, "None, Sir."

Mr. Ang'elei: Mr. Speaker, Sir, in view of the fact that the fishing industry is progressing in the country and fishing being one of the main occupation in Turkana District, what is the Government doing so as to encourage these people to be good fishermen?

Mr. Jan Mohamed: Mr. Speaker, Sir, there are three reasons why a fisheries station cannot be built in Kerio delta.

Firstly, the known number of fishermen there is about 10 people. The known quantity of fish caught per month is about 500 pounds. Thirdly, Mr. Speaker, Sir, during the wet season, the whole area is flooded and the fishermen move away.

Therefore, it is difficult to build a proper fisheries station because it would be uneconomic and impossible.

Question No. 341

AMENDMENT TO THE WILDLIFE ACT

Mr. Lenayiara asked the Minister for Tourism and Wildlife if he would tell the House whether he was aware that an amendment to the Wildlife Act which he had promised to introduce to the House the year before was long overdue.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. On 29th September, 1970, I remember having answered the same question from a Member (I do not remember which one) and I said that a new Wildlife Management Act was going to be introduced to this House. However, I am pleased to inform the hon. Member that the first draft Bill has already been prepared and it is now being considered by the Government. Then, it is going to be introduced to this House and at that time, I hope that all the Members will air their views in that respect.

The Speaker (Mr. Mati): Next question, Mr. S. Lugonzo.

QUESTION BY PRIVATE NOTICE

BOARD OF GOVERNORS FOR MUSINGU HIGH SCHOOL

Mr. S. Lugonzo: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:—

Is the Minister aware that Musingu High School has not had a Board of Governors for the last one year? If the answer is in the affirmative, can he tell the House what body acted as a substitute for the Board of Governors during this period?

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. Although the term of service of the old Board of Governors ended at the end of 1969, it continued to function and about July last year, I approved the appointment of three new members. Last month, Mr. Speaker, Sir, a few more names were submitted to me by the Provincial Education Officer for my consideration and, I would like to assure the hon. Member that the new Board will soon take over from the old one.

Mr. S. Lugonzo: Mr. Speaker, Sir, I am surprised to hear that there is a new Board of Governors because I have not heard of it.

The Speaker (Mr. Mati): Put the question; our time is almost over now!

Mr. S. Lugonzo: Mr. Speaker, Sir, is the Minister or Assistant Minister aware that during this period, due to lack of a Board of Governors, there has been a dictatorial kind of administration at that school in that the students are being suspended from the school for even up to two terms without any consultation with the Board of Governors?

Mr. Rubia: Mr. Speaker, Sir, nobody would like to cover up any indiscipline anywhere and, as far as I know, any apparent indiscipline that comes to light can be dealt with not only by the headmaster of the school but also by the existing members of the Board of Governors who are still functional.

The Speaker (Mr. Mati): Next Order.

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

STATEMENT OF EXCESSES, 1967/68

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

THAT, a sum not exceeding K£92,533.12.55 cents be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1968, in respect of Statement of Excesses 1967/68.

Mr. Speaker, Sir, the hon. Members of this House debated, in the last Sitting of Parliament, the Report of the Public Accounts Committee. Members are well aware that during the debate, questions were raised as to why we were late in dealing with the 1967/68 Public Accounts. Mr. Speaker, Sir, explanations were given at that time that the Public Accounts Committee had not met due to certain circumstances which were explained and which were beyond the powers of the Treasury.

Mr. Speaker, Sir, it was explained that during 1968 and 1969 the Public Accounts Committee did not meet or met, I think, on only two occasions. Therefore, the examination—and I want to explain this so that there is no misunderstanding about it—by the Public Accounts Committee of the Report by the Controller and Auditor-General did not take place until very late last year. When the examination had taken place, then in accordance with our Standing Orders a Report of the Public Accounts Committee was tabled in this House; it was discussed in the last Sitting of Parliament and it was agreed upon. We are then required, Mr. Speaker, Sir, under the Standing Orders, to submit to this Parliament a formal Motion. After the Parliament has approved the Public Accounts Report, we are required to submit a formal Motion to formalize the recommendations of the Public Accounts Committee.

Mr. Speaker, Sir, these two Motions which now appear on the Order Paper regarding Excesses are, therefore, Motions to approve the recommendations of the Public Accounts Committee as contained in their Report which was discussed here in the last Sitting of Parliament. I do hope, therefore, Mr. Speaker, Sir, that we will not—anyway I do hope that you give us your guidance—go into reopening the matters we had to reply to when these issues were discussed here; matters examined in the Report of the Public Accounts Committee which did say that they saw reasons why there had been certain excess expenditures.

Finally, Mr. Speaker, Sir, let me say this: that excess expenditure is such expenditure as happens and has been carried out by the end of the year without having been first included in an Estimate. Now, Mr. Speaker, in each case where this has happened, as is shown in this Report, there is an explanation by the Accounting Officers to the Public Accounts Committee and these explanations, the bulk of them, have been accepted by the Public Accounts Committee as being reasonable explanations.

Mr. Speaker, Sir, I therefore want to suggest that every person who is involved has been quizzed and questioned by the Public Accounts Committee and the circumstances in which there was an excess have been given full examination and approved.

Mr. Speaker, Sir, I do not think I should take more of the time of the House because I am sure we all want to discuss the new proposals for expenditure which are included in the Motion (C) and (D). Therefore, I would welcome your guidance, Mr. Speaker, as to whether we should move each of these Motions separately or whether we could move the two Motions dealing with excess expenditures together or just how you want it to be done.

Mr. Speaker, Sir, I beg to move.

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

(Question proposed)

Mr. Mwamzandi: Mr. Speaker, Sir, I would like to make a few points here with regard to this Motion.

In 1967/68 there was another Parliament and it is very surprising——

An hon. Member: But you were a Member!

Mr. Mwamzandi: I was a Member, yes! It is rather surprising for the Government to have spent this money without the authority of the previous Parliament. This, Mr. Speaker, looks as if there is a little negligence on the part of the Ministry of Finance and Economic Planning.

[Mr. Mwamzandi]

Mr. Speaker, Sir, the Minister here failed to explain fully as to why we had these excesses of expenditure or why the Ministry failed to abide by exactly what had been estimated by the previous Parliament. Furthermore, before I give my sincere support, I would like to know from the Minister for Finance why he felt ashamed to bring this into the first Parliament at that time. That is all I want to know.

With these few remarks I beg to support.

The Minister for Finance and Economic Planning (Mr. Kibaki): On a point of order, Mr. Speaker, is the hon. Member not misleading the House when he talks about this matter when he knows very well that I could not bring it into the House until the Public Accounts Committee had examined it. I could not bring it at all because these are extracts from the recommendations of the Public Accounts Committee. What would I have brought? Mr. Speaker, I could only bring it after the Public Accounts Committee had examined the matter. The hon. Member is misleading the House.

The Speaker (Mr. Mati): Order! I might as well point out that the Report of the Public Accounts Committee was presented here and debated. This falls within that debate. So there is, in fact, no need for Members to start repeating what was said here during the long debate.

Mr. Lotodo: Mr. Speaker, Sir, I stand to support this Motion. Sir, I think the Ministry has been very negligent because the amount required here is much larger than the amount that was required in 1968/69. I hope the Minister will in future see to it that public money is spent properly and for the purpose it is voted. It should not be spent on luxury and so on. Mr. Speaker, although it appears as if——

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Speaker, I would like to have your ruling here. In view of the fact that this matter was debated at great length when the Public Accounts Committee Report was presented, I beg to move that the Mover be now called upon to reply.

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

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am very grateful for the contributions of the two gentlemen who have spoken. I beg to move.

(Question put and agreed to)

MOTION

STATEMENT OF EXCESSES, 1968/69

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move:—

> THAT a sum not exceeding K£1,089,936-5-34 cts., be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1969, in respect of Statements of Excesses 1968/69.

Mr. Speaker, we are again late in presenting this particular Motion for the same reason as I have just given: that during 1968/69 the Public Accounts Committee did not meet on a regular basis. The report was not, therefore, brought to this House until some time at the end of last year and was debated in the beginning of this year.

Mr. Speaker, in future, I am assured that it is the intention that the Public Accounts Committee should meet fairly regularly: almost every two months. I want to say to this House that we in the Treasury, very much welcome regular meetings of the Public Accounts Committee because by their questions, to those people in charge of the expenditure, they do help. They question accounting officers and they help in the work that we are given to do. In this kind of debate and issues, we are very much on one side of the Public Accounts Committee.

Mr. Speaker, explanations which the Public Accounts Committee found for approving these excesses are, in fact, given in this report which has been Tabled and I do not need to take each item and give an explanation.

Mr. Speaker, I beg to move.

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

(Question proposed)

Mr. Cheserek: Mr. Speaker, Sir, I rise to support the Minister for Finance and Economic Planning. Mr. Speaker, I think the House is debating something which should have been debated in 1968/69. I think the Minister should always see to it that the Public Accounts Committee meets regularly so that everything is done within the required period. Sir, now this is being debated in the 1970/71 Financial Year but, I would like to advise the Minister that we should not repeat this in future. We should not be debating on sums of money which have been used so many years ago. Sir, this is something which should have been debated by the last Parliament but it has now been brought to this House. Sir, in view of what the Minister has just said, I wish to support this Motion.

Mr. S. Lugonzo: Mr. Speaker, Sir, I am inclined to think that the House should oppose this Motion for a few reasons. Sir, it seems to have become a tendency, or a sort of every year's business for excesses to be approved and approved and approved. This is making the excess expenditures rather perpetual. I think it is time we refused to approve these excesses especially such small amounts like this. It is smaller than the first one because the first one is £92 million. I think it is time we refused to approve this one million so that——

Hon. Members: It is £92,000.

Mr. S. Lugonzo: £92,000? In any case, Mr. Speaker, it is time we put a stop to excess expenditures by refusing to approve them. We should be aiming at deterring any further excess expenditures by Government officials. Unless we get an assurance from the Government that they are going to design some drastic measures to make sure that the accounting officers spend their money within the Estimates, I think it is time we refused to approve this kind of request by Government. So, unless the Minister can assure us that he now has a system by which to control the accounting officers so that they do not spend, in 1971/72 and 1972/73, in excess of what they will have been given to spend, we should block this Motion with good intentions. I think when Estimates are made, Mr. Speaker, they are made to comply with a certain plan. We are complying with 1970/74 plan. Now, when excesses are incurred, it means we are not working according to plan and I think it is a wrong way of doing things.

For these reasons, Mr. Speaker, Sir, I beg to oppose.

Mr. Tsuma: Mr. Speaker, Sir, the question of the accounts—these same accounts which are here —was discussed last time and various items were referred to a Select Committee of this House to look into paragraph by paragraph. As a whole, the whole report was accepted. Mr. Speaker, the fact is that the submission of accounts by the officers concerned make it so difficult for the House to be able to debate the Public Accounts in time. If the Minister will assure this House that from now on his Ministry will see to it that the officers concerned with accounts, will submit the statements in time, then we will not find it difficult to have this approved, but not until we know what the Select Committee is doing—of course it will not really reject the whole of the amount required here. Although my friend has suggested that the Motion should be blocked, I know it will put Government in a most precarious position because as yet this House has not actually been informed as to whether the remedy has already been observed. There are technical reasons why the account is so unexpected. However, the fact remains that the question of excess expenditure, which should be checked by the Treasury, is not being checked.

We hope that now that the Minister has agreed that the Public Accounts Committee should meet more often so as to avoid the irregularities that are appearing in the accounts here—— If that is going to remain so, then there will be no difficulty at all.

However, Mr. Speaker, I would like to ask hon. Members at this juncture, while we know that we are going to get some report, and unless that was subject to blocking the Motion, I support the Motion as it is.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, I think this is a very straightforward Motion, which all of us need to support. The point, as has been elaborated by the Minister concerned, is that the delay in approving the excesses is caused by the Public Accounts Committee, which did not meet at that time.

Mr. Speaker, Sir, errors must always be there, and they must be corrected. That is what we are doing now. I think the House will agree with me that the current chairman of the Public Accounts Committee is the Member who has just sat down. If he is not going to delay, but call the meetings regularly, he will be able to convene the meetings regularly and rectify the situation so that the House may not at any future time be faced with a situation of delay like this one.

Therefore, Mr. Speaker, I think this is a straightforward Motion. We have been told here that there were some reasons for the failure of the Public Accounts Committee to meet. Since we now have a fresh House and a fresh Chairman of the Public Accounts Committee, I hope he will arrange for his committee to meet regularly and he will also whip up the accounting officers to bring their accounts in time.

In fact, Mr. Speaker, Sir, the hon. Member who has just sat down, being the Chairman of the Public Accounts Committee, will have all access to the Ministers concerned and tell them, "I want the Public Accounts, and I want the accounting officers to account for this and that expenditure. If he does that we will not be faced with the situation of delaying like we did the other time.

Mr. Speaker, Sir, I think we all have to be short on this Motion because we have a lot of work ahead of us.

I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Makone): On a point of order, Mr. Speaker. Since there is a lot of repetition, I beg to move that the Mover be now called upon to reply.

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

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, in reply I would only say that we are very fortunate that the Member for Lurambi South—or is it North? —is now chairman of the Public Accounts Committeee. Maybe, he does not know it that he is the chairman.

Therefore, Mr. Speaker, the proposals that he was trying to make to me about regular meetings, who should be quizzed and so on, are necessary. But I will not be there because I am not allowed to be a member of the Public Accounts Committee. Therefore, Mr. Speaker, I hope he will apply the recommendations he was making to me because he is now the chairman.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

MOTION

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71—RECURRENT

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

THAT a sum not exceeding K£1,708,013 be issued from the Consolidated Fund to meet Expenditure during the Year ending 30th June, 1971 in respect of Supplementary Estimates No. 2 of 1970/71—Recurrent.

Mr. Speaker, these are, in fact, supplementaries arising from circumstances which truly have been unforeseeable, and they have been circumstances that we could not have budgeted for in the original Budget. I do hope, therefore, that hon. Members will note that despite the efforts we are making we get into these situations which regrettably are to be cared for by provision of Public Funds, but which are normally unexpected.

The main expenses here, Mr. Speaker, as Members will clearly note, have been, first and foremost, the disaster relief, which is taking £103,000. This is as a result of the very prologed drought which we could not have foreseen at the beginning of the Financial Year, Mr Speaker. Above all, it is unfortunate in that it will take money which should have gone to the Development Expenditure. However, Mr. Speaker, these are some of those hazards of nature which we have to deal with, although it is none of our making. So we have to spend this money through the President's Office for relief work in various places.

I want to say that this work is continuing and, therefore, even in the new Estimates, which we are now preparing for next month, there will be provision for disaster relief. Therefore, we have not yet got over the problem.

Mr. Speaker, there is just a risk—I hope that hon. Members will pray that it does not happen —that from one catastrophe of drought we might get into the other catastrophe of floods, and we might be forced to have relief for floods. Mr. Speaker, I do hope that those of us who pray on a regular basis will pray that we are spared from that other type of catastrophe because this is money that could go for other types of development. Mr. Speaker, there is the second item which has taken substantial sums here, and which is to do with prisons. However, I want Members to note that although we are spending £150,000 on the purchase of saws and plant for the prisons, which are needed, I want Members to note that we will get Appropriations in Aid from the same department because as Members know, the Prisons Department have become quite efficient manufacturers of furniture, household goods and very many other items. Any Member who has not utilized the shops of the Prisons Department, I would like to invite him to visit either Kamiti or, even more easily, their store at Nairobi West, near Wilson Airport, where there is very good furniture for prices at half what they would pay in the normal commercial shops. Mr. Speaker, Sir, I hope, therefore, that we shall augment the Appropriations in Aid by buying from the prisons.

Mr. Speaker, there is a very significant item of expenditure here in the case of Agriculture, and there are two items here which, again, Sir, were unforeseeable, and they are the main reasons for the increase in the whole of the Supplementary Estimates. The first one is £250,000, for an increase in subsidies to farmers, for fertilizers in particular. Now, this year, for some reasons, our extension services have produced much more response from the farmers, and the farmers have utilized more fertilizer than we had thought they would. It is not something unhappy; it is something to welcome, but it does mean that the subsidy on fertilizer is costing a little more than we had estimated. Now, we are not sorry, but the point is that it has to be taken care of in normal expenses. Naturally, as Members know, there has been a report, which we hope to release shortly, in a day or two, on this whole question of subsidy for fertilizer, and we hope to release the full report, which should help Members.

[The Minister for Finance and Economic Planning]

The second item that is important here, Mr. Speaker, is the deficiency in Appropriations in Aid from the Coffee Board. Now, this amounts to £100,000; we had expected coffee to make contribution to the research and extension services; but unfortunately, because of all these problems, including Coffee Berry Disease and so many other problems, we have found that the industry is not able to bear this cost of £100,000. It has been agreed that this should now be made from the General Exchequer because this is the way which might be reasonable. Therefore, Mr. Speaker, we have brought this; it was expected we might have achieved it, but there is a deficiency.

The second problem, Sir, is the deficiency from the Livestock Marketing Organization. Now, the Livestock Marketing Organization, as Members will know, buys livestock from various parts of Kenya and disposes of it either by selling internally or by selling to the Kenya Meat Commission or selling wherever they do. Now, they hold a lot of livestock in various holding grounds, mostly somewhere in North-Eastern Province or half-way between North-Eastern and the marketing area. This year, because of drought, it became obvious that the cattle were in such lean condition that there was no point in trying to sell, because it would have fetched very little; we would have lost money. The Livestock Marketing Organization, therefore, decided to postpone the selling; perhaps even more important, we have been very unfortunate, with the occurrence of Foot-and-Mouth Disease and, therefore, the normal movements of livestock have been impeded, and for that reason, the Marketing Organization has not been able to sell as many head of cattle as they had anticipated. Therefore, there is need for us to give the Livestock Marketing Organization additional moneys, and perhaps more important, there is need for us to forego —to forego, I say, because it is not a new Vote— what Appropriations in Aid we had expected from them, because they will not be able to sell the livestock until well into the new year, after the cattle have had a bit of grass and they are getting on to about August or September.

Therefore, in as far as the Financial Year 1970/71 is concerned, the amount we expect from them will not be forthcoming and, therefore, we need, Mr. Speaker, to forego those Appropriations in Aid, which are very substantial, well over £400,000.

Now, Mr. Speaker, on item "Health," Members will see that here we are having to spend just a bit more than £130,000 on the campaign to immunize Kenyans against cholera. Now, it is an epidemic; it happened it came from outside Kenya, despite the precautions which our Department of Health had taken. They have done very well and therefore deserve the compliments of everybody, Mr. Speaker. We have to spend this money to immunize Kenyans against this particular disease, which, as everybody knows, is one of the most deadly diseases. Mr. Speaker, we have made a lot of progress and we are grateful to the World Health Organization and to a lot of countries in the world, which, as Members know, have given help to Kenya. However, we have to vote this amount of money of our own, for that particular epidemic.

Mr. Speaker, I mentioned that these three are very largely the items that have accounted for the increase in expenditure. There is a final one which is the Ministry of Works; it tends to happen, Mr. Speaker, that the Ministry of Works is improving regularly in efficiency, and as it is, we need to give them additional sums of money, in order to maintain the roads; they took over roads from the county councils and the final estimates of what it would cost them to maintain these were not available until very recently. Mr. Speaker, now they are well equipped, and in estimating for the new year they will have much more accurate figures: but, anyway, this is money very well spent, and as the country can afford it, I am quite sure that none of us will begrudge it being voted to that particular Ministry, Mr. Speaker.

An hon. Member: How much is it?

The Minister for Finance and Economic Planning (Mr. Kibaki): One Member is asking how much it is, Mr. Speaker; it is all spelt out in this particular booklet, but I am happy to tell him that it is £300,000.

Mr. Speaker, these are the main items—it is not to say that the other items are not important; they are, but they are more in the nature of tidying up operations before the Financial Year. The new commitments which account for this additional £1.7 million, in fact, are the ones that I have highlighted, Mr. Speaker. As I said, they truly are unexpected expenditures and I hope, therefore, that we can all agree quickly to let it be passed, as we are coming on to a new Financial Year, Mr. Speaker.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Mati): Unless any hon. Member wishes to speak, I will call on the Mover to reply.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

MOTION

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71—DEVELOPMENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, we are very grateful for that speedy operation.

I beg to move:

THAT, a sum not exceeding K£1, be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971, in respect of Development Supplementary Estimate No. 2 of 1970/71.

Mr. Speaker, Sir, the sums that are required are detailed in the pamphlet which has been issued to Members and, as Members will see, the main sums that are now required cover expenditure in Commerce and Industry, Information and Broadcasting, and Labour. The reason for the sum showing, of course, £1 is that the Appropriations in Aid, either from loans or from other sources, will cover wholly the amounts that are needed. Therefore, out of the Consolidated Fund itself there will not need to be any money drawn. Therefore, the token £1 is to authorize expenditure.

However, what items we are to spend on are detailed in this pamphlet. Hon. Members can see that, first of all, there is £30,000 which is needed for expenditure on Ramisi Sugar at the Coast, in Kwale. Now, Sir, there is need for us to buy additional diffusers for that particular factory and there is need for us to buy that quickly because the factory must take care of the additional production of sugar-cane in the area.

Now, Sir, this particular equipment will be given under the loan agreement which we have with the Government of Denmark. It is to be paid over a long period of time. It will be paid for by the company, it is not going to involve moneys out of the Exchequer. I want to emphasize that point. The loan arrangements, however, had to be made by the Government so that we could get it on reasonable terms. That is one item.

Under Development Head: Game, National Parks and Fisheries, Members will note here that we need to appropriate a sum equal to £213,000 to this particular department so that it may be spent for the development of fisheries by the Kenya Fishing Industries Ltd. Now, the Kenya Fishing Industries, as Members know, is developing at the Coast. It is a freezing depot so that fish can be exported more efficiently. We are developing in a number of other places, Mr. Speaker.

This money has been negotiated with the Japanese, as is explained here, and that is why it is called in this pamphlet Yen Credit. It is negotiated with Japan and it will be loaned to this Corporation which is via the Industrial and Commercial Development Corporation. It will be paid out of their income and will not in any way affect moneys out of the Exchequer; but it needs to be appropriated because it is a loan negotiated by the Government.

The second loan, again from Japan, which will be operated by the Ministry of Commerce and Industry, is to the Kenya Fishnet Industries Ltd. We are building a factory at Kisumu for the manufacture of fishnets. This industry has been on the cards for a very long time and finally now the Japanese are lending the moneys, and the construction is commencing for the fishnet industry, to manufacture fishnets at Kisumu. This loan, again, will be paid for by that particular company, by Industrial and Commercial Development Corporation, and it will not in any way reduce the moneys available to the Exchequer.

As regards Broadcasting, it is explained here, Mr. Speaker, that the Institute of Mass Communication, which Members have seen on the way to the airport, on the left, opposite Nairobi South "C", that institute which is training people all over Eastern Africa in these new arts of communication. This Institute is very, very modern indeed. We have had assistance from various sources for equipment for that particular Institute. That equipment is now being authorized to be purchased with the £63,000. This is why that item is included.

Under the Ministry of Labour where the main item appears, is an agreement already reached between ourselves and the Government of America for the supply of new tractors, earth-moving equipment, graders and lorries to the National Youth Service. The National Youth Service, as Members will know, particularly those that come from Kitui who will have seen the road there, and those from some parts of Western Kenya where the youth has been working, and more recently in Nyandarua South—I understand, also, in some place in Busia, for which the Member for Busia South is very grateful to the National Youth Service. The National Youth Service has been grading roads; it is the intention of the department to expand the practical activity, the practical teaching of the National Youth Service.

Now, Sir, the Government of America has agreed to renew their loan to us by supplying this equipment on a very, very favourable and

[The Minister for Finance and Economic Planning]

long-term kind of arrangement, for which everybody is grateful.

Again, the whole amount is covered by the loan and, in fact, will be supplied as equipment. This is why this item appears here.

Now, Mr. Sptaker, I do not think there is anything I need to add except to say that these are items which we thought, as the expenditure on them need not be delayed, because the money has been secured from those foreign sources, until the new year. Because expenditure is going to start now, and it is better if this kind of equipment can be delivered as soon as possible, we thought as there was going to be a Supplementary Estimate we should include them. I am sure we all agree that where we can expedite the operations of Government departments, we should do everything we can in order not to delay this kind of expenditure.

Mr. Speaker, I beg to move.

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

(*Question proposed*)

Mr. Tsuma: Mr. Speaker, Sir, without picking a quarrel with the Minister there is one observation I would like to make. Even if the Treasury requires this money, he should not actually base his promise on what he expects to get because in many cases the Treasury has accepted hopes of Appropriations in Aid so that the Ministries can go ahead and spend money in that expectation and the money is then not forthcoming. As such the Goverment leaves it open for overexpenditure and this then becomes expenditure in excess and is at times discovered as unauthorized expenditure. I would in this case warn the Treasury that before they bring a Supplementary Estimate to this House, be it Reccurent or Development, they should make sure that the expenditure is within that, and what we expect to get we must see coming. We do not want to be told eventually that there was nothing when we expected something.

Here he says that we do not expect to be out of this ..... (inaudible), and we know, in future, when we have this money spent already, there is nothing coming in, then this will be expenditure which is excessive and unauthorized.

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

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to support the Motion by the Minister for Finance and congratulate him for so ably putting his request to the National Assembly. My colleague, seated behind me *there*, has had some difficulties which he has already explained.

However, Sir, I feel that as a National Assembly we should be free to spend, especially when we realize that we are spending in the national interest, where matters of development are concerned. In these cases I think we should move ahead and spend some money if we know that by so doing we are going to bring something tangible.

In the case of agriculture, for instance, Mr. Speaker, we are very happy that the Minister has included this £30,000 because without it we would be in trouble. The House will recall that only in Supplementary Estimate No. 1 of 1971 we passed here a figure of £150,000 for these sugar diffusers at Ramisi. It so happened that at the time we were doing this we were basing our calculations on an estimate. Now we have actually ordered these diffusers and they are on the way coming. As you know, when you order something, then you know what the actual cost is. We found, for instance, that the price of these diffusers—they were worked out in Danish kroners—when translated into Kenya pounds showed a figure which was higher than the figure which we had put here in our Supplementary Estimates No. 1 by £30,000. I am quite sure that all Kenyans will welcome the services of these diffusers, especially if you understand the contribution that sugar as an industry is bringing about in the country. It is for this reason, Sir, that I think every hon. Member, instead of quarrelling with the Minister for Finance, should actually congratulate him so that we can bring about a speedy progress in the country while, of course, awaiting the major Budget in a month's time.

With this, Mr. Speaker, I beg to support.

The Speaker (Mr. Mati): If there is no other hon. Member wishing to speak, I will call on the Mover to reply.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move.

(*Question put and agreed to*)

IN THE COMMITTEE

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

MOTIONS

STATEMENT OF EXCESSES, 1967/68

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Chairman, Sir, I beg to move:—

[The Minister for Finance and Economic Planning]

THAT, a sum not exceeding K£533-12-55 cts., be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1968, in respect of Statement of Excesses 1967/68.

(Question proposed, put and agreed to)

STATEMENT OF EXCESSES, 1968/69

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Chairman, Sir, I beg to move:—

THAT, a sum not exceeding K£1,089,936-5-34 cts., be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1969, in respect of Statement of Excesses 1968/69.

(Question proposed, put and agreed to)

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71 —RECURRENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Chairman, Sir, I beg to move:—

THAT, a sum not exceding K£1,708,013 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971 in respect of Supplementary Estimate No. 2 of 1970/71—Recurrent.

(Question proposed, put and agreed to)

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71 DEVELOPMENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Chairman, Sir, I beg to move:—

THAT, a sum not exceeding K£1 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1971, in respect of Development Supplementary Estimate No. 2 of 1970/71.

(Question proposed, put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

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

REPORTS

STATEMENT OF EXCESSES, 1967/68

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of Statement of Excesses, 1967/68 and its approval of the same without amendment.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Assistant Minister for Agriculture (Mr. Khaoya) seconded.

(Question proposed, put and agreed to)

STATEMENT OF EXCESSES 1968/69

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of Statement of Excesses, 1968/69 and its approval of the same without amendment.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Assistant Minister for Agriculture (Mr. Khaoya) seconded.

(Question proposed, put and agreed to)

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71 —RECURRENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of Supplementary Estimate No. 2 of 1970/71 and its approval of the same without amendment.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Assistant Minister for Health (Mr. ole Oloitipitip) seconded.

(Question proposed, put and agreed to)

SUPPLEMENTARY ESTIMATE NO. 2 OF 1970/71 —DEVELOPMENT

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of Supplementary Estimate No. 2, 1970/71—Development—and its approval of the same without amendment.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Assistant Minister for Agriculture (Mr. Khaoya) seconded.

(Question proposed, put and agreed to)

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 EDUCATION (AMENDMENT) BILL

Clause 2

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, there are two amendments here, one to 27A and the other to 27B. Which one do you want to deal with first? My amendment is to clause 27B and there is another hon. Member who has an amendment to 27A.

The Chairman (Dr. Waiyaki): You go ahead with your amendment.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I beg to move the following amendments:—

THAT the proposed new section 27B (1) be amended—

(*a*) by the renumbering of paragraphs (*b*), (*c*) and (*d*) as (*c*), (*d*) and (*e*) respectively;

(*b*) by the insertion after paragraph (*a*) of a new paragraph (*b*) as follows—

(*b*) one shall be the clerk to the council of the local authority for the area of jurisdiction of the Board or, where there is more than one such local authority, the clerk to the council of such one of them as the Minister may direct;

(*c*) by the insertion after paragraph (*e*) of a new paragraph (*f*) as follows—

(*f*) not more than six shall be appointed by the Minister to represent other interests.

Mr. Chairman, Sir, shall I continue and take all the other amendments as well?

The Chairman (Dr. Waiyaki): What clause are you on?

The Minister for Education (Mr. Towett): I am on clause 27B, and that is why I first stated there was an amendment by the hon. Mr. Tsuma to clause 27A.

The Chairman (Dr. Waiyaki): Let us begin all over again.

Mr. Tsuma.

Mr. Tsuma: Mr. Chairman, Sir, I beg to move:

THAT clause 27A (2) of the Bill be amended by adding a new proviso subclause (3) as follows:—

(3) Establishment of provincial boards to deal with secondary schools establishments and their running, and membership to be drawn within the respective province.

Instead of waiting for another Bill to come to this House which anticipate the Minister will probably at some time bring, that this amendment should be provided for now, in this particular Bill so that the establishment of provincial boards for secondary schools will be attended to. I do hope that hon. Members and the Minister will agree to this because when we deal with primary schools' set-up we might as well deal with the set-up of secondary schools. At the moment this is left entirely in the hands of one officer, the provincial education officer. Instead of him doing it all alone, there should be a board to assist so that this provincial education officer is not the only one person responsible for this. If this is so, then the public might start complaining that he does not do what the public wants. That is precisely why I felt it was a good idea to ask the Minister for Education to introduce this as a proviso in this Bill.

I beg to move.

(*Question of the amendment proposed*)

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, although I sympathize with the hon. Member's views, feelings and anticipations, I cannot do what he wants legally because there are some other sections of the law which prohibit me from incorporating provincial boards in an Act which is meant to be for district boards.

Under the Act of 1968, No. 5, the Minister for Education is empowered to establish—— Let me read the clause, Sir. It says:—

The Minister may, by order, establish an advisory council to advise him on any matter concerning education in Kenya or in some part of Kenya and may establish different councils for different areas or for different aspects of education.

My point here is that I oppose this amendment because I anticipate, later on, when the district education boards are in operation and functioning, we will see how they function and, if necessary, we may start these and call them provincial boards. However, these will be under a separate section and there will be a separate Bill for them. I do not want to have the provincial boards coming under what is entitled "district education boards". Later on this can come forward and we need to have provincial boards. I want this thing to be out of the way first, Sir.

There is also, for the information of the hon. Member, provision for me to establish a countrywide board or advisory body to advise on our educational set-up. So I do not want this three-tier organization to be spoiled by us making the whole lot come under district education boards.

Mr. Chairman, I oppose that particular amendment.

(*Question, that the words to be added be added, put and negatived*)

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I beg to move the following amendments:—

1. THAT the proposed new section 27B (1) be amended—

(*a*) by the renumbering of paragraphs (*b*), (*c*) and (*d*) as (*c*), (*d*) and (*e*) respectively;

(*b*) by the insertion after paragraph (*a*) of a new paragraph (*b*) as follows—

(*b*) one shall be the clerk to the council of the local authority for the area of jurisdiction of the board or, where there is more than one such local authority, the clerk to the council of such one of them as the Minister may direct;

(*c*) by the insertion after paragraph (*e*) of a new paragraph (*f*) as follows—

(*f*) not more than six shall be appointed by the Minister to represent other interests.

2. THAT the proposed new section 27B (2) be amended by the deletion of the words "one member" where they last appear, and by the substituting therefor of the words "the district education officer".

3. THAT the proposed new section 27C (2) be amended by the insertion after the word "representative" where it last appears of the words "any member of the National Assembly duly elected to represent the constituents of an area within the jurisdiction of the Board.

4. THAT the proposed new section 27D be amended by the deletion in paragraph (*a*) of the words "Permanent Secretary of the Ministry of Education" and by the substitution therefor of the word "Minister".

This time, Sir, I had to explain that the reasons for these amendments was to accommodate the explanations and probably what I called our fears when we discussed the Bill last time. I do not need to add anything more to that because this will be in the tune with what the hon. Members had asked.

Therefore, Mr. Chairman, Sir, I beg to move.

(*Question of the amendments proposed*)

Mr. Tsuma: Mr. Chairman, Sir, in his amendment the hon. Minister has said that there shall be one member from a constituency, which means that there are constituencies in a district and all members in a district belong to certain constituencies in that district—— I do not know what he means by that. I would like to get some clarification there because in his amendment he says, "any Member of the National Assembly . . . ". I do not know whether he means that one Member of a constituency would represent all the other Members in a district.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, if I may explain, in the English language the word "any" includes all and also single. In this particular case it is "any" meaning all.

Mr. Tsuma: Mr. Chairman, Sir, in this respect if, it be agreed that Members of Parliament can be on the board, the amendment I had moved, therefore, agrees with what the Minister says. Therefore, I would like to withdraw my amendment.

Under that amendment, Mr. Chairman, Sir, I had also mentioned the question of alteration in the number of membership, and since the number automatically increases from what he had proposed, I would therefore like to leave it as it is in the Minister's amendment.

The Chairman (Dr. Waiyaki): Is that in section 27B (1)?

Mr. Tsuma: Yes, that is in section 27B (1).

The Chairman (Dr. Waiyaki): The whole of it?

Mr. Tsuma: Yes, the whole of it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, I would like to be quite clear on this question of "any member" which is contained in the Minister's amendment under part 3. This is where he proposes a new section 27C (2) to amend it by the insertion after the word "representative", where it last appears, of the words "any member of the National Assembly duly elected to represent the constituents in the area within the jurisdiction of the board".

Mr. Chairman, Sir, it is common knowledge that we have many Members. For example, when we talk of Kakamega District there are eight elected representatives of the people. Now, when you talk of "any"—— I think it should just be "Members of the National Assembly without the word "any". The word "any", Mr. Chairman, means any of them. It means that among those eight Members of Parliament, you can take any of them. Now, this means that whoever shall have authority will be able to say that, "Well, there are eight Members and the law says "any" Member; I am therefore taking So-and-so because he is among "any". I think it should just be Members of the National Assembly without this word, "any". Mr. Chairman, Sir, my English is limited but "any" I understand the word "any" to mean that it will be a choice of one or any from a given lot. But, if you say "a Member of the National Assembly", that is quite alright because

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
that is "a Member of the National Assembly" and not "any" because "any" means that you have to choose from a group of fellows.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, if you just say, " a Member of the National Assembly"—— I do not think that is English unless you want to translate it into Swahili. You have to say "a Member" which amounts to "any". You cannot just say "a Member of the National Assembly". You must say "a Member", "the Member" or "Members". This is the way the English people taught me to speak their language.

Mr. Ayah: Mr. Chairman, Sir, I think the Minister does agree with the Members that he wants Members of Parliament in a district to be members of the board. In such a case, Mr. Chairman, I do not see the reason why we are arguing over this. I was thinking that there are some other English words other than "any". For instance, I do not see why the insertion should not be "all Members of the National Assembly duly elected to represent the constituents of an area within the jurisdiction of the board". I do not think that lawyers are necessarily bad people but they have a tendency of incorporating things where the Minister shall not have a chance to clarify the matter. Therefore, I wanted to ask the Minister whether he could not incorporate or substitute the word "all" for "any" and add this where "Member" occurs. If he agrees with us that we should have National Assembly Members on these boards, then I do not see the reason why we should be so particular about the word "any".

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I agree that the word "any" means "all" but not all in the accumulative sense. It means "all" additionally or one after another. That is what we mean, but if you mean all as an entity, it does not mean that. So, I can agree to say "all", and then, "one after another", but not all as a group or as one unit but "all" in bits.

Mr. Tsuma: Mr. Chairman, Sir, earlier on, I questioned whether "any Member" meant all Members sitting on the board. It is on that understanding that I had to withdraw my question because the Minister said "yes". Now, we can see where the joke lies. All of us do not have the knowledge of that language on how one is going to interpret this, when it becomes a law. We already have misinterpretations of boards of governors of schools whereby we get circulars saying: "You do not sit on the board of governors or you sit and you do not vote." One is going to use that language differently from how we view it now. Mr. Chairman, Sir, let us be blunt and come to the layman's language of understanding in this House. Just as the hon. Ayah said, I thought it meant that all Members of Parliament in a district—and that is why the number increases—will be sitting on the board together when it is meeting but not one after the other. Is that what you mean to say, Mr. Chairman? You remove the word "any" and provide that all Members of Parliament shall be Members of the board and will therefore be able to contribute their views? If they are eight, they all sit; if they are five, five, if they are two, two and if one, one. Therefore we should remove the word "any" to avoid confusing some of us. Some of us never went to universities and are unable to understand the language you think we understand. You must appreciate this fact.

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I never conveyed the impression that it was one sitting and then another and so on. I meant to count like my fingers, they are five in all, but they are one each, on the same hand. This is what I meant. If there are eight Members in Kakamega, eight will be there, that means one of them all. This is now going into philosophy, which I do not want to go into.

Now, Sir, I accept the word "all" but if the legal people will come back with this word saying that this word "all" is not used in law, then they will advise us. However, we had cleared with the legal people that "any" means "all" but after counting each separately.

Mr. Chairman, Sir, I will accept this amendment—I do not know how to put this one—instead of the word "any" insert the words "all Members of the National Assembly duly elected to represent the constituents of an area within the jurisdiction of the board".

Mr. Chairman, Sir, I beg to move.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Chairman, Sir, if I might plead with my friend, the Member for Lurambi South and also the Member for Kisumu Rural, as we all intend the same thing—— With due respect to them, I want them to heed what the Minister is saying. He is a linguist, let alone the other point. Mr. Chairman, Sir, if we do say "all" and then you want to say "to represent constituents of an area" you are already making a statement which has no meaning in the Constitution, because Members are not elected to represent constituents of an area. Members are each elected to represent a constituency and this is why the phraseology that the lawyers have put is the correct one, Mr. Chairman, because if you

[The Minister for Finance and Economic Planning]
start putting it the other way, you are giving the impression that Members are together elected to represent constituents in an area. The point which is worrying the Member for Lurambi South is fully covered by the fact that he is elected to represent constituents of an area within the jurisdiction of a board. The jurisdiction of a district education board is a district in the law, and, therefore, it is every Member elected to represent an area within the district because that is the jurisdiction of a district education board. Therefore, Mr. Chairman, Sir, the point is taken care of. I am sure that the wording in the singular, in the way the lawyers have put it, is the correct grammar and is also the correct legal phraseology. Therefore, as we all agreed that this is the meaning, and the Minister is saying that this is what, in fact, he has accepted, I do not know why we want to quarrel about the word, because we will confuse it further by the kind of re-phraseology which we are trying to use here.

Mr. Ayah: Mr. Chairman, Sir, unfortunately this is one of the very rare occasions when I have to reverse my thinking and I would like the Minister to withdraw his acceptance of this amendment. I was just thinking about it more deeply and my friend, the Minister for Finance, has reawakened my thinking on this. Actually, any Member of the National Assembly duly elected to represent the constituents of an area does mean each and all Members of that area and I want to say this with authority, Mr. Chairman, that I would inform my hon. friend, the Member for Lurambi South, that, in fact, it does mean exactly what we want it to mean and there is no reason why we should quarrel over it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Chairman, Sir, I seem to have the idea that this could be interpreted in different ways, but, probably the words "every Member" might be the ideal words.

The Chairman (Dr. Waiyaki): I think this has been done by the legal department and it is obviously the correct word.

I will now put the question of the various parts, starting from clause 2 (i) that we renumber the clauses, in paragraphs (*b*), (*c*) and (*d*) as (*c*), (*d*) and (*e*).

(*Question, that the paragraphs be renumbered be renumbered, put and agreed to*)

(*Question, that the new paragraph* (*b*) *be added to the Bill, put and agreed to*)

(*Question, that the new paragraph* (*f*) *be added to the Bill, put and agreed to*)

(*Question of the new section* 27B (2), *that the words to be left out, be left out, put and agreed to*)

(*Question of the new section* 27B (2), *that the words to be inserted be inserted, put and agreed to*)

Mr. Tsuma: Mr. Chairman, Sir, that is where I wanted to move an amendment and, in that respect, my amendment agrees with the amendment of the Minister, that the district education officer shall be the executive officer of the board——

The Chairman (Dr. Waiyaki): We have been taking care of that and we now go to section 3.

(*Question of the new section* 27C (2), *that the words to be added be added, put and agreed to*)

(*Question of the new section* 27D, *that the words to be left out be left out, put and agreed to*)

(*Question of the new section* 27D, *that the words to be inserted in place thereof be inserted, put and agreed to*)

(*Clause* 2 *as amended agreed to*)

(*Title agreed to*)

(*Clause* 1 *agreed to*)

The Minister for Education (Mr. Towett): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Education (Amendment) Bill and its approval thereof with amendments.

Mr. Tsuma: Mr. Chairman, Sir, I wonder whether the Minister would consider the organization of parents because it is not catered for in this Bill?

The Chairman (Dr. Waiyaki): Well, we are through the Bill and therefore it is too late to ask that question.

(*The House resumed*)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE EDUCATION (AMENDMENT) BILL

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Deputy Speaker, Sir, on behalf of the Chairman, I beg to report that a Committee of the whole House has considered the Education (Amendment) Bill and approved the same with amendments.

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

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

(*Question proposed*)

(*Question put and agreed to*)

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, I beg to move that the Education (Amendment) Bill be now read the Third Time.

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

(*Question proposed*)

Mr. Tsuma: Mr. Deputy Speaker, Sir, now that this Bill has been passed in this House the question remains as to whether the Ministry is going to use this Bill properly when it becomes law. Sir, many Bills have been passed in this House by the same Ministry but there has been a misuse of such laws because the Minister and his staff have continued to issue circulars which violate the laws of the country that have been passed here.

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 hon. Member is misleading the House. We should have our records corrected. He says that when we pass Bills here, circulars are issued by civil servants and I think he is referring to a Mr. Gachathi who was involved in a recent Motion in this House. Now, that was a Motion and a Mr. Gachathi will never play about with a Bill.

The Deputy Speaker (Dr. Waiyaki): I think that is irrelevant.

Mr. Tsuma: Mr. Deputy Speaker, Sir, my hon. friend likes standing up on useless points of order——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, is it in order for him to describe my point of order as a useless one when it was a proper point of order?

The Deputy Speaker (Dr. Waiyaki): Well, it is not good. However, you can think about it quietly without talking about it.

Mr. Tsuma: Mr. Deputy Speaker, Sir, I think I am well acquainted with educational matters, and the hon. Members knows it.

Sir, the circulars I am referring to are those which were issued regarding schools' boards of governors. Now, has the hon. Member not seen a circular from this same Ministry changing membership of schools' boards of governors? Even today, in certain places there are no boards of governors of schools and yet there is an Act of Parliament providing that these boards should be there. The Act was passed by the hon. Member! However, Sir, I appreciate the fact that the Bill has gone through, with only one requirement that the Minister makes proper use of it. Now, we would like proper planning of primary education which will be recommended by every district education board and also it should be acceptable to the Ministry. We would not like to see the situation we have now: say, yesterday we had such-and-such a circular talking about fees, and today we have another circular to change that of yesterday. These circulars are issued by the same Minister and same officers. We hope that the district education boards, which we are seeking to establish, will overhaul the present system of education completely as the Ministry expects them.

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

Mr. Seroney: Mr. Deputy Speaker, Sir, I have noted a certain undesirable practice on the part of certain Ministers of bringing in Bills and then when they see the reaction of Members they decide that they are going to bring forward certain amendments to prevent hon. Members from bringing in their own amendments. They have got away with it; I think this is the second time this has happened. However, I sincerely hope that they will take this warning, that in future there is no reason why the Minister who moved a Bill should be allowed priority in moving an amendment. I trust that this is the last time they will do it, and in future they should make up their minds on what they want to see in a Bill and come to this House with their minds already made up and they will not bring in some other amendments after having been surprised by the reaction of Members.

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

The Asistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Deputy Speaker, Sir, since this Bill was debated at great length in the Second Reading, and it appears to have been exhausted and that the House would like to move on, am I in order to move that he Mover be called upon to reply?

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

The Minister for Education (Mr. Towett): Mr. Deputy Speaker, Sir, in winding up the debate on this Bill, I would like to say that if anyone sees that a certain law is being misapplied, and that particular person does not bring it to the notice of this Parliament, then he is not rendering good service to the country.

The hon. Tsuma said that he hoped that we shall not misapply this particular law in the country-side. I would appeal to him that whenever he comes across any section or any part of any

[The Minister for Education]
law being misapplied, he should bring it to the notice of the House. It is us, Sir, who safeguard the rights of people in this country and we must see to it that the laws that we make are properly applied. We are the custodians of the rights of our people and we would not like our laws being misapplied. When we see such malpractice, we should bring it to the notice of everyone of us here so that such laws are repealed. When laws we pass here, such as the Bill we are passing now, are misapplied, we can always come back here and amend them. So, I appeal to the hon. Members of this House that laws that do not suit our people should be reviewed. The hon. Tsuma did mention something about the parents' association. I can assure him that where there are registered parents' associations, we shall consider such bodies when considering appointments to some of the district education boards. There are registered parents' associations with small membership. According to law, today, 10 persons can register a parents' association. Such a low number of membership does not represent the people in a district. We shall look at the properly registered parents' associations, which have the right membership, for consideration when appointing members to the district education boards.

I shall bring the regulations for approval to this Parliament. Every regulation that is made for a law of this country is supposed to be brought to Parliament. Those of us who have done so—— Sir, I apologize if we have not done this; in future we shall bring any regulation, made under any law in the Ministry of Education, to this House.

The hon. Member for Tinderet, hon. Seroney, did say that we should be careful so that everything is corrected before we bring it here. I assure you, Sir, that there would be no work for this House if everything that was brought here was perfectly done. So, it is for us to do what we can and for the hon. Members of Parliament to tell us which parts need amendment according to their feelings. We cannot bring anything that is perfect. If we did this there would be no need for us to be in this Parliament and to sit in this House. I assure him that we shall try our best to bring the best of what we can do and, what we cannot do, after the hon. Members have spoken and pointed where we have erred or gone wrong we shall immediately go into amending what has been found as not correct.

With these few remarks, I beg to move.

(Question put and agreed to)

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

BILL

Second Reading

THE HOTELS AND RESTAURANTS BILL

(The Minister for Tourism and Wildlife on 18th May, 1971)

Amendment proposed—

THAT the Motion be amended by deleting the word "now" appearing therein and adding the words at the end thereof "upon this day six months".

(Mr. Mutiso on 18th May, 1971)

(Resumption of Debate on the first part of the amendment interrupted on 18th May 1971)

Mr. Seroney: On a point of order, Mr. Deputy Speaker. I see on the Order Paper that amendment is defective. It reads—

THAT, Motion be amended by deleting the words "now" and "a Second Time" appearing therein and substituting in place thereof "upon this day six months".

The Deputy Speaker (Dr. Waiyaki): I hoped you noticed that but every hon. Member knows that the Motion, yesterday, was to the effect that we leave out the word "now" which is the only one allowed, and that there be added the words "upon this day six months".

Mrs. Gecaga: Mr. Deputy Speaker, Sir, yesterday before the end of the normal Sitting Time, which is 6.30 p.m., I was on my feet speaking in support of the amendment.

Mr. Deputy Speaker, Sir, I was saying that the benefits which are in the tourist industry should be shared by three important groups in the country. These are: Government of the land, the investors in this industry and the local people. The Government of Kenya has not complained that it is not happy with the tourist industry. My concern, actually, are the local people, whom I feel have not been given an opportunity to make money from the industry. I was suggesting that the small business shops in the tourist hotels be taken over by Africans so they can sell the handicrafts which they make there. The nationals of Kenya have not been taught this craft by other people. We have the Kamba people who carve wood, the Kisii who carve stone, African women who make bead-work and baskets and the co-operative societies and women's organizations like the Young Women's Christian Association and *Maendeleo ya Wanawake* who are capable of doing this business all over the country.

Mr. Deputy Speaker, Sir, I do feel that the tourist industry is one of the youngest industries in Kenya and needs the support of the three groups which I have just mentioned. In order to

[Mrs. Gecaga]
enable these three groups to work together, the local people should be given all the necessary opportunity to participate fully in the industry. Yesterday I mentioned that our African music should be heard in these tourist hotels. Our language, which is Swahili, should also be heard in these tourist hotels and it should be there in writing for them to see.

Mr. Deputy Speaker, Sir, in the international hotels, which are mostly occupied by the tourists in Kenya, the tourists have meals and when they sit to have their meals they are given a card which is written in two languages on the top. The words are "Menu and *à la carte*". That is to say that they will see on the card the list of dishes that can be served in that hotel. Mr. Deputy Speaker, Sir, on the top of such a card there should be written in Swahili *Vyakula,* followed by a list of dishes which can be served in that hotel. All tourist hotels have the same type of dishes all over the world. I do not mean to complain that tourists are not eating our food because they have been eating beef, lamb, vegetables, fish, cheese and drinking our milk, coffee and tea. Mr. Deputy Speaker, Sir, we have names in Swahili for all these types of dishes. Why have they to be written in English? I hope the Minister will take note of this so that these names are changed to make the hotels keep in tune with Kenya.

Mr. Deputy Speaker, Sir, I again feel that we should have, in the tourist hotels, a small place to show some of our cultures. A room which could be known as an African Gallery where Africans could display the pictures they have painted or drawn, with some history of our country on them. Mr. Deputy Speaker, Sir, I would now like to move from the hotels in the towns and say something about lodges. Here, again, we should offer the tourists things to see other than animals. In those game lodges, we should let the tourists see our cultural heritage. I would suggest, Sir, that with the co-operation of the local authorities and lodge management, there should be, by the lodge, a small African hut which could be known as "district museum". In that hut there would be displayed by the local authorities, tools the Africans used in this country long ago. These would include farming tools, hunting tools, tools for making cloth, clothes for men and women, ornaments, outside wear, cooking utensils, and weapons for defence.

Mr. Deputy Speaker, Sir, when the tourists go to see our culture, they should pay some money and that money should be given back to the local authority. In that way the people in those areas would be making profits from this industry. Sir, I would like to add that these "district museums" should not be the copy——

The Deputy Speaker (Dr. Waiyaki): Order, Mrs. Gecaga. There is far too much noise in the Chamber and therefore we cannot hear the gracious lady speaking. I think we should have some silence.

Mrs. Gecaga: Thank you, Mr. Deputy Speaker, Sir. I would like to add that in the same places —near the lodges in the country—there should also be a dancing place where local dancers could go and dance for the tourists. Women's groups and co-operative societies are there to organize these things. They are very well organized and so they could go there and dance for a half-an-hour and get paid.

An hon. Member: Why should they?

Mrs. Gecaga: Mr. Deputy Speaker, Sir, I hear a question from the Front Bench asking, "Where?" Why can they not go there during the day and dance outside the lodges?

An hon. Member: But why should they?

Mrs. Gecaga: To give the tourists the chance of hearing our music and also giving them a chance of taking photographs of the people. They will also make them see our very rich rhythm which is very unique and which we are very proud of.

Mr. Deputy Speaker, Sir, why should the tourists be coming here just to take photographs of animals? When they go back to their country they can only show photographs of Kenya animals and not of Kenya people. Sir, I believe this is a point that should be put right.

Mr. Deputy Speaker, Sir, with these few remarks, I support the amendment.

The Minister for Commerce and Industry (Mr. Osogo): Mr Deputy Speaker, Sir——

An hon. Member: Why can you not wait?

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, I do not think it is right for us to wait because we think there is a misunderstanding in the whole set-up of the Bill. Therefore, I think it is right that we stand at this stage and clarify a few points. Sir, it is unfortunate that the hon. gentleman who stood to speak on this Bill first, gave a lot of wrong interpretations to the Bill as it stands. The Mover of the amendment "that the Motion to read it six months from now" also added to the confusion. Therefore, the House is carried away with this confusion.

Mr. Karungaru: Take it back to the Ministry for redrafting.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, the hon. Member for Embakasi should be a little more patient because he spoke yesterday and I was here and heard all what he said. I will be answering his speech in due course.

Sir, the Members who spoke, particularly the hon. Member for Kandara, attacked this Bill and said it was going to interfere greatly with the small hotel keepers in this country. We know the word, "hotel", as people understand it, is eating room. This is how we understand it: a small place where you can have a cup of strong tea, which they call "strungi", is normally referred to as a hotel. This, I think, is the——

Mr. Koigi: Mr. Deputy Speaker, Sir, on a point of order. Do you not think it sounds funny, when we know that the word "hotels" is defined in the Bill, for the Minister to tell us that a hotel is any eating house?

The Deputy Speaker (Dr. Waiyaki): I think the Minister should confine his definition of a hotel which—as far as I can remember it was the basis on which there were arguments—to the definition in clause 2 on page 29.

The Minister for Commerce and Industry (Mr. Osogo): In fact, Mr. Deputy Speaker, I was just moving to that. I know the hon. Member from Nyeri is a student of law; but I was——

Hon. Members: Is he still a student of law?

The Minister for Finance and Economic Development (Mr. Kibaki): He was a student of law.

The Minister for Commerce and Industry (Mr. Osogo): I am told he was; not now. However, Mr. Deputy Speaker, Sir, what I was trying to define is a hotel as an ordinary man understands it. That should not be confused with the definition that has been given and to which you have rightly referred. This was the definition that I was going to refer to.

On page 29, Sir, the hotel is clearly defined. It states, and with your permission, I quote:

> " "hotel" means any premises, including those known as "game lodges", on which accommodation only, or accommodation and food, are supplied or are available for supply to five or more adult persons at any one time in exchange for money or other valuable consideration . . ."

Sir, the hotels that we were being referred to by the hon. Member for Kandara in the industrial area where our workers help themselves at lunch time; or at Kariokor, the "New Stanley Hotel", where I go for my roasted meat, are not the types of hotel that are being defined here. These are different hotels. Those referred to come under section 1 (*c*) of this Bill, which reads, and with your permision, I quote:

> "(2) This Act shall not apply to——
>
> (*a*) any premises run by the Government, . . .
>
> (*b*) any premises run by a society, members club, . . .
>
> (*c*) any premises or class of premises which the Minister may, by notice in the Gazette, declare not to be a hotel or restaurant for the purposes of his Act, for any person managing such premises."

Mr. Kivuitu: On a point of order, Mr. Deputy Speaker, Sir, are you satisfied that the hon. Minister is not misleading the House when he reads the definition of "hotel" and leaves out the definition of "restaurant", which in fact, covers everything except, "canteen".

The Deputy Speaker (Dr. Waiyaki): Well, I hope he was going to try but he skipped that. On page 30 the other ones that he had left out are covered. I think the Minister will also have to take into account the kind of places that are called, "boarding and lodging, restaurant and hotels". I understand from the definitions that he is thinking about our people.

The Minister for Commerce and Industry (Mr. Osogo): Mr. Deputy Speaker, Sir, I am very well aware of what the learned gentleman has pointed out and I thank him for this.

An hon. Member: Are you a lawyer?

The Minister for Commerce and Industry (Mr. Osogo): I am not a lawyer, but I am trying to learn law and I was aware that the definition of "restaurant" is to be found on page 30. That is why I quickly rushed to that exemption in section 1. I am saying this Mr. Deputy Speaker, because despite the fact that the word "restaurant" is defined and includes everything in the inverted comas, as referred to by the hon. learned gentleman, it is being exempted by section I (*b*) which I have just read and I do not want to read it again because we are all literate enough to read it ourselves. Mr. Deputy Speaker, I have already read section (*c*) which gives the power to the Minister to exempt the New Rwathia Hotel, which is a restaurant, the New Nyeri Restaurant, situated somewhere in Karatina or Winams Hotel wherever it is in Kisumu; Rware Star Hotel which might be somewhere in Nakuru——

An hon. Member: Rware Star Hotel is in Nairobi here.

The Minister for Commerce and Industry (Mr. Osogo): —— I understand that Rware Star Hotel is in Nairobi . . . or any other hotel which might be in Laikipia. Therefore, Mr. Deputy Speaker, Sir, I do not see why we should confuse ourselves, and for that matter confuse members of the public, by saying we are not taking care of our small-scale businessmen that are coming up. The premises of the small businessmen, which will be exempted by the Minister, will be gazetted. The purpose of this Bill is to control the Hotel Industry into which it has been difficult for our people to break through. I therefore hope that the House will agree with me that it has been very difficult for our people to break through into this particular industry and the tourism industry as well. It is only through this Bill that Government will have the power to help our people to break through. When the Trade Licensing Bill was being discussed in this House, the same kind of opposition came up. We were told, at that time, that the Bill was going to interfere with our people who were trying to come up whereas it was going to help our people to break through into the commercial sector of our economy and the hon. Member for Embakasi knows to what extent it has done that—— Actually, I could tell a lot of things about him, he should know that I know quite a lot about businessmen in this place, and therefore he should not try to interfere with my speech.

Mr. Deputy Speaker, Sir,——

An hon. Member: How do businessmen come in?

The Minister for Commerce and Industry (Mr. Osogo): I will tell you how they come in. Mr. Deputy Speaker, Sir, I was continuing to say that the hon. Member for Kandara went further and said that the worst part of this Bill is where it require the Minister to ask the people to be appointed to declare their interests. This, he said, is to be found in section 3 (ii) which reads as follows:—

> Before the Minister makes an appointment under this section, he may require the person to be appointed declare whether he has any, and if so, what financial interest in any hotel or restaurant.

Mr. Deputy Speaker, Sir, I do not see anything wrong in this particular subsection. I am saying this because, if the Minister is going to appoint Mr. Osogo to be a member of this authority, unless he knows what interest I have in any hotel in this country, he will be appointing me only to go and become biased against the authority, and maybe defend the interest of my business in whatever hotels or restaurants I have, which would be very unfair. Therefore, I think it is only fair and right that the Minister should require any person he appoints to declare his interest so that when such interests are discussed they do not conflict with his just judgement. If a person with an interest was appointed, he would be steering discussions towards his interests. This has happened in many organizations where the Ministers concerned have the power to appoint people whether they are interested in a particular field or not. Therefore, I do not understand why the hon. Mwicigi had a quarrel with this particular section which he said was the worst of them all. Mr. Deputy Speaker, Sir, we were told that the whole authority was going to be composed of Europeans. With all due respect—it might not be true—I think I should be given a chance to explain why I think it is not true. This is because, Mr. Deputy Speaker, Sir, I think we are still guided by what His Excellency the President all the time refers to as the colonial mentality of thinking that we are not participating in all the fields. I would like to tell the hon. Members that the person who is managing the Agip Motel at this time is an African. The Agip Motel is one of the biggest hotels in the country now. This particular manager of that hotel can be appointed. It is not a matter of assumption, Mr. Deputy Speaker, Sir, but it is a matter of pointing out facts as I am doing. It is not true to say that we do not have people to occupy these professions, because we have them. That is one drop of water in the sea. It is only one man they are appointing. However, they are not appointing the sea. Mr. Deputy Speaker, Sir, they are appointing this one drop in the sea, but they are not appointing the sea.

Mr. Deputy Speaker, Sir, the authority itself according to the definition given here, is going to have a number of our people. I have just given one example. We should be fair with ourselves. We have to know what is happening in this country to make sure whether we have people qualified to do this or that. This is because, I can give an example, the hon. Member for Moyale yesterday stated that the Government should try to help Africans to acquire hotels also. He was speaking out of ignorance, I know that. I, as the Minister for Commerce and Industry, know that we have assisted, as a Government, a lot of our people to come into the hotel industry. I have given an example where we have lent money to our own people to buy the Agip Motel. It cost a lot of money to rent the Agip Motel which has been rented from the Agip Company—— I know that the hon. Member for Parklands will not agree with his colleague from Ukambani because in Ukambani there are no such hotels to be bought.

[The Minister for Commerce and Industry]
He knows that in his own area which he represents there are a number of hotels being managed by Africans. These are the types of hotels defined by this Bill.

Mr. Deputy Speaker, Sir, I will go on by referring to section 4—— I am trying my best. Thank you for that application. Mr. Deputy Speaker, Sir, section 4 speaks of the requirements of licences.

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

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

Mr. Speaker, Sir, section 4 speaks about the requirements of licences. The hon. Member for Yatta dealt at length on this question. He told us that anybody who was going to run a hotel must be a professional man. I would like to inform the hon. Member for Yatta, Mr. Speaker, Sir, that this is not true. It is true that anyone managing a hotel will have what is called, "a Hotel Manager's Licence". This does not define that he must be a professional. The Hotel Manager's Licence, Mr. Speaker, Sir, is defined on page 29. With your permission, Mr. Speaker, Sir, I would quote. It reads as follows:—

"hotel manager's licence" means a licence to exercise overall control over the day-to-day operations of a hotel."

There is nowhere under that definition where it is stated that whoever is going to grant this licence must be a profession man. It is not what the Minister is saying, but it was the saying of the hon. Member for Yatta. I do not think it is right to put these words into the mouth of the Minister. The hon. Member for Yatta and the hon. Osogo, the hon. Member for Busia South can be given this licence to run a hotel although we are not professionals. We are not cooks, and I can say that I have never been a cook.

Mr. Speaker, Sir, the hon. Member for Kandara stated section 10—— He spoke at length and I liked his speech. In fact, Mr. Speaker, Sir, he is the only Member, with all due respect, who made quite substantial points which need to be considered in relation to the Bill. That is why I am dealing with him at length. Mr. Speaker, the hon. Member for Kandara spoke at length on section 10 and wondered why Government was sticking to five years' requirements for the Chairman of the Tribunal not a chairman, but an assessor or a lawyer with five years' experience in legal practice. He asked why we should stick to a five years' requirement. My question is, "Are our lawyers static?" or "Are they going to remain with the experience of one year all the time?" We have two gentlemen across the Benches who are lawyers. Year after year they gain experience. I would like to tell my hon. colleagues opposite me that they are already five years old in the profession. The hon. Gatuguta who is behind us is already five years old in the profession. I do not perceive the fear that if five years' experience is required it will not allow an African to participate. We are not saying that our lawyers are static and that they do not grow older every other day or after a year. I think this argument was devised to create confusion.

He went further and referred to cooking of food and that our people are not allowed to take part in cooking, and, therefore, foreign food is served in our hotels. Well, I do not profess to be experienced in eating in these hotels but I would like to say that I have gone to the Hotel Inter-Continental and Hilton Hotel where I ordered an African dish from my own area and funnily enough and without notice to them I was given that dish.

An hon. Member: What sort of food?

The Minister for Commerce and Industry (Mr. Osogo): It was *ugali*. I eat *ugali* always.

An hon. Member: Was it cooked well?

The Minister for Commerce and Industry (Mr. Osogo): It was cooked well by a Maragoli.

An hon. Member: How did you know?

The Minister for Commerce and Industry (Mr. Osogo): I am only speaking this from experience. Fortunately enough I have been peeping into the kitchens of these hotels and I have seen people who put on long hats—presumably they are the cooks—whether they carry bread under those long hats, I do not know, but a story once ran that one of them carried a cooked leg of lamb inside one of these long hats. When I peeped through the windows of these kitchens I found that our people are the ones who are actually the cooks. I have seen this and if it has not been seen by any other hon. Member in this House it will amount to kidding ourselves. Apparently most of them are Kikuyu and Maragoli and not Kamba this time. I hear these people speak Kikuyu and Maragoli among themselves and probably there is only one white skinned man who supervises but the man who does the actual cooking is an African. This can be ascertained.

An hon. Member: Is it a Maragoli?

The Minister for Commerce and Industry (Mr. Osogo): It is not necessarily Maragoli but there are some Maragoli there. Mr. Speaker, Sir, I think the argument that the people are not allowed to cook the food lest they cooked national dishes is not well founded because it is

[The Minister for Commerce and Industry] our people who are cooking the food and it is possible to cook our national dishes. When I was going around the hotels, I saw those people who have a forest of hair and beards and who looked dirty eating *ugali*—I do not know whether they were eating it because they did not have the money to pay for some other dishes but I think they liked it and that is the reason why these hotels and lodges are taking a move forward to make some kind of *ugali* dishes.

I hope that the hon. Member who is opposite me, the Assistant Minister for Tourism and Wildlife, will bear me witness that at Tsavo Inn I once asked for *ugali* and it was brought within ten minutes time that is required for anybody who orders food to wait.

An hon. Member: The waiter was speaking in what language?

The Minister for Commerce and Industry (Mr. Osogo): Kamba language. The cook in that particular Inn was a Mkamba.

Mr. Speaker, the hon. Member for Moyale spoke about food in hotels. Sir, I do not know how this one came in that the prices are too high for our people. Our people do not want to eat in hotels. We have our homes. Why should we go to an hotel.

An hon. Member: Do you go home?

The Minister for Commerce and Industry (Mr. Osogo): Oh, yes. I, for one, would like to eat *ugali* cooked by my wife whether it is made from *wimbi* or anything else and I am happy with it. I get contented with it.

An hon. Member: Do you really do that?

The Minister for Commerce and Industry (Mr. Osogo): For your information, yes.

Mr. Mutiso: On a point of information, is the Minister not aware that——

The Speaker (Mr. Mati): Are you on a point of information?

Mr. Mutiso: Yes, I am giving him information, asking whether he is not aware that in any developed country people leave their homes, and especially the workers who are here, do not go to their homes. They eat in the hotels during the lunch hour.

The Minister for Commerce and Industry (Mr. Osogo): That is what we are trying to avoid, Mr. Speaker. That people should leave their homes and go to eat in hotels is something foreign. The hon. Member for Yatta has been a champion of remaining national. Why should he not remain with his wife in his house. He can go home at lunch time and if it is too far, his wife will cook a leg of a *kuku* and *ugali* for him to carry.

Mr. Speaker, I have already mentioned something about Africanization in hotels and I can assure the hon. Members that here, my Ministry is concerned together with the Ministry of Wildlife and we are doing the best we can in this respect.

However, the most important part of this Bill —to be very honest, and I am sure that is the reason why this Bill was brought with the other provisions being put in just to streamline it—is Part VII clause 23 of the Bill. That is what is, actually important. If it is vague—— It is the most important part of that Bill because we have been fighting, and I have been one of those people who have been fighting for it—I have gone on record for—that most of the people who come here as tourists do not bring in any income because we do not have a central booking for them and we do not know what whether they really bring in money or not. I have gone on record for particularly being very concerned about this. That is the most important part of the Bill but nobody from those who have spoken has said anything about it, the most important part. If it is vague, I admit it might be vague. I am not a lawyer. I hope the hon. Member for Makueni, I take that is the constituency where hon. Mulwa comes from, will suggest amendments which, I am sure, will be considered. I can assure him that if he finds me, I will also give him my piece of thought on the amendment because I have made——

An hon. Member: What thought?

The Minister for Commerce and Industry (Mr. Osogo): A piece of thought which I am hiding in my heart.

So, I hope that the hon. Member for Makueni will bring an amendment to that particular clause because centralized booking is very, very important as far as the industry is concerned. It is a loophole which we people had left and which, I think, is going to be sealed when this Bill is passed and not killed for six months.

Mr. Speaker, we know the hon. Member for Yatta has put a knife on the throat of the Bill and we only hope that the knife is blunt and that it will not cut the throat of this Bill for it to die.

Mr. Speaker, Sir, the requirements of hotel-keepers is spelt out in clause 11 of the Bill. This was particularly questioned by the hon. Member for Yatta. I have forgotten on what page it is but it is clause 11. Clause 12: The Requirement of Hotel Keepers.

[The Minister for Commerce and Industry]

Now, we were told that the requirements of hotel keepers are so difficult or are made in such a difficult manner that our people will not cope with them. The requirements are spelt out in that section but, Mr. Speaker, Sir, what have we there? The keeping of books which any businessman has to have if he professes to be a businessman at all, whether he sells a *kipiriti* or paraffin or whether he is going to sell milk tea or strong tea in his small eating room, it is important that he keeps a record of what he has. Now, if he does not keep records, are we trying to say that our people should not keep records of their business? These are the requirements that the Member for Yatta said are so difficult and that the standards are so high. That is why I kept on asking yesterday, "Which standards are high?" Then, the hon. Member said, "Don't you know them!" Unfortunately, I must confess, Sir, that I do not know them because they are not spelt out in this Bill—which standards they are. He went on to refer to eating with a spoon and a fork and I told him that I use my fingers always and you can see that I am not doing badly in health. Mr. Speaker, Sir, I am very healthy, I think; well nourished.

An hon. Member: Your fingers are too long, like a fork!

The Minister for Commerce and Industry (Mr. Osogo): Oh, yes, they are in fact! That is why I use them.

Mr. Speaker, Sir, I think the standards that we were made to understand were difficult, we were not told which standards were difficult, but the requirements of the hotel keepers might have been what the Member for Yatta meant to be standard and they are there. They are there and our people are happy to do the job; businessmen are doing it and we cannot expect them to get loans from anybody if they are not going to keep these standards. However, there was this question of good character. Now, who is of a good character and who is determining good character? I will tell them a story, Mr. Speaker.

When this Bill was in draft, I also asked what this "good character" was and at that time, fortunately, for the Minister for Tourism and Wildlife, there was a wrangle between an Assistant Minister and a hotel keeper at Mombasa. Now, such people are of bad character if they go on record, harassed the Assistant Minister or any other person in this country, should be regarded as a man of bad character. If that is not recorded anywhere at all, then he should be refused a licence. It is not our people we are going to refuse licences, but there are fellows who, for example, I remember in Uganda put a national flag around—— I mean a hotel keeper put a national flag round a dog and allowed it to walk freely in a hotel, one time. I am not saying now, but at one time. I was then, of course, paying a visit to Uganda and it was in the papers there. Now, Sir, such a man, if it happened in Kenya, are we going to accept that such a man is of a good character if he is a hotel Manager? He is a man of bad character and if he is a man of bad character, we should provide that if he has a bad character and it can be certified by a Minister, then, he should not be given a licence to operate his hotel. I do not mean the ordinary Mutiso, Mutisya, Onyango and others who are not men of bad character. Now, that is where this actual provision came to: to guard against the people who have been abusive even to the leaders of this country. These are the people whom, when it is proved and goes on record that they are people who have been doing this or that or have a habit of saying these types of things because they are hotel managers or the person who—— It came to this House, Mr. Speaker, Sir, if I remember correctly, where a hundred shilling note, Kenya currency, was put as a target for a game of darts, and the players were aiming at the eye of His Excellency the President on the hundred shilling note. Now, if that can be proved, to be true, then——

An hon. Member: ..... (Inaudible.)

The Minister for Commerce and Industry (Mr. Osogo): I will wait until that interjection cools down and if it does, I will continue to inform the House that such people are the people referred to as people of bad characters. We should then not give licences to such people.

Mr. Speaker, Sir, quickly now coming to an end, there has been an important point raised —— No, I have still some more points. I might go on until half past five o'clock. Mr. Speaker, Sir, coming to section 7, subsection 5, there was a valid point made by the hon. Member for Yatta, the first valid point. I can assure him that we have seen that one, but it is the interpretation laid on it and subject to correction by my learned friends, the last sentence of that particular subsection refers to the debts being recovered by civil suits which automatically brings it to court. The authority just determines that there has been some wrong done and could appear as witness in the court of law. It is difficult to understand but, as I say, it is subject to the learned gentlemen sitting on the other side and, of course, on our Bench to lay some other interpretation on that one. The other valid point—very valid—that the hon. Member for Yatta raised is the omission of the Swahili language in section

[The Minister for Commerce and Industry]
12. I see and I have never been blind unless I am blind from now on, I would like to inform the House that it was unfortunate that this word was left out in the printing because I remember very correctly, Mr. Speaker, Sir, that the word "Swahili" was in the draft Bill which we looked at. Unfortunately, in laying out the types to print the Bill, that word "Swahili" was left out. I can assure the Members, Mr. Speaker, Sir, that the hon. Minister is bringing back that particular word to insert in its appropriate place where it was before when the Bill was in draft and then, after the other languages are mentioned, Swahili will be mentioned or it may be Swahili first. I would think Swahili first. Yes, I will agree with the hon. Member for Yatta. Why not? Swahili first, and then the other languages. The other languages will include Kikamba,——

An hon. Member: No!

The Minister for Commerce and Industry (Mr. Osogo): Sir, I am told "No", Kikamba should not be included. Well, it will be among the other languages there and any other language which may be prescribed, it will be prescribed in Luhya, too short.

Mr. Speaker, Sir, coming to the question of dismissing somebody for not being responsible, that when a person is dismissed—— I forgot which section that was—— Section 8 (3) and with your permission I will read:—

> Where an employee of a licensee has his employment prematurely terminated by reason of a requirement made under this section, no action shall lie in any court against the licensee in respect of such termination.

This section deals with the authority to require a licence or to suspend or cancel it. That is what is in this section. Now, if a licence is cancelled by the authority—by the Government—for that matter, the man whose licence has been cancelled cannot be liable to the employee for anything that will happen. I think they should appeal to the man who is causing the licences to be cancelled and that is the reason why that is put there. The requirements of this section, not of this Act, so that a licence being cancelled the man has no protection; the man whose licence has been cancelled has no protection; the man whom he had employed has no protection and what do we want him to do to the other fellow? I see the hon. Member for Yatta nodding his head and I think he has seen my point.

Mr. Speaker, Sir, I think I will go on to what they called the levy and the trustees. The hon. Member for Yatta said that the trustees were not necessary and that we were trying to bring through the "back door" the ownership of property in this country, including land to foreigners. I do not know where he got the word "foreigners". Mr. Speaker, the establishment of authority is spelled out in section 18 (1) and it states—with your permission again, I will read:—

> There is hereby established a body of trustees, to be known as the Catering Levy Trustees, which shall consist of six persons—they do not say six expatriates—appointed by the Minister who shall nominate one of such persons as the chairman of the trustees.

Now, Mr. Speaker, we know very well that we have a number of trustees in our country, for example the National Park Trustee with all members of that trustee as our people. I do not know where——

An hon. Member: It is different.

The Minister for Commerce and Industry (Mr. Osogo): It cannot be different. It is just a trustee. They do not say we are going to appoint expatriates. We have, for example, the National Library Trustees which consists of our people. It is just a trustee that will own property. It can be sued and it can sue. I do not know why the hon. Member for Yatta has a quarrel with that one.

Now, Sir, as I have said, it was a pity that the first interpretations put on the Bill were wrongly interpreted and I hope that Members will thoroughly read this Bill because we need it and we need it at this time. We do not want it to delay. This industry is a milestone in our economy and has to be taken care of. If there are any amendments to be made by hon. Members, we will only be too pleased to entertain them. I am sure, in good faith, we can promise that we will consider any proposals made during the debate. I would request the hon. Member for Yatta, now that he has heard my explanations—I can see him consulting with the hon. Member for Kisumu Rural who has not been here—he should have no quarrel with this.

Mr. Speaker, I said that I will speak until 6.30 p.m. I said that and I am still on the Floor; I am not afraid of anything. Hon. Members can speak and speak until next week. Nobody will stop them from speaking but I just wanted to make some of these points clear and ask for the intelligence of the learned friends that if I made any interpretations to the Act not to their satisfaction—being a bush lawyer myself—I will apologize if I did that.

An hon. Member: Which bush?

The Minister for Commerce and Industry (Mr. Osogo): The bush in your home.

[The Minister for Commerce and Industry]

Mr. Speaker, with all due respect I will now request the House to reconsider their trend of thoughts and oppose that this Bill be killed and support the discussion of this Bill and the passage of it thereafter.

With these many remarks, Mr. Speaker, I beg to oppose the amendment.

Mr. Amayo: Thank you very much, Mr. Speaker. I have the Bill in my hands and I have a few observations to make on it. The first one is on the title. When you talk of "Hotels and Restaurants" it seems that the person who drafted the Bill as such and the people who are going to discuss it as such are the people who are living in towns and not in the reserves or in the rural areas. Now, Sir, when you talk of a hotel or a restaurant, you think of a hotel in your own constituency. When you talk of a restaurant you should bear in mind that we also have restaurants in our own constituencies. A Bill that is brought before the House is supposed to be a Bill that will become law and which will affect the whole country. There is one point here, which the Vice-President—although you are throwing in some words—should understand and even the Minister concerned.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Address the Chair.

Mr. Amayo: I am addressing the Chair if you do not know. There is one point here. Before the Minister for Tourism and Wildlife who is under his jurisdiction, there are these words, "Hotels and Restaurants" given different name completely from the one which is being used in the rural areas and which has a different meaning, then, you will not escape with this thing in this House. But if you are still talking about Hotels and Restaurants and when we go to our county councils when they are passing their minutes that So-and-so has been given a hotel, So-and-so, has been given a restaurant and it is the same thing, how will you escape? Tell me how? This is the thing: Before you get a new title for those hotels, you will not escape with this Bill. So, there is only one thing; get a new title for the hotels we have in the rural areas and then you will be able to get away with this one. But if the "Hotels and Restaurants" means the hotels we have there, and with the contents in this Bill, my friend, I say, No. If there has been any Bill at all—since we came to this House—that should be kicked away, it is this one. My reasons are: One, if you want to cater for the tourists, do it, you are at liberty; nobody hinders you. Bring it as tourist hotels and name them here: Hilton Hotel, Inter-Continental Hotel or what-not Hotel. We will accept it and we shall give you an okay quickly. But when you are trying to smear a bitter thing with a sweet thing like sugar, we will not accept. So, my friend if you want to escape, please ask one of your colleagues the Minister or Assistant Minister to start accepting as the last speaker has accepted some of the things which are required to be amended. Let them do that as Mr. Towett did and he has now escaped the problem very easily. So, if you do not correct that, you are in a fix.

Now, Mr. Speaker, Sir, it is mentioned here in the Bill that their duty will be to review the standards of hotels. Yes, we also want those hotels. Unless you have another name for hotels, you had better educate me today and tell me the names which we should call them. If this one is a way of improving hotels, which is the duty of the authority, we also require that. So, what we are asking you is to go back and think aloud and have your constituency around you when you are drafting the Bill. Do not forget your constituency and——

The Speaker (Mr. Mati): Order, Mr. Amayo. Will you address the Chair.

Mr. Amayo: Thank you very much, Mr. Speaker. I was saying that when the Minister is drafting the Bill he should bear in mind the constituencies in the country.

In this Bill, when you go to page 27—I do not see very well because I am nearing the end of my life—Mr. Speaker, you have mentioned very well on page 29 and you have said that the Government and Clubs and the East African Community and what-not are omitted. Therefore, you should get the title of hotels and restaurants in the country-side indicated there "omitted". You will escape. But if you bring the whole thing like this generalizing things, so that tomorrow when we shall have a certain hotel, which we know, near your hotel and lodge for tourists, the authority will start interfering with our hotel, we will not accept that because that is why we are here to protect them.

You have even mentioned here, yourself, that any place where five people may be served—— Do you mean to tell me that in those hotels in our areas even more than five people are not served with food or drinks? They are. So this Bill is applicable to them.

Therefore, hon. Minister, and Government as such, take note of this. If you do not take note I do not know what will become of it.

The other thing is that you have also mentioned here—you keep on mentioning things—that it is "premises . . ." I am sorry I do not

[Mr. Amayo]
know whether our hotels are under trees and are not in premises which you have mentioned here. You see, it is your own *panga* which is going to chop your neck.

Mr. Speaker, I do not want to take long. The only thing which I wanted to bring before the House is that the definition of "hotels" which has been mentioned in this place covers even the hotels in the rural areas, and we are here to protect our people who are doing business there. If any standard is to be raised we also want the standard of those hotels to be raised. Those which are meant for the tourists and so on should be separated and you should get a different title or a different name. The word "hotel" covers any place—whether it is 10 feet by 10 feet—where people are served with food—five people. That is a hotel. It is covered in this Bill. So we will not agree with you, *Bwana* Minister. Do your best and advise your colleague to amend this. If you do not——

The Assistant Minister for Health (Mr. Jahazi): Address the Chair.

Mr. Amayo: I am addressing the Chair. Maybe, your eyes are not proper. You had better visit a doctor. Moreover, you are an Assistant Minister in the Ministry of Health.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Speaker. Has the hon. Member been addressing the Chair even after your ruling?

The Speaker (Mr. Mati): No, Mr. Amayo, I think you forgot. However, there is no use in trying to attack Mr. Jahazi. He was drawing your attention to something important.

Mr. Amayo: Mr. Speaker, Sir, I do not know whether in addressing the Chair my eyes will only be adjusted to look at the top of your Chair so that I do not even have to look at any Member who is interjecting from one side of the Chamber.

Anyway, Mr. Speaker——

The Speaker (Mr. Mati): It is the pronouns you use which count in addressing the Chair.

Mr. Amayo: Thank you very much, Mr. Speaker. I am getting education.

Mr. Speaker, I do not want to be long on this since I do not see the point of discussing this Bill. The only thing which I am waiting for is the ways and means of blocking it unless the Minister himself agrees to make amendments. If he wants to escape with this, Mr. Speaker, I repeat he had better mention the hotels which are connected with this Bill: whether it be the Hilton Hotel, Hotel Inter-Continental, Mombasa Beach Hotel or any other, let it be mentioned here. If they are in a pact they had better be mention "in such-and-such a pact". But if it is left as it is then it cannot happen because those small places which we call "hotels", Mr. Speaker, are our hotels and it is where our hearts are. Our hearts are not in the Hilton Hotel or Hotel Inter-Continental, but they are in those small places because that is where we eat. Therefore, let those people who know these big hotels go and draft their own Bill, but if this is going to cover us, Mr. Speaker, I say, "no". With these few remarks, I beg to oppose the Bill.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I would like to oppose the amendment. In doing so, I would like to clarify a few points.

Mr. Speaker, Sir, the intention of this Bill is completely being misinterpreted by some hon. Members. I wonder whether it is deliberate or because of ignorance.

Mr. Speaker, Sir, the reasons why there has been the necessity of having an Act of Parliament to regulate the hotels and restaurants industry has three meanings.

First of all, I would like to thank the hon. Minister for Commerce and Industry, who tried and did his best to explain this. Everything that happens in this country could be termed commerce, yet there is the Ministry of Tourism and Wildlife, which has to look after the aspects of tourism as such.

As my Minister, in his opening speech, explained, after the Majimbo Constitution we inherited various Acts, which operated in different parts of the country. Hotels in Mombasa came under different regulations and hotels in Nairobi were under different regulations. Therefore, it was necessary to bring one unified law.

The second reason was that as the tourist industry expanded it was found that the prices in hotels and restaurants started going up. As this happens we have no power as such to regulate and control these prices.

Thirdly, Mr. Speaker, Sir, there is the need for classifying these hotels because unless there is classification the prices of each type of hotel cannot be placed properly.

The most important aspect of this Bill is the Central Booking Registry, to which the hon. Minister for Commerce and Industry has referred. These are the most important aspects.

The hotels and restaurants which we, as the Ministry, wish to cover under this Bill are those which are catering for the tourist industry as such.

[The Assistant Minister for Tourism and Wildlife]

Therefore, the rest of the hotels, as my friend from Nyanza explained, are not the hotels or restaurants that this Bill wishes to cover. The hon. Minister has explained that under clause 2 (*c*) it is provided—

> Any premises or class of premises which the Minister may, by notice in the Gazette, declare not to be a hotel or restaurant for the purpose of this Act . . .

will not come under the application of this Bill. Similarly, Mr. Speaker, Sir, clause 28 provides that:—

> The Minister may, by notice in the Gazette, exclude any class of restaurant from all or any of the provisions of the Act, where by reason of the smallness of the scale on which food is supplied, he considers it inappropriate for a restaurant of that class to be controlled under this Act.

Therefore, Mr. Speaker, there types of hotels and restaurants will be excluded, and I am sure my Minister, when he comes to reply, will give that guarantee, that it is not the intention of this Bill to control those types of hotels and restaurants.

Now, Mr. Speaker, Sir, Members had spoken about the Authority, and perhaps the abuse this Authority might have. Mr. Speaker, the Ministry of Power and Communications is responsible for all the communications, etc., but yet we help the Transport Licensing Board. Similiarly, under this Act, it will be required that there should be an authority, similar to the Transport Licensing Board, to look after the interests, the licensing and the controlling of the hotels and restaurants, as such. The Tribunal again, Mr. Speaker, will be the board of appeal, when the authority refuse to give a licence, the applicant could appeal to.

Mr. Speaker, there was quite a bit of argument about the conduct and my colleague the Minister for Commerce and Industry has clarified this very much. However, Mr. Speaker, even when Members apply for a liquor licence, the liquor licensees are sent to the police, to check and scrutinize the conduct or the conduct of the person to whom you are going to rent a bar. Now, as far as conduct is concerned, I think this only applies in the terms of what the hon. Minister for Commerce and Industry explained.

Mr. Speaker, Sir, as far as the languages are concerned, and this is in clause 5, these languages refer to a schedule, which is Schedule Three, and I accept that Swahili should have and must be included, but this clause protects the guests who stay at the hotel, and makes the hotel responsible to pay them compensation for losses up to £25 or £50, and I did not see what the dispute was. Mr. Speaker, Sir, the tourists and the guests staying in this hotel may be Germans, they may be Italians or English-speaking and, therefore, I do not think there was anything wrong in specifying that these notices will be in those languages, and adding that it could be specified in any other language.

Now, Mr. Speaker, Sir, there is one very important aspect in the Bill, and that is the training levy. Mr. Speaker, Sir, it has become necessary that we should have a training institution in our country, for training the personnel for hotel management. Our efforts in the past, Sir, have not produced good fruits, although we have the Kenya Polytechnic, where some training in hotel management is given; it is becoming absolutely necessary that we should have a hotel training school and it is, therefore, proposed that the hoteliers themselves, will pay this levy which will be utilized for the training in hotel management. Now, this is where the Catering Levy Fund of the Trustees comes in.

Now, the hon. Minister for Finance and Economic Planning is not here, but his Assistant Minister is here; Mr. Speaker, Sir, it is necessary that in order to collect this levy—we as a Ministry cannot collect this levy, if we did this, it would go straight to the Treasury—and, therefore, a board of trustees had to be formed, who should control and administer this Fund. Now, when you create a board of trustees, then you have to give them certain powers, about acquiring property; if the board of trustees are going to collect this money and if they are going to build a hotel for training purposes, then that hotel is their property. Now, it has been misinterpreted here that the board of trustees is going to acquire land and properties; Mr. Speaker, Sir, this is a completely wrong interpretation. The function of the trustees is to collect the levy, and then administer the levy for the training of hotel-keeping in this country, which we require so very badly.

Now, Mr. Speaker, Sir, for the central booking system: there has been certain views and these have been voiced in this House, partly—— Mr. Speaker, Sir, there have been problems and difficulties about getting accommodation in the lodges; there has been, and there still exists, certain monopolistic attitudes, where those commercial organizations which own hotels, transport facilities and lodges would not, perhaps, allow the small tour operators to get accommodation for the tourists they get directly in certain lodges where the beds are in short supply. Therefore, it is intended that the central booking registry will take care of this, so that the lodge owner will not be able to sell these beds, without getting

[The Assistant Minister for Tourism and Wildlife]

authority of the Minister and, therefore, through the central booking office, of selling these beds. This is a means of controlling these beds, so that they are appropriately allocated.

Under the aspect of the central booking registry also, appropriate registers will be kept, so that we will be able to determine what foreign exchange earnings we are getting.

Mr. Speaker, Sir, I have tried my best to explain that this Bill is being bundled up into a single Bill, in which some Members have interpreted that the Ministry is trying to control the entire hotels, lodges and restaurants in this country, but, Sir, this is not the intention. The safeguards of exemption are provided in this Bill and I am sure Members will accept that my Minister is as nationalist as anybody else, and that he is going to look after the interests of the small people in this country, who are running their businesses.

Mr. Speaker, Sir, with these few words, I beg to oppose the amendment.

Mr. Koigi: Mr. Speaker, Sir, I for one, opposes this Bill because it has nothing or says nothing about my constituency. Mr. Speaker, Sir, when Government and the Ministries are planning things for this country, they should turn their eyes towards our constituencies. Nobody will run this country unless he considers the constituencies where we come from.

The Bill—— I can say the Ministry has done beautiful work; they have written beautiful literature, but it does not include the language of the men. We are the public in this country—— Just a minute! Mr. Speaker, would you protect me?

I have said in this House, and I repeat, that anybody who wants to have sound economic planning, he should always turn his eyes to the rural areas; anything short of this is a miscarriage of economic planning, and because this Bill does not say what they are going to do, what help, what recruitment of the hoteliers in our areas they are going to do, it is not a good Bill and, therefore, I oppose it.

It speaks of an Authority of the hotels and restaurants and I guess, and I think my guess is as good as everybody's; including the chairman, they will only be foreigners who are running big hotels. Mr. Speaker, the fact cannot be denied, that we have an African hotelier in Nyeri, in the White Rhino Hotel, who is doing equally well, but he is only one man.

Mr. Mutiso: We will appoint him Chairman!

Mr. Koigi: We are told that the man who is going to be appointed by the Minister will be a reasonable man, with merit of international learning. Where are we? Where are we, Mr. Speaker, going to get an African with hotelier's knowledge and that international learning?

Mr. Mutiso: Chinese, Japanese and what-have-you!

Mr. Koigi: I would suggest to the Minister that before this Bill—— I am sure he is going to alter that clause and if he agrees to change the clause, then what he is going to do is to recruit an African, send him to France, Italy or any other place where he can be trained. After training you can speak of appointing an international hotelier as manager.

Mr. Speaker, Sir, we are told that these hotels are to be run to entertain the tourists. This is a vague statement. What we want, and I believe this Bill has mentioned something near it, is that we should train our people to become good hoteliers for our people, primarily for our people. As the hon. Mutiso said just now, this country is becoming civilized and it is becoming civilized quickly. Sir, when we have a concentration of working gentlemen, they tend to eat in the hotels. We have all these concentrations, not only in Nairobi. Small towns are emerging in Mukurueni in Othaya, in Karatina and, of course, at Limuru, at Kikuyu town, everywhere. They are coming up. So if we want to train our people and recruit them, if we want to train them to become hoteliers, we should cast our eyes at the rural areas. I repeat, Mr. Speaker, the Minister forgot—and there were two Ministers when they were planning this Bill—our own constituencies. They are taking it as a joke, I am sure they regard these things as a joke but the whole country is waiting to see that the rural areas are developed. Development does not mean only constructing a tarmac road; it means a lot more.

I then come to the licences, Sir. This Authority is going to issue licences and it will issue licences only to tycoons and such like people because what they are going to do is this: they are going to control this industry because they know it can fetch money, huge colossal sums of money. They have huge colossal sums of money to put into these hotels and then licences will be subject to restriction. A layman will not be able to get a licence, or even if they form partnership there shall always be a very tough competition. And we are going to invite the foreigners to come and run hotels in this country because they have money, we have the population and they can exploit the situation.

[Mr. Koigi]

There is also a mention of the tariff and I understand the term, tariff. If I understand it correctly, it will be used to favour the good countries at our expense.

Mr. Speaker, Sir, in some of our ministries, a big man will not like to have an African near him, he employes a European to be his deputy. That is so because he wants to look big.

An hon. Member: Substantiate!

Mr. Koigi: Mr. Speaker, we are living in this country, we know our people. I do not say it is all who do this but there are some of them who certainly do this. There are ministries where Africanization has been too slow and all these ministries are headed by our own people. Why it is that I do not understand. Probably, they are still harbouring the colonial mentality.

Mr. Speaker, I agree with some point which the Minister makes. He says, "All complaints shall be entertained", and I agree with this point. I would like good complaints to be entertained. For example, when an infant goes into a hotel to drink, this is a genuine complaint if a Member of Parliament like me complains to the Authority. But who is going to man this Authority? That is highly questionable! Are they going to be just our people, when we know that our own educated people in Nairobi are demanding Sh. 400 before they employ somebody. However, Mr. Speaker, I agree and I think it is a good idea to have an authority, but not at this time. If you include all the things that this House wants, then you can bring a Bill——

An hon. Member: What are the things?

An hon. Member: Support the Bill.

Mr. Koigi: No, I do not support the Bill.

Again, Sir, we are told by this Bill that managers shall not receive any case, except with the written authority of the Minister. In fact, in some areas—— Do you not know, Sir, that it is not easy to enter into a Minister's office? We are told if you want to see a Minister you must make an appointment. Where are you going to make an appointment?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker——

Mr. Koigi: Protect me, Mr. Speaker.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, is it in order for the hon. Member to mislead the House when he has been to my office without any appointments, all the time?

Mr. Koigi: Mr. Speaker, Sir, I am not talking of a Member of Parliament like me, I am talking of the layman. The soldiers outside the Minister's offices are very harsh, very harsh, indeed.

An hon. Member: Very good, Koigi!

Mr. Koigi: We all agree, Sir, that Ministers need protection but protection does not mean that they have to keep these harsh soldiers outside their offices. They should allow people to come in and see them, if they have reason to go there. I know some Ministers are very good and they want to see the people. And I am not accusing such Ministers, I am accusing the soldiers outside. So, Mr. Speaker, this point that the Minister must be seen, should be removed.

Again, there is a liability of licences, agents and servants, and this is highly questionable. We all question this because the owner of the hotel cannot be expected to know what his servants are going to do.

The Speaker (Mr. Mati): Mr. Koigi, it is time now for interruption of business. You can continue speaking when the Bill comes up for debate again.

Will a Minister move that the House do now adjourn.

MOTION FOR THE ADJOURNMENT

RECRUITMENT OF MARSABIT PEOPLE INTO THE NAVY AND AIR FORCE

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed) seconded.

(Question proposed)

Mr. Umuro: Mr. Speaker, Sir, thank you very much for giving me this opportunity to raise this matter on the adjournment.

When I asked this question I thought the Assistant Minister who replied to the question knew what he was doing and knew his work. However, I found, when he answered my question, that everything he replied was untrue and unsatisfactory.

In one place the Assistant Minister said:—

> The hon. Member does not know his area and he does not know when the recruitment will be done.

Sir, I tried to catch your eye in order to put that situation clear to the Assistant Minister, but I did not succeed.

When I asked about no recruitment into the Kenya Air Force and the Navy I thought the

[Mr. Umuro]
Assistant Minister would say, yes, there was no recruitment; but he did not say so. We have not had any of our people recruited into these services, not even one person. There is not a single person from Marsabit District who has ever been recruited into these two services.

He said that although there was recruitment in 1969, the hon. Member would be assured that when a vacancy arises this area would be given priority like other areas. I thought every time there is recruitment there must be vacancies for people from Marsabit because every place is given a chance and the number taken is in accordance with the number of people to be taken from each different area. The same is what is done with the army and the police force. But I do not know what happens here and I do not understand why the Government completely neglects these people and will not do something for the people who live in the northern part of Kenya. There is no industry there, there are no big firms, there is no enforcement of labour where people can go and be employed. The only opportunity we have is recruitment in Government services like the police force the army, the navy and the Kenya Air Force. Our people cannot be brought all that way to the Industrial Area in Nairobi to be employed in a garage or a petrol station.

When he was replying to my question the Assistant Minister said, "That hon. Member should note that in 1969, November and December . . . "—— Sir, this question is more serious now because there is no month, not even one year when somebody, just one person has been recruited from my area. Neither has anybody been taken from Marsabit District and I am sure that the hon. Members from North-Eastern Province will support me that there are none from Eastern Province and North-Eastern Province. I am very sure of this. The same goes for Isiolo, Samburu and Turkana. Why have we been neglected? I ask the Minister for Defence, in his capacity as Minister for such purpose, to see that when the opportunities for recruitment arise, recruitment in the navy and the Kenya Air Force, that the people of northern Kenya are considered. They should not be neglected. I feel there is too much neglect for the people of these areas. I know that several people have been employed from the areas where the Ministers come from. From the hon. Assistant Minister's area they have taken eight people recently while from my area which is very big, Marsabit District and Moyale comprise about 42,000 square miles, only six people have been recruited. Is this not a sign that there is no interest shown in some areas? These facilities are being taken over by the Ministers and some of the Assistant Ministers, too.

I appeal to the Government that that part of the country must be looked at. The Government should not look after the areas which are developed, where the people are educated, there are several people in Government departments so that other people can approach them when they wish to be employed. Mr. Speaker, we do not think that only those who are educated should be in the navy or the Kenya Air Force, or even then army for that matter. He would like the *Morans,* with their hair and spears, when they come for recruitment to be taken into these forces. We want our people to enjoy the fruits of *Uhuru.* The time of the shifta has passed now and the hon. Members here—like hon. Kinyanjui —must bear it in mind that this menace is now over.

Therefore, I appeal to Government to see to it that we have recruitment in these areas and I think the person who is going to reply to this Motion will assure me that he is going to send a recruitment team to these areas as soon as possible.

Mr. Speaker, Sir, I do not want to take too much time on this issue. Therefore, I hope that hon. Members will contribute to this Motion and support me in this matter. I have requested hon. Araru to second my Motion.

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

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

When seconding this Motion on Adjournment I would like to say that what has been said by the Mover of the Motion is true. When the Assistant Minister replied to this question in the House some time ago I think he was out of his mind or he did not have enough information about the matter. Sometimes the Ministers are not very well informed about what they are supposed to answer in questions and that is why in some cases you can see them looking for papers here and there during the course of their replies to questions. In the same way the Assistant Minister who replied to this question might have received insufficient information during the course of his reply to this question. He has been a very good Assistant Minister and he replies to questions directed to him in a clear way but we were surprised this time, Mr. Speaker.

Mr. Speaker, Sir, when the Assistant Minister replied to this question he said that even during the 1969 recruitment, some people were taken from these places. But, when we pressed him through supplementary questions to tell us how

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many they were or what their names were, he said he could not disclose this on security grounds. Mr. Speaker, Sir, I could not see what sort of security was involved in telling us the number of people who were recruited. He could have told us, five or six or any other number which was involved. We know that every year Government publishes advertisements for those people who would like to join the Kenya Army. This is done throughout the country, Mr. Speaker. Even this year, Mr. Speaker, there was an army recruitment in Marsabit District and about seven or eight people were taken. We know that this is happening, Mr. Speaker, Sir. But, the question was specifically on the recruitment to the Kenya Air Force and the Kenya Navy but not the Army. If the Assistant Minister has more information about this matter, I think, he will let us know when he comes to reply to this Motion because today he has more time to do so.

Mr. Speaker, Sir, we should be honest with ourselves and we have been appealing for this since we came to this House. We have been neglected in our area for a long time now, Mr. Speaker. The Kanu Manifesto states that the Northern Frontier—the present North-Eastern Province—which comprises of tribes such as Gabra, Boran, Somali and others will be given first priority in matters of education, health and development, Mr. Speaker. It is seven years since we attained our independence and we have always been faced with disasters such as the shifta menace and drought, Mr. Speaker. This has been happening, year in, year out, Mr. Speaker, Sir. We are appealing to our Government to remedy the situation in these areas, Mr. Speaker, Sir. That is why we—Members from that area—are organizing a programme whereby Members from other areas may come and see for themselves the hardships we are facing in these areas. We want them to come and see how people are living in that area, Mr. Speaker. We, Members of Parliament do not visit each other's constituency to see what sort of conditions prevail in other Member's areas. When we speak in this House some people think that we are joking, Mr. Speaker. Some say that Kericho area should be developed. God gave Kericho rain, good soil and an evergreen vegetation. These people do not worry about water because water flows in all directions. But, you cannot get such water in our area. During the drought time, you can buy one glass of water for Sh. 100 or even more. Since you cannot drink this Sh. 100 you have to buy that glass of water. Even Sh. 1,000 is nothing if you do not have water to drink. If you visit North Horr, you can see what white men used to call a desert sea and you can pay Sh. 100 for one glass of water if someone gives it to you. If hon. Members can exchange visits between themselves, we can know each other better, Mr. Speaker, Sir. If Members visit these places, they can realize what is happening in these places and can always be supporting any issue which is raised in this House concerning those places. We have all sorts of difficulties, Mr. Speaker, Sir. This is the only way through which we can improve development to help our people. Since we are not very well educated in those areas, such recruitment would do us a lot of good because we are not hoping to get jobs in offices. We have no qualifications which can help us to get jobs in offices, Mr. Speaker, Sir. If our young people are not recruited into such forces, then what are our chances in this Government, Mr. Speaker? We should be told where our chances are. Recently, girls were recruited in the police and prison forces but no one was recruited from the North-Eastern Province, Mr. Speaker. We have some Standard VII girls who are roaming about in the towns and this is a very serious thing. I think our difficulties are very well known to the Government, as far as education is concerned, and this is why we are crying to the Minister to help us.

When the army recruitment team came to recruit our people, they only came to Marsabit District, and only to the headquarters. The Marsabit District is about 42,000 square miles in area and a place like Moyale is 165 miles away from Marsabit town. We have so many boys there but because of the distance, they did not come for interview by the army recruiting team. Only those who were at Marsabit town had the chance of being recruited. Nobody came from Liyangarani, which is 210 miles from Marsabit. Marsabit is one of the largest districts in Kenya and nobody is able to cover the whole of the Marsabit District. Therefore, when we bring such questions in this House, some people take them as jokes while we know that when this army recruiting team goes to their constituencies, they have some people recruited. I heard the other day a Member from Meru complaining that the Assistant Minister for Defence always has people from his constituency recruited because he is there. I am not saying that this is true but we heard the complaint in this House from the Meru Members of Parliament.

Mr. Speaker, Sir, we people from the northern part of Kenya have been forgotten by the Government, our Kanu Government which is in power today. We have supported the Kanu Government all the time and even during the Kadu time, our people have always been supporting the

[Mr. Araru]
Kanu Party. When we tell our people that we are Kanu candidates, they elected us automatically and this is a historical fact. My people have been supporting the Kanu Party since 1963 and all our Members of Parliament support this Government. The Government has always promised us many things, but now we want the Minister to tell us how many of our people he has recruited to the army. If there are none, then, our Government should take action immediately to get our people recruited to the armed forces.

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

The Assistant Minister for Housing (Mr. Khalif): Mr. Speaker, Sir, I would like to start by saying that I am inclined to agree with my other hon. Members on the Back Bench, although I am on the Front Bench, because I think there is truth in what they are saying and the truth must be considered.

Mr. Speaker, Sir, I think northern Kenya has been neglected, so much so that some of us are absolutely fed up and I guess we should be told, one of these days, in definite terms, in capital letters, whether northern Kenya is a true part of Kenya. I say this, Mr. Speaker, with conviction, I say it from my heart and I say it as a representative of the people of Wajir East and the whole of northern Kenya. Mr. Speaker, Sir, we are not very much interested in the navy because we thought they were not coming to Wajir. We were not interested in the Air Force. We were only interested with the army. They came to Wajir, the recruitment team, and out of 5,000 who came for the recruitment, with a hope that they would serve their country, Kenya, loyally, faithfully and in earnest, only one man was taken, not even two. I complained about this matter, Mr. Speaker, Sir. I said that I thought it was a great loss of tax-payers' money to send a recruitment team to Wajir at a cost of more than KSh. 5,000 only to recruit one man. Mr. Speaker, Sir, I am inclined to think that here we have a genuine case. Northern Kenya, Sir, has a genuine case. We are part and parcel of this country. We shall remain in Kenya and nobody, including those who send recruitment teams to Marsabit and Wajir, can convince us that we are not Kenyans. We are Kenyans and we will die as Kenyans. Mr. Speaker, Sir, as Kenyans, we would like to be treated equally as all other citizens of this country. I complained before when I was on the Back Bench, and recently even as an Assistant Minister here in the House that there has been a tendency —a stupid tendency, although it is not parliamentary to use the word "stupid", indeed—of considering citizens of this country, from northern Kenya, as second class citizens. We are not, Sir, and we shall never agree to be so. We would like to tell those hon. Members who hold portfolios in the Ministry of Defence that they should not consider us as second class citizens.

Mr. Speaker, Sir, we are no longer shiftas. The question of shifta activities has been given up and people in northern Kenya are loyal to His Excellency the President and his Government. They are very loyal and, perhaps, more loyal than some other people and, I think, we are unfortunate if we are to be victimized, we in northern Kenya, because once upon a time history indicated that some people in northern Kenya were not loyal. I thought, Mr. Speaker, Sir, our old Mzee—His Excellency the President—said that we should all forget the past? All we want is that people with portfolios like the hon. Assistant Minister for Defence, sitting in front of me, should forget the past. The shifta is a bygone era and, indeed, the shifta activities have been forgotten. The President of Kenya has often said that we should forget the past and, therefore, Sir, why has northern Kenya been victimized because once upon a time there was a handful of shifta? These were the people who were against Kenya. How, Sir, if we are to follow the words of Mzee, is this consistent? Mr. Speaker, Sir, there are a number of questions to ask on this matter and unless they are answered, I think, there is something wrong.

The last point I would like to say, Mr. Speaker, Sir, is that our Government of President Kenyatta, and the Government of Kenya is inclined towards having its citizens on an equal basis. Mr. Speaker, Sir, let us further this aim. Let us further this—I am saying this as an Assistant Minister—the policy of having all the citizens of Kenya on equal terms.

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

The Speaker (Mr. Mati): Well, we have just about ten minutes remaining. I do not know how much time the Government Responder will need.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, five minutes will be all right.

Mr. Mwangale: Mr. Speaker, Sir, the problem that we are discussing today is very important because it is not only the area that we are discussing today that has been affected by the visiting groups from the Ministry of Defence but I think that all other provinces are affected.

Now, Mr. Speaker, Sir, there is a very interesting theory that has been practised in many African nations on the stability or the supporting force of an existing Government. The

[Mr. Mwangale]
theory is that, Mr. Speaker, if this Government is mainly dominated by one major tribe, that in order to sustain that Government into power you have to get the Armed Forces from that tribe. Unfortunately, this has been proved to be wrong in Uganda, Ghana, and in many other countries where you get *coup d'états* because of dissatisfaction. Now, there is a rumour in this country to the effect that the Armed Forces, I mean to talk about the General Service Unit, Police, Navy and the Air Force are—75 per cent to 90 per cent Kikuyu. We do not know what is right. When we come to ask a simple question like "Would you tell us the breakdown or the statistics of our present Armed Forces?" They say that that is a security matter. When Government is asked in simple way to say how many people were recruited from Western Province, they say that it is a security matter. Mr. Speaker, Sir, this is not a question of tribalism. Let us forget about tribalism. We stated and continuously will state that, probably, this country has the best and most loyal citizens in Africa today. Whether it is the Abaluhya, Luo, Kikuyu or the Akamba, we have vowed to work under one Government. I think, Mr. Speaker, that it is only fair that the distribution of the actual fruits of Uhuru—whether it is in the Armed Forces, or industries—is done equally. In my view, Mr. Speaker, Sir, anybody who say that he will not disclose the number of the people in the Armed Forces from provinces or tribes just because it is a security risk, he is the one who should be charged with treason in this country because he is destroying the very unity that we have been fighting for up to now. Mzee fought for the unity during the *Mau Mau* period and pre-independence period.

Mr. Speaker, Sir, I think that it is about time we suggested the actual recruitment of people in the Armed Forces is done on a quota basis and that this should be based on those who have recruited and that——

The Speaker (Mr. Mati): Your time is over Mr. Mwangale.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. Last week I was asked to give the number of candidates who were recruited from Marsabit, into the Kenya Air Force and the Kenya Navy. However, I declined to give the number on security grounds. Mr. Speaker, you challenged me that the number is always advertised in the local newspapers and on this one I agreed, sometimes the number is advertised. However, when we recruit some boys in the Armed Forces to become soldiers, the number remains secret. Therefore, if I am asked to give the number of all those boys who have been recruited in the Armed Forces from the North-Eastern Province, it would be difficult for me to do that.

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

The Speaker (Mr. Mati): There is no need to interrupt.

The Assistant Minister for Defence (Mr. Njeru): This is because if I say how many from every province have been recruited, then obviously the enemy can know the strength of the army.

Hon. Members: Question.

The Assistant Minister for Defence (Mr. Njeru): I do not need to convince you more than this if you cannot listen. Sir, the number of the Armed Forces is secret and I cannot disclose the figure just now. When the hon. Members suggest that we are trying to recruit only people from one area and that is why we are not giving the number, then that is wrong. This is because we recruit in the day-time and the hon. Members have the right to know how many are recruited from every place. Our army is a national army and we recruit from every corner of this country. We are not tribalistic.

For the information of the hon. Member, the North-Eastern Province is now being taken care of. You remember last year we recruited some boys from your area——

An hon. Member: Only one.

The Assistant Minister for Defence (Mr. Njeru): We have not recruited only one. We have been to Wajir, Mandera, Garissa and, therefore, we did not recruit one; we recruited a good number from these places.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, Sir, can the Assistant Minister substantiate that the Ministry of Defence recruited more than one person in Wajir Disrict?

The Assistant Minister for Defence (Mr. Njeru): I am not talking about Wajir; I am talking of North-Eastern Province as a whole that we recruited a good number from there last year. Even this year we have been there. Therefore, the question of saying that we forget the North-Eastern Province, honestly, does not arise as far as I am concerned. We shall continue giving you the services you require and we shall look at Kenya as one nation and recruit an equal number from all the places. Therefore, the question of saying that we are not recruiting

[The Assistant Minister for Housing]
from every place, I hope you will agree with me that we are very national in outlook and we are national in practice.

Mr. Speaker, Sir, in February, last we recruited——

An hon. Member: In the Air Force.

The Assistant Minister for Defence (Mr. Njeru): Listen, not in the Air Force, but in the army; we had boys from that area in the army. I understand that the hon. Member agrees that we recruited some boys in the Armed Forces, so when the next recruitment arises we shall consider Marsabit to have some more boys recruited into the Air Force. However, you must have boys who have attained Std. VII or VIII. We need boys who can understand a little English so that they can cope with the type of training which is offered in those services. We shall look round and see whether you have the right material when the time comes for recruiting.

ADJOURNMENT

The Speaker (Mr. Mati): It is time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 20th May, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 20th May, 1971

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Mati): Mr. Munyasia not there? Okay, Mr. Araru.

Question No. 421

KENYA/ETHIOPIA OFFICIALS' MEETING

Mr. Araru asked the Minister for Foreign Affairs if he would tell the House what was the outcome of the meetings held at Moyale between Ethiopian and Kenyan officials on 29th and 30th of December 1970.

The Speaker (Mr. Mati): Minister for Foreign Affairs not in? Next question.

Question No. 390

FORMATION OF EAST AFRICAN FEDERATION

Mr. Mulli asked the Minister of State, President's Office if he would tell the House, since the three brotherly East African States were now an established economic community and taking into account the present uncertain political climate in Africa, whether he would tell the House how soon it was anticipated that Kenya's Head of State would propose to the East African Authority the formation of a political federation of East Africa.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Time for discussions on the question of East African Federation is not ripe; when it will be, the hon. Member will know.

Mr. ole Marima: Mr. Speaker, Sir, could the Assistant Minister tell us what will be the condition suitable for the discussion on the federation?

Mr. Munyi: Mr. Speaker, Sir, I would like to let the House know that the Kenya Government stand on this matter was made clear to this hon. House on 26th November 1968. The position has not changed and at present the partner states of the East African Community are reasonably and legitimately preoccupied with the task of economic and social development in their respective countries. Kenya believes that when conditions are ripe, the question of political federation will be considered. As no discussion on this matter has taken place, it is not possible to say whether some of the states are reluctant to federate or not.

Mr. O'Washika: Arising from the reply given by the hon. Assistant Minister, does he agree or disagree with me that if the three East African countries would have had a strong federation the incident which took place in Uganda of late would not have taken place?

Mr. Munyi: Mr. Speaker, Sir, I would like to deny that very categorically because what the hon. Member is trying to allege is that what took place in that particular country would not have taken place if we had a strong federation. Mr. Speaker, Sir, in actual fact, when people have been given independence, they act independently. You cannot force them to do this or that.

Mr. Ahmed: Arising from that reply, Mr. Speaker, if political federation is not possible, does the Assistant Minister agree with me that this East African Community is for the interests of the Western world people?

Mr. Munyi: Mr. Speaker, Sir, I would like to deny that very categorically and tell the hon. Member that it is not for the interest of the Western world people but for the interest of East Africans.

Mr. Kanja: Mr. Speaker, Sir, would the hon. Assistant Minister agree with me that being a small country as we are, Kenya, while the bigger countries in Europe are trying to come together, it does not pay us to remain aloof and for that matter we should federate immediately with the other two sister countries in East Africa.

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member's question is quite reasonable and all I would like to tell him is that even in the European Community there were difficulties; it took years and years for many other countries in Europe to have a federation. I would, therefore, like to advise the hon. Member that we should wait until all other countries agree on the time as to when we can federate. Now, Mr. Speaker, Sir, it is not possible because there is no mutual agreement.

Mr. Mnene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he implying that the other two sister states are not prepared to federate with Kenya?

Hon. Members: Tell us how?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member is the one who is trying to put something into my mouth. However, all I can tell the hon. Member is that Kenya has been, and is still, ready to federate with any other country within the community at any time. That is the reason why Kenya has taken a very important role to see to it that the work of the East African Community should go on smoothly and in a way that is for the economic benefit of every country in East Africa.

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

Question No. 442

ACCOMMODATION AND HOUSE ALLOWANCE FOR CIVIL SERVANTS

Mr. Marete asked the Minister of State, President's Office if he would tell the House since Kenya civil servants, especially those living in Nairobi, continued to experience great accommodation problems whether the Government could dispense with the colonial system of denying a civil servant his full house allowance if he resided in a hotel.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The hon. Member's interest in the welfare of civil servants is highly appreciated. An officer who is transferred to Nairobi is entitled to claim 50 per cent of the hotel bills for the first ten days of his stay. This is governed by the standing regulations contained in section L.36 (1) of the Code of Regulations which governs allowances for hotels, boarding houses, clubs etc. One requirement is that such an officer must produce a receipt and a statement to the effect that the charges are in respect of accommodation only.

Mr. arap Cheptai: Arising from the Assistant Minister's reply, is he aware that even if the civil servant produces the receipt to the officials to claim for a refund it is not accepted? If, for example, the civil servant reaches Nairobi when all the cheaper hotels are full and he goes to a higher-class hotel when he produces the receipts of the higher charges, which may be more than Sh. 50, he is told that he cannot claim up to a certain maximum because of his scale of salary and yet hotel prices are going higher and higher and may soon reach the figure of Sh. 60.

Mr. Munyi: Mr. Speaker, Sir, though the hon. Member is trying to preach, all I can tell him is that, as I have already stated, 50, per cent of what the officer claims is given. If the hon. Member can look at and study the report given by the Ndegwa Commission very carefully, he will find that all these small things, including what the hon. Member is trying to raise, has been taken into consideration quite deeply. In actual fact, Mr. Speaker, Sir, it is for the House to help and see to it that the Ndegwa Commission Report is approved.

Mr. Marete: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, and realizing that according to the Ndegwa Commission the minimum wage is Sh. 200 and the minimum house rent in Nairobi here is Sh. 300, what does he consider about these lower salaried people who are living in Nairobi and other towns in Kenya?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member has given us a very reasonable point which has been fully noted.

Mr. Munyasia: Mr. Speaker, Sir, when the Assistant Minister was replying to the first question, he said that when an officer is transferred from any place to Nairobi or elsewhere he is given 50 per cent of his hotel accommodation charges for ten days. Now, would he tell the House who pays the rest of the 50 per cent for those ten days; and then, who pays for 100 per cent of the charges after ten days have expired?

Mr. Munyi: Mr. Speaker, Sir, by referring to ten days all that I was trying to explain to the House is that within the ten days time the officer might be in a position to get a house. If, in that period, the officer fails to get a house, other arrangements are made.

Mr. arap Cheboiwo: Mr. Speaker, Sir, the Assistant Minister has told the House that after ten days other arrangements are made to see that the expenses incurred by the officer are met. Could he tell us what these other arrangements are?

Mr. Munyi: Mr. Speaker, Sir, the arrangements are: The officer should explain and he should produce the receipts and prove beyond any reasonable doubt that throughout the period of ten days, which I have mentioned already, he was not able to get a house. If so, then Government takes other measures to assist such an officer. That is, to pay him accordingly, Mr. Speaker, Sir.

Mr. Munyasia: On a point of order, Mr. Speaker——

The Speaker (Mr. Mati): No, if you are going to ask what measures there are, then you had better ask a question; not a point of order.

Mr. Karungaru: Arising from that reply, and bearing in mind that the Assistant Minister is not a stranger here in Nairobi—he knows very well that it is very difficult for even a Member of this honourable House to get a House—is he not sympathetic with this question of hardship which the civil servants encounter? If he is, what immediate arrangements has Government made to eradicate this kind of situation facing our civil servants?

Mr. Munyi: Mr. Speaker, Sir, since the Report of the Ndegwa Commission is going to be brought into this House, I would like to appeal to the House to approve whatever has been recommended as far as the housing allowances are concerned without any question.

Mr. Karungaru: On a point of order, Mr. Speaker, is it not out of order for a Member of this House, be he an Assistant Minister, a Minister or an ordinary Member, to anticipate debate of any kind? The Assistant Minister is telling us about the Ndegwa Report—which is very unpopular—which we are waiting to see come into this House? Is he in order to do that?

The Speaker (Mr. Mati): No, I do not think there is anything wrong here because Mr. Munyi is not debating the Report; but is only indicating to you that there are certain provisions there which may cover your requirements. He also says this can come up when the House chooses to deal with the matter. There is nothing out of order there.

Mr. Marete: On a point of order, Mr. Speaker, Sir. I would like to know whether the house allowances will be paid together with salaries.

The Speaker (Mr. Mati): That is not a point of order.

Mr. Munyasia: Mr. Speaker, Sir, when the Assistant Minister was replying, he said that an officer is given ten days and if he does not have an alternative then Government finds ways to help him. Can the Assistant Minister, who is replying, quote the Code of Regulations and tell us what they say about these ten days? He is trying to evade the question. Can he quote the Regulations? What is said after that? Can he read the Regulations?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member knows very well that all this is about the Code of Regulations. All that is needed, Mr. Speaker, after ten days, is for the officer to explain that within that period he was not able to get a house. If he explains that satisfactorily, giving details of dates and the receipts showing what he has paid for his accommodation, he is paid accordingly.

Question No. 437

OVERCROWDING OF ANIMALS IN ISIOLO DISTRICT

Mr. Kadir asked the Minister for Agriculture if he would tell the House, since the whole area of the North-Eastern Province had been badly affected by the drought and all the animals had been moved to Isiolo District, which was then completely crowded with them, whether he, as a matter of urgency, would clear the way to the land which was being held by the Livestock Marketing Division at Isiolo as had been agreed by the House in a Motion passed during the past Session.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Yes, Sir. One point, however, I must correct is the impression given by the hon. Member that all animals had moved to Isiolo District during the period of drought.

Mr. Kadir: Mr. Speaker, Sir, is the Minister not aware that during the dry season all the animals from the North-Eastern Province, Samburu and Marsabit area were moved to Isiolo District and most of those animals died because there was no grazing area as the whole area had been given to the Livestock Marketing Division during the Shifta war? Now that the people have come back to their areas and have animals there, would the Minister give permission to the people to take their cattle to graze in that area so that there will be no more deaths of animals?

Mr. Nyagah: Mr. Speaker, Sir, the point at dispute is that all animals moved from other areas to Isiolo. I know, Sir, that animals moved from Laikipia, Samburu, the Dorobo area, and Masailand into that area. There were animals that moved from the North-Eastern Province into that area, but in the holding ground at Isiolo, where we had over 21,000 head of cattle, brought by the Livestock Marketing Division, we battled very hard to keep clear these invading herdsmen. If the hon. Member wishes to have all other people chased from the area outside the Livestock Marketing Division holding ground he should go and discuss this question with the Provincial Administration in the area.

We had, as a matter of fact, Mr. Speaker, helped in purchasing the cattle from the North-Eastern Province——

An hon. Member: What are you saying? There is nothing——

The Speaker (Mr. Mati): Order!

Mr. Nyagah: As a matter of fact, Mr. Speaker, during that period we helped by purchasing the cattle from the North-Eastern Province. Instead of overcrowding the holding ground at Isiolo the animals were temporarily kept at the northern grazing area of Meru.

Mr. Umuro: Mr. Speaker, Sir, since the Minister agreed that this vast land is being occupied by the Livestock Marketing Division, and, in fact, there was no purchase of animals for quite a long time because of drought in the North-Eastern Province, part of Eastern Province and Samburu District, can the Minister be frank and assure this House that some areas of this land which are being held by the Livestock Marketing Division will be given to the local people so that they can graze their animals there?

Mr. Nyagah: No, Sir, Mr. Speaker, I cannot give that guarantee. The land held by the Livestock Marketing Division has been so held for many years, and it will still remain for some considerable time, I am afraid, to be in the hands of the Livestock Marketing Division so that it can be as a holding ground for purchasing cattle from the neighbouring areas before they are disposed of.

May I say, Mr. Speaker, that the hon. Member is, perhaps, misleading the House by saying that no purchases of cattle were made during that dry season. At the worst of the drought, Mr. Speaker, cattle were bought by the Livestock Marketing Division. Admittedly, it was towards the end of the dry season and, as I said, they were temporarily kept at the northern grazing area of Meru.

At one stage, Mr. Speaker, we had about 21,000 head of cattle and about 13,000 of them have already been sold so as to give room for the new lot to be bought so that the people can have money in their pockets to buy foodstuffs and other requirements. It is not true to say that we never bought any cattle from the northern parts of Kenya during the dry season.

Mr. Hussein: Arising from the Minister's reply, if he agrees that Isiolo has been given to the Livestock Marketing Division as a holding ground, what about the Isiolo local people? Where are they going to take their cattle for grazing? Leave alone the people from Samburu. The local people themselves, where are they going to take their animals to graze if Government has taken the whole area of Isiolo?

Mr. Nyagah: Mr. Speaker, Sir, if the hon. Member is trying to say that the new areas, other than the original Government land where the Livestock Marketing Division stock are kept, have been taken from the people, I am prepared to look into that. However, I am not prepared to allow any invasion, under any pretext, of that area which caters for the welfare of the people who are living there as a holding ground to be affected at all.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Minister's reply, since this land, which Government now uses as a holding ground, was given during the shifta activities, and since it was during the emergency the councillors of Isiolo County Council passed a resolution, under threat, giving that land to the Livestock Marketing Division, will the Minister now agree seriously to give that land back to the people?

Mr. Nyagah: Mr. Speaker, Sir, I have said that if there is any land, other than the original Government land, used by the Livestock Marketing Division to stock the animals, which are bought for the welfare of the people around there, I am prepared to look into it. Whether seriously or not, it does not matter. I will do it in the normal way, Mr. Speaker.

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

Question No. 290

VOLUNTEERS FROM VARIOUS COUNTRIES

Mr. Muthamia, on behalf of Mr. Muturia, asked the Minister for Finance and Economic Planning if he would tell the House—

(*a*) how many of the following countries had organized and sent volunteers to help the Republic of Kenya:—

(i) The United States of America;
(ii) The United Kingdom;
(iii) The Soviet Union;
(iv) The Peoples' Republic of China;
(v) France,
(vi) Italy;
(vii) Germany (East and West);
(viii) Sweden; and
(ix) Denmark; and,

(*b*) whether those countries were freely allowed to send their volunteers to Kenya.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker Sir. I beg to reply. (*a*) Mr. Speaker, Sir, of the countries named in the question, the following have sent volunteers to work in Kenya:

(i) The United States of America;
(ii) The United Kingdom;
(iii) West Germany;
(iv) Sweden and,

(*b*) I assume that by the word "freely" the hon. Member implies that the countries may send volunteers to Kenya without any special prejudice or restriction, or without favour being shown in respect of volunteers from any of the countries. In this light, all the countries named and any other countries which may wish to do so, are allowed to arrange and send volunteers to Kenya freely. Before such volunteers are sent to Kenya, however, the Government of Kenya would first identify the need for them and the duties which they may perform, and would reserve the right of accepting or not accepting them on the basis of their qualifications and suitability for the duties involved and any immigration and other general considerations.

Mr. Muthamia: Mr. Speaker, Sir, arising, from the answer given by the Assistant Minister, how does Government check and make sure whether some of these volunteers are not spies?

Mr. Balala: Sir, we have proper machinery to look into that.

Mr. Ayah: Mr. Speaker, Sir, can the Assistant Minister tell the House whether these are asked for by the Government of Kenya or whether they are offered by their Governments; and under what circumstance is that done?

Mr. Balala: Sir, I think I mentioned this in my answer. I said that whenever there is a duty for them to perform, Government, through the usual channels, requests such volunteers.

Mrs. Onyango: Mr. Speaker, Sir, in view of the fact that our country is experiencing a serious unemployment situation at the moment, will the Assistant Minister agree with me that there are some posts which are occupied by these volunteers which could be occupied by our young people here who have no jobs?

Mr. Balala: Mr. Speaker, Sir, when there are places to be filled by local people, and the duties could be done by the local people, we usually do not ask for experts or volunteers.

Mr. Kanja: Mr. Speaker, Sir, will the hon. Assistant Minister tell this House whether there is any public money involved in maintaining these volunteers when they come to this country?

Mr. Balala: Mr. Speaker, Sir, usually it is only in the case of experts that public money is involved.

Mr. Y. Ali: Mr. Speaker, Sir, would the Assistant Minister tell this House specifically how many volunteers come from the respective countries which have been listed in this question?

Mr. Balala: Mr. Speaker, Sir, there are many countries from which we receive volunteers. In the case of the United Kingdom, which is mentioned in my reply, we have 208 volunteers. These include, Sir, technical assistant personnel and experts who work in the East African Community but are based in Kenya. Volunteers and experts from other countries are as follows:—

Country	*Experts*	*Volunteers*
U.S.A	101	287
Denmark	58	76
Sweden	28	24
West Germany ..	48	67

Mr. Speaker, Sir, we also receive technical assistance from the following countries: Japan, India, Switzeland, Netherlands, Italy, the Union of Soviet Socialist Republics, Norway, France, Czechoslovakia, Yugoslavia, Israel, Australia and New Zealand.

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

Question No. 417

SEWAGE FACILITIES FOR KARATINA TOWNSHIP

Mr. Muthua asked the Minister for Local Government if he would tell the House whether he was aware that Karatina Township had no sewage facilities; and if the answer was in the affirmative, whether he would tell the House when these facilities were going to be provided for this vastly developing township.

The Minister for Local Government (Dr. Kiano) Mr. Speaker, Sir, I beg to reply. It is true, Sir, that Karatina, like a good many other townships in the country, does not have proper sewage facilities. However, the Nyeri County Council under whose jurisdiction Karatina falls, has applied for a loan for this purpose from the Local Government Loans Authority. It is estimated that the first phase of the project is likely to cost approximately £30,000 and I would like to assure the hon. Member that the matter is receiving my urgent consideration.

Mr. Kanja: Mr. Speaker, Sir, can the hon. Minister for Local Government tell this House how long this has taken since the Nyeri County Council applied for this loan and how soon this construction work is going to start?

Dr. Kiano: Mr. Speaker, Sir, I cannot give the date as to when the construction will start because in the first place the Loans Authority has to sit, under my chairmanship, during the month of June to see whether we can raise the necessary amount.

Mr. Kahengeri: Mr. Speaker, Sir, is the Minister implying that by January, which is the time when the Financial Year of the county councils starts, this loan will be available to start the work?

Dr. Kiano: Mr. Speaker, Sir, I do not think I can say yes as much as I would love to. This is because there is a board, or an authority, which looks after this. Although I am the Chairman of the Board, I would rather not go and impose my decisions on them. I think the hon. Member will realize that I will be extremely sympathetic when I am in the chair when we discuss his application.

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

Mr. Bonaya: Mr. Speaker, Sir, before I ask my question I would like to make a minor correction. In fact, I was talking about title-deeds for plots and not lands because we do not have the ownership of land yet. Therefore, the word "lands" at the end of the second line should read "plots".

Question No. 430

ISSUE OF TITLE-DEEDS IN NORTHERN KENYA

Mr. Bonaya asked the Minister for Lands and Settlement if he would tell the House whether he was aware that people in the northern part of Kenya were unable to obtain title-deeds for their plots and that without title-deeds *wananchi* were unable to obtain bank loans; and if so, whether the Minister would, therefore, consider relieving the peoples of northern Kenya of this hardship so that they, too, could enjoy the fruits of *Uhuru*.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. I am aware that land in northern Kenya has not been adjudicated, but northern Kenya is one of the areas included in the Government programme of land adjudication and administration of range land. Preliminary work, particularly studies of how best this can be done, is going on. After the major programme involved has been cleared, adjudication work will be started soon.

Mr. Masibayi: On a point of order, Mr. Speaker, Sir, since the Questioner has already amended his question by deleting the word "lands" and substituting it with the word "plots", can the Minister also correct his answer to conform with the question as corrected?

The Speaker (Mr. Mati): He cannot do that because it was not his fault.

Mr. Bonaya: Mr. Speaker, Sir, will the Minister tell us when he will send his people there to survey the area so that our people can get title-deeds?

Mr. Angaine: Mr. Speaker, Sir, I think the answer I am going to give to the hon. Member will satisfy him.

An hon. Member: Are you still the king of Meru?

Mr. Angaine: What are you talking about?

Mr. Speaker, Sir, there are many problems involved in the plans for the adjudication and the registration of land in northern Kenya. Some of these problems are—and the hon. Member should listen very carefully: There is neither individual nor group ownership of land although various sub-clans of the Somali tribe, the Boran tribe and the Samburu tribe may claim certain areas as their particular grazing grounds. You will find that, in practice, there are no clear demarcations of land in this area. The Somali tribe of Balabala Division in Garissa District, for example, would move their livestock for grazing into Mogadishu Division whenever pastures are available there. They would not like to be restricted——

Mr. Bonaya: On a point of order, Mr. Speaker, Sir, is there a place like Mogadishu Division in the northern part of Kenya?

Mr. Angaine: Mr. Speaker, Sir, these people would not like to be restricted in their movements to particular areas. The form of land tenure is ideal on the basis of the Group Representative Act of 1968 whereby groups of people can be registered as owners of large range lands of some 10,000 acres or more. This practice is now going on successfully in Masailand, particularly in Narok and Kajiado Districts.

Mr. Speaker, Sir, the problem of sorting groups in northern Kenya has, therefore, to be done before land adjudication is started there. This is a problem in itself because most of the residents of these areas do not want to be sub-divided in terms of occupation of land. That conservative attitude has to be overcome if this is to be achieved. Hon. Members and county councils of those areas must help in this field in order to clear the ground for a smooth and quick land adjudication process to take place as soon as possible.

The Speaker (Mr. Mati): Now, in view of the fact that Mr. Bonaya has amended his question and the Minister had prepared his reply for something quite different, I think what the Minister has said is not really relevant to the question which Mr. Bonaya wanted. However, this is the fault of Mr. Bonaya himself by wrongly wording his own question. Therefore, there is no point in continuing with this question now because what we are getting is not relevant to Mr. Bonaya's amended question.

Mr. Bonaya: On a point of order, Mr. Speaker, Sir. In my original question, which I submitted to the Clerk of the National Assembly, I put "plots" and not "lands". I do not really know what happened.

The Speaker (Mr. Mati): Order! No, the only thing we can go by is what you received from the office and what the Minister received. If the question appears as it is on the Order Paper now on your *pro forma*, then the fault is still yours. You should have pointed that out in time so that the correct form of your question could be sent to the Minister but you did not.

Mr. Murgor: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance in this matter. Although, as you have ruled, what the Minister has answered is not exactly in accordance with the way the hon. Member had corrected his question, in view of the fact that what the Minister has answered is something which affects many other areas, could the Minister not be asked more

[Mr. Murgor]
supplementary question on this because it affects many other areas according to the way he has answered?

The Speaker (Mr. Mati): No! This is because if he was followed up with supplementary questions he would be answering a question which has not been asked in this House at all. Ministers are supposed to answer questions which are asked. Mr. Bonaya's question is different from the question Mr. Angaine is replying to. So, if we were to allow that we would just come here and start asking any questions we want which do not appear on the Order Paper.

Mr. Kholkholle: On a point of order, Mr. Speaker, Sir. I would like to seek your guidance in this matter because this question is very important, especially in our area. Therefore, would it be possible for this question to appear on the Order Paper again so that we can get a satisfactory reply? Mr. Speaker, Sir, I very well remember that some time the Survey Department went to Marsabit, surveyed the plots, allocated them to people but whenever we go to the settlement office we are always told that the plots are not surveyed. As such, Mr. Speaker, Sir, we do not know where we are.

The Speaker (Mr. Mati): What plots are you referring to, Mr. Kholkholle?

Mr. Kholkholle: I want the question to appear again on the Order Paper, Mr. Speaker.

The Speaker (Mr. Mati): Order! What you can do is to give notice of the question in the normal manner. Mr. Bonaya can also still put in his question in the normal manner. There is nothing to prevent him from doing that, but it will have to go through the normal process.

Next question, Mr. Ziro.

Question No. 436

IMPROVEMENT OF KALOLENI/MARIAKANI ROAD

The Speaker (Mr. Mati): Mr. Ziro not here? Mr. Umuro ask your question.

Question No. 334

INDUSTRIAL AND COMMERCIAL DEVELOPMENT CORPORATION LOANS IN MARSABIT DISTRICT

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

(*a*) how many people had received loans from the Industrial and Commercial Development Corporation;

(*b*) whether he would indicate the amount received by individual applicants and the total received since the Industrial and Commercial Development Corporation was formed;

(*c*) why such a little amount was loaned to Marsabit people.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Speaker, Sir, I beg to reply. (*a*) A total of 22 businessmen have received loans in Marsabit District.

(*b*) I do not think that it is appropriate to divulge the amounts received by individual applicants. However, a total of KSh. 350,000 was received by various applicants.

(*c*) I do not consider the number and amount to be small. As a matter of fact, the rate of approval in this district is high when it is considered that out of 44 applications, 22 were approved while only 20 were rejected mainly because of lack of security or the purpose of the loan being outside those that we finance.

Mr. Umuro: Mr. Speaker, Sir, I think something should be done in respect of this part of the country. The Assistant Minister said that out of 44 applicants for the loans 22 have received loans amounting to Sh. 350,000. Does the Assistant Minister know that out of the recipients—22 of them—two Arabs from amongst them, who are rich and probably can contact the people dealing with loans, have received Sh. 320,000 leaving a balance of Sh. 30,000 for the other 20 applicants in this particular district?

An hon. Member: Are you aware?

Mr. Wood: Mr. Speaker, Sir, I absolutely refute that and submit there is nothing like that known to the Ministry.

Mr. Araru: Thank you very much, Mr. Speaker. What does it amount to when an Assistant Minister says that he does not agree with such a submission. I would like to point out to him that last year I brought the same question before the House—and in this respect I would like to thank an Assistant Minister from the same Ministry——

The Speaker (Mr. Mati): Will you ask your question?

Mr. Araru: Yes, that is what I am doing. The Assistant Minister has denied that these two particular people did get the alleged loans. If I bring evidence to show that I asked the same question and the written reply given by an Assistant Minister was different, what will be the position?

Mr. Wood: Mr. Speaker, Sir, nothing will happen. With all due respect to the hon. Member we will answer it when the hon. Member submits it to the House.

Mr. Umuro: On a point of order, Mr. Speaker, Sir, if the Assistant Minister does not know these people, can I submit to him their names? They are Messrs. Salim Bamelaka who received Sh. 150,000 and Messrs. Shariff Mohamed Nuru, who received Sh. 170,000, which gives a total sum of Sh. 320,000 thereby leaving a balance of Sh. 30,000 for the other 20 applicants. Why can he not accept this?

Mr. Wood: Mr. Speaker, Sir, with all due respect to the hon. Member and the House, I think the hon. Member should substantiate his case further than that.

The Speaker (Mr. Mati): Order! I do not think that is necessary because he has already given his facts and figures.

Mr. Wood: That is not the fact, Mr. Speaker, Sir!

Mr. Abubakar-Madhbuti: On a point of order, Mr. Speaker, Sir, do we understand that among those applicants who received loans, two of them were Arabs, and if so, can we know their names?

Mr. Wood: Mr. Speaker, Sir, my Ministry is not aware.

Mr. Amayo: Arising from the Assistant Minister's reply—he has denied the Member's contention—can he read out the names of those applicants who received the loans, table them on the Table of the House?

An hon. Member: The alleged 22 people!

Mr. Wood: Mr. Speaker, Sir, for the sake of confidence I will not give the names of the people who have been given loans by the Industrial and Commercial Development Corporation.

An hon. Member: Why?

Mr. Wood: This is a well-known fact, that loans are given to the citizens in confidence, and therefore, the hon. Member and the whole House will appreciate that it is unusual in commerce to do this kind of thing because when people come to the Government to seek for a loan they do so in confidence. Therefore, I would, under the privilege of this House, request that the names of these applicants be not given.

An hon. Member: No! No!

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, I am seeking your guidance. Are you really satisfied that the way the Assistant Minister is handling this question is in order, since quite often questions of this nature have been asked in this House and the required names are given and, in fact, the amount of money which is given by the Industrial and Commercial Development Corporation to different individuals disclosed. Is he in order to hide, unless he has something funny or fishy? Is he in order to hide the names to this House when they are demanded?

The Speaker (Mr. Mati): What the House is asking is more than mere names. According to what I understood, the last questioner demanded to know the amount of money. Previously, I know that the same Ministry refused to give the names and the amounts of money involved in respect of what individuals got.

Mr. Wood's argument is that these loans are given in confidence. I am quite sure that there are a number of Members who have loans and who would be very hesitant to allow their names and the amounts involved to be given in such circumstances as this. So, on these grounds, I do not think I can force Mr. Wood to give the figures against the names unless he chooses to do so.

Mr. Umuro, what is your point of order?

Mr. Umuro: On a point of order, Mr. Speaker, Sir, whenever I ask a question in connexion with the armed forces, police, etc., I am not given names or numbers involved because of security reasons. In view of this, can I know the connexion between this and the number, together with the amounts in respect of loans which can justify their reservation?

The Speaker (Mr. Mati): Order! I did not talk about—— Will you sit down! I did not talk about security at all. I said it was because of that confidence which exists between the loanee and the lender as it were. I gave an example by saying that I was quite sure that Members would not be very willing to have their loans revealed. If that is the case, why do it to other people? You are entitled to ask, but I have no way of forcing Mr. Wood to break that confidence.

Mr. Koigi: Mr. Speaker, Sir, can the Assistant Minister agree with me that the public would like to know whether they are getting money from the Industrial and Commercial Development Corporation, and this can only be done through the announcement of names of the recipients?

The Speaker (Mr. Mati): I do not follow what you are asking?

Mr. Mutiso: Mr. Speaker, Sir, would the Assistant Minister accept the fact that among the applicants who received the loans there are two Arabs?

Mr. Wood: Mr. Speaker, Sir, "No", but they are citizens of this country!

The Speaker (Mr. Mati): We must move on.

Question No. 325

BRIDGES—TIYA, KALOBEYOI AND MNAKALALE RIVERS

Mr. Ejore asked the Minister for Works if he would tell the House—

[Mr. Ejore]

(*a*) when he would put up bridges over the following rivers—Tiya, Kalobeyoi and Mnakalale; and,

(*b*) whether he was aware that these rivers were very dangerous during rainy seasons.

The Speaker (Mr. Mati): Anyone here from the Ministry of Works?

Next question. Mr. Karungaru?

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir—

Mr. Karungaru: You have been late!

The Speaker (Mr. Mati): I think we had better hear Mr. Karungaru's question.

Mr. Bonaya: On a point of order. I think Mr. Ejore has asked Question No. 325.

The Speaker (Mr. Mati): Yes, he asked it but the Minister was not ready. So, we will come back to it later.

Question No. 385

RECRUITMENT OF OVERSEAS D.C. 9 PILOTS

Mr. Karungaru asked the Minister for Power and Communications if he would tell the House—

(*a*) the cause of the row between the Kenya Pilots' Association and the East African Airways Corporation over the recruitment of the overseas D.C. 9 pilots; and,

(*b*) the steps which he took to prevent future disputes between the Kenya Pilot's Association and the corporation.

The Minister for Power and Communications (Mr. Ngala) Mr. Speaker, Sir, I beg to reply. (*a*) The row between the Kenya Pilots' Association and East African Airways Corporation arose from the Corporation's decision to recruit direct-entry captains for the new D.C. 9 fleet. The Kenya Pilot's Association felt that this action was contrary to the agreement between the association and the Corporation. The association considered that suitable and qualified pilots were already available in the Corporation to operate the new D.C. 9 fleet.

(*b*) As a result of discussion, negotiations and compromises with the Kenya Pilots' Association, the dispute has long been resolved. The association has accepted the fact that the direct-entry pilots who had been recruited would remain in the corporation's employment. Before any direct-entry pilots were considered, those pilots with the corporation will be given full opportunities for promotion provided they are suitable and qualified. Courses for promotion would be carried out at the discretion of the corporation in view of financial, personnel and training equipment limitation.

Mr. Karungaru: Arising from that reply, and in view of the fact that the Kenya Pilots' Association is not an indigenous organization but a private organization outside the scope of the East African Airways Corporation, what arrangements has the Ministry in mind to see to it that indigenous people of East Africa are encouraged to become pilots through provision of enough facilities for training?

Mr. Ngala: Mr. Speaker, Sir, the Kenya Pilots' Association is duly registered in Kenya and its functions are outstanding all over East Africa; and African pilots are entitled to become members of the association if they wish to. At the moment we are providing training facilities for would-be pilots at Soroti, and also there is an engineering section to cater for their efficiency training.

Mr. Mutiso: Mr. Speaker, Sir, would the Minister deny or accept the fact that the reason why there was this sort of wrangling was because this particular association feared that if there were pilots, particularly from the United States of America, they would give local African pilots a chance of promotion or being more qualified in flying as opposed to what the British pilots have been doing ever since this association was formed?

Mr. Ngala: That is an allegation and out of place, as far as I am concerned, because our intention in Kenya, and for that matter East Africa, is to give the African pilots the opportunity for promotion to a grade where they can pilot planes. Already, there are Africans who are doing this. If we can get more qualified African pilots, we shall take them and replace other pilots whether they come from Britain or America or any other country. However, these Africans must be qualified and have the qualifications required.

Mr. Speaker, Sir, riding on a plane is not like riding a bicycle!

Mr. Karungaru: Mr. Speaker, Sir, in view of the fact that since the formation of the East African Community which is the central organization of the East African Airways Corporation, it is now seven years, and also in view of the fact that up to now there are only two African pilots, would the Minister tell this House what other arrangements the Government has in mind to train more African pilots either abroad or locally in order to take correct this anomaly which seems to be so terrible?

Mr. Ngala: Mr. Speaker, Sir, the question from the hon. Member for Embakasi in whose area

[The Minister for Labour]
aeroplane's land, and I think he should know better——

Mr. Speaker, Sir, we have two qualified and very good African pilots at present and we have just promoted four others who will be able to pilot our planes, that making a total of six African pilots. At Soroti, the would-be pilot students are given a course of three years and they go through very intensive training; and after the end of these three years they are taken to the United Kingdom to qualify even higher. This is the process we are going through and I think it is reasonable.

Question No. 443

"MATATU" TAXIS IN KITUI

Mr. Munyasia asked the Vice-President and Minister for Home Affairs to tell the House—

(*a*) the reason why the cars known as "*Matatu*" in Nairobi City were running day and night yet in Kitui District, where transport was a problem, such vehicles were not allowed to operate; and,

(*b*) whether the Minister would authorize such vehicles and Land-Rovers to operate as taxis, provided they were in good condition so as to alleviate the shortage of transport in Kitui especially in the rural areas.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, is it not proper that the hon. Member apologizes before I reply to his question, for having been late?

Mr. Munyasia: Mr. Speaker, Sir, there is no need for me to apologize because I was here.

The Speaker (Mr. Mati): I do not find the necessity for that, Mr. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The hon. Member was late and he should apologize. However, Mr. Speaker, Sir, I beg to reply.

The hon. Member for Kitui West asked exactly the same question in November last year and I replied to it. However, I shall repeat my answer.

It is not true that *Matatu* are allowed to run day and night in Nairobi. The police in Nairobi are aware of this problem and are doing what they can to stop *Matatu*, but *wananchi* contribute a great deal in supporting the illegal operation of *Matatu*. One of the main problem confronting the police is that those who use *Matatu* do not come forward as witnesses, and police, not being always able to prove payment of money as transportation fare, cannot take many cases of *Matatu*. Due to the population density and great demand of transportation in Nairobi, it is inappropriate to compare the *Matatu* problem here with that at Kitui. Mr. Speaker, Sir, the *Matatu* are not insured for carrying passengers and, in event of an accident, there is no hope of compensation and this is one of the reasons why the police are becoming strict on the operators of *Matatu*.

If the transport problem is so acute in Kitui District, it is recommended that the would-be operators should apply to the Transport Licensing Board, through the proper channels, for the licensing of more public service vehicles. There would be no objection if such vehicles were inspected and passed as taxis and the operators complied with the existing requirements of the Transportation Licensing Act.

Mr. Amayo: On a point of order, Mr. Speaker, Sir, could I be told what *Matatus* are because I do not quite follow what they are talking about?

The Speaker (Mr. Mati): I think your friend next to you will tell you what it is.

Mr. Munyasia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, which is, in fact, nonsense——

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to say that the reply is totally nonsensical, and is the word "nonsense" parliamentary?

The Speaker (Mr. Mati): No! Do not be offensive, Mr. Munyasia.

Mr. Munyasia: Mr. Speaker, Sir, arising from the unfounded answer by the Assistant Minister, would he deny or accept that these *Matatu* are operating day and night here in Nairobi and if he would, could he go out with me and I will show him some *Matatu* running right from Kariokor up to Eastleigh?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member's ears must be out of order—*pole*—because all I said during the course of my reply was that we are aware of this, but we are finding a lot of difficulties to convict these people because the passengers carried in the *Matatu* are not prepared to come forward as witnesses. When you get them into the court, there is no witness to substantiate Would you ask the hon. Member to sit down? Therefore it is very difficult to convict them. This is the problem we are facing. I do not mean to say that there is no problem, there is a problem. However, the problem is that the *wananchi* are not co-operative in coming forward to be witnesses, but we would like these *Matatu* to be insured so that when there is an accident the passengers

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
can at least get something. However, if you are involved in an accident in a *Matatu* today, you are finished.

Mr. Murgor: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that the police have not been able to control *Matatu*, would the Ministry consider licensing these *Matatu* owners because they give a very good service to the public, so that we do not have any more of this problem and the owners will have their vehicles insured? Would you consider that?

Mr. Shikuku: Mr. Speaker, Sir, I have said that these *Matatu* can be licensed if the owners apply through the right channels, and this falls under the Transport Licensing Board. However, if the *Matatu* owners are not prepared to get licences, because before he gets a licence he must produce the insurance cover—these people are not willing to do that and when they will be ready to do that their case will be considered by the Transport Licensing Board. They will get these licences, allowing them to carry people.

Question No. 421

KENYA/ETHIOPIAN OFFICIALS' MEETING

Mr. Araru asked the Minister for Foreign Affairs to tell the House what was the outcome of the meetings held at Moyale between Ethiopian and Kenya official on 29th and 30th of December, 1970.

The Assistant Minister for Foreign Affairs (Mr. Oguda): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, I beg to apologize to the House and the reply is as follows: As the hon. Member is aware, Kenya and Ethiopia concluded a Boundary Treaty, which was based on the principle of give-and-take, on 9th June, 1970. The Treaty was a concrete fulfilment of the principles of friendly relations and co-operation enshrined in the Organization of African Unity Charter. In order to ensure the harmony and understanding between our two countries was maintained in the spirit of the Treaty, it was necessary for Kenya and Ethiopia to hold consultative meetings periodically. However, the Kenya/Ethiopia Provincial Committee meeting, which was held on 29th and 30th of December, 1970, was a normal meeting for routine consultations between officers of the Ethiopian Government and Kenya Government.

The meeting, essentially, discussed matters of mutual interest relating to security, development and maintenance of boundary controls of the two States. The main purpose of such a meeting is to enable the officers on the spot, from both countries, to exchange views on certain issues facing them and to solve them speedily and expertly on the spot without resort to higher authorities and cumbersome time-consuming procedures.

Mr. Araru: The reply by the Assistant Minister refers to development, security and maintenance of boundary controls, Mr. Speaker, but my question is seeking to know the outcome of that meeting. Was development the major issue discussed? If they discussed the present problems facing the northern part of Kenya, what was the outcome of that discussion?

Mr. Oguda: Mr. Speaker, Sir, with all due respect to the questioner, I think it would be better, and it would help, if he was more specific on the kind of outcome he has in mind. Of course, at this meeting, several issues were discussed, and as I have indicated in the original reply, these related to security matters, which, of course, the hon. Member will agree with me, are for security reasons kept very, very confidential and secret. As far as matters of development are concerned, I believe the hon. Member, who comes from that area, whom, I understand is the Member for Moyale, should have taken the pains, at least, to find out from the officers in the field what it is that was discussed concerning matters of development. The hon. Member, if he will be patient a little, knows very well that they have problems there in relation to water points, cattle diseases and, perhaps, in relation to abductions, which are traditionally common in that part of the world.

Mr. ole Nampaso: Arising from the Assistant Minister's reply, can he tell the House whether after the treaty was signed in December 1970, there were more cases reported of stock-theft or murders as a result of clashes between people living on the Kenya/Ethiopia border?

Mr. Oguda: Mr. Speaker, Sir, along this border live human beings. Surely, wherever human beings are living problems are bound to arise. Incidents have occurred, but since the treaty was signed the incidents which have taken place along Kenya/Ethiopia border and even along the Kenya/Somalia border have not been as serious as they used to be before the treaty was signed.

Question No. 436

IMPROVEMENT OF KALOLENI/MARIAKANI ROAD

Rev. Kalume, on behalf of Mr. Ziro, asked the Minister for Works if he would tell the House whether he was aware that since the road from Kaloleni to Mariakani in Kilifi District was covered with gravel, instead of murram, last year, it had become completely impassable and traders use the road from Mariakani to Kaloleni via Gotani; and if that was the case, when the Government was going to improve this road.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The reply to part (*a*) of the question is "yes". The reply to the second part of the question is: the road is included, for reconstruction, in the present Development Plan. However, it is not expected that work will start before 1973.

Rev. Kalume: Arising from the Minister's reply, is he aware that we attended the meeting of the Provincial Planning Committee and we were assured that this road, which is very busy, would be improved and, in fact, tarmacked before the end of 1971?

Mr. Nyamweya: Mr. Speaker, Sir, I am not aware.

Question No. 325

BRIDGES—TIYA, KALOBEYOI AND NAKALALE RIVERS

Mr. Ejore asked the Minister for Works if he would tell the House—

(*a*) when he was going to put up bridges over the following rivers: Tiya, Kalobeyoi and Nakalale; and

(*b*) whether he was aware that these rivers are very dangerous during the rainy seasons.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The Ministry is at the moment engaged in preparing an inventory of all bridges in the country with a view to betterment and upgrading these bridges and constructing bridges where there are none over the two rivers, Tiya and Kalobeyoi. However, Nakalale will be considered along with the others.

Mr. Ejore: Arising from the Minister's reply, very well remembering that one lorry belonging to the Kenatco was carried away by the flooding water of the Kalobeyoi River on its way from Nairobi to Lodwar, can the Minister consider doing something to remedy the situation because these rivers have carried away vehicles belonging to the *wananchi* and to the Government?

Mr. Nyamweya: Mr. Speaker, Sir, I would be grateful if the hon. Member repeated his question and went nearer to the microphone.

Mr. Ejore: Can the hon. Minister, taking into consideration the fact that a seven-ton lorry was carried away by the Kalobeyoi River, consider constructing bridges, as a matter of urgency, over these rivers?

Mr. Nyamweya: Mr. Speaker, Sir, accidents take place not only along this road, but also along good roads like Nairobi/Mombasa Road. However, as I said earlier on in another reply, we are currently looking into the possibility of launching a programme of providing bridges where we do not have any bridges at the moment. However, I cannot tell the House how soon this programme will be launched. I am quite sure that the problem the hon. Member has raised will be taken into account.

QUESTIONS BY PRIVATE NOTICE

SHORTAGE OF MEAT SUPPLIED BY KENYA MEAT COMMISSION

Mr. ole Marima: Mr. Speaker, Sir, on behalf of Mr. ole Leken I would like to ask the Minister for Agriculture the following Question by Private Notice:—

Noting the present undue shortage of meat supplies by the Kenya Meat Commission which is recurrently increasing what steps is the Ministry taking to rectify the situation?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. I would like it to be noted at the outset that the country is not necessarily short of cattle despite the current meat shortage in Nairobi. We have approximately 10 million head of cattle in this country. However, due to a number of reasons which I am going to give, we have this temporary shortage.

Firstly, the recent drought, which was very severe, has made the animals live under very bad condition, which does not make them suitable for slaughtering by the Kenya Meat Commission. Secondly, the other immature cattle, which have been bought and are still in the holding grounds, or which are still in the hands of the farmers, are not ready for slaughtering. Thirdly, the conditions which have made things difficult, Mr. Speaker, Sir, is that we have had, during this period, together with the drought, the outbreak of diseases and a number of cattle have been held under quarantine regulations.

These three reasons, Mr. Speaker, have made the stock available to the Kenya Meat Commission rather short. Farmers and ranchers have preferred, as a result of the recent rainfall, to keep their cattle for a little longer so that they can sell them at a better price. At present—to come to the main part of the question—the Ministry and the Kenya Meat Commission are engaged in an exercise of, first, trying to get the Kenya Meat Commission to buy cattle at competitive prices like the other private butchers and, secondly, to see that the Kenya Meat Commission will buy the cattle on the hoof instead of waiting until cattle are sent in to their factory at Athi River, and that is buying after the beast has been slaughtered. We hope that when these exercises are over everything will be well.

[The Minister for Agriculture]

Finally, Mr. Speaker, the Kenya Meat Commission, I am informed, today bought some cattle which are ready—only this morning I was told that 2,000 head of cattle have been bought—and they will be in the slaughter house in a few days. Therefore, within a very short time, the temporary difficulties in Nairobi will be brought to an end.

Mr. ole Marima: Mr. Speaker, Sir, appreciating that lengthy and good answer from the Minister for Agriculture, and agreeing that the problem is difficult, can the Minister agree with me that one of our biggest problems, whether or not we have a drought, is that of Foot-and-Mouth disease which retracts the sale of animals? Will he agree with me that we need complete immunization of animals against the Foot-and-Mouth Disease throughout the country so that we are able to eliminate this disease?

Mr. Nyagah: Mr. Speaker, I think I would agree with the hon. Member three-quarters of the way. Only yesterday, this hon. House passed a Supplementary Estimate which provides money to the Ministry to conduct a very vigorous campaign against that disease. I cannot tell the House that all areas will be immunized at once, but it is the Ministry's intention and the Government's intention to keep clear all the areas free of these diseases that make it impossible for the farmer and the rancher to get a good income out of their stock.

Mr. arap Saina: Mr. Speaker, Sir, since drought has been almost a limiting factor in the production of meat in the dry season, could the Minister create a financial short-term credit to help the farmers produce meat in the dry season?

The Speaker (Mr. Mati): It was not easy to hear the last part of your question. Can you please repeat your question?

Mr. arap Saina: Mr. Speaker, Sir, since drought has been a very serious limiting factor in the production of meat in the dry season, would the Minister consider creating a short-term credit to assist all beef farmers to maintain production of beef in the dry season?

Mr. Nyagah: Mr. Speaker, there are arrangements that are already in existence for people who want to be ranchers. Only the other day the hon. Wanjigi, the Assistant Minister, announced a scheme which will go a long way to help and encourage the *wananchi* to keep cattle. I do not think there is a need for short-term credit loans or facilities for this kind of farmer.

In any case, Mr. Speaker, God has provided us with a very short-term credit by bringing rain and good grazing is now available.

The Speaker (Mr. Mati): Next question.

RATES DEMANDED BY MASAKU COUNTY COUNCIL FROM TRADERS

Mr. Munyasia: Mr. Speaker, Sir, on behalf of my colleague, Mr. Nthenge, I beg to ask the Minister for Local Government the following Question by Private Notice:—

Is the Minister aware that the County Council of Masaku is asking traders to pay rates for 1970, Sh. 30 each, which rates traders were not informed of and that whenever they ask why they were not informed to do so in 1970 their trading licences are taken away by the council until they pay the amount required?

The Minister for Local Government (Dr. Kiano). Mr. Speaker, Sir, I beg to reply. As a result of the take-over of graduated personal tax by the Central Government from the county councils, Masaku County Council has been striving to raise money by various ways. Accordingly, towards the end of 1969, the Council adopted a Resolution which amended its own by-law on licensing of commercial occupation. The hon. Member knows very well that we have had a lot of trouble and checking with the finances of the Masaku County Council and, therefore, I was not prepared to approve the Resolution until early this year because of the constant changing of the usage of finance in that particular local authority.

Now, the new by-law seeks to increase the licensing fee from Sh. 45 per annum to Sh. 75 with effect from 1st January, 1970. The council is now, therefore, collecting the fees from each trader concerned for the year 1970 and the year 1971.

I have directed, Mr. Speaker, that since this by-law has retrospective application no trader shall have his licence taken away but rather that the traders should be given time to meet the 1970 fee without harassment. Payment for 1971, however, must be made promptly.

Mr. Munyasia: Mr. Speaker, Sir, while agreeing with the Minister's statement, would the Minister be in a position to agree with me that it is very unfair for the council to delay its Estimates for two years and then the Minister approves it for two years without notification to the people concerned?

Dr. Kiano: Mr. Speaker, Sir, the exact time is one year and five months and it is because of that retrospective application that I have requested people be not harassed.

If, however, we approve this immediately after the Resolution was brought to our office, I am sure the hon. Member will agree with me that a lot of financial complications would have been

[The Minister for Local Government]
involved. In fact, even at this stage, my Ministry is not happy with the financial administration of this particular county council.

Mr. Mutiso: Mr. Speaker, Sir, in view of the fact that already there are the traders who have been harassed by the said county council with regard to this particular by-law, what remedy does the Minister have to try and reimburse the traders who have already had their licences taken away for no fault of theirs?

Dr. Kiano: Mr. Speaker, Sir, the question of reimbursement does not arise. The answer, however, is that if any trader's licence has been taken in connexion with the 1970 fees, that person's licence will be restored, and I will so inform the Clerk to the County Council of Masaku.

SALE OF PLOTS IN KAPSAGOI EXTENSION SCHEME

Mr. arap Saina: Mr. Speaker, Sir, before I ask the question I would like to make a couple of corrections. One, in the second last line of (*a*) it should read "Kapsagoi Extension Scheme" instead of "Tapsagoi Scheme"; two, in the last line of (*b*), "got rid off" should read "got rid of".

I would like to ask the Minister for Lands and Settlement, Mr. Speaker, the following Question by Private Notice:—

(*a*) Is the Minister aware of unauthorized and tactful attempts by some unscrupulous persons who are being bribed to sell settlement scheme plots in the Kapsagoi Extension Scheme No. 56 L.R. Nos. 9975 and 9976, before demarcation is completed?

(*b*) Is the Minister aware that this scheme was given to the Kalenjin squatters after serious consideration between the Kalenjin elders and the Government and that a Government afforestation scheme was got rid of in favour of the squatters?

(*c*) If the Minister is aware of (*a*) and (*b*), will he take immediate action—

(i) to stop approval of any plots pending investigation by himself; and

(ii) to call an immediate selection committee composed of the representatives of the local people to whom the scheme was given to allocate plots to the landless needy squatters now living on L.R. Nos. 9975 and 9976 respectively.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. (*a*) No. The hon. Member should substantiate his allegations in detail to enable me to mount an investigation into this serious matter.

(*b*) No. The two farms referred to were made available to settle the landless and unemployed in accordance with the Government's settlement policy. The selection of settlers of these farms will be done by the District Selection Committee of Uasin Gishu District.

(*c*) Already answered by (*a*) and (*b*).

Mr. arap Saina: Mr. Speaker, Sir, arising from the Minister's reply, would he deny that Plot No. 320 has been approved by his Ministry for somebody who is in partnership with some other people who own 5,000 acres and that Plots Nos. 297, 298, 299, 300, 301, 302 and 304 have been earmarked or reserved for certain people? Whom did these people go through and how, if not bribery?

Hon. Members: Who are they? Tell us.

Mr. Angaine: Mr. Speaker, Sir, I am not aware of that. As I have said, this is a very serious allegation. If you follow the hon. Member's question very carefully, you will see that plots are being sold and people are being bribed to sell the plots. If I am bribed I must be told. I have the power to allocate plots and I have allocated three plots, and I am going to mention the names of those people to whom I have allocated the plots. It is my duty as Minister for Lands and Settlement to do so.

In every district, Mr. Speaker, I have appointed a selection committee to assist me. In every district the district commissioner is the chairman of the district selection committee. Therefore, all the selection of settlers for a settlement scheme is done by the district selection committee and recommended to me for final approval.

Therefore, Mr. Speaker, I am surprised about this. I must be told the names of those who have been bribed——

Mr. Speaker, Sir, I am very serious about this. I am honest and trustworthy in this Government and even the angels of heaven can bear me out.

The two farms referred to by the hon. Member are No. 9975 and 9976, with a total acreage of 2,900 acres. I have received several applications from interested parties and I have approved three applications and directed that these plots will be allocated to them. The people to whom I have approved are the following (1) Mr. Anton, Plot No. 297——

Hon. Members: Anton who? Anton Brown?

Mr. Angaine: Letnut Cornel Wilson Shingoli, Plot No. 298 and (3) Mr. M. K. Cherugoi, ex-Member of Parliament, Plot No. 320. The remaining 114 plots are to be allocated by the allocation committee with my approval.

Mr. arap Saina: Mr. Speaker, Sir, earlier the Minister denied that he was aware of any plot being allocated because the Selection Committee had not sat.

Mr. Angaine: I was not aware of bribery.

Mr. arap Saina: Would the Minister, therefore, state to this House that the people he has allocated the plots to are the genuine squatters who are there, who are people from outside the settlement scheme?

Mr. Angaine: Mr. Speaker, the question does not arise but the hon. Member now speaking—— How many people of your own choice I have allocated plots to? How many of them? Can you count them one by one? You brought their names to me, you beseeched me saying, "Minister for Action will you please help me by allocating plots to these poor people?", and I have done so. Now, what is wrong here? This is my duty. You came and cried to me and asked me not to let you down and I never let you down.

Mr. arap Saina: Mr. Speaker, Sir, while respecting the hon. Minister for Action, I would like to say that I have not brought any person of my choice into this particular scheme. However, I am interested in it. It is untrue for the Minister for "Action" to say that I have brought a person of my own choice for this scheme.

The Speaker (Mr. Mati): Order! Order! No, Mr. Angaine did not say that. However, I think we must go on now to the next Order.

Mr. Angaine: On a point of order, Mr. Speaker, Sir, what I would like the hon. Member to do in this hon. House is to substantiate the allegation that some bribes were involved. He alleges that some people were bribed to sell the plots in the settlement scheme. Now, it may be myself or somebody else in my Ministry. Could we, therefore be told who these people are?

Mr. arap Saina: Mr. Speaker, Sir, I said that certain people have come through channels that are abnormal; the selection committee has not yet sat! It is surprising that some people's requests have been approved before the dermacation is completed. Here, Sir, I am not wrong.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, do you consider that sufficient substantiation? Now, could he tell us that, say, So-and-so was given a plot for having paid so much on such-and-such a date?

The Speaker (Mr. Mati): Order! I do not know where the word bribery comes in here. In the original question Mr. arap Saina did not use that term at all. What he has done is to suggest that there are unauthorized and some tactful attempts by some person to obtain these plots. That, to me, is different from bribery. He then, goes on to ask whether the Minister would investigate. So, I do not know where the word bribery comes in.

Hon. Members: Hear! Hear!

Mr. Angaine: On a point of order, Mr. Speaker, Sir, in part (*a*) of the question, the word "bribed" is clearly spelt out. I will read it for you, Mr. Speaker, Sir:

> "Is the Minister aware of unauthorized and tactful attempt by some unscrupulous persons who are being bribed to sell settlement scheme plots in the Kapsagoi Scheme No. 56 . . ."

The Speaker (Mr. Mati): Yes, I see it now. This is quite serious, and unless Mr. arap Saina can tell us who these people are, then, I will have to ask him to withdraw this allegation. So, Mr. arap Saina, what have you to say?

Mr. arap Saina: Mr. Speaker, Sir, in his reply, the Minister says that according to the settlement policy it is only the district selection committee which approves the applications of squatters who are on these two farms; namely, LR. Nos. 9975 and 9976. Now, if a person, before the selection committee has sat and selected the landless people, has gone through some other means to apply for the plots I have mentioned—L.R. Nos. 297, 298, 299, 300 301, 302 and 304—how did these people get approval to get these plots earmarked for them? Is this not bribery?

The Speaker (Mr. Mati): Order! No, that is not good enough, Mr. arap Saina. What you are being asked to substantiate is what you say here ". . . unscrupulous persons who are being bribed to sell settlement scheme plots . . .". Now who are these people? That is all.

Mr. arap Saina: Mr. Speaker, Sir, here, I am trying to help the Minister as much as possible——

The Speaker (Mr. Mati): Mr. arap Saina, we do not have time now to go on repeating the same thing. I am asking you either to substantiate that or withdraw it; that is all.

Mr. arap Saina: I can substantiate the allegation, Mr. Speaker, Sir, if I am given a day or so to furnish myself with the necessary names. I can, then, lay the names on the Table of this House.

The Speaker (Mr. Mati): You realize what you are being asked to do? You will, then, have to produce the names of these persons who have been bribed.

An hon. Member: Also, how much they were paid.

BILL

THE HOTELS AND RESTAURANTS BILL

(The Minister for Tourism and Wildlife on 18th May 1971)

Amendment proposed:—

THAT, the Motion be amended by deleting the word "now" appearing therein and adding the words, at the end thereof, "upon this day six months".

(Mr. Mutiso on 18th May 1971)

(Resumption of debate on the first part of the amendment interrupted on 18th May 1971)

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, I want to find out one thing on this particular Motion. I notice that the way it is printed here on the Order Paper does not really show who proposed the amendment or where it came from. I noticed the same thing yesterday and it has been repeated today. I do not know whether this is the usual procedure or it is because I proposed the amendment and that is why my name does not appear on the amendment itself?

The Speaker (Mr. Mati): No, that is not the case. Well, I can assure Mr. Mutiso that his name appears very prominently in our records, that he is the one who proposed this amendment. It was done here and there is no need to repeat your name there because the important thing now is the amendment. Your name will appear in the HANSARD and in all our other documents.

Mr. Migure: On a point of order, Mr. Speaker, Sir, I am not trying to challenge the ruling made by the Chair. However, I am only trying to seek your guidance. Would it not be unique, for example, if somebody came to this House for the first time today and we are discussing this important Bill and yet the name of the Mover of the amendment is not shown on the Order Paper? Would it not be wise for the members of the public to know the Member who moved such an amendment by reading his name on the Order Paper?

The Speaker (Mr. Mati): Yes, but when Mr. Mutiso proposed this amendment he made a speech here. It was reported even in the Press. This, to me, seems to be a minor point. Putting a name there does not change the amendment. So, if it is the desire of hon. Members that their names should appear on the Order Paper, just for the sake of appearing there, we will do that, but I see no point in doing so.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, actually, I am not standing on a point of order, but I would like to speak.

The Speaker (Mr. Mati): Well, it is all right, but let us hear your point of order, Mr. D. M. Kioko.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, knowing the value of time in this House, and at the same time the volume of work we have before us in this House, and having heard the opinions of both the Front-benchers and Back-benchers, I wish to move that the question of the amendment be now put. There is no need of going ahead spending much time on this.

The Speaker (Mr. Mati): Order! It is true that this Motion has been debated upon for quite a long time, but Mr. Koigi was in the process of speaking. He had only spoken for a few minutes and I think it is only fair that he should conclude his speech.

Mr. Koigi: Thank you very much, Mr. Speaker, Sir, because you have protected me. Mr. Speaker, Sir, I invite this House to reject this Bill completely because it does not serve any useful purpose for the African masses.

Hon. Members: Hear! Hear! Kill it.

Mr. Koigi: You see, Sir, we are told in the Bill that there will be boards and yet we do not know who are going to man the boards. We highly suspect that because big hotels are owned by foreigners, there is a possibility that the same owners of these hotels are the people who are going to be the members of the boards. What we are seeking is a clear clarification that these boards will be constituted by our own people. Mr. Speaker, Sir, it is high time we changed our destination; we are the people who represent the public. Mr. Speaker, Sir, you remember that a few years ago some people used to say that we only come to sit in this House, and that they are the people who created this country; the sort of creation we could not understand. Sir, whether they like it or not, we have to say in this House that we are the owners of this country and we have to run things the way we like. Now, our position is clear. However, Mr. Speaker, as I did say the other day, this Bill, although it removes a multiplicity of laws related to hotels and reviews the existing provincial hotel laws, it does not cover fully what this House wants. This is why we are urging the House to kill this Bill until the people who drafted it—and we were told yesterday that two Ministries are responsible for this —redraft it. However, as far as I know, this Bill has not been drafted by an African; it has been drafted by foreigners who, as we know, do not understand our problems. Mr. Speaker, Sir, the so-called experts in this country do not understand what we want and, therefore, Mr. Speaker,

[Mr. Koigi]
what we are saying is that this Bill should be withdrawn and redrafted. We are not killing the Bill completely and therefore, if the two Ministries agree to withdraw it with a view to redrafting it, so as to include all the comments we have raised in this House, then we shall accept the Bill. Mr. Speaker, every draftsman in this country is known. There are people who draft laws in the Ministries, and we know who these people are. We have Africans doing this work in the Attorney-General's Chambers. However, Mr. Speaker, we are the people to be consulted whenever this is done and I would suggest to the Ministries to seek our opinion on matters concerning hotels and restaurants in this country.

Mr. Speaker, Sir, this Bill is not intended to help our people; it is only meant for tourists and we are always opposed to the idea of making things for foreigners only. Therefore, Mr. Speaker, we want this Bill to be redrafted; and when this is being done it must be ensured that it contains something to do with our rural areas. Mr. Speaker, the definition of the Bill ought to have been the "tourist hotels and restaurants bill" because it does not cater for Africans' hotels and, therefore, the definition of the Bill is wrong. Again, Mr. Speaker, the Bill states that a hotel is a place where about five people can eat. We have very many hotels in this country which have not been exempted from this legislation and, therefore, the Bill is wrong. There is no mention at all by the authority that this Bill will operate in our provinces and, therefore, this authority is an authority for the tourists and not for the people in this country.

Mr. Speaker, Sir, because I spoke a great deal on this yesterday, I would like to give other hon. Members the chance to air their views as well. Therefore, Mr. Speaker, with these few remarks, I oppose the Bill.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you very much, Mr. Speaker, Sir, but before I show my reactions to the proposed amendment, I had better say this: it is very important that this House understands what the present situation is, and what the Bill is trying to correct. Therefore, Sir,——

Mr. Ayah: On a point of order, Mr. Speaker, Sir, since we did agree that nearly all the arguments concerning this Bill have been put forward, would I be in order to move that the question be now put?

The Speaker (Mr. Mati): All right, I will first put the question that the question be now put to decide this.

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

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Speaker, Sir, you can see the kind of situation that Government often finds itself in. I am saying this, Sir, because whenever one wants to put forward some argument which makes this Bill have some sense in it, there is always a move to put it to a vote. However, Mr. Speaker, I will continue and try to explain to the House what is very important in making the decision whether or not to kill this Bill. I am saying this, Sir, because postponing the Bill for six months is another polite way of saying "Let us kill this Bill".

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

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

Mr. Deputy Speaker, Sir, I want to explain why this Bill should not be killed and that we need a law in this country at this stage to control the development of hotels and restaurants. Mr. Deputy Speaker, what is the present state of affairs? We have in this country two very important factors to consider about hotels, factors which the Bill is now trying to put right. At the moment, people come to this country as tourists. We need tourists and they are welcome here, but they do not bring money into this country as we would like them to do. Mr. Deputy Speaker, in this country—and as is happening in the Carribean countries—we are subsidizing the developed countries. These people pay for all their expenses in Kenya in their country of origin. This Bill is going to make this impossible. After this Bill becomes law, it is going to be impossible for somebody from the United States or from Europe to pay for his expenses in Kenya in those countries because we shall have a central booking. This is provided for in the Bill and apparently some of my hon. colleagues have not read the Bill properly.

Mr. Karungaru: On a point of information. Do you accept it?

The Assistant Minister for Foreign Affairs (Mr. Nabwera): No, I do not accept it.

Mr. Karungaru: You do not accept my point of information because you do not want to know the truth.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): The second important change which the Bill seeks to effect when it becomes law is that we are going to give the Minister enough power to be able to regulate prices in hotels and restaurants. What more do we need in this country than this unless some hon. Members

[The Assistant Minister for Foreign Affairs] believe that the present state of affairs is the best we should have. How can we kill a Bill which gives Government enough power to determine that the Hilton Hotel will charge so much and no more? How can we say that this is the wrong Bill if we are being fair to ourselves and to the people we represent?

Mr. Deputy Speaker, Sir, I would like to refer to one or two points raised by my hon. colleague who spoke before me. There was a suggestion, a most interesting suggestion, Mr. Deputy Speaker——

An hon. Member: Point of information.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): I do not want any information. I have enough information. I will not accept any information!

Hon. Members: Very good! Go ahead!

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Now, there is a very strange suggestion——

An hon. Member: Point of clarification?

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you.

There is a very strange suggestion, Mr. Deputy Speaker, that the rural areas have been neglected by this Bill. Now, I represent one of the most rural areas, and I thank the Minister; I thank the Minister for not bringing in the rural areas, for the simple reason that if he brought in the rural areas, there will be no tea-rooms in the rural areas. Now, two dangerous things would happen: first, the standards that this Bill has set for the hotels and the restaurants, if you were to apply them to my area, you would have killed all the tea-room owners in my constituency. Now, is this what this House wants? Do we want to pass a law that applies to the Hilton Hotel to apply to a small tea-room in my rural area? No; not at all!

Secondly, Mr. Deputy Speaker, if we were to give the Licensing Authority——

Mr. arap Saina: On a point of order; I wonder whether the hon. Assistant Minister, Mr. Deputy Speaker, refers to a hotel as a small place where *sambusa* and *chapati* are sold or a hotel for tourists?

The Deputy Speaker (Dr. Waiyaki): No, the definition is quite clear on page 29; hotel means any premises in which food is supplied or is available for five people.

Hon. Members: You see? Yes, go ahead!

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Deputy Speaker, Sir, I will continue.

The second dangerous development——

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order; Mr. Deputy Speaker, is it in order for Members to be so rowdy and not listen and see whether the opinion of the Member speaking is opposed to their opinion; can they not keep order and obey the Chair?

The Deputy Speaker (Dr. Waiyaki): The question of order in the House has always been processed through the hands of the Chair, whether it is the Speaker or the Deputy Speaker sitting here. Unfortunately, noises go on in the Chamber, either by heckling or even by making speeches amongst Members on a Bench. I hope, honestly, that we can keep the dignity of the House by being as quiet as possible, even though we disagree.

Mr. D. M. Kioko: On a point of order; Mr. Deputy Speaker, Sir, arising from that, do you not think the Member who has been speaking—the hon. Assistant Minister—was as well misleading us, by telling us that the hotels meant here would have been such hotels as the Hilton, while we have hotels in our own urban areas where even more than 20 people eat there and so, this question does not arise?

The Deputy Speaker (Dr. Waiyaki): Well, I explained when that arose, that the definition is quite clear. After that explanation, I hoped there would be less noise but, in fact, the noise has increased.

Mr. Amayo: On a point of order; I am seeking your guidance, Mr. Deputy Speaker. Now that you have explained, Sir, the meaning of a hotel, on which I had arisen on a point of information, but he had refused, and now that he has the information, could you order him not to mention the word hotel to influence us because we know what a hotel is in our rural areas?

The Deputy Speaker (Dr. Waiyaki): I do not want to order the Member to do anything like that; the only two words that are available for use in respect of this Bill are the words "hotel" and "restaurant". There is no coffee-bar or tea-room or things like that. Therefore, if a Member wants to make a word of contribution, he will have to confine himself to the wording of the Bill.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): I thank you, Mr. Deputy Speaker, for your ruling. I will now continue from where I stopped.

Now, the point which I was making, and which many hon. Members behind me seem not to wish to listen to, is that if we were to apply the

[The Assistant Minister for Foreign Affairs] standards that this Bill wants to set up for the hotels and restaurants that have been included, which will not be found in the rural areas, these standards will be too high for the kind of hotels that we find in Karachuonyo Constituency. Now, if these standards are too high, it will mean that those hotels in Karachuonyo Constituency will either have to comply or close down.

Now, secondly, Mr. Deputy Speaker——

Mr. D. M. Kioko: On a point of order; Mr. Deputy Speaker, as I said previously, I think this is a question of consuming the hours of the House and I feel a lot of the things which are being said here, are only repetitions of what other Members have spoken before, and by this one, Sir, I would like to know from you whether I will be allowed to move that the question of the amendment be now put.

The Deputy Speaker (Dr. Waiyaki) Mr. Kioko, you know the procedure. It is quite true that once there is repetition in any debate, it is about time the debate came to an end. When the question was put by the Speaker, the question was negatived, just, maybe five minutes ago. I have seen nothing to alter the views of the House, that this will be the outcome of another putting of the question.

Mr. Karungaru: On a point of order; could you then, Mr. Deputy Speaker, ask the Member speaking, who seems to be speaking irrelevantly to the Bill—— Would you order him to discontinue his speech?

The Deputy Speaker (Dr. Waiyaki): Order! All that he may have done is maybe repeat himself, but there is no irrelevancy.

Hon. Members: On a point of order!

The Deputy Speaker (Dr. Waiyaki): There are too many of these points of order.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker; I think, we are here to safeguard the Standing Orders of this House, and I will never get tired myself; is it in order for an hon. Member to stand on a point of order when another Member is still on his feet. When hon. Karungaru was on his feet, hon. Burudi Nabwera was still on his feet; that is completely against the Standing Orders.

The Deputy Speaker (Dr. Waiyaki): Obviously, two things happened. The hon. Member on the Front Bench is not expected to see with the back of his head; I do not think that is possible, and the speed at which you stand up or sit down, I think, varies from Member to Member. The hon. Member was particularly slow, but that is nothing—— There is nothing regulating the speed at which you sit down and stand up in the Standing Orders.

Hon. Members: Hear! Hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order; now, Sir, am I to understand that when I see that we have to take into account the speed, that I should keep quiet and have two Members on their feet, waiting for a Member to move the way he wants?

The Deputy Speaker (Dr. Waiyaki): No; you will have noticed just now, that when you started making your point of order, the hon. Member was in the process of sitting down. Once the Speaker's eyes catch the intention, that he is on his way to sit down, I do not think you expect the Chair to be so hard as to say, "Sit down quickly!"; I mean, I think that is not what you want me to do.

Hon. Members: Very good!

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Thank you, Mr. Deputy Speaker; that is why we need more democracy in this country, which, among other things, calls for tolerance of other people's views.

Now, the second danger that I can see in applying what we want at the centre to the hotels in rural areas, would mean that the licensing for the hotels in rural areas will have to be done from here. Now, this means taking away revenue from the county councils and other local authorities which license these hotels in the rural areas. Now, at this time; at this stage of our development, we have just discovered that we have taken so much revenue from these local authorities, that we must not do anything that would reduce their only source of revenue, which they derive from licensing those hotels.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Deputy Speaker. Yesterday I tried to explain that there was some misunderstanding on the Bill and, therefore, I will be pleased to move certain amendments—maybe now. Mr. Deputy Speaker, Sir, if I can be left alone to explain what amendments I shall make, I think this will lessen some unnecessary debate.

Mr. Deputy Speaker, Sir, I think there is a lot of misunderstanding about the exemption on which I spoke yesterday. Therefore, Mr. Deputy Speaker, we propose that (*a*) and (*b*) remain in clause (2) but I would like to cut out part (*c*) and then make it positive by——

The Deputy Speaker (Dr. Waiyaki): I guess what the hon. Member is trying to do——

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): The Deputy Speaker, has not ruled me out of order yet. I would like to make part (*c*) positive by including there another subclause which will say:—

"THAT this Act shall apply to the premises or classes of premises which the Minister shall by notice in the Gazette——"

The Deputy Speaker (Dr. Waiyaki): Order! I am stretching the point of order and I want to see how it is helping the debate. The hon. Assistant Minister is trying to say that he has accepted. I did not quite catch all that he was trying to say because I was not allowed by the House but if the intention is going to be that he is going to be helped, I then do not think that we are misusing our points of order.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, do you agree or do you accept what the Assistant Minister is trying to say, when, in fact, he spoke yesterday on the Bill and he should have convinced the House with the point he is now trying to advance?

The Deputy Speaker (Dr. Waiyaki): I have just explained that he stood up on point of order. I do not know whether you know what his point of order was. I did not know what the contents of the point of order were. Once he has given the point of order, I can make up a decision because at the moment I do not know what he is trying to say.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Deputy Speaker, Sir, my point of order is this. Whatever I explained to the hon. Members yesterday is forgotten. What I am trying to do now is to propose a little amendment so that the hon. Members will appreciate——

Mr. Mwamzandi: On a point of order——

..... (Inaudible.)

The Deputy Speaker (Dr. Waiyaki): I was hoping that he was going to say that because the hon. Nabwera was on his feet.—— I think he was making a statement which, in fact, he thought would be damaging Government's side. This is the way I saw it. The hon. Assistant Minister wanted to speak on a point of order about the kind of statement which would help the House. I think that was what the hon. Member was trying to do. Is that what you were trying to do?

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Deputy Speaker, Sir, the hon. Nabwera was referring to the revenue given to the local authorities. I think that was not a correct statement because the intention of the Bill is not that, therefore, I was trying to explain that if that is the fear, there could be an amendment that could satisfy the hon. Members so that we put the terms of the Bill in a positive manner. I was just trying to explain the amendment. What the hon. Nabwera was saying was not a fact nor was it the intention of the Bill. Mr. Deputy Speaker, Sir, perhaps, this amendment might satisfy the hon. Members.

The Deputy Speaker (Dr. Waiyaki): I think the House understands the procedure there. It is not quite possible to bring any amendment on the Bill as it stands on a point of order neither does the hon. Assistant Minister expect to be able to do that. The point is that we are dealing with a Motion which has an amendment whose intention is to kill the Bill. If you remove the word "now" and substitute that word with "upon this day six months", the effect of such an amendment is to kill the Bill for six months. This is what the hon. Mover of the amendment Mr. Mutiso intends the House to do. Government can be expected to say that we delete that part. A lot of work which they think should be done between now and six months will come to a standstill. Under the impression that when the hon. Nabwera was explaining on that particular sensitive point, the hon. Jan Mohamed was trying to do a salvaging operation by promising an amendment which would have the affect that the House do that. If that was the trick, then, we would not have misused our points of order. Of course, the hon. Mutiso would be uncomfortable if his intention on other parts of the Bill was expected to be blocked by that.

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Deputy Speaker, Sir, I think I have read the Bill very carefully and I would like —unless I stand to be corrected—to say that by leaving out the hotels in the rural areas from licensing by the Central Restaurants and Hotels Authority, the consequence will be that the local authorities will still get the licensing fees. I do not know what is wrong with that and I do not know where I am being corrected. At this point, I would like anybody who feels that I am speaking outside the Bill to stand up and say so. I have read this Bill very carefully.

Mr. Deputy Speaker, Sir, therefore, these two important changes would take place if we were to apply the licensing for the Central Authority to the entire country. I, for one, would like to see that the hotels in the rural areas remain under the local authorities and that the tourist hotels—most of us cannot afford to go to some of these expensive hotels and restaurants except when we go there for parties for which we do not pay.

[The Assistant Minister for Foreign Affairs]
Therefore, I would like to see that arrangement, we have so that we can give the local authorities as much money as possible from the tourist industry in Kenya and that we can close all the loopholes that the present legislation has. Because of this, Mr. Deputy Speaker, I feel that Government does not object to genuine amendments which will improve the present Bill. After all it was only yesterday when Government accepted the amendments that were proposed to the Education Bill.

It is going to be a very dangerous practice, Mr. Deputy Speaker, if we come here every week only to postpone Government Bills for six months. What will the tax-payers' money be spent on if we come and ask for postponement instead of improving the text of the Bill? Therefore, Mr. Deputy Speaker, I wish to say this: What the House should do and what the Back-Benchers, who have some objection to this Bill, should do is to propose more amendments. Postponing is negative. It does not create anything. It does not do anything that is useful. We are merely going to say that we should not discuss this Bill for another six months. I would like to challenge my distinguished colleague the hon. Member for Yatta to let us have his version of the Bill. Let him amend this Bill so that we discuss those positive amendments. Let him get away from the idea that next time we come here and after spending a lot of time discussing a Bill, all that we are going to do is to say, "We have killed that Bill" and go home feeling a bit emotionally good, but having achieved nothing.

Therefore, Mr. Deputy Speaker, Sir, I do not say that this Bill is perfect. No Bill is ever perfect. This is why we want in Kenya to have Bills, whether they are Private Members' Bills or Government Bills like this one and we discuss them here in a mature way. We discuss them calmly and then come to a decision after amendments.

Therefore, with these remarks, Mr. Deputy Speaker, Sir, I wish to oppose this amendment and, at the same time, I wish to invite the hon. Member for Yatta to give us positive amendments and not to remain negative.

Thank you.

Mr. ole Marima: Mr. Deputy Speaker, Sir, I rise to support the amendment to the Bill. It is not that I wish to do so but, I happen to have reasons to believe what my conscience tells me——

Mr. Umuro: On a point of order, Mr. Deputy Speaker, Sir, since there has been a lot of repetition from the former speakers could we have the Mover of the amendment be called upon now to reply?

Hon. Members: No!

Mr. ole Marima: Mr. Deputy Speaker, Sir, before I continue giving some of my disagreements to this Bill, I would like first to dissociate myself completely with what one gracious lady said yesterday when giving her speech: that in her opinion, we should be having a little African banda in any hotel lounge so that Africans can dance for tourists. At what costs; for what? To display ourselves and waste our time gaining nothing?

An hon. Member: You are a Masai. Like the Masai.

Mr. ole Marima: Mr. Deputy Speaker, Sir, I hear the name of Masai being mentioned and I happen to be a Masai.

An hon. Member: Yes, be very serious about it.

Mr. ole Marima: Mr. Deputy Speaker, Sir, it has become apparent that no tourist would find his ticket well paid for, worth coming here for unless when he lands at Embakasi Airport or gets into any of the tourist buses he sees a naked Masai. Mr. Deputy Speaker, Sir, this is serious because the other day——

An hon. Member: Why did they remain naked?

Mr. ole Marima: Mr. Deputy Speaker, Sir, can I be protected from this uncalled for noise!

I am saying that the name of the Masai is part and parcel of——

The Deputy Speaker (Dr. Waiyaki): Point of order by another Masai!

The Assistant Minister for Health (Mr. ole Oloitipitip): On a point of order, Mr. Deputy Speaker, Sir, while I do not want to interrupt the hon. speaker because he is a Masai as well as myself, is he really in order to impute that the Masai are naked while it is a known fact that from time immemorial, the Masai were skin clad and today they are wearing clothes as other people? Are they really naked?

The Deputy Speaker (Dr. Waiyaki): No, it is not a matter of order and that is also coming from a man with Masai blood in his veins. It is not out of order to say that and it is a matter that you can settle outside the Chamber. I mean, it is quite in order for him to say that.

The Assistant Minister for Health (Mr. ole Oloitipitip): On a point of order, Sir, but to your knowledge, being a well educated and a well learned Deputy Speaker, do you mean to tell the House that the Masai are naked?

The Deputy Speaker (Dr. Waiyaki): No, I did not say that. I think, possibly, this is not a good discussion. I think we must avoid this discussion about the nakedness of the Masai.

Mr. ole Marima: Mr. Deputy Speaker, Sir, it is unfortunate I have——

Mr. Lentaya: On a point of order, Mr. Deputy Speaker, Sir, my point of order is this: one of the hon. Members from the Front Bench says that it is true that we are naked, has he ever been in our district, in our country and saw people walking about naked?

The Deputy Speaker (Dr. Waiyaki): Order! Order! Obviously, the heat that is being generated about that subject is not worth the time that we are taking. The hon. ole Marima who introduced the subject might as well forget anything to do with the nakedness of the Masai or the Samburu.

Mr. ole Marima: Mr. Deputy Speaker, Sir, I did not intend to provoke my Masai colleagues in as much as I know that the hon. ole Oloitipitip is very comfortable when he goes home and puts on a *shuka.*

An hon. Member: That is more than true!

The Assistant Minister for Health (Mr. ole Oloitipitip): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member has never come to my home. Therefore, could he substantiate by naming a day when he came to my house and found me wearing a *shuka* and if I wear a *shuka,* has that anything to do with the nakedness of the Masai?

Mr. ole Marima: That is not worth wasting any more time of the House. Okay, I withdraw!

Mr. Deputy Speaker, Sir, if I may actually point out what I intended to say and not hoping that anybody will be provoked, I personally had the experience of seeing the misuse by tourists of this unfair literature work of a naked Masai. I happen to have informed the Minister for Tourism and Wildlife that somewhere at a place called Akira Ranch, Gaymer's Farm, there is established what is called a Masai *Manyatta,* which I hope and I do not think is licensed, where some interested parties came to an agreement with the owner and attracted the Masai in the name of workers for that farm just for them to be directed how to stand, how to walk and how to show off what the tourists wanted to photograph. If this is not a disgrace to the Kenya nation of which I am part of——

Hon. Members: Shame! Yes, it is!

Mr. ole Marima: I wonder what this House would say; was this not meant to say that the Masai are naked? They are not. However,——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, could I seek your guidance on this because I know our Standing Orders provide that when you are debating a Bill, you must say something relevant to the Bill could he tell us in this Bill where this is or what he is talking about is referred to and in which clause?

Hon. Members: Tourism!

The Deputy Speaker (Dr. Waiyaki): Well, in the Bill, you will find that there is reference to Game Lodges and International Tourism.

If the Minister included the words "International Tourism", which I can see right here on page 7, then it is open to some Members to deviate, especially when they are making comments on previous statements made by other Members.

I think the hon. ole Marima was discussing what he termed as having been spoken by an hon. gracious Lady. I think this is where it has come from, but you must not, Mr. ole Marima, deviate too far from the Bill. We are talking about the licensing of hotels and restaurants.

Mr. ole Marima: Thank you, Mr. Deputy Speaker, but all the same, the point is made.

My disagreement with this Bill at the moment is related to the whole industry of tourism, as it must be understood. In fact, I remember that a little while back, I think it was in the last Session last year, there was a Motion here which was passed by this House requesting the Minister for Tourism to rectify the anomalies which exist as to what happens when an animal kills a human being and vice versa. This is continuing to happen. The animals are still damaging our crops——

The Deputy Speaker (Dr. Waiyaki): Order! I am calling you to order. Would you come back to the Bill itself?

Mr. ole Marima: Mr. Deputy Speaker, I object to this Bill coming before we have rectified that matter.

Mr. Deputy Speaker, I welcome the training levy that is proposed in this Bill but while I welcome it, I would like to mention that there are places where the tourism industry could be the only industry for the local people in such areas. I would, therefore, like to point out that the priority of training people to work in the lodges, should be given to those people who are mainly employed in these places. Whether it be in Marsabit, Mara or Kilifi and what-have-you, priority should be given to the local people since this might be the only industry they have.

Mr. Deputy Speaker——

An hon. Member: You are not talking sense.

Mr. ole Marima: In your opinion, you are entitled to say that I was not talking sense but I am convinced I am.

Mr. Deputy Speaker, I also object to the Bill, when we talk of hotels, I imagine we want to standardize all the hotels in Kenya. If we do that at the moment, the sufferer will be the African. What we shall do, in fact, will be to create a state of monopoly to be enjoyed by the coloured citizens or by the foreigners. I would have thought that the Bill should have mentioned the period of transition. I do agree that we have to bring up the standards of our hotels but there should be a period through which our people will acquire the necessary training so as to be proper hotel managers.

I would also have expected to see a provision made for loans to enable the African hoteliers and restaurant owners to build and keep their own hotels and restaurants up to the standards required by this Bill.

With those few remarks, I beg to oppose.

The Deputy Speaker (Dr. Waiyaki): Mr. Migure.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, would I be in order to move that the Question of the amendment—not the whole Bill —be now put?

The Deputy Speaker (Dr. Waiyaki): I will put it to the House. We put it to the House about ten minutes ago and it was negatived. I will put it to the House again.

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

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

Mr. Seroney: Division! Division!

The Deputy Speaker (Dr. Waiyaki): Division? Ring the Division Bell.

DIVISION

The Deputy Speaker (Dr. Waiyaki): Order! Serjeant-at-Arms, draw the Bar. Order! I just want to explain the position so that we vote intelligently. We were dealing with the Motion that the word, "now" be deleted from the Motion. In other words the question was:—

THAT the Hotels and Restaurants Bill be now read a Second Time.

The amendment on the Order Paper proposes the deletion of the word, "now". On a vote of Ayes and Noes, the Noes had it but there was a call for a Division. So, we are going to vote on whether to delete the word, "now" and substitute thereof the words, "upon this day six months" the effect of which is to kill the Bill. I think everybody now understands the position.

Tellers of the Ayes are Messrs. Oguda and D. M. Kioko. They should proceed to the lobby on my right. Tellers of the Noes are Messrs. Khaoya and Araru and they should proceed to the lobby on my left. Will the Tellers proceed to the lobbies please?

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

The Deputy Speaker (Dr. Waiyaki): Order! Mr. Oguda and Mr. D. M. Kioko to my right; Mr. Khaoya and Mr. Araru to my left.

Mr. Gatuguta, were you trying to raise something?

Mr. Gatuguta: Mr. Deputy Speaker, Sir, when the Division Bell was ringing, the Minister mentioned to some of us that he proposes to bring certain amendments——

Hon. Members: Oh, no!

The Deputy Speaker (Dr. Waiyaki): Well, that may be the case but it is not part of our Division process.

The Vote is on whether or not to delete the word, "now" out of the question

Ayes to my right, Noes to my left. Proceed to a Division.

(Question put and the House Divided)

The Deputy Speaker (Dr. Waiyaki): Order! order. If there are any abstentions would they, please, come and record their names to the Clerk.

The Deputy Speaker (Dr. Waiyaki): Where are the Tellers?

(Question lost by 39 votes to 47)

AYES: Messrs. Abubakar-Madhbuti, Y. Ali, Ang'elei, Ayah, Barmalel, Boy, Cheserek, arap Chumo, Ebu, Gatuguta, Kahengeri, Kanja, Karungaru, arap Keino, D. M. Kioko, Kitonga, Koigi, Lentaya, ole Marima, Marita, Masibayi, Mnene, Mutiso, Marwa, Mwavumo, Mwicigi, Nyakweba, Ogero, Ogingo, Okudo, Mrs. Onyango, Messrs. Owala-Orwa, arap Rono, arap Saina, Seroney, ole Sompisha, Tsuma, Umuro, Wachira.

Tellers of the Ayes: Messrs. Oguda and D. M. Kioko.

NOES: Messrs. Amayo, Amin, Angaine, Araru, Balala, arap Cherono, arap Choge, Mrs. Gecaga, Messrs. Hirsi, J. Mohamed, Kadir, Keen, Khalif, Khaoya, Kholkholle, Dr. Kiano, Messrs. Koinange, Kubai, Kuguru, Kurgat, Makone, Mbai, A. A. Mohamed, arap Moi, Mulwa, Dr. Mungai, Messrs. Mulli, Mutiso-Muyu,

[The Deputy Speaker]
Mwamunga, Nabwera, Ngala, Ngei, Ngureti, Njeru, Njiru, Nyaga, Oguda, Ogutu, ole Oloitipitip, Omamo, Dr. Onyonka, Messrs. Osogo, Odha, Shako, Shikuku, Towett, arap Yego.

Tellers of the Noes: Messrs. Khaoya and Araru.

Abstainers: Messrs. Lotodo, Migure, Mwangale.

The Deputy Speaker (Dr. Waiyaki): Order! We will now resume the debate on the original Motion which reads that: "The Hotels and Restaurants Bill be now read a Second Time."

(Resumption of debate on the original Motion)

The Vice-President and Minister for Home Affairs (Mr. Moi): Mr. Deputy Speaker, Sir, I would like to say just a few words. The hon. Members of this House expressed their views with regard to merits and demerits of this Bill. More than once, I have stated that genuine and constructive suggestions are always welcome; but mere attempts to oppose a Bill of this nature for the sake of opposing is no progress. I have said more than once that some of us feel that they are more representative than others and that they can speak for the *wananchi* more than others. We are equal representatives of *wananchi.*

The Deputy Speaker (Dr. Waiyaki): Order! Go back to the Bill.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I am saying this because this Bill is so important and what we have been saying was meant to enable the Government centralize the booking system and thus enable the Government to tighten up tourist industry. When the Government tries to do this, some hon. Members remark that this is no good and that the Bill should be read six months hence.

An hon. Member: Who are these Members?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The Bill explains quite clearly the powers of the Minister exempting certain restaurants and other things. If any hon. Member wishes to amend the Bill definitely the Government will be willing to see whether such an amendment would spell out what was not spelt out in the original Bill or in the existing Bill. However, if it is a question of taking a hotel to be what one sees at Ahero, say, with thatched roof and an inscription "Hotel" and then claims that this is going to happen——

Mr. Amayo: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the speaker who has been speaking on the Floor of the House—His Excellency the Vice-President and Minister for Home Affairs—to challenge Members whereas the Members who were speaking here said that those hotels which are known within their own areas are legally called hotels and they are duly registered and the licences for their operations read, "Hotels"? I want your ruling because such a thing should be discouraged by the Chair because that puts Members in a horrible position by stirring them and it can make Members to resort to another position because the word, "Hotel" refers to any hotel whether it is a thatched one or not—in our area—and it is licensed.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I accept his point of order in view of his constituents' point of view.

What I was saying, Mr. Deputy Speaker, is that if such a clause is not spelt out in the Bill, the hon. Member has the right to put an amendment to spell out that particular hotel he is thinking about so that it is excluded from the rules he thinks might infringe or limit the activities of his constituents. This is the point which I thought the hon. Members, felt that the Bill does not meet the requirements of the people.

Mr. Deputy Speaker, Sir, the Member for Othaya spoke on the Bill in a very vigorous manner but I would like to——

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir, I am the Member for South Tetu and not Othaya.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Thank you very much, the Member for South Tetu. He spoke about meeting international requirements as far as hotels are concerned. However, in a Bill of this nature, we do not need to put in the names so as to confuse the hon. Member that these names are African names. No Bills give the names of the people and does not suggest the people who might serve on such a Board. If the White Rhino Hotel in Nyeri is run by an African, I suppose the chairman or whoever represents such a hotel is welcome to be a member of this Board. I would like to suggest that if any shortcomings have been pointed out by the Members, they should propose amendments and by so doing, you are constructive and you want things to be done in the best way possible. However, if the intention of the hon. Members is to oppose every Motion, every Bill that Government brings to this House, then, they are not doing any good either to this country, to their constituents or to themselves because these hotels are meant for development. This Bill is meant to help our people and if the hon. Member for South Tetu wishes to put up a ten-storey building in South Tetu or thereabout, he is welcome to do so. The best thing for him to do is to

[The Vice-President and Minister for Home Affairs]
apply for a loan and things will get moving, if he thinks that this would attract tourists, the better for him——

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir, does His Excellency, the Vice-President know that our premises in the rural area, the owners are not given leases for them and, therefore, no loans can be advanced to us? Therefore——

The Deputy Speaker (Dr. Waiyaki): Order, Mr. Koigi, that is not a point of order.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, that is a point of argument. The Government is issuing title-deeds every now and then, depending on the speed at which the officers are working. In actual fact, most of these activities of the county councils touch on the smaller restaurants in the rural areas, which the hon. Member for Karachuonyo referred to. If the County Council passes its minutes in the Luo language, of course, that language will be difficult to be interpreted by this board. Nevertheless, the only thing which I would like to express is that, and I am genuine in this one, the small tea-rooms or tea hotels, or whatever they may be called in different areas, should be covered and spelt out so that the anxiety of the hon. Members could be dispelled. This is a genuine request and if a genuine request of that nature is put forward, I am definitely sure that Ministers and the Government is not so blind as to brush aside such a proposition.

The hon. Member is saying that he is waiting to see, but I would also like to wait and see what type of amendments they would like to propose so that we see to it that this Bill goes through.

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

Mr. Migure: Thank you very much, Mr. Deputy Speaker, Sir. I would like to make a few observations about this Bill. In fact, the first thing I would say is that I have been waiting for a Bill of this nature because there are so many problems within the hotel industry and unless we give the Minister the power to deal with these problems, it is going to be a big problem for him. However, Mr. Deputy Speaker, Sir, I would like to point out some few mistakes which I consider to be in this Bill, one by one. Mr. Deputy Speaker, Sir, it is very unfortunate that if you look at page 29 section II. This Bill deals with hotels which can accommodate only five people, whether they are taking tea or food or whatever it may be. In this case, I am asking the Minister for Tourism and Wildlife to be very specific and specify that this Bill is only dealing with tourist hotels. If we talk about these small hotels, Mr. Deputy Speaker, I do not see any point why the licensing should be centralized in Nairobi instead of the licences being given by the local authorities in the district commissioner's office in various districts. Mr. Deputy Speaker, Sir, we have so many small hotels in the reserves and there is no point, at all, if the Minister for Tourism and Wildlife is not going to be specific here and tell us exactly which hotels should be exempted from this Bill. We are very concerned about this point—Mr. Deputy Speaker, the House is very noisy, can I be protected against this noise?—or section of the Bill because normally, if we give the Ministry of Tourism and Wildlife a blank cheque, his officers will start harassing even those innocent citizens with small hotels in the reserve and this is what we do not want. I think it is the duty of the Minister, if he understands me, and I hope his Assistant is here, that when they bring Bills in this House, we want them to be very specific. We do not want that, tomorrow, somebody who has a small hotel in Mathari Valley, to be harassed. If we give him a blank cheque like this one, his officers will start misusing their powers and this is what we do not want to see happening in this country. We are here to protect the public and I hope we shall continue to do so.

Mr. Deputy Speaker, Sir, that is one of the points I want to make clear to the Minister. Then, we have the hotel managers. If you look at section 4, subsection (*b*), it says: "No person shall exercise overall control of the day-to-day operation of a hotel, whether he is the owner or the manager of such hotel unless he is a holder of an hotel managers licence". Mr. Deputy Speaker, Sir, I cannot understand what the Minister is trying to tell us here, I may be wrong or I may be right but, I think, this Bill was not drafted by an African. The man who drafted this Bill did not consider the position of Africans. I think this Bill was drafted or, if not so, the ideas it contains were suggested by one of those people who manages the big hotels in Nairobi because, Mr. Deputy Speaker, Sir, in the reserves the people we represent, if some one has a small hotel which he manages with his wife and his son, how can we expect such a man to apply for a licence so that he can become the manager? What type of a licence do we want him to get, Mr. Deputy Speaker, Sir? This is completely impossible. I think the man who drafted—I am advising the Minister that

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we do not want our Bills to be drafted by people who do not look into our interests. How do we know that he wants to treat us fairly? Does he mean to tell me that if someone has a small hotel in Mathare Valley or in Nyeri which can accommodate about ten people and he is serving people with food, he has to apply for a licence to become the manager? What type of manager would that be? Do we talk about these big hotels, and then we go on to compare them with the small hotels in Mbita Constituency or Kajiado, or what is the Minister trying to tell us here? This is what we do not want. We want the Minister to deal mainly with the big hotels, like the Inter-Continental Hotel or other tourist hotels in Kenya. This is his intention because I have spoken to him and he told me that he is mainly dealing with the big hotels. However, we want him to amend the Bill by being specific that only the people managing the hotels for tourists in Kenya can apply for a licence when one wants to become a manager of a hotel. If that is the case, Mr. Deputy Speaker, in fact, I support this issue because some of these big hotels bring their people who have failed to get employment in their countries into this country. When they do so they usually say that such a man is qualified to be a manager of a hotel when, in fact, such a man has no knowledge at all of managing a hotel. Actually, he does not know what is being cooked in the kitchen. He is only coming here to learn hotel management. Yet, someone will tell us he is the manager of a hotel. This is the thing that we do not want. In fact, in this case, if the Minister is going to deal mainly with the hotels for tourists, I think, he will be doing his job in the right way. However, if he is not going to be specific and tell us the type of managers he wants to have in hotels, or does he want to say that if I employ my wife as the manager of a hotel, I must go and apply for a licence? He has to tell us what he wants to do.

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

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

These are reasons which make us ask for clarification. Mr. Speaker, Sir, in African society some of our people owning hotels use only about ten pounds of sugar in two weeks because there are no people visiting their hotels. You cannot tell such a person that he has to apply for a licence for his son who has no other job, and he spends his time there and he gets only Sh. 2/50 a day. These are the things we do not want. Therefore, the Minister should be very specific and tell us this Bill is dealing with the major hotels in the country. I am sure this is his intention.

Mr. Speaker, Sir, I have another observation to make which is in connexion with section 5, subsection 4. The section reads as follows:—

> "The authority shall not consider an application under this section for the grant of a hotel licence or a restaurant licence unless such application is accompanied by a certificate signed by a medical officer of health (as defined in the Public Health Act) and dated not more than three months before the receipt by he Authority of the application."

Mr. Speaker, Sir, I think, if this section is intended to deal with the hotels for the tourists in Nairobi—— I think this is very unnecessary, Mr. Speaker, Sir. It is very unnecessary because if someone is employed as a manager it does not matter whether he is a citizen or not, I do not see the reason why he should get a medical certificate. He should be treated like any other employee employed in any kind of industry. I do not see the reason why he should show a medical certificate, neither do I understand the kind of certificate they are asking for from a man who is going to be employed as a simple hotel manager in Nairobi. He should be considered like any other employee working with him. If it is going be a law of Tourism and Wildlife, then it should apply even to other employees. Of course, I know that before someone working in the Government is to be confirmed in his job, the doctor has to satisfy himself that he is medically fit. However, no one can tell me that because a man has a profession he should get a medical certificate. If it is a question of confirmation of his appointment, well in that case, Mr. Speaker, Sir, he should be treated like any other employee in the Civil Service. However, there is no need for saying that before anyone is appointed as a hotel manager he must produce a medical certificate. I do not think this is necessary, Mr. Speaker, Sir. Mr. Speaker, Sir, this would be very unnecessary, but if it is a question of confirmation of appointment, I think it is in order.

Mr. Speaker, Sir, there is a section here which says that before someone gets a licence to operate an hotel, he should have some recommendation to show that he is of good character. I think the Minister needs to be very specific here. I do not know whether, if someone wants to apply for a licence, the Minister is telling us that the district commissioner or the police, or whoever is going to confirm that such man is of good character, has to recommend that he is a good man. What

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type of character does he mean? Does he mean that if I drink beer, I am not of good character? Or does it mean that if I fought someone some time ago, then I am not a man of good character? The Minister should be very specific and tell us what he means. Mr. Speaker, Sir, the other thing is that the hotel industry is just like any other industry in this country. I do not think it is very good for us to create a police state whereby every citizen who wants a licence someone has to investigate the character of the applicant. Suppose the policemen are not on good terms with a licence applicant, and then they recommend that the applicant is not a good man because he happened to have fought one of the policemen over a girl, that is a question which the Minister has to look into. I know very many people who have been refused permission to carry arms with them because of these quarrels or misunderstanding between them and the policemen. These are the cases we are trying to avoid, Mr. Speaker, Sir. In this case, I maintain that we are creating a police state whereby if Mr. X wants to apply for a licence, the police must investigate his character before he is given a hotel licence. Moreover, what is going to happen to someone who comes from the United Kingdom? Well, I wonder whether we shall get a fair confirmation that he is of good character. I know this is possible, but when we do things we should not only look after the interests of foreigners because their respective Governments, for example, Britain is going to give a report about him. Therefore, I think the Minister should be very specific and tell us what type of good character he wants. I am not trying to oppose this point, but what I want is that if we are going to give the Minister a blank cheque without giving an explanation, I think this is not going to be good for us. Mr. Speaker, Sir, I am happy because the Minister will be in a position to amend this Bill and the Members accept such amendments then we shall be in a position to regulate the prices of various items in the hotels.

Mr. Speaker, Sir, some of these hotels which are established in Nairobi or around this country charge unnecessarily high prices. They appear to cater only for the European foreigners when they come here because the African small man cannot go and stay there. We do not want these capitalists in Nairobi to charge about Sh. 4 for a small bottle of beer; that is impossible, Mr. Speaker. We neither want them to charge Sh. 1.50 for a bottle of Fanta. This, too, is impossible. We want to go and sit in these hotels with our families but we cannot go to these places if they charge big money. Sir, I think the Minister should not panic because I have been going to such hotels even before I came to this House. Perhaps, some of them may be invited to these hotels and so they do not understand what prices we others pay when we go to these places.

Mr. Speaker, we want to see that the local people are in the position to go to these hotels. Even the *mwananchi* who has 85 cts. in his poket to be able to go to that hotel and have a Fanta. You cannot tell us that we must go to these hotels and pay Sh. 2 for a bottle of Fanta. This is completely impossible and this is what we are against in this country.

Moreover our hotels are more expensive than those I have seen in other countries. This is very true. Therefore, if the Minister is going to regulate the prices what he should do is to work them out in such form that they will suit our society. After all, Sir, if the owners of the hotels get big money, they are making the profit but we have to consider two things: first we must consider the service to the society and making the profit must come as the second item. But if they are going to say, "Come here" and then suck our blood by putting the prices up so high, then we say this is what we do not want.

I want to say something about the inspectors. I have worked in the Ministry of Tourism and Wildlife. I appeal to the Minister to see that the inspectors who are going to inspect the hotels do not harass members of the public unnecessarily. This is why I say that if he is going to employ his own inspectors, then we want the type of inspectors who can give the Minister proper information as to what is happening in the hotel industry.

Mr. Speaker, Sir, before I sit down I would like to talk about the behaviour of certain owners of hotels. I remember some Ministers have complained in this House—— There was trouble some time ago when the Minister for Co-operatives and Social Services had a problem with one of the hotels here. When you tell them you want to eat they say you cannot enter if you are not well dressed and have a tie on. Sir, these are some of the things that we want the Minister to do away with. I have been in various foreign countries in this world, including the United Kingdom, and I did not see them refusing people entrance into hotels because they did not have ties. Some women wear such funny dresses that we cannot allow in Africa. Yet here, in Nairobi, we are told we must put on ties. This is what we do not want. If some people do not know who the Vice-President is they refuse to serve him but immediately they realize he is a Government Minister they

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say, "Oh, *Bwana mkubwa* we did not know", and this is what we do not want in this country. Once such a person is detected, he should be brought to the attention of the Minister for Home Affairs and once his deportation orders are declared they should not be revoked. I know the Minister for Home Affairs has this thing in mind and this is why these people are now disciplined. We hope they will be more disciplined in future. We do not want them to look at the Africans as inferior people. After all, Mr. Speaker I am proud that I was born in Kenya, I am an African. I was born in Nyanza Province, in South Nyanza District. That is the first thing I am proud of. If the foreigner cannot regard my integrity as an African in this country, then he should pack his bags and go back to America if he has come from there. We do not want to hold him back. We do not want to go and build hotels in America and if they come here, then they have to accept our ruling.

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

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I would like to air my views on this very important Bill and support my colleague, the Minister for Tourism and his deputy, the hon. Jan Mohamed, for a very precise contribution to the hotels and restaurants in this country.

Sir, I know hon. Members are very much concerned about the hotels in the country-side and in their constituencies, in the market places and the little lodges that have been put up and the coming up African businessmen who are trying to put up these lodges to find simple accommodation for those people who would like to stay overnight in places like Butere, Tala, Ol Kalou and such others.

Mr. Speaker, the hon. Kariuki says, "Nonsense", but I know more than he does.

It is true that the hon. Members have some misgivings but I do believe that the Minister concerned has a very accommodating mind and he will be prepared to listen to the constructive suggestions from the hon. Members and, perhaps, amend the Bill to suit their wishes. We are also concerned, the Government is concerned because Government cannot do things which are going to be unpopular and make it less popular. Government does not want to have the *wananchi* against it. Therefore, I would like to say, quite categorically, that the Minister will look into the questions that have been raised by the hon. Members when they think of the small hotels in the country-side.

Mr. Speaker, I would like to say this Bill is very good. The Bill itself tries to set a tariff which the hon. Member for Migori was worrying about. He has just been telling us——

Mr. Migure: On a point of order, Mr. Speaker, is the Minister in order to say that I am the Member for Migori when he knows that I am the Member for Mbita, which he knows very well?

The Minister for Housing (Mr. Ngei): Mr. Speaker, I was attracted by the name Migure more than that of Mbita; but if he wants Mbita to become before Migure, then I am prepared to say, "I am sorry".

The Bill sets out three fundamental aspects, the first being control of prices which the hon. Member for Mbita was worrying about. This was to cater for fair prices for the amenities that are provided by the hotels in the country-side. The tariff itself wants to set up grades in these hotels. In other words, it states Grade 1 or Grade 2, or Grades A, B, or C. Of course, we are also told by the Bill that the charge will be based on the grades. If, for example, the Minister chooses to say that the hotels in Nandi Hills will be Grade F and, therefore, perhaps there will be no charges as for the hotels of Grade 2 in Nairobi, in that case there will be no misgivings at all. The Minister may even decide not to grade the little hotels around Tala, Makadara and so on. He may choose to say those will be Grade X and, therefore, he is not going to worry about registering the managers and so on.

Mr. Speaker, for these reasons I have no fear, I know the hon. Minister too well and his two powerful Assistant Ministers. I am sure they will not plunge the country and the Government into chaos. He does not want the Members to lose their popularity or want them to be told by their people that they are not serving the interests of the constituencies they represent. The Bill sets out the control grades and tariffs as the Members require and I see no quarrel with that.

The other aspect, Sir, is that the Bill tries to create a central registry. Now, Sir, the Government is very concerned, it must know what sort of people are coming in. If we have tourists, perhaps, members of the MAFIA organization, they may come and carry on with subversive activities in a hotel in Nairobi. They may come for other purpose rather than tourism. How are we going to check? Some time ago we had some nasty incidents here. One of them was where an hon. Minister was refused accommodation. If we have a central registry we will be able to check that so many people had been booked in that hotel and then a manager will not be able to tell hon.

[The Minister for Housing]
Seroney, "You can go back to Nandi Hills because there is no bed avalaible here", because hon. Seroney will ring the central registry and ask to be provided with a room or a suite. This will prevent a manager being big-headed enough to say that one cannot get a room because he is not responsible for keeping the register.

The third aspect is the question—— Mr. Speaker, I know why my colleage the Assistant Minister is objecting. I know the reason but I do not want to mention it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): We know Jan Mohamed gives them directives.

The Minister for Housing (Mr. Ngei): I think it is good we know who stays in hotels. If you want to stay somewhere privately, you had better choose to stay in Butere, behind the shop.

Mr. Speaker, I was only commenting on the interjections made by my hon. friend.

The third aspect is the question of paying levy. We want money, the Government wants money. There is no question of beating about the bush. We have said that you cannot get something for nothing and, therefore, we want money in order to be able to train our brothers and sisters to take up managerial posts in these hotels. If you go through past copies of the HANSARD you will find the numerous times Members have been saying we cannot get the Africans to manage the hotels because they have first to be trained in Switzerland, in America, in England, perhaps in China so that they can prepare Chinese dishes, and so on. The cry has been all along that we stop our Africans from becoming the top managers of hotels in the country. Therefore, all that the Bill wants to do is to set up a training school for managerial training as far as the management of hotels and restaurants is concerned. To do so the Bill wants to exercise power through the Minister to levy a certain amount of money towards a central fund of the Government. This money will be used to build a training school for our people, where they can be trained for this very, very important business.

Mr. Speaker, these three very important aspects are the criteria, the fundamental basis of the whole Bill. If, say, the Members are very concerned about page 44, section so-and-so and they think this is not in conformity with the will of the people throughout the country, then it is up to them to spell out that particular thing and say that it should be removed or changed. However, Sir, I am sure the Minister is very aware that we live by the will of the people and no government anywhere in the world will exercise its powers against the wishes and the will of the people. I am saying this because I would like to stress that remarks have been made that those who prepare the Bills are colonial-minded, this, that and the other. This is not fair to the Ministers because they are not illiterate. They read the Bill and they know what is coming up against their own men. In fact, it is more dangerous for a Minister to allow an unpopular clause in any Bill, knowing too well it is against the people, because in so doing he is putting a rope around his neck, and I would not like to do that I am sure my colleague, the hon. Shako, would not like to put a rope around his neck. In other words, Mr. Speaker, he would not like to put a rope round Government's neck for that matter because——

Mr. Karungaru: Give way?

The Minister for Housing (Mr. Ngei): I cannot give way because I am stressing a very fundamental point. Mr. Speaker, Sir, the Ministers are responsible to the people, the Members of Parliament are responsible to the people and we, jointly together, cannot sing a chorus that is going back to our own people in our own land to kill ourselves. We know that this Government is for the benefit of *wananchi* throughout the country. I am sure that bearing this in mind, the Minister will see what the Members of this House are worried about, namely, small lodges in their own constituencies. This, Sir, should be left aside and let us grade the top ones where money flows in millions of shillings throughout the month. I am sure that Mr. Minister is taking this important point very seriously.

Lastly, another worry which I might spell out although I am supporting the Bill wholeheartedly is that the Minister must know that there are both black Europeans and white Europeans who are very dangerous. When they have—such people—been given a small authority, say a licensee, they can be very dangerous with such small authority. Therefore, the Minister, being a *mwanachi*, must have his microscopic—I repeat this—eyes to scrutinize that those *wananchi* who sit on such boards are fair and just. In other words they must say "Yes" and a firm one in conformity with the wishes of our people. Mr. Speaker, Sir, hon. Members must agree with me wholeheartedly when a good Government like this one of ours has good intentions of introducing a legislation, the purpose of which is for the benefit of *wananchi*. However, we must not always come to kill such a Bill for six months, but sort out the good clauses in it and let *wananchi* benefit from

[The Minister for Housing]
it. This is why you are here my colleagues, hon. Members. Indeed, Sir, we are here to check out unpopular clauses, but not to destroy the whole Bill. We are to construct but not to *bomoa*. This is very important, indeed. Mr. Speaker, Sir, this Bill is not a very strong legal document. In fact, Sir, it is written in a layman's language. I do not need to hire a lawyer to go through this and interpret it to me.

Mr. Mulwa: Are you sure?

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I am very sure of what I am saying. Therefore, Sir, there is nothing difficult to understand in this Bill.

Mr. Speaker, Sir, without wasting much of our time, I support the Bill. However, I would like to ask the Minister to look at those few things which I have mentioned. At the same time, Sir, I would like to ask hon. Members to be fair, as they have always been, and see that this Bill is for the benefit of *wananchi*. Mr. Speaker, Sir, I beg to support.

Mr. Mwamunga: Thank you very much, Mr. Speaker, Sir. In the first instance, I would like to say that there are quite a lot of objectionable clauses in this Bill. However, Mr. Speaker, Sir, I will also welcome the introduction of the Bill because it affords us an opportunity to determine the code of administration of these hotels.

Mr. Speaker, Sir, we know that the hotels that the Minister has in mind for this Bill are those hotels which have been, in most cases, concerned in racial discrimination. I would not like to repeat, Mr. Speaker, Sir, what hon. Members have said, but I would like to go straight on to the clauses which I consider to be objectionable. Mr. Speaker, Sir, if you turn to page 29 of the Bill, under the definition clause, we have included most of the hotels and eating houses currently licensed by the local authorities or by some other bigger authorities. I am sure it is not the intention of the Minister to include these small eating houses and tea-rooms in his intended legislation. However, according to the definition of the Bill, the Bill leaves it open for those who are going to administer the Bill when it becomes an Act, to include quite a number of establishments of our fellow Africans. Mr. Speaker, Sir, those African establishments are much more than the establishments which, I believe are intended to be affected by this legislation.

Mr. Speaker, Sir, the exemption proposed under subclause (*c*) is not sufficient because it fails to allay the fears of hon. Members as to what will happen before the exemptions are gazetted. Therefore, Mr. Speaker, Sir, I hope the Minister in his amendment will, as some hon. Members have suggested, give us a list of the hotels to be affected. Some hon. Members, for example, suggested Hotel Inter-Continental, Pan-Afric Hotel, Mombasa Beach Hotel and so on. I do not think the list is as long as that one of the establishments which have been planned and are likely to be exempted by this Bill.

The other clause which is rather objectionable is to be found on page 30 of the Bill. This clause talks about the Hotels and Restaurants Authority. Mr. Speaker, Sir, I would like to share the views expressed by other hon. Members that by a sheer process of elimination, our fellow Africans do not stand a chance of serving on that Authority. The chairman may be somebody without the knowledge of international tourism. However, Mr. Speaker, Sir, where the clause talks about the other people to be appointed, the people who will certainly be looked upon by the Minister to advise who is the most suitable person regarding the knowledge of the hotel industry and the international tourism will be probably the Hotel-keepers' Association. Mr. Speaker, Sir, it is common knowledge that the voices of our fellow Africans in the Hotel-keepers Association are very faint, if there is any voice at all. Again, Mr. Speaker, Sir, the Hotel-keepers Association is dominated by non-Africans. I am saying this, Mr. Speaker, Sir, because——

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, there is a lot of noise in the House and we cannot hear what the hon. Member over there is saying.

The Speaker (Mr. Mati): Let us have less noise please.

Mr. Mwamunga: I would like to thank the hon. Member for trying to draw the Speaker's attention to this disorder.

Mr. Speaker, Sir, this Authority is going to be extremely important and I would like to say that it is this Authority which is going to determine the standard of these hotels as mentioned in the subclause. Mr. Speaker, Sir, if our fellow Africans, by the simple process of elimination because of the qualifications required, are not going to be on the Authority, these standards are certainly going to be foreign and the cultural heritage of our country is not going to receive a fair share of representation on this Authority.

Again, Mr. Speaker, Sir, another objectionable clause is to be found on page 35 of this Bill; this is clause 7, subclause (5). Now, Sir, this clause will lead to complaints being sent to the Authority. Now, again here, we know the majority of the people who will complain to the Authority

[Mr. Mwamunga]
will be our own African people and who will be the victims of discrimination in these hotels.

However, I have no quarrel with that clause except that it ends with a penalizing effect; that is any complainant whose complaint is found by the Authority to be frivolous, then he will pay the cost incurred by the licensee. Now, this is not at all, going to encourage our people to approach this Authority with their complaints, and I am suggesting to the Minister that when he brings up amendments, that part dealing with the cost should be omitted completely, so that our African people can feel free to approach this Authority with their complaints. The complaints do not only affect the small people; they affect big people, as recent events have shown, in some parts of this Republic of ours.

Again, Mr. Speaker, Sir, I have a lot of quarrels with clause 25 of this Bill; this is on page 45. Now, this is—— As I had pointed out earlier, Mr. Speaker, Sir, the Authority is going to be composed mainly of people, either non-African people or——

An hon. Member: Non-citizens!

Mr. Mwamunga: That is right; it is correct. Now, if that is the case, we see that clause 25, Mr. Speaker, Sir, gives the Authority a lot of executive powers; the Authority—— This is clause 25. Any member—this is what it says, if you may permit me, Sir, to quote:—

> "Any member of the Authority, or any person authorized in writing by the Authority, may enter without warrant, any premises on which he has reasonable grounds to believe . . ." and so on and so forth.

It gives the Authority a lot of executive powers. I would have expected that members of the Authority would not be given executive powers, and those executive powers should be exercised by public officers. However, this again leaves—— It ties up with the Authority, giving it so much executive powers, that it leaves us with a lot of fears.

Again, Mr. Speaker, Sir, there is another small point; this is on page 44, clause 23 in which we are assured of a central booking system for the hotels. Now, this only affects the hotels and lodges in the national parks; it does not affect, therefore, the other establishments outside the national parks. We would like, if Government is serious now, to have the desired effect of controlling the tourists coming into the country, then powers should be given to this system to control even hotels outside the game areas and game reserves and national parks.

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

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, this Bill is a very good one and I know that hon. Members would like to have some amendments put in the Bill. It has been made quite clear that Government would like to have the opportunity of hearing the amendments that have been suggested by hon. Members with a view to finalizing an Act of Parliament that will be acceptable to our people.

Mr. Speaker, Sir, one of the things that is worrying the hon. Members of Parliament is whether the small eating houses, tea houses or coffee houses in their areas are covered in the Bill and, in fact, whether they are exempted from these strong restrictions. I think hon. Members have a point there and I hope, my colleague, the Minister concerned, will look into this. Although the Minister has covered this in section 28 (1) (c) it looks as if it needs to be spelt out even more clearly so that there is no fear that the tea houses, the eating houses, or the coffee houses in the rural areas, hon. Members have in mind are specifically mentioned in the Bill. Therefore, I hope there will be a clear definition in this Bill defining what I would call the tourist hotels and restaurants qualifications from the eating houses, tea houses and coffee houses so that the division is quite clear and to avoid the misunderstandings that hon. Members have expressed.

I think such hon. Members like hon. Amayo made it quite clear that in his area there are some small but important places where our people eat or have tea or coffee and he would like to know where these places have been placed in the Bill. The provision in section 28 is not very clear but I hope it will be made clear and there will be a definition which will define the two types of hotels we have in mind.

I would also like to say that Kenya is very lucky because tourism is booming. If tourism is booming, we have to speak rather cautiously because this is an important industry in our country. It is one thing to say that you can do without hotels but this is not enough for a responsible hon. Member of this House to say that because we know there are many other countries where people can have these facilities. What we want to do is to have a country, Kenya, where the facilities for hotels and restaurants are as good as any other country. These facilities are not only meant to please the Americans that come to this country, the Britons, Chinese, and the Russians but we ourselves have in mind the

[The Minister for Power and Communications]
creation of a standard which is good enough for our people in the country.

I am very pleased that the Ministry of Tourism and Wildlife has maintained a high standard of hotel and restaurants in the country and I hope that this Bill will even go further in making the standard as good as one can expect in any country.

I am also pleased to see that the Central Registration Board has been embodied in this Bill because many of us were afraid that probably we were to get one fifth of the income from hotels and restaurants in this country and four-fifths was to remain outside Kenya. This provision will ensure that all the income which should be coming to our country does come to our country through the Central Registration Board. Sometimes, Government has not been able to trace the bookings properly but this method will assure Government on bookings and accommodation that are available in hotels. So, the provision has two benefits. One, we shall check income to the hotels and the bookings in the various hotels. Therefore, I think this provision is very good and I must congratulate the Minister for this vision which will help the country.

Now, as far as good character is concerned, Mr. Speaker, Sir, I think, perhaps, the Minister when replying will explain what this means. However, "good character" is a common sense word because we are not saying that we shall stop everybody without being reasonable about it but, I hope it will be possible for the Ministry to be able to say a person of good character is such-and-such a person. Perhaps, a simple definition which does not make it very difficult for our people to qualify. Some people have been saying that you must have this, you must have that, whether you have been imprisoned and so forth, I think this fear, perhaps, is genuine and it should be cleared in the definition when the Minister comes to reply.

Mr. Speaker, Sir, some Members have said that, perhaps, if I am seen among many women I will be determined as a person of bad character but, of course, women are supposed to be in the hotels; they are supposed to be in the restaurants. They are part and parcel of Kenya and nobody would really take that as a serious thing. However, we want to make it quite clear that Government is sincere in helping the hotel industry as much as possible.

The other point, Mr. Speaker, Sir, I would like to make is that the authority suggested here: I think the authority's decision is suggested to be final here. I would like to suggest that the decision is not final. I think when a decision is made by the authority, people should be able to appeal to the Minister. It is the Minister who should have the final decision and not the council which is created by the Minister. Therefore, I hope that this amendment will be made so that the Minister can check the authority as well.

One hon. Member has made it quite clear that if members of that authority are allowed to go and inspect certain premises in the hotels, they would act to the disadvantage of the hotel keepers. I would like to agree with him I think members of the Authority should not be given free licence to go and inspect such permises because, I have seen in the past, some members of such similar bodies going to certain places and, probably, making themselves a nuisance on the basis that they are members of such boards. This should be discouraged and they should not be given such powers. They should be in the offices sitting around a table, making decisions but, they should not follow up these decisions themselves.

I think the suggestion made by the hon. Member who has just sat down is a very genuine one and it should be looked into.

Mr. Speaker, Sir, as far as the qualifications for managers and qualifications for staff, we cannot, on one hand, ask for qualifications for one good hotel, and on the other hand, say, we do not want any qualifications for the people who run it. I think these qualifications and requirements should be considered depending on the type of the hotel or restaurant. Of course, the Minister is not going to be unreasonable and demand that an eating house away in Samburu should have a manager with such qualifications that it will make it impossible for the people in Samburu to have an eating house. This would be unreasonable. He would take into account the circumstances and the standard of the people. It should not, however, be thought by any Member that Ministers are so inconsiderate that such things would escape our intelligence. I think we have to give credit to the Minister for his judgement. It does not matter whether it will be this present Minister or any other for that matter. The quality of Ministers throughout is such that they will give consideration to such things.

Mr. Speaker, Sir, I am pleased that the training facilities are made available. This is because this training makes all the difference. You may go to a big and beautiful hotel but if you cannot have services which come out of good training; if you cannot have the courtesy and the manners all of which come from good training, you will think that hotel is completely useless.

[The Minister for Power and Communications] It is very important that people who serve in hotels—staff and managers and so on—have some kind of qualifications so that the service and the standards of the hotels can be maintained at such an attractive level that our hotels will attract more people into our country.

Mr. Speaker, Sir, it looks as if people are afraid that the authority may be composed of people who have no sympathy with our situation here. Therefore, I hope the Minister will make it very, very clear, when he comes to reply, as to the composition of the authority so that Members of Parliament here know exactly that the people who will be sitting on this authority or even on the Appeals Tribunal will be people who understand our situation in the country and who can help us as much as possible.

Of course, the tariffs are very necessary. The hon. Member for one of the areas—I think Mbita—has complained about the cost and tariffs and so on. However, this is why the Minister has included this provision so that he can control the charges in the hotels. If we refuse him permission to have this provision, how will he be able to control the charges? He must be able to control the charges according to the segments to which certain hotels belong. These are powers which are necessary for him to be able to help us in the country.

I know that certain hotels have been described as very expensive ones. This is a matter which can be considered. Of course, if you want to go to the Hilton Hotel, The Hotel Inter-Continental, Pan-Afric Hotel or to Mombsa Beach Hotel—all these places are very beautiful places and they are, in some cases, quite luxurious places—so you must pay for what you get. It is however, very important that a reasonable level of charges is considered. The Government, therefore, needs this power to be able to determine what is a reasonable level of charges. We did not have it before and it is high time we allowed the Minister to have this power. It is a very genuine approach from the Minister and I hope we shall be able to consider this.

Mr. Speaker, on page 29 and 30, the powers of exemption, generally are given to the Minister. Although this has been termed a blank cheque, I think it is necessary for the Minister to be given certain powers which he can exercise on certain occasions. This is because we may have some cases which we cannot specifically envisage now. It is always very wise for the Minister to have these powers to be able to exercise them when the occasion arises.

With these few words, Sir, I beg to support the Bill.

ADJOURNMENT

The Speaker (Mr. Mati): It is time for interruption of business. The House is therefore, adjourned until tomorrow Friday, 21st May, at 9.00 a.m.

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

Friday, 21st May, 1971

The House met at Nine o'clock.

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

PRAYERS

NOTICE OF MOTION

REJECTION OF NDEGWA SALARIES REVIEW COMMISSION REPORT BY PARLIAMENT

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

THAT, this House being satisfied that the consideration of the proposed additional public expenditure of nearly K£6 million salary increases recommended by the Ndegwa Commission Report is very much within its competence; takes the strongest exception to the statement made in the House on the 18th May, 1971, by the Ministry of Finance that the House will not be given an opportunity to discuss on merits the financial recommendations of the said Report; and in view of the fact that the said Report fails to meet the expectations of the House, the majority of public servants and *wananchi*, and particularly that—

(*a*) it widens instead of narrowing the gap between the highest and the lowest paid public servants; and that

(*b*) it fails to offer realistic and attractive terms to professional and specialized categories including teachers, doctors, lawyers, magistrates, and the staff of the National Assembly;

this House rejects the financial recommendations of the said Ndegwa Commission, seriously warns against the introduction of any Estimates incorporating the said recommendations; and requests Government to work out and submit for approval of the House better alternative and acceptable proposals.

ORAL ANSWERS TO QUESTIONS

Mr. Muthua: On a point of order, Mr. Speaker, Sir, Question No. 418 on the Order Paper was not directed to the Ministry of Labour; it was directed to the Ministry of Local Government.

The Speaker (Mr. Mati): We have not come to Question No. 418; we are just starting now.

Question No. 386

CASUAL LABOURERS SERVING NAIROBI CITY COUNCIL

The Speaker (Mr. Mati): Mr. Karungaru not here? All right, next question. What is it that you wanted to say, Mr. Muthua, on Question No. 418?

Question No. 418

UP-GRADING OF OTHAYA TOWNSHIP

Mr. Muthua: Mr. Speaker, Sir, I wanted to say that this question was not directed to the Ministry of Labour; it was directed to the Ministry of Local Government.

Mr. Muthua asked the Minister for Local Government if he would tell the House when Othaya would be up-graded to the status of an urban township.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply, on behalf of my colleague the Minister for Local Government. I believe that the hon. Member is referring to the possible establishment of an urban council at Othaya, which at the moment is only a trading centre. I would like to inform him that the Ministry is currently reviewing the position of a number of existing towns and trading centres in various parts of the country which have shown dramatic growth and expansion since independence. It would greatly assist my Ministry if the local authorities, where such towns and trading centres exist, make formal applications to my Ministry so that we could send a commission of inquiry, as provided for by the Local Government Regulations of 1963.

Accordingly, I would advise my hon. friend to put the case of Othaya to Nyeri County Council for them to make the necessary representations to my Ministry for consideration.

Mr. Muthua: Mr. Speaker, Sir, arising from the answer by the Minister, is he aware that Othaya Market is "Market Grade I" as shown in the Five Years Development Plan, and it is through up-grading its status that rapid development can be achieved?

Mr. Ngei: Mr. Speaker, Sir, I am very much aware of this and that is why I laid a hot cake on the table for the hon. Member to eat.

The Speaker (Mr. Mati): Next question; Mr. Umuro.

Question No. 335

SETTLEMENT OF MARSABIT PEOPLE

Mr. Umuro asked the Minister for Lands and Settlement if he would tell the House, whether, in view of the fact that Marsabit people lived on Government land, he would take quick action to send surveyors to that area so that these people could be settled.

The Assistant Minister for Lands and Settlement (Mr. Amin): Mr. Speaker, Sir, I beg to reply. In terms of section 114 (1) of the Kenya Constitution Act (No. 5 of 1969), all the land

[The Assistant Minister for Lands and Settlement] within Marsabit District became Trust Land vested in Marsabit County Council. The Trust Land, however, falls within two categories: (*a*) Trust Land situated in urban areas, such as Marsabit Township; and (*b*) Trust Land situated outside urban areas.

It is regretted that with the heavy burden of work on the Survey of Kenya, and the number of urgent surveys required for development projects, it is not possible to send surveyors out to all the areas asking for this service; if only when there is great urgency that this can be done. However, in order to facilitate the issue of title-deeds after demarcation and survey of plots, the Survey of Kenya has set up a special course designed specifically to train council staff in survey work so that they are capable of carrying out the necessary basic demarcation, and the course in question has already started this year.

On the completion of the demarcation and production of Registry Index Maps necessary for issue of title-deeds plotowners are in a position to have the leases registered in their names. As far as Trust Land falling outside urban areas is concerned, it will have to be adjudicated, subject to the availability of funds prior to the issue of freehold titles to the persons originally resident on that land.

Mr. Araru: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, where he said that they are planning to train staff of county councils so that they can survey their land, could he specifically tell us the reason why although a group of surveyors surveyed part of Marsabit Town last year, and subsequently some people paid money for the plots, no title-deeds have been issued? What happened after surveying had been done?

Mr. Amin: Mr. Speaker, Sir, I do not know whether these surveyors were sent to Marsabit last year. However, as I said, this, course, is specifically for the staff of the county councils. If the people of Marsabit would like to attend these courses, they are most welcome.

Mr. Hussein: Mr. Speaker, Sir, arising from the Assistant Minister's reply—the people of Marsabit have been promised by this Ministry since 1967 that Marsabit Township would be surveyed and that the people there would be given title-deeds—why has this Ministry neglected or delayed this survey yet the people of Marsabit have been stopped from building houses because the town is not surveyed?

Mr. Amin: Mr. Speaker, Sir, my Ministry does not neglect the people of Marsabit. We are prepared to help these fellows and when the time comes you will find surveyors at Marsabit.

Mr. Umuro: Mr. Speaker, Sir, would the Assistant Minister tell this House whether those people who are in training now, if they finish, will be posted to Marsabit to do this work?

Mr. Amin: Yes, Sir, as soon as they qualify I will send them to Marsabit.

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

Question No. 342

DIVISIONAL GAME WARDENS IN THE COUNTRY

Mr. Lenayiarra asked the Minister for Tourism and Wildlife if he would tell the House how many Divisional Game Wardens there were in the country and how many were Africans.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Tourism and Wildlife. There are five divisional game wardens in Kenya. One of them is an African and the rest are expatriates.

Mr. ole Marima: Mr. Speaker, Sir, arising from that rather disappointing answer by the Assistant Minister, can he tell us why is it that after we have trained Africans in the United States they cannot take over from these white men as game wardens?

Mr. Ngureti: Mr. Speaker, Sir, the reply that I have given is correct and it is not disappointing. If the hon. Member is aware of any case where Government has failed to employ a competent African in this post, he should disclose it to us.

Mr. ole Marima: Mr. Speaker, Sir, I happen to have been in the United States and I know many African students were in a college in the United States where divisional game wardens were trained. I know these people; they are all from Kenya. Why is it that only one of them is a game warden? What happened to the rest?

Mr. Ngureti: Mr. Speaker, Sir, with all due respect to the hon. Member, I would request him to submit the names in question as I had said before.

Mr. ole Marima: Yes, Sir, I will do that.

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

Question No. 406

COMPENSATION FOR DAMAGE CAUSED BY GAME

Mr. Kanja asked the Minister for Tourism and Wildlife if he would tell the House—

[Mr. Kanja]

(a) how many farmers were compensated last year as a result of wild animals destroying their crops or domestic animals in Kieni West/East; and

(b) how much money the Nyeri County Council had received from the tourists' cess.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, on behalf of the Minister for Tourism and Wildlife I beg to reply. (a) No farmers were compensated last year as a result of wild animals destroying their crops or domestic animals in Kieni West/East.

(b) Nyeri County Council does not get money from tourist cesses as county councils are not legally authorized to levy such a cess.

Mr. Kanja: Mr. Speaker, Sir, while it is a pity that an Assistant Minister from another Ministry is answering for the other Ministry, why is it that the Ministry of Tourism and Wildlife has not noted the crops which have been destroyed in Kieni West/East by buffaloes? Would he allow the people there to take arms and kill the rhinos when they come to destroy their crops if the Government cannot compensate them?

Mr. Ngureti: Wildlife is the property of the Kenya Government: the crops and the people are also property of the Kenya Government. We cannot compensate for things which we do not know. Claims must be submitted to us through the county council.

Mr. Muthua: Mr. Speaker, Sir, arising from the reply by the Assistant Minister—he has admitted that Kenya Government owns the wild animals—does he imply that the animals are superior to human beings?

Mr. Ngureti: Mr. Speaker, Sir, I did not say the animals are superior to human beings. I said that we cannot compensate for things we do not know. Claims for compensation must be channelled through the county councils.

Mr. arap Cheboiwo: Arising from the answer by the Assistant Minister, where he said that they cannot compensate for something which they do not know, and that applications should be sent through the Nyeri County Council, could he assure the House that when these applications will be submitted these people will be compensated without delay?

Mr. Ngureti: Mr. Speaker, Kenya Government is a Government of action. I assure this House that where genuine claims are channelled through the county council, action will be taken.

Mr. Kanja: Mr. Speaker, Sir, I have a case in mind where somebody had his two legs broken by a rhino and the case was brought to the county council. Would the Assistant Minister say, or tell this House, what action the Ministry has taken in compensating that man?

Mr. Ngureti: Mr. Speaker, Sir, the Ministry has not received this claim, but as soon as the county council submits it to the Ministry action will be taken.

Mr. Wabuge: On a point of order, Mr. Speaker, do you not think that the Assistant Minister is confusing the House because in part (b) he said the Nyeri County Council does not get any profit on this. He has again said that the application should be channelled through the County Council of Nyeri. Why should the county council take the responsibility of sending applications if the council does not get any profit?

The Speaker (Mr. Mati): No, I do not think we will take time on that because the two are not related. The compensation referred to here is—sometimes the Ministry gives money to the county council so that it can compensate these people. It has nothing to do with the cess.

Question No. 440

KAKAMEGA PROVINCIAL HOSPITAL—KITCHEN

The Speaker (Mr. Mati): Is Mr. S. Lugonzo not here? We will leave his question until the end.

Next question.

Question No. 386

CASUAL LABOURERS SERVING NAIROBI CITY COUNCIL

Mr. Karungaru asked the Minister for Labour if he could tell the House how many casual labourers were serving Nairobi City Council and how soon they would be placed on permanent terms.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, on behalf of the Minister for Labour, I beg to reply. The Nairobi City Council employed about 1,200 casual labourers at the end of February, 1971. The number of casual labourers employed by the Council varies from day to day according to the needs of the Council. During the month of February more casual labourers were employed in digging trenches, demolishing shanties and cleaning up the city, as a measure against possible outbreak of contagious diseases. As soon as this work is completed the number of casual labourers will be reduced.

The number of such workers to be absorbed into permanent employment is dependent upon existence of vacancies within the Council.

Mr. Seroney: On a point of order, Mr. Speaker, we know that when Ministers are given replies, these replies disclose as little as possible but they are then given the material for supplementary questions. It is fair to expect a Minister who has not been briefed to answer supplementary questions which he may not know anything about?

The Speaker (Mr. Mati): Well, the alternative, of course, is that the question is not asked because the Minister who is directly responsible is not there, it will save the situation if any Minister who is present would read the reply and then try his best to answer the supplementaries: but it is quite true, and it is possible, that such a Minister will not have all the necessary background information. We have to decide whether we accept that reply, however unsatisfactory, or we do not ask the questions at all.

Mr. Karungaru: On a point of order, Mr. Speaker. I want to follow up your ruling on this one. Do you not agree with me that since the Assistant Minister has no clue about the running of the local authorities—and even the number of the people affected is greater than the one stated here—he will not be able to give the exact number of the people who are working there? He is only talking about the newly employed chaps. Do you not agree with me that we should defer this question until the Minister is available to answer it? This is a serious matter because it affects many people.

The Speaker (Mr. Mati): I think it is necessary that we are systematic. Either we decide that from now on if the Ministers concerned are not here their questions will not be asked or we accept that Ministers have a collective responsibility. We cannot have it both ways and we cannot make an exception in some cases. If we have to put off some questions because the Ministers concerned are not here, then it has to be a general rule covering all questions. So in this case I think we had better give Mr. Shikuku a chance to show what he can do.

Mr. Karungaru: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, will he go further and tell this House whether or not there are no casual labourers who have been employed there for more than three years and are more than the numbers mentioned by him, who have never been confirmed? If he is aware of that, what action is he taking to advise the City Council not to keep people under temporary terms of employment when the country is suffering from a serious state of unemployment?

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member must be confusing two things. There are casual labourers and temporary labourers. Now, when we talk of casual labourers, these people stay working so long as there is a job for them to do. For example, when it comes to the question of cleaning the City—the other day we were trying to demolish shanties, and so long as the shanties are there we shall keep on using them; but once the shanties are finished we shall get rid of them. When it comes to temporary employment, Mr. Speaker, this is very dependent on the ability of a given individual as to whether he is worth being employed permanently or not. If not, we can still keep him working on temporary terms and when he proves to be worthy of the job, we make him permanent. This is the way we work.

Mr. Karungaru: Arising from that reply, Mr. Speaker, is the Assistant Minister really considering this matter seriously? I think he should not take the matter so lightly as he is now taking it. Mr. Speaker, Sir, would he tell this House whether or not he is aware of those other 3,000 people who are on temporary terms and they have been there for quite a long time. If he appreciates the problem, would he undertake to advise the City Council not to keep these people employed on temporary terms for so long because this is tantamount to encouraging the private sector to continue keeping people under temporary terms of employment?

Mr. Shikuku: Mr. Speaker, Sir, I am not taking the question lightly as the hon. Member alleges. I am taking the question very, very seriously. The hon. Member must realize that there are jobs which have temporary establishment until such time that we get permanent establishments for the given individuals we cannot make them permanent; they will have to remain temporary until such time that we have permanent establishments. Therefore, there are always funds for temporary employment, and so long as those funds are there we shall keep these people in employment, and once we have a permanent establishment we shall make them permanent as the hon. Member wants. So long as we do not have those vacancies we cannot make them permanent in the establishment.

Mr. Muregi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he not consider it unfair if some employees have to remain temporary for more than three years? Is it not a clever way of avoiding paying or awarding these labourers the proper benefits of employment? I think the City Council, by refusing to confirm them as permanent in a certain given time, and instead prolonging their temporary employment for more than three years, is being very unfair.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member may be entitled to his views that they are trying to evade employing the labourers on a permanent basis but that is not the case, Mr. Speaker. This does not only happen to the City Council because we have people in the Voice of Kenya who are on a temporary basis whereas they have been there for the last six years. This is because the Ministry concerned has not been able to get enough funds to put them on permanent employment. If there is a chance, or a permanent vacancy, we will make them permanent, but we cannot make anyone permanent when we do not have a permanent establishment.

Question No. 440

KAKAMEGA PROVINCIAL HOSPITAL—KITCHEN

Mr. Masibayi, on behalf of Mr. S. Lugonzo, asked the Minister of Health if he could tell the House whether he was aware of the unsatisfactory condition of the kitchen of the Provincial Hospital, Kakamega.

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

Mr. Masibayi: Mr. Speaker, Sir, if the Assistant Minister is aware of that, is he also aware that Kakamega Hospital was formerly built as a district headquarters and since it became a provincial headquarters no efforts, whatsoever, have been made to expand the hospital to meet the demands of the province? The kitchen in this particular hospital needs expansion.

Mr. ole Oloitipitip: Mr. Speaker, Sir, it was the week before last that the same question about Kakamega hospital was asked. I said that the extension of this hospital is soon taking place. In fact, Mr. Speaker, I said also that the provincial medical officer has been asked to give out tenders, to expand the hospital, including the kitchen to any contractor.

Mr. Masibayi: Mr. Speaker, Sir, if the provincial medical officer has not made any effort since he was given that directive, could the Assistant Minister see to it that he follows this up from his office?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I will follow up this but the hon. Member must also know that to run a province is not a small job and therefore the provincial medical officer is doing all he can: we are satisfied that the provincial medical officer is doing his best to take care of this. If the hon. Member will only care to go and see the provincial medical officer, he will be satisfied.

QUESTIONS BY PRIVATE NOTICE

EVICTIONS OF TENANTS BY NAIROBI CITY COUNCIL

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

Why is the Nairobi City Council currently subjecting its tenants to evictions from their houses.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. At the meeting of the Finance Committee of the Nairobi City Council held on 17th of March, 1971, the City Treasurer drew the Committee's attention to the very large amount of arrears in rent owed by tenants of estates, particularly those outside the Eastlands. The tenants in arrears for periods of over one month were to be required, according to that resolution of the committee, to settle accounts immediately and failing to do so to be served with notices to quit and subsequent eviction if necessary. As a result of the above resolution, Mr. Speaker, notices were sent out to the affected tenants to the effect that unless they cleared their arrears within 14 days they would be evicted. Many of the tenants responded to the notices and either paid their arrears or had any mistakes cleared up by the City Treasurer.

What is very serious, Mr. Speaker—I am grateful that the hon. Member has brought this matter up—is that during this exercise, it was discovered that some tenants who were sent notices to quit had no arrears due from them to the City Council. Intensive investigation is now going on—done by the City Council Chief Auditor—to find out why some of the tenants who were up-to-date in their payments were shown in arrears and we want to find out which officer or officers failed to report to the City Treasurer and to the Director of Social Services and Housing payments already made by such tenants and what happened to that money. I have directed that copies of the interim report already compiled by the City Auditor and City Treasurer be handed over to the police who should now be involved and associated in any further investigations because there appears to be a prima facie case for possible prosecution of at least one officer.

Mr. Kanja: Mr. Speaker, Sir, would the hon. Minister agree with me that the Nairobi City Council, some time last year, lost over a million shillings; and again this year, the actual amount involved in those already given notices, is over a million shillings? Would the hon. Minister, therefore, agree to set up a committee of inquiry so

[Mr. Kanja]
that it can scrutinize fully the activities of Nairobi City Council and also stop this harassment once and for all? Further, with your permission, Mr. Speaker, Sir, I happened to have been one of the victims of eviction and the City Council officials went to my flat, destroyed my curtains, my bedding, stole my suit, my shirt, ate my butter, biscuits and oranges. Mr. Speaker, Sir, I have already reported the matter to the Director of Social Services, the Nairobi City Treasurer and I had no arrears at all. Mr. Speaker, Sir, what a mess in the Nairobi City Council! We are being harassed as though we are not human beings! Can you explain this mess, Mr. Minister?

Dr. Kiano: Mr. Speaker, Sir, I am very happy that the hon. Member has brought this matter out. I did not want to mention his name but I have taken particular note of his case. I have checked and it is true that the hon. Member and several other individuals, too, had paid their rent and they were up-to-date in their payments. In the case of the hon. Member for Nyeri, he was allegedly in arrears for Sh. 285/50, which would amount to only a half of one month's instalment, in which case, even if he was in arrears by that sum, he was not due for eviction because eviction only comes if you are in arrears for more than one or two months. In his case, it has already been admitted by the administrative machinery of the City Council that it was entirely wrong. They have tried to write to him and to apologize to him, but I believe he has also seen his lawyer and that is why I do not want to comment any further—— I have not finished, Mr. Jilo—on that particular issue. However, at the same time, there have been one or two persons who have gone to the Press to have it reported that they were evicted when they had already paid and yet checks have shown otherwise—I do not want to read this particular one whereby a lady complains that she was evicted when her husband had already paid the rent and yet we have a letter from the husband asking us to forgive him for Sh. 10,000 in arrears, which apparently, he had not told his wife of. Therefore, there are two aspects in this mess, and I think it is a mess. First of all there is the legal one, which, as I said, is being checked by the auditor, and I hope to associate the police with it. Secondly, there is the purely administrative break up of the chain of command whereby a cashier or somebody at the level received money and did not report to his boss and, therefore, as far as the boss's accounts are concerned, the money is not paid and, therefore, in addition to the legal investigation, we shall have to look into the administrative machinery. I do believe there is a mistake and before we go to the extent suggested by the hon. Member we will have to do a little further check, both with the auditor and with the assistance of the police.

Mr. Karungaru: Arising from that reply which the Minister has given to the House this morning, does the Minister not consider this matter to be more than serious and that instead of him trying to tell the House what is happening now he should have come out to the public aid because the public, who are being evicted, are at the same time, the tax-payers of the City Council and now they have become the victims of the same Council? If these people are still paying their taxes, would it not be wise for the Minister to take very drastic action immediately rather than trying to show the House how sympathetic he is with the situation? Is he not in a position to take drastic action——

The Speaker (Mr. Mati): That is enough, Mr. Karungaru.

Dr. Kiano: Mr. Speaker, Sir, except for difference of words, I am sure the hon. Member is saying exactly what I tried to say in a more Parliamentary way. There is no question of covering up for any person. I direct that the matter should be brought to the notice of the police because I believe that the police are even better than I am in carrying out this kind of investigation. I would like to say that one of the serious matters, as far as I am concerned, is not only the fact that some persons who had already paid have received these notices but also the very question as to how a tenant can be in arrears of Sh. 9,000, Sh. 10,000, Sh. 11,000 and he or she has not been receiving notices of being in arrears until one day the axe comes down. There is a very, very serious administrative mistake there, both in terms of those tenants as well as many persons who fail to pay their water rates. I even discovered myself in arrears one time as far as water was concerned and I had not been receiving any notices. I just happened to remember that I had not paid for my water for so long and, I just went and paid. Therefore, there have been both serious administrative oversights as well as highly questionable practices of not reporting receipt of money already paid by the tenants.

Mr. Kahengeri: Mr. Speaker, Sir, since the Minister has agreed that a great inconvenience has been caused to the citizens, why did the City Council not, immediately, when they realized the extent of the inconvenience caused to the members of the public, come into the Press and apologize exactly in the same way as they did when they publicized all over the place that they

[Mr. Kahengeri]
were evicting the citizens who were in arrears? Why did they not admit that they had made a mistake and correct it in the Press?

Dr. Kiano: Mr. Speaker, Sir, I do not think the Press is the most appropriate place. What was agreed between myself and the chief officers involved was that they should go down the list of any person who has been inconvenienced and communicate with him directly and convey their apology, and the hon. Member for Nyeri has already been contacted and he directed that the apology be sent to his lawyers. In other words, what I am saying is that I do not think that the matters should just be forgotten by simply saying "sorry" because this is a serious matter; so serious that even if the hon. Member's suggestion was taken, of simply apologizing through the Press, it would not be enough. It is the correction of the mistake that matters.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that the evictions are still being carried out despite the fact that some tenants have been found not to have fallen into arrears, would the Minister direct that instead of carrying out a wholesale eviction—as was happening at Jamhuri and Mariakani Estates this morning, and even last night—no evictions should be carried out until the question of tenants who are actually in arrears is sorted out?

Dr. Kiano: Mr. Speaker, Sir, in my discussion with the officers involved we took that into consideration. We said that mistakes have already been made and no more mistakes shall be made. To be precise, Mr. Speaker, so that we avoid to use the word "wholesale", according to my figures, in Jamhuri, Woodley and Kibera Estates, 11 persons had been evicted; in Mariakani Estate, six persons, and in Kariokor New Estate, ten persons. These are the latest figures I have, and I believe these are those who are in arrears genuinely.

LEAVE ACCUMULATED BY EX-LOCAL GOVERNMENT EMPLOYEES

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

Will the Minister tell the House why leave accumulated by the ex-Local Government employees who were affected by the Government taking over health, works and education services this year have been forfeited?

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I believe my hon. friend is not fully informed on this matter, I would like to inform him that it was not this year when the services were transferred; it was last year. That is a simple headmaster's correction.

Further to that, it is not true that the leave accumulated by the former Local Government employees, who were affected by the Government take-over of health, works and education services have been forfeited. This is not correct. In fact, on 23rd June 1970, I sent a circular to all county councils directing that all leave earned by the transferred staff who had accepted the Government's offers of employment should be carried forward to the parent Ministry and that staff, who, because of old age could not be taken on in the Government service should remain in the service of the council and be retired in the normal way. I have not received any complaints relating to the forfeiture of leave by former employees of local authorities who were affected by the transfer.

Mr. D. M. Kioko: Mr. Speaker, Sir, although I do not want to go into any argument with the Minister, what will happen if I bring to you a list of the people who have been requesting their leave since last year and they have never granted it and it has never been paid for? Will you consider their case if I bring the list to you?

Dr. Kiano: Mr. Speaker, Sir, I would be very grateful indeed because I am not aware of the list and if a list like that does exist, it would be doing an injustice to those persons because we have already resolved that the persons who were transferred from local authorities to Central Government Ministries must not forfeit their leave. Therefore, if the hon. Member knows any cases where such a situation has arisen, I will be most grateful to look into them.

DELAYED EXAMINATION RESULT AND FUTURE OF AFFECTED CANDIDATES

Mr. Owala-Orwa: Mr. Speaker, Sir, on behalf of Mr. Wabuge, I beg to ask the Minister for Education the following Question by Private Notice:—

Would the Minister inform the House—

(*a*) how the "left-over" results of the East African Certificate of Education were scrutinized;

(*b*) how suspects were eliminated, and how many they were;

(*c*) what measures he is contemplating to avoid similar occurrence and unnecessary delays for both Kenya Junior Secondary Examination and the East African Certificate of Education results in future; and

(*d*) whether the students who passed are going to get places in high schools?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. (*a*) I am unable to inform the House how the "left-over" results of East African Certificate of Education was scrutinized as this was done by the markers in Cambridge in Great Britain.

(*b*) I do not know how suspects were eliminated but I have information that the results of nine candidates were cancelled in all subjects and the results of 20 candidates were cancelled in one subject.

(*c*) I wish to assure the House that adequate preparatory measures are being taken with regard to 1971 and future years to avoid a recurrence of the unfortunate happenings of 1970 and the early part of 1971.

(*d*) The students who have passed well have been offered places in Form V classes. Enough vacancies in Form V were specially reserved to cater for these students. Other students have also been considered for other forms of training and employment. I am satisfied, Sir, that the delay in issuing the results has not penalized any candidate who performed well.

Mr. Owala-Orwa: Mr. Speaker, Sir, arising from the Minister's reply, how many of these students were deleted from the list of the candidates who sat for the examination, and how many have been admitted into higher classes?

Mr. Towett: Mr. Speaker, Sir, initially 4,200 students were suspected: and then, as I said earlier on, nine students' examination papers were cancelled in all subjects and 20 students' examination papers were cancelled in one subject.

Rev. Kalume: The Minister has informed us that the East African Certificate of Education examination is still being marked in Cambridge, in Great Britain; when will this practice be stopped so that we can have our own examiners in East Africa in order that this examination can be marked here in East Africa?

Mr. Towett: Although the hon. Member has implied something that I had not included in my reply, there was nothing like that, Mr. Speaker, Sir. However, some subjects are marked locally and some subjects are still being marked abroad. In five years time we shall be able to mark all the papers locally.

Mr. Lotodo: Mr. Speaker, Sir, I think we are not satisfied that part (*c*) of the question has been answered fully because we always get the results of the Kenya Junior Secondary Examination very late every year. Can the Minister tell the House what steps he is going to take so that we can have the results early every year instead of receiving them in the second term?

Mr. Towett: Mr. Speaker, Sir, as regards that part, I thought I had answered it fully, by saying that I wanted to assure the House that adequate and preparatory measures are being taken with regard to 1971 and future years' examination to avoid a recurrence of the unfortunate happenings of 1970 and the early part of this year.

Mr. arap Chumo: Mr. Speaker, Sir, arising from the Minister's reply, does he agree with me that the delay in publishing the Kenya Junior Secondary Examination is mainly due to poor organization of the marking of this examination?

Mr. Towett: Mr. Speaker, Sir, I do agree with the remark of the hon. Member that this is one of the unfortunate happenings.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer by the Minister, can he tell us what the nine students are going to do since their examination has been cancelled; and, of course, I agree, Sir, that it is not their mistake because Government did not take care of the question papers properly so that there was no leakage? Can the Minister tell us what is going to happen to the 29 students?

Mr. Towett: I am thinking about it, Sir.

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

NOTICES OF MOTIONS FOR THE ADJOURNMENT

Processing of Citizenship Applications Pending from 1964 to 1966

The Speaker (Mr. Mati): I have received a written notice from Chief Kitonga of his intention to raise on a Motion of Adjournment the matter contained in a reply he received to Question No. 89 concerning the processing of applications for citizenship pending from 1964 to 1966. I shall call Motion for the Adjournment at the time of interruption of business on Tuesday, 25th May.

Loans Advanced to Farmers by Agricultural Finance Corporation in Kenya Currency

The Speaker (Mr. Mati): I have also received a written notice from Mr. Wabuge of his intention to raise on a Motion for Adjournment the matter contained in a reply he received to Question No. 189, concerning loans advanced to farmers by the Agricultural Development Corporation in Kenya currency. I shall call the Motion for the Adjournment at the time of interruption of business on Wednesday, 26th May.

POINT OF ORDER

Substantiation of Allegation on Misuse of Government Vehicles

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

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
On a point of order, Mr. Speaker, Sir, last week we were promised by the hon. Gracious Lady that she would give to the House her substantiation about Government vehicles involved in carrying alcohol or other types of liquor and some drunken policemen and so forth. She has been in the House and she has conveniently disappeared. After waiting for this substantiation for one week, what can we do in such a case?

The Speaker (Mr. Mati): Order! Mrs. Onyango has not disappeared at all. She is very much present. It is true that we agreed that Mrs. Onyango would substantiate her allegation by the end of the week, and therefore this is the last day of our week I expect her to be ready to substantiate.

Mrs. Onyango: Mr. Speaker, Sir, I alleged here that some Government vehicles were being misused, and the following are their numbers. Firstly, before I mention the numbers, I will give names of the people who have been arrested, and carried by the vehicles bearing these numbers, for being suspected to be drunk while they were actually not drunk: Francis Angugo, George Olayo, Eliud Mwangi, Daniel Kyalo, and Mamuguru from Mathare Valley. The numbers of the Government vehicles cancerned are: GK 186, GK 521, GK 1954, GK706, GK 1584, GK 129, GK 384, GK 1954, GK 7134, ADQ 1025 and KHY 740.

Mr. Speaker, Sir, I think those are enough.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I remember she said that these Government vehicles were used in carrying liquor. Am I to believe that all those vehicles were used in carrying liquor?

The Speaker (Mr. Mati): I think she used a more general term because she referred to various other practices; she did not confine herself to liquor only. The only point, perhaps, which she would care to clarify, is that, she has given us a long list of numbers and some names—— What is the connexion which exists between these vehicles and the names she gave to us? I was not clear on that point.

Mrs. Onyango: Mr. Speaker, Sir, one of the ways in which these Government vehicles are misused is carrying people who are suspected of being drunk. That is what I referred to when I was speaking last week.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I would like to have another clarification here. Are these the vehicles which are carrying people who are drunk or are they the ones that are connected with the other general allegations she made? Can she tell us the numbers of the vehicles which were misused doing any other type of work, probably taking people to a night-club? These are things we would like to know because we are going to follow up the matter.

The Speaker (Mr. Mati): I am dealing with another point of order.

Mrs. Onyango: These are numbers of the Government vehicles I referred to and that is what I was requested to substantiate. According to my substantiation, all the things I alleged were done by police using those vehicles and therefore my substantiation is complete.

Mr. Koigi: On a point of order, Mr. Speaker, Sir, in supporting what the hon. gracious lady is saying—— Just hold on for a minute——

The Speaker (Mr. Mati): We cannot go back Let us go on to the next Order.

MOTION

OPENING OF KENYA MEAT COMMISSION BRANCH AT THE BOUNDARY OF KITUI, GARISSA AND TANA RIVER DISTRICTS

THAT, in view of the long distance between North-Eastern Kenya, Kitui District 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 Tana River Districts.

(*Mr. Kitonga on 7th May*, 1971)

(*Resumption of Debate interrupted on 7th May*, 1971)

The Speaker (Mr. Mati): Mr. Kitonga was replying to the debate of his Motion and he still has six minutes to go to complete his time.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir, it was Mr. Mwangale who was on his feet and I was to speak after he had finished his speech, if I am not wrong.

The Speaker (Mr. Mati): Order! My records here show that Mr. Mwangale spoke and then Chief Kitonga replied to the Motion for four minutes and he has six minutes to go to complete his speech.

Mr. Kitonga: Perhaps, Mr. Speaker, there is confusion here. In fact, I did not speak at that time. Mr. Mwangale was speaking but because of lack of quorum you adjourned the House before he could conclude his speech.

The Speaker (Mr. Mati): We are in difficulty here. Now, I do not know for how long Mr.

[The Speaker]
Mwangale spoke, if he was the one who was speaking.

Mr. Mwangale: Should I start at the very beg-beginning of my time?

The Speaker (Mr. Mati): All right, Mr. Mwangale, we will give you six minutes and then Chief Kitonga will reply.

Mr. Mwangale: I could do well with eight minutes, Sir, but—— Mr. Speaker, before someone rose up on a point of order and pointed out that there was no quorum in the House, I was saying that there is a growing demand for cattle in the world and that there is also a diminishing availability of meat and livestock in other countries which gives Kenya, as a country, an opportunity to develop her livestock industry in order to meet this export market. I had also pointed out, Mr. Speaker, Sir—and I want to repeat this because apparently someone got the figures wrongly—that so far the Kenya Meat Commission can only meet about 10 per cent it is 40 per cent, but not 4 per cent) of the export demand of meat from our livestock in Kenya to other countries. I had also pointed out, Mr. Speaker, that the prices of meat in the world will increase in future, relatively to other types of food.

The fourth point is in connexion with what I pointed out, that the population of Kenya in the next ten years will increase from about 11 million people to 16 million people and that by the year 2000 we will be in the region of about 25 million people. Therefore, with proper planning and substantial changes in the institutions and programmes of livestock development, the beef industry could turn out to be the best and the most important of our foreign exchange earners for Kenya. However, unfortunately, Mr. Speaker, Sir, the Government has not provided proper programmes and institutions, so far, except in only one respect, I think, in the last two years, to enable this country to realize this great potential in the beef industry.

I want to point out, Mr. Speaker, Sir, that the present beef industry suffers probably very major set-backs, or what we call problems; the first one being that the outset rates of our beef industry are just about half as high as they should be. Secondly, the structure and level of producer and the consumer prices do not compare well with the economic forces.

Thirdly, Sir, the processing facilities are inadequate—— This is where Chief Kitonga's Motion fits in very well, compared to the so-called increased off-take rights. The fourth point is that diseases have always been a threat.

Now, Mr. Speaker, Sir, I want to suggest something that, probably, the hon. Minister who is going to reply, or who has replied, is not already aware of. Sir, if we are going to realize the potential I am mentioning with regard to the development of the livestock industry—I wish to congratulate the Government, first of all, for having instituted the development of beef research station at Nakuru—with a view to encouraging specialization in production of cattle. One way of doing this, Mr. Speaker, Sir, is to divide our ranch land into three or two major areas. The first one is to recognize that pastoral areas should produce the immatures, the young animals, to be fattened later on in areas which have more grass. In this particular case, I would like to mention areas which the hon. Chief Kitonga has mentioned, namely, the north-eastern and eastern areas and the semi-ranch areas such as Laikipia, Kajiado, Narok, Nakuru and so forth, with a total of over 95 million acres of land. These areas could be used to provide calves for fattening in the more productive areas with a higher rainfall range so that by the year 1980, we could be producing anywhere around one million calves for the slaughter houses.

The second part, Mr. Speaker, Sir, is to increase the slaughtering capacity in this respect by considering producing areas and establishing meat factories such as the Kenya Meat Commission at the sources of supply. I have in mind two areas. The first one is the area west of Rift Valley. I do not want to mention exact areas since these can be determined by the Ministry itself because they have specialists who know which part would be most central to the producing areas. The other part could be the north-eastern and eastern areas; I am sure the hon. Chief Kitonga's site could be just as suitable.

The Speaker (Mr. Mati): Order! Order! Your time is up.

Mr. Mwangale: With those few remarks, Mr. Speaker, Sir, I would like to support the Motion.

Mr. Kitonga: Mr. Speaker, Sir, thank you very much for giving me this chance to continue with my Motion.

Mr. Speaker, Sir, the Motion is very straightforward. I would like, first, to thank my hon. colleagues who are Members of this House for the points they have contributed to this Motion. I do hope that my colleagues, the hon. Members, will continue pressing for this request until this institution is established, as requested by the Motion.

I would appeal to hon. Members who seem to be going out not to do so. They should be patient and remain until we clear up this argument.

Mr. Speaker, Sir, according to the Assistant Minister's reply, his comments were not favourable and I condemn them. I condemn this attitude because the Assistant Minister knows very well that in our area, this is the only and first industry we are demanding from the Government. This request, Sir, should have been given favourable consideration by the Government, if the Government is determined to develop the whole country. Mr. Speaker, Sir, I, myself, and other hon. Members in this House are pressing for this because we keep livestock and send them to Mombasa for slaughter. From Kitui East to Mombasa is nearly 1,000 miles. It must be considered that we in these livestock producing areas do not have any other source of income and therefore we depend on the livestock. The Government should sympathize with the citizens of Eastern Province, North-Eastern Province and parts of Coast Province in this respect. This situation must be considered as a very serious one, Mr. Speaker, Sir.

An hon. Member: Please speak slowly Chief Kitonga.

Mr. Kitonga: Mr. Speaker, Sir, I am very angry. Resulting from the distance I have mentioned, we do not have anywhere near where we can sell our cattle. To transport cattle from Moyale past Kitui East to Mombasa renders such cattle valueless. By the time they get to Mombasa, the cattle are tired and thin and, in fact, at dying point. However, if we can have a branch factory for meat near the area in question, I am sure the people of the areas around it will benefit greatly.

Mr. Speaker, Sir, we also get hardships from the restriction of movement due to Foot-and-Mouth disease. It is known very well that every time we go to sell our cattle we are restricted by Government to transport them due to the Foot-and-Mouth disease. We are, as a result, unable to sell our cattle to the Kenya Meat Commission factories at either Mombasa or Athi River. What are we going to do, Mr. Speaker, Sir? This should be taken seriously. The Government should sympathize with citizens in these areas. We were neglected by the Colonial Government and I think we are not going to tolerate this attitude of negligence from our own Government any more.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Speaker, Sir, do you not believe that the hon. Member is going beyond the limit, with his voice, and it would be fair for him to reduce it so that the people at the top there do not have their ears blown up?

The Speaker (Mr. Mati): Well, it is not really necessary to use so very much force Mr. Kitonga.

Mr. Kitonga: Thank you very much, Mr. Speaker, Sir, it was because I am very serious about this matter. Mr. Speaker, Sir, if I could be assured that it is through whispering to our Government that my request will be considered, I would shout because I know that shouting indicates seriousness.

We, in these three provinces, Mr. Speaker, Sir, do not have any national projects. We have never had any national projects.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): What about the roads?

Mr. Kitonga: Mr. Leader of the Government Business, do not *chokoza* me. I am very serious.

Mr. Speaker, Sir, I was saying that we have never had national projects——

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 in saying that construction of roads and other important projects like the one connected with electricity which have been established in Kitui are not national projects?

Mr. Kitonga: When I talk of national projects, Mr. Speaker, Sir, I mean those in my time and not those of the past days.

Hon. Members: Hear! Hear!

Mr. Kitonga: Mr. Speaker, Sir, I am sure that the Leader of Government Business will be kind enough to see that his Government, led by His Excellency, Mzee Kenyatta, and with himself as the second commander, will do something for these people of Kitui and north-eastern part of Kenya. Ignoring this Motion, Mr. Speaker, Sir, will mean taking out our feet from the development of this country. We do not have cash crops of any sort: we do not have coffee, sisal or any other crop. We only depend on *ng'ombe* and *mbuzi*. Mr. Speaker, Sir, if Government wants to enjoy the confidence of its citizens from that part of the country, this Motion must be passed and action be taken immediately.

Sir, I am glad that not all Ministers are present today, and I am sure that Members will shout "Aye" so loudly that it will be heard in *mbinguni*. I am sure of that. As for these Ministers who are here, I would advise them to see that this Motion is implemented. We expect its implementation during the next Financial Year, that is from June, this year.

I would not like to speak so much today because this is a very straightforward Motion and it is the sort of Motion that everybody likes. Even the Leader of Government Business likes it. He is going out because I am sure he sympathizes with the Motion.

[Mr. Kitonga]

Mr. Speaker, Sir, I would like to end by appealing to the House, and all the leaders of Kenya, to see that this time a factory is established at the boundary of Kitui District, North-Eastern Province and the Coast Province for the citizens of those areas.

I am afraid—— I see a Junior Minister trying to look at me with very bad eyes, but this will do nothing to me, Sir. I am sure even hon. Shikuku sympathizes with the Motion because he has not interrupted me from the time I started speaking as he does every time.

Today, Mr. Speaker, I would not like to speak so much, but I would now appeal to you, hon. Members—you who are the leaders of this country —to be ready now to shout "Aye" in order that this Motion may be carried straightaway.

With these few remarks, I beg to move the Motion.

(Question put and agreed to)

MOTION

SETTLEMENT OF PEOPLE LIVING AT GOLINI, KWALE DISTRICT

THAT, in view of the fact that the 500 families at Golini in Kwale District happen to be within the Kwale Township, and 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 the said families; and

(*b*) to allow the land adjudication committee to give the said families land titles.

(Mr. Boy on 13th May 1971)

(Resumption of debate interrupted on 13th May 1971)

The Speaker (Mr. Mati): Is Mr. Yunis Ali not there?

Mr. arap Chumo: Mr. Speaker, Sir, I was speaking on this Motion when the House adjourned last week.

The Speaker (Mr. Mati): All right. You may continue. You have six minutes to go.

Mr. arap Chumo: Thank you very much, Mr. Speaker, Sir. I was emphasizing the relevance that this Motion has to the problems of all *wananchi* of our nation. I was giving, as an example, the citizens in my constituency, Bomet. I was saying that there are a number of people in my place whose land was taken over by townships and whose rights have not been considered. If Government, Mr. Speaker, is so keen—as we all know —to consider and protect the rights of colonial settlers with regard to the land that they occupied or they took illegally from our forefathers, and is always insisting that we should buy such land when the said settlers are required to quit, I do not really see why the *wananchi* of this country are not considered for the land which belonged to them, regardless of whether townships are growing in such places or not.

Mr. Speaker, I feel that the people of Kwale, the 500 families, should be given, as a matter of right, the land that belongs to them. This problem, as I have said before, faces very many *wananchi*, but I hope Government will consider other people also who are living in many parts of the country as soon as this Motion is passed, and with all due respect they will consider all the *wananchi* of our nation.

I would like to emphasize the point that many of these people were unable to face up to their colonial masters. They were not able to demand back what belonged to them during the colonial times.

Mr. Karungaru: Why are you demanding it back now?

Mr. arap Chumo: We know that these people were intimidated by the colonials, if Mr. Karungaru does not understand—— I believe he does not understand the meaning of *Uhuru*. They have to demand this now because they have *Uhuru*. If they could not get it back during the colonial days, they ought to get it now because we always insist on the fact that the *wananchi* ought to benefit from the fruits of *Uhuru*, and this is one of them.

Mr. Karungaru: So they were cowards?

Mr. arap Chumo: No, they were not cowards. I do not believe they were cowards, otherwise they would not have achieved their independence.

Mr. Speaker, Sir, I feel that Government should respond to the demand of this Motion and consider our people in all fields: whether it is the question of land, buildings or any other things which actually belong to them.

With these few remarks, I beg to support.

Mr. Umuro: Thank you very much, Mr. Speaker, for giving me this opportunity to contribute to this Motion. I think this Motion is very important, and its importance is that it is fighting for 500 families whom Government is trying to move out of their land.

Mr. Speaker, Sir, when the Mover of this Motion brought it here, I think he really considered the importance of *wananchi*. It is the duty

[Mr. Umuro]

of the Government to consider its citizens as to where they live, how they live, what they are supposed to get and what they actually get.

Several times it has been said here that in certain parts somewhere Government is trying to neglect the *wananchi*. This shows exactly the negligence which the *wananchi* are experiencing from Government, Mr. Speaker, Sir. If this Government is the "Just Government of Men", and it is for the welfare of the society, Mr. Speaker, why is it that such a case cannot be considered quickly, Mr. Speaker, Sir? Mr. Speaker, Sir, we all know that it is very difficult at the moment to settle our people, and if these people are told to move away from where they have been living even before the colonialists came into this country, this is going to be very unfair. The families, Mr. Speaker, Sir, as the Motion puts it, have been living here even before Kwale Town was built and, therefore, Sir, if somebody tries to tell these people to move from this area where they are living at the moment where are we going to take them? Where are we going to settle them? It is true we do not have enough land and we cannot move these people to Kwale or to Mombasa because there is simply no land. Mr. Speaker, Sir, are we going to move these to the Northern Frontier District where the people are also trying to move away to the Kikuyu-land because it is fertile? Mr. Speaker, Sir, I think Government must consider that these people must not be moved from their place.

Secondly, Mr. Speaker, Sir, the owners of this land must be recognized. Why are they not recognized, Sir, if they are the *wananchi* of this country? If these people are the true inhabitants of this country, why does the Government not recognize these families? It is the duty of the Minister for Lands and Settlement to see that every *mwananchi* in this country is properly settled. Therefore, Mr. Speaker, Sir, the Land Adjudication Department should see that these families are settled and given title-deeds for their land. If they are going to be told that this land does not belong to them and that they should move away because this is Government land, I do not think this is being fair at all to the *wananchi*. If this House is elected by the people, our first duty here is to work for the *wananchi* because they are the people who brought us to this House. Mr. Speaker, Sir, the *wananchi* know very well that if Government is trying to play tricks on them——I thought you were standing on a point of order, Mr. Shikuku, but it is good you are not. Mr. Speaker, I was saying that if Government is trying to play tricks on these families then they will realize that this Government is not a Government for the people. Mr. Speaker, Sir, there are some Government Ministers who do not care at all and they do not order their officers to look after the *wananchi* who want to be settled, and I hope when they are thrown out during the next elections; they will not ask the *wananchi* why they have not returned them to this House. If these people cannot give the *wananchi* land to settle on, the *wananchi* will say they have no sympathy with them and, therefore, when the elections come, they will not have any sympathy either.

Mr. Speaker, Sir, I therefore urge the Minister for Lands and Settlement to see that these people are not moved from where they are living at the moment and, on top of that, they must be given title-deeds for their land. Mr. Speaker, Sir, I do not want to take more time of the House, and since I see several hon. Members on their feet, I beg to support the Motion.

The Speaker (Mr. Mati): It is really time for the Government responder. Mr. Angaine.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I am glad to note that the hon. Member appreciates that the land on which these 500 families are said to be living is Government Land. All hon. Members of this House know that this Government is for the people and by the people of Kenya. This being common knowledge among us all, this Motion should not have been brought before this House. Kwale Township was established by the Government for the people of Kwale District under the Township Ordinance of 1930 and by proclamation No. 67 of 4th July, 1931. Since then, this township has always been situated on Government land. From the dawn of our hard won independence, Government has embarked on fiscal planning for the land used in all parts of Kenya with emphasis on rural development. Hon. Members have time and again, called on Government to develop rural areas in order to curb the increasing influx of people, especially the school-leavers, to the industrial and commercial centres of Nairobi, Mombasa and Kisumu to the detriment of rural development. Mr. Speaker, Sir, I have on several occasions, been asked in this House to provide land for either settlement of the landless or for market centres and also for other purposes in order to implement His Excellency's call of "back to the land". Mr. Speaker, Sir, this call of "back to the land" does not mean going back to the farm houses or mud huts, or even igloos in the undeveloped land of misery from the sophisticated and crowded streets of Nairobi and Mombasa. It particularly means going back to the rural areas where land is available for various purposes like

[The Minister for Lands and Settlement]
farming, tourism, building towship, social influx, industrial centres and others. These various uses of land in the developed rural areas will provide employment to the unemployed who think that towns are their only salvation.

Mr. Speaker, Sir, I must at this juncture, inform the hon. Member that Kwale District is in the rural areas and that Kwale Township is a rural urban centre. Therefore, development of Kwale Township is part and parcel of the overall development programme of Kwale District and, indeed, the whole of the Coast Province. I, therefore, Mr. Speaker, do not see why any hon. Member of this House who is genuinely committed to promotion of development in his constituency should bring a Motion of this kind before the House. We, the representatives of the people, should strive unceasingly for diversity in rural development. The Kwale people should have well planned rural townships and centres situated on ample areas which can allow for both today's and tomorrow's commercial and industrial expansion and above all for other innumerable social facilities which should be made available for enjoyment by the people of Kwale District. This will provide comparable conditions of life with those found in large townships.

Mr. Speaker, Sir, any move to encroach on the land provided for the Kwale Township is therefore detrimental to the development of the whole of Kwale District. As I said earlier, Mr. Speaker, Kwale Township is for the residents of Kwale District and it stands on Government land. Therefore, this Motion, Mr. Speaker, has no ground on which to stand. The said 500 families, whom I am not aware of, are therefore squatters on unauthorized land and they are in illegal possession of land within the boundaries of Kwale Township. Mr. Speaker, Sir, I would like to refer the hon. Member to various land Acts, that is, section 160 of the Old Crown Land Act, section 133 of the Government Lands Act, Chapter 280 and section 141 of the Limitation of Actions Act No. 21 of 1968. All these sections Mr. Speaker, Sir, prohibit acquisition of Government land by such people.

Mr. Speaker, Sir, the hon. Member has stated that these alleged 500 families refused to move away from this area where they were instructed to do so at the time when Kwale Township was established. It appears that these families have not reproduced since then otherwise they would have multiplied to more than 500. From what the hon. Member has said it is clear that the alleged 500 families, who are now squatters, were given very ample time in which to move from the township area which was set aside by Government. Mr. Speaker, Sir, if the said families were genuinely landless from the time when Kwale Township was established, they should have been settled at a later date in the Shimba Hills Settlement Scheme. I do not see any reason whatsoever why these families refused to move out of the township area which is no better than the rest of the Shimba Hills in terms of soil fertility and landscape. I have noted that, in fact, areas of Shimba Hills, settlement schemes are the nucleus for agricultural development of Kwale District.

Mr. Speaker, Sir, acceptance of this Motion will be a negation of Government policies which are aimed at:—

1. Regulating the relationship between industrial, commercial, residential, recreational and public land use areas.
2. Facilitating the movement of people from home to work, schools and shops.
3. Preserving areas of open space for recreational needs of urban populations.
4. Reserving areas of land for commercial facilities.
5. Preventing the way for encroachment on agricultural land and the expensive expansions to urban services caused by unplanned townships in the country.

Mr. Speaker, Sir, Government has plans for Kwale, Msambweni, Kinango, to be rural centres; Tiwi, Diani, Ramisi, Ndavaya, Lungalunga, Vanga and Samburu to be market centres; Ngombeni, Matuga, Ganze, Shimba Hills, Kikoneni, Shimoni, Maji ya Chumvi, Mackinnon Road, to be local centres for Kwale District.

Mr. Speaker, Sir, implementation of this plan for improving the lives of Kwale population cannot be effected if we are going to allow squatters to settle on areas planned for these centres of development. Mr. Speaker, Sir, if the hon. Member takes into account my foregoing exposition and the seriousness of the implications of this Motion, he will withdraw this Motion without much more ado.

Mr. Speaker, with those remarks which I have given, I cannot accept this Motion which, if implemented will disrupt the smooth economic and social development of Kwale District. None of us, hon. Members, assembled here now in this House, will be happy to see stagnation of rural development and townships due to illegal squatters who, when they are later kicked out will become millstones on the national budget and hence to every tax-payer of this Republic.

[The Minister for Lands and Settlement]

Mr. Speaker, Sir, in addition to that I know a human being is a human being, and I would like to be treated just like I would like to treat others. With this in mind, Mr. Speaker, Sir, if the hon. Member could go back to see his people and ask them whether they would accept settlement n any other place which can be offered to them by Government, I will be willing and happy to move them to that place.

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

The Speaker (Mr. Mati): Now, there are seven minutes remaining before the Mover is called upon to reply. So, Mr. Ziro you can use some of these minutes.

Mr. Ziro: Thank you, Mr. Speaker, Sir, for giving me this opportunity to say something about this Motion.

Mr. Speaker, Sir, this is a very big challenge to the Government by the hon. Member who brought this Motion to the House. I would like to tell this House that it is quite a big challenge to the Government. Mr. Speaker Sir, the proposal of Government is to remove 500 families from Kwale Township to any other place in Kenya. Now, who is going to live there? Are we going to keep goats or what? One thing is certain, Mr. Speaker. Here in Nairobi, the extension of the city boundaries has gone very far and people within this city live on their own farms; they live in their own homes, Mr. Speaker. Why have they not been removed, Mr. Speaker, Sir? The Government says that the people who are in Kwale Township are illegal squatters. Mr. Speaker, Sir, at my own home where I was born—I am a squatter? What is all this fuss about, Mr. Speaker? Mr. Speaker, Sir, I come from Kilifi Township and Kilifi Township itself belongs to Mr. Salim, an Arab. People who live in this township pay their taxes to this Arab, Mr. Speaker, but they are not removed from Kilifi Township. This is very serious Mr. Speaker. If we say that we are going to remove these people from Kwale Township to Shimba Hills, it will not be possible. Shimba Hills has been completely occupied by Kamba people from Ukambani and they are not to be kicked out. At Meru Town, in the Minister's own home town, people have never been removed from their homes there. The land in that town has been subdivided and everybody is staying at his own home very comfortably. Any town must have people, and this is obvious, Mr. Speaker. That is the reason why there are people in Kwale Township, Mr. Speaker. Mr. Speaker, Sir, it is evident that we must have an area for commerce in every township. Kwale Township is very big and can accommodate any proposed commercial enterprise, Mr. Speaker, and also support these people who are being moved from there. Mr. Speaker, I am not prepared to support this move, and if Government is going to do this it has to use force to remove these people.

Mr. Speaker, Sir, I would like to tell the House that we, politicians from the Coast Province, are completely frustrated. This is because we can talk and talk in this House and achieve nothing at the end. We are really unpopular in this House, Mr. Speaker. When Ministers decide on anything, they do it as planned because they do not care about what may happen to the people at the Coast.

Mr. Speaker, Sir, if the Minister is told to leave his own farm and leave that area to be developed into a town, he is not going to agree to that. This is because the people who have been living in this township have been developing it themselves. We, the Coast people, depend on coconut trees and if you are given a new farm you have to cultivate new trees and cut down others and when you are doing this, Mr. Speaker, you might be 80 or 90 years old; others might have been retired officers from various Government departments and may not be able to work any more. Now, when they are told to go to Shimba Hills to clear forests and start new lives with no money, this is very serious, Mr. Speaker. They have no money to pay for their children's school fees and they want to have them educated. What is all this, Mr. Speaker? This is very bad. I know we have no power but we, politicians from the Coast, as I have said, are very unpopular. It is the Government which is doing all these things. The Government is making us unpopular. Why should we be made unpopular, Mr. Speaker?

An hon. Member: Deliberately by the Minister for Lands and Settlement.

Mr. Ziro: The only thing that should be done is: these people at Kwale should be left where they are. This is the only township but I know there are some other areas at Kwale where we could build townships.

Mr. Speaker, Sir, in Mombasa Town, for example, why are those Arabs at *Mji wa Kale* not taken away from there? Why are they left there by the Minister?

An hon. Member: By the Minister for Action?

Mr. Ziro: He is acting against Africans only leaving Arabs alone. This is something which is intolerable. I cannot tolerate this at all.

[Mr. Ziro]

Mr. Speaker, I want to give examples. Nobody was removed from the home township of the Minister himself. Here, Nairobi, nobody was removed. In Mombasa, the Arabs are still there subdividing the town in which they are living. At Kilifi, the whole township belongs to Sir Ali bin Salim and he has never been removed from there. In Malindi township, everything is owned by Arabs and they have never been removed from there. However, these poor Africans are today told to leave their homes.

An hon. Member: Does the Minister know that?

Mr. Ziro: I am sure the Minister knows all about this. This happens all over the Coast Province even at the Settlement Schemes. You will find people who have been living there ever since Jesus was born and they are now told to move away from there. After that an Arab steps in or somebody from somewhere else steps in and occupies the area. This is very bad. Where are we heading to?

I am sure and I tell this House now that the Government will have to use guns to remove these people because they are not going to leave the township. I am not going to encourage them to leave the place. The Minister here can never encourage his father to leave his farm. I can equally never encourage my father to leave his home.

Therefore, Mr. Speaker, Sir——

Mr. Cheserek: On a point of order——

Mr. Ziro: On what?

The Speaker (Mr. Mati): There is a point of order. Will you sit down, Mr. Ziro.

Mr. Cheserek: Can we be told whether Jesus was created or born? Is it true that Jesus was created and not born?

Mr. Ziro: Mr. ——

The Speaker (Mr. Mati): I am sorry, Mr. Ziro, your time is up. It is now time for the Mover to reply.

Mr. Juma Boy.

Mr. Boy: Thank you, Mr. Speaker, for giving me this opportunity to reply to this Motion.

I have been listening very attentively to what the Minister has been saying and the remarks he made. It appears that the Minister himself is not very conversant with how these people are staying there. It also appears that he has received his information, probably, from civil servants. However, the fact remains that those people at Golini are not squatters. I am very surprised to hear the Minister saying that they are illegal squatters and that they have to be settled somewhere else.

Mr. Speaker, before the Kwale Township was established, these people were already there. Before the colonialists came to Kenya, these people were already there.

In 1922, when the District Headquarters moved from Shimoni to Kwale, the colonialists laid a boundary for the headquarters. People were moved and they understood the problem. However, then, in 1930, a colonial district commissioner by the name of Mr. Mills did not like to see Africans staying near him. Therefore, he just woke up one morning and pointed his finger to the people. From 1922 to 1930 is a period of about eight years. People had been staying there, they had been living there and they had developed the land by planting crops and everything else. He just pointed his finger at them and said, "I say that from the point I am pointing to with my finger, all that area should also be included, within the township." This is what the Minister is trying to quote in 1930. He is not quoting what happened in 1922 when the district headquarters moved from Shimoni to Kwale.

Mr. Speaker, the Minister has said that he has a development plan for Vanga, Malindi, Msambweni and Diani. I am surprised! What type of plans are these? This is because in Vanga, for instance, all the plots are in the hands of the Arabs. They are the owners of those plots. The same applies to Msambweni and Malindi. Diani belongs to Indians. They are the holders of the land title-deeds.

What I am asking this House, Mr. Speaker—not that I do not want any development in that area at all—is that the ownership of the land by those people who have been staying there should be recognized by the Government and the people should be given title-deeds. In case Government wants to have some sort of development, it will be the same case as happens in Nairobi, Mombasa and elsewhere. The people will have the right to sell their land to the owner of the particular project that is intended to be initiated there, as is the case with the road project being carried out now. The Minister for Works paid a lot of compensation to the Kwale people because of taking their land, pulling down the houses and their crop. He had to compensate the people for that. The same thing should happen to these people of Kwale Township.

Mr. Speaker, I would like to urge the hon. Members to pass this Motion because it is very important. People who have so far been staying there for years and years—— The Minister has

[Mr. Boy]
said here that he was surprised that these people comprise of 500 families and argues that they could not have been there in 1930. I am saying that there are more than 500 families at this moment. They have been producing children and they were probably 40 families or 100 families in 1940. However, they have grown to number up to 500 now. The Minister himself is an African and he should have known that Africans produce quite a lot.

Mr. Speaker, I would like to emphasize my point that the villages where these people are staying have been there quite a long time. However, they were subjugated by the colonialists and if Government does that, it will be quite wrong. If our Government will not recognize the ownership of the land by those particular people, and this should be clearly understood, Mr. Speaker, no development on that land will be recognized by those people. Recognition of ownership alone does not hinder any type of development at all. Development can be done right away.

Now, for example, at Mombasa, there is a place called Changamwe—the Member for the area, Mr. D. M. Kioko, will, probably, correct me if I am wrong—where the Industrial and Commercial Development Corporation has taken up about 700 acres of land. Those plots belong to the people. People have their land there and they have their houses and everything on the land but they are paid compensation for their property. They have negotiated with the Corporation about this.

I am saying that if the people own the land, the ownership should be recognized.

QUORUM

Mr. Karungaru: On a point of order, I want to draw the attention of the House to the fact that the House has no quorum.

The Speaker (Mr. Mati): There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Mati): We have a quorum now. You may continue, Mr. Boy.

Mr. Boy: Mr. Speaker, Sir, I am trying to remind the House that we are the legislators and the representatives of our people's interests in this House; and if that is the case, it would be quite wrong and unfair if the said 500 families, who have been in this particular place for a long time, are ousted.This matter is clearly understood because it is not a problem of squatters but a problem involving people who have been living in this particular place even before the colonialists came. Even before the district headquarters were established Golini was an established village—which has 500 families residing there.

If a Minister of an independent Kenya Government is saying that these particular people are illegal squatters and that a place should be found for their settlement, can he tell us where he is going to settle them after being in this particular place for so long? Is there anybody here who would like to be moved away from his town or village where his ancestors lived for several years and where development has been established in such a place to be asked to go to a settlement scheme and start life from scratch? In fact, there is no one who would finance such a proposal. You will only be given a tract of land with animals and if you kill one of them you will be prosecuted because any animal in this country is more secure than a human being!

Mr. Speaker, Sir, I would like to urge hon. Members of this House to give very sympathetic consideration to this issue and see to it that the people who are living at Golini are given equal status with those people who are living in other constituencies. So, I would like to urge hon. Members to have this Motion passed so that the Government can recognize the rights of ownership of this particular land and accordingly instruct the land adjudication committee to adjudicate the said land and accordingly issue land title-deeds.

With these few remarks, I beg to move.

(Question put and agreed to)

BUSINESS

CHANGE IN THE BUSINESS ON THE ORDER PAPER

The Speaker (Mr. Mati): Order! The next two Orders, that is Order No. 7 and Order No. 8 representing respectively the Motions by Mr. Mutiso and Mr. Kivuitu have been deferred because the two hon. Members are not able to be here today. So, we shall move on to Order No. 9—Mr. Araru's Motion.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, I am seeking your guidance because we are wasting time since there are two Motions which were scheduled to be moved by Mr. Mutiso and Mr. Kivuitu respectively but they are not in the House for the second time. Could there be a procedure whereby a Member could tell the Clerk in advance that he will not be present so that we do not have his Motion appearing on the Order Paper to avoid wasting valuable time of other Members who have good Motions?

The Speaker (Mr. Mati): It does not really waste time but it is inconvenient in a sense. It does not waste time because there are always enough Motions to keep us busy, by moving on

[The Speaker]
to the next Motion on the Order Paper. What has happened is that these Members expected to be here but because of other things they could not. I understand that Mr. Mutiso is not feeling well and Mr. Kivuitu had unavoidably to be away today. They did not know that they would not be able to be here before the Order Paper was prepared. So, that is the explanation.

Order! Mr. Keen, I think you know the rules.

Mr. Mwamzandi's point is very important because it would help a lot if Members would warn our offices here if they think they would not be able to come and move their Motions so that we did not waste time typing and printing Motions which would not be dealt with.

MOTION

Overhaul of Voters' Registration System

Mr. Araru: Mr. Speaker, Sir, before I move my Motion I would like to make some few remarks in connexion with this Motion. I think all hon. Members, of course, including myself have an interest in candidature for parliamentary seats and the way it has affected us. In the last General Election I noted one very serious matter in my constituency where three people had offered themselves for election. One of them could not afford to get to Moyale which is 165 miles away and where the returning officer was stationed. I think you are aware that the nomination paper provides that 18 to 20 people should sign it. A certain clever man who was a civil servant before —a policeman—played a trick whereby he did not use his time or petrol to travel as I did to go to Moyale and have the form filled in. What he did was to have the registration of the form and then he gave duplicate cards to other people. As far as that part of the country is concerned there are no identity cards or any other identification documents and so you may have a muddle like this: Galgalo Guyo, Guyo Galgalo, Umuro Galgalo and so forth you will find that there is little difference between the names. So, you will find that somebody can use a particular name and then use duplicate cards and then he can sign for himself.

Mr. Speaker, Sir, this point which I have explained affected me personally and, in fact, I objected to the application before the returning officer but because the place was far off and it was very rainy—as it is today. As you may recall, Mr. Speaker, Sir, we went for election in November and the short rains had already set in. Mr. Speaker, Sir, if I was given a week I could have proved this. However, Mr. Speaker, because I knew I was in a democratic country, I knew in which way I could fight him. So, I left it and said, "All right" but I knew there was injustice.

Mr. Speaker, it is very easy for people to use the card because there is no qualification required. If your card is lost, you just go to the district commissioner or any returning officer at that time and you get a duplicate. What qualifications are required before you can get another card? You only need to take an oath. There is a law under which you take an oath and then get another card. You then find that so many other people are using that same card after taking the oath. The district commissioner or the returning officer does not know that those people who take oaths give their cards to other people to vote with. The district commissioner only asks, "You are Galgalo of Guyo" and he says "Yes, I am Galgalo of Guyo." So, it cannot be proved in any way that the real Galgalo of Guyo is in or out of Moyale. He may even be somewhere else out of the country but his card is used by somebody else because of having no identification on the card.

Mr. Speaker, another thing that is very serious as far as we are affected is the polling station. You find that people vote for only one Member in the same constituency. In my constituency there were three divisions in which the people had to cast votes. From Moyale to Debel is 30 miles and from Moyale to Sololo is 50 miles. You find that when the registration of voters was taking place, *wananchi* did not know axactly where to register. If someone came to Moyale South, but is a Sololo man, he just went to register himself and took a card that did not permit him to vote in his own area. He may not have known that because his division is in Sololo he should register in his unit as a Sololo resident. During the voting time when he came to vote in Sololo he was refused and told, "Oh, your unit is in Moyale; you have to go to Moyale", and yet it is 50 miles from his area. There are no buses, no taxis and no any means by which he could travel with to where he was required to vote. Even if there was any means, Sir, why should the *mwananchi* be expected to meet such problems? This is one of the ways in which corruption comes about. This is one of the ways by which candidates spent more than they were supposed to spend. We Members may choose to pay for the transportation of our voters —something which is justified. Why are we not allowed to vote in the same constituency in any polling station? I remember in 1961 when this country was still using the colonial way of voting there were no such difficulties. I even remember, Sir, during the time when hon. Odinga stood for the first time, the colonialists used to put the ballot

[Mr. Araru]
boxes here in Nairobi for those people who wanted to vote for their people at home. I know a lot of our people, from Nyanza and Western Province registered themselves at home although they were working in Nairobi and they were allowed to vote here in Nairobi after which the ballot boxes were taken back to their respective homes.

During the colonial days, people were given priority and the right to vote anywhere they wanted. If they registered themselves say, in Nairobi because they were working here, since there are so many factories and so many job opportunities, they were allowed to vote here. Mr. Speaker, Sir, people like voting for the people that come from their own homes where they can get their own representatives because their families and everyone is known at their homes but not where they work. Such kind of voting rules were very good. People were given the right to vote anywhere. That was done by the colonialists and it was very successful. Mr. Speaker, our way of voting is not very good.

As I have said several times, Mr. Speaker, our area, Marsabit, is 42,000 square miles and consider the constituency of Mr. Umuro which is 300 miles from Marsabit Town and the polling stations. Because of the distance the returning officer, the district commissioner made only three polling stations each 130 miles away from each other. One was at Bubisa about 30 miles away and the other one was at Marsabit Town. However, the people of Illeret and those in Layangalani which is 200 miles away did not vote because they were not given the right to vote. If someone wanted to vote when in Marsabit Town but had registered himself as a voter in North Horr, he was told to go and vote at North Horr because his card showed that his unit was at North Horr and as I said very clearly, in that part of the country there are no means by which one can travel with. There is nobody with a bus, a taxi or even a lorry and sometimes no vehicle passes in that area for months. There are only these Government of Kenya vehicles passing there driven by the police when on their patrols for security in that area but they cannot give a lift to any member of the public because if something goes wrong, there is no insurance to cover that person.

An hon. Member: But you ride camels, do you?

Mr. Araru: Yes, we do. We have been riding them before; they have been our means of transport for a long time. They were used even during the colonial days. They are a very good means of transport; even the colonialists used them. However, Mr. Speaker, a camel cannot reach a place within the required time. She can only move from early in the morning up to six or eight o'clock. For the information of the Assistant Minister, a camel takes two days to do 120 miles. So, Mr. Speaker, I think it is very important that when we make our regulations here, we should make easy ones to be understood by our people. Most of our people are not educated. They do not know all these regulations that we make here. They do not know what "Unit" means and they just come and register themselves without knowing where or when to vote. He does not even know whether he is within the area where he should cast his vote.

As such, Mr. Speaker, Sir, I believe our Attorney-General will agree with me that it is affecting so many people. So many people did not vote because of this thing in our area. It is difficult in the rural areas and I believe this one should be corrected because it is unjust. When one comes near the polling station he is told "Oh, you are not to vote here, you had better go to the other polling station" and the door is closed to him. What is the reason for that, Mr. Speaker? First of all it is in one constituency and secondly they are voting for the same people and anyone can choose whom to vote for. They do not vote for another man outside their constituency. Mr. Speaker, I hope voters within the same constituency will be allowed to vote anywhere in their constituency.

We should give people the right—as was the case during the colonial days, as I said—to vote from outside their areas if they have registered themselves. I know such people vote by way of post; but in our area, there is no post office. If you sent a letter from here it takes one month to reach our place. Sometimes you address a letter to Marsabit but it goes to Kapsabet because the officers in the post office just dispatch letters hurriedly and you find that so many letters that should have gone to Kapsabet come to Marsabit. We have had such cases and it is very true. Letters go to wrong places because of this misunderstanding of the names which have K and M. Somebody looks on very quickly and misplaces them. So, Mr. Speaker, we have a difficult situation in our area. We do not have the post office service nor do we have buses or taxis operating every day in that part of the country. We are in a difficult condition and we urge the Government to give our people the right to vote for their chosen candidates at their own homes regardless of where they are. This is because, people live in town just because of employment facilities. After retirement they return to their homes. Most of them are here

[Mr. Araru]
just because of the many factories in Nairobi where employment can be found. The same thing happens in Mombasa or Nakuru for that matter.

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

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

Whether people are living away from their homes or not, they always want to do everything —like voting—in their homes because that is where their hearts are. Their own affairs about schools, county council affairs and so on are solved from home. For example, at this moment when I am in Nairobi all the Borans around this area come to me. The same thing happens to those in Nakuru and Mombasa for that matter. I received a letter from somebody yesterday who had come from Mombasa but he is a man from Moyale. He came to see me about his difficulties in Mombasa. He had been dismissed from his job. I told him it is very difficult for me to go to Mombasa because there are so many Members in Mombasa and he can go to one of them. But he said that they did not know him and because they were not his Member of Parliament they cannot help him.

Mr. Speaker, Sir, with such cases, the people should be given the right to choose for themselves where they want to register and Government should give everyone the chance to vote anywhere especially those living in towns like Nairobi, Eldoret, Nakuru, Mombasa or in other developing towns. They should vote where they want and then the ballot box taken to the relevant area. If they want to vote their own home constituency members they should do so even if they are registered away from their home constituencies, they should be allowed to vote for candidates in their own home areas.

Mr. Deputy Speaker, I come now to the second point and that is of women registration.

The Assistant Minister for Works (Mr. Keen): That is not practicable.

Mr. Araru: That is his opinion, but my opinion is that it is practicable.

If we want to do justice, then the women have the right to stand in the same way as men. They must be given the full chance to participate in politics. They are as political minded as the men are, they are leaders too. We have agreed that our Government is the just Government of men——

The Assistant Minister for Works (Mr. Keen): Yes, that is right, Government of Men.

Mr. Araru: But that includes women. Men cannot be born without women. Mr. Deputy Speaker, Sir, the most important person is the mother because she is the one who brings us here. If there are no mothers we would not be here. I do not know how the Assistant Minister for Works has come here on his own without coming from his mother!

If we are equal, in justice, for voting, for participating, for all other rights, I do not see why they should not be allowed to register like men and be given identity cards like men. Then when we register to be voters, the identity card number appears on the voter's card. So, if you say your card is lost and you want a duplicate and you go for this duplicate card, then the Returning Officer or the person in charge must prove that your name is such-and-such and whether your identity number is the right one, whether you come from the right specified area and so on. Mr. Deputy Speaker, we have many names in common, like Galgalo, Godana. We have hundreds and hundreds of Galgalos and Godanas and hundreds of Galgalo Godanas. We have the name Buyo Arero, there are hundreds and hundreds of people by this name in our home areas.

What happened during the voting time? Some person said his card was lost and when the duplicate card was given the officer did not know who the man was. He saw the name Galgalo and did not know who was the first or the second Galgalo and so on. When the first one went to vote he did so and when the next one went—with the same name—he was told he had already voted. The third man by the same name then went to vote and he was told, "But you have already voted this morning". The man said, "No, I was not here. I have just come". And then the reply was, "But we have the name Galgalo. He has already voted". There are so many people who have the same names that this causes confusion. That is why I say there must be some qualification. The card gets given to the wrong person, another Buyo Galgalo. If there is an identity number on the card, then the officer who was present at the time will know clearly that this man is the right one. Even if 100 Buyo Galgalos are there by the identity number he will know which is the right one.

Mr. Deputy Speaker, my friend here says, "Question", but you know that during the time of voting people went through tricky ways to come to this House. Many people "fixed" their chances of coming to this House. Sir, we want to see justice done. If we do things the just way we will be properly covered. We want people to come to this House through just means, not to go through crooked ways. The person must come

[Mr. Araru]
to this House directly. It is wrong to come to this House through crooked ways because when you come here you have to take the oath, and when you take the oath you know you are taking the oath and swear that you have really come to this House by right. There is somebody watching us; God is there. Although we think we are clever, I want to say there is somebody who is watching us. We must see that justice is done, particularly on this point.

Therefore, Mr. Deputy Speaker, I beg to move:—

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 Card Number;

(*b*) that all women should be issued with identity cards; and

(*c*) voters registered in a constituency should be allowed to vote in any one of the Registration Units within the constituency.

Mr. Umuro: Mr. Deputy Speaker, Sir, I beg to second this Motion. First of all I want to congratulate the hon. Araru for bringing this Motion because there are some people who are sitting here and asking what effect does this have. They come from places where people are settled, they remain in one place, they can move from place to place to vote. However, Sir, in connexion with the northern side of Kenya, places like Marsabit, Mandera, Garissa or Wajir the same does not apply. It is difficult for the people to come to one place to vote. They do not know that they must all come to one place to vote and that all their cards must bear one Registration Unit number.

Sir, the difficulty is that in our area the people move from place to place. Today if they are registered, say, at Mathare, tomorrow they will be in Thika and the following day they will be in Bahati. If they are told to register only in Mathare, then those who have moved to Bahati will not come from that place to vote here and they will not be allowed to vote in the place they are in at the material time. They come from places which are many miles apart from one another. From Marsabit to North Horr is 120 miles. When voting time comes, those who have moved from Marsabit to North Horr are not allowed to vote there and, at the same time, they are not allowed to be brought by vehicles from that place to Marsabit to vote. So where are these people going to vote? It means they are not going to get any chance to vote at all. You have the majority of people, your likely voters, moving from one place to another and they will not be able to vote with the unit cards they are holding.

Sir, this is the confusion we had during the last General Election and, I think, the Government must consider this Motion. Government must realize the difficulty of voting within the nomadic areas of the North-Eastern Province. Every voter in a constituency must be allowed to vote anywhere provided he has proper indentification. There must be proper identification on every card, not by name only but also by number. These numbers must be shown on the card. If there is an identity card number on every voting card, then even if there are two Umuros, each will have its own identity card number and such other details and there will be no confusion. If the card, however, just has the name, Umuro, and this person moves from one place to another he could vote anywhere, give his card to his brother and the brother who also has the name, Umuro, perhaps, will vote with the same card in North Horr. Nobody will know what is going on. However, Sir, if there is an identity card number, and if they are given the unit number of the constituency, the unit number of every place, that will clarify the position. The number for North Horr must be one, the number for Marsabit another and Mikona another number. If the people move from Mikona to Bubisa, in my constituency, which is about 90 miles away they will not be allowed to vote in Bubisa. These people cannot be expected to go back to vote in Mikona during the voting time. Communication is very difficult in these parts. Another difficulty is that they move with their animals. Perhaps, at Bubisa there is rain and Mikona there is no rain and no grazing. They cannot go back with the animals to Mikona just because of voting and then return all the way to Bubisa where the grazing ground is.

So Government must do something about this. During the next General Election there must be a system where a voter will be allowed to vote anywhere within his constituency; so that we do not have confusion with names of the people. Identity card numbers must be put on the voting cards. The system we follow is for Kenya as a whole. Then, if it is for Kenya as a whole, then those areas which have difficulties must be considered differently. During the last election I had about 3,000 votes while about 5,000 people, because they had moved from one place to another and could not be accepted to vote in another registration unit, could not vote. They had

[Mr. Umuro]
to remain without voting. Some of the Members here said, "You came in here with a very small voting number", but they did not realize that very many of my voters were refused the right to vote in a certain place.

Mr. Deputy Speaker, I urge the Attorney-General to do something so that the conditions are good for the nomadic people. If he is not going to do this for the entire Republic, that is all right, but he must give some different consideration to pastoral areas. Every voter's card must have an indentity card number. All the women must be given identity cards and voters must be registered in a constituency and must be allowed to vote anywhere within their constituency. If the Attorney-General is not going to do this for the entire Republic, he must set aside a condition for the nomadic people because we move from place to place.

An hon. Member: For water?

Mr. Araru: We are not settled because we move with our camels.

Mr. Umuro: Mr. Deputy Speaker, I do not want to take up any more time of the House because I am sure it is understood that the people of that area have difficulty with regard to voting simply because of the nomadic way of life.

With these few remarks, Sir, I beg to second the Motion.

(Question proposed)

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, I would like to comment on this very important Motion. I would like to make it quite clear from the inception that, for reasons I shall give, I shall not support the Motion. I find, in fact, that the Motion tabled by my very good friend, hon. Araru, is not even amendable for the simple reason that it does not actually provide a solution to a very good question posed by the Motion. I entirely agree with the hon. Member that there is a problem. In fact, we had a lot of difficulties with voting cards. However, as I shall endeavour to explain or illustrate, the solutions proposed here do not, in fact, provide an answer at all to the problem. I, personally, would suggest ultimately that more careful consideration should be given to this question. It is a terribly important one and I am not just opposing it for its sake. I will try now to indicate that it does not provide a solution to the problem. Maybe, at a later date, we all would endeavour to come forward with specific suggestions, all of which might be incorporated in this kind of Motion to provide a solution. However, as the Motion stands, it does not.

To begin with, Mr. Deputy Speaker, the hon. Member proposes that every voter's card should bear an identity card number. (*b*) is a corollary which suggests that, of course, they must have these cards if they are going to have the identity cards incorporated into the voting cards. Now, having numbers on voters' cards is a small measure towards improving the situation. I would agree that during the last General Election, one of the most awkward experiences, myself and other hon. Members might have had, is that there might have occurred some cases, as we learnt from the hearings from the courts on the appeal cases, where, perhaps, fictitious papers might have been thrown into boxes and this would have been extremely difficult to identify with any particular voter. It may well be there were cases where perhaps there were a lot of these, but it is difficult to say what the actual experience was in a particular area because I do not know. However, when you take all the three together as I will show in a second, the whole thing is almost amusing.

Hon. Araru has been arguing, somewhat interestingly, that every registered voter should be allowed to vote in any station within the constituency. Now, if you applied that in, let me say, Kisii District, hon. Member, you will be shocked by the results for the simple reasons that I, personally, had the sad experience of people being transported by trucks from one community to the other to vote because nobody knew them. Now, since no one knew them, it was very difficult even to challenge these people. The important thing is that they had voters' cards and how they got the voters' cards you just could not tell. So we had to adopt a system whereby every particular individual concerned was carefully scrutinized. I even have to say that we had to give a thorough beating to some of them just to teach them some manners.

The important thing, Mr. Deputy Speaker, is that this was, in fact, the basic problem in a lot of constituencies where people who thought they could not be identified or recognized in other communities, boldly came forward with voting cards to vote. I would, therefore, personally say that this suggestion that any registered voter—in fact, you can even go further and push it to the logical conclusion—can vote—— In fact, I would say that some of these people can easily cross over one constituency to the next and vote; and the same would apply to districts. What would bar them from doing so? You might say that the serial numbers might make a difference but, definitely, this would be a step towards encouraging people to adopt the cunning approach whereby they will walk from one area to another

[The Minister for Information and Broadcasting] to vote. In fact, you would have the absurd outcome whereby a particular voter could vote in all the stations in the constituency, and this would not help the situation.

There is the second point about giving identity cards to our women. I am very young myself but I suspect that for a lot of hon. Members in this House it is reminiscent of a past era that is, indeed, not a sweet one to Kenyans in this House as well as those outside. The practice of giving identity cards to women in this Republic, to me looks very odd. It is quite possible—and here I would agree with hon. Araru—that we might be able to devise a certain system of identifying voters but I would not propose identity cards. It does raise certain very sad feelings about the history of this country and we would not like to revise this or resuscitate this practice. I would, therefore, suggest that we do not adopt this at all. That is why I said that I even find this Motion almost unamendable because certain of these things are somewhat nasty historically. We might as well come up with a different solution altogether at a different time.

I have heard a great deal about the problem of distance. Now may I please suggest that here I think my very good friend, the hon. Mr. Araru, was confusing cause and effect. I have said in this House that when you have nomadic tribes or communities you must never use the characteristics of their lives as an excuse for anything. I have argued that if it is felt that it is a major problem, is it completely impossible to devise a system whereby these people can conveniently vote? I will give an example. It is quite possible to have these people registered as voters at a particular time and it would be agreed between the hon. Members and the Government as well as the people, that there should be no movement within that particular month because it will be voting time. This is a very simple solution. A long argument that these people register here and then they move——Now, as the hon. Member knows I have been to the North-Eastern and the other provinces up there I know the situation and they have my sympathies. However, what I would like to say is that we do not have here an insuperable problem, that it will be completely impossible to devise a sytem that will render it possible for most of the people to vote conveniently. I, indeed, agree that it is almost an impossible situation to have people go 150 miles to vote. Is it your conviction that it is not possible to come up with an alternative? This is why I am suggesting that this particular Motion requires collaboration among or between all of us. I am not suggesting that any one of us has a monopoly with respect to a solution. In fact, I would go to the extent of suggesting that this is a very, very important matter for discussion within the Kanu Parliamentary Group——

Mr. Umuro: On a point of order, Mr. Deputy Speaker, the question of finding an alternative way of moving these people to voting stations does not arise——

The Minister for Information and Broadcasting (Dr. Onyonka): Sir, when hon. Araru was speaking he said very clearly—unless you were not listening—that some people had to be taken by trucks 120 miles to vote because they had moved out of the particular locale. This is what I was talking about. I am not talking about moving these people 20 miles to go and vote.

All I am saying, in a nutshell, is that this matter is so important that it requires consideration perhaps by the Kanu Parliamentary Group and, secondly, by the party as a whole because this is not the kind of matter that you look at piecemeal, to suggest an amendment to a particular aspect of the voting system. I would even go to the extent of suggesting that there must be a lot of other aspects of voting. The simple question of registration, in my opinion, is terribly important.

So, Sir, I would suggest that, in fact, the hon. Member abandon this Motion altogether and, at a later date, come back with a better Motion for our consideration.

Sir, I, therefore, oppose the Motion.

Mr. ole Marima: Mr. Deputy Speaker, it is with great sympathy that I have to deviate for a change from supporting my hon. friend, Mr. Araru. I think this problem is much bigger and much more important than could be treated and taken care of by this Motion. The whole system of ensuring that there is no injustice in our elections needs to be much more scrutinized. Many of us remember that we suffered, right up from the very beginning of trying to deposit money. It so happened that the authority of the person getting the money was in the executive. He is the man you go to in order to say, "I am a good person". He is the same man receiving the money, the man who is your Kanu chairman, the man who is in the Kanu Executive body. There was no provision in the last elections, Mr. Deputy Speaker, where any person who happened to fall in that category could go and appeal. It was only by the sheer grace of some good civil servants—and here I must give them praise—that they realized there would be some terrible dirty manipulation by politicians, and it was because of this that some of us were saved.

[Mr. ole Marima]

So to suggest that we bring the idea of identity cards to all Kenyans, men and women alike, I think is a colonial relic that some of us would not be happy to have back. There must be a method, another method, for instance, that of having a symbol for a member and your symbol would appear in your voting box. This would, in fact, eliminate the possibility of your rival having a friend in the booth who could pick your cards and put them in his friends box. This could have been done in the last election.

It would be a bigger problem to go and give identity cards when, in fact, we have not finished with the problem of being able to register all Kenyans to vote. So we will have two jobs to do: one, of giving identity cards; second, that of registering voters. I would rather do with one.

Mr. Deputy Speaker, I would agree with the last speaker, hon. Dr. Onyonka that hon. Araru withdraws his Motion, not because it is unimportant but because it needs to be much more scrutinized, much more finalized in order that we eliminate——

An hon. Member: Have you a solution?

Mr. ole Marima: I could have a solution if we had a forum where we can give ideas. Mr. Deputy Speaker, Sir, we can discuss this in our Parliamentary Group and eliminate all the loopholes in the whole election and registration system once and for all, but not treat this matter in a piecemeal manner. I do not agree, however, with the hon. Araru that it is impossible to try and bring a uniform system throughout the country. People voting in Nairobi, for instance, experience different problems from people voting in Moyale. Therefore, there should be an identity of these problems. We have problems of travelling, problems of distances and this must be recognized, for instance, there should be more polling stations in a place like Moyale, in a place like Kajiado and in a place like Samburu because people have no means of transport. Mr. Deputy Speaker, Sir, because of these, I would oppose this Motion with a hope that our Attorney-General could bring it up on the agenda in our Parliamentary Group and His Excellency the President would give us an opportune time to combine this with what we hope would come about from Kanu reorganization committees so that we get a system that could not be altered and without any loopholes in our election and registration system.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance. This Motion poses very important matters. So far, there have been two suggestions that the hon. Araru withdraws the Motion and some Members might feel the same. Suppose, Mr. Deputy Speaker, he withdraws it, is it allowed, within our Standing Orders that he can redraft it in a manner with which many of us would be happy and bring it back to this House within this Session?

The Deputy Speaker (Dr. Waiyaki): Yes, that is possible if the matter had not been concluded but, of course, it must go through the whole procedure all over again as a new Motion. It would not be the same Motion.

The Attorney-General (Mr. Njonjo): On a point of information, if the House will allow me. Mr. Deputy Speaker, Sir, I was going to oppose this Motion because I fear the way in which it is drafted, as the hon. Member who has just spoken, the Member from Narok, has said. If this Motion is carried and legislation is introduced in the manner that has been suggested by my hon. friend Araru, people would be able to vote, not only twice but even ten times and that is exactly what we are opposed to.

I was thinking of bringing an amendment on the Election Bill because we were not happy with the voting at the last General Election having so many boxes. I was going to introduce legislation here which will allow us to have one ballot box so that we do not have all these many boxes which were swapped and some boxes disappeared and some people were taken away. We also happened to know that some people managed to get ballot papers from their friends and they were dishing them out and that some of them were not accounted for. I would suggest to the hon. Member to withdraw this Motion because it is not going to solve the problem which faced us in the last General Election. I was not proposing any amendment, but I was going to reject the whole Motion because if the hon. Members want to bring an amendment so they can amend the present Motion, by all means, let them do it. However, I would have thought that the most sensible thing, is to let us discuss this issue outside the House and bring here a formula which is acceptable to everybody.

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir, what has been suggested by the Attorney-General sounds to be correct. However, we cannot agree with his suggestion unless he gives us a rough sketch of what he is going to do.

Mr. Migure: Thank you very much, Mr. Deputy Speaker, Sir. I consider this Motion to

[Mr. Migure]
be very very important. This is a subject which discusses the way we can elect our leaders. Mr. Deputy Speaker, Sir, I would also like to advise the hon. Member for Moyale, the hon. Araru, to withdraw this Motion for the time being and let us find out the best way, in a more detailed form, in which we can carry out fairly the voting system in this country.

Mr. Deputy Speaker, Sir, although my colleague from Kisumu Rural says that I am not a technical adviser, I think I am a technical adviser because I am representing my people in this House. Mr. Deputy Speaker, Sir, we experienced a lot of difficulties during the last General elections as the Attorney-General said. In some cases, you would find that if an ex-Member of Parliament was seeking re-election and he feared that Mr. Migure was going to get more votes in a particular area, they would say there is no voting taking place in a certain area and then move the polling station to another station. As a result, people had to walk about ten miles so that they were able to vote. This made it completely impossible for *wananchi* to vote. In fact, Mr. Deputy Speaker, Sir, this was the game which was played by the ex-sitting Members in the last Assembly. I would object strongly if any Member in the present House proposes that we make conditions for those people who might succeed us. We must know that we have to give the public the opportunity to elect the people they want. If they do not like Mr. Migure, I do not see why Mr. Migure should bring a lot of manoeuvres to enable him to sit in Parliament for ten years. This should not be our intention. Therefore, I think if the Attorney-General is going to bring a Bill including the suggestions which were raised by the hon. Araru when he was moving his Motion, I am sure we are going to find the best ways of solving this problem.

Mr. Deputy Speaker, Sir, this is a very difficult situation because if we are going to pass only some of the points which were raised by the hon. Araru it means that we will still need a lot of amendments. If we come to part (*a*) of the Motion and also part (*b*) of the Motion, we will see that it will be very difficult to implement this question of giving identity cards to our womenfolk. This is a matter which needs a lot of consideration, Mr. Deputy Speaker, Sir. It is so difficult that it may go beyond what is being asked for. Mr. Deputy Speaker, Sir, someone said that the idea looks a bit colonial. However, I would say that in some cases, it is very important for our women to have identity cards, because if they go to the Post Office Savings Bank they are usually asked whether they have something which can help the officers in the post office to establish their real identity. However, to bring it here in a Motion which will affect the whole nation, I think it is a matter which needs a lot of consideration and whether the Members of this House or the public will accept it, is a matter which needs a scientific study. Mr. Deputy Speaker, Sir, as the Attorney-General said in this House, in the last General Election, there were many irregularities. This is what we would not like to happen next time. I would, therefore, Sir, suggest that the hon. Member for Moyale withdraw this Motion for the time being so that, as the Attorney-General said, a Bill would be brought in this House to consider some of these most important points raised by the hon. Member for Moyale.

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

POINT OF ORDER

WITHDRAWAL OF A MOTION WHEN QUESTION ALREADY PROPOSED: WITH LEAVE OF THE HOUSE

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir, since it is the opinion of hon. Members that this Motion be withdrawn, may I move that the question be now put.

The Deputy Speaker (Dr. Waiyaki): Order! It is not a question of "putting the question". It has been a request to the hon. Araru to withdraw his Motion, of course, with the permission of the House if he wants to do that. So, let us hear what Mr. Araru has to say about the request.

Mr. Araru: Mr. Deputy Speaker, Sir, I have no quarrel with the request from my hon. colleagues. I noted that when the Attorney-General stood up he accepted that there is a need for an overhaul of this system. On one of those days, Mr. Deputy Speaker, Sir, I encountered somebody carrying out certain malpractices and that is why I brought this Motion. I did not, when I moved this Motion, intend to revive the colonial mentality by insisting on identity cards.

The Deputy Speaker (Dr. Waiyaki): Be brief Mr. Araru.

Mr. Araru: Yes, Sir, I do not wish to speak long on this. However, what I would like to point out is that I am willing to withdraw, but I would like to be assured that within a few days, he will bring this matter up in our Parliamentary Group meeting and shortly afterwards he will bring it here so that we can discuss it fully. If I am given this assurance, Mr. Speaker, Sir, I withdraw it in the interests of my colleagues.

The Deputy Speaker (Dr. Waiyaki): Well, if there is no objection from the House, then, the Motion is withdrawn.

Hon. Members: No objection, Sir.

(*Motion withdrawn with the leave of the House*)

The Deputy Speaker (Dr. Waiyaki): Next Order.

MOTION

ESTABLISHMENT OF COMMERCIAL AND RESIDENTIAL PROPERTY CONTROL BOARD

The Deputy Speaker (Dr. Waiyaki): Mr. Magugu not here?

(*Motion deferred*)

POINT OF ORDER

HOUSE CAN ONLY DISCUSS BUSINESS ON THE ORDER PAPER

Mr. Migure: On a point of order, Mr. Deputy Speaker, Sir, I rise to seek your guidance. Sometimes we find that hon. Members whose Motions appear on the Order Paper are not in the House when the Motions are called out. However, other hon. Members may be in the House and interested in discussing such Motion or other matters. Now, how can we go about our Standing Orders so that if hon. Members who wish to move Motions on the Order Paper are not available, other Members can go ahead and move them or discuss other important general problems in the country instead of adjourning the House, Sir?

The Deputy Speaker (Dr. Waiyaki): What is your point of order, Mr. Migure?

Mr. Migure: Mr. Deputy Speaker, Sir, my point is that if hon. Members who wish to move Motions on the Order Paper are not available, and it is as early as 11 o'clock and yet we have many problems which we want to discuss, how can we go about this situation so that we go ahead and discuss the problems?

The Deputy Speaker (Dr. Waiyaki): No, there is no way other than that provided for in the Standing Orders. Our Standing Orders do not provide for such an opportunity to discuss all matters that might come to mind. So, as our Standing Orders stand, once we go through the Order Paper that is the end of the day.

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): That concludes the Business on the Order Paper. The House is, therefore, adjourned until next Tuesday, 25th May, at 2.30 p.m.

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

WRITTEN REPLIES TO QUESTIONS

Question No. 102 (1382)

IMPROVEMENT OF ROADS IN ELDORET NORTH

Mr. arap Saina asked the Minister for Works why the following roads had not been improved—Moiben-Eldoret; Elgeyo Border-Eldoret; and Serogoit-Eldoret.

The Minister for Works (Mr. Nyamweya): The Moiben-Eldoret road is maintained from Moiben and Marula Camps. The road at present is in a very good condition with minor undulations which, unfortunately, cannot be graded as it is so dry and it would only make matters worse. We will have to wait for some rain.

The bitumen section near Eldoret was slurry sealed last Financial Year (four miles) and the remaining two miles is being chip sealed this Financial Year. In the meantime heavy patching is being carried out.

The Elgeyo Border-Eldoret road is at least passable and bid to regravel it next Financial Year is under consideration. It was very badly neglected by the ccounty council in the past and we are doing our best to improve it.

The Sergoit-Eldoret road was graded in November 1970 and is, at the moment, in good condition.

Question No. 117 (1413)

PROVINCIAL BREAKDOWN OF REGISTERED CO-OPERATIVE SOCIETIES

Mr. arap Cheboiwo asked the Minister for Co-operatives and Social Services the following:—

(*a*) how many co-operative societies had been registered since 1963;

(*b*) what was their provincial breakdown; and

(*c*) what was the turnout per province.

The Minister for Co-operatives and Social Services (Mr. Muliro): (*a*) The Department of Co-operative Development has registered 1,002 co-operatives of various types in the provinces since 1963.

(*b*) The breakdown per province is as follows:—

Central	296
Coast	71
Eastern	95
Nairobi	114
North-Eastern	2
Nyanza	84
Rift Valley	303
Western	37
	1,002

[The Minister for Co-operatives and Social Services]

(*c*) The societies' turnover per province is as follows:—

	KSh.
Central	157,434,000
Coast	6,345,000
Eastern	70,186,000
Nairobi	7,883,000
North-Eastern ..	—
Nyanza	39,813,000
Rift Valley ..	42,463,000
Western	11,521,000
	335,645,000

Question No. 147 (1468)

HOUSE FOR ADMINISTRATIVE OFFICERS—ELDORET TOWN

Mr. arap Saina asked the Minister of State, President's Office the following:—

(*a*) why the provincial administration had not provided both housing and transport facilities to administration officers under the District Commissioner for Eldoret to enable them to stay in their respective rural areas instead of Eldoret Town; and,

(*b*) how many district officers and district assistants were in Uasin Gishu District.

The Minister of State, President's Office (Mr. Koinange): Until now the need for local rural administrative centres has not arisen. But, recently attention has been drawn to the Government that there is a need to establish administrative centres for administrative officers in various divisions.

Recommendations to this effect have been forwarded to the Government and the Government is considering the case. After examining pros and cons of this case and subject to the availability of funds, the Government will put up centres in the rural areas away from Eldoret. It is at that stage that housing and transport facilities will be provided in the respective areas.

(*b*) Uasin Gishu has one district officer at the headquarters and two district assistants.

Tuesday, 25th May, 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. 306

SALARIES FOR PUBLIC OFFICERS

The Speaker (Mr. Mati): Is Mr. Muturia not there? Let us move to Mr. Umuro's question.

Question No. 336

MARSABIT RANGE AREAS—COMMENCEMENT

The Speaker (Mr. Mati): Mr. Umuro not there also?

Question No. 387

SOCIAL HALL FACILITIES FOR MAKADARA RESIDENTS

Mr. Karungaru asked the Minister for Local Government if he would tell the House why the City Council did not provide social hall facilities for the 10,000 Makadara residents.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply. Nairobi City Council has definite plans for the construction of a social hall in Makadara Estate this year. A sum of £14,000 has already been set aside in the capital programme for 1971-1975 for this purpose, and construction work is expected to start at the end of this year.

In the meantime, Mr. Speaker, Sir, the residents of Makadara Estate are free to make use of the City Council social hall facilities provided at the neighbouring Lumumba Estate, which is only a few yards away. Sir, they can also utilize the facilities available at the Salvation Army Community Centre within the estate, or the excellent social hall facilities available at the Government social hall at the far eastern end of Makadara Estate.

Mr. Karungaru: Mr. Speaker, Sir, arising from that very unwelcome reply, can the Assistant Minister tell this House exactly what caused the delay of the construction of this particular social hall yet he knows that most of these houses at Makadara are very old? They were built as far back as 1952 or 1953 yet there has never been any social hall?

The Speaker (Mr. Mati): Order! Would all hon. Members, please, try to make their questions brief. This is not an occasion for making a speech.

Mr. Ogutu: The City Council has many commitments. This includes the building of social halls and it has to consider all this within its planning period priorities.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the Assistant Minister's reply, where he said that the City Council has so many difficulties, Mr. Speaker, we have seen in some areas where the City Council of Nairobi builds social halls as a matter of urgency, why should they not do the same thing at Makadara? Why are they delaying it?

Mr. Ogutu: Mr. Speaker, Sir, I am not going to repeat what I said. The building of social halls had been considered and it is not scheduled on a programme. The construction will start at the end of this year. The delay has been caused among other reasons, by the fact that the City Council has to bear in mind priorities over the expenditure.

Question No. 418

UP-GRADING OF OTHAYA TOWN

The Speaker (Mr. Mati): This question was answered on Friday. It should not have appeared on the Order Paper. So let us move on to the next question. Mr. Kanja?

Question No. 407

AMOUNT OF LAND OWNED BY NON-CITIZENS

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

(*a*) how many hectares of land were still owned by the people of non-African origin in Kenya; and

(*b*) how many of that were in Nyeri Constituency.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. (*a*) I am unable to give the figures sought by the hon. Member as Government, in keeping its records, does not discriminate against landlords who are Kenya citizens on the basis of their place of origin. It will be appreciated that such a practice would be in violation of section 82 of the Constitution.

(*b*) All Kenyan citizens, regardless of their place of origin, are free to reside, work and own land in any constituency; and in view of this, and bearing in mind that the hon. Member's question is discriminatory, even if such statistics were available Government would not consider it proper to produce the information.

Mr. Kanja: Thank you, Mr. Speaker. While I do not have to pick a quarrel with my good friend, hon. G. G. Kariuki, would he not agree, as a Government Assistant Minister, that Government has failed for having not kept records

[The Assistant Minister for Lands and and Settlement]
showing who owns what in Kenya, with the result that our Government does not know what is owned by foreigners in this country?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the Government has not failed. What has happened—— Now that the House is interested to see that these records should be kept on racial or non-citizen basis, that has been taken note of. I can assure the hon. Member that next time when such a question is asked I will be able to supply the required answers because last time, when the same question was asked by one of the hon. Members here, we started, from that day, to keep the records in that order. That is what we are doing now.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that he does not keep such a record because it would be discriminatory——

The Speaker (Mr. Mati): Ask your question again, Mr. Mwamzandi.

Mr. Mwamzandi: Arising from the Assistant Minister's reply, where he said that they do not keep such records as that would seem discriminatory, can the Assistant Minister tell this House why his Ministry has not found it fit to keep records containing these details up to this time? We all appreciate the good services which are provided by the Transport Licensing Board and the Ministry of Commerce and Industry, which, as we know——

The Speaker (Mr. Mati): Order! That has nothing to do with this question. The Transport Licensing Board has nothing to do with this question.

Mr. Mwamzandi: May I put the question afresh. Would the Assistant Minister agree with this House that there is need for us to be shown where and what part non-citizens are occupying for the benefit of the citizens?

Mr. G. G. Kariuki: Mr. Speaker, I have just indicated that we are doing something to put the records in that order, and I am not going to keep on repeating this.

Mr. Wachira: Mr. Speaker, can the Assistant Minister agree with me that these foreigners are owning very large tracts of land while the Africans, who fought for *Uhuru*, are known as tenants, or whatever they are called?

Hon. Members: The landless. Squatters.

Mr. G. G. Kariuki: Mr. Speaker, no foreigner in this country has owned these farms illegally. They got them legally. Therefore, under the Constitution, they are protected. Whether they own big tracts of land is not my responsibility. It is up to this House to determine what they want the future land policy to be.

Mr. Jilo: Mr. Speaker, Sir, thank you for this chance. Since the Assistant Minister has agreed that this similar question had been brought into this House some time ago, and he also said that he is not prepared to scrutinize and bring into this House the information which we require can he now tell us the reason why he has not done his best in endeavour to get the details which this question is asking?

Mr. G. G. Kariuki: Mr. Speaker, the hon. Member appreciates that getting those records is not just like drafting a question. It takes a lot of time, and that is why I have assured this House that everything possible will be done to put things in order.

Question No. 349

MURRAM FOR KITUI EAST ROADS

Mr. Kitonga asked the Minister for Works if he would tell the House—

(*a*) since the time for mecadamizing Kitui East Roads had come, whether Government would agree with him that there was necessity for all the classified roads there to be made all-weather by covering them with permanent murram; and

(*b*) if the answer was in the affirmative, whether Government would say when improvement would be effected.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. (*a*) Certainly, Kenya would benefit a great deal if all roads which are not bitumenized at the moment were brought to a high gravel or murram standard. However, this will entirely depend on the availability of finance.

(*b*) As at the moment, Kitui East will equally be considered in the same lines as other parts of Kenya. As far as the tarmac is concerned, Kitui East does not have the necessary qualification for tarmac roads at the moment.

Mr. Kitonga: Mr. Speaker, Sir, I was about to thank the Assistant Minister, but unfortunately I am not going to thank him.

Sir, since the Assistant Minister knows very well that Kitui East was one of the areas that was neglected by the Colonial Government, would the Minister promise, now, that there will be rapid development of the roads in the area?

Mr. Keen: Mr. Speaker, Sir, I cannot promise immediate development in Kitui East. As I have

[The Assistant Minister for Works]
said, Kitui East will be considered on the same lines as other undeveloped parts of Kenya. We have other undeveloped parts of Kenya like Kajiado, Narok, Mandera, El Wak and so on. Why should Kitui East be specially emphasized?

Mr. A. A. Mohamed: Arising out of the reply by the Assistant Minister—when he was replying he said that Kitui East has no qualifications for tarmacking the road—can he tell the House what qualifications are required? We understand that in the Central Province they passed that the roads were to be tarmacked. What qualifications did one bring to the House for those roads to be tarmacked?

Mr. Keen: Mr. Speaker, Sir, the necessary qualifications for a road to be bitumenized are:

(i) if there are more than 600 cars passing through road A to B.

(ii) if there are——

Mr. Kitonga: On a point of order, Mr. Speaker.

Mr. Keen: Why can you not be patient, Mr. Ex-Chief?

Mr. Kitonga: I think the Assistant Minister is confusing the House. My question is asking about murram roads but not the tarmac.

Mr. Keen: Mr. Speaker, Sir, I was answering a supplementary question from the other hon. Member who wanted to know the sort of qualifications which are necessary for a road to be bitumenized.

Mr. Mutunga: Mr. Speaker, Sir, while appreciating what the Ministry is doing would the Assistant Minister agree with me that those areas which were left behind during the colonial times should be given priority by our Government?

Mr. Keen: Certainly, Mr. Speaker, Sir, my Ministry is doing its utmost to try and maintain in good order all those roads which are mentioned by the hon. Member. As a matter of fact, Mr. Speaker, Sir, we are trying everything possible we can to help the hon. Member. In Kitui East, Mr. Speaker, Sir, we have done everything we can; and I think this place has been one of the most fortunate because since we took over roads from the county councils my Minister has been there, my colleague, the other Assistant Minister, has been there, and an entire team of experts from the Ministry of Works has been to Kitui East. Therefore, the hon. Member should be grateful rather than asking a lot of unnecessary questions in this House.

Question No. 422

NAIROBI/ADDIS ABABA ROAD ROUTE

Mr. Araru asked the Minister for Works if he would tell the House whether the Nairobi/Addis Ababa Road, which was being constructed, would now pass through Sololo Shopping Centre and Moyale Township.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. Although the final alignment of the road in the vicinity of the Kenya/Ethiopia border is not rigidly fixed, the present plans allow for the road to pass through Moyale Township but not through Sololo, which will be served by a spur road.

Mr. Araru: Mr. Speaker, Sir, if the Assistant Minister had visited Sololo he could be replying to my question in a better way. Mr. Speaker, Sir, if this road does not pass through Sololo, what will happen to the people who are there because, already, the town has been planned and the missionaries have built a nice hospital and a primary school in that place? Why should this road not pass through that township, Mr. Speaker, Sir?

Mr. Keen: Mr. Speaker, Sir, as I have already said, Sololo will be served by a spur road. Mr. Speaker, Sir, roads are designed to fit certain international standards and we cannot possibly design our roads to pass through every market place in Kenya because this will almost be impossible.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us the time when this road is expected to reach Moyale Township?

Mr. Keen: Mr. Speaker, Sir, Nairobi-Addis Ababa Road has just passed Marsabit and, therefore, with the speed the Ministry of Works is working, I think the road will reach Moyale within another 12 months.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister here, is he aware that from Nairobi to Addis Ababa it is so far away that any commercial vehicle from Kenya will have to stop at Moyale and Sololo?

Mr. Keen: Mr. Speaker, Sir, if the hon. Member was paying attention to what I was saying he could have heard that the road will pass through Moyale and not through Sololo.

Question No. 434

RANCHING SCHEMES IN ISIOLO DISTRICT

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

[Mr. Bonaya]

(*a*) how far the Ministry had progressed in organizing ranching schemes in Isiolo District; and

(*b*) whether the Minister was aware of the fact that people of Isiolo District had been waiting for a ranching scheme since 1969 when the Ministry and Isiolo County Council reached an agreement that such a scheme would be implemented with the greatest urgency.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. (*a*) A range resources survey of the Isiolo District has now been completed and the report is being examined by our Ministry and as soon as this is done we prepare a "project application" for funds to implement the recommendations.

(*b*) Yes, I am aware. However, a resources survey is a pre-requisite for the issue of funds for ranch area development from international lending agencies who, as a rule, will never look at any proposals for application of funds without our carrying out a resources survey thoroughly.

Approximately, one year or even longer is required to survey a plan for districts such as Isiolo and for funds to be negotiated.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell us when this scheme will be implemented because we do not want to hear that this will be done as soon as possible? When will this be implemented, Mr. Speaker, Sir?

Mr. Khaoya: I am quite sympathetic with the Questioner, Mr. Speaker, Sir. We are going to put forward our application for funds to the international lending agencies and as soon as we get the money we shall carry out the work.

Mr. Kanja: Mr. Speaker, Sir, the hon. Assistant Minister for Agriculture knows only too well that we have repeatedly been told that we have a lot of money here in Kenya. If that is the case, Mr. Speaker, Sir, why do we still have to rely on borrowing from international agencies when we are told that we have funds here which we can utilize for such schemes as ranching?

Mr. Khaoya: Mr. Speaker, Sir, the hon. Member might have heard from several other people that we have a lot of money floating around in this country, but definitely he has not heard this from me.

Mr. A. A. Mohamed: Mr. Speaker, Sir, we have experienced a Government attitude of using this phrase, "as soon as possible" whenever they are replying to questions here. Why can the Assistant Minister not tell the House specifically when this will be done because we cannot always be told "as soon as possible"?

Mr. Khaoya: Mr. Speaker, Sir, I thought I gave an indication that one year will be required when I was reading my original reply, and I thought that was specific enough.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the Assistant Minister's reply, where he said that it was not he, himself, who said that there is a lot of money in the country, could he tell the House how much money he is going to negotiate for this scheme from these overseas agencies?

Mr. Khaoya: Mr. Speaker, Sir, the exact figure is not yet decided upon. I have just said that we are in the process of studying the recommendation, Mr. Speaker, Sir. Therefore, when we decide on a figure, we shall give the information to the hon. Questioner.

Question No. 396

NAIROBI/KAKAMEGA TELEPHONE CALLS

Mr. S. Lugonzo asked the Minister for Power and Communications if he would tell the House whether he was aware that trunk telephone communications between Kakamega and Nairobi still took more than two hours to get into operation; and if he was aware, what trouble he was taking to rectify the situation.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply. I wish to inform this House that calls originating from Kakamega and other exchanges in Nyanza and Western Provinces are controlled by the Kisumu Telephone Exchange. Indeed, I am aware of the shortage of trunk lines between Kisumu and Nairobi, which is causing delays to calls routed via Kisumu. However, Mr. Speaker, plans are in hand to increase the lines and some relief can be expected within this year and I very much hope that the problem will be eliminated altogether by 1973.

Mr. Hussein: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell us specifically the date when these improvements will be made to give more trunk calls from Kisumu to Nairobi? Could he tell us the date or the month when this will be done?

Mr. Moss: Mr. Speaker, Sir, I happen to come from that part of the country and, with all sincerity, I am also affected. Therefore, the sooner these improvements are done the better, not only

[The Assistant Minister for Power and Communications]

for the hon. Questioner but also for me. However, in my reply, Mr. Speaker, Sir, I have indicated, and committed myself, that the whole problem will be eliminated by 1973. But, between now and then, plans are already in hand to increase the number of lines.

Mr. S. Lugonzo: Mr. Speaker, Sir, I am pleased to hear the Assistant Minister promising that something will be done at least by 1973 and that there are plans. Mr. Speaker, Sir, we have heard of these plans many times and we hope he means what he says this time. However, there is another factor to this delay, which is the inefficiency of the telephone operators. Could the Assistant Minister tell this House what he has done to make his very inefficient operators more efficient for the time being?

Mr. Moss: Mr. Speaker, Sir, I am very much aware of the complaints because these are not only experienced by hon. Members but are also experienced by myself. I also experience this and I would only be too glad if the hon. Member would, undertake to report such people —when he comes across such inefficiency, or is made aware of any operator who is inefficient and who perhaps uses abusive language—to the authorities and appropriate action will be taken.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I think the Assistant Minister agrees with the Member since he has also experienced the same problem. If he has also experienced the same thing, what did he do, himself, when this happened to him, before I send somebody else to go and tell him?

Mr. Moss: I issued a stern general warning.

Question No. 400

CONDITIONS AT COAST PROVINCIAL GENERAL HOSPITAL

Mr. Mulli asked the Minister for Health if he would tell the House whether he was aware that—

(*a*) the Coast Provincial General Hospital was at present wholly manned by Asian men and women doctors and that the African junior staff had lost interest in their day to day work; and

(*b*) as a result, patients of foreign origin who were in the minority received better medical attention than the majority of African patients.

The Minister for Health (Mr. Okero): Mr. Speaker, Sir, I beg to reply. (*a*) No. (*b*) I would be most grateful if the hon. Member could give me some detailed and specific information to enable me to take some suitable action.

Dr. Munene: Mr. Speaker, Sir, arising from the Minister's reply to part (*a*) of the question, where he says "No", would he tell us the doctors who are manning the Coast General Hospital?

Mr. Okero: Mr. Speaker, Sir, the allegation that the Provincial General Hospital in the Coast is wholly manned by Asian doctors is not correct. To the best of my information, we do have some Africans who are manning this hospital and equally well. I venture to say that most of the nurses and most of the para-medical staff are Africans. To that extent, Mr. Speaker, Sir, I am not aware of the allegation being made by the hon. Member.

Mr. Jilo: On a point of order, Mr. Speaker, Sir. Here I am not questioning the integrity of the Minister because I respect him very much indeed. However, Mr. Speaker, Sir, the question here is referring to medical officers or doctors. He is now referring us to nurses and the other staff. We are not interested to hear about nurses but we want to hear about doctors.

Mr. Okero: Mr. Speaker, Sir, at the moment the Provincial Obstetrican and Gynaecologist is an African and there are at the moment three Africans who are at the Coast Provincial Hospital undergoing their training as internees.

Mr. Mulli: Mr. Speaker, Sir, following the Minister's reply, what we would like him to tell this House is whether or not Asian doctors do outnumber African doctors?

Mr. Okero: Mr. Speaker, Sir, we have admitted in this House to hon. Members that we are very short of medical people. We have, equally well, admitted that we have tried to recruit people of non-African origin to serve our people in different hospitals. I would be most grateful, this afternoon, to know from hon. Members whether they do not want us to employ non-Africans as medical officers?

Mr. Koigi: Mr. Speaker, Sir, for how many years are we going to wait before we get African doctors in this country.

Mr. Okero: Mr. Speaker, Sir, all I can say is that it does take at least five to six or seven years to train a doctor. As far as I am concerned it is going to take us quite some time before we can man our own hospitals with our own people.

Mrs. Onyango: Mr. Speaker, Sir, is the Minister aware, or will he agree with me, that we have African doctors who have left the country because

[Mrs. Onyango]
the pay given is not attractive and also because of frustrations?

An hon. Member: Will you deny that?

Mr. Okero: Mr. Speaker, Sir, I am aware, and I have admitted in this House that quite a number of our own people have had to leave the medical services for various reasons. I am not aware, however, that the only reasons that have made them leave are either too little money or frustrations. I wish I was able to create a situation that would ensure that whoever is employed in Government service does not leave at all. On the other hand, I think this would be undesirable, as individuals, after they have been trained, have to be given some latitude as to what they can do and where they can do it?

Mr. Mulli: Mr. Speaker, now that the Minister has agreed that Asian doctors are the majority, is it not illogical, or rather shameful, for the Government to allow such a number of foreign doctors in provincial hospital, especially in a country like Kenya which has been independent for the last eight years?

Mr. Okero: Mr. Speaker, Sir, I find the suggestion made by the hon. Member astonishing. At the moment, for example, in our own hospitals, the doctor who is qualified to perform an operation as an ear, a throat and nose specialist, is a person of Asian origin. I would like to pose a problem to the hon. Member to give me one qualified African surgeon who will perform such operations so that I can fulfil his needs.

Question No. 343

DEVELOPMENT PROJECTS IN GAME RESERVES

Mr. Lentaya, on behalf of Mr. Lenayiarra, asked the Minister for Tourism and Wildlife if he would tell the House whether he would consider introducing development projects in the districts which preserve game.

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

The Government has already considered what development projects to introduce in those areas where game is preserved. These proposals are contained in the Development Plan, 1970/74.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, could he tell the House, in detail, what are those proposals?

Mr. J. M. Kariuki: Sir, I do not think the hon. Member is asking me to read for him all that is written in the Development Plan of 1970/74. What I can tell him is that areas like Samburu are going to get 200 more hotel beds; we are building the Mara Game Reserve where we are going to put up a 200-bed lodge; negotiations are still going on. I can elaborate, in detail, what the Government is intending to do in those areas, should he need this in writing.

Mr. Lentaya: Mr. Speaker, arising from the answer given by the Assistant Minister, is he aware that we, Samburu people, also are in a process of developing our district and that we cannot develop it while we stay together with animals?

Mr. J. M. Kariuki: We would like you to learn to live with wild animals as they can bring a lot of revenue into the country. All we want to do is to help you in establishing lodges where we hope that by preserving these wild animals, we will attract more tourists to come than are coming now. That is why we are trying to build a 200-bed hotel at Bawa.

Question No. 438

OWNERSHIP OF MERU NATIONAL PARK

Mr. Bonaya, on behalf of Mr. Kadir, asked the Minister for Tourism and Wildlife if he would tell the House—

(*a*) whether it was true that three-fifths of the land in the Meru National Park belonged to Isiolo County Council;

(*b*) what the total income of the national park was;

(*c*) how much of this income went to Meru County Council; and

(*d*) whether he would consider changing the name of the park to Isiolo/Meru National Park or dividing the area into two district parks.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. (*a*) It is not true that three-fifths of the land in the Meru National Park belongs to Isiolo County Council. All the land comprising Meru National Park is within the Meru District.

(*b*) The total income of the national park from 1966 to 1970 amounted to £3,432.

An hon. Member: On a point of order, we cannot follow what the Assistant Minister is trying to say.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, he could be the only person who is not following.

I was saying that the total income of the national park from 1966 to 1970 amounted to £3,432.

[The Assistant Minister for Tourism and Wildlife]

(*c*) In view of the fact that the national park is wholly within the Meru County Council area, no portion of the revenue went to the Isiolo Council. All this revenue was used for infrastructural development in the park.

(*d*) Since the Meru National Park is wholly within the Meru District, it would be a misnomer, therefore, to change the name to Isiolo/Meru National Park at the moment. The question of dividing the national park into two district parks does not, therefore, arise.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that Meru National Park does not include part of Isiolo District, is he aware that there is a big problem between Meru people and the Boran tribesmen arising from a dispute at Kina area where Meru people have taken a tract of land from Isiolo District?

Mr. J. M. Kariuki: No, Sir. I am not aware of that. All I am aware of, Sir, is that ten hippopotamuses were killed in the area.

Mr. Jilo: Since it appears that there is a distinct difference between the Meru people and the Boran people, who live almost in the same area, would the Assistant Minister assure this House that the Government and his Ministry will do everything within their power to make sure that the proceeds from this park is divided equally between the two councils?

Mr. J. M. Kariuki: We hope that as soon as the Director of Surveys completes the present exercise which is to do with setting up of another national park in the area, we will discuss the question of renaming the other park. However, at the moment we cannot do that until the work is completely carried out and finalized by the Director of Surveys.

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

Question No. 306

SALARIES FOR PUBLIC OFFICERS

Mr. Muthamia, on behalf of Mr. Muturia, asked the Minister of State, President's Office if he would tell the House—

(*a*) what criteria the Government used when deciding salary scales for officers who headed the provinces, districts, divisions, locations in various Government departments; and

(*b*) why these officers differed in salary scales while the responsibilities were the same.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I would have asked the hon. Member to apologize on behalf of the Member of Nyambene North, but I will now excuse him.

Mr. Speaker, Sir, I beg to reply. Before salary scales are decided upon, job evaluation is undertaken and many factors are taken into account. Some of the major factors which are taken into consideration when deciding on salary scales for officers in the service include:—

(*a*) degree or extent of authority;

(*b*) managerial and supervisory responsibilities;

(*c*) the kind of work;

(*d*) the mental and physical demand for the job;

(*e*) the skill and knowledge in the job;

(*f*) basic educational qualifications; and

(*g*) risks and consequences of error.

Responsibilities of departmental officers working at provincial, district, divisional and locational levels are not the same and this is one reason why their salaries differ.

Mr. Ayah: Mr. Speaker, Sir, arising from that jargon by the Assistant Minister, given that some of these departmental heads at provincial level demand higher academic qualifications than the administrative ones, and given the fact that these categories are established beforehand; before particular officers are appointed, could he tell the House how it is, for instance, that the provincial agricultural officers get less money than the provincial commissioners?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member knows very well that provincial agricultural officers are there to serve under the co-ordinator of the Government in the provinces who are the provincial commissioners. Provincial commissioners are the ones who co-ordinate all the Government departments within their provinces, Sir. Therefore, the salary cannot be the same, and I have explained that very fully, Mr. Speaker.

Mr. Koigi: Is the Assistant Minister aware that there is another co-ordinator—the economic provincial officer—and now he says the provincial commissioner is the co-ordinator? The agricultural officer is an expert whereas most provincial commissioners are not experts?

Mr. Munyi: Mr. Speaker, Sir, my good friend here—I know him very well—is trying to bring confusion. However, he knows very well, Sir, that the provincial commissioner is the co-ordinator of all Ministries in a province; and that is a known fact, which is as clear as day-light.

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

Question No. 336

MARSABIT RANGE AREAS—DEVELOPMENT

Mr. Araru, on behalf of Mr. Umuro, asked the Minister for Agriculture if he would tell the House whether he would see to it that the projected range areas in Marsabit District were started so that the difficulty of water could be solved.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. Yes, Sir; once the range development plan is completed and examined by Government, and if approval is given, I can assure the hon. Member that there is money for its implementation. My Ministry will, therefore, definitely proceed with the work, with minimum delay.

Mr. Araru: Mr. Speaker, Sir, I think the hon. Assistant Minister knows that this question was put forward by another Member from the area recently, and the same answer was given. Our county council has given these people a million acres, and now we are just waiting for this project. Why was this report not completed while they were acting on this project as the "Minister for Action" always does?

Mr. Khaoya: Mr. Speaker, Sir, I do not know who the "Minister for Action" is; I am only an Assistant Minister for Agriculture and he is asking me to answer this question.

All I can say is that we requested the Food and Agriculture Organization last year, in May, to carry out a survey. The report is now with Government; they are considering it and once they give it approval, we will go ahead.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, how long does it take the survey people to survey the area and to report to Government; and how long does it take the Government to consider the report and take action?

Hon. Members: Hear! Hear!

Mr. Khaoya: It has taken about seven months or so for the experts to submit their report. I take it that it will take a few months before Government can make a decision on it; so we can sum-up by saying that it takes less than two years.

The Speaker (Mr. Mati): We must go on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

MASS ARRESTS IN MIHARATI TOWNSHIP

Mr. Muregi: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

What led Kipipiri Police Station constables to conduct a mass arresting and beating of people in Miharati Township on Sunday, 16th May, 1971?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. I must first strongly deny the allegation that people were subjected to any beatings or molestation as alleged by the hon. Member. These allegedly unfortunate incidents were as follows:—

On 16th May, 1971, there was a dance that was held in Miharati Township, in the house of Mr. Macharia. All those attending the dance were charged an entrance fee of Sh. 1 per adult and 50 cts. for the younger persons. At about 6 p.m., a butcher, named Wambugu Lawi, came to the dance and wanted to enter the place free of charge but was turned away by the man at the entrance. He then went back to the butchery and later on returned to the House. He forced himself into the House without paying and was soon arrested by the police constables for the offence of, first, behaving in a manner likely to cause a breach of the peace and, secondly, being drunk and disorderly. While being escorted to the police station, he suddenly drew a knife and stabbed one of the constables in the stomach, and escaped. The second constable was attending to the injured one and at the same time shouting for help from some members of the National Youth Service, who were in the vicinity. One of the servicemen, in attempting to stop the accused, was stabbed to death by the accused. However, he was still re-arrested, and taken into custody.

During the investigations, a lot of people were interrogated, and a total of 29 people were arrested and charged with being drunk and disorderly, and were convicted and fined. The accused person, that is Wambugu Lawi, has been charged with the murder of the National Youth Serviceman. As the case is pending for the court, it is advisable that the issue be treated as *sub judice.*

Mr. Muregi: Mr. Speaker, Sir, should I follow up the arrests because this is my concern—the arrets of these 29 people by——

The Speaker (Mr. Mati): Order! No, if they form part of the case, now that this man has been charged with murder, and if, in fact, they will be needed as witnesses, we cannot do that.

Mr. Muregi: On a point of order, Mr. Speaker, Sir, I do not mean that this is my concern—these 29 fellows——

The Speaker (Mr. Mati): No, that can only be done when this matter has been cleared; perhaps at the end of the case, but at the moment you cannot do that.

Mr. Jilo: On a point of order, Mr. Speaker. Time and again, Sir, we have been told in this House, by whichever Ministry is responsible, that this or that matter is *sub judice* and we cannot pursue it, and then we are not told, atthe end, what happens. Could we be told whether in this case, at the end of the investigations by the police and at the trial we will be given details? Shall we be told, at the end of the whole case, what is the conclusion of the magistrate and what happens to the man who is charged with the murder of this man because this is very serious?

The Speaker (Mr. Mati): No, there is nothing for the Minister to tell you. If you want afterwards, you can still follow up the matter, but he does not have to come and tell you the case is now over. That is not the same thing as Mr. Muregi is raising.

Mr. Komen: On a point of order; I thought—when the Assistant Minister actually explained about these 29 people, I heard him say that these people were accused of being disorderly and drunk. Therefore, would it not be in order for the Member to ask about the 29 people because they are not connected with the murder? This is a different case; they have been charged and I think they have paid their fines.

The Speaker (Mr. Mati): So long as he keeps completely clear of the murder side of it, it would be quite in order, but if in the course of asking his question he still brings in the matter relating to this man, who has now been charged with murder, then it is out of order.

Mr. Muregi: On a point of order, Mr. Speaker, Sir, the fact is that these people were arrested, charged with disorderliness and fined. Can the Assistant Minister agree with me that among people who were arrested 20 people were shopkeepers, who at the time of the arrest were behind the counters of their shops, nine people were arrested while they were in their hotels, and others were arrested on a bus stop after disembarking from a bus? Is he also aware that there is no bar by the name of "Macharia Bar" in Miharati Township?

Mr. Matano: Mr. Speaker, Sir, referring to the information available to me, I would say that the police acted and arrested people who were found to be drunk and disorderly. However, I do not seem to agree with what the hon. Member is saying, Mr. Speaker, Sir.

Mr. Karungaru: Mr. Speaker, Sir, since the Assistant Minister has told this House that most of those people who were arrested were attending a dance which was organized privately in a certain house, and perhaps this was the cause of the whole tragedy, can he tell us whether or not that kind of gathering was licensed? If this is not the case, why should such a thing be organized contrary to the laws of this country?

Mr. Matano: Mr. Speaker, Sir, I do not seem to have any evidence which shows that the dance was licensed, but the fact that police constables were present means that the administration was aware that there was going to be a dance. Therefore, I can assume safely that this dance was licensed.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell the House the method they follow to determine that one is drunk?

Mr. Matano: Mr. Speaker, Sir, we use common sense to determine that.

Mr. Gatuguta: Mr. Speaker, Sir, I was just going to ask the same question the Assistant Minister has just answered, but I want to ask the same question in a different way because there is a very serious issue in the country whereby the police are mistreating people under the pretext that people are drunk and disorderly. Can the Assistant Minister tell us, frankly what constitutes drunkenness and disorderliness because we know that people are allowed to drink in bars which are licensed? However, when people go to drink in these bars, they are arrested and charged for under the clause, drunkenness and disorderliness. What constitutes this offence?

Mr. Matano: Mr. Speaker, Sir, I am not going to alter what I have said, that through our common sense we all can know when a person is drunk because there are very many signs: either a person cannot walk properly, or he may smell of alcohol. Mr. Speaker, Sir, policemen are trained people and they can judge when someone is drunk and disorderly. This is the reason why I say that they use common sense, experience they gained when they were trained and experience they may have gained when working as policemen.

The Speaker (Mr. Mati): Order! This question of one being drunk and disorderly was the subject of a debate here which lasted for one and half hours. Therefore, we are not going back to the same issue because it is against our Standing Orders and any issue which has been discussed only a week ago cannot be debated again. Any hon. Member can speak so long as he does not follow up the same issue we had last week.

Mr. Jilo: Mr. Speaker, Sir, I think it is an established principle in our written laws of this country that a person cannot be judged of being drunk and disorderly before it has been certified by a doctor?

The Speaker (Mr. Mati): That is exactly what I said we cannot do. That question was brought up here in the form of a Motion.

Mr. Gatuguta: On a point of order, Mr. Speaker, I still need clarification on this matter because the Assistant Minister has said that the policemen use their common sense, after they have discovered that someone is smelling of alcohol or by observing the way he moves—implying that it is illegal to drink. If someone is smelling of alcohol and he is not doing anything that is harmful or wrong, is that illegal unless drinking is illegal?

The Speaker (Mr. Mati): That is not a point of order, Mr. Gatuguta; it is a question. If hon. Matano would like to reply to it, he can do so.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, since the hon. Member is more conversant with the issue because the incident took place in his constituency and he has indicated that these people were arrested when they were behind the counters of their shops—something which is very serious—I wonder whether the Assistant Minister could help if these people's case was brought to his office. If this is proved to be correct, is he going to order that these people be compensated for the time they lost and for the money they wasted because they were arrested when they were behind the counters of their shops and they were not drunk?

Mr. Matano: Mr. Speaker, Sir, in my reply, if I may read it again, I said that these people were arrested, charged with being drunk and disorderly, convicted and fined. In other words, Mr. Speaker, Sir, they were not just arrested and fined but the whole process of law was followed. They were given a chance to defend themselves and the judge found them guilty and, therefore, they were fined.

Mr. Muregi: On a point of order, Mr. Speaker, Sir, in view of the fact I disagree with the whole issue and I know the reasons why these people agreed to plead guilty was because of lack of transport and so on, can the Assistant Minister agree that I can bring some proof to show that some of these people have never drunk beer throughout their lives and yet they were arrested, beaten up and fined? They were forced by the police to accept that they were drunk and told that if they did not accept that they were drunk then they would be beaten and locked in the cells for a long time.

Mr. Matano: Mr. Speaker, Sir, I take a very great exception to that allegation because I do not believe that our laws are so cruel as to force people to admit something which they have not committed. However, Mr. Speaker, Sir, if what the hon. Member has said is true—that people were beaten up, and that they have to admit things which they had not done—these people have a chance to appeal. In this country, Mr. Speaker, Sir, if there is something done by a court of law and the person concerned is not satisfied with the court's findings, there is a way of appealing. I would advise the hon. Member to tell these people to appeal so that this case can be reviewed.

Mr. Komen: On a point of order, Mr. Speaker, Sir, can the Assistant Minister agree with me that these people were arrested after the incident mentioned had taken place, and that it is the incident that made the police arrest these innocent people, mainly because one of their comrades had been stabbed?

COMPENSATION FOR DEATH THROUGH GRENADE EXPLOSION

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

Is the Minister aware that on 8th March, 1971, two boys were herding cattle at Losesia when one boy was killed instantly and the other one seriously injured by a grenade explosion after it had been left there by the Kenya Army during their practice and exercises?

Will the Minister arrange to pay compensation to the parents of the deceased child?

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. I am aware that about a month ago, the hon. Member telephoned my Ministry and reported the death of two children who had allegedly died as a result of injuries received from a grenade explosion. The hon. Member was requested to arrange for a formal complaint in writing to be lodged with my Ministry so that the matter could be investigated. However, he has not yet done this. As soon as this complaint is received, immediate investigations will be carried out and proper action taken.

Mr. Lentaya: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, and while agreeing that I am going to inform him about the matter in writing, does the Assistant Minister remember that I, personally, saw him and at the same time tried to see his Minister? Sir, does he further remember that I tried to see his Minister for a week but I failed because the Minister was not in the office? Now, who could have told me the right procedure to follow since I did not meet anyone in the office for a whole week?

Mr. Njeru: Mr. Speaker, Sir, if the hon. Member saw me and I told him that the best thing to do is to write to the office formally, then, there was no need for him to see the Minister because he had already seen me.

Mr. Lentaya: Mr. Speaker, Sir, on a point of order, Sir, my point of order is: although I saw the Assistant Minister, he told me to see his Minister, and I tried to see the Minister for a whole week but failed. Every time I went there, Sir, I was told that he is out or he has not come to the office. That is my point of order, Mr. Speaker, Sir.

An hon. Member: That is not a point of order.

Mr. Njeru: Mr. Speaker, Sir, I would advise the hon. Member to write a letter to the Ministry so that we can carry out the necessary investigation.

Mr. Lenayiarra: Mr. Speaker, Sir, the hon. Assistant Minister agrees that the Member from this area visited his office to complain about this case. Now, is it necessary for the Assistant Minister or his entire Ministry to wait for a letter from the hon. Member in order to act? Are there no other channels where they could get the necessary information, like the Administration or police?

Mr. Njeru: Mr. Speaker, Sir, when the hon. Member writes to us, we shall then have received his authority to write to the district commissioner and the police so that investigations can be made. We cannot just rely on verbal information.

Mr. Mutiso: Mr. Speaker, Sir, I do not know whether I heard the Minister well when he was replying to this question earlier on to the effect that he was aware that school children died as a result of explosion of a grenade when they were playing? Now, Sir, if the Assistant Minister is aware that these children died out of this explosion, can they not act from that awareness?

Mr. Njeru: Mr. Speaker, Sir, I did not say that I am aware that the children died from the grenade explosion but I said that they died out of the alleged grenade explosion. We are not aware. We must be made aware, and that is why I want the hon. Member to write to us so that we have the authority to write to the district commissioner and even to inquire from the police.

Mr. Lentaya: On a point of order, Mr. Speaker, Sir, now the Assistant Minister has admitted that he did not say that "he is aware". However, when we read the first line of the answer we got from the Minister, it says: "I am aware that about a month ago, . . .". I reported to him that two children had died as a result of the grenade explosion. Now, why is he denying that he said he was aware?

The Speaker (Mr. Mati): No, Mr. Lentaya there is a difference in what you are saying and what the Minister said. The reply does start as you say to the effect that on a certain day you telephoned his office and told him that some boys had been killed, allegedly through an explosion. That means that he does not accept that it is finally established that is what took place. However, you informed him. He is only aware of what you informed him about. I do not, therefore, see much argument here now because the Minister has said that if Mr. Lentaya would care to write, they will investigate. I do not see any difficulty in doing that. Now, let us not take much time on this.

Mr. Jilo: On a point of order, Mr. Speaker, Sir, I wonder whether the Minister agrees that he directed the Member in question to go and see the responsible Minister and therefore he is evading that question. Is he aware that he did direct the Member in question to go and see the Minister responsible?

The Speaker (Mr. Mati): That is not a point of order.

Mr. arap Chumo: Mr. Speaker, Sir, if an hon. Member has gone and seen a Minister in person and informed him of a dangerous weapon like a grenade, why does the Ministry not take immediate action and investigate the matter instead of waiting for a letter? Why can they not take action?

Mr. Njeru: Mr. Speaker, Sir, I only met the hon. Member in this House and he told me that he had made arrangements to go and see my Minister and I told him to come to the office, which he never did. If he did, I did not see him myself and, in fact, those he saw told him to write a letter to the Ministry so that investigations could be carried out.

The Speaker (Mr. Mati): Next question.

CHANGES IN PRIMARY SCHOOL FEES FOR 1971

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

(*a*) In view of the fact that parents of primary school children had been assured by a circular letter, FIN/71-8 of 20th April 1971, that fees in Standards I and II and III and IV were reduced from KSh. 72 to KSh. 50 respectively, why has his Ministry, by a circular letter No. FIN/71-10, dated 30th April, raised the fees again to KSh. 72?

[Mr. Tsuma]

(*b*) Is the Minister aware that this has caused a great deal of embarrassment to the parents in the whole nation; and if so, what is he doing to assuage the feelings of the people?

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. However, before I do so, I would like to point out that there is no letter from my office, Sir, saying that fees in Standards I and II, III and IV respectively were reduced from KSh. 72 to KSh. 50 and KSh. 60 respectively. Now, can the hon. Member produce a letter or a circular to that effect, saying that fees were reduced from KSh. 72 to KSh. 50 and KSh. 60 respectively.

Mr. Tsuma: Yes, Mr. Speaker, Sir, if he wants the letter which I have referred to here, I can produce it. However, not today.

Mr. Towett: Can the hon. Member read the letter, Sir.

The Speaker (Mr. Mati): Order! He can do so, but not if it is going to take too long. We do not have that much time.

Mr. Tsuma: Mr. Speaker, Sir, could he, therefore, read the letter I have referred to here, for that matter?

Mr. arap Chumo: Mr. Speaker, Sir, would the Minister tell the House whether it is true that he issued the circular letter. If it is not true that there is variation from what they said, what is going to be the fees for this year? Is there no change?

Mr. Towett: Mr. Speaker, Sir, that is a reasonable question to be asked regarding fees. Mr. Speaker, Sir, I go by the voice of the people.

Now, when we inherited various school fees from various county councils, we aimed at making it a standard fee of Sh. 72 from Standard I to Standard VII. However, the vociferousness—the voice of the more popular people of this country — forced us to go back to where we were in 1969 and 1970, and as a result we sent circulars out saying that fees are now as they were in 1969 and 1970. However, this does not mean the amount should be KSh. 50 or KSh. 60 respectively.

Mr. Tsuma: Is the Minister really honest in telling the House that in Kakamega District parents were never told—I am a parent—that fees of Std. I and II were Sh. 50; and where Sh. 24 has been paid, the second instalment will be Sh. 13 and the third instalment will be Sh. 13, making a total of Sh. 50? This is what I am referring to. It is in his own Ministry.

Mr. Towett: Mr. Speaker, Sir, the hon. Member's arithmetic must be violently different from mine. In Kakamega, for example, the fees payable in 1969/70 were:

Standard	*Fess paid in Shillings*
I	50
II	50
III	60
IV	60
V	90
VI	90
VII	90

Sir, what we did, was to say that we could not standardize fees all over the country, because the honourable people of this country said that we should go back; so we prepared those figures, but we never said that the fees must remain Sh. 60 because there is no uniformity in the payment of fees in the whole country. We did not say that, Sir.

Mr. arap Chumo: Mr. Speaker, Sir, could the Minister tell us what happened to those parents who paid Sh. 72 at the beginning of this year for Std. I, II and III children?

Mr. Towett: Mr. Speaker, Sir, we do not pay fees in that manner. First term, they pay Sh. 24 and in the second term, they also pay Sh. 24. In the third term, whatever is left over—if it is one shilling or more—that will be payable at that time. This is because we have receipt books which are printed Sh. 24 each. Therefore, Sir, they will have to pay what they used to pay in 1969 and 1970; there has been no change.

Mr. Cheptai: Mr. Speaker, Sir, according to the Minister's reply, why is it that school fees are being paid differently, according to classes, and yet before it has been assessed that when the fees are Sh. 100 it will be only Sh. 100 and no more? He has now differentiated everything; people are now paying Sh. 40, Sh. 20 and again. Sh. 100 and so forth. Could the Minister tell the House why he has decided not to have the same fees for Std. I and V pay as were being paid before?

Mr. Towett: Mr. Speaker, Sir, I am at the moment trying to put right the mistakes of the past. The hon. Member should put the blame on different county councils who asked for different fees in different places. I was trying to make it standard and I am still trying probably, next year, to have it standardized. The problem is not mine: I did not make them different, they were different before Government centralized primary education of this country.

Mr. Amayo: Mr. Speaker, Sir, since the question was submitted to the Minister for Education with the reference number of the letter in question, may I know from the Minister, whether

[Mr. Amayo]
he took the trouble to know the contents of the letter in question?

Mr. Towett: I always take trouble, Sir. I have a letter that was written from my office in front to me—in fact, the two letters which are referred to—however, there is no line, paragraph or section that refers or mentioned Sh. 50 or Sh. 60 as the hon. Member alleges.

Mr. Amayo: On a point of order, Mr. Speaker, Sir, since the reference of the letter in question is with the Minister, would it be in order for him to read the contents of the letter so that we know, rather than the Questioner going to look for the letter?

The Speaker (Mr. Mati): What I will require is that the two letters—Mr. Tsuma's letter and the Minister's letter—be laid on the Table. We will move on now.

Mr. Towett: Sir, my letters are two and here they are, I lay them on the Table.

(The hon. Mr. Towett laid the letters on the Table)

The Speaker (Mr. Mati): Mr. Munoko, I thought you had a Ministerial Statement to make.

MINISTERIAL STATEMENT

RECRUITMENT OF CITY COUNCIL EMPLOYEES

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, in answer to fears expressed by the hon. Member for Embakasi, in a question by Private Notice, on the recruitment of City Council employees being carried out through councillors, I undertook to look further into the allegations made by the hon. Member and report back to the House.

Sir, I would now like to assure the House that the matter has been investigated and I am assured that the procedure for the recruitment of lower grades of staff into the services of the City Council is made by the head of a department in consultation with the Town Clerk and the establishment officer. This is the procedure laid down in the staff recruitment regulations.

However, although it is generally known that councillors, like other members of the public, are sometimes approached for letters of reference by prospective employees, the Ministry has, so far, not received any report of deliberate departure by heads of departments from the laid down procedure. I would also like to add that in order to ensure that this procedure is being observed continuously, instructions have been sent out to the heads of departments to the effect that any undue pressure exerted on them by anybody regarding any methods of employment of staff that is not in keeping with the laid down procedure, should be reported to the Ministry at once.

COMMUNICATION FROM THE CHAIR

ELECTION OF ACTING DEPUTY SPEAKER

The Speaker (Mr. Mati): Before we move on, I have to report to the House that the Deputy Speaker, Dr. Waiyaki had to attend a conference, of the Executive Committee of the General Council of the Commonwealth Parliamentary Association in Charlottetown, Prince Edward Island, which is taking place from today up to Friday. Therefore, we have to elect an Acting Deputy Speaker. I am sorry about this because it has just come so suddenly; we only had a call from the African representative, Zambia during the weekend and we were not able to so inform the House and to have appointed an Acting Deputy Speaker before Dr. Waiyaki went. Our House sits up to the end of this week, Friday. This means that whoever would be appointed will be acting for that period.

Our Standing Orders are rather complicated in this because they require an actual election where the acting period extends beyond three days. But in order to save time, if the House is agreeable, I would like to propose a name, and as the House is not bound to accept it and may still require an election, perhaps we can go through that process first. However, I thought that if I asked Mr. Ndolo Ayah to help during those days, the House would be grateful. Therefore, if it is acceptable to the House, and if there is no objection, I would ask the House also to forego the process of the actual voting and agree that Mr. Ayah acts for the remaining days of the Sitting.

The Speaker (Mr. Mati): Thank you very much.

BILLS

First Reading

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

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

Second Reading

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

Mr. Mwamzandi: Mr. Speaker, Sir, on a point of order the Supplementary Appropriation Bill is to go through the three stages in this one day; I wonder why the leave of the House is not sought here.

The Speaker (Mr. Mati): In this kind of Motion, or Bill, the leave of the House is not necessary. We will go on.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 2) Bill be now read a Second Time.

Mr. Speaker, Sir, the Bill is to give legal sanctions for the expenditure of moneys that were approved by this House by Motions which we dealt with last week. Mr. Speaker Sir, there is not, therefore, any new matter that requires to be introduced or debated. The Motions which were brought here last week, which dealt with Statements of Excesses and also dealt with the Supplementary Expenditure in respect of certain development projects and certain Recurrent Expenditure—all these, Mr. Speaker, were debated last week very fully and the Motions were agreed to.

The Bill, therefore, merely puts in a formal way the appropriation or the authorization to spend public funds on items which went through the full debate and which were agreed to by this House. I would be, therefore, quite wrong, Mr. Speaker, to take the time of the House in trying to go over the same items again as we dealt with them last week.

Therefore, Mr. Speaker, I beg to move.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed) seconded.

(Question proposed)

Mr. arap Chumo: Mr. Speaker, Sir, while accepting what the Minister has said concerning this Supplementary Appropriation Bill, I would like to mention one fact here, that although we do agree that excesses are bound to be incurred by Government, especially on development and such other items, I know that there are also excesses which are incurred through misappropriation of public funds. I would like the Minister, instead of bringing a Motion like this one before the House for the approval of the use of public funds, and accepting the excesses that have been appropriated in such items, to correct these things in the Ministries concerned. We have seen that people go out of their way to use public funds without the approval of the Treasury and Parliament. Such officers ought to be made responsible for such excesses.

Although it is very difficult when a Bill like this is brought excesses are brought in one Bill where everything has to be approved and passed, the House is definitely put in a difficult situation where we just do not know what to refuse, or reject. What I mean to say, Mr. Speaker, is that we accept to approve where this money has been used in excess as a result of occasions and functions which cannot have been foreseen but we would like—— Although we accept to pass such Bills, we would like Government to take necessary action so that whatever public funds have been misused or misappropriated without the authority of Parliament, and where officers go ahead and use public funds without really following regulations and instructions, can be recovered.

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

Mr. Jilo: Thank you very much, Mr. Speaker. I am not going to take much time of the House although I have some observations to make.

Mr. Speaker, Sir, it has been a tradition that this House is asked to vote for money from the Consolidated Fund for services that are essential for the good of this country. I agree with this and I have no quarrel with this Bill. I wholeheartedly support this Bill, but, Mr. Speaker, Sir, there has been an outcry from the country-side because Government money is being misappropriated by certain civil servants. Mr. Speaker, Sir, we have not been told what happened and what steps Government is taking against the people who are responsible for the misappropriation of the public funds. Mr. Speaker, Sir, as you know, the people who have contributed money are very poor. It has taken these people time, Mr. Speaker, to get the money to pay taxes and they would like to see this money spent in good ways and in good faith. Mr. Speaker, Sir, I am speaking here as a tax-payer who is contributing much money to the public funds. I am paying a lot of money, just like the other hon. Members on the Front Bench. Mr. Speaker, Sir, definitely I have no quarrel with this but I am appealing to the Minister concerned and also the legal department which is headed by the most learned hon. Member of the House, the hon. Attorney-General to make sure that these people who are responsible for the misappropriation of these funds, whether they are Permanent Secretaries, Under-Secretaries or any officer in the public services, should be brought to book so that the country——

The Speaker (Mr. Mati): Order, Mr. Jilo! I tried very hard not to interrupt you but I think I must do it now. You are alleging that some people have misappropriated some money and no action has been taken. That is very serious unless you can say who these people are. The overspending is not misappropriation. The two are quite different. I think, Mr. Jilo, you must not make allegations of that kind because it is unfair.

Mr. Jilo: Mr. Speaker, Sir, I will go with your ruling. I was referring to the Auditor-General's Report where we saw that some money had been overspent. I think I made a mistake of not differentiating the two words. Mr. Speaker, Sir, as I was saying, Government should look into this matter and report to this House as to whether this was a misappropriation or an overspending of public funds.

Mr. Speaker, Sir, I am not going to say much on this but I would like to appeal to the Minister to make sure that, in future, money allocated to certain Ministries for certain projects is spent on the projects and not for any other purposes.

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

Mr. Amayo: Mr. Speaker, Sir, I have a few words to say: one, if you go through the Reports of the Auditor-General, you will find that some Ministries put up requests for some more money from the Treasury and then they are put in an embarrassing situation where they are conditionally forced to overspend. The Ministry of Finance and Economic Planning should take note of this and see that the people in the offices are efficient so that when any letter comes from any Ministry requesting money, say, "No" or "Yes" immediately so that the officers are not in a horrible position or can challenge this House. Therefore, I hope that the Minister for Finance and Economic Planning will take note of this and see that this kind of thing is not repeated because I hope that these reports do pass through your desk always and you do read the Reports of the Auditor-General.

Now, the other thing, Sir, is that it is being experienced, and this is confirmed by the reports which we have been receiving in this House from the Auditor-General and from the Public Accounts Committees, that some Ministries have made it a custom that they must overspend. So this is a big question which is worrying the House: worrying the country and everybody. Why should it be a custom that some Ministries should overspend year after year? This is a big question. Why not ask the Minister for Finance and Economic Planning to fare well with the Ministries and give them what they want; and if not, tell them that there is no money? These people are overspending year after year because they know that there is money but the Treasury has refused to give them money. You are trying to be thrifty which is good for the country, but why be thrifty and when they overspend you come to the House? So, this is a question which you had better ask yourself as the Minister for Finance and Economic Planning. Why give these Ministries inadequate money claiming that there is no money and then when they overspend you come to the House? That is the question.

Now, I think that the services on which these people overspend are public services and if anybody misused that money he would be down for it. So, Mr. Speaker, Sir, I am appealing to the Minister for Finance and Economic Planning to look into that.

The other thing, Mr. Speaker, Sir, is that I would like to know from the Minister for Finance and Economic Planning how he draws the Estimates, co-ordinates them, because every time he comes here with a paper which he says it contains everything and then later on he says there was something they could not foresee. Now, before you bring such a thing, I believe that there is always proper co-ordination. So, this co-ordination involves every Ministry being given definite figures: That is "For this year, I, the Minister for Finance and Economic Planning have given you, the Ministry of Agriculture, permission to spend only Sh. 24 million. So, work it out for yourselves." Or, should they bring their own Estimates so that you can approve them? If you do approve them, I hope that you do approve them with some reasons which should accompany the Estimates.

Therefore, where could you tell the House that the overexpenditure came from? Actually, there are some emergency cases which are unavoidable, but this is a difficult question and you had better check on it. I do not want to be too long on this but I just wanted to bring home to you the following: (1) do not delay in replying to the Ministries: (2) why do you not control the other Ministries from overspending so that when they have overspent the money, then you do not come for Supplementary Estimates? You tell them, "There is no money"; and then when they have overspent, you say, "There is money". And then you are now asking this Parliament to authorize that money be withdrawn from the Consolidated Fund; if there is money there, then you had better give it to them.

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

Mr. Ayah: Mr. Speaker, Sir, I think that this is as good a time as any for me to make only two remarks.

I do agree with the hon. Members that this is something which we have passed in two stages. One, we did approve these things at the stage when we were discussing the Public Accounts Committee Reports and also when we were discussing the actual Supplementary Estimates last week.

[Mr. Ayah]

I was thinking, Mr. Speaker, Sir, that there were two points which need emphasizing when we are giving the Minister this money. One, my hon. friend, the Member for Karachuonyo, in his eloquent way, has put it that in these Estimates that come to the Ministry it seems to me there is not sufficient co-ordination between the Ministries and the Ministry of Finance and Economic Planning in the sense that I have been given to understand that sometimes the accounting officers, or the Permanent Secretaries, do have accurate estimates as to what they will need in the following year. However, because, the Treasury tends to be rather innocent or, at least, feel that they should look after the public funds, sometimes offer money stringently and they do turn down these Estimates which give, or later on give, the House and the Minister some bother in coming back to the House while originally the Estimates were given correctly by the requesting Ministries.

I hope, Mr. Speaker, Sir, that the Minister will tell his officers—or, at least, there should be a committee, in my opinion, in the Ministry of Finance and Economic Planning to help the Ministries so that when they have to tone down their Estimates, they are toned down according to some reasons and not just because money has to be concerned.

The second point which I wanted to make, Mr. Speaker, Sir, was that I have noticed, in the Reports of the Public Accounts Committee, matters that have given rise to the discussion in question, there were several instances of failure in collection of Appropriations in Aid. Again, I wanted to emphasize to the Minister that this question of estimation comes again, in the sense that the accounting officers and the Ministry of Finance and Economic Planning do sometimes come up with the expectation of Appropriations in Aid which later on are not forthcoming and, in any case, whose methods of collection were not worked out very carefully, so that the Government and this House eventually is faced with the problem that Appropriations in Aid were expected from certain sources and they did not come because, (*a*) they were badly estimated, and (*b*) methods of collection were not well worked out.

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

The Minister for Education (Mr. Towett): On a point of order, Mr. Speaker, Sir, since it seems to be repetition of what has been said before, may I move the Mover be called upon to reply.

The Speaker (Mr. Mati): All right. I will put the question that the Mover be now called upon to reply.

(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, a few points have been made that I would like to reply to. There is an insinuation by the Member for Tana River South. Mr. Speaker, Sir, it is quite wrong, clearly, as he well knows, or ought to know, because he was originally a Senator and then something else and now he has been in this House for so long. We are talking about Excesses and not Misappropriations. If they were Misappropriations they could never have been passed or agreed to by the Public Accounts Committee. We should not have a Member of this House who gives the impression that the sums being approved have been incurred through misappropriation because this is wrong and it is just not true.

Equally, Mr. Speaker, Sir, I think we had better grow up now. We have been hammering at the Civil Service and we seem to be unable to discover some other targets. I am sure that everybody has had a good enough say about the evils of civil servants and maybe it is time now that we went back to some more creative occupations than merely attacking people who have no way of defending themselves in this House because where there has been any misappropriations there has been court action taken. The hon. Members know that anywhere where there has been any case of a misappropriation, court action has been taken and people have been put into prison and others have suffered various consequences. Therefore, Mr. Speaker, Sir, to talk loosely and glibly about misappropriations where it is not really substantiated, I think it is just the kind of talk which, as hon. gentlemen, we ought to avoid so that we could stay honourable.

Mr. Speaker, Sir, the hon. Member for Karachuonyo is quite wrong. I think he should pay us a visit. This is my best way of speaking to him as he is my friend. He should pay us a visit at the Treasury so that there can be an honest discussion about the procedure of dealing with the Estimates. It is not at all true that we—the Treasury—decide who will have what money or who will have what money. Mr. Speaker, Sir, at the time when these Estimates are prepared, and this is such time as now, each Ministry places its own Estimates and then all these Estimates have to be discussed between the Treasury and the Ministries concerned—and then, of course, within the Cabinet—as to the priority of expenditure in a given year and then eventually it is agreed upon as to what Kenya can afford in a given year and what should be the priority in that expenditure.

[The Minister for Finance and Economic Planning]

Mr. Speaker, Sir, it is not quite right to put the thing entirely the wrong way up by pretending that the Treasury is a kind of an arbiter of who will have what money. The Treasury deals primarily with financial management, administration of the funds that belong to the people of Kenya and the decision as to what aspects should have priority is decided by the Government and, in fact, quite often, by this Parliament.

Mr. Speaker, Sir, he is quite wrong to assume that a Ministry does overspend and then claims the money from us or, alternatively, that they overspend because the estimates that they had were originally right or they were not approved. Mr. Speaker, no one has a right to overspend. All expenditure should be first approved; whether the particular gentleman is convinced that he is right or not, the procedure is that all expenditure should first be approved.

Mr. Speaker, Sir, there is a suggestion that there has been failure of collection of Appropriations in Aid. This suggestion was made by the Member for Kisumu Rural. In this year's Supplementary Estimates, it is not so much failure through anybody's fault. It is not even failure in administration; it is that certain Appropriations in Aid from coffee, from marketing of livestock, for instance, in North-Eastern Province, were not returned because of certain tragedies of drought which were nobody's fault. Therefore, whereas he may be right as regards in last year, for instance, this year we have not noticed what he has suggested has happened.

Mr. Speaker, Sir, I do not think I have many more points to make and, therefore, I beg to move.

The Minister for Education (Mr. Towett) seconded.

(Question proposed)

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Acting Chairman (Mr. Ayah) took the Chair]

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

(Clauses 2, 3, 4, 5 and 6 agreed to)

(1st Schedule agreed to)

(2nd Schedule agreed to)

(3rd Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Acting Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation (No. 2) 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 (NO. 2) BILL

Mr. Ayah: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation (No. 2) Bill and approved the same 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 Education (Mr. Towett) 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 (No. 2) Bill be now read the Third Time.

Mr. Speaker, Sir, we have very important business on Tourism pending and I would not like to waste the time of the House. Therefore, Mr. Speaker, Sir, I beg to move.

The Minister for Education (Mr. Towett) seconded.

(Question proposed)

(Question put and agreed to)

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

Second Reading

THE HOTELS AND RESTAURANTS BILL

(The Minister for Tourism and Wildlife on 18th June 1971)

(Resumption of debate interrupted on 20th June 1971)

Mr. Mulwa: Thank you very much, Mr. Speaker, Sir. I have a few observations to make on this Bill. However, before I talk on the Bill I

[Mr. Mulwa]
would like to clarify some points which were raised by His Excellency the Vice-President when he rose to speak on this Bill. His main concern was that some Members, as he put it, had taken themselves to be more representative than others. I think his comment was prompted by the fact that there was a move to shelve this Bill. I think I understand the sentiments of the Members, particularly when it comes to shelving the Bill. Mr. Speaker, Sir, you may recall that we had the University of Nairobi Bill here and Members did a lot of research, as a result of which they had a number of amendments but the way in which these amendments were dealt with was very discouraging. This did not happen because the amendments were not sensible—in fact the amendments were good. The Minister for Education modified them—in other words he accepted that the amendments were good and he inserted a few amendments here and there making sure that he left out the most important parts of the amendments. In fact, the whole thing was tossed left and right as a result they were thrown out. I think this is discouraging to the Members because to bring amendments here—and I am sure my learned friend, the Attorney-General, can tell these Ministers—is not easy; and it does not mean that they, the Members bringing them just sat down and drafted them; this is not possible since it needs research—it means that one has to look into other Acts and, if necessary, Acts from other countries. So, when they are thrown away, I think it is most discouraging. This is the reason why you will find that Members will resort to what they consider to be easier to do—that is shelving the Bill for six months. If they are not allowed to put forward their amendments when the Bill comes to the Committee stage, then the only alternative left to them is to resort to shelving the Bill. In order to avoid that, I think the Minister should be willing to accept the suggestions and amend the Bill accordingly instead of putting up a fight as if there should be a fight between the Backbenchers and the Ministers. As far as I am concerned, we are Members of the same Government and we are supposed to help the Government to pilot through these Bills as quickly as possible and, therefore, I do not see the need to gang up together when a Member brings forward an amendment unless it is inconsistent with the Bill being discussed. I would like to submit that in most cases our amendments are sensible. I think, therefore, that the fears of the Vice-President and Minister for Home Affairs are unwarranted because what he should do, as Leader of Government Business, is to have a word with his Ministers. Having said that, I would like to talk on the Bill itself.

This Bill has two good things which I would like to comment on roughly. The broadlines of the Bill seek to establish a fund to finance training of our people in the hotel business. Mr. Speaker, Sir, this is an idea which must be welcome because Members have said, when they were speaking and, of course it is a known fact that we do not have Africans in the hotel management, and instead we have foreigners who are not more educated than our School Certificate chaps who are going about without employment with all that education they have; and all that is required is to look for jobs for them and the best way to do this is to get them into categories of jobs which are not yet Africanized—for example, this type of job—because of lack of manpower. I think we should have this idea incorporated in this Bill, the idea of having a fund which should be financed by the hoteliers themselves instead of drawing money from the public funds in order to train our African young men who want to go into this business. I think, many Africans do not know anything about hotels and, therefore, I feel it is our duty to encourage them, as soon as this Bill becomes an Act of Parliament, to join hotels so that they can be trained to take over.

The other part which is good, in as far as this Bill is concerned, is section 23 which seeks to have a central booking registry. Mr. Speaker, Sir, you may recall that last year I raised a question on this matter because I had noticed from experience from somewhere that these tourists—most of them—who come here book for their hotels overseas. For example, they book for a room in the Hilton Hotel or the New Stanley Hotel but pay the charges overseas. In fact, you will find that they know their room numbers in the hotels to which they are going before they fly here. They just leave their money somewhere in London and then they fly here; but despite this you will hear a lot of talk about the tourist boom and a lot of money coming into the country whereas the cream of that money is left overseas and all that is left to us is just a small amount of money from the curios bought here and there by these tourists. When I raised this question, it was properly answered by the Assistant Minister—— What is his name? The Assistant Minister for Tourism and Wildlife replied to the question very well and accepted that we needed a central booking place.

If one looks at the early chapters as laid down in the Bill, one will find that section 23 provides, "centralized booking". Mr. Speaker, Sir, I would like to request you to turn to the provisions in

[Mr. Mulwa]
the clause. When you read the heading, "Centralized booking", you will imagine, and particularly when you remember the answer which was give by the Assistant Minister last year, that the section talks of a bureau where all tourists who come here will first report, and then be placed in various hotels. The clause as it stands now, if I may read it, is very vague. To start with, it states that, "The Minister may by notice". The word, "May" is very different, in law, from the word, "Shall". The word, "May" means that he can if he wants, but if he does not want you cannot force him. Here, I must warn the Members —but the other time I found that Members were tricked when we introduced an amendment to the Local Government Election Regulations because there was much pressure to have a clause governing the amount of money which a candidate could use. In order to please the Members, the Minister then inserted that clause; but very cleverly, he put in the word, "May". If you look at that clause you find that he inserted the word, "May". The whole thing was such that some of the Members did not see it, and those who saw it did not catch the Speaker's eyes and, therefore, there was no time to amend it and now it stands with the word, "May", which is meaningless because it is just the same as if it were not there because you cannot force him to use it if he does not want to use it. Here, again, we have this section 23 (1) which states: "The Minister may, by notice in the Gazette, direct that the manager of any hotel situated within a national park——" I will not continue from there because I can see an amendment which the Minister wishes to move. This proposed amendment by the Minister is not enough because it is just removing the word, "National Park", "National Reserve", or "Game Reserve". That is all right because it looks very absurd if the operation of this central booking was going to be confined to this alone. However, if we were to be serious about this, and if we really mean to make tourism a paying enterprise as the Minister seeks to do, we have to have a real central booking registry as I understand by "central booking registry" there will be a register, or, say, a bureau, where all the tourists coming into Kenya will report and where all their bookings to various hotels will be carried out from. Unless we having something like that, then, we have no way of controlling or making sure that these international hotels do not make their bookings overseas and make sure the money is paid there. The idea is to make sure that the tourists come here although the hoteliers do not know where they are going to be accommodated, and their work is just to receive tourists who have been sent to them by this central booking office. If we accept that the clause must be like this, then it must be necessary. It is not a question of saying that the Minister may do this. If we have to leave it to the Minister to declare certain hotels which he feels are the only ones which are going to be affected by the central booking, then I think we had better scrap the whole clause because it loses its meaning. I am sure I see the Assistant Minister nodding very curiously and I think he means to indicate that he agrees with me, that the word "may" must go. It is a small word with three letters but it is very important and if we leave it as it is there it makes the clause lose its value.

Now, Mr. Speaker, let us see what the nature of this central booking——

An hon. Member: Do you want violence?

Mr. Mulwa: Yes, I agree with you. Mr. Speaker, having accepted the idea of having a central booking office, we also have to question ourselves as to what type of hotels it will take. If we leave it to the hotel owners to run this bureau, I think there, again, we shall be running into a big risk. It is not specified here and that is why I am raising this. Although the Assistant Minister is assuring us that he does not intend to give it to the hoteliers, nevertheless, the clause is vague about it and that is why I am raising it so that he can do a bit of homework on it. If we leave it to the hoteliers, we fail. If we leave it to the authority, I will not be very happy because I think we shall be giving the authority rather too much power. The hoteliers have a very big say in the authority itself; and again, I am not happy with that.

Now, who will be running this central bureau? Mr. Speaker I do not know. I would not suggest that the Ministry should do it because here, again, we shall find the usual bureaucracy of the governmental red tapes machinery. We would be failing here, again, because this is business and we need efficiency. It is not a question of having a civil servant working there. It is not that I am not appreciating what the civil servants are doing. I do accept that they would be good; but as you know, somebody who is working as a civil servant has a limit to the amount of effort he can put into a thing like this which is purely business. He will be working as a civil servant and after 4.30 p.m. he will feel that he should go home. Perhaps he will be impolite—which is natural—to the tourists and we cannot afford to have this.

Mr. Speaker, Sir, I do not think the Minister had given this a thorough thought because it is a big thing, and also important, because it is a

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new context which has not been here before. It is something which, perhaps, the hoteliers themselves might not welcome readily because they have been used to working on their own and making their own bookings. It is something which, for all I know, might raise some objections. For these reasons I would suggest that the Minister should look into it and find the possibilities of establishing a bureau which will be by itself and not as a governmental body, or not a body which will be run by the hoteliers, but a body which will be independent of the Government and the hoteliers so that it will be allowed to charge a nominal or a commission fee for these bookings so that they have the incentive to do it. If we do not give them the incentive to do it, or if we leave it under the Ministry, I can assure you the service will be very poor and I do not think it will be encouraging for the tourists to come here.

So, Mr. Speaker, my way of thinking about this thing is that it should be an independent body; a bureau which will run itself on a purely business basis. Let it charge some nominal fee to hoteliers, or to the tourists—whichever is convenient—so that they can keep that incentive to work, receive our tourists properly and let them feel that they are warmly received in Kenya. There is no need to receive the tourists warmly at the airport just to find gloomy faces of tired civil servants who are lowly paid because we all know that the civil servants in the Ministry of Tourism and Wildlife are poorly paid. We know that very well and so we should not drag them into this. Let this be an independent body which can charge some nominal fee and work on a commercial basis.

Mr. Speaker, as far as I am concerned that clause is the most important part of this Bill. In fact, I am surprised to see that it was put here as a supplementary clause in part (7). This is the most important part as far as this Bill is concerned, otherwise there is no need of having a big Ministry headed by a very experienced Minister, who has been all over the world, and two capable Assistant Ministers. There is no need for them to head a Ministry which does not bring money into the country. I think this is the sense of the whole thing. We must appreciate the fact that if we are going to have tourism here, it must be paying; it must bring money into the country. This clause, on central booking, as far as I am concerned, is the essence of this Bill and it must be treated with all the seriousness it deserves. That is why I am disappointed that the Bill was put towards the end. I do not blame the Minister; maybe it is the mistake of the drafters from my learned friend's office—the Attorney-General. I do not blame the Minister for putting it there.

So, Mr. Speaker, I have suggested an amendment to this clause and in that amendment, which I hope the Minister will accept, I am seeking to categorically state that there should be a central booking office for all the hotels—and by hotels I mean "hotels" as defined by the Act, not in the national parks and what-have-you alone. They should not be those which are going to be declared by the Minister; no. All the hotels will be subject to this central booking; such hotels which are going to receive our tourists from overseas and so on, as defined by the Minister himself in this Act. I do not see the point of defining which hotels are going to be affected by this Act here and then in a subsequent clause we put another qualification, that only a certain class of hotels should be affected. If we accept—as it seems to indicate here —that he is going to modify it, still there is this misgiving that he will have to declare by notice. Why declare when it is defined here that the hotels which are going to be affected by this Bill are this and that?

Well, I am coming to the definition of hotels—not that I accept it *in toto*. However, as far as this Bill is concerned, the definition of hotels is clear here. So, clause 23, which is the most important part of this Bill, dealing with the central booking, should apply to the hotels as defined by the Act and let the Minister pull his hands out of it. There is no need of qualifying that and saying that certain hotels will be affected by the central booking office while others will not. All these hotels will be receiving tourists from abroad. So, why put this clause here? In fact, this is something I would have liked to hear the Minister elaborate on. Why choose some hotels and leave out others? I think this is trying to blow hot and cold at the same time because we have the definition of hotels and it should apply throughout the Act; that is the Bill when it will become an Act.

So, Mr. Speaker, what I am trying to say is this: Unless the Minister is prepared to amend the Bill again, I will have to move an amendment to clause 23 so as to provide that there will be a central bureau which will be the sole body concerned with booking of tourists coming to this country from overseas to any hotel as contained in this Bill and not to particular hotels as chosen by the Minister by a notice. Mr. Speaker, Sir, I will now leave that part of the Bill. I can see the Minister taking down some notes and I hope he is going to amend it.

Mr. Speaker, Sir, I now come to this question of liability, which I think is reducing the amount of money payable for the accommodation of a

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guest. Here, no proper explanation has been given by the Minister as to why the amount should be reduced so much. Mr. Speaker, Sir, I am referring to clause 12 (1) in connexion with liabilities to guests. Mr. Speaker, Sir, I do not see why it was thought wise to bring all this here. I am saying this because if a certain guest loses his property when in a hotel, then, obviously, he is entitled to some compensation. If he has lost a camera, for example, which is very expensive, I do not see why we should try to limit his right to claim compensation from the hotel where he is staying. Why should we limit his claim? Why should we introduce this? I am asking this because it is a direct way of curtailing the right of this person to claim compensation under common law. Why are we trying to bring this here when there is enough law already to cater for this? This is specifically brought here to—— I think it must have been brought here out of pleasure by the hotel owners themselves; otherwise, as it stands I do not see its benefit at all. There are enough provisions in the law we have catering for that so that if somebody loses property in the hotel where he is lodging, he can claim compensation for it. Why are we trying to limit this to Sh. 500? Mr. Speaker, Sir, this is a thing the Minister ought to look into, otherwise we shall be forced to move an amendment here. I remember he had promised to listen to our arguments on this and that he would undertake to bring the necessary amendments. Certainly, Mr. Speaker, Sir, this definitely requires an amendment.

Mr. Speaker, Sir, the other thing, although not very important, which I feel needs mentioning is to be found in clause 10 (1), which says that the Tribunal will have the privilege of having an advocate, I am sorry, I am referring to clause 10 (4) which says:—

> "There shall be an assessor to the Tribunal, who shall be an advocate of not less than five years' standing, . . ."

Honestly, Mr. Speaker, what is so complicated here to warrant an advocate of five years' standing? This is not really necessary and I do not think there is anything so complicated to require the provision "a period of not less than five years' standing". This person is not going to be a judge. Even a judge, Mr. Speaker, Sir, I presume——

An hon. Member: You have to study law and have at least seven years' experience in legal matters to be a qualified judge.

Mr. Mulwa: Yes, I do agree with my hon. friend; but it is still my submission that one could be a judge with less than seven years' experience. However, let me leave alone the question of seven years' experience because I know it will bring me to clash with my learned friend here. We can wait until that comes, but here, this gentleman is supposed to be an assessor to a small tribunal concerned with nothing but people coming to visit this country. This is what it amounts to. Mr. Speaker, Sir, just to advise these people about tourism, we think it is fit to lay down the provision "not less than five years' standing! If the Minister was to be honest with me, he would admit he was advised on this by somebody who had an interest in it. If he accepts this, and I guess he does, the adviser might be one of the big owners of hotels here who did not want an African advocate to go near this thing. Therefore, Mr. Speaker, I suggest that this period be reduced because we have a good number of African lawyers and, in fact, we are now being faced with a problem of where to put them. I am saying this because I understand that the Attorney-General's Chamber is full, and as a result we now have these African lawyers roaming about and I am sure with the vigorous training they have undergone, plus the experience they have gained because some of them have been trained on-the-job, they can handle a small job like advising a small tribunal on tourism matters. Therefore, Mr. Speaker, Sir, this subclause is not at all important.

The other point, Mr. Speaker, in connexion with this, is that if the Tribunal has been given the privilege of having an advocate, what about the people taking their problems to the Tribunal? Why are these people not given the privilege of engaging advocates. This should be provided for in the Bill itself. If you give the Tribunal the privilege of having an advocate, surely the people making applications to the same Tribunal should also have that privilege or advantage of having a lawyer to advise them. I am saying this not because I am looking for a job, I have enough to do, as you all know, but because the Bill is silent on this particular aspect and it would appear that the advocates are not required to appear before the Tribunal.

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

[*The Acting Deputy Speaker (Mr. Ayah) took the Chair*]

I am sorry, Mr. Acting Deputy Speaker, I thought hon. Members were clapping for me, but I notice now they are doing it for you. What I was saying is that the clause is silent on this and when left like that, it appears that the advocates are perhaps not allowed to appear before the Tribunal. I am saying this because in other Bills

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or Acts, where advocates are mentioned, it is specifically stated that an advocate is required. If you look at the Liquor Licensing Tribunal, it specifically states that an advocate is required and many others do provide for this. Perhaps the Ministry is not aware of this and I am sure they could not have opposed the idea of including representation by an advocate in this Bill.

Mr. Acting Deputy Speaker, the other point which I want to put forward before I conclude my speech is the question of complaints, which is found in clause 7 (5). I do not know whether the Minister is going to amend this and I do not think he needs more persuading from hon. Members on this because here the clause requires that it is the authority which will determine the expenses incurred—— May I quote it so that we get it clearly. It says:—

> "Where, as a result of complaint made against a licensee the authority finds after investigation that the complaint is frivolous or vexatious, the authority may order the person making the complaint to pay to the authority or the licensee such sum as the authority consider equitable . . ."

Mr. Acting Deputy Speaker, Sir, this is not at all necessary because it will have one big effect, that is, scaring people from making complaints. I am saying this because when one makes a complaint he does not know whether he is going to succeed or not and, therefore, if this provision is going to stand, obviously, it is going to scare people who want to make complaints to the authority. This is because a person will think he runs the risk of finding himself paying a certain amount to the authority. Therefore, Mr. Acting Deputy Speaker, this should go, particularly when it is well known that most of the hotel owners are foreigners. In fact, we do not have any Africans who own these big hotels. Mr. Acting Deputy Speaker, Sir, I foresee a lot of complaints in future, just as much as there are at the moment. However, Mr. Acting Deputy Speaker, Sir, when you look at the authority itself, although the Minister keeps assuring us that there will be Africans in this, we know the sort of Africans who are usually put in such bodies. They are the mediocre Africans plus the *wazungus* who own these hotels. Therefore, Mr. Acting Deputy Speaker, Sir, it follows that this Tribunal which will be composed of mediocre Africans and some Europeans will not entertain complaints from *wananchi*. As you already know, Mr. Acting Deputy Speaker, Sir, complaints made to the Ministers are not usually taken seriously particularly, when they come from the small people except when they come from a big person like the Minister. These complaints are never taken seriously. If this is the case, what about when it comes to the stage where you make a complaint which can always be summarily dealt with by the Tribunal? In addition to the embarrassment that your complaint has been turned down, you have to pay some amount of money. Mr. Acting Deputy Speaker, Sir, I can never appreciate the provision of this clause because it is not at all necessary. If the clause has to be there, then, let it be there but remove the provision of paying expenses. If I bring some complaints to the Tribunal and I am embarrassed by the fact that it has been dropped, that is enough to punish me. Mr. Acting Deputy Speaker, Sir, if the Minister wants to prove this, he can ask the hon. Shikuku. The other day here, the hon. Assistant Minister brought a genuine complaint in this House about a certain non-citizen embarrassing him, the whole thing was brushed aside just like that. This in itself is enough punishment to whoever brought forward the complaint and very embarrassing too. It is enough punishment. It is very embarrassing especially when the whole country knows that an Assistant Minister has complained that he was dismissed as if he was just an ordinary *mwananchi*. Just imagine, if the hon. Shikuku was asked to pay some compensation expenses because he had made this complaint to the authority! I think this was pushed here by the hoteliers themselves, if the Minister accepts this. I cannot see our good Minister there—much as I know him—sitting down and allowing such a thing to appear here. I think that is directly meant for the *wananchi* who go to complain about the non-Africans. So, if he could accept, and I am sure if I ask him in private he will admit, that this clause was pushed there by the hoteliers themselves, and it should go, that would be good. Otherwise, we are going to pass an amendment here.

Sir, as a whole I do accept the spirit of the Bill, especially if the Minister agrees to see that the central booking is a real central booking. After we have seen how it works, Sir, I feel this Bill is not going to be enough to cater for the *wananchi* as far as the hotel business is concerned. The Minister will have to sit down again and work out how he is, seriously, going to bring the African into the hotel business. When I mean hotel business, I do not mean a job here, Karai Boarding House here and something else there. I do not mean that, I mean the big hotels which are national in that they will receive tourists from overseas. Here the Minister will agree with me that we are very much lagging behind in that no Africans are in these hotels. Most of the lodges

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or hotels are either run by certain foreign individuals or are run by companies mostly manned by non-African shareholders with a few Africans as window dressers. That is why I say, Mr. Acting Deputy Speaker, let us amend this Bill and after that let us put it into effect, particularly the issue of central booking. I can assure the Minister that if we do it that way, you will see, within two years whatever the Minister gets as some form of revenue from tourism, he will treble. That will be a credit for the Minister and his two Assistant Ministers.

All we want is to have the money and if it comes, of course, there is a promotion for the Minister.

Let us put this Bill into effect and see how it functions. After that, let us sit down and bring in this Bill again seeking the authority of this House to put the Africans into the hotel business.

With these few words, Mr. Acting Deputy Speaker, I beg to support.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Sir. I have been in this House since last week, waiting for a chance to speak and at last I have got it. Therefore, I thank you, Sir.

To start with, Sir, it is quite incorrect for the hon. Member, the last speaker who has just sat down, to think that once you are a Minister or somebody important, then you are taken seriously. For his information and for the information of the House, despite the fact that I was refused hotel accommodation in Mombasa, I complained to the Minister himself but so far nothing has been done. So you can see the situation. I kept quiet and I will give them a piece of my mind now that I am on my feet. They may be a disgrace to the society, they should be a disgrace to the society because they should realize that an elected person is elected from among many and, therefore, should be respected. If he cannot be respected by simple hoteliers, and the Minister and his Assistant Ministers keep silent, particularly the hon. Jan Mohamed who is the chairman, then it is a shame on him. He does not need to feel ashamed because he is not elected anyway. He is lucky to be here by nomination and he stays as a Nominated Member, but if he had to go to the *wananchi* he would be told how little they think of him.

Now, Sir, having said that, I would like to draw your attention to the Bill as it stands. I totally disagreed with those who wanted to kill the Bill —but I did not have the chance to speak then— because it would not have provided us with the opportunity to air our views. This is the first point. Secondly, throwing out a Bill is the shortest and cheapest way of going about the business of the House. I believe in debating and making points and leaving them on record. If the Minister does not act, then we leave it to the public outside to judge what sort of a Minister he is.

Sir, I have read the Bill thoroughly and I am not going through it now clause by clause. I have done some thorough homework on this Bill but I do not see any place where the Bill intends to put the industry into the hands of *wenye nchi*. If there is any clause, I must be told. If there is one, then section 22 of this Bill, on page 44, Cap. 237, says, and I will quote:

> "notwithstanding anything contained in the Industrial Training Act no training committee shall be set up in relation to training in, and no training levy order shall be made in respect of, hotels and restaurants under that Act."

This is where it says, "Cap. 237 not to apply."

If you are talking of industry being given into the hands of the Africans you cannot do that merely by making a speech in the National Assembly and tomorrow you give it to Njoroge, Muliro, Karanja or Mutua. By saying, "He is an African and so he will take over New Stanley Hotel" he cannot do that, he must be trained. But if this Bill negates that, then nothing can be done. If section 22 is exempting these fellows from this, then how are we going to put this industry into the hands of Africans when you do not train them? How can you do it if you do not have this training levy just as we have it for other industries? That is the only time we will be able to say that the industry will be placed into the hands of *wenye nchi* not *wananchi* because we have paper citizens also. That cannot be done because this section negates this, section 22 on page 44. Therefore, it can be claimed that this Bill is there entirely to safeguard those who are already in the trade.

I have made the point that the Bill does not make any headway or show any symptoms whereby this industry is going to be in the hands of the indigenous people of this country, black. Therefore, I feel a very serious amendment is necessary. We must remove section 22 and fortify section 23 as the hon. last speaker, the lawyer, said so that the hotel will be in the interest of the indigenous people in this country. So far it is not. Now I am going to prove to the Minister, and his Assistant Minister particularly because he has been there too long and he has interest in this anyway,

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
that the boom he is talking about is not in the name of Kenya, it is in the name of foreigners and about one-quarter interest to what we know now as "citizens by paper".

Now, Mr. Acting Deputy Speaker, I take you to page 29, because I am very serious about this Bill. Anybody daring to ask for substantiation will feel very small, indeed!

On page 29, section 2 with regard to the meaning of "hotel" I think every Member has said that the meaning of hotel must be redefined. I do not have to go and give cases. Other hon. Members have done so, and I do not wish to repeat. At least I am old enough here to know that I should not repeat points in the House.

Having said that, the other point, Mr. Acting Deputy Speaker, is: I am drawing your attention to section 3 on page 30, which is talking about the hotel authority. Every Member has said something about this and what I can only add is I believe that it will be made up of expatriates, or if not, they will be paper citizens, who are interested anyway, and they have the money, if it is the question of money, to run the hotels they are talking about. So, this Bill, hon. Gentlemen, is being made by us to safeguard the foreigners and to a certain extent the paper citizens. This is the ugly truth, which I am prepared to state here now because, Mr. Acting Deputy Speaker, I fought for the independence of this country and I cannot sit back on my buttocks there saying, "Hallelujah" when those very people who stood as stumbling blocks during the days of independence have managed to get a paper and call themselves citizens and go on exploiting the people.

Mr. Amayo: On a point of order, Mr. Acting Deputy Speaker. Can the Speaker tell us who these paper citizens are? I know that all those people who have taken citizenship, according to the Constitution are citizens. Could we know then from now on because my understanding is different from what the hon. speaker has been saying? Can he substantiate and tell us who are these people—the paper citizens who are required to be kicked out?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, what I am saying is that we have citizens in this country—— There is no need pretending like what the hon. Member is doing. The fact remains that I am a citizen by blood, birth and by any other thing. But, my hon. friend, hon. Jan Mohamed, is a citizen, and if he is an automatic citizen it can be traced where his forefather came from, but you cannot trace your forefather, my forefather and everybody else. The hon. Member's forefather can be traced. There is a hell of a difference. Our forefathers can never be traced, but his forefathers can have their origin traced.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Acting Deputy Speaker. I think that for the last ten minutes the hon. Member has been too personal. The definition, Mr. Acting Deputy Speaker—there is no use trying to insult our intelligence—of a citizen is very well known. You do not have to trace the ancestry of a person. Citizenship is defined by your residence and where you want to live and die. Therefore, there is no use the hon. Member castigating another hon. Member here as he has been doing for the last ten minutes.

The Acting Deputy Speaker (Mr. Ayah): Perhaps, the Attorney-General has a point there. I was going to say that Mr. Shikuku could make his remarks without being so personal. One has various ways of saying the same thing without pointing at an hon. Member for exemplifying one's case.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, this is just an example of the hon. Member but because he is an "honourable Member" we should not refer to him. There are others of his kind outside this House.

Now, Sir, I would like—— Even the Attorney-General knows this. There are those who applied for citizenship, but the hon. Member never applied. When you apply for citizenship, what do you get? You get a paper.

Mr. Magugu: On a point of order, Mr. Acting Deputy Speaker. I wonder if the hon. Member is in order to refer the Kenya passports as "papers".

The Acting Deputy Speaker (Mr. Ayah): As I said earlier, Mr. Shikuku is trying to develop a point. If he can draw away from personalities he can make a good point.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, Sir, I am trying to get section——

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Acting Deputy Speaker, Sir, would the hon. Assistant Minister for Home Affairs substantiate that I applied for my citizenship.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, Sir, I can remember exactly what I said. I said that some people like my hon. friend, hon. Jan Mohamed, may not have applied for their citizenship but received it automatically because his forefather was born here and it can be traced where his grandfather came from. On the contrary, Mr. Acting Deputy Speaker, Sir, my grandparents' ancestry cannot be traced. Therefore, my hon. friend did not apply for his citizenship but received it automatically.

Mr. Acting Deputy Speaker, Sir, I would like to refer to section three——

Mr. Mutiso: On a point of order, Mr. Acting Deputy Speaker, Sir, I would like to seek your guidance in this matter. Mr. Acting Deputy Speaker, Sir, we have a Constitution in this country which is the legal document of this country and which provides that people can apply and become citizens. This is provided in our Constitution, Mr. Acting Deputy Speaker, Sir. Now, I would like to know from you, Mr. Acting Deputy Speaker, whether the Assistant Minister for Home Affairs is not out of order to flout our Constitution by saying that those who applied and received their citizenship through applications are paper citizens. In fact, Mr. Acting Deputy Speaker, this is abusing our own Constitution. Is the hon. Member in order to do that, Mr. Acting Deputy Speaker?

The Acting Deputy Speaker (Mr. Ayah): No, Mr. Mutiso you are wrong. I think Mr. Shikuku, as I said earlier is particularizing this thing too much. But, the point he intends to make is understood. He may be wrong or he may be right. The question that this is a piece of paper or not a piece of paper is not necessarily out of order or being against the Constitution. What I would advise Mr. Shikuku to do is to draw away from this personality issue. I said earlier on that he should make his points without going into this thing.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Acting Deputy Speaker, for your ruling. I will move away from that point following your ruling.

Mr. Acting Deputy Speaker, Sir, I would like to come back to section three——

An hon. Member: Why are you going away from that point?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I am going away because of the ruling of the Speaker.

Mr. Acting Deputy Speaker, Sir, section three of this Bill talks about the composition of the authority. When you read this section, Mr. Acting Deputy Speaker, you will find that as far as the qualifications are concerned a black man or somebody with curly hair like yours and mine stands no chance. Therefore, Mr. Acting Deputy Speaker——

Mr. Kahengeri: On a point of order, Mr. Acting Deputy Speaker, Sir, I would like to seek your clarification in this matter. We have heard time and again that paper citizenship is only a privilege and can be withdrawn at any time. Now, in this House, today, we have heard people rising on points of order criticizing what the Assistant Minister for Home Affairs says when he points out that there are paper citizens. What is wrong, Mr. Acting Deputy Speaker, in saying that there are Indians in this country who received their citizenship through application; there are Europeans in this country who received their citizenship through application?

The Acting Deputy Speaker (Mr. Ayah): Order, Mr. Kahengeri, quite frankly speaking, that is not a point of order. You are arguing and, I think, when you catch the Speaker's eye, you will drive your point here.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you very much, Mr. Acting Deputy Speaker, and thanks also to the hon. Member.

Now, Mr. Acting Deputy Speaker, Sir, the point I was trying to drive home was that the black man stands no chance in this matter.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): That is nonsense.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The hon. Jan Mohamed calls what I am speaking about nonsense. Do you think that remark is within the Standing Orders of this House, Mr. Acting Deputy Speaker, Sir? He is trying to be arrogant but I could as well be—— It is a shame you were born in this country?

Now, Sir, the point I am trying to put across is that the Africans here, if we have to go strictly by the definitions here, they do not stand a chance. Therefore, the Bill would be in the interests of the foreigners and some other friends of ours. I am trying my best to keep away from that part.

Mr. Acting Deputy Speaker, Sir, I would like to draw your attention specifically to section 3 which says, and I quote:—

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

"The Permanent Secretary of the Ministry or a person deputed by him in writing to take his place as a member of the Authority".

Mr. Acting Deputy Speaker, Sir, as much as I appreciate the services rendered by the civil servants in this country, I think we are giving them too much; we are overloading our people in the Civil Service. Here again, I would appreciate it, if my friend the Minister and his Assistant who is here, would bring an amendment to delete that part of a Permanent Secretary and put at least one Member of Parliament in that place, who will be responsible. If one of the Assistant Ministers can be the chairman of hotels, I do not see why one of the hon. Members here could not represent the National Assembly on this board instead of a Permanent Secretary who has already too much on his plate. So, I think that part should be amended and there should be inserted in place thereof, "a Member of the National Assembly should be on this board", to make sure that he also puts across what is supposed to be done.

There is no need pretending that we are not politicians and that this is not a political Government and saying that we do not want politicians. If it were not for politicians, would the civil servants themselves exist? It is we who fought during those days. Those civil servants who we now have were informers at that time—most of them. Now that we have brought independence in the country and we have promoted them to what they are, they say that they do not want politics. It is politics which brought this Government into power and which gave them the job they are doing. Therefore, we should not be told, "Oh, the politician should not be here." We should get even a Kanu chairman to be on the board so that they can also earn a living and represent the country because they are the ones who fought during the colonial times. Some of the civil servants, whom we are talking about here, were home-guards. Therefore, we would like this part deleted and substituted with a Member of the National Assembly or a Kanu chairman from somewhere.

Sir, I will draw your attention to page 31.

The Attorney-General (Mr. Njonjo): Put on your spectacles.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): These are sun glasses. I do not need them now. Why should I put them on.

Now, Mr. Acting Deputy Speaker, having explained that to the Attorney-General, I draw your attention to clause 4 (1) (*b*):

"no person shall exercise overall control over the day-to-day operation of a hotel, whether he is the owner or the manager of such hotel, unless he is the holder of a hotel manager's licence;"

Mr. Acting Deputy Speaker, hon. Members have said a lot about it and I can see the red light. If this clause goes as it stands, particularly section (1) subsection (*b*), our Africans are again excluded. This is the biggest loophole which is going to cause an influx in this country, of a lot of foreigners in the name of hotel managers, under cover of their own experience in their own places even if they were bell-boys in London, United States or Union of Soviet Socialist Republic. This is the biggest loophole where we are going to get an influx of foreigners from various places in the name of hotel managers. Therefore, I would be failing in my duty, miserably, if I do not point it out to this hon. House. They may not agree with my views but it will be on record for the future generations to say whether I was an idiot or not. However, I know that if this is going to be the issue where the hotel manager's licence will be given by the authority, which I have already told you that it is going to be, by the qualifications, composed of Europeans or by those good boys whom we have amongst us, just as those we had during the emergency, we stand no chance. This is the biggest loophole which will make a lot of foreigners flock into this country by the name of managers and God knows what—while they were just bell-boys in Britain, Union of Soviet Socialist Republic or the United States. I have not seen any Chinese. So, I do not have to refer to the peoples Republic of China.

Sir, I have no quarrel with clause 5. However, on page 33 clause 7 has been touched on by my friend it says:—

"The Authority shall not grant a hotel manager's licence unless it is satisfied that the applicant is of good character, and is a fit and proper person to manage a hotel.

Mr. Acting Deputy Speaker, here is another stumbling block. Here I find that we are really safeguarding somebody and we are entrenching that particular individual or those individuals he represented in this Bill. This is a question which shows that we Africans are not capable. If you look at the sections which I have told you, you find that there is nothing in this Bill which shows a leeway or even some symptoms—at least some clouds to show that it might rain in the name of Africans taking over the hotel industry. Furthermore——

Mr. Mutiso: Are you supporting the Bill or critizing it?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The hon. Member who is interjecting, Mr. Mutiso, and who is asking whether I am supporting the Bill or critizing it, is an old Member in this House, and he has spoken on the Bill. He should give me my chance to speak. That would be fair. He talked of killing the Bill but I am contributing to the Bill. He is destructive. I am not destructive. I am constructive. So, he should keep his little mouth shut. Furthermore—— I do not have the amendment but I am trying to air my views. When I received the other papers, I did not get the amendment. I understand it was dished out here. According to Standing Orders, those amendments should be out and we should have them with us when we come to the Chamber. They should not be circulated here. I do not know what is going wrong in this place.

I will now go to page 35. I want to touch on that point which I had and which has been touched on. This is on clause 7 (5). It has already been ably and profoundly touched on by the hon. last speaker who is a lawyer. He made my point and, therefore, I do not have to go into that at all.

Mr. Acting Deputy Speaker, I want to draw your attention to page 39 clause 12 (5). I hope there is an amendment on that where Swahili language is omitted and where we are told about French, Italian and God knows what.

I am told that we must make conditions attractive to the tourists. Mr. Acting Deputy Speaker. Swahili language will not make conditions less attractive. They should learn to speak Swahili and they should also come here and eat our *ugali*. I am ashamed when I go to these hotels. I am the biggest *ugali*-eater but when I go to these hotels, I can hardly get *ugali*. Tourists have never heard of it.

As a matter of fact, tourists are not tourists in this country. They are actually in Europe which happens to have sunshine. These is no difference. They feel as if they are in Europe which has sunshine and a bit of rain. There is no winter or autumn. They are actually in their own country because they eat everything European—music and everything else. Would you imagine, Mr. Acting Deputy Speaker, that if you go to the Hotel Inter-Continental, Ambassadeur Hotel, New Stanley Hotel or Hilton Hotel, the musicians are also imported? The musicians in these hotels are imported when we have musicians in this country. Would you believe it?

My hon. friend, the Assistant Minister for Information, hon. Kase, is getting surprised—— You go to Hotel Inter-Continental, Ambassadeur Hotel, Hilton Hotel and Pan Afric, which I am not sure about—— You will find that those musicians who play music when you are having your dinner or lunch are imported.

An hon. Member: Do you go there

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I do go there to see for myself.

Why should we import musicians here when we have them. The tourist who comes here to see Africans is seeing the same faces he saw where he came from. Does he find any fun, really? He should come here and see our Africans singing solo music for him, and not the noise we have of foreigners singing," Ha, ha, I love you!" This is not the point. The music should be provided by our musicians here who, I believe, are very good, indeed. However, are they given that chance? Does the Minister concerned give those people a chance? No. They import foreigners here to play music for them in these hotels on the continent of Africa and in Kenya, our country.

Could the hon. Minister, even if we went to his constituency and debated this point with the people, defeat me when I tell the people that I want their musicians to play for the foreigners when they come to Africa while the Minister wants them to be imported? He will lose the point.

Now, Mr. Acting Deputy Speaker, I believe these foreign musicians should be asked to go back home; we have musicians here who can earn their living by playing music for those Europeans in those hotels.

Mr. Acting Deputy Speaker, the hon. Minister said that the tourist industry is a very shy thing to be tackled, but tourists are not interested; all they want is to come to Kenya, enjoy the sunshine, see the elephants, see the zebras and God knows what else they want to see. However, we have to make rules for them; they will come—they will have to come. Let nobody cheat you that they cannot come; they will come to see these animals because there are no zebras where they come from. If they have to see zebras, they will have to come and see our zebras, and so the question of foreigners who are in our Ministry worrying the Minister—— "You see, Mr. Minister, you are new in this Ministry, you know this industry is a very difficult industry, it is very shy, you must be careful, if you do this, it is very sensitive." All the words are told to him, and then he sits there, completely paralysed.

The Acting Deputy Speaker (Mr. Ayah): Order! There is a point of order, Mr. Shikuku.

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

The Attorney-General (Mr. Njonjo): On a point of order, Sir; we are seeing an exhibition here which I do not understand. Why are we getting all this dancing?

The Acting Deputy Speaker (Mr. Ayah): I think Mr. Shikuku is trying to emphasize a point.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Thank you, Mr. Acting Deputy Speaker; I am trying to emphasize a point, thank you very much.

The point I am trying to emphasize to the Minister, my colleague, is that he must not listen to these advices, even that of his hon. friends, "Oh, this thing is very delicate, very sensitive . . ."; the Minister must decide in the name and interests of the people of this country, who have elected him to this Parliament. His colleague may not have the same interest because he was never elected here, but the Minister has to take the interests of the people at heart; that is the point, otherwise, he will never see the four walls of this House again.

Now, Sir, having said that, I believe in the amendment there will be Swahili included—first. We will start with Swahili, followed by English; there should be an amendment. It should start with Kiswahili, followed by English; that should be the amendment. We should start with Kiswahili and not with English and then Swahili; Kiswahili first, and then English.

Now, Mr. Acting Deputy Speaker, having given that courage to my colleague, I want to draw your attention to section 14, about the regulations.

An hon. Member: Are you going backwards?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, Sir, I do not go backwards: I am constantly going up, and the hon. Member's ears are getting out of order, it is time he saw a doctor!

An hon. Member: Are you living in a hole?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): If he thinks he is in Yatta Market, then it is a different thing, but we are in Parliament now.

Now, Mr. Acting Deputy Speaker, section 14 (1) says the Minister may carry out a review of the charges and so forth, but the point I am trying to draw attention to here is about the question of salaries and the amounts charged in this country, which are very exorbitant. You will find, for example, Sir, that hotels here charge a lot. I think this word "may" also should be removed, Mr. Acting Deputy Speaker; it should be "shall", the Minister shall—— *Mheshimiwa,* you must know you are now in the Chair and do what you have to do for this nation. It should be you shall, and not may; so that the people will know that hon. Shako, when he was in power, he did this, *watoto wanakula matunda ya* Shako. Therefore, here, Mr. Acting Deputy Speaker, it should be shall for the Minister, to look into the question of these charges because we are being charged too much whereas the workers in the hotels are getting very little: this is the point. You would find in England that you can stay in a very decent hotel, well managed and you are charged less. However, the workers' salaries there, such as the Bell-boys, is nowhere compared to our people here; yet we charge more here and give smaller salaries to our workers. They charge less there and give more salaries for their workers at home. There is something wrong and, therefore, I say I should give the Minister power here, and I know he will not let me down. Therefore, the provision should be "shall" and not "may".

Now, Sir, having drawn your attention to that, I am going back—I do not want to touch on other points which have already been touched on by other speakers. Now, I am bringing you to page 44, which I referred to during the opening of my speech, and which actually relates to the handing over of the industry to the *wananchi,* I mean to the *wenyeji*—no, it is to the *wenyenchi.* This clause must be deleted in the name of Africanization. If this clause is not deleted, Mr. Acting Deputy Speaker, I leave it to the history of this country to prove me wrong in my imagination or in my thinking. Section 22 which is exempting these hoteliers from this training levy—— What is it doing? Mr. Acting Deputy Speaker, it says:—

> Notwithstanding anything contained in the Industrial Training Act no training committee shall be set up in relation to training in, and no training levy order shall be made in respect of, hotels and restaurants under that Act.

Mr. Acting Deputy Speaker, the hon. friend of mine is telling me that they are trying to avoid another levy in the hotel and restaurant business, because there is already one there. If there is one, why mention it here; why have section 22? Mr. Acting Deputy Speaker, I believe——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order; Mr. Acting Deputy Speaker, Sir, we are witnessing an exchange of words between the speaker on the Floor and a Minister sitting on the Bench: is it in order, Mr. Acting Deputy Speaker, because I think the procedure is that if there is a point of explanation that the Minister would like to give to the House, then the speaker gives way? Will it be in order, Mr. Acting Deputy Speaker, to ask the speaker to give way to the Minister to inform us or to give us more details on this matter?

The Acting Deputy Speaker (Mr. Ayah): It is certainly out of order especially if it is loud enough for the Chair to hear, but I think this is emphasizing the point that the two gentlemen are friends.

Hon. Members: Hear! Hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, although it is very bad to exchange words because he is doing it while he is seated, I am trying to be a bit co-operative by trying to understand him.

What I am trying to say is that this section 22 is not necessary if we are going to apply the usual Act: why should we mention it while they will also be bound by that Act? Therefore, I believe it should be deleted because it is provided for or it may be quite clear, in that the hotels shall also be subject to training levy like any other industry, so that we can hand over this thing, otherwise, it should be deleted.

Now, Mr. Acting Deputy Speaker, the supplementary—these are the crux of the matter—section 23, about centralized booking. If you look at it, the Minister has no teeth to bite with. If you look at section 23, the Minister has no teeth to bite with, and I hope he will grow some teeth at the Committee Stage.

An hon. Member: Is he a toothless bulldog?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The hon. Member has said he is a toothless bulldog, but he is not yet a toothless bulldog until the Bill goes through because he may grow some teeth at the Committee stage.

Now, Mr. Acting Deputy Speaker, if you read section 23, it says:—

> The Minister may—here I say shall—by a notice in the Gazette, direct that the manager of any hotel situated within a national park, national reserve or game reserve shall not receive any guest therein except with the written authority of the Minister or such person, officer or bureau, as the Minister may designate for the purpose.

However, Mr. Acting Deputy Speaker, Sir, there is nothing to show that the Minister has teeth. He has no fire—he is shy. That is the point. As regards booking which is to be centralized, it should not be that the Minister will from time to time, but it should be that he will be ordering these regulations to be made, and to make sure that they will be followed. He should make sure that under the centralized booking system no visitor will come to this country unless he is registered—just like it happens in the Kenyanization policy—so that we can know for sure how many people come into this country, and how much money they have brought into this country. So far, the little money we are getting, is coming from the curios we sell to tourists, cigarettes, cameras or films we sell to them. There is nothing more than that we get from the tourists. Therefore, I believe the Minister should bring in an amendment which will make it possible for him to have teeth to bite with as far as this clause is concerned so that he can really do some good for us.

Mr. Acting Deputy Speaker, section 29, on page 47, it is stated as follows:—

> The Minister may make regulations generally for the better carrying out of the provisions and purposes of this Act.

I would say that instead of saying that the "Minister may make" we should say that "the Minister shall make" and then afterwards these regulations should be brought to this House for our approval because I know there are some people in the Ministry who will make some regulations in the name of this House. They will tell us that if we do this thing, the tourists will not like it. Some people like Jack Block will also come out and say that cannot happen. However, I would say that we must have these regulations made and then brought to this House for approval. That is the only way we can manage to know what is happening in the hotels because there are too many advisers and many interested parties in this country. This will make it possible for us to have the hotel industry in our hands. I hope that when my colleague stands up to speak he will let the House know if he is going to make these regulations and then bring them to us for our approval just as we have done in other fields.

My last point, Mr. Acting Deputy Speaker, Sir, is that there must be a change to the hotel industry we have in this country. I think the time has come when the Ministry should decide to stop the giving of tips altogether. I am addressing the Chair. An hon. Member who seems to

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be learning is trying to interrupt me. However, I will leave him alone. Mr. Acting Deputy Speaker, Sir, giving tips in hotels is a nuisance. We are told that in these hotels there is a service charge. I do not know under what percentage they are charged. If we are supposed to give a service charge, why should we give tips to these people? I think the Ministry must stop this habit of giving tips completely because it becomes such a hell of a nuisance because a waiter will just gaze at you waiting for a tip. I think this habit is below the dignity of Africans. We are never beggars. I think this is one of the bad habits from the Western countries which we should not adopt at all. Mr. Acting Deputy Speaker, Sir, I am told that if you do not give tips, you will not get service. This is wrong. We should not teach our people to be beggars. We have never been beggars. Begging started in Europe and it should not be allowed to be adopted by our people. If they adopt it, they will start gazing at someone visiting a hotel until he agrees to give them a tip. It is a shame. It is much worse if they get tips from women.

Before closing my speech I would like to speak about the question—which I thought I should not leave untouched—of very important persons. A lot of nonsense has been written. I would like to repeat here and say that in a society all are not the same. Here in this House, we are hon. Members, but there are some who are known as "Ministers", "Assistant Ministers", "Back-benchers" "Speaker", and so forth. This shows that we are not all the same. I have never seen in any country which I have visited, even Britain, where one as a tourist can go to a hotel and if there is a shortage of rooms and one is given the only vacant room and a Minister or a Member of the Government or an official of the British Government has no room remaining for him to occupy. You will not be allowed to occupy such a room because they will remove you and give it to the person from that country. Mr. Acting Deputy Speaker, Sir, the hon. Member is saying "Question". The question of booking early—— The hon. Member talks of booking early. If the hon. Member is a politician worth his salt, he should know that a politician can move from one end of the country to another without making any appointment. After all, Africans make no appointments. I do not know from where he got his ideas. If he is an African, he has really been brain washed by the British. Mr. Acting Deputy Speaker, Sir, we can move to any place any time on call. Therefore, there must be a provision for protecting the very important persons, be he a high priest, kadhi or anyone who is a very important person. If there are no very important persons, why should we have room for very important persons at the airport? An hon. Member is saying it is an international treatment, but I would say to him, "International under my foot". The point is——

Mr. Mutiso: On a point of order, Mr. Acting Deputy Speaker, Sir, does the Chair allow such words like, "his foot" to be used in this House?

The Acting Deputy Speaker (Mr. Ayah): The Chair is in an embarrassing position to have these same words said again when they have already been used before in this House.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Deputy Speaker, Sir, I am sorry for having used those words. However, the point is that there should be special booking if a Minister flies urgently to the Coast Province. The other day, I received a telephone call at five o'clock and I had to start flying at six o'clock. I arrived in Mombasa, and no booking had been made earlier but I had to try my luck. I started with a Government hotel, that is a hotel where the Government has bought shares. At least that is the first place I should go to if I am on Government business. I was told by the servants there that there was one room and the owner had not arrived, but he was reporting on the next day and there was no one else who could occupy that room. The manager told me that I could not occupy that room, and if they were to remove someone, they had to telephone the Pan-Afric Hotel in Nairobi before this thing could be done. I am saying this to the Minister. The Manager was a very young European—I think he was a "Bell boy". I think he was British. There was one European who was deported, but there is another one there now in the same hotel, that is, the Mombasa Beach Hotel. After I made some investigations, I found that these people were so disrespective to the people of this country because they have someone here in this Parliament who is the chairman of the hotel, and when I reported the matter to him, he did not take any action at all. One day, Mr. Acting Deputy Speaker, Sir, some of us will rise up high enough, and some of these people will feel our punches. We know what they did to us during the colonial days and now they are Assistant Ministers in this Government. However, one day—— Mr. Acting Deputy Speaker, Sir, the people of this country are not fools to elect people in this House. They have faith in their representatives and they trust us. I hope tourists or anyone else will not be served

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before a very important person of any given country is served. After all, Mr. Acting Deputy Speaker, when you go to a hotel, you will not be served without paying just as a tourist will do. Therefore, why should we have this treatment which is supported by the Assistant Minister who happens to be the chairman of that hotel. He just sits down without doing anything. One day things will change, and I hope paper citizens will disappear.

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

Mr. Kivuitu: Thank you, Mr. Acting Deputy Speaker, Sir, I personally find that there are some merits in this Bill. In particular, I support that prices should be controlled and the fact that there will be centralized booking.

However, like most other speakers have said, this particular section which provides for the Minister to regulate and not control the charges, and also to introduce centralized bookings sounds like a big dog which has no teeth. It would bark a lot but when you come to the crux of the matter it can do nothing. The powers given there are taken away when we say "may". I would prefer that they were more authoritative than they are at the moment. Mr. Acting Deputy Speaker, Sir, while on that point, I must say that I hope and here I would commence by expressing my confidence in the Minister but it is my hope that one day we will not have a wrong Minister. A Minister, Sir, when given powers which are contained here would only create favourable conditions to the people from his district; this we have seen previously in some Ministers. On the other hand, Sir, also to create a favourable climate to his fellow relations; we have seen this in some other Ministers. This Bill, Sir, is touching on a very important industry. One can make his tribe millionaires using this Bill if he is a Minister.

An hon. Member: What is wrong with that?

Mr. Kivuitu: Mr. Acting Deputy Speaker, Sir, I am being asked what is wrong with that. Well, in years to come you will see what is wrong because history will correct itself where something has gone wrong. You will see; I hope you will be dead not to see!

Mr. Acting Deputy Speaker, Sir, while supporting the control of charges in hotels, I must say that I find this Bill to be inadequate for one thing that it does not provide that in hotels where there will be high salaries than others, salaries of workers there will be higher. Why not? If a hotel is allowed to charge more than the other, surely, the people who are working there should get more. Why should a man who is working in, say, Hilton Hotel where they are charging, I think, KSh. 500 per room, be paid the same salary as a fellow who is working in Njoguini Hotel or Rwathia Hotel? Well, at present the control of the salaries and wages of workers in these hotels are based on the Wages and Employment Act which gives uniform wages for all employees in these hotels. Now, a fellow who is working in the Hilton Hotel and making somebody a millionaire is supposed to receive the same salary with that one who is working in villages, say, in market centres! This is ridiculous! I would have expected that where the Minister has powers to give higher charges, surely, the people working there should get more and bigger salaries. That is how we would, definitely, be contributing to the welfare of our people. At the moment the big hotels are owned by foreigners and so when you give them higher charges, you are actually giving them more money and yet our fellow African who is working there is receiving a poor salary. It is for this reason you find that operating a small hotel in the village is difficult. The minimum salary for a worker is KSh. 180 but the fellow operating such a hotel cannot make the amount per month as profit. So, Mr. Acting Deputy Speaker, Sir, I would prefer that the salaries of people who are working in hotels should go according to the charges which are being levied in the hotels to the customers.

An hon. Member: It is not by statutory means.

Mr. Kivuitu: Mr. Acting Deputy Speaker, Sir, I am being told that the power is not by statutory means. The power should be given to the Minister so that he can use it regularly whenever he requires. We have given those powers to the Minister for Labour by statutes. How else can we do it?

An hon. Member: You are killing the "union".

Mr. Kivuitu: Sir, I am told further that I am killing the "union". If the union is not supporting what I am saying then there should be no union.

Mr. Amayo: To hell with it.

Mr. Kivuitu: What is the "union"? Sir, this indeed is Parliament! We can say what we want here, in Parliament, because we are the body which is supposed to make laws in this country and not the "union".

Mr. Amayo: What are you telling us about a "union"?

Mr. Kivuitu: Mr. Acting Deputy Speaker, Sir, I am not representing any union. I am representing the people who have elected me! Mr. Acting Deputy Speaker, Sir, that is my first point which

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I make on this Bill in order that the Ministry should try to look into it and find out whether there can be any way of improving on it.

The other point, Sir, is Africanization in this industry. I have not seen any indication so far that there is really any Africanization either in personnel or the business itself. We are told that the tourist industry is the one which boosts our economy. However, who is being boosted by the tourists when they come here except small tips which they give to our people? What else do we get from them?

Hon. Members: Nothing!

Mr. Kivuitu: What else do we get from them? Is it just because these people run the hotels and they employ our people, therefore, we keep on singing their chorus that they are doing a wonderful job. I am not against tourists, but let us also feel that we are in Africa and Kenya is our country. I would like to see an accelerated pace of Africanization, both of personnel and in the business itself. This is important because we have a lot of fellows who can do this exercise. A lot of Africans have been frustrated in these hotels and that is why you find them moving from one hotel to another and they are called night managers and what-not. Eventually, a small arrangement is made and the fellow is charged with some offence. Some people come in court, they give evidence and the fellow goes in jail or he is dismissed. That ends the matter and you will never hear of it. This is just because the fellows who are running these hotels are not our people. It is only a few who have been given citizenship by what I would call, mistake.

Mr. Acting Deputy Speaker, Sir, the other point which I would like to mention, now, is with regard to the bodies which are being created by this Act. This Bill is creating an authority, a tribunal and a board of trustees. Now, all those fellows are going to be paid by the money which is going to be obtained from this establishment. Now, Mr. Acting Deputy Speaker, Sir, is it reasonable that we should create so many bodies? Do we find that there is merit in having so many bodies to be created to run the operation of this Act? I, for one do not understand why there should be a tribunal. Now, you start with the authority which is supposed to have ten members or something of the sort: seven to nine. Now, from that one, Sir, you appeal to a smaller body of five people. Are those five people wiser than those nine people? Why should we appeal from a bigger group to sit together and decide one way, to smaller body of five people? The five people, Sir, have power to upset the decision of these nine people. This is ridiculous! I cannot understand it! I do not see the purpose of a tribunal. Why not appeal to the Minister? That is enough because the Minister is the man who has the machinery before him. He has the Permanent Secretary and other people who can get all the information he needs. Why should we have another body of five people who are going to be paid very highly? It does not mean that when you appeal, then, they must be wiser. Mr. Acting Deputy Speaker, Sir, when you take, say, the system of courts, you have one court of one magistrate deciding your case after which you appeal to the High Court where your case is heard by two Judges and after there you appeal to the Court of Appeal where it is heard by three Judges. In this way, Sir, you have more people hearing your case from a lower court to a higher court. In our case here, Sir, you appeal from a bigger body to a smaller one. What is the purpose of the tribunal other than to create some jobs for some fellows?

Now, Mr. Acting Deputy Speaker, Sir, there is also the question of assessors. According to the Constitution of Kenya, a person to be appointed as an Attorney-General, must have five years experience. We are told that an assessor to this tribunal must have five years experience and so he must be equal to the Attorney-General. Sir, an Attorney-General of Kenya to compare with an assessor of a tribunal on hotels? Why are we creating these high standards so that we block Africans? There is nothing else. This is the case so that we make sure that there are no Africans in this institution.

Mr. Kitonga: Are you not a lawyer?

Mr. Kivuitu: Yes, I am. I have a lot of experience. I have seven years' experience in this field so I can go there, but I do not want it. All I am trying to say is this: there is always this system of introducing this restriction to make sure that natives will never get in such institutions. When I saw and read this thing and found that Swahili was left out, I knew where it came from. Straightaway, Sir, I knew where this had come from: an African cannot forget Swahili if he is really an African. However, I knew where it came from. so, the whole of this Bill has an idea behind it. If it is not controlled by the Minister, the idea is to finish the Africans. One example, Mr. Acting Deputy Speaker, Sir, is this of assessors. Let there be a provision that a person of suitable qualifications will be appointed; that is enough but not to mention the question of five years. In fact, I was doubting why he should be a lawyer. What is difficult about this thing to be interpreted by a lawyer? These hon. Members

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of Parliament, here, can interpret it. In fact, they are speaking on it more intelligibly, probably, than a lawyer would think about it because he does not have any idea about the problems of the people. He only studies the law and says this and that, here and there. However, we are interested in interpreting this so that it may bring benefits to our people. Why should it be a lawyer? Is there any necessity? There might be some big lawyer who is in this tourist industry and who wants to get into these jobs: there must be one.

Mr. Amayo: You see!

Mr. Kivuitu: Mr. Acting Deputy Speaker, Sir, the other point which I want to mention is about, ". . . good character".

An hon. Member: That has gone out.

Mr. Kivuitu: Has it gone out? I am glad it has gone out because I even cannot understand how it really got into this Bill. Who is a man of good character? Must he be a Christian, pagan or a Moslem? How do you start to know that a man is of good character? Must he also wear a tie and other things? Is this part of this good character qualification? This is ridiculous.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): If you have long hair, you are of a good character.

Mr. Kivuitu: No, if you have long hair like mine, of course, you are finished.

An hon. Member: ..... (Inaudible).

Mr. Kivuitu: Oh! I see what you mean.

Mr. Acting Deputy Speaker, Sir, it is good that the Minister accepted the proposals which were given or expressed by the hon. Members here and I think he got away with that. I hope we will never see another "good character" in any Bill. This is because it is something which we cannot understand. We know the idea behind; they are going to look at an African and then say, "You are not of good character". "You do not come from the right quarters."

With regard to the composition of the authority, because I do not want the Tribunals, I personally, feel that in our Bills where we create a body like this where people are to be appointed, we should say that provinces would be represented proportionately, rather than just pass a Bill like this and then all the people will be picked from Nairobi or from relatives. I know, the Minister we have now is all right; he will not do so. However, may I tell you, we have seen it. You may find a Ministry, the whole of it composed of people from one tribe.

Therefore, Mr. Acting Deputy Speaker, Sir, I would prefer that wherever we have these bodies or authorities created, there should be a provision which will make or enable the Minister to make appointment on a provincial basis, so that the people can feel that they are in Government and not feel that they are one side while they are living on the other area.

Mr. Koigi: Like the Kamba?

Mr. Kivuitu: Mr. Mwai Koigi mentions, Kamba language; I really do not know what he is talking about. I do not represent Kamba, I represent the people of Parklands.

Mr. Koigi: On a point of order, Mr. Acting Deputy Speaker, Sir——

Mr. Kivuitu: I do not want any point of order from you.

The Acting Deputy Speaker (Mr. Ayah): Order!

Mr. Koigi: On a point of order, Mr. Acting Deputy Speaker Sir, I have not mentioned, Kamba or Akamba.

The Acting Deputy Speaker (Mr. Ayah): What is your point of order?

Mr. Koigi: My point of order, Mr. Acting Deputy Speaker Sir, is——

An hon. Member: That is not a point of order.

Mr. Koigi: Are you the judge of the point of order?

The Acting Deputy Speaker (Mr. Ayah): Address the Chair.

Mr. Koigi: I have a point of order.

Mr. Kivuitu: I am sorry, Mr. Koigi. I ask for forgiveness if I did not hear you well.

Mr. Acting Deputy Speaker, Sir, all that I was saying is that we should not leave these powers to a Minister thinking—unless we have a way of controlling him. We all know the case of the public administration. Many times hon. Members have asked questions here to be given the tribal breakdown of district commissioners. The Government says, "I am sorry, we do not employ people on tribal basis . . ."

This is what will happen when you ask for a tribal breakdown of this authority in one village, and you will never be told. That village will have all the benefits. Therefore, if you are from a different village, your hotels will have higher charges or some other problems will be created and so you will never succeed.

Mr. Acting Deputy Speaker, Sir, I am supporting this Bill and I hope the points that I have raised, the Minister will look into them and see a way of correcting them. I am very pertubed about these people or one hotel having more

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money than another and yet paying same salaries. I cannot see the justice of it. Now, coming to —— I know there are many Members who want to speak. I can see my friend here, Mr. Amayo, is very much on the alert.

Coming to one amendment which was introduced by the Minister; section 28 in the Schedule No. 4.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Acting Deputy Speaker, Sir, is it in order to mention the amendments at this stage; as the hon. Member is trying to quote?

The Acting Deputy Speaker (Mr. Ayah): I think, we will have to leave the amendments until when they come on the Floor.

Mr. Seroney: Mr. Acting Deputy Speaker, Sir, are the amendments not really relevant to the Bill because when the Leader of Government Business was speaking earlier on, he said Members could amend and he indicated that some amendments could be brought; therefore, if they are brought and they are part of the Order Paper, are they not relevant to the Second Reading?

The Acting Deputy Speaker (Mr. Ayah): I think, Mr. Seroney, when the amendments are introduced by the Minister, they will be relevant. At this point, I think the only thing one can do is to—— You might refer to the context of the amendments without referring to them as amendments; and you will be perfectly all right.

Mr. Kivuitu: Thank you, Mr. Acting Deputy Speaker, Sir. The point I was trying to make is that: any amendment which is introduced to this Bill, should ensure that it does not go against the interests of the small business person in the villages. If it only exempts hotels which have less than—— If it exempts hotels or restaurants which have gross income of Sh, 100,000, that will finish all the African businessmen. This is a colossal sum of money; I have never seen it. I only see it in writing. Therefore, any amendment which is going to be proposed, I hope, will make sure that the ordinary man who probably makes one shilling a day or two shillings per day in a small tea kiosk or a small teashop in Kericho, will be properly protected.

I hope the Minister, when he comes to appoint these people, will not be influenced by what is now going around that there are no Africans who know about the hotel business. He should know that there are a lot of Africans who know about hotels. The only thing is that they are not given an opportunity and secondly they do not have the funds. You appoint them and they will be able to run the Authority properly. However, if he is going to appoint these *mabwana wakubwa* who have big hotels, then we are going to be in another problem here because we are definitely going to harass the Minister.

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

The Assistant Minister for Health (Mr. Jahazi): Mr. Acting Deputy Speaker, Sir, I want to support this Bill at the same time support also the Members who have interests of hotel industry and who have aired their views here regarding various points.

Sir, I am sure that whoever is speaking against a certain clause in this Bill has no intention of blaming, but has the intention to improve the image of the Bill which is the image of our Government. I have been going through this Bill and I have found there are some sections that really need to be amended. I am happy to see that the Minister has proposed certain amendments. There are still some others which I feel should go completely. Mr. Acting Deputy Speaker, Sir, I think the Minister has never had an opportunity to correct the mistakes made in the tourist industry as he has done now. Mr. Acting Deputy Speaker, Sir, we know that the tourist industry is a young industry but, I think, we have been getting too many threats from those who invest their money in this industry. They took the advantage of our little knowledge in international tourism and they try to be advisers to their own interests. You will find that every corner is packed with fellows who have the interest of grabbing as much as they can from the tourist industry and, I think, the time has come when the Ministry of Tourism—since the Ministry was created it has gained experienced personnel so that by now we know what Kenya wants and what type of tourist industry we want to build. There is no need to succumb to threats by these interested parties. We must legislate, by first of all knowing what type of tourist industry we want and what type of tourists we want. Mr. Acting Deputy Speaker, Sir, the tourists come here because of the tourist attractions that we have. They do not come here to look at our faces and they do not come here because of anything else other than the attraction—the natural attractions we have for them. We have the weather which including the sun, scenery, wildlife and the beaches. These are the things, which, Mr. Acting Deputy Speaker, no one can take away from us because they are here and they are the things that the tourists want.

[*The Acting Deputy Speaker (Mr. Ayah) left the Chair*]

[The Assistant Minister for Health]

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

Therefore, the question should be who should name the price? Should we let the tourists make the prices of our goods or should we ourselves make or name the prices for our own goods so that when they come here they find that we sell things to them at the prices we think are reasonable? Mr. Speaker, Sir, I found that there were some sections in this Bill which actually make us —although we own everything—be intimidated so that we agree on certain things which we should not. Mr. Speaker, I think that the foundation of this Bill is the authority itself which is being created here: The Hotels and Restaurants Authority. Mr. Speaker, Sir, if something is wrong with the Authority, then, we are doing nothing else other than barking but never biting. Mr. Speaker, Sir, I do not really see why we have to invite several interested parties to sit on this board when we are establishing this authority. This is the type of interest that we are legislating for. Why should we ask them to be partners in running this branch of Government? Otherwise, we should invite all other interests to come and sit in this Parliament. Why do we have to put in the Bill that the authority will have nine members but specifically prepare a very soft bed for a particular class of people who will come and occupy it. Why should we do that? That is very bad legislation. Here, Mr. Speaker, Sir, we are being made to prepare a bed for a fellow by reason of his knowledge of the hotel industry and international tourism, shall be appointed to the board. Why do we want all that? I thought that with the Minister's administration and personnel, he would have a man with this experience in his Ministry to advise him on international tourism and he should sit on the board as an official representing the side of the Minister and now the Minister is creating him as an independent fellow who will sit on the authority. This man will be dangerous to the Minister, I know them, unless he nationalizes him and then makes him an *ex-officio* member to serve the board as an employee of the Ministry.

Mr. Speaker, Sir, the other bed that we are trying to create is where the Bill says that "at least one shall be appointed to represent the interests of hotel keepers". Why should we invite him to be there? Are we not competent enough to legislate for the hotel keepers without them being there? If you bring a man on the board whose interest is already safeguarded, he will say nothing else but to defend the hotel keepers' rights on the authority. You cannot blame him for being parochial because his interest is to safeguard the hotel keepers' interest. Mr. Speaker, Sir, these fellows will be an embarrassment to the authority.

The third point says that "at least one shall be appointed to represent the interests of restaurant keepers". This is double bed with a vono spring mattress being created for a man who is just there to safeguard the interests of the restaurants owners. Why should we have this man there? Can the Minister in his big Ministry of Tourism and Wildlife not find a man to advise him on what the hotels and restaurants owners want and also advise him on their tricks? Why should we have him on the authority? Why can the Minister not employ somebody who is an expert in running restaurants? How many restaurants do we have in this country so that we can demand a very specialized fellow who knows about them? In some hotels, you find that they are hotels and restaurants at the same time. Is it necessary to have one to represent the restauranters' interests and the other fellow for the hoteliers'? Can one not be enough?

The third point is on where the Bill says that "the Permanent Secretary to the Ministry, or a person deputed by him in writing to take his place as a member of the authority". Here we are creating a position where we shall not have anybody on the board because the Permanent Secretary is always busy. I have experienced this when Permanent Secretaries are supposed to sit on the boards that they never attend because of their various preoccupations. They also say "or any body else". This means that today they will have one face and the next day another face. Mr. Speaker, Sir, are these people necessary? Here is where I do not see their necessity. We should have nine members who should be capable to legislate for the hoteliers and those who have restaurants. The owners of the hotels and restaurants can only be called before the authority to give evidence when the board has a problem but they should not sit on the board. When hotel keepers and the restaurant owners are well represented as they are, how can we have the authority calling the manager of such and such a place to give evidence to the board when he has three to four brothers in the tribunal. There will be nothing to be discussed by the authority except that each member will have to declare his interest and a member will only advocate for his brother who has been brought to the authority because he has offended So-and-so and nothing will be done. Mr. Speaker, Sir, I would like to suggest that whether the members of the board remain seven or nine.

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there should be no question of representation from hotel keepers, restaurant owners and the others. The Minister can nominate them to help him if he feels that he needs their service and not to put them on the authority because the dignity is lost once they are on it.

Now, Mr. Speaker, Sir, other things have been said and I feel that the time has come when we should know where—— Because I have found that the hotels are small kingdoms unto themselves. The hotels make their own charges; the hotels pick their uniforms; the hotels make laws for their employees. You may find that there are hotels that do not allow Africans to use this *choo* or that one. Some hotels do not allow Africans to wear shoes except rubber shoes and especially those little hotels at the Coast which are far away from the town. Those are small kingdoms. They have their own kingdoms there among themselves and that is where we found the hon. Kioko reported that the tourists were using a Kenya currency note and trying to use the head of Mzee by throwing darts on it. Anyone who struck the eye of the President on the note won the game. Now, Mr. Speaker, Sir, this shows the independence, the kingly position in which these fellows are. Nothing happened to this man; it was a question of they were indulging in a bad game and, therefore, he was set free.

Now, we want, Mr. Speaker, Sir the Ministry to be able to control; to have power within the Bill to deport that fellow or fellows immediately without bringing him before the Tribunal and then there is another one; he passes the authority and then it takes seven months still listening to one case. Then, the fellow appeals to the Tribunal; it goes for another year and finally he is acquitted. Now, Mr. Speaker, Sir, I feel that this type of legislation is not the type which the independent Kenya, of 1971 wants. We want a Bill that can bite; really bite deep but, bite fairly but not a Bill that is cushioned with a lot of counter-measures against the law.

Now, Mr. Speaker, Sir, I see that in section 5, page 35, where it reads:—

> "Where, as a result of a complaint made against a licensee the Authority finds after investigation that the complaint is frivolous or vexatious, the Authority may order the person making the complaint to pay to the Authority or the licensee such sum as the Authority considers equitable in relation to expenses incurred and attributable to the complaint, and any sum so ordered shall be recoverable as a civil debt."

Now, Mr. Speaker, Sir, this makes a nonsense of the whole Authority because how can *wananchi* go and complain to, say, Block Hotels or Hilton who have lawyers and everything and when he knows that when he is found guilty, his complaint will be termed in these terms as "frivolous" or "vexatious" and things like that and he will be told that this is a civil debt and you will have to pay the Hilton Hotel £5,000. Which *wananchi* will go to complain against the Hilton? Now, you find that this section nullifies all the right to complain. It nullifies it; it takes away the right because you do not only complain that such-and-such fellow is a *mbeberu* because I went there and sat for ten minutes and they were only serving Europeans. Everybody was looking at me because I was black and I could not get service until after 20 minutes. Therefore, I am complaining to the Authority. However, when it comes to the Authority, they will listen to the story and maybe somebody will say that it was not because of his colour; as a matter of fact, all the tables had been booked up. There is this table booking game which is being played. All tables were booked up in advance and, therefore, hon. Kanja did not book for his table earlier on so, we could not serve him. While, in actual fact, no table had been booked up. It is only that they did not like his colour because there is colour-bar in these hotels. Therefore, how will somebody complain when he knows that his matter has been branded as "frivolous" and "what-not"? Sorry, he did not book at the hotel and they have problems with their brothers there. So, Mr. Speaker, Sir, the hon. Kanja or Jahazi will be made to pay £5,000 to either Block Hotels, Hilton or Hotel Inter-Continental for bringing a frivolous charge. So, I, for one, would suggest that this section 5 should be deleted completely because when the police take you to court and you plead not guilty and then the judge dismisses you, you do not claim anything from the police: that they put you in for two days; you wasted time and, therefore, demand so much money. You do not do that. They just say, "Oh, well, you are lucky to escape!" But, why should somebody be made to pay for this because once you do that nobody will be able to complain to the Hotel Authority. This is why somebody said that the whole thing is geared for the interests of hotel keepers.

An hon. Member: ..... (Inaudible).

The Assistant Minister for Health (Mr. Jahazi): Well, call them what you like but, even if they were black like myself and Kenyans and still hotel keepers, I would still object.

So, Mr. Speaker, Sir, I wish to say that section 5 must go completely.

Another thing I see that there is no need for. Once we have established the Authority, with

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all the laws and the fairness we have built in there, I do not see the reason why there should be the Tribunal. I do not see why because this undercuts the powers of the Authority. Give the Authority the powers and then let it function; let them be final, and if somebody wants, he can go to the court of law and put his case there. However, I mean, to give the Authority with all the rosy clauses and the appeals and things like that and then underneath you put the Tribunal with four people, with a fellow called "assessor"; and independent assessors to advise them on law—— Even then, I thought since these are the appeal fellows, they would be competent enough to be able to understand the law or at least one of them would be able to understand it. So, why have four laymen and then an assesor in the middle of them and make them bring their appeal to the Tribunal? Mr. Speaker, Sir, I think this is just another cushion created for the interest of the hoteliers to delay things so that when the Authority rules over something, it is not the end of the story but, it will take six months for the Authority to get a ruling and then another appeal to the Authority who will appoint a day and then it will take another year before whoever complained gets justice.

Now, Mr. Speaker, Sir, I think that this body is useless. At least, to start with because after all we are only legislating for about 300 hotels. So, why should we have several bodies so high powered? We should only have the Authority to start with and no more. The Minister may—as he likes "may" very much—appoint through this House a Tribunal later if he finds that this Bill is not working properly and, I think, the Members can approve it. However, we do not need the Tribunal at this juncture because, I feel that besides being very useless, it will only serve to embarrass and delay the power of the Authority.

Mr. Speaker, Sir, I wish to propose that and I hope the Minister will note it and act accordingly. Mr. Speaker, Sir, this Bill has taken time and there are so many Members who want to speak on it and, therefore, I feel that the Minister will take the interests of *wananchi* to heart; he will legislate for the benefit of this country and that anybody else who wants to come to Kenya can come under our laws and those who feel that they cannot come because we have told them that they can only come under these conditions, should remain at their homes because, even if they come, they will be useless to us. Everyday they would be intimidating us that they will do this or that. As the hon. Member said that the tourist industry is a shy industry, people will go elsewhere but, we must not be so shy when we hear that people will go elsewhere. We must stand firm and say, "You are coming to Kenya; you are coming under this law if you want to enjoy our sun." It is a two-way affair. Those who bring the tourists here are not bringing them for charity; they are bringing them for profits. They are making a lot of profits. Therefore, we should not be scared that if they say that they will not come, they will go elsewhere. There are so many places to go but I can assure you from the tourists themselves, there is no place like Kenya. So, let us sell Kenya dearly; let us not sell Kenya cheaply.

Thank you very much, Mr. Speaker.

Mr. Mwangale: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to speak on the Bill.

First of all, Mr. Speaker, Sir, it is true to say that the tourist industry is earning Kenya a lot of foreign exchange from the figures, they say we earn £15 million or so per year and that by the year 1974 we will get up to £40 million. It is also true, Mr. Speaker, Sir, that the hotel industry, as a whole, that is hotels, including the restaurants, which is included in this Bill, tour operating firms, safari outfitters and lodges, air charter safari companies are almost 90 per cent foreign owned. Now, we always say that the Government objective—and I am fed up with this Government objectives because we always have these Government objectives defined in our Development Plan—and we will never, never, to a large extent realize them at all. The Government objective, and I quote from the Development Plan:—

> The Government objective is not only to ensure the rapid and efficient development of the industry, but also to maximize national benefits for the tourism industry and to encourage local participation.

Mr. Speaker, Sir, it is also true to say that the goods and services upon which the tourist spends his money is provided by the native of this country, whether it is in food, whether it is the animals that they see, they happen to occupy the place which would have probably been a *manyatta* or some land settlement scheme or something else. These services are provided by the people of this country. It is also true, Mr. Speaker, Sir, that if we want to make this industry benefit the Kenyans, the natives of this country, there are two people who should be removed from that Ministry. The two Assistant Ministers in that Ministry must be removed. My friend, the chairman of the hotel industry, the Assistant Minister and the other Assistant Minister because, I think,

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there is a very serious conflict of interest and this serious conflict of interest is completely reflected in this terribly watered-down Bill that means a lot of nothing. This Bill here means a lot of nothing. I think you had better sit down when I am speaking.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, I am sorry to be interrupting the hon. Member, but I think he has made a very important point, that is: that the Assistant Ministers in the Ministry should be removed and that is because there has been a serious conflict of interest. Now, could he tell this House what interest each Assistant Minister in that Ministry has?

The Speaker (Mr. Mati): Mr. Mwangale, you talked about a conflict of interest; I thought you could let the House know what this interest is.

Mr. Mwangale: Mr. Speaker, Sir, it would be terribly embarrassing if I had to list some of the items I consider as conflicting with the general interests of this nation, that the service they can render to this nation becomes an——

The Speaker (Mr. Mati): Mr. Mwangale, you have made an allegation that the two Assistant Ministers are the cause of some troubles.

Mr. Mwangale: Mr. Speaker, Sir, I want to make it very clear that the two Assistant Ministers and in particular the chairman of the hotel industry, the hon. Jan Mohamed, I think is the greatest culprit in as much as that the whole hotel industry basically has remained for him and he, himself, has made a lot of investments in it, which I think is entirely contrary to any laws of African Socialism, that a man who should be serving this nation should himself, like the previous hon. McKenzie and a few others in this House, used their position to acquire as much as they can.

The Speaker (Mr. Mati): Order, Mr. Mwangale, you realize this is a very serious matter to make an allegation of this kind unless you are really sure of the facts. It only creates a very unhealthy atmosphere in the House. There is no point, actually introducing other people's names who are not involved in this particular Bill. However, the allegations you are making against Mr. Jan Mohamed are quite serious and unless you are quite sure of what you are saying, I think you are doing a lot of harm to the harmony of this House.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Speaker, Sir, I think the hon. Member speaking should substantiate what he has said that I have a lot of personal interest in the hotel industry and he has further alleged that I have accumulated a lot of wealth. Mr. Speaker, Sir, my being the Chairman of the Coast Kenya Tourist and Hotel Corporation is through the appointment by the Minister. The Minister has appointed me to be the Chairman of the Corporation. It is nothing of my own doing and that I have not grabbed the position myself. I would wish the hon. Member to substantiate what he has said.

Mr. Mwangale: Mr. Speaker, Sir, the hon. Jan Mohamed—in fact, I am sorry for introducing the names here—and, of course, the hon. J. M. Kariuki both have interests in the hotel and tourism industries——

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Speaker, Sir, I would wish the hon. Member to substantiate and name just one hotel——

The Speaker (Mr. Mati): Mr. Mwangale, where is this interest?

Mr. Mwangale: Mr. Speaker, Sir, I will produce a list of those hotels tomorrow and if you wish, I will even put in the investments that you have. I am quite serious.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I take the challenge that the hon. Member speaking will produce a list of the hotels in which I have investments and he will table it tomorrow.

The Speaker (Mr. Mati): That is what I understood Mr. Mwangale to say.

Mr. Mwangale: Mr. Speaker, Sir, very well, I will point out your investments in the hotel and tourism industry which I consider as a conflict of interest to this.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, the hon. Member made another serious allegation that another hon. Member of this House, hon. Bruce McKenzie has used his position to acquire wealth. Could he also substantiate this allegation together with the hon. Member's substantiation?

The Speaker (Mr. Mati): I warned Mr. Mwangale not to involve other people who are not really connected with this Bill and I do not think it is going to help us at all asking Mr. Mwangale to indulge in that kind of exposition because it only invites more confusion. I think we should, first of all, wait until he substantiates his allegation against Mr. Jan Mohamed tomorrow showing where there is a conflict of interest and showing Mr. Jan Mohamed's involvement in the hotel and tourism industry.

MOTION FOR ADJOURNMENT

PROCESSING OF CITIZENSHIP APPLICATIONS PENDING FROM 1965 TO 1966

The Speaker (Mr. Mati): Mr. Mwangale, the time for debate is over and now we are moving over to something else.

Mr. Mwangale: Mr. Speaker, Sir, I want to point out that it is high time we called a spade a spade.

The Speaker (Mr. Mati): You will continue next time.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

An hon. Member: Are you supposed to adjourn the House.

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

The Speaker (Mr. Mati): It is normal practice that a senior Minister who is present moves the adjournment of the House.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

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

(Question proposed)

Mr. Kitonga: Mr. Speaker, Sir, with all due respect, I would like to thank you for giving me this opportunity to table this Motion for Adjournment which is related with Question No. 89 (1349)/71 to which I did not receive satisfactory answer.

Mr. Speaker, Sir, I will try and hurry a little bit. My question was directed to the Vice-President and the Minister for Home Affairs and read as follows, "Would the Vice-President and the Minister for Home Affairs tell the House how many applications for citizenship were still pending as from 1964 to 1966? What had caused the delay in processing them and how long would it take to finish processing them?" This was my question which I asked in this House. The reason why I was not satisfied by the answer which was given by the Assistant Minister in the Vice-President's Office and the Ministry of Home Affairs was because of what was contained in his reply, which ran thus, "Mr. Speaker, Sir, I beg to reply.

The Government has decided not to grant more citizenship except in special circumstances."

What I want to tell the Government is that I am not pressing for more grants of citizenship —let this be understood properly. This is not the case, and if anybody has such a conception, he is wrong. All that I want the Government to do is to make a clear and straightforward policy on this very important issue of citizenship concerning people who applied for citizenship between 1964 up to 1966. The Government should either grant them citizenship or refuse them but should inform them because keeping them in suspense might introduce corruption into this Government. I do not want to say where corruption will revolve but this state of affairs might introduce some sort of corruption in this Government. I would like to give an example of how, I as a Member of Parliament was abused by a certain friend who is an Asian. He told me, "Your Government has refused to grant some people citizenship but we know what you are doing." I was very much shocked because I know that we are doing nothing.

An hon. Member: Name the Asian!

Mr. Kitonga: No, I do not want to mention him but let it suffice to call him, "A friend". Do not interrupt me.

We should avoid this suspicion or bad name of our Government the people who applied should be either told that they will be granted citizenship or not because they are claiming that they paid their money and that the Government is engaged in "robbery without violence!" Whenever you question these people on this issue, they say that they were advised to apply for citizenship and should attach Sh. 50 to their application forms. They continue to say that ever since that time, the Government has been holding their Sh. 50 and no reply has been received in spite of the fact that no interest accrues and they are questioning the holding of their deposits. So, this amounts to "robbery without violence!" This in itself is bad.

I would like to advise the Government to draw up a straightforward policy on this issue. If one has not succeeded, he should be told so that he may quit either to India, Europe and so forth. Those people who are good should be granted citizenship—these are the people who can invest their money here so that they may create more jobs for our people. We do not like *"Beberu maskini!"* to be here, they should go away because——

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to use unparliamentary language, *"Beberu maskini"*?

The Speaker (Mr. Mati): I did not hear what he said.

Mr. Kitonga: I am very sorry, but I know the condition of my friend and that is the reason why he is saying so.

Mr. Speaker, Sir, I would like to appeal to our Government to avoid this sort of shame by granting those people who applied for citizenship if they merit it because we do not like the idea of keeping people here in suspense. What can we call these people? Are they Kenya citizens or citizens of other countries? If they are here waiting for the grant of citizenship what can we call them? They just say that they are waiting for citizenship, year in and year out. Whenever you question them on this issue, they just say, "Here is my receipt showing that I applied for citizenship". I do not know for how long they are going to wait. What is the Government afraid of? Either the Government should tell them to quit or grant them citizenship. This is the policy which I want the Government to project.

I would not like to speak very much because I would like other friends to speak on this issue.

I will ask Mr. Araru to support me. Thank you.

I beg to move.

Mr. Araru: During the course of seconding this Motion concerning citizenship, I would like to say that there is something wrong somewhere. Mr. Speaker, Sir, let us face facts. We are not here to legislate for some people who are sitting in offices. I would like to tell hon. Members of this House that when we are legislating there are some people who take advantage of it. There was nothing fishy behind what the Mover of this Motion had posed in this question: the applications for citizenship which are still pending since 1964 to 1966. The Mover of this Motion emphasized several times although you ruled him out of order and all that the Assistant Minister could say was that they had already closed and so there is no point. We are not now asking why it was closed. He only asked to be told the applications that were pending from 1964 to 1966.

Mr. Speaker, if there is truth in that, the department concerned should tell us. We are making laws in this country and enforcing them through civil servants. I think, if something that is dealing with human beings is done with discrimination, it is very bad. We are going to face the same thing as it is happening in South Africa and Rhodesia where they are discriminating against our own people. Why is Government policy not made clear to those applicants whether they are rejected or not so that they even appear in the papers? Why does Government not make public all those applicants whose applications were received so that we know those who were accepted and those who were rejected. Why has this thing become the property of someone? What is behind all this?

Mr. Speaker, these days, you cannot even get an application form for citizenship. There is somebody behind this thing and he only gives forms to the people he wants. Even though Mr. Speaker the people who are still getting forms are Asians and Europeans. Although it is difficult to substantiate our points here, it is true that those people who are dealing with those things can never give you the documents by which we can substantiate because they fear that we shall block their ways here since there are so many people passing through the same way. If you get that material and come here with it and the person who gave it to you is known, automatically he will be laid off. Mr. Speaker, we are appealing to the Government to tell us why it has made these things so difficult? Why could the Government not establish boards to which those who want to apply for citizenships could apply? This board could go to places like Kitale and see those who applied from Kitale on the spot because they will be known by the local people there. Let me tell you as a matter of fact that even if the district commissioner and the Senior Police Officers who are everywhere in this country wrote a letter in connexion with somebody's application or something minor, and brought it here, I tell you, you can never get it. That letter will be destroyed or you will be told that he is not in his office and you will be told to go there so that the case can be investigated for you. That is what some people do here.

Mr. Speaker, the other day I went to that department—let me tell you the truth—and I found the people in the Immigration Office sitting behind big tables with very big necks. I went to room No. 11 on the second floor to inquire something for somebody who had come to me with a problem about some forms about immigration and how to obtain a passport. I knocked and went in and found a lady sitting there. She just ordered me by her finger to get out of the room. She did not even care to ask me what she could do for me. I was surprised and when I turned to look at her again she shook her finger saying, "Go away"! Mr. Speaker, Sir, that is why I say we are making laws for some people but they have to use everything as their own. When some of us, Members of Parliament, are in Jogoo House

[Mr. Araru]
with empty hands and yet we are the law-makers. We pass laws here and then we go and beg them to help us again. We bow down for them and say *saidia mimi*. Mr. Speaker, let us use justice if it is there. We establish the law and the material, the forms and everything. Why should we then oe ordered out now and gain and be told there are no forms while other people are getting them? I am saying this as a matter of fact.

There are a lot of Asians and even our brothers coming to us for help. I told my brother that I myself cannot even find that form. I advised him not to use me because since I am a Member of Parliament it is more serious. It will be asked why an hon. Member will have come to fight for an Asian or a European to make him a citizen. They will take it as a serious offence and even mention such a Member. I told my friends to try some other ways of doing it other than coming to us Members of Parliament. Sir, that is why I said that it is quite clear that there is something wrong. Let the Minister or Assistant Minister who is going to reply tell us openly quite clearly what is behind this thing and whether it is true that people who applied in 1964 have not been granted citizenship. I know an Asian in my own area who has such a case. He showed me his receipts and everything he registered and sent to this office in Nairobi but up to now he has not received any reply. He has not been told whether he has been granted citizenship or not. There are so many non-citizens moving here and there and some dying here because they are waiting for replies. Their applications are there.

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

Mr. Mwavumo: I am for this Motion, Mr. Speaker. It is actually very unfair, Mr. Speaker, for the Government not to issue citizenship, particularly to those people who applied during the grace period. The worst part of it, Sir, is that those people who applied within the grace period are given quit notices. They are being asked by the Minister for Commerce and Industry to wind up their businesses. The mistake is not theirs. Why do you tell them to go away? Where are they supposed to go? In fact, you asked them to apply for citizenship and they did apply. The period given was clear and they knew that they had to apply within a certain period. Of course, these people applied, but now you are refusing them citizenship. What have they to do? In fact, the Government is going on further to see that their children are not even admitted in training schools or in schools. These people are now being discharged from their employment. They have nothing to do and they are here in this country. They have made up their minds to stay here but the same Government is refusing them. What have they to do? If at all you fear them, tell them that you will have nothing to do with them and then they will have to go. You should not accept their money—the Government is taking their money—and then refuses to grant them citizenship. What have they done? In fact the Government is doing—as the hon. Araru said—day-light robbery. These people have applied and paid their money but they do not get the receipts. What have they done? I hope the Ministry of Home Affairs will take note of this so that those who have applied within the grace period are given certificates of citizenship immediately. Their children should be given fair education. They should not be discharged from their places of work.

With these few remarks, I beg to support.

Mr. Mutunga: It is very unfortunate that some of these things are happening here. It is true we do not need some of these people but we should be fair to those who applied in time and give them their work permits. What is happening is that—and it is difficult to prove some of these things—there is corruption. I know some people will jump up and ask for substantiation. We have been told that there are people who never applied —and for that matter I know a few—but who just came up out of the blue and received the certificate within less than two weeks. I will tell the hon. Members who they are if they want me to substantiate.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker.

Hon. Members: Let him substantiate.

Mr. Mutunga: Mr. Speaker, I want to be given time and I will lay the names on the table and then I will need an apology. Mr. Speaker, Sir, I do not have much time to speak. It is very unfortunate that some of these things are happening and we know there is corruption. I have said I know people who applied in time and I sympathize with them as a human being. For those who never applied, I have no sympathy for them. There are people who never applied and even never bothered but because they have money they go there and get it just almost the following day. As I said, Mr. Speaker, I will prove that.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, with regard to the point made by

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
the hon. Member, I would be much obliged if he did that because it would help the nation. It is in the interest of this country that we must get rid of corruption in this House, outside this House and elsewhere in the country. For this reason I would welcome this substantiation.

Having said that, the point the hon. Members are trying to put across is that they are wondering why those who applied for citizenship in time, during the grace period, have not had their applications considered. When I replied, I said we had decided not to give any more citizenship except in special circumstances.

Now, the special circumstances, if the hon. Member wants me to repeat what I said the last time is, in regard to women who were married to citizens. This is a special case because I am sure none of the Members here would like me to believe that once you are married to a woman who is not a citizen she should not be given citizenship. That is wrong, because there is no law forbidding a citizen from marrying a non-citizen. Therefore, if you marry a non-citizen, then we have to consider that the wife is entitled to apply for citizenship and be considered. That is one point.

Another point of a special case is for those people who were not of age at that time, on 12th December, 1965. These can be given a chance and there are those whose parents applied for them as minors. They could not apply for themselves and so their parents did this on their behalf. We can consider this.

Sir, for the Members to say that all must be given citizenship, I want to know one thing. Let us be frank today. Either the Members are speaking on behalf of their people or on their own behalf. This is the question we must make up our minds on. The question here is this. Once you give citizenship to the remaining ones, then you will get all the trade which these hon. Members are trying to get into the hands of the citizens—— I am taking this very seriously, Members should not talk glibly without realizing what they are talking about. When we give them citizenship, it will mean they will never leave whatever they have and that is not in the interests of the people who elected the hon. Members here. Is it in their interest? The answer is, "No". and I challenge any one of them to stand with me on a public platform and say that he is advocating for the staying of the expatriates and we should give them citizenship so that the people do not get what they get. You will never live to see the four walls of this House. Mr. Speaker, this is the truth. If we have to give this citizenship, then the Africanization we are talking about will never be implemented. I know the hon. Members here are only talking because their constituents are not hearing what they say now but this is something they should know. We, as a Government, are responsible and we are trying to say that——

Mr. Mutiso: On a point of order, Mr. Speaker, do you not see that the Assistant Minister is, in fact, misleading the House by stating that out of the blue the Government has decided not to issue citizenship to the people who applied in time when, in fact, the law does provide that you can become a citizen if you have applied in time? Why has the Assistant Minister to confuse the House and the country by saying that because they want to give the Africans a chance to participate in business or what-have-you that is why they have decided, out of the blue, outside this Parliament and outside the law, not to issue citizenship? Is this not a contradiction of Government policy?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I welcome that argument which cannot hold water at all. The hon. Member must realize that when somebody applies for citizenship it means that——

Mr. Mwangale: On a point of order, Mr. Speaker, I thought that the hon. Member for Yatta had asked for a ruling and I expected the Speaker to make a very definite and clear ruling on what the hon. Member is speaking about.

The Speaker (Mr. Mati): What Mr. Mutiso did was to put forward an argument against what Mr. Shikuku was saying. It is not for the Speaker to decide on policy. The way I understand Mr. Shikuku now, is that after some time Government decided that the policy they had followed was not the right one according to existing circumstances and so they changed that policy——

Mr. Mutiso: By themselves!

The Speaker (Mr. Mati): ——and that has nothing to do with the Speaker.

Mr. Mutunga: On a point of order, Mr. Speaker, can I seek your guidance here. Is the Government allowed to do anything concerning the laws of this country outside this House? If the Government has decided not to honour what it had promised, and what is in the Constitution, would the Government just go ahead and make their own laws outside this Parliament?

The Speaker (Mr. Mati): It is not a question of Government making laws outside Parliament. It is quite possible for Government at times not to

[The Speaker]
enforce certain provisions of the law, in which case, if somebody is aggrieved he still has legal means to follow up the question. If somebody felt he was offended somewhere, with the action of Government, or an individual denied him of his constitutional right, there is nothing to prevent him from taking the matter forward. But, as to the outcome, he will have to wait until the decision comes.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): For the information of the House, Mr. Speaker, the Minister has powers. When somebody applies for citizenship——

An hon. Member: On a point of order, Mr. Speaker, is Government not infringing the Constitution of Kenya by so doing?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I think you have just ruled on that. I do not know where the hon. Member was.

When you apply it does not mean that you will automatically be made a citizen. The Minister has powers to refuse or accept. The hon. Member should know that. As the Speaker has rightly pointed out, if somebody feels he has been wronged, then let him go to the court. I think they know better laws than some of us here, and they can go to court.

However, Sir, the point is that we are here solely to make sure that we protect our citizens. If our move is not to debar our own people from progressing, then it is up to the hon. Members and the people of this country to see that we stop issuing any more citizenships. That is what we have done and we have given special consideration in special cases.

Under section 91 of the Constitution it states very clearly:—

> Any woman who has been married to a citizen of Kenya shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Kenya.

That is one of the exception I have given. If the hon. Members are asking for more exceptions, then I want to say that I am going by the Constitution and any person who feels we are contravening the Constitution, including the hon. Members who are here, they can hire a lawyer and challenge us in the courts of law.

An hon. Member: What about the question of delay?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): With regard to delay, I answered the last time that we are not going to register any more except where there are special cases. So those who applied in 1963——

Mr. Kitonga: On a point of order, Mr. Speaker, may I seek your guidance. When the Assistant Minister is replying to this question in the House, is this a Government statement, Government policy? Could I know that? When the Assistant Minister answers this question in Parliament is this a statement for the Republic to know that there will be no more granting of citizenship? Is that what the Assistant Minister means?

The Speaker (Mr. Mati): Ministers and Assistant Ministers answer questions here on behalf of Government.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, I am answering on behalf of Government, this is a Government statement. The first statement I made at the time when the hon. Member asked the question was a Government statement. We are not going to grant any more citizenship except in special cases. If the hon. Member wants me to have a bugle and stand at the top of this building to tell him that, then he must not expect me to behave like a lunatic to do that.

The point I must drive home is that we have to protect our people.

Mr. Mutiso: Nonsense!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): The hon. Member for Yatta calls that nonsense. He may be nonsensical himself in the way he looks.

However, the point is that we are here to ensure that our citizens are safeguarded and that all the property, the belongings of those who are not citizens is taken over by us, Africans.

ADJOURNMENT

The Speaker (Mr. Mati): It is time now for interruption of business. The House is now adjourned until tomorrow, Wednesday, 26th May, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 26th May, 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. 356

MORE CHIEFS AND SUB-CHIEFS IN MARSABIT NORTH

Mr. Umuro asked the Minister of State, President's Office if he would tell the House whether he would consider, as a matter of urgency, increasing the number of chiefs and sub-chiefs in Marsabit North Constituency.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The question of increasing the number of chiefs and sub-chiefs is always under constant review. As the present number of chiefs and sub-chiefs in Marsabit North Constituency is adequate, there is no need to increase them.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he said there was no need for more chiefs and sub-chiefs for the constituency, what qualifications are needed to have more chiefs in a constituency? Could he tell us?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member is one of the Members who know very well that before increasing the total number of chiefs in an area there are certain things which must be considered. The first one is population. If the population does not support the contention that the number of chiefs should be increased in a certain area, then there is no need raising the issue.

At present the constituency of which the hon. Umuro is a Member is fully represented administratively.

Mr. Wachira: Mr. Speaker, Sir, will the Assistant Minister tell the House whether he thinks that by having less sub-chiefs there will be more development than if there were more?

Mr. Munyi: Mr. Speaker, on the Front Bench a group of hon. Members have been discussing something and I did not hear the question. Can the hon. Member please repeat?

Mr. Wachira: Mr. Speaker, I will repeat the question again for the benefit of the Assistant Minister.

Will the Assistant Minister tell the House whether by having fewer sub-chiefs in an area we have more development, or do we need more for development?

Mr. Munyi: Mr. Speaker, Sir, I think hon. Wachira has raised a point which is quite reasonable.

As I have already answered, at present we do not see any reason why we should increase the number of chiefs and sub-chiefs in Marsabit North Constituency.

Mr. arap Cheptai: Arising from the Assistant Minister's reply, can he tell this House why he has neglected to instal enough chiefs or sub-chiefs? There should be more sub-chiefs because those people in the area need them. The area does not have sub-chiefs and how will the administration work effectively, how will the people executing laws operate?

Mr. Munyi: Mr. Speaker, Sir, I have been listening very attentively to what the hon. Member said. However, as far as the point of sub-chiefs in an area is concerned, that is fully noted.

Mr. Umuro: Mr. Speaker, Sir, will the Assistant Minister take note that the Marsabit North Constituency is a large area, that the number of chiefs and sub-chiefs who are at present employed and are conducting the administration work in the area are very few that there is a need to increase the number. If he does not agree, could he tell us how many of these people are there?

Mr. Munyi: As the hon. Member knows very well, and he has stated his constituency is very large, that is true but, as far as the population is concerned, the population of the area is very small.

In any case, since the hon. Member has raised a very reasonable point, in future that will be fully considered.

Mr. Cheserek: Mr. Speaker, arising from the answer given by the Assistant Minister when he talks of the population being so little that the area does not warrant more sub-chiefs, would he tell the House the number of sub-chiefs there and the number of chiefs who are holding that position in Marsabit?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member should agree with me that, in fact, if he was asking me the total number of chiefs or sub-chiefs in that area, even you would agree with me that it is a different question altogether. However, if he tables that question, it will be replied to accordingly.

Mr. Araru: On a point of order, Mr. Speaker, you will remember that very early on I asked a supplementary question. I asked how many chiefs were needed in one constituency and the hon. Assistant Minister never replied to that. I waited and gave a chance to other hon. Members who

[Mr. Araru]
put the same question but he never replied to them correctly.

Can he say now what is the amount of population required for allocation of a chief or sub-chief?

Mr. Munyi: I would like to tell the hon. Member that the deciding factor is, one, population; two, the area concerned. The hon. Member knows that very well.

The Speaker (Mr. Mati): Mr. Araru, the question is: what is the population which justifies the appointment of chiefs and sub-chiefs.

Mr. Munyi: In some places, Sir, the population which is required to justify the post of a chief is at least 20,000. But in some areas——

Hon. Members: Oh, no!

Mr. Munyi: That is very true, Mr. Speaker, I am answering and telling the hon. Member what he wants to know.

In areas which are big sometimes the number is 5,000. It depends on the conditions in particular areas but there is no guiding factor as to the figures concerned. This depends on what exists in certain areas.

Mr. Amayo: On a point of order, Mr. Speaker, the Assistant Minister has made it clear in the House that at least 20,000 people is the figure, whereas we know pretty well that there is no single sub-chief in the whole of Kenya who has 20,000 people under him. Is he not misleading the House?

Mr. Munyi: Mr. Speaker, Sir, I made it very clear that I was referring to chiefs, not sub-chiefs. That is very true, and it is as clear as day-light.

Even the location where I come from in Embu has a population of more than 25,000. That is in the records.

Question No. 423

DISTRICT STATUS FOR MOYALE

Mr. Araru asked the Minister of State, President's Office if he would tell the House what action the Government had taken about the Motion passed on 15th May 1970 by Parliament regarding Moyale being a district as it was before.

Mr. Araru: And it is the same man again!

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The Government took note of the Motion urging it to restore Moyale to its old status of a district. However, it is necessary to point out that the old Moyale District comprised parts of the present Wajir District and parts of Marsabit District. The present Moyale is, therefore, only half of what it used to be during the colonial administration. The changes were made at the time of the Boundaries Commission in 1963. The whole of Marsabit District, including Moyale, has a population of 40,000 which does not warrant an economic subdivision to form two districts.

Because—and this is very important, Mr. Speaker—of the Motion, however, Government will review the situation when the whole matter of the district boundaries is reviewed some time in the future.

This is as a result of the Motion passed in this House, and the Members should agree with me because we are considering this as a result of the Motion. We are honouring the Motion.

Mr. Araru: Mr. Speaker, Sir, arising from what my colleague the Assistant Minister has said, when he said the population of Marsabit District is about 40,000, as a result of the count which was made recently Marsabit District has a population of 52,000. It is written, it is there and he can see it.

Secondly, Sir, the Motion was passed in this House on 15th May 1970. Moyale is still as it was before, as a district. What action has the Government taken since that day to make Moyale a district? Tell us.

Mr. Munyi: Mr. Speaker, Sir, in actual fact that is a very good point and I would like to tell the hon. Member that His Excellency the President is considering setting up a Commission to review district and provincial boundaries in the very near future.

Hon. Members: When? When?

Mr. Munyi: This was promised at a parliamentary group meeting which was held in January 1970. The views expressed by hon. Members when they were speaking on that Motion will be fully considered and will be given first priority.

Mr. Murgor: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to bring in a different issue when we are dealing with the Moyale District? He is bringing in the question of district boundaries. Is he not confusing the House by bringing in the two issues when we are dealing with one specific issue?

The Speaker (Mr. Mati): No, I suppose he was thinking of a general review of all boundaries, and that includes Moyale.

Mr. Ayah: On a point of order, Mr. Speaker, Sir, the Assistant Minister has made a rather serious historical error. He made a statement saying that there was a Kanu parliamentary group

[Mr. Ayah]
meeting in January, 1970. Therefore, is it in order for the Assistant Minister to make such an erroneous statement when there was no Kanu parliamentary group meeting in January, 1970; there was not any such a meeting whatsoever?

The Speaker (Mr. Mati): Mr. Munyi, it could not have happened.

Hon. Members: Produce Minutes!

Mr. Munyi: Mr. Speaker, Sir, in actual fact, all that I would like to tell the hon. Ayah, who is actually going to be our Acting Deputy Speaker of this very honourable House, Mr. Speaker, Sir——

The Speaker (Mr. Mati): Order, Mr. Munyi! Will you just reply to the question without recommending Mr. Ayah!

Mr. Munyi: Mr. Speaker, Sir, all that I would like to tell the House is that it is very true that a Motion was passed in this very honourable House, and as a result of that Motion the Government is going to consider these types of cases and that consideration will be based on the availability of the funds. If there are no funds, Mr. Speaker, Sir, it will not be possible to establish another district.

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

The Speaker (Mr. Mati): No! Order! No, at that rate, we cannot get very far. Mr. Ayah's point of order was in connexion with the statement Mr. Munyi made, a statement of fact. Mr. Munyi said that at a parliamentary group meeting held in January, 1970, a promise was made. Now, there could not have been a parliamentary group meeting held in January, 1970 because there was no Parliament and, as such, the Members had been elected but, in fact, there had not been any Assembly and, therefore, there was no meeting.

Mr. Munyi: Mr. Speaker, Sir, it was not in January, 1970 but in January, 1971 when one of the hon. Members wanted to know something to do with boundaries. It was not in January, 1970 but in January, 1971.

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

The Speaker (Mr. Mati): No! Order! Next question.

Question No. 350

WATER SUPPLY IN KITUI EAST

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

(*a*) what plans he had in hand in the period 1971-74 to supply enough water to the following dry pastoral areas: Zombe, Nuu, Endau, Mui and Mutito Locations;

(*b*) was he aware that there were some rock catchments and earth drains in the said areas which had been made by the Colonial Government and only needed a little deepening and extending to hold at least water for cattle; and,

(*c*) if the answer was in the affirmative, whether he would take the necessary action.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. (*a*) As far as I am aware Zombe, Nuu and Endau Locations have not been put forward to the Ministry by the Provincial Planning Team as areas which require further water development. I would like to point out that in all the three places pipelines exist which supply water to the people as well as a large number of stock. In the case of Mui Location, an eleven-mile-long pipeline is currently being constructed from Mutito to Mui.

(*b*) The rock catchment and earth dams in question are the responsibility of the County Council for maintenance, and the County Council has up to now discharged this responsibility reasonably well. The Government does not have funds for repairing and maintaining such dams and rock catchments.

However, I do agree, Mr. Speaker, Sir, that there is a great deal of need for constructing more dams and rock catchments in the whole of Kitui District and my Ministry is now actively considering ways and means by which this could be achieved.

Mr. Kitonga: Mr. Speaker, Sir, according to the Assistant Minister's reply, that the responsibility of repairing dams and rock catchments is on the county council, then I fail to understand why the Ministry of Local Government could not answer this question in order to make my people understand how and when action will be taken?

Mr. Wanjigi: Mr. Speaker, Sir, I think the county councils fully understand their obligations, which they discharge with a lot of ability, and they also know that in the event of lack of funds how to request for the necessary assistance.

Mr. Munyasia: Mr. Speaker, Sir, while agreeing with the Assistant Minister that his Ministry is making plans to construct dams and rock catchments, will the Assistant Minister tell the House what major plans he has in mind to restore water which is running from the rivers right to the sea?

Mr. Wanjigi: Mr. Speaker, Sir, that is a much larger question which involves irrigation potentials, not only in Kitui but also in the whole of Tana River basin and the Government is also actively looking into this possibility.

Mr. Mutiso: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that his Ministry is actively considering ways and means of tackling this problem, can he tell us specifically how actively the Government is considering by stating what they have done and whether they have sent some people there? What exactly are they exactly doing, physically? We do not want to be told, you know——

Mr. Wanjigi: Mr. Speaker, Sir, I could not expect such a question from the hon. Mutiso because he knows very well that we have a Department of Water Supply in the Ministry of Agriculture with, in fact, water development officers stationed in these areas. Also, I have said in this House that we are, in fact, in the process of drawing up a water development master plan and this cannot just be tabled until it is completed. There is a lot of activity that is going on and which the hon. Mutiso should very well realize. Thank you.

Mr. Koigi: Mr. Speaker, Sir, with all due respect to the Assistant Minister for Agriculture—and I know that they are doing a lot about water—can he tell us how long it will take to complete this business in the area?

Mr. Wanjigi: I do not know what business he is referring to.

The Speaker (Mr. Mati): Well, I think it is provision of water.

Mr. Wanjigi: Mr. Speaker, Sir, the water development and the provision of water is a very long-term programme. I am sorry I cannot hazard the guess as to how many years it will take.

Question No. 432

ISIOLO PEOPLE EMPLOYED UNDER TRIPARTITE AGREEMENT

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

(*a*) how many persons from Isiolo District had been employed in the public and private sectors since the Tripartite Agreement came into force; and

(*b*) whether the Minister would give a breakdown of these figures with reference to Isiolo Township, Garba Tula, Modogashi and Merti.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. (*a*) The answer is to be found in a similar answer I gave to a similar question—Question No. 265—not so may many days ago in this House.

(*b*) Since we registered people using Isiolo Township as the main centre, it is not possible for me to give a breakdown of the sub-areas of Isiolo required by the Member.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, when he said that I could find the answer to this question from another answer he gave, that question was only referring to provincial employment and not places like Isiolo Township, Garba Tula, Modogashe and Merti which I have asked here in this question.

Mr. Kibisu: Mr. Speaker, Sir, I respect very much the knowledge of the hon. Member for Isiolo South but, if he wishes me to do some homework for him, I gave a complete breakdown of the Tripartite Agreement employment figures and I showed in that breakdown that Isiolo Township had registered 1,178 people and so far only three people had been placed in jobs for reasons known to the Members for Isiolo South.

Mr. Speaker, Sir, I cannot possibly provide a further breakdown of the figures for Isiolo because we use Isiolo as the only centre of registration there.

Mr. Kadir: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that this Tripartite Agreement did not help the people of Isiolo District because there was no company or factory where the people could be absorbed and, when my people came here in Nairobi they were referred back to their respective districts? What is the Assistant Minister doing about this?

Mr. Kibisu: Mr. Speaker, Sir, with all due respect, that is a different question, but if the hon. Member is inviting my comment, I would, in fact, refer him to the relevant chapters of the Development Plan.

Mr. Kholkholle: Mr. Speaker, Sir, the Assistant Minister, in his reply, said that it was only Isiolo that was the registration centre for Isiolo District: why was it only Isiolo and not these other places like Garba Tula and others referred to because they are very far from one another? For instance, Garba Tula is 72 miles from Isiolo. Therefore, why not make it a registration centre?

The Speaker (Mr. Mati): The exercise is not going on. So, your question is irrelevant.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that 1,000 people had been employed, from which

[Mr. Bonaya]
registration centres were they registered? Could he also tell us when he is going to give the exact number of people who have been employed from the areas that I have already mentioned?

Mr. Kibisu: Mr. Speaker, Sir, I have already said that they are three.

The Speaker (Mr. Mati): Next question, Mr. Yunis Ali.

Question No. 450

HOUSING FOR MINISRY OF WORKS STAFF AT MACHAKOS CAMP

Mr. Y. Ali asked the Minister for Works if he would tell the House, in view of the fact that at present, the staff of the Ministry at the Machakos Camp were poorly and unhygienically housed, whether the Minister would consider seriously providing better housing to those *wananchi.*

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply. My Ministry is considering replacing all the temporary camps throughout the country with permanent ones, but this will depend on the availability of funds. Of course, the camps, as a matter of fact, are there as camps; otherwise, we are prepared to replace them with permanent ones as soon as funds are available. However, it may take some time.

Mr. Kanja: With all due respect to the hon. Assistant Minister, Mr. Speaker, Sir, would he agree with me, for the sake of comparison, that some of the shanties which have been demolished are better constructed than the camp in question where the employees of the Ministry have to live?

Mr. Kuguru: Mr. Speaker, Sir, this depends on the health authorities. Mr. Speaker, Sir, our camp has not been condemned by health authorities and, therefore, it is not to be demolished.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he not agree with me that since his Ministry is improving such similar camps in my Constituency—namely, Kibera—that they have a moral obligation also to improve this Machakos camp since it is the oldest Government's or his Ministry's camp in Nairobi?

Mr. Kuguru: Mr. Speaker, Sir, I think the Machakos Camp is not the only one in such a condition, but I have said that my Ministry is prepared to improve all the camps throughout the Republic. Equally, I think, you, being a national leader, should appeal that all the camps in the country be improved.

Question No. 408

FAMILIES IN NYERI EMERGENCY VILLAGES

Mr. Kanja asked the Minister for Lands and settlement to tell the House—

(*a*) the number of families still living in Emergency villages in Nyeri;

(*b*) how many of them were allocated with settlement plots last year, where; and

(*c*) the Ministry's future plan for those people still living in villages in spite of being genuinely landless.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. (*a*) There are 1,239 registered families still living in Emergency villages in Nyeri.

(*b*) None of them has been given plots.

(*c*) My Ministry's plan is to settle all the genuine landless people. My Ministry is also embarking on a new land purchasing programme and it is estimated that about 140,000 acres will be made available to genuine landless people.

Mr. Njiru: Mr. Speaker, Sir, arising from the Assistant Minister's answer, would he tell this House specifically what his Ministry has been doing since independence since it has not given even a few families plots on which to live?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon. Member, since independence, has not been conversant with the progress of the country. It is up to him to wake up now and come to my Ministry and we shall be able to tell him what we have done. Further, Mr. Speaker, we have settled some people from Nyeri District in the following places: Ithanga, 51 people; Belle-Vue, 80; Teravos, 15; Nairothia Co-operative Society, 47 and Tana Ranch Machakos District, 5. Therefore, my Ministry is working hard.

Mr. Kanja: Mr. Speaker, Sir, as the Member representing Nyeri, my interest in asking this question was to know how many people have been settled, but the Assistant Minister has said "Nil" for last year. My (*c*) part of the question asks very clearly how many landless people, who are genuinely landless, have been settled? Why I asked this question is because we have been repeatedly requested to ask our genuine landless people to come forward. I believe those people in the villages are landless people. How many of them are you going to settle now?

Mr. G. G. Kariuki: Mr. Speaker, Sir, we are going to settle as many as possible. I have just indicated to the hon. Member that some people from his area have already been settled. I have

[Mr. G. G. Kariuki]
also told the House that about 140,000 acres will soon be purchased and will be given to *wananchi.*

Mr. Koigi: Mr. Speaker, Sir, would the Assistant Minister agree with me that the same song of settling genuinely landless people has been sung for many years and that the Government is not prepared to do anything like settling our genuinely landless people?

Mr. G. G. Kariuki: Mr. Speaker, Sir, my Ministry has no song to sing. What is happening is that the hon. Member is telling us there is such a thing. However, I have given an assurance to this House today that we have money to buy about 140,000 acres for settlement schemes in the country.

Mr. arap Saina: Mr. Speaker, Sir, since it is the policy of the Ministry of Lands and Settlement to first of all register the landless people as squatters, with the office of the Commissioner for Squatters, could the Assistant Minister tell this House whether the 1,239 families living in emergency villages in Nyeri have been registered?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon. Member was not listening. I said there were 1,239 registered squatters, and therefore the hon. Member's question does not arise.

Mr. Wachira: On a point of order, Mr. Speaker, Sir, in view of the fact that these 1,239 have not even an inch of land on which they can grow their food and the fact that there is a lot of relief food in the country, will the Government consider seriously giving these people food?

The Speaker (Mr. Mati): May I just remind you, Mr. Wachira, that if you go into that you would force me not to allow you to ask anything.

Question No. 388

TELEPHONE INSTALLATION AT OUTER RING ESTATE

Mr. Karungaru asked the Minister for Power and Communication to tell the House whether in view of the danger to the security of the residents of both Kariobangi Phase III and Outer Ring Road Estates, the Government would provide telephone facilities for the residents in these area and when it would do so.

The Assistant Minister for Power and Communications (Mr. Moss): Mr. Speaker, Sir, I beg to reply. Before I reply, Mr. Speaker, Sir, I want to say I have always been referred to as "Mr. Ojukwu" by the House and I want to question whether that has any ulterior connotation or not. I hope it is a compliment to me for the good job I do.

I wish to inform this House that Kariobangi Phase III and Outer Ring Road Estates are within the Ruaraka telephone exchange area and plans are in hand to provide underground cable to serve these estates. The work is expected to be completed early in 1972. I hope that is satisfactorily answered.

Mr. Karungaru: Mr. Speaker, Sir, I think I should thank the Assistant Minister for the first time—perhaps it is because he has been promoted to the status of "Ojukwu". Mr. Speaker, Sir, is it not necessary for the Government to consider the question of the security of those people living in that particular area where there is no police station and at the same time the people are at a risk of being attacked and, in most cases, when there is trouble in that area, it is very difficult for them to get ambulance or any other necessary help? Could the Assistant Minister not consider providing one line, at least, for the time being because——

The Speaker (Mr. Mati): Order, Mr. Karungaru, you know you cannot do that. If you have a question, just ask it. You have taken all that time. You do not take so long asking a question.

Mr. Karungaru: Mr. Speaker, Sir, at Outer Ring Road, there is a telephone line and I am asking whether it is possible to tap it so that the members of the public may not suffer before you finish doing the other work?

Mr. Moss: Mr. Speaker, Sir, the question is: "When is the Government going to provide the people of Kariobangi with telephone services?" The answer, Mr. Speaker, was plain. I said: plans are already in hand, which means between now and next year there will be a lot of development within that area. By early next year, the place will be well catered for telephone-wise and I do not see how this question arises again. The hon. Member should be grateful.

Mr. Kivuitu: Mr. Speaker, Sir, arising from that good reply from the Assistant Minister, could we know why it is going to take Government all that long time—until next year—to provide a telephone line there. I thought it is a matter of a day.

Mr. Moss: Mr. Speaker, Sir, we have first to plan for this and we do not plan for Kariobangi only. The population and the needs of Kenya at the moment are going very high and we have several other places to consider, like Bungoma and even Mount Elgon. Therefore, Mr. Speaker, Sir, when we do this the question of finance also comes in as well as many other paraphernalias.

Question No. 292

LARE AND MIATHENE HEALTH CENTRES TO BE HOSPITALS

Mr. Muturia asked the Minister for Health if he would tell the House whether he would consider converting Lare and Miathene Health Centres into hospitals.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The answer is no.

Hon. Members: Why! Why!

Mr. Muturia: Mr. Speaker, Sir, assuming the Assistant Minister is not joking, may I know, Sir, why the answer is "No"?

Mr. Jahazi: Mr. Speaker, Sir, the answer is "No" for the simple reason that right now we have the problem of staffing the health centres which have been built by the *wananchi* and which at the moment are just standing empty because we do not have enough staff or medicine. Mr. Speaker, Sir, we have always said in this House that we do not have enough staff and, therefore, we cannot start converting the already existing health centres into hospitals. This is the first reason why the reply to the question is "No". Furthermore, Mr. Speaker, Sir, the hon. Member should know that we do not, as a policy, convert health centres into hospitals. We build health centres to serve a certain purpose and this purpose never changes. Hospitals are also built to serve a certain purpose and this purpose does not change either. Therefore, Mr. Speaker, it is not our policy to convert health centres into hospitals. This is another reason why the reply is "No". Further to this, Mr. Speaker, Sir, by converting health centres into hospitals, we shall be upsetting our 1970/74 Development Plan. I am saying this, Sir, because if the hon. Member reads the Development Plan carefully, he will see that we have planned to establish hospitals in certain areas. Therefore, Mr. Speaker, until and unless we have finished this job of conforming to the Plan, we shall make the whole Plan a useless document. Mr. Speaker, Sir, these are the reasons why the answer to the question asked by the hon. Member is "No".

Mr. Lotodo: Mr. Speaker, Sir, arising from the Assistant Minister's reply that there are no staff to man these health centres, will he then undertake to inform the public that they should not go on putting up more health centres or dispensaries because there are no staff to man them?

Mr. Jahazi: Mr. Speaker, Sir, I do not think I should answer that question because it does not conform to the main question. He will have the opportunity to ask that in the second question.

Mr. Marete: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, since these two health centres serve about 20,000 people yearly, and this is a sound reason why they should be converted into hospitals, could he tell us what he thinks about these 20,000 people?

Mr. Jahazi: Mr. Speaker, Sir, if there are 20,000 people attending these health centres and they are still getting the necessary treatment, all I wish them is speedy recovery. I do not have anything else to say.

Mr. Muturia: Mr. Speaker, Sir, arising from the Assistant Minister's reply that they do not have enough staff since the demand is very high, while at the same time there are health centres standing idle, would he tell this House whether or not it is the fault of the *wananchi* who built these health centres knowing very well they had confirmation from the Ministry of Health. Is it the fault of the people or of the Government that there is a shortage of staff? There are enough people to train, so why do you not train them?

Mr. Jahazi: Mr. Speaker, Sir, the hon. Member's question is asking whether we could consider converting the already existing health centres with enough staff and doing their normal duties as health centres to hospitals. I do not see why he should quarrel about these health centres because they are serving the *wananchi*.

Question No. 444

TAKE-OVER OF HEALTH CENTRE IN KITUI WEST

Mr. Munyasia asked the Minister for Health if he would tell the House, in view of the fact that he had made intensive tours during the recess throughout the Republic to witness for himself the work which had been done by the *wanachi* in self-help projects, and realizing that Yatta Location in Kitui West was badly served, whether he would consider authorizing the take-over by Government of the newly built health centre so that the *wananchi* there could taste the fruits of *Uhuru*.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Minister very much appreciates the self-help efforts of the people of Yatta Location in building the health centre, but as explained by the Minister, himself, at a *baraza* held on the site during his visit there—he told the *baraza* that due to the shortage of staff that health centre would not be opened very soon. The Minister has this in mind and as soon as the situation changes about the shortage of staff he will have this Yatta Health Centre very well in mind.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply and in view of the fact that this location is completely cut off from all the necessary facilities because of the annoying Tiva River how does the Assistant Minister expect the people to be served when there is no treatment going on whatsoever in that location because of this River?

Mr. Jahazi: Mr. Speaker, Sir, the whole purpose of the Minister going all the way to see the place is to have the consideration which the hon. Member has in mind and as I have said, Yatta Health Centre is already in the mind of the Minister and therefore the hon. Member should not shout very much. If the hon. Member will not mind waiting a little longer, he will have a smile next time.

Mrs. Onyango: Mr. Speaker, Sir, time and again we have been told by the Assistant Minister that we are short of doctors. Would the Assistant Minister tell us, how many doctors are now under training so that he will not always be telling us about the shortage of staff.

Mr. Jahazi: Mr. Speaker, Sir, there are so many doctors in training here and overseas. There are about 80 here in Nairobi and we are going to increase the number by 73. We may have a total of 200 training here in Nairobi and so many others in foreign countries. Therefore, the position is improving every year and I think within five years' time this shortage of doctors will be a thing of the past.

Mr. Onyulo: Mr. Speaker, Sir, in view of the fact that Yatta Location is situated in a very difficult place, and since the health centre which has been put up by the *wananchi* is now ready, would the Assistant Minister assure this House that if some trained medical staff from the private sector were willing to work there he would be prepared to pay them?

Mr. Jahazi: Mr. Speaker, Sir, private doctors can work anywhere provided they are well paid. However, although we would encourage private doctors to go to the rural areas, the problem is that they always like establishing business in towns where their charges are higher and where they are not scrutinized a great deal. Therefore, while we can appeal to them to go to the rural areas, I doubt whether they would listen to our call because we have actually been telling them to move from towns and go to the rural areas to help solve the problems there.

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

Question No. 344

IMPROVEMENT OF TOURISM IN SAMBURU DISTRICT

Mr. Lenayiarra asked the Minister for Tourism and Wildlife if he would tell the House whether there were any plans aimed at improving tourism in the Samburu District.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to reply. The answer is "Yes Sir".

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, would the Assistant Minister inform the House briefly what arrangements there are to improve tourism.

Mr. Jan Mohamed: Mr. Speaker, Sir, the existing Samburu Lodge was expanded to the capacity of 64 beds recently. Plans are underway to build two more lodges, one at Maralal comprising 60 beds and another at Bawa comprising 100 beds.

Mr. Lenayiarra: Mr. Speaker, Sir, since roads are equally important in tourism what plans are there to improve tourist roads?

Mr. Jan Mohamed: Mr. Speaker, Sir, the great North Road to Ethiopia is going through Samburu and as soon as this road is completed subsidiary roads will be built to accommodate tourist circuits.

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

Question No. 439

GAME RESERVES TO BE MADE PASTORAL LAND

Mr. Kadir asked the Minister for Tourism and Wildlife if he would tell the House, in view of the fact that the shortage of rain in 1970/71 had caused a lot of starvation and death to animals in the North-Eastern Province and part of the Eastern Province—

(*a*) whether he would give back to the *wananchi* of Isiolo District the following areas which were converted into national parks and game reserves; Bisan Guracha, Kupi, Chafena, Bisan Adi and Isiolo County Council game reserves; and

(*b*) whether he would consider this case seriously so as to avoid deaths of animals and human beings.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. First of all I must congratulate the Member who has raised this question which is causing a lot of concern to almost all of us, even in the Governmnet.

The areas referred to by the hon. Member for Isiolo North constitute what is now generally known as the Bisan Adi Conservation Area or

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Bisan Adi Game Reserve, which is outside the Meru National Park but is still a game protected area. The area is complementary to the Meru National Park and the game migrate between there and the Meru National Park. It would therefore be detrimental to our wildlife conservation policy if the area in question were to be put to some alternative use. Furthermore, failure of rains in 1970 was merely a seasonal variation and it would be improper if the administration of our wildlife conservation areas were to be dictated by the variations of the weather.

Mr. Speaker, as far as the answer to the second part of the question is concerned, it is rather interesting and amusing. Sir, here the question seems to imply that I and/or my Minister, or anybody in my Ministry, is instrumental in causing the deaths of animals and human beings in the area in question. This is like asking my fellow colleague, the Minister for Power and Communications here, why there have been so many deaths on roads. Surely, nobody can answer this because it depends on the vehicle handlers on the roads. So, it is the same thing. May I assure the hon. Member that I feel as deeply concerned as he is, at the deaths of human beings and animals alike through such national catastrophes, as the one he is asking about in his question. We sincerely sympathize with this, all of us. Naturally I would, therefore, do anything within my powers to avoid unncessary deaths in future.

Mr. Kadir: Mr. Speaker, Sir, is the Assistant Minister aware that this land was just there without being put to any use and that whenever our cattle used to move to this area the game rangers used to arrest them and that is why our animals were dying and yet we had such a large area on which to graze? Is he going to stop this nonsense of confiscation of our animals by the game rangers stationed in the national park?

Mr. J. M. Kariuki: Mr. Speaker, we have not been told of any animals being kicked out of the place, but what I can say is that we know the area is 300 square miles and is on the east of Meru National Park. Surely, if the area was to be turned over to a grazing ground as the Member wants, it would mean a decrease in the big game. That will mean not only less hunting in the district but also jeopardizing the hunting fees that we get and by which we have managed to pay to the Isiolo County Council the sum of Sh. 29,000, as the hon. Member knows, in 1969, and about Sh. 21,000 in 1970. It is our intention to see to it that the people in the area will also benefit from whatever can be done by my Ministry to help in the development of that area.

Mr. Kadir: On a point of order, Mr. Speaker, Sir, yesterday, when I was out, the Assistant Minister denied that any land of Isiolo County Council was within the Meru National Park area; now he is saying that the Ministry was paying the sum of Sh. 20,000 to Isiolo County Council. Which is which, Mr. Speaker? Which one shall we follow?

Mr. J. M. Kariuki: Perhaps the hon. Member was not informed properly because he was not in. What I said yesterday was that this area comprises Meru National Park but since there are 300 square miles which stretches to Isiolo, that is why we had to pay some money to the Isiolo County Council.

Mr. Araru: Arising from the Assistant Minister's reply, Mr. Speaker, could he tell us whether the life of human beings is less important than that of those wild animals. Which is more important, the life of a human being or that of an animal?

Mr. J. M. Karuiki: Surely, Sir, I do not need to answer that question seriously because the hon. Member is aware that human beings are more important than wild animals. At the same time, Sir, there was absolutely nothing one could do in the Government to stop what actually happened in the North-Eastern Province during that period. The drought happened everywhere and we could not do anything about it. That was a national catastrophe which nobody could actually help. As far as wild animals are concerned, I would only say that we would not like to see any of the wild animals killed anyhow. In this particular connexion we could not stop the animals from dying. They were not killed by anybody and we cannot claim that the people from that area killed them; that was a natural death.

Mr. Mutiso: Mr. Speaker, Sir, considering that the people in that part of Kenya do not for that matter, cultivate or grow any subsistence crops but can only keep cattle, goats and camels, as I am informed—which require a large area for grazing would the Assistant Minister consider, seriously, giving the area in question back to the people of this particular part of Kenya so that they can have a large area for grazing in order that they can raise their living standards?

Mr. J. M. Kariuki: Mr. Speaker, Sir, I did explain yesterday also that there is a survey now taking place aimed at separating these two places and until that survey is completed by the department concerned in the Ministry of Lands and Settlement there is absolutely nothing we can do at the moment. There are also other areas in the same area where you cannot actually graze cattle

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together with wild animals. We do not also want to be faced with another type of compensation where we will be asked to pay some compensation to the farmers when some of their animals are eaten by a lion or a leopard in the area.

Mr. Bonaya: Mr. Speaker, Sir, arising from one of the replies given by the Assistant Minister, since Isiolo County Council has completely refused to give part of the land which the Assistant Minister was referring to as game reserve, why should it not be returned to the people so that they can graze their cattle there?

Mr. J. M. Kariuki: Mr. Speaker, Sir, I have just said that until such time that we shall have this demarcation done, it is difficult to determine which area the hon. Member is at the moment talking about. Until such time that the survey is carried out, I do not think there is anything we can do.

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

Mr. S. Lugonzo: Mr. Speaker, Sir, before I ask my question, I would like to make a few corrections. The (*a*) part of the question should be "Allocation of three Form I classes", not Form III, and nine Form I classes, and not Form III. The districts and provinces used, Mr. Speaker, are for example.

Question No. 397

ALLOCATION OF CLASSES IN SECONDARY SCHOOLS

Mr. S. Lugonzo asked the Minister for Education if he would tell the House the criteria used in the following decision:—

(*a*) Allocation of three Form I classes to Western Province and nine Form I classes to Eastern Province this year.

(*b*) Allocation of five Form V classes in the last few years to Bungoma District which has a population of about 300,000 and only four Form V classes to Kakamega District where population is 800,000.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. (*a*) I would like to inform the hon. Member that eight Form I classes were allocated to the Eastern Province in 1971 and not nine. The allocations were based on the index of opportunity in each province and the existing facilities in the schools to be allocated Form I streams. Places which had not had Government aid were also taken into account. The index of opportunity showed that more streams were needed in the Eastern Province.

(*b*) Allocations of Form V streams are not based solely on the population of an area. Form V streams are placed on those sites where more accommodation facilities are easy to provide. Furthermore, since Form V schools in the Western Province are boarding, it is possible for students from all over the Western Province to be taken in, and indeed from all over Kenya. No district is put at a disadvantage in the allocation of Form V places simply because there are no Form V classes in that district.

Mr. S. Lugonzo: Mr. Speaker, arising from the answer which has been given by the Assistant Minister, does he not agree with me that the Government has had no policy or criteria in the past and that the allocation has been done in an haphazard way by an individual at the Ministry's headquarters?

Mr. Rubia: I do not think I should accept that statement; but I would like to say that we have a policy in the Ministry and that we are keen to scrutinize every case on its merit and base it on the formula which I have informed the hon. House about. We hope that is the most equitable way of providing facilities for Form V.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister, can he define what he means to "Index of Opportunity" and tell us whether it has a stagnating effect or not with regard to the growth of education in those areas which do not have Form I places as compared to other areas?

Mr. Rubia: Well, "index of opportunity" means that you have to get the number of students who sat for the Certificate of Primary Education and try to equate it with the number of vacancies that are available. I think if I give you an example of the two provinces under discussion you can get a clear picture. Last year, there were 25,500 candidates who sat for Certificate of Primary Examination in Western Province; and in the Eastern Province there were 32,550 candidates who sat for the Certificate of Primary Education. You have to equate that with the facilities that are already in those respective provinces; and taking that as your basis then you will give certain points. However, there are other considerations as well; but generally, that is what we mean by, "Index of opportunity".

As to the other part of the question which sought the position when certain areas did not have the same number of schools because relatively they are not well off, well, that is unfortunate, and in that case as we already know, the Government is putting a little more effort, for example, in some parts of North-Eastern Province, by providing more primary schools even without the local people's participation. That is one of the ways of removing anomalies which exist and which, by the way, cannot be blamed entirely on this Government.

Mr. Ayah: Mr. Speaker, Sir, the Assistant Minister has introduced a mathematical statement which, quite obviously he does not understand very well. However, given that they consider, "Index of opportunity" as they call it, would he tell the House these other considerations which make up what he calls "Index of opportunity" and how these indices vary between districts?

Mr. Rubia: Well, I have stated that there is a policy in this country which stipulates that local people should provide primary schools. That is one of the facets, but where the local people are unable to do that, and many of those areas are well known to hon. Members, and therefore I do not think I should go out of my way and spell them out, then the "index of opportunity" improves facilities in those areas where people have put up primary schools. There is no doubt about that; and that is one aspect of it.

Since the hon. Member, Ayah, understands mathematics more than I do, I would like to ask him to go and tell his people to put up more primary schools and, perhaps, we will give them more streams in that particular province.

Mr. S. Lugonzo: Arising from the answer which has been given by the Assistant Minister, that population aspect as indicated in part (*b*) of the question does not count in deciding the allocation of such classes like Form I, does he not realize that a population of 800,000 has a bigger population of students and if they have to travel to another district for their Form V education it is economically unsound and that this should be taken into consideration when allocations are effected?

Mr. Rubia: Mr. Speaker, Sir, I do not accept that the question of population should be the sole consideration. In respect of Form V, we have said over and over again, and I would like to repeat it, that they are national classes and wherever they are they serve the whole nation. So, the question of the district's population is not really the sole criteria. There are some facilities which are examined by the development section of our Ministry and one of them is accommodation facilities. In deciding, the argument aspect may run: is the area near water facilities; is the area large enough for development and so forth. Those are some of the considerations; and of course the feeders to the secondary schools which get Form V are also considered, such that the distances between them is fair so that no undue hardship is created to the students. Such are the considerations, but unless we want to argue strictly on this basis there is no child who is denied education by the mere fact that there is no Form V in his district or his village.

The Speaker (Mr. Mati): We must move on now.

QUESTIONS BY PRIVATE NOTICE

ARREST AND MALTREATMENT OF MR. BAKARI NDOO

The Speaker (Mr. Mati): Mr. Boy says that he is unable to ask his question today.

So, we shall move to the next question; Mr. Ogero's question.

(*Question deferred*)

SALARY ARREARS FOR GUSII COUNTY COUNCIL EMPLOYEES

Mr. Ogero: Mr. Speake, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

Would the Minister tell the House why the Gusii County Council employees, together with the former council employees, who were transferred to the Ministries of Health, Works and Education have not been paid their salary arrears from July, 1966 to December 1969, despite the Minister's authority that the council should go in for a bank overdraft to meet the expenditure?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The hon. Member knows that Gusii County Council has been experiencing financial difficulties for quite some time. This has often resulted into delayed payments to staff especially in cases where salary increases had been awarded by the Industrial Court. The financial situation became even worse after the transfer of graduated personal tax and the other major sources of income, namely, health and education departments, to the Central Government. However, Sir, I am glad to inform the House that in spite of these disheartening circumstances the council did manage to pay out more than Sh. 260,000 of the total sum of money involved in respect of arrears to the existing staff. This was in accordance with the ruling of the Industrial Court which recommended that this amount should be paid out by instalments. This year, Sir, they have authorized an overdraft amounting to nearly Sh. 800,000 to enable the council to meet these additional expenditures. Negotiations for the release of the money are now being conducted. As soon as the money is released, payment will be effected as speedily as possible.

Mr. Ogero: Mr. Speaker, Sir, is the Assistant Minister aware that the negotiations for a bank overdraft from the bank concerned have failed and, therefore, it is impossible for the council concerned to get this money and pay the people in question?

Mr. Munoko: Mr. Speaker, I do not think that negotiations have failed. Negotiations are going on and I am hopeful they will be fruitful. There is no other way in which my Ministry can afford to give the money to the council to pay the salaries.

Mr. Ogero: Mr. Speaker, Sir, if the negotiations fail to materialize, and in view of the fact that the graduated personal tax was taken away from the local authorities, and, therefore, the authorities have no definite source of revenue, will the Assistant Minister assure this House that his Ministry will give a grant to the Gusii County Council to enable it to pay the salary arrears in question?

Mr. Munoko: Mr. Speaker, Sir, I cannot give an assurance to the hon. Member that my Ministry will give a grant to the Gusii County Council. The only way out, as I have said, Sir, is for them to have an overdraft facility given in order that they may pay the money to the staff involved.

The hon. Member may be aware, Sir, that in the Ndegwa Commission Report, it is recommended that graduated personal tax should be reverted to the county councils. This is being considered by the Government. When it is finalized, the councils will be informed.

CARGO CONGESTIONS IN KILINDINI HARBOUR

Mr. Koigi: Mr. Speaker, Sir, on behalf of Mr. Muthua, I beg to ask the Minister for Power and Communications the following Question by Private Notice:—

> In view of the conflicting reports on the congestion of cargo in Kilindini Harbour, can the Minister tell this House the correct position and the measures anticipated to normalize the situation?

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. I am grateful to the hon. Member for giving me this opportunity, through his question, to make a statement on the situation which has been considerably misrepresented in certain circles. Neither myself nor my Permanent Secretary or any of my officers has ever denied that in recent months there has been an unusual build-up of cargo at the Port of Mombasa.

The latest report is that the sheds have returned to normal. There is no cause for concern as far as this aspect is concerned. The latest position for the yard cargo is that 11,800 tons of cargo are lying in the yard waiting transportation. The current action which is being taken is that the Railways are moving about 5,500 tons of cargo a day, the army are taking about 200 tons a day and the Kenatco about 300 tons a day.

The Railways Corporation has now taken positive action to concentrate the supply of wagons to Mombasa in order to increase the transportation of traffic from the port.

In addition to the increased supply, the Kenya Government has taken positive action by bringing in Kenatco and the army to provide supplementary support to the Railway capacity. I am very grateful to His Excellency, the President, who has taken a personal interest in the problem and instructed the Kenya Army to come to our aid. Yesterday, I visited the port myself and saw the work of clearing the port going on very satisfactorily. All being well, I am now confident that we shall overcome the problem within the next two weeks or so.

I would, however, like to make it clear that such piling-up is a common occurrence at many ports around the world. The impression should, therefore, not be gained that this phenomenon is peculiar to Mombasa. At any port, import and export cargo is stored either in covered sheds or in the open yards outside the shed. The problem which we have been experiencing at Mombasa has been in the yards where traffic consigned for movement by the railways has tended to build-up, owing to the inadequacy of railway rolling stock, which was unavoidably engaged on some other urgent tasks elsewhere.

The Government action was timely since the piling-up in the yards started only in March 1971. The Government is also satisfied that with the co-operation of the railways, the port authority, the East African Cargo Handling, the army and the Dockers' Union, we shall be able to bring the port back to normal.

Mr. Koigi: Could the Minister tell this House what his Ministry, and himself, are prepared to do in order to stop a future occurrence of this kind.

Mr. Ngala: Mr. Speaker, Sir, we cannot envisage what ships will be coming to Mombasa and how many of them will be coming. However, the number of ships that come to Mombasa are very much related to the economy of a country such as Kenya and——

Mr. Koigi: On a point of order——

The Speaker (Mr. Mati): I think it is better to listen to the Minister until he finishes his answer before you rise on a point of order.

Mr. Ngala: Mr. Speaker, Sir, as I was saying, we cannot envisage or forecast, the number of ships that will arrive and the amount of cargo that will arrive at the Port of Mombasa. This is because it is very much related to the economy of

[The Minister for Power and Communications] a country like Kenya. All the build-up which we have had is due to the fact that there is a boost in the economy of the country. Of course, we shall do our best to clear whatever arrives there, as quickly as possible. I am sure that the carriers will, in future, co-operate as they have co-operated in the past.

Mr. Abubakar-Madhbuti: Is the Minister aware that there is a gentleman called Bentley-Buckle who is the Manager of the Southern Line and a representative of the East African Southern Lines and our agent of National Lines, who is insisting that we should pay a 25 per cent surcharge? Why do you keep that imperialist there instead of appointing one of our own people?

Mr. Ngala: Mr. Speaker, Sir, I am quite aware of the fact, a gentleman called Bentley-Buckle is there. Mr. Speaker, with all due respect to the hon. Member, I think this supplementary question appears to be a bit irrelevant. All I can say is: because of his position, Mr. Bentley-Buckle must be interested in and very anxious about what is happening at the port just as my own Chairman of the Harbours Corporation was very concerned with the piling-up at the port, and just as I, myself, was very much concerned. However, my main concern is that any deliberate, malicious, hostile and injurious report about the port is completely irrelevant in the light of the action that has been taken by the Government. I do not disagree with anybody who gives the past history, but the action which has now been taken by the Government has resolved the situation.

Mr. Somo: Thank you, Mr. Speaker. The port congestion is very simple work. The fact is that after Kenya attained independence, and up to the middle of 1967, there were clerks known as stacking clerks, and these clerks were later transferred to different departments. Now, when a ship discharges its cargo, this cargo has to be piled in the sheds with no proper stacking at all. This is the thing which causes congestion in the port.

Hon. Members: Is that a question?

Mr. Somo: Now, Mr. Speaker, Sir, would the Minister agree to put back those clerks at the quayside, so that the tally clerks at the quayside, instead of only doing the tallying, also help the stacking clerks to do proper stacking in the sheds, so that when a clerk checks a removal order, when he goes inside the shed, he can notice where the cargo is, instead of taking three hours, just looking for one case or one carton?

Mr. Ngala: Mr. Speaker, Sir, I have no problems with clerks; and also, as I have already indicated, the sheds have come back to normal; therefore, it is not right to refer again to the sheds, as the hon. Questioner is. My problem, or the problem of the country, has been the yard cargo, which has piled up; this is not congestion, it is just piling up. If you do not know what congestion of a port is, you should go to London Port or New York Port and see what congestion is!

Hon. Members: Hear! Hear!

Mr. Somo: On a point of order?

The Speaker (Mr. Mati): What is your point of order, Mr. Somo?

Mr. Somo: Is it in order for the hon. Minister to tell me that I should go to London Port or New York Port and know about congestion and yet I spent nine months in the port of Antwerp, just studying about the port; is it in order, Sir?

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): I doubt whether Antwerp is the same place as London!

Hon. Members: Hear! Hear!

Mr. Kivuitu: Arising from the Minister's reply, considering the fact that the Army was called in to assist in trying to reduce the piling up and, therefore, *ipso facto*, which means that there was an emergency; now, would the Minister assure this House that such a situation in future will be catered for early enough, and not wait until it becomes an emergency?

Mr. Ngala: Mr. Speaker, Sir, I have already said that; but I would like to make it quite clear that whatever action is taken by Government—the Army is part of the Government, and we are not expected to tell every Tom, Harry and Dick, every plan we have. We must have something up our sleeves and, even tomorrow, a new action might be taken by Government, but no person should say, "Why did you not mention the whole thing?" This is a Government and a Government must have its own secrets sometimes.

The Speaker (Mr. Mati): We must go on now. Next Order.

POINTS OF ORDER

LETTERS REFERRED TO BY MEMBER IN HIS SPEECH TO BE LAID ON THE TABLE

The Minister for Education (Mr. Towett): On a point of order, Sir; my point of order is that yesterday, the hon. Mr. Tsuma promised to lay his paper, together with the two I laid, on the Table of the House, and I have asked the Clerk whether the paper has been produced, but he tells me it has not been seen.

The Speaker (Mr. Mati): Well, we expect Mr. Tsuma to lay the letter he has on the Table. Therefore, if he has not done so, he had better do it as soon as possible.

Mr. Tsuma: Mr. Speaker, Sir, I was referring to the letters he had.

The Speaker (Mr. Mati): No, Mr. Tsuma; you referred to some letters you had, which came from the Ministry. Those are the ones we want in order to compare with the one the Minister has.

Mr. Tsuma: Mr. Speaker, Sir, those were the letters he laid on the Table that I was referring to in my question.

The Speaker (Mr. Mati): Order! No, you understood clearly what we were talking about while you were speaking there, or asking a question, you referred to some letters and, in fact, you gave some references in your question. Therefore, you must have seen these letters somewhere, and we thought you had them because you said you were referring to some letters you had seen. Therefore, those are the letters we want you to lay on the Table so that we can compare them with the Minister's letters because he said that as far as he was concerned they never sent out letters of the kind you were referring to.

Mr. Tsuma: I do not have the letters now, but I will bring them.

An hon. Member: Oh, dear!

Mr. Tsuma: What "Oh, dear!" I said I will bring the letters I have the letters, Mr. Speaker, Sir, but I do not have them here. I will bring them if you want them so much; they are now at home.

The Speaker (Mr. Mati): I cannot follow what you are saying, Mr. Tsuma.

Mr. Tsuma: I said I have the letters in my file at home, and if they are required here, I will bring them.

The Speaker (Mr. Mati): No, it was quite clear they were required.

The Minister for Education (Mr. Towett): On a point of order, Mr. Speaker; from my understanding, when I was standing here, the hon. Member was ready with the letter, and he was even ready to read it.

Mr. Tsuma: You laid them.

The Speaker (Mr. Mati): Order! Order! No, you cannot speak that way, Mr. Tsuma.

Mr. Tsuma: What I was saying here, Mr. Speaker, is that I have the letters and if you want me to go home now and bring them—at Kisumu—from there, I will do so. I have the letters, Mr. Speaker; they are in my file at home —what do you want me to do now?

The Speaker (Mr. Mati): All right, we shall expect you to produce those letters at the earliest possible time, and that is——

Mr. Tsuma: Next week, Mr. Speaker, I will bring the letters.

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): No! Order! Order! No, next week, we might not be meeting, but since you cannot probably go home and be back before the adjournment, I shall allow you to bring them on the first day of sitting when we come back.

Hon. Members: Hear! Hear!

Mr. Mutiso: On a point of order, Mr. Speaker——

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Speaker.

Mr. Mutiso: I am on a point of order Mr. Speaker, I want some clarification from you here. Now, according to the letter the hon. Member quoted yesterday, he quoted the reference numbers of the letter from the Ministry. Now, would it make any difference, Mr. Speaker, if the letter the Minister laid on the Table will be the same letter, with the same reference; that the hon. Member has?

The Speaker (Mr. Mati): No! There was a difference of opinion as to what the letters said. What Mr. Tsuma said was different from what the Minister said. Therefore, we had the impression that they were referring to two different letters; that is why we want both of them.

Next Order.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): On a point of order, Mr. Speaker, Sir, yesterday, the hon. Mwangale made some very serious and personal allegations against me, and he assured the House and you, Mr. Speaker, Sir, that he is going to lay the detailed papers—— I am coming to that—on the Table. Similarly, Mr. Speaker, he equally made a very serious allegation against my colleague, the hon. J. M. Kariuki, and I would wish the hon. Mwangale to substantiate and lay that information on the Table.

The Speaker (Mr. Mati): Yes, we expect him to substantiate.

PERSONAL STATEMENT

SUBSTANTIATION OF ALLEGATION: OWNERSHIP OF SHARES IN HOTELS BY ASSISTANT MINISTERS

Mr. Mwangale: Mr. Speaker, Sir, I am surprised that the Assistant Minister is so impatient

[Mr. Mwangale]
that he cannot wait until I come to speak. In fact, I was going to speak, anyway, and so there is no question of your worrying about your investments.

Mr. Speaker, Sir, I have done some homework on the two hon. gentlemen who are Assistant Ministers in the Ministry of Tourism and Wildlife and, in fact, indeed, up to the Minister himself. Just to be sure that there is definitely what I consider a conflict of interets, in the sense that they are serving the nation as the guardians and servicemen in that Ministry—anything that has any link with the type of work that they are supposed to do, or which would give them advantage of the inner information of the industry, could be used to their own advantage.

First of all, I will start with the hon. J. M. Kariuki. He has been very co-operative, himself, by telling me exactly the investments he has which are connected with the Ministry of Tourism and Wildlife. I would like only to mention two: first, his ownership of the Castle Inn and, secondly, the shareholding in the Block Hotels. I would like also to add—of course, all of us are aware of the views held by the hon. Member with regard to tourism in general, and in particular the way these hotels and restaurants, tour operators, have been handling the industry. I want to point out quite clearly that he did acquire these things before he joined the Ministry of Tourism and Wildlife; he was then the Assistant Minister for Agriculture when he came into ownership of this property. On the other hand, of course, there could be one or two other things; but I should not mention them here.

In the case of the hon. Jan Mohamed, I must also congratulate him because I think he is extremely crafty in as much that it has not been directly possible to get hold of his name in the investments that I have come across. The names, unfortunately, did not tally with the name "Jan Mohamed" on various hotels; however, on checking with him he denied that it was him, the Jan Mohamed.

I also checked with other people—— There is a technique which, I will ask the House to allow me to continue to investigate, of holding companies. You can use a holding organization, or company, to invest in a hotel or any business; this I have to check. However, what I know is that he happened to own a share, or he is one of the shareholders, in what I would call, a service organisation—Sugar Market—somewhere in Bamburi. I do not want to mention or disclose anything more than just mentioning that I understand that he is one of the shareholders in that business. What I want to do, Sir, is to ask the House to allow me to continue——

The Minister for Tourism and Wildlife (Mr. Shako): On a point of order, Mr. Speaker, Sir.

Mr. Mwangale: I am on a point of order.

The Speaker (Mr. Mati): I am dealing with another point of order.

Mr. Mwangale: Therefore, I would like to ask leave of the House to come and present this information as far as Jan Mohamed is concerned, perhaps by Friday.

As for the Minister for Tourism, fortunately or unfortunately, I did not get anything and, therefore, I do not hold him responsible at all.

An hon. Member: Did you do your homework?

Mr. Mwangale: Yes, I said I will check. I investigated. Watch my language; it is very technical.

UNSATISFACTORY SUBSTANTIATION—MEMBER HAS TO WITHDRAW HIS ALLEGATION AND APOLOGIZE

The Assistant Minister for Tourism and Wildlife (Mr. Jan. Mohamed): On a point of order, Mr. Speaker, Sir, I do not know whether you or the House is satisfied that all the hon. Mwangale has given us is really any substantiation. Sir, this is an abuse of the privilege of this House. If the hon. Mwangale had made such allegations outside this House, then I would have appropriate machinery to deal with him. However, it is merely the privilege of this House which is being abused completely. The hon. Mwangale has come out with nothing at all. He agrees that he has looked into the name, "Jan Mohamed". Mr. Speaker, Sir, is it a sin to have the name "Jan Mohamed"? Or is it for him to have that name, "Mwangale"?

There could be several "Jan Mohamed". He should have done his homework perfectly first before making these specious, vicious and unfounded personal allegations against me. Sir, I leave it to your judgement and the House; whatever you would require to do about this matter.

The Speaker (Mr. Mati): Order! I think Mr. Mwangale will agree that in the case of Mr. Jan Mohamed he really told us nothing. The fact that there was the name "Jan Mohamed" somewhere, unless you can show that it is the same Jan Mohamed, then you have not substantiated anything. Now, you are saying that you want more time——

An hon. Member: That is what he says.

The Speaker (Mr. Mati): Order! We gave enough time; you chose or said that you would

[The Speaker]
be ready by today. There is no point in coming to tell us that you want more time. Therefore what you will do is to withdraw the allegation and apologize to the House.

An hon. Member: Shame!

Mr. Mwangale: Will you keep quiet! How can you——

Mr. Speaker Sir, I want to point out quite clearly, that——

The Speaker (Mr. Mati): No, you have been asked to withdraw——

Mr. Mwangale: I am asking the leave of the House to be allowed to present this on Friday.

The Speaker (Mr. Mati): Order! Mr. Mwangale, will you sit down? I have said that you yourself, asked for one day; you said you would be ready today.

Mr. Mwangale: I will give the substantiation on Friday.

The Speaker (Mr. Mati): No, you will withdraw and apologize to the House. If you will have any information later on then you might still like to come back to the House. However, for the time being, you have not substantiated anything; that is the point.

Mr. Mwangale: Mr. Speaker, Sir, if I am going to substantiate it by Friday and if, Sir, I have already pointed out——

The Speaker (Mr. Mati): Order! Mr. Mwangale, if you do not do what I am asking you to do, then I will order you out of this Chamber.

(*Hon. Mwangale walked towards the Bar*)

The Speaker (Mr. Mati): All right, Mr. Mwangale, will you wait at the Bar.

(*Hon. Mwangale stood at the Bar*)

The Speaker (Mr. Mati): You will stay completely out of the precincts of the National Assembly for the rest of the day.

(*Hon. Mwangale withdrew from the Chamber*)

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, the point I want to raise on a point of order is: further to the allegation made by the hon. Member, he alleges that we have been using our positions in the Ministry in order to acquire whatever we have; and he has singled out our two names. In his substantiation, Sir, he said that I acquired my hotel shares before I went to the Ministry of Tourism and Wildlife. Now, in your remark you said that it was a substantiation of some kind. Am I right in asking you to tell this House, and indeed the nation, as to whether that was a substantiation, that I acquired all that before I went in the Ministry of Tourism and Wildlife?

The Speaker (Mr. Mati): When Mr. Mwangale himself was trying to substantiate in the case of Mr. J. M. Kariuki, he did point out that he discovered that Mr. Kariuki acquired these investments before he became the Assistant Minister in the Ministry of Tourism and Wildlife. I thought that went on to indicate, even in that case, that Mr. Mwangale could not clearly say where the conflict of interest came in; he never went that far. This really means that unless he could point out something more than what he pointed out, he did not establish any conflict of interest. He should have shown how Mr. Kariuki's investments affect his work as an Assistant Minister in that Ministry; which he did not do.

The Assistant Minister for Education (Mr. Rubia): On a point of order, Mr. Speaker, I would like to have your guidance because I also own shares in Block Hotels and I also own a lot of shares in other companies. The guidance that I wish to have from you, Sir, is this: is it in order for the hon. Member to stand and accuse others merely because they own shares in public companies?

The Speaker (Mr. Mati): No, it is completely wrong because unless he can point out where the conflict comes in, then what he is saying is irrelevant. Ownership of shares in itself has nothing to do with conflict. This is why there is a practice of declaring one's interest even when speaking; if it is a matter which involves you personally. So long as your interest there does not conflict with your work, or your commitments, then no harm is done at all.

OUT OF ORDER FOR A MEMBER TO DISOBEY THE CHAIR AND WALK OUT OF THE CHAMBER

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Speaker, Sir, I am rising up to seek further clarification because before you ordered the hon. Member out he had disobeyed the Chair by starting to go out of the Chamber before being ordered to do so. Mr. Speaker, Sir, I think we have a Standing Order which clearly lays out that an hon. Member cannot walk out before being ordered to do so under those circumstances because it is a contempt of the Chair. In this case, Mr. Speaker, Sir, I am seeking your guidance whether it is possible for the Chair to impose a deterrent punishment by ordering him to be out of the House for seven days, a practice which has been followed before?

The Speaker (Mr. Mati): I should like to confirm what Mr. Kariuki has said, that it is out of

[The Speaker]
order for an hon. Member to walk out when he has been given an alternative because he should make it clear first that he is not going to do what he has been asked to do, and then he will be ordered to go out of the Chamber. However, Mr. Mwangale clearly was not in a position to substantiate further and he knew that ultimately he would have to go out unless he admitted the fact. Mr. Mwangale was speaking yesterday and he was to continue with his speech today. I will take that as sufficient punishment because he had not spoken much. He will keep away completely from the Parliament Buildings for the rest of the day. He will also, I hope, remember that the House took objection to his behaviour. We will leave the matter there now.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, yesterday when we were discussing the Motion on Adjournment in connexion with the question of citizenship, one of the hon. Members who was sitting there—I think he is someone from Ukambani—said that there was corruption as far as the giving of citizenship was concerned. He also promised the House that he would be in a position to substantiate. Now I see that the hon. Member is inconveniently out of the Chamber.

The Speaker (Mr. Mati): Order! Mr. Shikuku, you will have to tell us who this hon. Member was.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, he is an hon. Member from Ukambani—but I seem to forget his name. His name starts with letter "M".

The Speaker (Mr. Mati): I do not think we are using our time properly now. You probably have a point, but you can still raise it on another day because you do not seem to know whom you are talking about.

Mr. Migure: On a point of order, Mr. Speaker, Sir, is it in order for an hon. Minister, an Assistant or an hon. Member of this House, to stand up in this House and start speaking of an hon. Member whose name he does not know; he only says that his name starts with letter "M"? Is it in order, Mr. Speaker, Sir?

The Speaker (Mr. Mati): I have told him to wait until he can remember the name of the hon. Member he is talking about.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, during Question Time today the Assistant Minister of State, President's Office, the hon. Kamwithi Munyi said that we had a meeting of Kanu Parliamentary Group in January 1970, and then he changed the year to 1971. My concern here is with regard to the accuracy of the reply the Minister will be giving to the House. We remember that we had no Kanu parliamentary group meeting in January 1971 because we assembled here on 23rd February 1971. I am seeking your guidance here as to whether the House should be confused by replies. Is it in order for Ministers to give replies which are contrary to the established facts?

The Speaker (Mr. Mati): No, but he corrected himself. You have just repeated it.

Mr. Mwamzandi: He said that we had a Kanu parliamentary group meeting in January 1971 and he did not correct the mistake as far as this date was concerned. We had no meeting during the month of January 1971.

The Speaker (Mr. Mati): I really do not think we are getting much out of this discussion. In any case, Mr. Munyi is not around and this point should have been made when he was around.

We will go on now. Next Order.

Second Reading

THE HOTELS AND RESTAURANTS BILL

(*The Minister of Tourism and Wildlife on 18th May* 1971)

(*Resumption of debate interrupted on 25th May* 1971)

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): I had not spoken on the Motion. Therefore, I want to speak on this Bill.

Mr. Speaker, Sir, thank you very much for giving me this opportunity to speak on this Bill. I have not spoken on the Bill before and, therefore, in making a few observations I will also be able to deal with certain allegations which have been made against me. Mr. Speaker, Sir, my dear friend, the hon. colleague, Mr. Shikuku, referred to certain problems he had in Mombasa Beach Hotel. He alleged that he made a report about this matter to my Minister. He further alleged nothing was done in connexion with the matter. Mr. Speaker, Sir, I wished the matter would have been left there; however, since the hon. Shikuku made this allegation and said that there was nothing done about this matter, I would like to tell this House what was done. Mr. Speaker, Sir, a full report from the Mombasa Beach Hotel, where it is alleged this incident occurred, was obtained. After receiving this report, I submitted it to my Minister who read it and subsequently passed on this matter to the hon. Vice-President and Minister for Home Affairs. Therefore, the matter lies

[The Minister for Tourism and Wildlife]
within the Ministry of the hon. Assistant Minister. The hon. Shikuku complained as an Assistant Minister for Home Affairs, he said this here yesterday. He was asking for this privilege as an Assistant Minister, and he is an Assistant Minister in the Ministry of Home Affairs. I am saying that I submitted the report to my Minister, who in turn passed it on to the Vice-President and Minister for Home Affairs. It is entirely on the hon. Assistant Minister to do his homework in his own Ministry.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, is it in order, for the hon. Member—let us forget for the time being the fact that he is nominated—to stand up in this House and start to mislead the House by saying that the document he is referring to was sent to the Vice-President and Minister for Home Affairs and at the same time assume that I got the report when, in actual fact, I have never seen or heard of such a report? We have been meeting several times and he has never told me that the report was sent to the Minister. Is it in order for him to say that?

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): That was not a point of order, at all. I am just giving facts. The allegation was that we did nothing. I think if we did something, we as a Ministry are not obliged to publicize what we did. I am merely informing the hon. Minister that we did take action. Mr. Speaker, Sir, if need be, I am prepared to lay the whole report on the Table of the House—the report involving the incident which the hon. Assistant Minister is referring——

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, we are now, here, faced with a very unusual case in this House. This case involves two Assistant Ministers. One Assistant Minister says that they have taken action and have reported back to the Ministry, and at the same time he is claiming that the other Assistant Minister has not done some homework in his own Ministry, whereas he has not been informed. Is this Assistant Minister in order to imply that since his Ministry sent the report there the other Assistant Minister is supposed to know about it when he has not even heard of it?

The Speaker (Mr. Mati): No. It does not follow that because the report was sent to that Ministry then the Assistant Minister would have seen it. It is quite possible that he never saw it.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, it may well be that the hon. Assistant Minister has not seen the report, but the machinery was that I was to submit the report to my Minister. My Minister in turn passed the report on to the Minister for Home Affairs. As far as I am concerned, Mr. Speaker, Sir, I applied the right machinery. I sent the report to my Minister. After that my Minister thought it fit—and he might have done it rightly —to send the report to the Vice-President and Minister for Home Affairs.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Why did you not send a copy to me?

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I can send a copy of this to the hon. Assistant Minister——

An hon. Member: Elected.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, too much has been said about "elected . . . " Mr. Speaker, Sir, I am proud for having been nominated by His Excellency the President—the President of the Republic of Kenya—and nobody would feel more proud than the one nominated by the President.

I think too much emphasis has been laid on this by a particular Member because he feels that since he is an Elected Member he is great and he feels big. I feel no smaller at all. In fact, I feel greater because I was nominated by His Excellency the President, the President of the Republic of Kenya.

The Assistant Minister for Information and Broadcasting (Mr. Makone): On a point of order, Mr. Speaker, we have heard of this word "nomination". Has nomination of Members anything to do with our Standing Orders? Is it against our Standing Orders if somebody is nominated or elected?

The Speaker (Mr. Mati): No! We are drifting from the main issue. We are dealing with a perfectly clear Bill and it has nothing to do with election or nomination of Members. As far as I am concerned all Members are equal before me.

Hon. Members: Hear! Hear!

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I would be the last person to draw myself into this, but Sir, you must give me a fair chance to reply to various interjections and remarks which were made yesterday by my hon. friend. If I get an opportunity to reply back to him, Mr. Speaker, Sir, I request you to bear with me.

I wish to lay this report on the Table because it is a report—I am talking on the Bill now

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because an allegation was made about the maltreatment of the hon. Assistant Minister at Mombasa Beach Hotel—from the hotel which shows what happened there and what the hon. Assistant Minister said there. I think certain remarks he made here—they are in black and white. He is the Assistant Minister for Home Affairs and so he might even apply his machinery to investigate into this, where it is said that the hon. Assistant Minister for Home Affairs said, among other things—I am referring to hon. Shikuku as there are two Assistant Ministers in that Ministry:—

> In future he (hon. Shikuku) would try to ensure that rooms are always available and after Mr. Kenyatta leaves as President, the new government would ensure that such procedures would be adopted and we (meaning, the foreigners)——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, are you really satisfied that the hon. Member is giving this House some sensible information because I, as the person the document is referring to, never saw it. Can he substantiate that I said it or does he just take in whatever that European, or whoever wrote it, as gospel-truth?

The Speaker (Mr. Mati): Order! You may ask who wrote it, but he is telling you what the report contains. You may disagree with it. You may dispute the contents, but that is the report he has. It does not follow that everything said there must be gospel-truth. We do not know. But Mr. Jan Mohamed said that he was laying it on the Table. In fact, I was going to ask him when he does that to hand it over to the Clerk.

Mr. Migure: Mr. Speaker, the Assistant Minister has informed us that he is going to lay the report on the Table. Is he satisfied that what this European in Nyali Beach Hotel in Mombasa says in the report is correct? Is he satisfied, before laying this report, that what this *kaburu* gave him is correct?

The Speaker (Mr. Mati): No, what we should do is to wait until we see the contents of this report. We do not know what it contains what Mr. Jan Mohamed has referred to. So we are now arguing about something we do not know. Mr. Shikuku himself says he never saw it. It is, therefore, better for him to wait until he sees what is contained in the report before we take any more time on it.

Mr. Mutiso: On a point of order, Mr. Speaker, I am really getting rather restless on this kind of thing. I want to find out from you, Sir, whether you are satisfied that the way the Assistant Minister for Tourism and Wildlife is presenting—

The Speaker (Mr. Mati): The document will be handed over to the Clerk. You can get it from him. We do not want it to get lost as some documents do get lost.

Mr. Mutiso: The way the Assistant Minister is presenting this case—— First of all, I do not know, Mr. Speaker, whether it is relevant to the debate as I do not know whether the Assistant Minister for Home Affairs did raise this issue and, secondly, whether a document can be laid on the Table of the House before there has been a demand for it unless it has an ulterior motive? Can we have an explanation as to what is happening?

The Speaker (Mr. Mati): No, this has been done before so many times. Anybody referring to any document can either be asked to lay it on the Table, in which case he has to, or he can offer to lay it on the Table. There is no harm done. In fact, it is better because Members get an opportunity of knowing what he was talking about instead of him talking over the Members' heads. So there is absolutely nothing out of order.

As to the other point, whether it is relevant, I think, Mr. Shikuku did refer to the incident in which he was involved at one time while he was speaking on the Bill. Mr. Jan Mohamed is now giving what I may call, at this present stage, a purported report of the investigations which followed that incident. So it is relevant.

The Assistant Minister for Health (Mr. ole Oloitipitip): On a point of order, Mr. Speaker, Sir. My point of order is this: in connexion with this allegation by hon. Shikuku, that he was badly treated by the hotel management in Mombasa, since he put this report directly to the Ministry concerned, and in view of the fact that we have a report here, do we take this report to be legal now since it is only a written statement by the hoteliers? Do we take it that it is something that should be laid on the Table while Government, itself, has not taken any trouble to investigate the matter?

The Speaker (Mr. Mati): Order, the two points are not related.

Mr. ole Oloitipitip, you raised a point of order in order to hear my views and so you should keep quiet and listen. We have nothing to do with what Government did about the report. All that we are concerned about now is that a report was produced and we do not know the contents. The person who had the document has offered to make it available to us so that we can know what the report was about. If there is any other

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matter which anybody would like to raise, the only sensible thing for him is to wait until we know the contents of that document and then he can raise the other matter later. There is no point in asking about something that you do not understand and which you have not even seen.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, the other measures that we had taken in correcting and putting the situation right, was that my Minister carried out discussions, arrangements, through the hotel keepers, so that certain rooms in certain hotels will be reserved for Government officers. A letter to all the Ministries and all Permanent Secretaries and the Attorney-General was sent out. It is up to each Permanent Secretary to inform any officer within the Ministry the arrangements that are there. This letter to the Ministries was sent on 30th April, 1971 and, Mr. Speaker, Sir, I would like to lay, on the Table, a copy of that letter.

(The hon. Mr. Jan Mohamed laid the letter on the Table)

Mr. Speaker, Sir, while I do not want to be parochial on this issue, a lot was said about paper citizens. Mr. Speaker, Sir, I would like to know any one country in the world where there are citizens of the same origin or sub-origin. You can go to America, Britain or any other part of the world and you will not find any country where the citizens are only the people who have their origin there.

Mr. Speaker, Sir, I think too much emphasis was made on the point of paper citizenship and it is quite right for me to make the point clear.

Mr. Speaker, Sir, it was also alleged that nothing was being done, or nothing was done, as far as the promotion of tourism is concerned, and in particular the interest of *wenye inchi*. Mr. Speaker, Sir, the terminology of *wenye nchi* and *wananchi* is the same in Constitutional terms. The difference between the two terms has been interpreted by the Assistant Minister for Home Affairs, Mr. Shikuku but I do not know the difference between them.

Mr. Speaker, Sir, I just want to illustrate, within one year, from May last year to date, the financial assistance that has been given to promote the interest of African participation within the tourist industry. Already, Mr. Speaker, £38,000 has been given as loans to the hotel and restaurant owners to improve and expand the existing hotels owned by Africans. Mr. Speaker, Sir, there are further loan applications amounting to £60,000 which are now being considered by the Kenya Tourism Development Corporation. Mr. Speaker, Sir, as far as joint partnerships in hotels and lodges are concerned which are between the Kenya Tourist Development Corporation, the *wenye nchi* and other interests concerned, £733,000 have been invested in various projects.

Mr. Speaker, Sir, the Kenya Tourist Development Corporation has already resolved that, in future, as far as the lodge development is concerned, there will be 51 per cent of public investment. This will be the Kenya Tourist Development Corporation and the *wenye nchi* so that development is controlled by local interests. Mr. Speaker, Sir, as far the lodge projects are concerned the Kenya Tourist Development Corporation has within the period I have mentioned accrued £332,500 in various projects in which the African interest is incorporated.

Similarly, Mr. Speaker, Sir, £33,000 was given in form of loans to tour operators and all these tour operators are Africans.

Mr. Speaker, Sir, to encourage the curio dealers, £3,000 was given in loans to these African curio dealers.

Mr. Speaker, Sir, as I have said all along while I was speaking on the amendment, a deliberate attempt has been made to belittle this Bill. Mr. Speaker, Sir, this Bill is—we have accepted the amendments—we are a Ministry that is flexible and we listen to all reasonable amendments. We have already embodied the amendments and they have been circulated to all hon. Members but I just want to emphasize one point. We would like to control the tourist industry and control it in a way that the tourist industry will have the correct impact in enhancing the interests of the people of this country.

Until recently, we had no legislation to have any appropriate control. Mr. Speaker, Sir, hon. Members have mentioned something on the increase of tariffs and many other aspects that we are not able to control because of lack of a suitable Act.

Another point, Mr. Speaker, Sir, was on the training levy. Mr. Speaker, Sir, this is a very important factor and we would like to train *wananchi* in the hotel management so that in a very short time—as soon as possible—they should be manning the managerial positions. Doubts have been passed about the authority but we have brought in an amendment to increase the number of the members of the authority from seven to nine. Of the nine members only two will have any connexion with the hotel industry.

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Mr. Speaker, Sir, there is no reason why one or two hon. Members of Parliament cannot be appointed as members of this authority. I am sure that when my Minister comes to reply to this he will take this into consideration.

The other matter which was raised was about the tribunal. Mr. Speaker, Sir, when you have an authority you must have an Appeals Board. In all the organizations—the Transport Licensing Board has an Appeals Board and the Tourist Industry Licensing Act has also provided that there will be an Appeals Board. Similarly, the Tribunal here, Sir, is to provide for any complaints to be properly looked into and the decision of the authority could be reversed if it can be found that the authority did not act rightly.

Mr. Speaker, Sir, the other aspects of what the hon. Members wanted have been embodied in the amendments and I, therefore, would not like to take much of hon. Member's time. I only wanted this opportunity to alleviate some of the very wild allegations which have been made against me in particular and also against the Ministry.

Mr. Speaker, Sir, I beg to support.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Thank you very much, Mr. Speaker, Sir, the reason why I have decided to rise and say a few words in connexion with this Bill is that it has been the intention of every Member in this House to ensure that money coming to this country is actually coming here rather than being kept by firms of tour operators in Europe.

Mr. Speaker, Sir, we have made our effort, we have done our bit to make sure that this Bill is brought here, to have more control over the hotels in this country. We have quite a lot of bad things happening. We have seen a lot of our people badly treated in some of the big hotels in this country. We would like to have more control. In the past we did not have that since we did not know what was happening in Sweden. However, what surprises me is that instead of us concentrating on what is necessary and important to our people in this country, we tend to think very much on personalities. I think what we need to do here, Sir, is not to—and this is the point I would like to draw the attention of every Member in this country—make this Parliament a debating society on a national level. I do not think this is what we should do! We should, in fact, be serious with whatever we do; in our deliberations, in bringing to this House what our people expect of us. We should not come to this House to wash our dirty linen. I think this is not why we were brought here by the masses of this country. We should always try to concentrate on more serious business and more serious issues. This is what will actually help the masses of this country. The intention of bringing this Bill to the House is to try and make sure that our people get into the tourist industry themselves. At the moment we have quite a lot of foreign companies owning the tourist industry in this country. Now, this Bill is going to give the Minister more powers to determine in which ways our people will best get into tourism industry. I hope and trust that the Members in this House will see that our intention is for the betterment and welfare of our people who would like to come into this tourist industry. The intention is not to put them to trouble or into difficulties. We have accepted this view by bringing forward amendments to streamline the Bill. We have accepted the amendments. Sir, I must say that my Minister and all people concerned accepted quite a lot of suggestions made by the hon. Members in the House.

However, Sir, it becomes more serious when we start talking as if we are attacking one another. This is not the actual business of this House. In fact, there is a more convenient place outside this House, and that is the political platform, where such an exercise can be entertained. We can do this when we go out. However, this is a national House "For the welfare of society and the just Government of men".

An hon. Member: And women.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Yes, women, of course, are included. Now, Sir, what I would like to see is that whatever type of business we undertake in this House should be discussed, not as a debating society but in an atmosphere of elders who are determined to bring the goods to the people of this country.

Mr. Speaker, Sir, we have noticed that members of the public and even Ministers have been subjected to quite a lot of bad treatment in some of our hotels. Yes, that we accept. However, in which other way could this be done if we do not have such a Bill in order to give directions to such people? What, Sir, we should be concerned with mostly is to pass this Bill now so as to give the Minister more powers to go and decide what to do with all the hotels, tour operators and all the other people who are concerned in the tourism industry. The idea which prompted the Ministry to bring the Bill is to have a central booking system whereby when tourists come from Europe, they do not know even which hotel they are going to

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be put in. However, at the moment they know, if they are coming through a particular company, at which hotel they are going to stay in Nairobi, which lodge to go to and which lodge not to go to. So, it is possible for him to say whatever he wants while in Europe. However, the moment we have this central booking system, we are not going to have that. They will have to bring their currencies to this country. So, this is the only way of checking whether the money is actually coming to this country. I appeal most sincerely to hon. Members in this House, rather than delaying this Bill, they should agree that we pass this Bill and give the Minister powers to go ahead and create the Authority, to go ahead to make sure that this country is going to benefit as a result of this Bill. I can give a lot of views on what I feel, but if I have done so through my Ministry and now that we have the Bill, it is up to the hon. Members to wait and see whether or not this Bill will be really implemented and also whether or not our people are going to benefit from what hon. Members will have passed in this House. In fact, hon. Members should be very, very proud by passing this Bill because they will find that our people will be put into tourism in the near future. That does not necessarily mean that we are going to assure 100 per cent that the Bill will be perfect because there is nothing 100 per cent in all aspects in this world. Nothing can be considered to be pure in an unstable society and in a unstable world. However, I believe and trust, Sir, that we are going to do our best to make sure that everyone feels that this Bill is going to benefit him.

However, I appeal to hon. Members once more that we should not actually make this House a debating society on a national level. It should be a serious House where we are going to discuss serious matters and implement them. All other things should be discussed on another platform.

Therefore, Sir, I beg to support the Bill.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): On a point of order, Mr. Speaker, Sir, from the views of the last speaker, Sir, may I move that the Mover be called upon to reply.

The Speaker (Mr. Mati): Yes, we have been on this Bill for four days and this is the fifth day. So, I will put the question that the Mover be now called upon to reply.

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

Mr. Mutiso: Yes, tell us.

The Minister for Tourism and Wildlife (Mr. Shako): Yes, I will tell you.

Mr. Speaker, Sir, I have followed the debate of this Bill with great interest. Some of the contributions by hon. Members have been very constructive and I appreciate that very much, but on the other hand, Sir, some of the contributions by other Members have been very, very destructive.

Mr. Speaker, Sir, it is in my view unparliamentary for some hon. Members here to tell the House that the Bill was introduced in order to kill the business of *wananchi* in the country-side who are dealing in eating-houses and tea-houses. Mr. Speaker, Sir, this is to cause unnecessary alarm and despondency amongst the people of this country. On the contrary, Mr. Speaker, the Bill is intended to advance *wananchi* into the business of hotels and restaurants as I shall show.

Mr. Speaker, Sir, I would like to say that it is high time that this House showed some maturity. Sir, the Government in power is the Government of the people, by the people and for the people. Therefore it is very wrong to say that the Government would contemplate closing down all the eating-houses, all the cofee-houses in the country. This was never contemplated in the Bill, Mr. Speaker——

Mr. Amayo: On a point of order, Mr. Speaker, Sir, I am seeking your guidance. Since we have spoken and contributed towards hotels and such and brought our points home to the Minister concerned. Now, Sir, I am hearing the word "eating-houses" while in Kenya there is no place written "eating-house"? They are known as hotels, any place for the purpose of eating are known as hotels. So, Sir, when the Minister talks about "eating-houses" this means a different thing altogether. Is he in order to say that we have "eating-houses" when we know that we have hotels?

The Speaker (Mr. Mati): It is a question of phraseology using a different word for the same thing.

The Minister for Tourism and Wildlife (Mr. Shako): Thank you, Mr. Speaker, Sir. When we drafted this Bill, we did not consider that the eating-houses would come under the Bill and, therefore, although in our country-side and in our local authorities they are known as "hotels", in the eyes of this Bill, Sir, they were not going to be recognized as hotels.

Mr. Speaker, Sir, we, as the Vice-President and Leader of the Government Business said here the other day, we, on the Front Bench, are always willing to co-operate with the House.

An hon. Member: Who are the odd men out?

The Minister for Tourism and Wildlife (Mr. Shako): Well some of our hon. Members here would like to be the odd men out but I am glad that the majority of this House have contributed constructively to this Bill and for my part I have shown that co-operation. Therefore as will have been seen, I am bringing a number of amendments to this Bill.

An hon. Member: That is a sign of maturity.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I would not like to repeat what has already been said by my hon. friend here, hon. J. M. Kariuki, but I would like to repeat that at this stage of our development we should show some maturity here by using the National Assembly as an assembly of hon. Members to debate the Bills constructively and intelligibly. But, to use the National Assembly as a political platform to make personal attacks to some hon. Members is unparliamentary, Mr. Speaker and, I think, it is high time we grew out of it.

Mr. Speaker, Sir, turning to the Bill itself, I have already said that Government will always co-operate with the House as it has always done before. Therefore, I have proposed to bring amendments to this Bill at the Committee stage, Mr. Speaker, Sir, as I have shown in my amendments, clause 1 in section II will go and clause 3 will also go to assure the House that the interests of *wananchi* will be well looked after I have now proposed amendments to increase the numbers of people who will form the Hotel Authority. This means that those qualifications which are mentioned in the Bill, which are three, if we were to bring in people who are hoteliers and investors, they would be three of them but nine members of the authority will come from *wananchi* and it may be that even Members of Parliament will be included.

An hon. Member: Who will appoint them?

The Minister for Tourism and Wildlife (Mr. Shako): The Minister will appoint them and as I said it could well include Members of this House and the chairman might as well be Albert Ojuka, Mr. Speaker, Sir.

Mr. Speaker, Sir, I would like to express my appreciation here to the hon. Member, Mr. Kivuitu, for bringing the point that in making these appointments provincial representation should be considered. That point is very well taken, Mr. Speaker, Sir.

Mr. Speaker, Sir, in clause 5, Members expressed some concern about the phrase "good character". Mr. Speaker, Sir, we all know what the phrase "good character" means. I do not think the Members would want me to tell them that a man of good character is one who is never seen amongst women. No, this——

Mrs. Onyango: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Minister to say anybody seen in the company of women is not of good character while it is very well known that women are the politest people with the best character throughout the country.

The Speaker (Mr. Mati): Well, I suppose there are women and women but, at the same time, the Minister probably realizes that there are worse things than being in the company of women.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I will withdraw that remark if it is offensive to our hon. lady Member.

Mr. Speaker, Sir, what I wanted to say is that I have now removed the word "character" and it will not appear in the Bill any longer. This will be replaced by the phrase "somebody of good standing will qualify for a licence".

Mr. Speaker, Sir, in clause 7 subsection 5 some hon. Members expressed concern about the word "complaints". Now, Mr. Speaker, Sir, we must put a stop to bogus complaints being brought up by unscrupulous people. This is not the first time we have put a stop to that sort of thing, Mr. Speaker. You may remember that even in the Criminal Law (Amendment) Bill, if somebody gives false information to a public officer, he is liable to prosecution. Therefore, we have just put in this point that any complaints which are frivolous and fictitious must be barred and in order to stop these frivolous complaints being brought up every now and then, we have recommended damages in order to minimize these complaints, Mr. Speaker.

I will now come to clause 8, Mr. Speaker, Sir. Previously we had said that the licensee will be indemnified from being sold by the employees but you will see that I am bringing an amendment to the effect that it is the Hotel Authority which will be indemnified and not the licensee.

Mr. Speaker, Sir, in clause 10, I would like to say something about the phrase, "Advocate of not less than five years' experience". Here, I have noted with appreciation the contributions by Members and I think it will suffice to say that an advocate of standing will be acceptable. I would also like to add, Mr. Speaker, that any respondents in this matter will be free to be represented by lawyers of their own choice.

As far as clause 12 is concerned, we have put certain liabilities on the hoteliers here that if guests lose their properties, the hotel should be

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liable to pay damages amounting to Sh. 500 in respect of one article or Sh. 1,000 in respect of more than one article. Mr. Speaker, Sir, somebody said that it was not enough to do that. But, the whole purpose of putting this clause in is to see that the property of guests is safeguarded and on the other hand we must also put it at the maximum value so that the guests will also remember to declare any valuables and deposit them with the hotel manager so that unscrupulous guests could not make exorbitant claims on the hotels.

An hon. Member: You had not said that before.

The Minister for Tourism and Wildlife (Mr. Shako): Well, I am telling you now.

Now, with regard to clause 12 section 5, Members expressed some concern here that Kiswahili was left out and I am proposing an amendment that Kiswahili, in fact, will come before all other languages.

An hon. Member: That is a sign of maturity!

The Minister for Tourism and Wildlife (Mr. Shako): That is a sign of maturity, indeed, and I would like to se a sign of maturity throughout the House, Mr. Speaker.

Clause 15, Mr. Speaker, is the most important clause in this Bill. For some time now we have been talking about Kenyanization and Africanization of the hotel industry. Mr. Speaker, Sir, we cannot do that with justification unless we have established training facilities for our people. This clause which will now enable Government to collect some money from hoteliers with which to build a school and train our people who will then put us in a position to Africanize this industry as time goes by. Mr. Speaker, Sir, as I said earlier we have a small wing at the Kenya Polytechnic where we train some students in hotel work. In fact, we need them to be assistant managers and later on to be managers but when we do build this hotel management training school, we shall be able to have an intake of 500 students of various classes each year and this, then, will really enable *wananchi* to take over hotel and restaurant industry in this country. Mr. Speaker, Sir, this is a very important clause and I hope the House will see that this is what was wanted and I am glad that it has been supported.

Mr. Speaker, Sir, on the licensing of managers, the purpose of licensing managers, really, is to stop the importation of bogus managers from overseas. From time to time we get Europeans who come here to Kenya without any qualifications at all and they are labelled as hotel managers. This licence, therefore, will not allow anybody to be imported here as a hotel manager without having qualifications as a manager. This, then, will give opportunities to our own people, whom we shall be training at this hotel training school or who have trained themselves through experience in working in the industry. Therefore, this, Mr. Speaker, is the main purpose of a hotel manager's licence.

Mr. Speaker, Sir, with regard to trustees, here again, some Members expressed concern but this is not the first time for us to have a board of trustees. Some hon. Members here expressed the fear that these trustees will be allowed to own property and if they are allowed to own property, they will stop citizens from owning property. This is not true, Mr. Speaker, because any property which is owned by the trustees will belong to the Government. These trustees are custodians of the Government in respect of hotel property, for instance, the hotel school, the hotel vehicles and so on. Any body corporate must be capable of suing and of being sued, for instance, if the trustees are unfair to any of their employees, the employee will be free to take legal action against the trustees and likewise, if the employee does commit any offence liable to court action, the trustees should be in a position to sue the employee. Mr. Speaker, Sir, there should be no fear because all these trustees will be citizens of this country.

An hon. Member: Not paper citizens?

The Minister for Tourism and Wildlife (Mr. Shako): They will be citizens of this country, Mr. Speaker. I must make it very clear here that we must grow out of this again. As far as I am concerned a citizen is a citizen, whether he is black, yellow or white and this is in accordance with our Constitution. Of course, I know, in this case, whatever happens, the majority will be black citizens, if this pleases the hon. Member. They are the majority, Mr. Speaker, and, therefore, they must feature more in anything.

Mr. Speaker, Sir, turning to clause 23, which talks of the Central Booking Registry, first of all, let me correct some misunderstanding here because this Central Booking Registry will be an office of the Ministry whose job will be to try and collect all information regarding accommodation so that at any time of the day, any time of the night, we shall be able to know what accommodation has been sold and what accommodation is available. This will help the citizen tour operator, who wants to come into the industry, who, until now, finds it very difficult to get accommodation either in hotels or in game lodges. However, when we control this and get all the information

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about accommodation, we shall then be in a position to tell the small tour operator where to get accommodation for their tourists. From this information, Mr. Speaker, we shall be able to pass it on to the Ministry of Finance and Economic Planning and the Central Bank so that it can help them to track down where money for this accommodation, money for the tours in the game reserves was paid. Therefore, those are the two purposes for establishing the Central Booking Registry so that we can be in a position from the information we gather in the office to track down where the money is being paid, whether it is in the country or outside the country.

Mr. Speaker, Sir, on clause 23, there is one point here. I am told that the Minister must have mandatory power and not permissive powers in establishing this Central Booking Registry. I will accept the amendment, Mr. Speaker, that the Minister "shall" instead of the word "may".

Mr. Speaker, on clause 25, there were adjourning fears expressed by Members that members of the authority were being given executive powers that, as the draft stands at the moment, they would have powers to enter into any premises and carry out inspections. I agree, Mr. Speaker, we may have people who might abuse those powers and, therefore, I am now proposing an amendment that the executive powers be given to the public officers. Therefore, when we bring the amendment, clause 25 shall read: "Any person authorized in writing by the authority for the purpose may at all reasonable times carry out those duties". Therefore, I have here, again, accommodated suggestions from the Members.

On clause 28, Mr. Speaker, Sir, it will be amended altogether and it will now have a 4th Schedule which spells out premises to be excluded under this Act. Therefore, Mr. Speaker, Sir, I now hope that the Members will approve this Bill because I have done my best to accommodate their suggestions and constructive criticism.

Once again, I would like to thank the Members for their co-operation and for their lively debate on this Bill. Mr. Speaker, Sir, I would now like to move that the Bill be now read a Second Time.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed) seconded.

(Question put and agreed to)

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

PROCEDURAL MOTION

REPEAL OF CERTAIN STATUTES

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

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 Newspaper Act 1960, the Societies Act 1968, 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 letter or the spirit of the Constitution.

Mr. Speaker, Sir, you will notice that I have altered the date of the Societies Act to the appropriate date of 1968 instead of 1952. Mr. Speaker, this is a procedural Motion and it is important to emphasize this because hon. Members may be tempted to use this Motion to discuss the merit of the laws I have just referred to in my Motion. I am sure you will point out to them, Mr. Speaker, that the place for discussing the merit of these laws will be when the actual Bill comes before this House. All I am doing now is to comply with the Standing Orders which set out methods of introducing Bills to this House. Hon. Members are aware that there are two ways of introducing public Bills in this House. One method is by Ministers, who after co-ordination with the Attorney-General's Office get the Bills printed and then introduce them into this House and read the First Time. Our Standing Orders do provide that where a Back-bencher, that is a person who is not a Minister, wishes to introduce a Bill, he has to seek the leave of this House to do so. The relevant Standing Order, Mr. Speaker, is the Standing Order No. 95, paragraph 2, which reads as follows:—

> "A Member other than a Minister desiring to introduce a Bill shall move a Motion requesting the leave of the House to do so and shall at the same time make a brief explanatory statement of the object and reasons of the Bill . . ."

If the Motion is carried, the provisions of paragraph (1) which deals with publication in the Official Gazette and so forth will apply.

Mr. Speaker, Sir, I wish to underline the words "a brief explanatory statement of the object and reasons of the Bill". This does not call for a full-scale debate on the merits of the Bill. It has been suggested—and I see the Front Bench is full—that Ministers may gang up and get some hon. Members of this House to join them in blocking the Procedural Motion. All I have to say here, Mr. Speaker, is that the leave I am seeking is addressed to hon. Members of this House. In other words, it is addressed to Members of Parliament.

[Mr. Seroney]

Mr. Speaker, our main function here is to make laws. We have other functions also, but the most important one is to make laws. Most of the laws are introduced into this House by Ministers but our Standing Orders do provide that private Members can introduce Bills by getting the leave of this House to do so. It would, therefore, be wrong for Ministers to gang up to prevent private Members introducing their Bills. I am saying this, Mr. Speaker, because they have always been urging us not to block the Bills which they have introduced and to consider them on merit and if necessary amend them. I would, therefore, be extremely surprised if they think they can get away with blocking this Procedural Motion.

Mr. Speaker, Sir, the laws I have referred to, range from those laws made during the colonial period to those made during the last Parliament, after independence. Mr. Speaker, we did not make some of these laws, but because they have been continued and accepted by our Government, we are deemed to have made them. This is why when traffic officials get us to sign those notices to appear in court they tell us that after all, we have made those laws although the Traffic Act was passed in 1953. Therefore, we are considered as a Parliament to have made those laws even though we did not actually make them. Therefore, Sir, I am inviting the House to consider and have a look at our Statute Book and review the laws which were made during the colonial period. It will be for this House to consider whether these laws are up-to-date and consistent with our status as a free people. It is, therefore, for this House to consider whether or not these laws should be repealed. The place to discuss this is not during this debate of Procedural Motion all we are trying to do here is to give leave to introduce the Bill so that any hon. Member can read the Bill, either amend it by excluding some of the laws I am going to suggest that they be repealed and retaining those they wish to retain or accepting all of them or even rejecting the whole Bill. After all, Mr. Speaker, the fact that a Bill has been introduced to this House does not mean it has been passed. Hon. Members are aware that some of the Bills introduced by Ministers, after discussion on their merit during the Second Reading have been thrown out. I can name a few such Bills. There was a Criminal Law (Amendment) Act which we threw out of this House although we had discussed it exhaustively during the Second Reading. There was also the Law of Succession Bill which was thrown out after discussion in this House. Therefore, Mr. Speaker, I would like to urge the Ministers to accord to us the same consideration which they expect us to accord to them. Otherwise, Mr. Speaker, it will make a mockery of what Ministers always tell us that if we want to move a Bill in this House why do we not do so?

Mr. Speaker, recently when we had a Miscellaneous Statute (Amendment) Bill introduced by the Attorney-General, we tried to take advantage of it by adding some amendments of our own. However, we were told we could not do so and if we insisted on doing so, we should introduce a Private Members' Bill. I sincerely hope that the Minister for Legal Affairs was genuine when he said that and, I therefore, hope he will not try to influence his fellow Ministers to block this Procedural Motion, otherwise, we will never take seriously anything that the Ministers say. They tell us to accept Bills so that we can amend them later and then afterwards, they obstruct our amendments and so forth. So, Mr. Speaker, this is a real challenge particularly in view of the fact that this procedure has not been made as much use of as it should have been. I believe that in the history of this Parliament of a free Kenya, only one Private Members' Bill has gone through this Parliament and has become part of our law. It is the only Bill that was introduced and passed in this House. This is the Hire Purchase Act which was introduced by the Assistant Minister for Tourism and Wildlife when he was a Back-bencher. If therefore, the House will grant leave in accordance with this Motion, the Bill, which will be introduced and may probably be titled—as far as the short title is concerned—something like "Miscellaneous Statute Repeal Act or Bill, 1971", will be the second Private Members' Bill to be introduced in this House.

Hon. Members will see from the wording of the Motion that the aim of the Bill—what it is seeking to introduce—will be to repeal certain statutes which are inconsistent with the letter or the spirit of the Constitution. One cannot be rash and say that there is any particular Act which is clearly and obviously against the Constitution. I believe that of the ones mentioned in this Motion, only one qualifies in that category and that is the Age of Majority Act which was meant to apply to Europeans and clearly says that it does not apply to Africans. That is clear, it is obvious and, in fact, I believe the Attorney-General had proposed its repeal in the law of Succession Bill which was rejected by this House.

On the other Act one could argue because they are arguable. Our Constitution has too many ifs and buts. Freedom of speech is guaranteed provided that it can be restricted in the following way: A B C D E F . . and Freedom of Assembly and so forth. Now, it will be for the House to review these Acts one by one and decide whether they are clearly inconsistent with the letter or the spirit of the Constitution.

[Mr. Seroney]

Take the first one, for example; the Chiefs' Authority Act. The objection against this particular Act is that it is a South African apartheid type of Act which was passed in 1937 and which was part of the machinery of Native Administration. It is true that it has been amended so that from the word "Native" we now have the words "Any person". We went through the stages of changing the word "Native" to "African" and the word "African" has now been changed to the words "Any person". Apart from such superficial changes there has been no substantial amendment to the Act which was passed before a few Members of this House were born. The main objections against the Chiefs' Authority Act is that it gives the chiefs too much authority. In fact by making orders which to disobey will be an offence, the chief can create a new offence because there is a clause which lists the things on which the chief can make orders and it ends with anything else which the Minister may authorize in writing. That clearly makes our Criminal Law uncertain and that is against the spirit of our Constitution. Anyway, Members will discuss it on its merits when we reach the actual Bill.

There is the Public Order Act which contravenes the provision in our Constitution which guarantees freedom of Assembly and that of movement. Hon. Members might have been victims when they were refused permission to address their constituents by the district commissioners acting on orders of those above. The preservation of Public Security Act, again a 1960 Act, provides for detention without trial. It is my contention that a democratic society—and we are a democratic society according to our Constitution—should not detain people without trial except during an emergency.

I do not have to go deeply into the Books and Papers Act because a Motion was introduced into this House by the hon. Member for South Tetu. It was passed by this House and, therefore, it is on record as having said that this particular Act should be repealed.

With regard to the Societies Act, this was originally enacted by the colonialists in 1952 and it was repealed in 1968 but it was re-enacted with little change. Substantially, the objections to the original Act are applicable to the amended Acts of 1968. It contravenes the provisions guaranteeing freedom of association because you have to register a society before a Government official who can refuse to register it and the only appeal is to the Minister. There is no further appeal than that.

The Laibon Removal Act applies only to two districts namely, the Kipsigis and Nandi Districts. This is an anachronistic law. It is not suggested that it has been used and there is no reason why it should remain in the Statute Book and be open to any misuse later on by possibly ill-minded persons. Since it is serving no useful purpose and it is purely discriminatory and restricts the movement of a certain clan, it is proposed that it should be repealed.

The Age of Majority Act is against the Constitution because it provides only for an age of majority for a particular class of persons, namely Europeans. From the date you will see that it was passed in 1933 when many laws were made and many good things were done for Europeans only.

Mr. Speaker, this list is not exhaustive because there are other Acts which fall within the definition of Acts inconsistent with the letter or the spirit of the Constitution. I can think of a few. There is, for example, the Public Officers' Protection Act which discriminates against ordinary *wananchi* because if a Government official wrongs you, you must take action against him within six months otherwise you are time barred. On the other hand if a private person wrongs you it takes three years to make proceedings against him. Therefore, I think that Act also should be looked into.

There is another Act which governed our election into this House—The National Assembly and Presidential Election Act. This Act offends the Constitution because things which should have been done by Parliament were delegated to minor bodies outside this house, for example, political parties and Ministers.

As I have said, the list is not exhaustive; but the Motion is meant to give Members an opportunity to review these laws and decide whether these laws are out of date or not. As I said, it would be wrong to fall into the error of going into the merits of the Bill to be introduced in future because there will be ample time for that. I would like to request Members of this House that when deciding whether or not to accept this Motion they should approach it as Members of this House. I know that some of us are Ministers, Assistant Ministers and Back-benchers; but basically we are all Members of Parliament and as far as law making is concerned, we are equal. It is in our interest to review and make good laws for the welfare and just Government of our people. I trust that if anybody had any idea of obstructing this Motion he should forget that and wait to muster his arguments when the Bill comes.

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

Mr. Mutiso: Mr. Speaker, Sir, I rise to second this Motion not because of anything else but because I think it is a very important Motion. As the Mover of this Motion has stated looking at the face of things you will find that these laws which this Motion is calling upon to be repealed were enacted during the colonial era. Mr. Speaker, Sir, you will find that since we achieved our independence some of the laws that we inherited from the colonial régime have become outdated and they do not keep in line with our present laws and they are out of line with our Constitution and, therefore, I think it is high time that we, as a nation, should enact laws that will suit our people.

Mr. Speaker, Sir, you will notice the Chief's Authority Act 1937. When you consider that period, you will imagine—although I know that at that time not all the Members of this House were born and, in fact, some of them were very young—know what the country looked like. You will find out that it was during this time when the Second World War was about to break out and the whole idea of this Chief's Authority Act was to give chiefs' powers to whip up the people, the so called, "Natives" so that they could go to the war without questioning because they were required by the law to do that: and also force them to give away some of their property, for example, cattle to feed the soldiers when they were in Burma and in other places without questioning or without compensation being paid. I experienced this: you could be required to give away your own bull which at present could fetch Sh. 1,000 whose price then was about Sh. 1 or 50 cts.

Hon. Member: That is a question of the value of money.

Mr. Mutiso: As the Mover of this Motion said, when we come to debate the Bill we shall be able to discuss and examine the merits and demerits of the Bill itself. However, what we are required to do now is to highlight the need of repealing some of these laws.

Mr. Speaker, Sir, you will agree with me that at that time the reason for making such laws and especially the one pertaining to the Chief's Authority Act was because there was no native Minister, no native Member of Parliament or any native in any position of authority. Therefore, the whole purpose of installing chiefs with all these powers was to make them act as a bridge between the colonialists and the people. When you read that particular Act, you will find that the chief has so much power to order even the Minister because in a certain section, it states, "Any resident in that particular location". Even the Vice-President and the Minister for Home Affairs is included!

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 suggest that even the Vice-President and the Minister for Home Affairs is exempted from the laws of this country?

An hon. Member: No! He did not suggest so.

Mr. Mutiso: No, Sir, it is far from that. I am trying to educate the hon. Vice-President and Minister for Home Affairs as far as this law is concerned. This law requires every resident in a particular location to adhere to this very letter. Once the chief orders him, he cannot defy the chief's authority or order. When you examine things as they are today, you will find that law is redundant because we have a higher authority. I am sure the chief would not dare order the Vice-President and Minister for Home Affairs by telling him, "Come on, I want you to come into my office." He cannot just do that. However, at that time since the *mzungu* was staying away from the natives, the only authority was the chief's authority and everybody else was below him. When you look at all these laws you will find that they are completely out of date and this is the reason why we want them to be repealed, not because for any other reason. We recognize chiefs and we know that they are a very important organ of the Government, and we also know that they serve a very useful purpose in our community but we want to make laws which are consistent with our developing nation of Kenya. So, Sir, this is very important. I think the House will demonstrate whether or not they are mature enough as the hon. Minister for Tourism and Wildlife suggested when he was moving his Bill that he would like to see more maturity in this House. Now, we are going to demonstrate and prove that we are mature enough by seeing the need of repealing some of the redundant laws like this one because it does not serve any useful purpose.

I know and I can see that the Government squad has already been well alerted.

Quite often, the Vice-President and Minister for Home Affairs has suggested that we must not kill Bills for the sake of killing them. Here is a very clear case and we also ask him and his colleagues not to kill this Motion for the sake of it. I am sure he, himself, does not like these laws but because the Motion comes from the Back Bench, he will, perhaps, think, "No, no. From Seroney? No, this must be killed". This is not the idea——

An hon. Member: Seconded by Mutiso.

Mr. Mutiso: Mr. Speaker, coming to the Preservation of Public Order Act, 1950—— In fact, Mr. Speaker, when you look at this Act—— Where was it made? This is the simple question one should ask himself. Why was it made, at what time why and for what purpose was it made—and by what Government and for which people, Mr. Speaker?

Mr. Speaker, if you go to our library and to some of our committee rooms here, you will see the gentlemen—the photographs of those gentlemen who enacted these laws. Who are they and where are they now? Why did they have to run away from this country?

An hon. Member: Some are still here.

Mr. Mutiso: Some of them are still here but they have changed, Mr. Speaker. The House has been completely Africanized and that is why we do not see any single one of them here.

An hon. Member: There is one in this Chamber.

Mr. Mutiso: Mr. Speaker, the whole purpose of the law which was enacted at that particular time was to humiliate the black faces. There was no other point, Mr. Speaker. However, how is it that up to now we have not seen the need of repealing these laws and, therefore, they are still in force?

When, Mr. Speaker, you fall into the trap of these laws, when you are taken to the court and you hear the interpretation, you wonder, "Is this a *wananchi* Government?" In fact, it confuses even the lawyers.

An hon. Member: Oh, yes.

Mr. Mutiso: I can hear one of them saying yes.

It is true, Mr. Speaker, that the laws confuse them, because the way they are framed is a disgrace to the black man. They deal with the natives as the black people were called.

Mr. Speaker, let us be more mature here and grant leave to the House to introduce a Bill to repeal these unnecessary laws.

When we come to the Preservation of Public Security Act, 1960: this is another controversial law, Mr. Speaker. Here, although I know that any person in power and any Government in authority would like to feel that they are secure or that Government is secure and that they would like to feel that they have the grip of the country at their finger-tips, no government worthy of its name, civilized or barbaric should have laws where they can just lock-in people when they like without taking them before a court of law. This is the whole thing. If any person is guilty of any offence, take him to court. Give the lawyers some work to do. This is why we have courts of law. If there was no necessity for courts of law, Mr. Speaker, then we cannot establish democracy—a proper democracy—where individuals have the right to have people who can defend them in courts of law. Otherwise, then, there is no need of having courts of law, if you can lock-in people and let them decay in the detention camps.

It is, therefore, necessary to repeal this law so as to be in keeping with our nation and the development of our country. We are a democratic country and we would like to live democratically. This is why I feel that these laws—— There is great need for these laws to be repealed.

The other one is the Societies Act, 1952 and the Newspapers and Books Act. What did we see at that particular time? In fact, there were no Africans, for that matter, who were allowed to run newspapers. In fact, you cannot raise the deposit which is required—Sh. 10,000. The way the words are scrutinized by the authority—you cannot run a newspaper.

I think, if we are an independent nation,——

I would like the Minister for Home Affairs and his Assistant to listen. These are some of the laws that we need to repeal to show the world that Kenya is a mature country which wants to forge ahead and act as an example to other nations.

We have heard very often that Kenya is internationally very popular and that Kenya has played a very important role in the Organization for African Unity. Let us symbolize these things here at home. Let us be more democratic at home than we are internationally. This is the thing that I would like to see happen.

This Laibon Removal Act, 1934, Mr. Speaker, I think my friend there could himself be a Laibon. I know he knows better than anybody else because this affects one section of our community—a clan for that matter. Look at the year when it was enacted. It was before some of us were born. Can anybody tell me that this law is consistent with our present development? Certainly no. Then, when will be the excuse of refusing this law to be repealed?

An hon. Member: Do not finish everything. We want to speak.

Mr. Mutiso: Mr. Speaker, I can see that there is really a case here. There is a genuine case. I would, therefore, like to appeal to our hon. Vice-President and his colleagues to be gentlemen and convince his alerted team on the need for passing this Motion so that we can move to the business. When we come to the actual Bill, they can amend

[Mr. Mutiso]
any of the parts they do not like and I can guarantee him, that they will have very good support from this side.

Therefore, with those words, I would like to give other Members the chance to speak because this is a very important Motion, I beg to second.

(Question proposed)

Mr. ole Marima: Thank you very much, Mr. Speaker. I am going to be very brief and I am going to support this Motion.

Hon. Members: Hear! Hear!

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

[The Acting Deputy Speaker (Mr. Ayah) took the Chair]

An hon. Member: A Back-bencher for Back-benchers!

Hon. Members: Hear! Hear!

Mr. ole Marima: Mr. Acting Deputy Speaker, Sir, this Motion, as it stands and as it was put by the hon. Mover, merely asks leave of the House, so that we, hon. Members of this House can exercise the rights that are rightly ours, given to us by the Standing Orders of this House. We are not, therefore, Mr. Acting Deputy Speaker, here to debate the merits or demerits of the Bill. In fact, we do not, as yet, know what the Bill will be like. We just want to be given a chance, all of us, as hon. Members, to be able to see the Bill, read the Bill, hear what the hon. Members will say, support it or not support it, amend it or not amend it.

Hon. Members: Hear! Hear!

Mr. ole Marima: Mr. Acting Deputy Speaker, I may give a few explanations; the word Laibon is actually a Masai word.

Hon. Members: Yes, tell us!

Mr. ole Marima: A Laibon is a superior man, more so than what you call a witch doctor; he is much more of a philosopher—he is a man who foresees things.

Hon. Members: Yes, as you are!

Mr. ole Marima: He has his own extraordinary visions. Mr. Acting Deputy Speaker, he is a man who foresees and advises the community.

Hon. Members: Advise us!

Mr. ole Marima: The very fact that the Europeans enacted this law was to finish the wisdom that the Africans had; they did not want our people to exercise that superior knowledge that is above the majority of us. For an African who knows his own customs, and we all know that we have customs, regardless of which tribe, clan or race we belong to, we must be proud of our own inheritance, and we are not going, therefore, to support anybody saying that a Laibon should be castaway, must be looked up somewhere, cannot see this or that person. A Laibon is just a man, that is part of the people who form this Republic, and we had a case of rain-makers the other day, they came to see the hon. Vice-President, the Attorney-General, and they were given permission to make rain and, I think, we have been blessed with rain.

Mr. Acting Deputy Speaker, in the majority, these acts are acts that were a creation of the colonialists; they were acts that were meant to penalize, to humiliate, to gun us down. We have fought and we have attained our independence, we say we are democratic, and we must remove everything that is a relic of colonialism.

Hon. Members: Hear! Hear!

Mr. ole Marima: Mr. Acting Deputy Speaker, I am going to end by saying: let us grow mature like the hon. Minister has said, let us be together like the hon. Vice-President and every other Minister has said, let us not, for the sake of saying, say this is an affront to Government, we are within the law. Let us give a chance to the Back-benchers or the Members of this House to bring a Private Bill, which is their right, and we shall be debating that Bill on its own merits.

With those few remarks, I beg to support.

Mr. Ogingo: Thank you very much, Mr. Acting Deputy Speaker, for giving me the chance to express my views over this important Motion.

Mr. Acting Deputy Speaker, Sir, this is a straightforward Motion, and I hope we are going to get the co-operation of the Front Bench. We have been lectured here time and again by the Leader of Government Business, that we should at all times, endeavour to work together in the interest of the nation. Mr. Acting Deputy Speaker, Sir, this Motion, as it has been said, is asking for leave to be granted, so that an Act of Parliament is brought here to get rid of certain out-dated statutes.

Mr. Acting Deputy Speaker, Sir, some of the Statutes have been overtaken by events. You can see from this, that some of them date as far back as 1933, some of them date as far as far back as 1937. We cannot be told, Mr. Acting Deputy Speaker, that all these Statutes are relevant and are in keeping with the development of this country. We are asking the Front Bench, Government, for that matter, to give us a chance to bring a Bill, that is going to get rid of certain aspects of the Statutes that are no longer relevant, and are not in keeping with the present stage of development.

[Mr. Ogingo]

Mr. Acting Deputy Speaker, Sir, we are a democratic country, and the Leader of Government Business knows this more than we do, that this is a democratic country. We are entitled to get rid of certain aspects of Statutes that we consider are not in keeping with this country's development. I hope, Mr. Acting Deputy Speaker, Sir, that the Front Bench, for the first time, will demonstrate their maturity in supporting us to pass this Motion.

Mr. Karungaru: Mr. Acting Deputy Speaker, Deputy Speaker, I am sitting behind the Front Bench today because I would like to contribute on this Motion before the House. Mr. Acting Deputy Speaker, Sir, here is a request which has been made; it has to be considered by this House; here is the House which is entrusted to take care of the welfare of this country and not to betray the interests of the citizens of this country. Sir, let us not behave like soldiers who when they shoot, they make sure that they kill in order that the enemy may not live to fight again.

Mr. Acting Deputy Speaker, Sir, I say this because some of us have been busy reading about Rome, Greece, America and all the other parts of Europe. History reminds us, Sir, that you can call me a barbarian today; and tomorrow I may be much better than the barbarian that you were referring to. I happened to be a victim of the laws that we are intending to remove, if not to repeal. Sir, during the time of the Emergency in this country, we were subject to all sorts of treatment. Whether they were maltreatment, or whatever they were called, we were the victims of the laws that we are now talking against. Mr. Acting Deputy Speaker, Sir, the aim here is to make good laws which are good for our people in that sense of the word, "good" knowing that what is good is always accepted to be of God's image. What is bad is always regarded to be not of God's image.

Mr. Acting Deputy Speaker, Sir, we are not saying that we are going to repeal all the laws we have in this country which we inherited from the Colonial Government. However, the laws that we suspect are not in the interests of our people should go and go for good. We were told during the colonial era that an African could not even come to this House; what about today— Are we not legislators?

Hon. Members: We are.

Mr. Karungaru: We were told that we could not qualify to enter into any university; some of us have been to universities. We were told that Africans cannot even wear long torusers; Sir, you can see, I am wearing a pair of long trousers. We were told Africans cannot rule themselves; here are Africans who are ruling themselves. We were told Africans cannot drink beer; today Africans do drink beer. Sir, we were told Africans were perhaps against human nature and that they could not marry a European or an Asian lady; today, Sir, we have Africans who take the trouble to take care of those "products" of Asian and European origin. Mr. Acting Deputy Speaker, we were told an African could not own a farm worth 5,000 acres; here, Sir, we have all in the Front Bench, owning——

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Acting Deputy Speaker, Sir, the hon. Member is very amusing but can he really—— Is he not really generalizing that every Member of the Back Bench has over 5,000 acres of land?

The Acting Deputy Speaker (Mr. Ayah): I thought he said the Front Bench. However, I think Mr. Karungaru will cease from making these sweeping statements. They do not help your arguments at all.

Mr. Karungaru: Mr. Acting Deputy Speaker, Sir, I am not a student of law, however, I know that when you are arguing you do not argue when you do not have some facts at your fingers-tips. It is true that if the majority have such land then the particulars are supposed to be known. The majority of Members in the Front Bench have more than 5,000 acres of land. We were told that we could not know how to run the *Dukawalas* or those shops along River Road; today, if you go there you will find Africans in those shops. It is this same African who can be the keeper of the nation.

Therefore, Mr. Acting Deputy Speaker, Sir, what we were told we could not do, we have proved beyond any doubt that we can. Now, if we were told that we could not change the law—— To make it worse, Sir, some of these things we are referring to as laws, they were not laws, for your information; they were ordinances.

An hon. Member: What are you talking about?

Mr. Karungaru: Whoever understands what is an ordinance, should not ask me what I am talking about. Mr. Acting Deputy Speaker, Sir, an ordinance is something—which fellows who are not qualified to make laws could sit down and dictate or simply say, "Mr. Brown and Mr. White should own all that part of the highlands and Africans should be kicked out of it. We will make sure that they do not have just opposition". This is the kind of language they were using.

Now, we are to tell them with our own language, that the time they were speaking that

[Mr. Karungaru]
language, has already gone; and that we are the people to decide which should be a good law for the country.

An hon. Member: Address the Chair.

Mr. Karungaru: I am telling the nation through the Chair.

Mr. Acting Deputy Speaker, here are hon. Members who are thinking that this is a simple matter and that it can be taken so lightly. It is not so, Sir. This is a matter that we should be serious about. This is because we are discussing how best this country can avoid some of the controversial laws which are not desirable for this country in order that the members of the public who have elected us may enjoy the freedom for which they have been fighting for and which they have asked us to come and make sure that they enjoy it. Sir, I know, when you see the Back-benchers keeping quiet, it means—and I am not interpreting what they are saying—that they have already decided to kill the intention of this Motion. Sir, may I appeal to the hon. Back-benchers to allow us——

Hon. Members: Front-benchers!

Mr. Karungaru: ——Front-benchers. What I want them to do is to give us equal treatment to that we give them. The reason I say this, Sir, is that even when the Bill is introduced, surely, and we find that it is not a desirable Act of Parliament, we can do away with that piece of the Bill. We are not going to be told by any hon. Member here to pass any law which is not for the benefit and in the interests of our country. Even some of these Statute Laws we are talking about are going to remain. I am not saying that we are going to have whole legislation amended, but what I am saying is that we have to select which laws are desirable and the ones which are undesirable we should do away with them in order that we can be left with the desirable laws. This is what we are trying to do, Sir. Therefore, I am appealing to all hon. Members to see the intention of moving this Motion, but they should not think that we are trying to show that Government is lagging behind time. This is not the case at all. I, for one, will not stand up in this House to say that Government is not doing enough. I would say that Government is doing something. However, Sir, we have also a responsibility as hon. Members of this House because if the Government is to be blamed, we shall also be subjected to the same blame. This is because, how can I save my face by saying that I am not an hon. Member? If there is any law which is not in the interest of the nation, and I am stating in this House, that one day will be questioned. This is the reason why I am saying that before I am questioned, I should register my views in time. I can only do this, Sir, by urging and appealing, because we are not fighting here in this House, to both the Front Bench and the Back Bench to support this idea. Many times, Sir, we have always been talking about co-operation. You cannot have co-operation only in one way. If you want co-operation, you should know that co-operation is a two-way traffic. This is because when we support something, we do so because we think such a thing is of national importance. That is one of the reasons, we support such issues. When we find that something is not good, like what happened here recently, Sir, with regards to the Hotels and Restaurants Bill. We had even to go into a division because we simply said there was something wrong somewhere. We smelt a rat somewhere. In actual fact, the Minister in charge of the Bill has already come into this House to ask the House to accept his amendments. When a Minister approaches this House with a genuine request, he has never been let down. This is not a House where a Minister, who has a genuine case, can expect any maltreatment by this House. This is because this is a House which consists of mature people who are here because they know why they are here. That is why we debate reasonably and we make sure that we do not talk about or discuss personalities or anything of the sort.

Mr. Acting Deputy Speaker, Sir, I am only requesting the House to allow this Motion to go through so that we may be able to discuss laws such as the question of the Trespass Act which is disturbing this country. For a long time our people have been subjected to a lot of hardships brought about by this Trespass Act. We have never heard that those people who made this law were being subjected to the maltreatment which is contained in these laws. This is one of the reasons why we are urging Government to look into this case because we want to make sure that we make a better Kenya nation. We can only make it a better country by passing a law which is acceptable to all the citizens of this country. We do not want some laws which are discriminatory. If some laws are discriminatory, what is the purpose of having these laws, Sir? We blame South Africa, but yet here we have some laws which were made by some people who ran away to South Africa after they had found that their House had some intruders coming in. I am not saying that they are the ones ruling us, but I am saying that we are the people ruling ourselves and that we have capable people who can make laws. We have the Attorney-General who can make laws if we request him to make them. This is what we are trying to do.

[Mr. Karungaru]

Mr. Acting Deputy Speaker, Sir, I would like to appeal to His Excellency, the Vice-President to support this Motion because I always support whatever he thinks is good for the nation. I am saying this in good heart because I know that he is a gentleman and he is going to give us good treatment as we always do to him. Mr. Acting Deputy Speaker, Sir, he is the Leader of the Government Business and I hope that he will see the sense to allow this Motion to go through so that when the Bill comes, and if he thinks that kind of a Bill is no good, that is the time, surely, he will come out and tell why the Bill is not good in the interests of the nation. I can co-operate with him because I have done so many times before.

Mr. Acting Deputy Speaker, Sir, I always give way whenever there is justice. Mr. Acting Deputy Speaker, Sir, I think this is one of the most important afternoons this House has ever enjoyed in its lifetime because it has brought out something which is very interesting and good for the nation. Mr. Acting Deputy Speaker, Sir, we have no quarrel with the Government. All we want is support. If they do so, we shall always give the Government our support as well.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Acting Deputy Speaker, Sir, I have listened very carefully to the speeches made by the Mover, his Seconder and other speakers. After having a post-mortem of their speeches, I came to one conclusion or two conclusions. Firstly, if there is any genuineness to try and see some of the laws amended, there are very many ways of asking the Government which is in a better position to bring about this thing. Secondly, I came to the conclusion that after having a post-mortem properly there must be something, because I believe that the hon. Members of this House will be the last people to allow lawlessness in the country. This is so because in dispensing with Public Order Act or amending the Public Security Act, one must question himself, in his own mind, as to why this is to be done.

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Acting Deputy Speaker, the Member for Embakasi knows, and he was in this House, when the Chief's Authority Act was repealed in 1967, but the hon. Member says it was repealed in 1937.

The Laibon Act was repealed in 1968 by a Bill which was No. 28 of 1968. I hope when the hon. Member was an Assistant——

Mr. Karungaru: On a point of order, Mr. Acting Deputy Speaker, I think His Excellency the Vice-President has misquoted me. I do not remember having said that this Bill was repealed in 1937. I did not say that. So I do not want to be——

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Perhaps, then it was the Member for Narok East or North. He stated that Laibons are supermen. I would like to tell him that the Kalenjin and the Masai used to have Laibons. One of them, for his information, was Nyorei who, in 1885 foretold that the *Morans* were going to succeed and win a war. Instead they lost.

Mr. arap Saina: On a point of order, Mr. Acting Deputy Speaker. Is the Vice-President quoting accurate history when he is saying that Kimiolei told the *Moran* to go to war——

The Acting Deputy Speaker (Mr. Ayah): Order, the Vice-President is free to quote any part of history he wishes to support his argument. There is nothing wrong with that.

Mr. Mulwa: On a point of order, Mr. Acting Deputy Speaker, I have been listening to His Excellency the Vice-President and I did not want to interrupt him. However, he gave his first reason of his post-mortem as being that there must be something in this move of bringing this Motion here, thereby imputing that there must be some improper motive behind this. I wonder whether he is in order to do that and allege that Members know the proper channels to seek Government help on this when our Standing Orders are quite clear on this. They have——

The Acting Deputy Speaker (Mr. Ayah): No, Mr. Mulwa. Hon. Members are being over-sensitive about this matter. This is a normal way of arguing. He was not saying that Members have good or bad motives, but he was merely suggesting, as part of his argument, that possibly there could be some motives. He was not saying that there was a motive. I do not see why Members should be so sensitive about this kind of argument.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): You are right, Mr. Acting Deputy Speaker. If there is any genuineness in this then one should not be so touchy about it.

As I said, Mr. Acting Deputy Speaker, the repulsion of the Laibon Act, which was done in 1968 should not worry my hon. friend. The Laibon Act of 1934, or the one which he has referred to, could not allow a Laibon to move out of a small area. Today they are free.

An hon. Member: He can even come to Parliament.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Why then argue about a dead body? In fact, he is free. He is even in the House. How much more should one be free?

Mr. Koigi: On a point of order, Mr. Acting Deputy Speaker, is the Vice-President not confusing this House when the law still stands, yet he says that these people are free when we know that if tomorrow his chief police officer turns and arrests people the law shall protect him?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I said that the Laibon Act was repealed in 1968, so everybody is free and they can go anywhere they like. What is the problem then? I am a chief Laibon myself.

Mr. Acting Deputy Speaker, Sir, the hon. Member for Embakasi was beating about the bush in referring to the things which were not relevant to this Motion, and I would have thought that he was going to speak on each item giving reasons why it should be repealed and so on. I would like to say that regarding public order today the only people who can parade and do some drilling are the army and the police. If the hon. Member would like such a law to be repealed so that anybody can do some drilling in the bush then that is a different matter.

[*The Acting Deputy Speaker (Mr. Ayah) left the Chair*]

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

We have, some months ago, managed to stop some group of people who were drilling. If we allow the people all over the country to do what they liked, definitely, there is going to be lawlessness which will not be in the interests of *wananchi*. My hon. friend, the Member for Yatta, kept on talking about the natives and referring to the imaginary position of South Africa, trying to compare it with this country. Surely, these things do not exist. If things were like that, my hon. friend, you could not even have been free to talk the way you were talking. But since we are democratic he can shout to the top of his voice. If he wants the limit to be the sky, then the law will not allow such a limit. I would like to say that the hon. Mover all along has been saying that Motions are being steam-rolled in this House. I would have thought that you should have been the last person to have something steam-rolled here. Instead of asking the relevant Minister to see in what way—in fact, he is a lawyer—some of the clauses could be amended. He should have asked the Attorney-General about that. Government would then bring in some of these shortcomings into this House. That should be the spirit in which all of us should work.

MOTION FOR THE ADJOURNMENT

LOANS ADVANCED TO FARMERS BY AGRICULTURAL DEVELOPMENT CORPORATION IN KENYA CURRENCY

The Speaker (Mr. Mati): Will a Minister please move that the House do now adjourn.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Agriculture (Mr. Nyagah) seconded.

(*Question proposed*)

Mr. Wabuge: Thank you very much, Mr. Speaker. I do not intend to take much time on this Motion.

Mr. Speaker, Sir, this demonstrates very clearly how the Front Bench is irresponsible when they start going out while the House is in Session.

Mr. Speaker, Sir, I want to raise a matter concerning the question I raised in this House in connexion with loans being advanced by the British Government to Kenya Government in order to buy out British farmers in this country. Mr. Speaker, Sir, when I raised this question, I was given an answer but in my opinion the answer given was not satisfactory. What I wanted to know was the terms under which the Kenya Government negotiates with the British Government in order to get the money to buy out the British farmers in the country. I went further to ask why, if this money is loaned by the British Government to Kenya Government, is it that this money is not brought into Kenya so that it is banked in Kenya and that if there is any interest that the money earns the interest becomes a benefit to the Kenya Government and not the British Government?

Mr. Speaker, Sir, the answer was that negotiations were in good faith and the reason was that Kenya has to assist the British citizens so that they can go to settle in Britain. What surprises me is that this money is given to us and that 85 per cent of the money is left in Britain. In other words, we are only given a loan on paper but the money lies in the banks in Britain and we are told to come and negotiate with the farmers in Kenya and tell them to go to Britain and collect their money. This is where I feel it is a wrong policy and Government should look into this so that they reverse this policy because by so doing the country is mortgaged. The country has been mortgaged in such a way that we are going to be the servants of the former colonialists in this country. This is a very bad policy. It is a bad policy and I am sorry that the initiator, who was the previous Minister for

[Mr. Wabuge]
Agriculture, is not here to listen to what we say and also tell him that he has mortgaged the country by negotiating the loan in Britain, leaving the money there and then coming here to tell the British farmers in Kenya to sell farms to Kenya citizens and go and collect their money in Britain. This is what I feel, Mr. Speaker, to be a very wrong policy and it is high time that Government is told that the *wananchi* of this country are not supporting the policy at all. The *wananchi* are dissatisfied because the very Agriculture Development Corporation which is responsible for purchasing the farms from the British farmers in this country has ruined the economy of the agricultural industry in this country. It has ruined the industry in such a way that the farms they buy—the valuation that is done by whoever are valuers is so exorbitant that after the *wananchi* have bought the farms they find it very difficult to make profits out of the farms, because the money which has been paid to the farmer who is a British citizen is so much that the farmer who buys the farm finds it very difficult to manage the farm.

Therefore, Mr. Speaker, I feel this is a very wrong policy and I am glad that we have an African Minister who fought for independence and the independence he fought for meant that the land which was owned by British colonialists must be taken by Africans. I hope he is going to change this policy so that we have a new policy whereby if there is any loan and if the British are honest and sincere they should give us a loan with good terms and that the money they give to us must be banked in Kenya so that the interest benefits the country other than leaving the money in Britain and the interest remaining there.

Therefore, Mr. Speaker, Sir, I feel that there are some hon. Members who want to express their views because the Agriculture Development Corporation is in terrible mess. I can see the Attorney-General shouting from the Front Bench but he does not realize that he is an Attorney-General and he was part and parcel of the negotiations because he legalized the agreement. He did not see it and he did not advise the Kenya Government that this was one way of mortgaging the country. I do not know what he was doing and I do not know whether he has anything in his files——

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, the hon. Member is always very emotional instead of thinking what he has to say. Can he substantiate that I had anything to do with the agreement he is talking about?

Mr. Wabuge: It is an obvious fact that every country has an Attorney-General and that every international agreement must have the consent of the Attorney-General of that country. Therefore, I am right here in that whatever agreement was signed to enable Kenya Government to get a loan from any country, the legal brain behind the whole matter lies with the Attorney-General, who is sitting here with us.

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

Mr. Nthenge: Mr. Speaker, Sir, I am very glad to have a chance to speak on this Motion. .. .. (Inaudible). Where is the item that we are buying? We are buying a piece of land in Kenya which, as a matter of fact, we should not buy. However, if we buy the piece of land where should the money go? Should the money go to Britain as if we are buying a piece of land in Britain? The money should remain in Kenya because we are buying the piece of land in Kenya. Originally, Mr. Speaker, was this piece of land ever sold to anybody, and if somebody did buy the land, to whom did he give the money? Who gets the benefit of the loan when 85 per cent of it remains in Britain? That 85 per cent of the loan remains in Britain as if that piece of land was bought in Britain. If we borrow money from Britain the condition should be that we pay the money back but the money we borrow should not be reinvested in Britain. Obviously, that is the case here; because 85 per cent of the money we borrow does not come to Kenya but it is invested in Britain as if we are buying a piece of land in Britain. Mr. Speaker, Sir, I say that since we are a very liberal and, free country, the money which is given to the seller of the land should remain here and should be reinvested here so that he only gets the interest. He can consume the interest while living in Britain, Mauritius or anywhere else in the world. At least we should get the benefit. Mr. Speaker, Sir, what is the motive of this agreement. The motive is entirely to rob Kenya of its own rights. Kenya land should be sold and the proceeds of the sale should remain in Kenya. Mr. Speaker, Sir, I feel it is high time our Government looked into these things and brought them to a stop. There is nothing worse than a daylight robbery. This is one of the daylight robberies whereby our land is sold and payments are made in Britain. An Assistant Minister on that day said that they are compensated so that they can invest their money elsewhere. Money for what? With what did they buy our land here? They only acquired; they did not buy it. If they did buy at

[Mr. Nthenge]
all, it was 50 cents an acre. Now we are, in fact, overpaying them for this land. We sell the land after a valuation. Who does the valuation? Mr. Speaker, Sir, it is another British who is given a contract to come and value the land for his countrymen or sometimes for himself. He then values it at a higher price to go and invest the money outside Kenya.

Mr. Speaker, Sir, I would like to summarize my speech by saying that we want this to come to an end quickly because it is not for the benefit of our country but the British. We are here to benefit our own people and not the British people. If we are lent money on these awkward terms, Mr. Speaker, Sir, we had better refuse the loan and direct that anybody who bought any land be refunded what he paid for it.

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

Mr. arap Chumo: Thank you very much, Mr. Speaker, Sir. I think that here we are dealing with a very delicate problem and I am very glad that the Attorney-General is here to listen to my suggestions. Actually, Sir, we know that in dealing with an agreement, legal action is taken and I think that in buying land that was formerly owned by British citizens in this country and further agreeing that the money should be banked in London is absolutely ridiculous! What in actual fact happens is that you ask for a loan from the British people, the money which never comes to this country. It remains in Britain What the Government does is that it negotiates for money which never comes here and yet they say "We are buying land." From where are they buying land? We have, Sir, had this land here with us all along. If it is a question, say, of Kenya currency and the money remains here, this would be reasonable instead of saying that they give us a loan which remains in Britain and yet the loan will be repaid. No money comes here. That money, in the first place, should be in Kenya before we start repaying it. This is one thing which is leading our country into a lot of proverty and yet we go on thinking of ways of carrying out family planning because we say that we are poor and therefore, we must reserve our resources. If we had proper planning, we should be able, with the resources that we have in this country, to satisfy the citizens of this country. We cannot Sir, go ahead looking for loans which we will repay at a very high interest to buy what, in acual fact, belongs to the *wananchi* of this country. In most cases people have been made to buy pieces of land where a settler has been living for years without doing any further improvement on it. The trees that grow there are natural trees which started to grow there since the beginning of the world. We come now to say that this land belongs to So-and-so, we must honour it, and we must do this and that. This is absolutely wrong, Mr. Speaker, Sir, and the Government has to rethink about the agreement. This must come to an end so that the *wananchi* of this country can have what actually belongs to them. The *wananchi* experience a lot of difficulties in repaying something which the British are actually enjoying elsewhere.

Mr. Speaker, Sir, what has happened is that the British came to this country, they are—I suppose—cleverer than us and think of an agreement in which we have to repay for something which they are supposed to give freely, because Kenya is independent. However, they think of a way of retaining the money by saying that they are giving us the money in their currency so that we begin looking for money from our own sweat to pay back their loan. This, Mr. Speaker, Sir, in my opinion must stop and stop forthwith.

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

Mr. Kahengeri: Thank you, Mr. Speaker, Sir, and I stand to support the Motion. It must be remembered by hon. Members that, in fact, we say that we are buying farms from British citizens while, in fact, we say that we are recovering the property that was taken by force. In fact, Sir, at gun point by British bandits who came to this country, in the first place, for this purpose. Now, Sir, we sit here in the Assembly to make laws and to find ways and means of how people can benefit from the soil and all the property we have in the country. If then we sit and negotiate with the British people who really know that they took this property at gun point saying that all the money lent to us will be used for buying a farm of a certain British farmer in Kitale or any other part in the country, all the money will go back to them. Of course, Sir, I would imagine that we are doing a disservice to our people. It is important to note that the British people have been working throughout the years. They have been in this country for their own people. They are now negotiating to get 85 per cent in Britain so that when their people go back to Britain they may be secure. What about our people, Sir? Do we not have people to negotiate for? Why should we take the little we have away from us while we know that we have the right to ask these people since they cannot agree to our terms, they should move out of this country? They have had enough for the years they have been using our land. Why have we not that courage while we are representing our own people? It is not my intention to point out at the Front Benches. It is not my intention to point

[Mr. Kahengeri]
even to anyone. However, the natural way of thinking about our people is the desire that we need when we negotiate in these kind of agreements. We would serve no purpose if all the wealth of this country today was to be extracted to Britain or any other parts of the world overseas while our people continue to remain poor. Who is going to be blamed? It is we people who have been put in charge of trying to get the best for our people. Perhaps, we have failed, through agreements, where we only retain the smallest part of our property.

Mr. Speaker, Sir, it is equally important that when we are discussing this kind of Motion, it is no good for the Government to think that the Back-benchers are asking too much. I hate to see a Government Minister or an Assistant Minister and Back-benchers considering each other separate individuals. We are all put in this House to serve the interests of our people. We should, therefore, not pinpoint at each as such.

Therefore, without pinpointing, these are the people who agreed with the agreement and that is why it is up to the Government now to see whether we are benefiting by having 85 per cent of the purchase loan for our land in England and only retaining 15 per cent.

I beg to support the Motion.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, the original question and the original reply which were supposed not to have given satisfaction to the questioner, if I may refresh the House, reads as follows:

> "The questioner having stated that the Government of Kenya gets loans from the British Government which enables the Government arm, known as the A.D.C. to buy British farms in the Republic.".

That was the statement made by the Questioner.

Then he asks a specific question,

> "Will the Minister tell the House whether or not these British farmers are paid in Kenya currency?".

That was a specific question, Mr. Speaker, which my colleague, the Assistant Minister, Mr. Wanjigi, replied to in specific terms. He did say that 15 per cent of the purchase price was paid in Kenya currency subject to our existing exchange control regulations. Mr. Speaker, Sir, I cannot see why a specific answer given to a specific question like that one should not have satisfied the hon. questioner.

If the hon. Questioner had, however, framed his question in such a way that he demanded other things such as he raised in his supplementary arguments, then my Ministry would have understood that he had reason to ask.

The hon. Members who have spoken, including the Questioner who was not satisfied or supposedly not satisfied with the reply, have all stated, or voiced their dissatisfaction at the 85 per cent which is going to Britain. That is a very different part of the original question. They have also spoken in other terms that we must place the interest of our people, the *wananchi*, first and foremost. I could not agree with them more. It is for this precise reason, that is, of placing the interest of our *wananchi* first and foremost, that the Kenya Government goes to Britain or undertakes to make an agreement with Britain to get land released within the framework of our Constitution—that you can never take anything away from a person—so that the *wananchi* can have this land.

Mr. Speaker, one of the *mwananchi* beneficiaries of this scheme is no better person that the hon. Wabuge. If this agreement had not been in operation, the hon. Member would probably not have had his farm. Within the framework of the Constitution which we cannot violate—that you can never take anything away from a person —the Kenya Government has come to specific terms of agreement with the British in getting the loan. Some part of this loan is a grant, some of it is on a long-term basis. The British Government, in the agreement with the Kenya Government, does not cater for the European from Denmark, from Holland, from France or any other European country. They specifically state that this money is to buy the British farmer out, and this is what this money does.

Sir, what happens to the farm once it has been bought? It is either passed on to the ordinary *wananchi* here for settlement or used for breeding livestock for the benefit of this country, or for growing hybrid seed for the common good of the ordinary *mwananchi* here, or it is sold to an ordinary *mwananchi* here, having taken it away from the foreigner.

If the hon. Members here were to tell me, Mr. Speaker, to see how best the *mwananchi* buying this farm, either as an individual—a large-scale farmer—or as a settler in a settlement, how best he can be helped, then, that is the question that I can look into. If the ordinary *mwananchi*, through his Members of Parliament, you and I, were to say, "I think the valuation of these lands or these farms is too expensive", then Mr. Speaker, Sir, I will say, "Yes". There is merit: there is sense in that and the Government will look into the ways and means of helping to alleviate the problem.

[The Minister for Agriculture]

If this was the question at issue, Mr. Speaker, Sir, then the Government would look into this problem very seriously but, I do not see the reason why a specific question which was given a specific satisfactory answer, should not have satisfied my friend, the long service Member of Parliament, hon. Wabuge. I am sure, Mr. Speaker, Sir, the hon. Member who have taken part in this debate, have all come out clearly with one point: that is, there is some dissatisfaction in the way valuations of these farms are done.

However, they come out, Mr. Speaker, Sir, with one other specific point: that the interests of *wananchi* are paramount in their thinking. These are the two points of view they have put forward. I can assure them that the Government is very concerned. Those of you who took part or who were in the delegation of the Rift Valley Province farmers and leaders who went to see His Excellency, the President, today, will bear me out in saying that these matters which they placed squarely in the eyes and hands of the President, were well received. However, since the Questioner did not ask this question before, I would like to say that he should have been satisfied with the answer that was given and I beg to oppose——

An hon. Member: As usual!

The Minister for Agriculture (Mr. Nyagah): Not as usual, Mr. Speaker. I beg to oppose the thought and even the allegation and the thinking of the hon. Member that the very satisfactory answer he was given did not satisfy him. He should have been satisfied and I hope that the hon. Member will leave this Chamber very satisfied. I can see him smiling a little bit because he now realizes that the original reply was satisfactory and it was just a question of, perhaps, misunderstanding the language at that particular time. I am sure the hon. Member will have no time at all to add again his dissatisfaction but, I will invite him through you, Sir, to raise a specific question on this subject which will be dealt with on its own merit. However, as far as this question before the House today is concerned, the Government, through my Ministry has given a very satisfactory reply and we will do all that we can to see that the interests of the *mwananchi*, either through the Agricultural Development Corporation or through any other body in land matters, is paramount.

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

ADJOURNMENT

The Speaker (Mr. Mati): It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 27th May, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 27th May, 1971

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The National Housing Corporation Annual Report 1970.

(By the Minister for Works (Mr. Nyamweya) on behalf of the Minister for Housing (Mr. Ngei))

The Industrial and Commercial Development Corporation—Report and Accounts for the year 1969/70.

(By the Minister for Works (Mr. Nyamweya) on behalf of the Minister for Commerce and Industry (Mr. Osogo))

Legal Notice No. 99 of 1971—The Laws of Kenya (Rectification) Order 1971.

(By the Minister for Works (Mr. Nyamweya) on behalf of the Attorney-General (Mr. Njonjo))

ORAL ANSWERS TO QUESTIONS

Question No. 358

PRICES OF CAMELS BOUGHT FOR POLICE USE

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

(*a*) how much money was paid to the owners of the camels which were collected for police use at North Horr, Sabare and Elerit; and

(*b*) what was the salary paid to men employed to look after those animals.

The Speaker (Mr. Mati): Ministry of Home Affairs?

Next question.

Mr. ole Sompisha: On a point of order, Mr. Speaker, Sir, I thought the Minister was laying some Papers on the Table, but he has laid nothing.

The Speaker (Mr. Mati): What happened is that these Papers, I believe, hon. Members have already got them.

Question No. 357

FACILITIES FOR ADMINISTRATIVE POLICE IN MARSABIT

Mr. Umuro asked the Minister of State, President's Office if he would tell the House, since the members of the Administration Police in Marsabit were doing useful work in the area, when would they be provided with the following facilities—

(*a*) better accommodation;

(*b*) better salaries; and

(*c*) use of the Navy, and Air Force Institute.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. I think this question has been asked by the hon. Umuro.

Government has a programme to improve accommodation of all Administration Police throughout the country. Better accommodation facilities will, therefore, be provided for Administration Police when funds are made available by this House. The Ndegwa Commission Report is now out and the Administration Police will have better salaries.

The Navy/Army/Air Force Institute, better known as "NAAFI", is part and parcel of the terms of service of the Armed Forces and does not include other civil servants such as the Administration Police. However, during the Shifta campaign, special arrangements had been made to enable the police and the Administration Police to make use of the "NAAFI" facilities. But these arrangements were only intended for those difficult days.

Mr. Araru: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, where he talks on only one point, the Ndegwa Report, what about, Sir, accommodation in that part; some of our civil servants do not have houses to live in; what is the Minister doing about it?

Mr. Munyi: Mr. Speaker, Sir, as I have already answered, even the hon. Member who goes to his constituency almost every weekend knows very well that in Ndegwa's Commission, all the points raised by the hon. Member, are fully noted.

Mr. Umuro: Mr. Speaker, Sir, although I know that "NAAFI" is only for the Army, does the Assistant Minister know that these Administration Police are doing better work than the Army who are only resting here in Langata and other places where they have everything, while these people are working day and night to look after the Baluba who are killing most of our people?

Mr. Munyi: Mr. Speaker, Sir, I have already answered. The "NAAFI" facilities are only given to the members of the Navy, Army and Air Force. Sir, I do appreciate the fact that the Administration Police are doing an excellent job in every location, or for that mater, in districts and provinces. However, as I have already stated very clearly, "NAAFI" facilities are only given to the

[The Assistant Minister of State, President's Office]

members of the Navy, Air Force and the Army; not to the Administration Police.

Mr. Wachira: Mr. Speaker, Sir, in view of the fact that the Administration Police collect the graduated personal tax and it is out of this money they collect that many people are paid, will the Minister consider promoting their grades to inspector or commissioned ranks like the Kenya Police establishment?

Mr. Munyi: Mr. Speaker, Sir, that is only a suggestion which has been given by the hon. Member and whenever a Member of this honourable House gives a suggestion, Sir, that suggestion is considered.

The Speaker (Mr. Mati): Next question.

Question No. 424

IDD-UL-FITR AND IDD-UL-HAJI TO BE PUBLIC HOLIDAYS

Mr. Araru asked the Minister of State, President's Office if he would tell the House whether he would bring to the House a Bill to make Idd-ul-Fitr and Idd-ul-Haji public holidays for all Kenya citizens.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The Attorney-General does not intend to bring a Bill of this nature to this House in the foreseeable future.

Mr. Araru: Mr. Speaker, Sir, arising from the reply by my hon. friend, the Assistant Minister, what was the need for having a holiday for all the people during Christmas—which is for Christians—while the Moslems' day cannot be made a public holiday? Could the Assistant Minister state whether there is no discrimination.

Mr. Munyi: Mr. Speaker, Sir, I would like to deny that categorically, and tell the hon. Member that there is no discrimination. All who are concerned are the followers of that particular faith. I would like to tell the hon. Member, Sir, that we have many religious faiths in this country being followed by various communities. Although the Moslem faith is a very important one, and I repeat, "very important one", the number of people who are its followers does not warrant the declaration of a public holiday for the whole nation. For the sake of argument, the number of people who are followers of Christianity is estimated at 6.8 million while that of the Moslem faith is estimated at 0.4 million. That is a very small figure, Mr. Speaker, Sir.

We have other religions which command smaller minorities in the country. However, the majority of the people in this country, that is, the other 4 million, are the followers of the African religions.

Mr. Muturia: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, do we understand that the religious holidays in this country are based on the number of followers because he tells us that Christians are 6.8 million and that Moslems are 0.4 million; what is the criteria?

Mr. Munyi: Mr. Speaker, Sir, I have answered that question. I said—— Even the hon. Member himself is one of the witnesses. When people go to elections, the one who gets the majority votes, Sir, is the one elected to come and represent his people in this honourable House. Therefore, as far as the population is concerned, Christians in this country, Sir, are the majority. As far as the Moslems are concerned, Sir, that is also considered, but they are very few and we cannot say, for example say, "Next year there will be a public holiday for the Moslems" or next year it will be for the *Dini ya Msambwa*. If we do that there will be many other religious organizations, Sir.

Mr. Muturia: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Mati): What is your point of order?

Mr. Muturia: My point of order, Mr. Speaker, Sir, is that the Assistant Minister is saying that these people are in minority—he has witnessed, other than myself—that during the time of big ceremonies in this country, His Excellency, himself, invites Moslem leaders, Christian leaders and African leaders so that we always spend a bit of time to listen to them praying in this House. Why can the Minister not give public holidays during their religious festivals?

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, since the Assistant Minister has just mentioned that there are a lot of religious groups in the country, and as well as accepting that the Moslem religion is one of the recognized religions—is among the biggest—and he went on to say that other smaller religious groups have never been given a chance of having public holidays—— The Moslems have already been given one holiday to separate them from other religious groups within the country; will the Assistant Minister tell us now, since a precedent has been given by Government to give a section or group of people in the country a holiday—other than the others—why should they—the Moslems—enjoy Christmas while the

[Mr. D. M. Kioko]
Christians cannot enjoy the holidays of the Moslems?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member has come up with a good point and the point has been fully noted. I would like to advise the hon. Member by telling him that there is a big difference between the majority and the minority and any argument is based on the majority anything.

The Assistant Minister for Health (Mr. Jahazi): On a point of order, Mr. Speaker. In the course of the reply by the Assistant Minister he quoted figures of 6.8 and 0.4 million. Is it not in order that he tells the House where he got the figures. Did he get the figures from the census record, his Ministry or did he make up the figures himself? Can he tell us whether the figures are authoritative or not?

The Speaker (Mr. Mati): What is your question, Mr. Jahazi? You asked a question and not a point of order.

Mr. Jahazi: My point of order is——

The Speaker (Mr. Mati): It is a question and not a point of order.

Mr. Jahazi: Can I frame the point of order in another way?

The Speaker (Mr. Mati): No, Mr. Munyi has heard your question and he might have something to say.

Mr. Munyi: Mr. Speaker, Sir, it is quite inteesting because the Assistant Minister is asking a question under cover of a point of order. In actual fact, Mr. Speaker, Sir, the Assistant Minister wanted to ask a question but what I would like to tell the hon. Assistant Minister is that the figures I have given are reliable figures and even if he investigates he will only come to one forgone conclusion that the figures are the right figures and they are as clear as day-light.

Mr. Nthenge: On a point of order, Mr. Speaker. You have now and again said that the House is taking too much time on questions and this is because some people like the hon. Assistant Minister go round the question when they are giving answers. Would it not be in order for him to get a special warning because the supplementary question which he has just answered was a short question but after answering the question he made a long speech. Should he not get specific instructions so that if he does not obey your ruling you will do something to him.

The Speaker (Mr. Mati): No, I have warned Mr. Munyi before and he is trying very hard.

Mr. Ahmed: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, is it in order for him to mislead the House by bringing fictitious figures on the percentages of Christians and Moslems? Is he in order and if so where did he get the figures?

The Speaker (Mr. Mati): I do not follow what you are trying to ask.

Mr. Ahmed: Mr. Speaker, Sir, I want the Assistant Minister to give correct figures on these people and he should then tell us where he got the figures. Most of the population in the North-Eastern Province are Moslems and not all are registered.

The Speaker (Mr. Mati): Mr. Munyi, where did you get the figures from?

Mr. Munyi Mr. Speaker, Sir, the figures I have given have been collected from every district. We have 42 districts throughout the Republic and these figures have been collected from all the districts. To tell the truth, Mr. Speaker, the figures I have given are correct figures and very reliable.

Question No. 307

ADVERTISEMENT OF MILK CONSUMPTION KENYA CO-OPERATIVE CREAMERIES

Mr. Muturia asked the Minister for Agriculture if he could tell the House—

(*a*) why the Kenya Co-operative Creameries decided to advertise milk consumption in the newspapers rather than on the air and television where more *wananchi* could listen and see;

(*b*) how much was used by the Kenya Co-operative Creameries on advertisements which started from 1st January, 1971.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The Kenya Co-operative Creameries advertises milk consumption in the newspapers as well as on the air and television contrary to what the hon. Member believes. Eighty per cent of the Kenya Co-operative Creameries advertising budget is allocated to the radio; 15 per cent to the Press and 5 per cent to television. The hon. Member can, therefore, see that a total of 85 per cent of advertising done by the Kenya Co-operative Creameries on milk consumption is through the radio and television where more *wananchi* can listen and see and only 15 per cent is done through the newspapers.

The answer to part (*b*) Mr. Speaker, is that since 1st January, 1971 Kenya Co-operatives Creameries has spent a total of £5,522.

Mr. Muturia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that this question is a bit out of date and that since this question was seen by his Ministry and the information was given to the members of Kenya Co-operative Creameries that there was such a question being asked in this House—is he not aware that after the information the Kenya Co-operative Creameries diverted the advertisement from the newspapers to television and air?

Mr. Wanjigi: Mr. Speaker, Sir, that is absolutely untrue.

Mr. Kanja: Mr. Speaker, Sir, could the Assistant Minister tell this House why we have to embark on spending so much money on advertising milk which at times is not even available in this country?

Mr. Wanjigi: Mr. Speaker, Sir, the hon. Member is a successful businessman and he is well known for his advertising techniques and he should be the last one to ask such a question.

Mr. Wabuge: Mr. Speaker, Sir, arising from the Assistant Minister's reply and in view of the fact that Kenya Co-operative Creameries has the monopoly of this trade, will the Assistant Minister not agree with me that the money being spent on advertisement could be well utilized by the farmers?

Mr. Wanjigi: Mr. Speaker, Sir, I think that is a good question. I think it is for the benefit of the House to know that the level per capital consumption of milk in this country is about a fifth of a tea cup. Therefore, any advertising of milk that we can do to increase the level of consumption of milk is to the benefit of a healthier nation.

Question No. 305

DEVELOPMENT IN NYAMBENE NORTH

Mr. Muturia asked the Minister for Finance and Economic Planning if he could tell the House—

(*a*) how many big projects had been completed in Nyambene North since 1963;

(*b*) if any, which were they;

(*c*) if none, whether Government would undertake to build for Nyambene people a tarmac road from Meru Town to Maua; and

(*d*) whether Government would also consider as a matter of urgency establishing a Rice Scheme at Kanjoo in Igembe as part of the Government's policy of fair distribution of major projects throughout the Republic.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. In reply to the first two parts of the question Government has, since 1963, initiated and completed various development projects in Nyambene North, notably, in the field of education where 26 primary schools and four secondary schools have been completed in close co-operation with the local people. Government assistance has also been given to various self-help groups which have constructed a large number of projects in the form of health centres, bridges, roads, water supplies, youth centres and schools.

With regard to the third part of the question, Mr. Speaker, Meru-Maua Road was considered by the Meru District Development Committee who gave it a relatively low priority in view of the very large major road projects currently being undertaken within the district.

As part of the district, Nyambene North benefits considerably either directly or indirectly from the general improvement of roads in the district.

The development of a rice irrigation scheme depends on its own type of justification and cannot be considered purely as a trade-off with other development work. A great deal of scientific investigation is required before such a project can be considered and I am sure that this kind of investigation will be undertaken not only at Kanjoo, to which the hon. Member referred, but in all other areas which may appear suitable for rice irrigation schemes after the need for such work is ascertained.

Mr. Muturia: Mr. Speaker, Sir, I wish the Assistant Minister to give me replies to four subsidiary questions. In any case, Mr. Speaker, according to the Assistant Minister's long reply, is he aware that although he referred to four secondary schools in Nyambene North—two were built by Government and the other two were built by *wananchi*. At the same time, Mr. Speaker, will the Assistant Minister—— Is he aware that the soil from Kanjoo was taken for analysis by Government since 1964 and that that area was proved fit for rice growing and up to now Government has been dodging about and instead of doing something there they are delaying the development of *wananchi*?

Mr. Cherono: Mr. Speaker, Sir, I am glad to hear the hon. Member admitting that there are four secondary schools. As I pointed out in my answer this is being done. Development of all the projects is being done with the co-operation of the local people. Two schools have already been taken over by Government and I am sure that the rest will, in due course, be taken over also. This is only a question of priority. The hon.

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Member must realize that we do not only have to consider his constituency but there are many other projects throughout the country waiting to be taken over by the Ministry of Education.

As far as the suitability of the area he has mentioned for the growing of rice is concerned, I am sure that if the facts were as mentioned by him something should have been done. I think he is relying on mere hearsay.

Mr. Muturia: Mr. Speaker, Sir, arising from the statement made by the hon. Assistant Minister where he says that the point about the analysis of the soil is going to be considered, would he then assure this House that he is going to assist a certain company which is going to put about Sh. 2 million in that area for a pilot rice scheme?

Mr. Cherono: Mr. Speaker, Sir, I think that is separate issue. If the company in question makes an application to the Government, it will be considered in the normal way.

Question No. 419

AFRICAN MANAGERS AND MEMBERSHIP OF TRADE UNIONS

Mr. Muturia asked the Minister for Labour if he could tell the House what protection the Africans in managerial positions in the private sector employment have because by virtue of their office cannot join trade unions to which they could appeal against—

(*a*) being summarily dismissed;

(*b*) being hampered in their advancement to executive positions by those who want to defeat the rate of Africanization.

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to reply. It is true that managerial staff are not unionizable in most firms. They are, however, free to join an association of managerial staff of the firm in which they are employed for the purpose of regulating their terms and conditions of employment. In firms where such associations do not exist, individuals aggrieved may complain direct to my Ministry officials where settlement through informal conciliation may be undertaken leading to the reporting of existence of a dispute to the Industrial Court.

The Kenyanization of Personnel Bureau of my Ministry is responsible for the investigation of alleged cases of firms which attempt to deter the progress of Africanization and where these attempts are discovered, work permits are not issued.

Mr. Muthua: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he make it absolutely sure that advisory machinery exists within the Ministry to advise on what is to be done rather than leaving things to the people to decide what they should do?

Mr. Kibisu: Mr. Speaker, Sir, that machinery does exist.

Mr. Kanja: Thank you very much, Mr. Speaker, Sir. Would the hon. Assistant Minister agree with me that in spite of the so-called Africanization, Africans who have executive positions in the motor trade are there just by name and they cannot execute any policies at all in those companies?

Mr. Kibisu: Mr. Speaker, Sir, I am not aware and if the hon. Member for Nyeri is in a position to give me the proof of that, I will take action.

Mr. Masibayi: Mr. Speaker, Sir, would the Assistant Minister tell this House whether he would allow these people to form their own union as is the case with the senior civil servants?

Mr. Kibisu: Mr. Speaker, Sir, it is not a matter of allowing anybody to do anything. Freedom of association is clearly entrenched in our Constitution and if supervisors so wish to form an association or a union of their own, they are perfectly entitled to do so.

Question No. 351

RANCHING DEVELOPMENT IN KITUI EAST

Mr. Kitonga asked the Minister for Lands and Settlement if he would tell the House whether Government would carry out a survey and hence allot a state land in Kitui East to encourage ranching development.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. The Ministry of Agriculture is arranging for the assessment of potential of state land in Kitui East and investigations of potential water sites either towards the end of 1971 or early in 1972. In these circumstances, it is considered that it would be premature and a waste of effort to survey any land and consider allocations before this survey and assessment of the potential of the land has been carried out and considered.

Mr. Muturia: Mr. Speaker, Sir, arising from that reply from the Assistant Minister, is he aware that there is £4 million lying idle, the money set aside for ranching schemes. If the Assistant Minister is aware of this and knowing very well that Kitui East, the whole of Kitui District and many other areas qualify for allocation of this money, would he make sure this is done, otherwise, what is this money for?

Mr. G. G. Kariuki: Mr. Speaker, Sir, that information from the hon. Member is untrue.

Mr. Kitonga: Mr. Speaker, Sir——

Mr. Muturia: On a point of order, Mr. Speaker,——

The Speaker (Mr. Mati): No, we do not want an argument here, Mr. Muturia.

Mr. Muturia: But I can substantiate, Mr. Speaker, that what I said about the money is true.

The Speaker (Mr. Mati): No, I have already called upon Mr. Kitonga. Will you ask your question, Mr. Kitonga?

Mr. Kitonga: Mr. Speaker, Sir, although the Assistant Minister is trying to deny the fact, is he not aware that unless the survey for this state land is carried out immediately, development in this area will be very slow. Could the Assistant Minister answer that before he hears what Mr. Muturia has to ask him?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I have answered that part of the question when I said that the Ministry of Agriculture is working hard to get water sites and when this is done, probably towards the end of 1971 or 1972, my Ministry will come in and do the survey. We are only concerned here with survey work and, therefore, as far as searching for water is concerned and so forth, I am sorry our Ministry is not the correct Ministry to be asked.

Mr. Muturia: Mr. Speaker, Sir, while the Assistant Minister is confusing the House, will he agree with me that the £4 million which was set aside for group ranching in this country is about to be surrendered to the World Bank?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I think there is a problem here when an hon. Member claims to know more than the official of the Government. There is no such money in this country and if the hon. Member thinks there is, I would like to challenge him to tell me how he knows there is some money laying somewhere idle.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the Ministry of Agriculture will first carry out the survey in connexion with the search for water, is the Assistant Minister aware there is not even one ranching scheme in that area and knowing very well that there is a vast area of land unutilized and therefore it would be encouraging if the Ministry of Lands and Settlement took the initiative to create just one ranching scheme so that the people of the area may taste a little bit of the *Uhuru* fruit?

Mr. G. G. Kariuki: Mr. Speaker, I said the Ministry of Agriculture will look into that problem of water. However, we cannot, as a Ministry, waste our effort in trying to create a ranching scheme where there is an acute shortage of water. In any case, if this is done by the Ministry of Agriculture, then, my Ministry would be delighted to deal with later problems.

The Speaker (Mr. Mati): I think we will move on now. Next question, Mr. Kanja.

Question No. 409

LAND OWNED BY MATHARI CATHOLIC MISSION

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

(*a*) how much land was owned by the Catholic Mission, Mathari in Nyeri District, and

(*b*) whether the Ministry could consider taking or purchasing the undeveloped land and allocating it to the squatters who lived miserably within the Mission.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. The land forming the Catholic Mission Mathari, is registered in the names of the Consolata Catholic Mission, registered trustees, who own approximately 1341.1758 hectares of land and the Diocese of Nyeri, registered trustees, who own approximately 200.3265 hectares of land. Government is unable legally to take land owned by such bodies and any such land would have to be purchased by negotiation or compulsorily acquired. Government is unaware of any circumstances which render the position of the squatters living on the Mission property different from those living on other farms. The Ministry intends to buy further agricultural land to settle *wananchi* in properly planned settlement schemes, but could not consider the purchase of parts of individual farms to satisfy the wishes of small groups of squatters in that part of Nyeri District.

Mr. Kanja: Thank you, Mr. Speaker, Sir. While I have all the respect for the Missionaries in that part of my constituency, will it not be contradictory for those who preach, "Thou shalt love thy neighbour as thou love thyself" to own such big tracts of land while in their own area, they have squatters who are living there miserably without any means of subsistence at all. Is it not the duty of your Ministry, hon. G. G. Kariuki, to see that the undeveloped land is not purchased by Government, but utilized by those unfortunate brothers and sisters who cannot acquire anything in this country?

Mr. G. G. Kariuki: Mr. Speaker, Sir, if the hon. Member wants to tell the House that this land which belongs to Catholic Mission is undeveloped, then, I would like to ask him to ask the Minister for Agriculture to declare this farm as mismanaged. This is not the responsibility of my Ministry.

Mr. Koigi: Mr. Speaker, Sir, is the Assistant Minister aware that the retention of this land by the Catholic Mission was raised by the Nyeri Agricultural Development Corporation between 1948 and 1969 and the case went to London Foreign Office and to Rome as well. The outcome was that we were defeated. However, Mr. Speaker, Sir, the question here is: are we going to be defeated again when we are ruling this country?

Mr. G. G. Kariuki: Mr. Speaker, Sir, the hon. Member will not be defeated if his claim is legal and fair. However, if the hon. Member thinks that since we are now a free nation——

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

The Speaker (Mr. Mati): Will you wait until you hear what the Assistant Minister has to say?

Mr. G. G. Kariuki: Mr. Speaker, Sir, I was saying that if the hon. Member thinks that since we are now an independent nation, individual property can be taken without proper compensation, then I am sorry, he will be defeated.

Mr. Koigi: On a point of order. There is a case here, Mr. Speaker. Is it not true that this land was invaded by the missionaries and if so, we, as a Government have the right to take it from them? This is my point of order.

The Speaker (Mr. Mati): No, Mr. Koigi, you cannot ignore the Constitution.

Mr. G. G. Kariuki: Mr. Speaker, Sir, if the hon. Member would wait, I will tell him that the missionaries did not invade any land. What happened is that the missionaries have been doing a very good job; they have educated hon. Members in this House and, therefore, if he wants to take away their property——

Mr. Koigi: We are not interested in stories.

Mr. G. G. Kariuki: Then, Mr. Speaker, I am not interested in answering what is not true.

Mr. Muthua: On a point of order, I wish to seek your quidance here. Since in one of the answers given by the Assistant Minister he admitted that the land is only held in trust and not by a freehold lease, can he state categorically why the Kenya Government cannot take this land back, if it is considered necessary?

Mr. G. G. Kariuki: Mr. Speaker, I said that can be done through negotiations and not by taking over the land as the hon. Member is talking about.

Question No. 445

WATER-PIPE ENGINE AT MITASYANO RIVER

Mr. Munyasia asked the Minister for Health if he would tell the House whether he would install a water pump engine at Mitasyano River so that the Health Centre there would be well served.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The hon. Member would greatly assist the Minister in giving consideration to this suggestion if it is channelled, in the first instance, through the Medical Officer of Health, the district and the provincial development committees of this area.

Mr. Munyasia: Arising out of the Assistant Minister's reply, is he not aware that when his Minister paid a visit to the site in question he agreed to hand over one water pump engine to be installed on this river to serve the dispensary which is situated at that place? Why does the Minister say that it should be channelled through the necessary channels when the Minister gave a promise at the site—now it is about five months since that time?

Mr. Jahazi: Mr. Speaker, Sir, whether he gave a promise to install this pump or not, it was to be done through these channels. Therefore, as soon as the hon. Member goes back to his home, he should have a resolution of the development committees of these two bodies and the pump will be installed according to the Minister's promise.

Mr. Muturia: Arising from the Assistant Minister's reply that this thing should be channelled through the provincial and district development committees, is he aware that his officers in both the provinces and the districts, are members of these planning and development committees and they are unable to contribute towards these committees as to what is needed in their departments?

Mr. Jahazi: Mr. Speaker, Sir, the hon. Member's question is a generalized one and it does not concern this particular area and the particular river in which the hon. Member is requesting the pump for. I am sure the hon. Questioner understands the arrangements very well and he is going to follow them.

Mr. Munyasia: Mr. Speaker, while I agree with the Assistant Minister's reply, and in view of the fact that the Minister himself was the only person who paid a visit to the area and none of his members of staff has ever gone to that place because of the repercussions, would the Assistant Minister tell this House how a member of staff stationed there manages to get water to the dispensary from a river which is a quarter of a mile from the dispensary?

Mr. Jahazi: Mr. Speaker, Sir, the question of how he gets the water does not arise here. We

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have not said that the pump will never be installed and we have not said no to his request. All we are asking the Member to do is to follow very simple conditions that make it easier for our Ministry to channel things like pumps through the normal channels. Therefore, it would help him a great deal if, during the coming short recess, he finalizes this small procedure and gets this pump as soon as possible.

Question No. 345

BOARDING SCHOOL IN SAMBURU DISTRICT

Mr. ole Sompisha, on behalf of Mr. Lenayiarra, asked the Minister for Education if he would tell the House—

(*a*) how many Boarding Schools there were in (i) Lorroki Division and (ii) Baragoi Division (of the Samburu District); and

(*b*) whether there were plans to provide more Boarding Schools in these Divisions.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. (*a*) There is one Government maintained boarding primary school in Baragoi Division. Lorroki Division does not have a maintained boarding primary school.

(*b*) There are no immediate plans to start another boarding primary school in these two divisions. However, subject to the availability of funds, consideration will be given to the assistance of the existing unaided school in Lorroki Division.

Mr. ole Sompisha: Mr. Speaker, Sir, since the Samburu people are nomadic and they move about in search of grazing pastures for their cattle, how does the Ministry of Education intend to help them to educate their children?

Mr. Towett: We are aware that they are nomadic, Sir, but they are not the only nomadic people in Kenya.

Mr. Umuro: Mr. Speaker, Sir, does the Minister know that there is reluctance on the side of the people in this area to educate their children because they move from place to place and there is no boarding school where the children can stay for their studies and that the situation is as it was before?

Mr. Towett: I am aware, Sir, and I have sympathy with the feelings of the hon. Members and subject to funds being available, we will see what we can do.

Question No. 441

EXPULSION OF STUDENTS FROM KAIMOSI TEACHERS COLLEGE

Mr. S. Lugonzo asked the Minister for Education if he would tell the House the reasons behind the expulsion of ten students who had been admitted to Kaimosi Teachers' Training College this year.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. The ten students who were expelled from Kaimosi Teacher's College failed to pass the second interview. The results of the first interview which had been conducted by the Acting Principal had to be nullified because a closer scrutiny of the candidates provisionally selected indicated that ten candidates were wrongly selected. They were weak and, at the same time, the instructions from my Ministry which had required principals of colleges to stick to certain quota to ensure fair distribution of places to all districts had not been complied with. If the ten students were retained, some districts in Western Province could not have had their correct share of P3 places.

Mr. S. Lugonzo: Mr. Speaker, would the Minister not agree with me that there is a confusion in his Ministry as far as selection of students to these colleges is concerned because these students were selected, given admission letters and they stayed in the school for a complete month—as to who will pay their expenses; whether the Minister has paid or not, I do not know—— This must be evidence of confusion within the Ministry. Would he not agree with this?

Mr. Towett: Yes, Sir. At that time, there was confusion.

Mrs. Onyango: Mr. Speaker, arising from the Minister's reply, that these students failed a second interview, would the Minister agree with me that these candidates were sent out of the college on tribal basis?

Mr. Towett: I do not agree with the gracious lady, Sir, because we have no tribalism; we have allocation in our colleges per district. Whoever lives in the district is not our concern; we look at the district—— If people from other districts live in a certain district they do not belong to, we are not interested in the names, but the allocation per district.

Mr. Tsuma: Mr. Speaker, Sir, arising from the very good reply from the Minister, that these students were sent away from Kaimosi because other districts would not have been represented, could he tell this House if the list that appeared in the Press really shows equality in the distribution of students in colleges?

Mr. Towett: I am sorry, I did not get the last part of the hon. Member's question, Sir.

Mr. Tsuma: The list which appeared in the Press—whether it showed the disparity of students from districts?

Mr. Towett: Mr. Speaker, Sir, I do not usually go by the Press reports, but the point is that in this particular case, we are considering P3s; if the hon. Member is talking about what appeared in the Press, I think that specifically referred to P2s.

Mr. Tsuma: On a point of order; whose Ministry gave that list to the Press, was it not his Ministry—— What the hell are you talking about?

Mr. Towett: Mr. Speaker, Sir, that is a different question.

Mrs. Onyango: Mr. Speaker, Sir, would it be in order for me to quote—actually, seven out of the ten pupils were Luo, two were Kisii and one Teso. The other tribes were readmitted but the Luos were refused readmission.

Mr. Towett: Mr. Speaker, Sir, may I also quote the allocation given at that time, to the district concerned; the recruiting arrangement was, 19 allocations for Kakamega, 18 allocations for Bungoma, 18 allocations from Busia, four allocations for Kisumu, four allocations for Siaya, five allocations for Gusii and seven allocations for Homa Bay. Any additions above those numbers—we chased them away.

Mr. Mwangale: Mr. Speaker, Sir, arising from the answer given by the Minister and, in view of the fact that he admits that he, himself, plus the Ministry, is confused, would he tell us how the selection for teachers' training colleges is done, in order to ensure a fair distribution of places for all areas in this country?

Mr. Towett: First of all, Sir, I must say that I did not say my Ministry was confused; I said, at that time it was confused.

Secondly, Sir, what we do—we do not look at any one college in the country; we look at the whole lot of 24 colleges, while carrying out this exercise. In some places, for example, we talked of Kisii and Homa Bay; there is another teachers' college in that area—Asumbi—and we put more from those districts in the colleges nearer. Now, why the numbers here for Bungoma, Busia and Kakamega are up, is because this college is nearer to those places. Therefore, we do not deal with one particular place in isolation, as the hon. Mr. Mwangale thinks; we look at all the colleges, and distribute P3s, P2s and P1s accordingly, Sir.

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

Mr. S. Lugonzo: On a point of order, Mr. Speaker.

The Speaker (Mr. Mati): No, we have moved on to the next question.

Question No. 433

TAKE-OVER OF ISIOLO HARAMBEE SECONDARY SCHOOL

Mr. Bonaya asked the Minister for Education if he would tell the House whether, since the Ministry had taken over the administration of Isiolo Harambee Secondary School up to Form II, he would give very serious consideration to taking over the administration of the whole school, since the area had become very impoverished in recent years.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to give the following reply. The Government is fully maintaining the Form I class at Isiolo Harambee Secondary School this year, and not Forms I and II, as the hon. Member has suggested in his question. In accordance with normal practice, in my Ministry, the school will be aided gradually, until the whole stream is aided, from Form I to Form IV in 1974. It is not possible, Mr. Speaker, to take over whole school right now, owing to the shortage of funds, but as in all other cases, the take over will be phased out as funds and other facilities permit.

Mr. Kanja: Mr. Speaker, Sir, would the hon. Assistant Minister agree with me that in order to boost the progress of education in that part of our country, it is really necessary for our Government to take over the entire running of that secondary school, which is probably the only one in that particular part of the country?

Mr. Mbai: Mr. Speaker, Sir, my Ministry took over the Form I class in this Harambee Secondary School because we wanted to boost secondary education in the district and, Sir, we cannot take over more since it is our normal practice, when we take over Harambee schools, to take Form I class first and then we go on gradually for four years until the whole school is taken over. There is no justifiable reason for us to give Isiolo special treatment when we have other areas like Marsabit, Mandera, Baringo, which might well come and demand the same treatment.

Mr. Umuro: Mr. Speaker, Sir, since there is no Government secondary school in Isiolo, and even so, this is the only Harambee secondary school in the entire district of Isiolo, why does Government not take over this one, which is the only secondary school in the district; why are they taking over Forms V and VI in other areas?

Mr. Mbai: Mr. Speaker, Sir, Government has taken over the Form I class in Isiolo Harambee Secondary School, and next year we will take

[The Assistant Minister for Education]
over Form II, and then we will continue for four years; in four years' time, the school will be fully Government-maintained.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where does he expect parents to get money, when he knows very well that during the shifta war, all our animals were killed?

Mr. Kadir: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House what is going to be done for the children who have gone as far as Form III, and now because Government has not taken over all the administration of the school, the children are just wandering about in the town; is he not discouraging education in that area—— Now, what is he going to do about it?

Mr. Mbai: Mr. Speaker, Sir, I would have expected the Member from the area to thank Government for having seen fit to take something over, to start aiding this Harambee school. We have so many other Harambee schools in other equally deserving districts, and which have not yet been taken over, and Isiolo was lucky to be aided before others and, I am sure, Sir, the Members should be thankful.

Question No. 410

TAKE-OVER OF MUTHUAINI HARAMBEE SECONDARY SCHOOL

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

(*a*) if the Ministry would consider taking over Muthuaini Harambee Secondary School as it was well built and the parents were unable to keep it running due to lack of funds for recurrent expenditure;

(*b*) if the Minister could give the House "pass marks" required for Certificate of Primary Education candidates in all districts in Central Province;

(*c*) why the "pass marks" were not uniform in all districts.

The Assistant Minister for Education (Mr. Mbai): Mr. Speaker, Sir, I beg to give the following reply. (*a*) Muthuaini Harambee Secondary School will be considered for aid by the Government alongside other Harambee secondary schools in future and when funds become available for this purpose.

(*b*) There is no Certificate of Primary Education pass marks as the hon. Member suggests. However, due to the shortage of Form I places, it becomes necessary to fix the lowest number of marks scored by the candidates in different districts to qualify for entry to available Form I places. If the places available are few, then this mark will be high. The hon. Member can, therefore, see that this mark will vary from year to year and from district to district.

(*c*) The cut-off line cannot be the same for all districts because performance varies from district to district.

Mr. Kanja: Mr. Speaker, Sir, probably the Assistant Minister has never visited this Muthuaini Harambee Secondary School. As he says, his officers have done that. It cost over Sh. 400,000—

The Speaker (Mr. Mati): Order! Will you listen to me, Mr. Kanja. You are always in the habit of making speeches when you should be asking a question.

Mr. Kanja: I am sorry, Mr. Speaker.

The parents have spent so much money and, therefore, would it not be appropriate to give this Harambee secondary school preference so that the funds already sunk in putting up those beautiful buildings are not going to be lost? Otherwise, all the efforts of the parents will be wasted.

Mr. Mbai: Mr. Speaker, Sir, my Ministry appreciates all the efforts put into this school by the local people but, as I have said, we cannot take over every Harambee school in the country because of the shortage of funds. I have informed the hon. Member that this school will be considered alongside with others in the Republic for assistance.

What I would appeal to the hon. Member to do is to try to assist his people because it appears there is a confusion among the Harambee group in charge of running this project; people are rivalling over the question of leadership of the project and that is why there is difficulty in raising the money. I would expect the hon. Member to go into this and advise his people so that they are in a position to raise funds to maintain the school until such time as Government aid is forthcoming.

The Speaker (Mr. Mati): Let us come back to Mr. Umuro's question.

Question No. 358

CAMELS BOUGHT FOR POLICE USE

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

(*a*) how much money was paid to the owners whose camels were collected for police use at North Horr, Sabare and Elerit;

[Mr. Umuro]

(*b*) what the salary was paid to the men employed to look after these animals.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. It is not true to say that the police use camels belonging to private individuals. In fact, the police do not collect any camels from anybody for use at the places mentioned. If the police wish to have camels, they buy them from their owners. The camels are looked after by the police themselves and no civilians are employed for this purpose.

Mr. Umuro: Mr. Speaker, Sir, if the camels are not recognized by the Government, will the Assistant Minister agree that these camels be returned to my people? We know the animals are there being used by the police.

Mr. Matano: Mr. Speaker, Sir, as I said earlier, we just do not go and collect camels from people. However, if the hon. Member has cases which he can bring to me, or to our Ministry, we are prepared to deal with them.

Mr. Kanja: Mr. Speaker, Sir, what method does the Assistant Minister's Ministry use in collecting camels from people for use by the police?

Mr. Matano: Sir, we buy them.

Mr. Araru: Mr. Speaker, Sir, I do not think the hon. Assistant Minister knows the story and use of these camels. The camel is hired by the police division in that part of North Horr and this was done even during the colonial times. Now he is misleading the House when he gives information saying they buy the camels. Can he tell us how many they have bought in North Horr and what price they have paid for them?

Mr. Matano: Mr. Speaker, Sir, whether you buy and own the same or you acquire it, is the same thing, you pay for it.

Hon. Members: How much?

Mr. Kadir: Mr. Speaker, since these camels are being used without any payment would it be in order the owners of the camels to demand payment right from the date when the camels were taken up to now, and will the Ministry pay this money?

Mr. Matano: Sir, as I said earlier, I take a very serious view of the whole thing. If there is anybody who collects camels from innocent citizens and he has not paid for them, we are prepared to go into the matter. I would request the hon. Member to come and give me more details in the office and I promise I will take action because this is illegal.

Mr. Somo: Mr. Speaker, this is a straightforward question because the Member for the area has stated the police go and collect the camels and yet the Assistant Minister has denied that.

Now, could the Assistant Minister be kind enough to investigate this case so that he can report to the House the true facts rather than coming to this House and tell Members that the police do not collect camels, when he has never been to the area? Would you carry out investigations?

Mr. Matano: Mr. Speaker, if the hon. Member was listening to what I said, I did not deny this. I only said that if there is such a practice, then it is a bad practice. I have requested the hon. Member to come and see me and give me details, and I am prepared to investigate and take action.

QUESTIONS BY PRIVATE NOTICE

CONTEMPT OF NATIONAL FLAG BY MANAGER OF CHINGA TEA FACTORY

Mr. Muthua: 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 manager of Chinga Tea Factory in Othaya Division, a Mr. Frank Robert Patterson, on 28th March, 1971 at 11.00 a.m. lowered and threw away the national flag which had been hoisted at the factory in honour of His Excellency the President of the Republic of Kenya, Mzee Jomo Kenyatta, as he had been scheduled to pass by the factory on 26th March, 1971 during his tour of Central Province?

(*b*) If the answer is in the affirmative, what disciplinary action is he taking?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The Government is currently carrying out investigations regarding this case in order to get facts as to what exactly happened. When the investigations are carried out and completed, appropriate action will be taken. And it will be appropriate action.

Mr. Muthua: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, the question is full of statements of fact. Can he deny or admit the allegation contained in this question?

Mr. Munyi: Mr. Speaker, Sir, as I have said, on 28th March, 1971 an incident took place in that factory. If, as the hon. Member has asked, we find that—— If the Government finds that So-and-so committed an offence, action will be taken; and the action which will be taken will be to the satisfaction of this House.

Mr. Onyulo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, the incident here appears to be very straightforward and clear. Since 28th March, 1970 to date is already a long period, for how much longer will this House have to wait for something to be done?

Mr. Munyi: That is very good and I would like to give an assurance to this House that it will take less than two weeks before a thorough investigation is carried out.

Mr. Munyasia: Mr. Speaker, Sir, arising out of that answer by the Assistant Minister, does he agree with me that if it were an African action it would have been taken long ago?

Mr. Munyi: Mr. Speaker, Sir, that this is a false allegation by the hon. Member because he knows very well that our popularly-elected Government is the Government of the majority, and the Africans are in the majority in this country.

Even if this was something done by an African, all that is important is that investigations must be carried out so that we can know the truth. There might be an allegation which is false. As I have stated, as soon as the investigation is carried out, appropriate action will be taken, which will be to the satisfaction of this hon. House.

SALARY FOR MR. KIBILAT ARAP NGASURA

Mr. arap Chumo: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice:—

> Why has Mr. Kibilat arap Ngasura, who is working as an Assistant Enrolled Nurse at Chemaner Dispensary in Kericho District, not been paid his salary since July 1970?

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. All persons who transferred their services from county councils to the Central Government were required to complete certain forms. Mr. Kibilat arap Ngasura did not complete the forms last year as required. However, he completed them on 11th May, 1971 and his salary was paid to him on the same day. So if the gentleman has not seen his Member to whom he had complained, I think the Member should be satisfied that now he is enjoying his salary.

Mr. arap Chumo: Mr. Speaker, Sir, while I thank the Assistant Minister for taking action, does he realize that many of these people who actually filled their forms last year were kept in suspense for a long time because they were given the idea that the Government policy was not clear because of this take-over? Is this not the main problem and has the Assistant Minister paid the salaries of all the people concerned?

Mr. Jahazi: Mr. Speaker, Sir, if there was any idea, a wrong one, given to any of these gentlemen, the Ministry of Health did not contribute to the giving of this idea. It might have been given by other people, and they followed it. However, our instructions were clear, that the majority of the people——

Mr. Munyasia: On a point of order, Mr. Speaker, do you not agree that there is too much noise?

The Speaker (Mr. Mati): Yes, there is too much noise?

Mr. Jahazi: Mr. Speaker, Sir, the majority of the people we took over signed these forms without delay and the few who waited for advice from elsewhere are the ones who were wrongly advised. However, I am glad to say that most of them have now signed their forms and they have been paid.

The Speaker (Mr. Mati): We must go on now.

Mr. Shikuku, you have a statement to make, I believe.

PERSONAL STATEMENT

DENIAL OF ACCUSATIONS CONTAINED IN AN ASSISTANT MINISTER'S SPEECH

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, you will recall that a paper was laid on this Table, purported to be a report. In this connexion I have a personal statement to make.

The House will recall that during the course of my speech on 25th May 1971 I said that I was refused accommodation at the Mombasa Beach Hotel and when I reported the matter to the Minister for Tourism and Wildlife he did nothing about it. Yesterday, hon. Jan Mohamed, an Assistant Minister in the same Ministry, in the course of his reply to my remarks said, and I quote:

> "I am just saying that I submitted a report to the Minister who, in turn, passed it on to the Vice-President and Minister for Home Affairs. It is entirely on the hon. Assistant Minister to do his homework in his own Ministry."

Now, looking at what he called a report, Sir, he did make to his Minister who forwarded it to the Vice-President, I have the following observations to make:

1. The Vice-President denies that he ever received such a report and looking at the very document I see that it was addressed to a Mr. P. Phillips from the Senior Assistant Manager, with a copy to a Mr. H. S. M. Dewick, Manager of Mombasa Beach Hotel. Hence, His Excellency the Vice-President never received it.

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

2. The so-called report was written on paper bearing "Safari Lodges and Hotels Limited" and was signed by a Mr. D. N. Brigden. If the report, as claimed by the Assistant Minister, was made by him and submitted to his Minister, who forwarded it to the Minister for Home Affairs, how come the report was signed by the abovementioned? Or are we to believe that this is the hon. Jan Mohamed's other name?

3. In the said so-called report, the last paragraph but one, it is stated, and I qoute:

"In future, we will try to ensure that rooms are always available and if, after Mr. Kenyatta leaves as President, the new Government would ensure that such procedure will always be adapted, and presumably Europeans will have to change and accept our ideas or otherwise things will go bad for them".

This is the Manager's writing. This is what he said.

Mr. Speaker, Sir, I never at any one time referred to His Excellency the President of the Republic of this country and there are witnesses who can bear me out on this.

4. No one with a sound mind can call this document a report, for a report would contain what I said and witnesses who heard me say it and witnesses on the opposite side then, a conclusion.

There is nothing in the so-called "Report" which was laid on the Table by the hon. Assistant Minister worth the word "Report" and, therefore, Mr. Speaker, Sir, I demand an apology from the Assistant Minister for having:—

(*a*) Misled the House that the paper laid on the Table was a report when, in actual fact, it was a hotelier's statement and not a Government report.

(*b*) For having told the House untruths; an untruth that His Excellency the Vice-President of the Republic of Kenya was in possession of the said document.

(*c*) To all the civil servants in the Ministry of Home Affairs who spent their time today trying to look for this document and only to find that it was not even forwarded to the Ministry.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, for the last four days we in this House, I think we have witnessed ugly scenes of personal attacks, one against the other, and I would like your guidance, Mr. Speaker, whether you do not think—— I think the public may say that, perhaps, there is no unity among the Ministers and this is quite clearly demonstrated by the debate we have been having just now of personal attacks, one Minister against the other.

Mr. Speaker, Sir, you might think then now that the whole debate is degenerating, becoming into personal attacks which is not becoming of this House, then Mr. Speaker, you might consider that this is the time when this matter should be closed instead of having acrimonious personal attacks of one Minister against the other.

An hon. Member: Is that a point of order?

The Speaker (Mr. Mati): Order! Yes, it is a point of order in that it matters a lot what——

An hon. Member: Declare your interest!

The Attorney-General (Mr. Njonjo): Your language is very crude.

The Speaker (Mr. Mati): Order! You are now continuing the very thing we are trying to cut down.

It is a point of order in that it matters a lot as to what impression what goes on here gives to the nation and to the world. We have had a number of very unpleasant incidents in connexion with the Bill we completed yesterday, or at least the Second Reading which we completed yesterday, and I would not like to allow this to continue. I know there is a temptation for other people to want to stand up and follow up the whole matter.

However, the only reason why I allowed Mr. Shikuku to make his Statement is that I saw the document which was laid on the Table here and in his Statement, Mr. Shikuku made some points which are quite valid. For instance, the report which we had was really a statement by somebody; it was not done by the Ministry as such and it is true that it is even written on the Safari Lodges and Hotels paper.

Now, the impression the House got was that this was a report by the Ministry. Now, when a matter like this is investigated, surely the parties involved are interviewed. Now, there is no evidence to prove that Mr. Shikuku was ever approached on the matter to give his side of the story and that is why I had to allow him to make the statement. Now, we have heard both sides. We heard what Mr. Jan Mohamed had to say yesterday; we have heard what Mr. Shikuku has had to say and, I think, we should leave the matter there; leave it to the Members themselves to make up their minds as to what to believe as being the truth.

Mr. Migure: On a point of order, Mr. Speaker, Sir, I have gone through this document which has been brought to——

The Speaker (Mr. Mati): I think Mr. Migure you have heard what I was saying. So, if you are trying to raise that matter then, you are not allowed.

Mr. Koigi: On a point of order, Mr. Speaker, Sir, is it in order for Mr. Migure to say that Mr. Jan Mohamed is telling a lie?

The Speaker (Mr. Mati): It is out of order for any Member to say that another hon. Member is telling a lie. Mr. Migure, you will withdraw that and apologize?

Mr. Migure: What?

The Speaker (Mr. Mati): Mr. Migure, will you withdraw what you have said, that another hon. Member was telling a lie and apologize?

Mr. Migure: Mr. Speaker, Sir, can I defend myself because——

The Speaker (Mr. Mati): No, you cannot because I heard you, Mr. Migure.

Mr. Migure: Mr. Speaker, Sir, for the sake of withdrawing, I withdraw.

The Speaker (Mr. Mati): No, Mr. Migure! Look, we have to have some order here and that is my duty to maintain.

Mr. Migure: Mr. Speaker, Sir, why cannot I be given time to defend myself instead of withdrawing for the sake of withdrawing?

The Speaker (Mr. Mati): Order! Mr. Migure, even before Mr. Koigi raised the point, I heard you myself; I heard you say that. So, it is no use trying to say that you did not say it. I heard you myself and this is why I am telling you to withdraw and apologize.

An hon. Member: You made the point; withdraw!

Mr. Migure: Mr. Speaker, Sir, I withdraw.

An hon. Member: And apologize!

Mr. Migure: What are you talking about?

The Speaker (Mr. Mati): Mr. Migure, you are taking the time of the House for nothing.

Mr. Migure: I have withdrawn. But, I think I should be given time to say why I think this is a lie.

The Speaker (Mr. Mati): Order! Mr. Migure, I am sure your ears are quite good. I said, "You withdraw and apologize!"

Mr. Migure: Mr. Speaker, Sir, I withdraw.

The Speaker (Mr. Mati): And apologize!

Mr. Migure: I apologize.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir, some Members when they want to say something is incorrect, they may not know the parliamentary way of doing it and is it not worth advising which is the way of saying something is not correct?

The Speaker (Mr. Mati): We have had this before so many times.

PERSONAL STATEMENT

SUBSTANTIATION OF ALLEGATION CONTAINED IN A QUESTION BY PRIVATE NOTICE

Mr. arap Saina: Mr. Speaker, Sir, I do not intend to make a speech because this is the time when the House requires sensible and mature things.

Last week, Mr. Speaker, Sir, I was asked to substantiate a question by Private Notice—Question No. 3 which I had asked the Minister for Lands and Settlement in connexion with certain unruly ways which have affected certain people applying to get plots of land in Papsagoi Settlement Scheme.

Mr. Speaker, Sir, I have done my homework and I do not want to read my homework but, instead I will lay the factual substantiation which I have written in this paper on the Table of Parliament.

Thank you very much, Mr. Speaker, Sir.

(The hon. arap Saina laid the Paper on the Table)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, yesterday the House took advantage of the fact that—I think the House took advantage of my having forgotten the name of the Member I was trying to ask to substantiate. His name is hon. Mutunga who was supposed to substantiate that there is corruption in the Ministry of Home Affairs where citizenship is obtained through some underhand business. So, I wanted him to substantiate that; he said that he would bring the list. I do not see him; I do not see the hon. Member again. He has just been here and he has conveniently disappeared. What do we do in such a case, Mr. Speaker, Sir?

Hon. Members: Forget about it!

The Speaker (Mr. Mati): He is not around at the moment, therefore, there is nothing we can do.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, is there no limit as to how many times an hon. Member can absent himself from the business of the House in a case like this one because he was here, I saw him and he has just gone out? Are we going to wait for him for seven thousand times multiplied by seven?

The Speaker (Mr. Mati): Yesterday, it was your fault, Mr. Shikuku because you were not able to give us the name of the hon. Member you were referring to. You did not tell me the name of that hon. Member until now. Who could have contacted him? We had no way of knowing whom you were referring to. It is only now we know his name.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, is it in order, for the hon. Member, Mr. Gatuguta to stand up when you are on your feet? In fact, he waited until you could sit down together?

The Speaker (Mr. Mati): It is out of order.

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Mr. Speaker, Sir, since yesterday Mr. Shikuku was not in a position to give the name of the hon. Member and this afternoon he has raised the same point, is it not in order for the matter to be declared closed?

The Speaker (Mr. Mati): We will leave it where it is now. Let us go on now.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Acting Chairman (Mr. Ayah) took the Chair]

THE HOTELS AND RESTAURANTS BILL

Mr. Somo: On a point of order, Mr. Acting Chairman, is it in order for the hon. Shikuku to be given time to raise his point because the hon. Mutunga has just arrived?

(Clause 2 agreed to)

Mr. McKenzie: Mr. Acting Chairman, Sir, on the Order Paper today, there is a new item, the Fourth Schedule which in fact, does have variance, in the other Act. In part two, clause three, it is written that a quorum of the board will be five people. If the Minister only appoints five people instead of seven, it means that only one person will be missing for the board not to be in a quorum. Can I have an assurance from the Minister that it is his intention to nominate seven people because if he is going to have a board of five nominated people instead of seven people, and have a quorum of five people under the Act, he is very seldom going to have that board operating. This appears under clause 3, part (2), section (*b*).

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Perhaps the hon. Mckenzie has not read that the number has been increased from five to nine. The number of the members of authority will be nine, and it cannot be less than seven, or more than nine. I think he has not read that amendment.

Clause 3

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move:

That clause 3 be amended—

"(*a*) by the deletion, in paragraph (*b*) of the proposed subsection (1) of the words "five" and "seven" and "nine" respectively;

(*b*) by the deletion, in sub-paragraph (III) of paragraph (*b*) of the proposed subsection (1) of the word "and";

(*c*) by the insertion, immediately after the end of sub-paragraph (III) of paragraph (*b*) of the proposed subsection (1), of a new subparagraph as follows—

(IV) at least one shall be appointed to represent the interests of hotel and restaurant employees; and"

(Question of the amendment proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Probably the Minister was a bit fast but what I am trying to find out is whether we are going to delete part (V) of clause 3?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, we are not deleting part (*c*), but instead we are adding 4 to the clause.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Chairman, it means that part (*c*) of clause 3 (1) is being left, namely that the Permanent Secretary of the Ministry or the person directed by him, in writing, will take his place as the member of the authority. Do I understand that still stands? If that is the case, Mr. Acting Chairman, Sir, I am just wondering why this is so because most of us are of the opinion there is too much work for the Permanent Secretaries. They have too much on their plates and it is time, if this authority is going to function properly and this applies to most of boards on which they sit, we introduce an amendment—— is it in order for the hon. Kibaki, who has come in late, to say that I am sick?

The Acting Chairman (Mr. Ayah): You could get on faster if you put forward your ideas before minding about what Mr. Kibaki is saying.

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

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
If that is the case, I can be more offensive, because I heard him say that.

However, I think a point was made here that there is too much work to be done by the Permanent Secretaries. I think they have too much work already and therefore I feel that someone, let us say, a Member of Parliament, or a Kanu chairman should be on this board. Mr. Acting Chairman, I do not see what the fun is about. Some hon. Members are laughing but they came here as Kanu Members. How did they come to the House? Have they forgotten the people who brought them here? What is wrong with having a Kanu chairman on this board? Is he not a citizen of this country? Are they not the people who fought for our independence at a time when some of us were not born? Therefore, I feel that a Kanu chairman should take the place of a Permanent Secretary. I do not see the reason why the hon. Members should be so amused. The hon. Kase is laughing very loudly for reasons I do not understand.

Mr. Migure: On a point of order, Mr. Acting Chairman, Sir, I do not want to interrupt the hon. Assistant Minister speaking—he is my personal friend—but could we know from the speaker whether he wants the Kanu chairman for Nairobi to become a member of the authority or the Kanu chairman in South Nyanza District, because there are so many Kanu chairmen in the country?

The Acting Chairman (Mr. Ayah): Mr. Migure, that is not the kind of thing you want to know from the Chairman. We are discussing a specific kind of membership and it has nothing to do with the Kanu Chairman Nairobi or anywhere else. Can we go on now?

Mr. McKenzie: Mr. Acting Chairman, Sir, can I ask the Minister if he agrees with me that the membership of his authority now numbers 11? If that is the case, and if he does agree with me, is he happy that his quorum is less than a half, which is five?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, the authority according to this Bill has a membership of nine people and not 11.

Mr. McKenzie: Mr. Acting Chairman, Sir, I would like the Minister to read his own Bill carefully because he has a chairman, who has a casting vote, he also has his Permanent Secretary, or his nominee, plus nine, according to the clause that he has given us today. This makes the number 11. Perhaps he would like to ask my learned friend, on his left, whether this is correct or not. My interpretation is that the number is 11. Therefore, I would maintain that a quorum of five on a board of 11 is too low.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, if I may read the Bill it says: "Chairman appointed by the Minister; not less than seven and not more than nine". Therefore, they need not necessarily be 11.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Acting Chairman, Sir, I want to find out from the Minister whether, since the Kenya Development Corporation is a statutory body of the Government, a corporation, whether out of these nominees, we can be assured that one of the nominees would be nominated from this corporation?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, there should be no objection to that.

Mr. Nthenge: Mr. Acting Chairman, Sir——

Mr. Gatuguta: On a point of order, Mr. Acting Chairman, Sir, why did the hon. Nthenge stand to speak?

The Acting Chairman (Mr. Ayah): It is because I said Nthenge.

Mr. Nthenge: Mr. Acting Chairman, Sir, I am still on section 1 (*b*), where many Members spoke of the Permanent Secretary not being the right person to be nominated. Do we now understand he has refused the recommendations of the Members who spoke on the Bill when we said we do not want a Permanent Secretary and that we would rather have another person, who can always attend, instead of having a civil servant who will not do that and the proposal was put forward by the hon. Member for Butere but we do not seem to have had an adequate answer?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, the Members' wishes are covered under the total of seven members.

Mr. Gatuguta: Mr. Acting Chairman, Sir, I think there is a fundamental point here that the Minister should explain to us. When a board of this nature is constituted to represent various interests, it is quite natural that the people to be represented should appoint their own man. For instance, one of the amendments here provides that at least one shall be appointed to represent the interests of the hotels and restaurants' employees. Now, if the Minister is going to appoint a man, or a person, to represent the hotels and restaurants employees, surely this man is going to represent the interests of the Minister and not those of the employees. I am, therefore, putting

[Mr. Gatuguta]
it to the Minister that in matters of this nature, the people whose interests are to be represented in the authority should appoint their own representative, but not the Minister. We have found in such cases, these people tend to become stooges of the Minister and they do not represent the interests of the people they are supposed to be representing. Therefore, it would have been quite in order to appoint the chairman of the board and, then, these other various interests appoint their own representatives. Therefore, if I am allowed, I would request the Minister to change the power of appointment from that of a Minister to the institutions concerned so that they can really say they are being represented. I would like to know whether the Minister is prepared to agree with me in that they will not be representing the interests of the people they are supposed to but that they will mainly be listening to the orders of the Minister because of fear that if they do not represent the interests of the Minister they will be sacked from the board and so on and so forth.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, in these parastatal organizations, the normal procedure is that an organization which is to be represented on that board recommends one, two or three men from among whom the Minister appoints one. I can assure the House that I will follow this same procedure and that the hotel workers will submit their names to the Minister for appointment.

Mr. McKenzie: On a point of order, Mr. Acting Chairman, Sir, under the Standing Orders, I am afraid if I did stand up, unless you ordered otherwise, I cannot speak.

The Acting Chairman (Mr. Ayah): Go on, Mr. McKenzie.

Mr. McKenzie: Mr. Acting Chairman, Sir, I would like to come back to the point of a quorum because the Minister is not right. I would like to remind him of the experience we had with the Kenya Meat Commission in 1962 because he may, one day, find himself in the position that we were, as a Government, in 1962, before we altered the Act. This Act is going back in the same way. Mr. Acting Chairman, there are 11 members here and he can make, if he wishes, the votes 11. He has the chairman plus nine members and his Permanent Secretary. I warn him this is dangerous because the Minister can direct his chairman—if he is a strong Minister he can direct his Permanent Secretary and he can find three friends out of the nine and they call a quick meeting, which happened with the Kenya Meat Commission, and can push something through. This is why I am asking him this and I think it is a fair question because he had a quorum of five before. He has now added two people and all I am asking him to do is to increase the quorum. I would have thought this is something that he could find easy to agree to, because his quorum was five before he increased it by two. Now that he has increased it by two, I would suggest that he makes his quorum seven. He should stand up and tell us.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I am prepared to accommodate that so that the quorum can read six and not five.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Acting Chairman, Sir, in these circumstances, where the Minister is accepting without formally having given notice, is this really accepted?

Mr. McKenzie: Mr. Acting Chairman, Sir, I have another point to make on clause 2 (3) (ii), which says: "Before the Minister makes an appointment under this Act, he may require". I do not know how he has got away with this with the Attorney-General because in all our statutory board Bills, for the last four years, we have never used the word "may". It is not sure whether the man wants it or not. If he has an interest, he must declare it and I would suggest, to safeguard the Minister and the Government, it must be out. Thank you.

Mr. Mwangale: Mr. Acting Chairman, I am glad that the hon. McKenzie has supported me here. I would like to move an amendment——

The Acting Chairman (Mr. Ayah) Let me put the question of the previous clause.

Mr. Mwangale: Yes, Sir.

(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)

Further amendment to clause 3

Mr. Mwangale: Mr. Acting Chairman, Sir, I beg to move:—

THAT clause 3 (2) of the Bill be amended by deleting the word "May" appearing in the second line and substituting in place thereof the word, "Shall".

For obvious reasons we would like the people involved to declare their interest.

(Question of the further amendment proposed)

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I agree with the amendment.

(Question of the first part of the further amendment, that the word to be left out be left out, put and agreed to)

(Question, of the first part of the further amendment, that the word to be inserted in place thereof be inserted proposed, put and agreed to)

Mr. Nthenge: On a point of order, Mr. Acting Chairman, Sir, I am seeking your guidance. The Minister has just agreed—a minute ago—to change the quorum but there seems not to have been a move from him to amend the Bill as it is.

The Acting Chairman (Mr. Ayah): This is the Minister's Bill and if there is a change we will put it in anyway.

(Clause 3 as amended put and agreed to)

Clause 4

Mr. Wabuge: Mr. Acting Chairman, I just wonder whether the Minister will agree with me with regard to clause 4 (2) which states, "In this section, the appointed day means such date as the Minister may, by notice in the Gazette——" I think since we are passing this Bill to become a part of our laws, when the law comes into operation it should apply to every place throughout the Republic rather than giving the Minister the power to point out particular places where it should operate. So, I feel that when this law comes into effect, it should affect the whole Republic rather than leaving the Minister to use his discretion and say, "we are starting with Nairobi, Mombasa, Kisumu and so forth". Does he not agree with me that he should change this so that when the law comes into operation it affects the whole country at the same time?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, what the hon. Member is talking about is covered by the Fourth Schedule which specifies what will come under this Bill or, for that matter, under this Act, if it is approved and what will be excluded. Under the Fourth Schedule, premises which are excluded are outlined.

(Clause 4 agreed to)

Clause 5

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move:—

THAT clause 5 be amended:—

(*a*) by the deletion, in the proposed subsection (6), of paragraph (a);

(*b*) by renumbering paragraphs (*b*) and (*c*) of the proposed subsection (6) as paragraphs (*a*) and (*b*) respectively;

(*c*) by the deletion, in the proposed subsection (7), of the words, "not" and "is" of good character, and;

(*d*) by the insertion, in the proposed subsection (7), immediately after the word, "is", where it last appears, of the word, "not".

(Question of the amendment proposed)

Mr. McKenzie: Mr. Acting Chairman, Sir, I find it difficult to understand clause 5 when I look at the new Schedule 4 because in this Schedule there is an exemption in clause 3 and clause 4 although it was not in the Bill previously. What worries me now is that under clause 5, section 4 which empowers the authority to look at these various premises, etc., the Minister has now exempted certain premises. The point which I would like to ask him is, "Who will now take care of this since under this Act he is removing the provisions of the old Act"? I think there is a vacuum which has been left with regard to the person who will take care of the people, hotels and restaurants as provided in the Schedules 3 and 4.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, the restaurants or premises excluded under Schedule 4 will be taken care of by the local authority as it is at present.

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

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

(Clause 5 as amended, agreed to)

(Clause 6 agreed to)

Clause 7

Mr. Nthenge: In clause 7 there is a suggestion that if somebody makes a frivolous or vexatious allegation, or complaints about somebody, then he might be fined or made to pay some money. Since this is frightening, does the Minister not think that it might be a wise move to delete the whole thing so that we do not over-frighten people who might have a worthwhile complaint for fear that a good lawyer might argue that it was frivolous although his intention was to help the Minister. Such a person might decide to abandon such a move and say, "Let the sleeping dog lie" and thereby worsen the situation. Is it not worthwhile then to delete it and hope that the people will behave properly?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I explained this subsection yesterday in detail and I was of the opinion that the House was satisfied with my explanation, and I still maintain that we should

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stop people from making frivolous and vexatious complaints, and in order to do that we should put some liabilities as the law now does.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Acting Chairman, here I do not want to disagree with the Minister much. However, I thought, in other cases if a person goes to the police station and complains about the character of a certain police officer he will not be taken to court or fined for doing so. Now, I want an assurance from the Minister that these words will not be used so that it can be made sure that such complaint, like the one from my friend concerning Mombasa Beach Hotel, will not be taken to be frivolous since his complaint is honest and genuine and he perhaps does not know the procedure of hotels. If this has to apply in this case, I suggest that it should also apply in the police force or any other force. If I went to complain about a policeman I cannot be taken to court although I may be proved wrong. Unless we can get an assurance and hope that the assurance will not be a wasted assurance, I have very little to admire of these two words.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, this is not the first time such a phraseology has appeared before our eyes. I said, when I was explaining this section, that if somebody goes to police station, as one of the hon. Members has said, and gives false information to a public officer, he is liable to court action.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Chairman this is a very interesting clause, and I think the hon. Member will call it that—almost every Member who spoke on this Bill in this House made this point very clear; but it appears my hon. friend has decided to leave it as it stands. This is an authority which is made up of different fellows with different opinions. Immediately you are a member of this board you may have friends anywhere: at Mombasa Beach Hotel, Panafric Hotel, and God knows where else. What can happen if what happened in my case happens to other people also, whereby, in my case, you have hon. Jan Mohamed deciding that what was in the report which was laid on the Table today was the truth? If this is done to an Assistant Minister, how often will it be done to ordinary fellows? It will just be said, "Look, we, as the authority, have decided on this and have found out that Mr. So-and-so is wrong." You can easily campaign among the members of the board who, at any cost, will always have friends in the hotels. In this way this particular individual's case will be dismissed as being frivolous. The members will just ring each other up asking, "Look Jack, have you heard of any complaint from this guy here . . . Jack . . . . John?" Things will go that way and there will be no justice done to the people. Even now I feel there is no justice at all. All you have to do is to be known to a Minister and no justice is done. I know many places, Mr. Acting Chairman——

I can even give one example. When I went to one of the shops here in town, I had a cameraman and a Press officer with me. They photographed me being pushed out, but still nothing was done. Is there any guarantee that this will never happen?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I assured the House here yesterday that the Members of the authority will be appointed from among the citizens and the majority of them will be Africans. I do not know whether the hon. Member is now saying that citizens, like himself, will turn round and discharge unfairness instead of fairness.

Mr. Mutunga: Mr. Acting Chairman, with all due respect to the Minister, I feel that this clause should be done away with. I think at this present stage an amendment should be introduced to this clause. I do not see why any man making complaints should suffer for making such a complaint. Therefore, with all due respect to the Minister, who is reasonable, I think we should think twice about this clause.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, I explained this point in the House yesterday and the House to be quite satisfied with my explanation. Sir, we do not want the authority to spend all their time listening to a bogus *shauri* everyday. Therefore, we must put some sort of stop to see that only genuine complaints are taken before this authority. If Members would like to see this authority spending all their time listening to frivolous complaints——

The Acting Chairman (Mr. Ayah): I think we have had enough discussion on that. Let me put the question on clause 7.

Mr. Nthenge: On a point of order, is it not correct that in the Committee Stage Members query and query until they get satisfied? Is it not——

The Acting Chairman (Mr. Ayah): It is true that Members can query and query, but there is a limit to which you can query. We have heard, in fact, every point of view about this particular clause. I think it is about time that we put the question on it.

Mr. Nthenge: I am not arguing about what I was saying.

An hon. Member: You are.

The Acting Chairman (Mr. Ayah): I will put the question that clause 7——

Mr. Wabuge: On a point of order, before you put the question, we still have something to raise as regards to clause 7. My point here is that under the same clause, subsection 3 (*a*) it says:—

"The authority shall inform the licensee concerned of the nature of the complaint and afford him the opportunity of being heard in person".

This is where I feel that if the authority will require the licensee to appear before them in person it would be advisable for the complaint also to appear in person. If you allowed one party to appear in person, but the other one does not appear in person, I think it would be wrong. So, I would suggest that a clause should be included here whereby both parties should appear before the authority.

The Acting Chairman (Mr. Ayah): I do not understand because you seem to say exactly what is being said in the Bill. Where do you find the difference?

Mr. Wabuge: I find it in clause 7, subsection 3 (*a*) where it is said that the authority may inform the licensee to appear in person. My problem here is: if the licensee appears before the authority in person to answer any complaints, at least the complainant should also be present.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, you cannot give a hearing to a complainant without having the respondent—both of them will appear in person, and the Bill does not say anywhere that the latter will not appear.

Mr. Wabuge: Mr. Acting Chairman, I know that the one who complains makes his complaints and then the authority calls the licensee. But here it does not state so. All is said is that the one who complains must make his complaints in writing within 28 days. It might be that the authority decides, since they have the complaints in writing, not to call the complainant before them, so that they only invite the licensee to appear before them. That is why I feel that this must be made clear as the authority might make a mistake.

Mr. Nthenge: On a point of order, Mr. Acting Chairman, following that one, I would like to talk from experience. The same Member speaking, and I happen to serve in another board of Government, where one side was shown clearly how it should be done, and the other one was not shown. The lawyers came to prove to us, and we made an appeal where we lost, and the Bill had to come here for an amendment. If it is said that one party should appear before the authority, and nothing is said about the other party, in law it means that the other party is not allowed, because if you meant to keep quiet about both of them you could have done so, but if you mentioned one you should mention the other also if you want him to appear. For that reason, Mr. Acting Chairman, I feel that if the Minister does not check it now a legal brain will always argue that in law—this is part of law—one side will be given the right to be heard because that is stipulated, but since it is not stipulated that the other one should appear, they will say, if the legislature meant that the other party was to come that would have been stipulated. The fact that this was not stipulated means the party will not be allowed.

We had a very big problem some other time. If you like I can quote the example. It was in the Rent Tribunal, where we were supposed to reduce rents in some cases and increase it in others. The methods of increasing was shown, but that of decreasing was not shown. We ruled the lawyers out, but when they appealed we were defeated. The Attorney-General appealed but we were told that the whole thing was to be amended by the House. So, Mr. Acting Chairman, I am talking from experience, showing where the danger is.

The Acting Chairman (Mr. Ayah): Which section are you referring to?

Mr. Nthenge: The same section which——

The Acting Deputy Chairman (Mr. Ayah): Does part 3 (*d*) answer your question?

Mr. Nthenge: Mr. Acting Chairman, that is a general comment and whenever one is—— You see, this is why I am telling you that we had another general comment which said that we could investigate and do anything with tenants. But when we applied that—which happened to be section 12—we were told that it could not work in law. Later on it went to the High Court but we were at the end, defeated. It had to come back here and it took two years for us to start reducing rents although the Act stated that we should be reducing. So, Sir, I am fearing a general comment like this because it will not work.

The Acting Chairman (Mr. Ayah): This is the time when we have to put this to a vote. I will therefore put the question of the clause.

(Clause 7 agreed to)

Clause 8

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move

[The Minister for Tourism and Wildlife] the following amendment in clause 8:—

That clause 8 be amended by the deletion in the proposed subsection 3 of the word "Licensee" where it last appears and by substituting thereof the word "Authority".

(Question of the amendment proposed)

Mr. Gatuguta: Mr. Acting Chairman, I have one thing to say about clause 8 subsection 3, where it is provided: "Where an employee of a licensee has his employment prematurely terminated by reason of a requirement made under this section, no action shall lie in any court against the licensee in respect of such termination".

All that it means, Sir, is that if the authority finds that the management of the hotel is not good, or the management is not keeping within the rules, and therefore undertakes to cancel the licence, when all the employees go out of their job, they will not be required to be compensated. This is what that clause says and I think it is the most unfair clause because it will not be the fault of the employees that the management has failed to keep within the requirements of the authority and the law. I think it will be absolutely wrong to provide in this section that the employees have no cause to complain. I would, therefore, suggest that the Minister should accept an amendment to the effect that compensation, or salary in lieu, on termination of service would be paid. Why should the employee be penalized by an Act of the Hotel Management? I would like the Minister to make this quite clear because I think this is trying to put the employees in an awkward position.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I do not see where my hon. friend gets his fears. If I may, I will read this subsection—it says:

"Where an employee of a licensee has his employment prematurely terminated by reason of a requirement made under this section, no action shall lie in any court against the authority . . ."

We have amended that part and now, it is "the authority" which is being indemnified in respect of such termination. The law is absolutely silent with regard to the benefits of the employees. It is up to them, if they wish, to sue the licensee or not. The law is absolutely silent.

Mr. Mwangale: Sir, I would like to seek an assurance from the Minister that section I of clause 8—in my view most of our upcoming hotels, and I mean African hotels, will fall under this category—the authority will exercise a lot of caution to ensure that they do not put our African hotels out of business because it is very easy to classify some of our hotels as being conducted in an inefficient manner and also that they appear to be insanitary. Could the Minister assure us that there will definitely be caution exercised in cases where matters of this kind will be looked into?

The Minister for Tourism and Wildlife (Mr. Shako): Sir, the assurance is given.

Mr. Wabuge: Mr. Acting Chairman, I would also like to know if the Minister can give an assurance on this one, because in some hotels you find that they have one side for accommodation and a restaurant and bar on in a different department altogether, so that in one place you find two different groups running the same hotel. In such hotels, when you have any complaint about food and you take it to the management, you are told, "Oh, that is a different part altogether and we have no authority over that." Will the Minister assure us that in future, under this Act, the hotels will be run by one Licensee, instead of having the restaurant separately, a bar separately and so on?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman the assurance is given.

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

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

(Clause 8 as amended agreed to)

Clause 9

Mr. McKenzie: Mr. Acting Chairman, under clause 7, the Minister made it perfectly clear to us that there was ample opoprtunity for people to be protective when under complaint. At that time I did not make comments, but I agree with the two speakers who were raising this point accepting that I thought it would have been in clause 9. If one reads clause 9, Sir, it says: "At no time can anybody who is aggrieved by the Authority complain to the authority".

It is only the person who is a Licensee or a licensed manager who can complain; but nobody else can complain against the verdict of the authority. It is here where I believe that if the Minister will agree in clause 9 subsection 3,

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where he says, "Where a person's application for a licence or for the variation of a licence is refused, or where a person's licence is suspended, varied or cancelled . . ." I suggest that here, he should put in "or a person is aggrieved by a verdict of the authority, that person . . ." etc.

This, Mr. Acting Chairman meets the point which was raised under clause 7, that anybody who has been put in for something which, in his opinion, is not frivolous and has been judged as frivolous, should be allowed to put up his case. This is something that the authority should look into, it has many other powers apart from licensing. They have the levy and all kinds of other things. They have to see whether a hotel is making more than £5,000 as is provided by another clause. Nowhere does the Bill give the aggrieved person the opportunity to say that he is aggrieved and thus enable to complain to authority.

I know the Minister may say that the authority will listen to anybody and and he will stand up and say he accepts that, but I do not think that is good enough because the Ministers may be changed and the new Minister may say, "I never said that." You will then have to go and argue on HANSARD but he will then say, "Well, had I been there I would not have agreed to this." What I would like to suggest is something that will meet the point which was raised by my friend, under clause 7; I ask that it be stipulated in the right place now, in clause 9, that anybody who is aggrieved can go to the authority.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I thought what the hon. Member is saying is covered by clause 10, that anybody aggrieved by the authority could go before the Tribunal.

Hon. Members: No! No!

The Minister for Tourism and Wildlife (Mr. Shako): However, Mr. Chairman, Sir, I am prepared to accept the amendment of the hon. Member if he would move it.

Mr. McKenzie: Mr. Acting Chairman, Sir, I do not think I am at liberty to move it, but if I may put the words into the Minister's mouth I would be most grateful.

What I would like to suggest to the Minister, if he is prepared to accept and the Clerk is prepared to take it down, is that clause 9 (iii) be amended as follows: line 1 and line 2 should remain the same; line 3, after the words "is suspended, varied or cancelled . . ." we add the following words, "or a person is aggrieved by a verdict of the authority."

Those are the additional words which are identical legal phrasing to the rest of it. I have had advice from my legal advisory on my left here.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move the following amendment:

"That, clause 9 subsection (3) be amended by inserting on the third line, after the word "cancelled" the words "or a person is aggrieved by the verdict of the authority . . ."

(Question that the words proposed to be inserted be inserted proposed put and agreed to)

(Clause 9 as amended agreed to)

Clause 10

Mr. Mwangale: Mr. Acting Chairman, Sir, I would like to move that clause 10 be deleted and in place thereof there be substituted the following clauses:—

The Minister shall consider and determine appeals under section 9 of this Act; and

That, the Bill be amended by deletion of the word "Tribunal" wherever it occurs therein and the substitution therefor of the word "Minister".

Mr. Acting Chairman, Sir, during our discussions in the House many Members suggested that instead of having a tribunal the Minister should have machinery to deal with such cases and secondly, Mr. Acting Chairman, Sir, when you look at the type of work that the Tribunal will be doing under this section 9, it is simply to consider the licences which have been given by the Authority or refused by the Authority. Therefore, the Tribunal will be dealing with the licences only. Mr. Acting Chairman, Sir, I do not see any reason for the creation of a Tribunal in a case where only the members will come to consider matters related to the issue of licences. This, of course, leads to unnecessary expenditure and therefore if the Minister is allowed to consider the undermined appeals under this section, I think this will be enough.

Also, Mr. Acting Chairman as you can see in the same section, clause 10 as it is now, section (4) says:—

"There shall be an assessor to the Tribunal, who shall be an advocate of note less than five years' standing appointed by the Tribunal with the approval of the Minister, and the assessor, when the Tribunal so requires, shall attend the proceedings of the Tribunal and advise it on questions of law",.

As you can remember, Mr. Acting Chairman, Sir, the Members raised objections not only to

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having an advocate but also to the type of expenditure that would be incurred by having an advocate of five years' standing. This, in fact, is an exclusive measure so that some of our doctors cannot be appointed to serve on this Tribunal.

Mr. Acting Chairman, if you look at section (6) of the same clause you will find that it reads:—

"The costs of an appeal shall be in the discretion of the Tribunal, which may make such order as to costs as appear to it just; and any such costs shall be recoverable as a civil debt".

Mr. Acting Chairman, Sir, this again, in my view, gives the Tribunal a chance more or less to dictate the amount of money that a particular person will be charged. Personally, Mr. Acting Chairman, I do not see the use of having the Tribunal if the Minister can be allowed to consider these types of appeals. In any case these are more or less political decisions, and as such there is no point of having a Tribunal.

With those few remarks, Mr. Acting Chairman, I beg to move the amendment and I hope the Members can see the usefulness of having a Minister instead of a Tribunal.

(Question of the amendment proposed)

The Minister for Works (Mr. Nyamweya): Mr. Acting Chairman, Sir, sometimes when one sits here one gets perplexed as to what hon. Members want.

Mr. Acting Chairman, Sir, if the Minister wants to have some powers, then Members stand up and say that he is trying to assume some dictatorial powers. On the other hand, Mr. Acting Chairman, if he tries to establish some kind of legal machinery which could entertain and consider complaints and grievances, then the Members say this is frivolous, or this is just a way of incurring costs for nothing and instead the Minister should assume the responsibility.

Mr. Acting Chairman, Sir, I think it is fair that there should be a Tribunal to hear the grievances of the people who have been wronged. It is unfair to throw this responsibility to the Minister because, perhaps, one day you will have a Minister who is just and fair but sometimes you may not be able to have a Minister who is just and fair. In this case a Tribunal of three people, whom we expect will be people of integrity and fair understanding, with the assistance of an assessor as it is required under this clause—and the assessor being a trained lawyer—would be more helpful. What we want is fairness and justice in matters like this. I think the clause was well meant on the part of Government because it demonstrates the desire of Government to see that people should have recourse for redress into an independent and impartial body. I would therefore plead with the hon. Member for Bungoma East that much as the hon. Minister for Tourism and Wildlife is grateful for his generosity of giving additional powers, we would rather let the clause be as it is in the interests of justice and fairness.

Mr. Mwangale: Mr. Acting Chairman, Sir, certainly I appreciate the appeal made by the hon. Minister for Works. But, when you look at the type of deliberations for which this Tribunal will be convened, Mr. Acting Chairman, frankly I do not see the usefulness of the Tribunal because, in the first place, it has to be taken for granted that there will be so many licences refused that there has to be a Tribunal. If that is the case, Mr. Acting Chairman, I can say "Yes", because there will be that usefulness for a Tribunal. However, Mr. Acting Chairman, Sir, in a case where the Authority itself does its homework properly, one would expect there to be as few as one or two licences refused in a year. Mr. Acting Chairman, for this reason, therefore, I do not see why we should have a Tribunal, especially in view of the fact that the costs have to be met by the applicants. I think this is unfair. On the other hand, Mr. Acting Chairman, I am not in any way attempting to give more powers to the Minister than he has asked for. All I am saying here is that, considering everything else provided for in section 9, unless there are other powers somewhere else, which I do not see in this particular Bill, there is nothing else other than considering the licences. Therefore, Mr. Acting Chairman, Sir, there is no point—and I hope hon Members see it the way I do—of having a Tribunal.

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

(Clause 10 agreed to)

(Cluase 11 agreed to)

Clause 12

Mr. Mutiso: On a point of order, Mr. Acting Chairman, Sir, could the Chair speak up a little bit because we cannot hear what is going on?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move the following amendment to clause 12.

THAT clause 12 be amended by the insertion in the proposed subsection (5), immediately before the word "English", of the word, "Kiswahili".

(Question of the amendment proposed)

(Question that the word to be inserted, be inserted, put and agreed to)

(Clause 12 *as amended agreed to)*

(Clauses 13, 14, 15, 16, 17, 18, 19, 20, 21 *and* 22 *agreed to)*

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Acting Chairman, Sir. When you reached clause 21, I stood up, but you continued to clause 22.

Clause 23

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move the following amendment to clause 23:—

THAT, clause 23 (1) be amended by inserting the word "Shall" immediately after the word, "Minister" and by deleting the word "may" and also by deletion of the words "situated within a national park, national reserve or game reserve".

(Question of the amendment proposed)

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

(Question of the second part of the amendment, that the word to be inserted be inserted proposed, put and agreed to)

(Clause 23 *as amended agreed to)*

(Clause 24 *agreed to)*

Clause 25

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move the following amendment to clause 25.

THAT, clause 25 be amended by the deletion in the proposed subsection (1) of the words "member of the authority, or any".

(Question of the amendment proposed)

Mr. Migure: Mr. Acting Chairman, Sir, this being power given to the administrative officers of the authority, what I would like to inform the Minister here is that when he comes to employ the administrative officers to be responsible, particularly for the inspection of hotels and so on, he should make sure he gets fully qualified personnel.

The other thing the Minister should do in this case is to make sure he gives instructions to his officers not to harass members of the public for no reason at all. Mr. Acting Chairman, the Minister should also make sure that his officers act like teachers. By this I mean they should tell members of the public, who are the owners of hotels, what they should do, but not to harass them without any reason.

The other point, Mr. Acting Chairman, Sir, is that the officers concerned should be people with experience about hotel management so that when they go to talk to the managers they know what they are talking about.

Mr. Acting Chairman, the other thing I would like to mention is that we do not want to have the type of people who, when they go to inspect the hotels are welcomed with drinks and then after drinking they forget about doing the work they are appointed to do on behalf of the *wananchi*.

The other thing which I would like to point out in this case, Mr. Acting Chairman, is that the inspector should be in a position to report to the Minister those people who misbehave. I am saying this, Sir, because if somebody misbehaves to the officers concerned, I think this matter should be reported to the Minister on the spot.

Mr. Acting Chairman, these are the points I would like the Minister to consider in this case.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, the investigating officers will be appointed from amongst the public officers in the public service and I do hope this House has confidence in the public officers, and therefore the point raised by the hon. Member is very well taken.

Mr. McKenzie: On a point of order, Mr. Acting Chairman, Sir, I am a little worried about this bedroom business because if the manager shuts himself in his bedroom, what happens?

The Acting Chairman (Mr. Ayah): Could you please repeat your question, Mr. McKenzie?

Mr. McKenzie: Mr. Acting Chairman, Sir, I am worried about this bedroom business because if the manager shuts himself in his bedroom, there is nothing a man can do because the Act says he is not authorized to enter his bedroom.

An hon. Member: You can go through the window.

The Acting Chairman (Mr. Ayah): Order! Order!

(Question that the words to be left out be left out put and agreed to)

(Clause 25 *as amended agreed to)*

(Clauses 26 *and* 27 *agreed to)*

Clause 28

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move:—

THAT, clause 28 be amended by the deletion thereof and by substituting therefor a new clause as follows:—

Premises to be excluded—

28 (1) This Act shall not apply to any premises of a class specified in the Forth Schedule to this Act or any person managing such premises.

(2) The Minister shall, from time to time, review the operation of this Act in relation to its application to hotels and restaurants, and, for the purpose of excluding any class of hotel or restaurant from the provisions of this Act where he considers it inappropriate for a hotel or restaurant of that class to be controlled under this Act, may, by notice in the Gazette, amend the Forth Schedule to this Act.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Acting Chairman, I want to seek your guidance here. I wonder if I would be in order if I commented about a' few words on the Schedule?

The Acting Chairman (Mr. Ayah): We shall come to the Schedule.

(*Question of the new clause proposed*)

(*New clause read the First Time*)

(*Question that the new clause be read a Second Time proposed*)

(*Question that the new clause be read a Second Time put and agreed to*)

(*The new clause was read a Second Time*)

(*Question that the new clause be added to the Bill put and agreed to*)

(*Clause* 28 *as amended agreed to*)

(*Clause* 29 *agreed to*)

Clause 30

Mr. Seroney: I beg to move that clause 30 be amended by the deletion thereof and by substituting therefor, a new clause as follows:—

30. The following written laws and all subsidiary legislation made thereunder shall not apply to any premises governed by this Act—that is to say—

(*a*) The Innkeepers Liability Act 1863;

(*b*) The Innkeepers Act 1878;

(*c*) The Hotels (Nairobi Area) Act;

(*d*) The Nyanza Province (Amendment of Laws) (Hotels Act and Regulations) Order 1964;

(*e*) The Coast Province (Amendment of Laws) (Hotels Act and Regulations) Order 1964;

(*f*) The Hotels Enactment of Central Province;

(*g*) The Rift Valley Province (Amendment of Laws) (Hotels Act and Regulations) Order 1964; and

(*h*) The Eastern Province (Amendment of Laws) (Hotels Act and Regulations) Order 1964.

What I am seeking to do here is to cover an anomalous situation which has been created by the new clause 28. This clause 28 exempts, under a proposed Schedule, a certain category of premises from this Act. If we do what the Minister had originally suggested that we can repeal all the existing legislation, then it logically follows that the premises excluded from this Act will have no Act to govern them and the owners can proceed working as they feel like.

The laws which are being repealed are those that were enacted during the *Majimbo* time. I do not apologize for having supporting that set-up; I think it was much better than what we have now. However, there is no harm in saying that any premises to which this Act is not applicable would have the existing laws applicable to them. In other words, there will be no vacuum. I know the Memorandum of Objects and Reasons complains about a multiplicity of laws. However, I do not see any multiplicity of laws. I can only see seven regional enactments. I do not, therefore, think that constitutes a multiplicity of laws. In view of the fact that to meet this difficulty one would have to overhaul the whole Act in order to see what to do with the exempted premises, I think that we should let the existing law remain and simply say that the existing law does not apply to the premises to which this Bill applies.

I have an amendment to that effect, which I will move to clause 1.

Therefore, I beg to move.

(*Question of the amendment proposed*)

Mr. McKenzie: Mr. Acting Chairman, Sir, I would like to strongly support the hon. Member who has just spoken. This is the point that I raised under clause 5 and I wanted it left until the hon. Member decided to amend the Schedule and clause 1. At present moment, after having passed clause 28, you have, as I said when we were discussing clause 5, a vacuum. The hon. Member is perfectly right.

[Mr. McKenzie]

I would, therefore, like the Minister to consider it. If he wants leave of the House so as to consider it, we will grant it to him until tomorrow.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I would like to say that the amendment proposed by the hon. Member is very valid and I accept it.

(Question of the new clause proposed)

(New clause read the First Time)

(Question that the new clause be read a Second Time proposed)

(Question that the new clause be read a Second Time put and agreed to)

(The new clause was read a Second Time)

(Question that the new clause be added to the Bill put and agreed to)

(Clause 30 as amended agreed to)

First Schedule

Mr. McKenzie: The Minister agreed earlier on, to alter the First Schedule part 3 (3) which says:—

"The quorum for a meeting of the authority shall be five members."

I think he agreed to change this to six.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, I beg to move:—

THAT, the First Schedule be amended by deleting the word "five" and substituting therefor the word "six."

(Question of the amendment proposed)

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

(Question of the Second part of the amendment, that the word to be inserted in place thereof be inserted, proposed put and agreed to)

(First Schedule as amended agreed to)

Second Schedule

Mr. McKenzie: Mr. Acting Chairman, in the Second Schedule again, 3 (3), if the Minister looks at his clause 10 he will see that, in fact, his quorum, as stipulated here, can be his whole board. His board can consist only of three people and the quorum to be three, and I would like to suggest that, if he wishes to get out of that difficulty, he should say the quorum for a meeting of the Tribunal shall be the digit above half. This is because, Mr. Acting Chairman, he has the power of having three people only, and if you remember, earlier on when we were talking about it, in an answer to one Member here he said that he might only appoint seven instead of nine. Therefore, he might easily only appoint two here instead of four; that will give him a Tribunal of three with a quorum of three.

If he wishes that, there is no harm—I am just drawing his attention to it. If he wants the quorum to be three, it is well and good; but if he has a Tribunal of five members with a quorum of three, this is different.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, the Tribunal is meant to be of three people, and it cannot operate otherwise.

Mr. Migure: Mr. Acting Chairman, if you look at section 1, subsection (1) of the Second Schedule—— Sir, this is in connexion with the appointment of members of the Tribunal. What I would like the Minister to warn his members of the Tribunal about is that we do not want members of the Tribunal who are going to sit down with the people whose cases are pending before the Tribunal, late, sometimes in the bars or in hotels. This is a matter which we would like the members of the Tribunal not to do; they should maintain a high integrity.

Mr. Acting Chairman, I am trying to stress this point because some people are used to this when there is a case pending before a Tribunal, and it is about some friend of theirs inviting a member of the Tribunal to a dinner party, and when they meet they begin discussing a case which is before the Tribunal.

The Acting Chairman (Mr. Ayah): We are in Committee here; you are not, therefore, reopening debate on the Second Reading of the Bill. We are in Committee now.

Mr. Migure: Mr. Acting Chairman, I quite understand that, but I was trying to be general.

However, Mr. Acting Chairman, I would say that members of this Tribunal should be advised by the Minister that we do not want them to have evening parties when there are cases pending before them.

(Second Schedule agreed to)

(Third Schedule agreed to)

New Schedule—Fourth Schedule

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move:

[The Minister for Tourism and Wildlife]

That a new Schedule—Fouth Schedule—be added to the Bill as follows:—

"1. Any premises run by the Government, the Community, or local authority, a charitable or religious organization, or an educational or religious institution.

2. Any premises run by a society, members of a club, institution or other organization and used exclusively by and for the benefit of members of that society, club, institution or other organization.

3. Any hotel at which the sum charged in respect of the hire or occupation of accommodation per night is less than Sh. 20 per room or Sh. 15 per person.

4. Any restaurant of which the gross receipts derived from the sale of food and drink during the period of 12 months immediately preceding the date of application for the grant of a licence under this Act, amount to less than £5,000."

(*Question proposed*)

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Acting Chairman, I want to raise some little arithmetic here. I remember the reason the Minister has brought this schedule is the fear that many *wananchi* hotels are bound to be affected by this Act. Now, in this Schedule (4)—— After doing some little arithmetic, I find that £5,000 per year would come to about Sh. 8,000 per month. Now, this brings it back to Sh. 300 per day, if my arithmetic is right; this means, from the sale of drink and food. Now, any hotel which has less than that earning is exempted from the provisions of this Act. However, if the earnings from the sales of drink and food, is beyond Sh. 301 per day, then the hotel in question falls under this Schedule.

Now, looking at Nairobi—I hope my mathematics are right—at least 50 per cent of the hotels owned by Africans, whom we wanted to protect in the first instance, are going to fall under this Act, and it is for this purpose I would request the Minister, if he can possibly do it, to amend the figure £5,000 to something higher, otherwise the very purpose we wanted, this to serve, protection of African hotels or the low-income hotels will not be met. In my view, any properly managed hotel in Nairobi should fetch more than Sh. 300 per any given day, and it is for this reason I would like the Minister to look at it properly, otherwise, he has, I think, to apply another section, to go on exempting these hotels, which means defeating our own purpose.

I would have reckoned, Mr. Acting Chairman, we should exempt any hotel which sells less than Sh. 2,000 a day from this Act; one that sells less than Sh. 2,000, and this is my proposal. If you put it at Sh. 300 a day, Mr. Acting Chairman, I believe this is too low and the same Africans we wanted to protect—those in my constituency, in other Members' constituencies and even in the Ministers constituency, it is only my friend, the Attorney-General who would not be affected because he has no constituency—will be affected.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Chairman, I hope that point will be taken. I had the same point to make and I am sure my hon. colleague will take into account the views expressed because the aim of the Bill is to bring Africans into the trade. If this is left as it stands, we will be strangling them when they are just trying to get on their feet.

Now, Sir, I am drawing your attention to (1), where he is referring to religious organization I would like to have an explanation from the Minister because I know of religious organizations, which run hostels and charge as highly as some hotels or restaurants, and this point should be taken into account. If we pass the Schedule as it stands, Mr. Acting Chairman, it will be giving a blank cheque to those in religious institutions, to take advantage of the shortage of accommodation in Nairobi. For example, I have heard complaints time and again on one of the hostels run by a religious organization up the hill here —the Flora Hostel. The girls living there complain that the charges are very high and the food very hopeless. I went there and found it was hopeless.

If we include here that the religious organizations which are running such hostels will not be touched, then we are giving them a blank cheque to do anything in the name of Jesus. This is wrong. I would like to be told by——

Mr. Mutiso: Are you not a Christian?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I am a Christian, yes, but Christianity does not authorize theft.

Having said that, Sir, I hope the Minister will tell me his views on that. I only gave the Flora Hostel as an example. I can go anywhere in the Republic.

Mr. Mutiso: On a point of order, Mr. Acting Chairman, is it in order for the hon. Member there to cross the Floor just like a zebra?

The Acting Chairman (Mr. Ayah): I was a bit busy looking at the amendment and did not see that.

Mr. Gatuguta: On a point of order, Mr. Acting Chairman, is it in order for the hon. Member to call me a zebra?

The Acting Chairman (Mr. Ayah): Order! Order! We have had these biological comparisons before. They do not affect our debate here. Please go on, Mr. Shikuku.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Acting Chairman, I would like now to draw your attention to No. 3. I would like the hon. Member to listen very attentively here because I am speaking as a Member who comes from a rural area and I know the difficulties there. Here it says:

"Any hotel at which the sum charged in respect of the hire or occupation of accommodation per night is less than Sh. 20 per room or Sh. 15 per person."

Sir, if this Schedule is allowed to pass as it is it will affect most of our rural hotels because in Kakamega—I can quote an example—the hotel charges are Sh. 20 and I do not think the owners can afford the conditions under which we are trying to push them. That is why, personally, I would suggest to my colleague—— The Minister is not listening and there are amendments involved here. I think this should be pushed to Sh. 40 per room and Sh. 20 per person. Those charging from Sh. 40 onwards—and most of them are in town—can afford this; but if you include rural areas, Butere, Kitui or some such places, where somebody is charging Sh. 20, if you include him in this big competition, you will really be strangling him. So I am sure the hon. Member, who comes from a rural area, will appreciate that there are places where they charge Sh. 20 and including them in this big competition is tantamount to strangling them to death.

As regards No. 4, my colleague, Mr. Kase, has touched on this and I do not need to repeat the same arguments.

Mr. Mutiso: Mr. Acting Chairman, Sir, I rise to speak in using almost the same words used by the hon. Member for Butere.

When you look at the Fourth Schedule—this is where, in fact, it does touch the people we claim to represent here. What is happening is that throughout the country, in the rural areas—— Mr. Acting Chairman, Sir, as a representative of Kisumu Rural, you know what kind of hotels are there and what charges are levied in some and these places.

We do not want to quarrel here, we want to be reasonable. Here, Sir, the Minister in his paragraph 3 says:

"Any hotel at which the sum charged in respect of the hire or occupation of accommodation per night is less than Sh. 20 per room or Sh. 15 per person."

This, in fact, does cover all the little hotels we have in our rural areas. For example, the hotels we have in Yatta area, all of them charge Sh. 20 and over. If you consider the income of those hotels per month, as one hon. Member was advancing by way of argument, in fact, at the end of the month you find the amount shown in paragraph 4, of £5,000 can be derived from beer alone, leave aside the charge for food and accommodation. So it is important that here we must safeguard our electors. According to the Minister's explanation, the whole idea was to charge the tourists, and in the rural areas there are very few tourists who go there. We do have tourists here in Nairobi and in Mombasa but in the rural areas, for example in Yatta, I have never seen any tourists except those who pass along that route to go to Kindaruma. So, Sir, we would like to cover these people.

I would like to recommend the figure suggested by the hon. Member for Butere, of Sh. 40 to be the minimum so that hotels in the rural areas will be safeguarded by this clause, and that is a very reasonable suggestion.

With these few words, Mr. Acting Chairman, I beg to support.

Mr. Seroney: Mr. Acting Chairman, Sir, I beg to move:

THAT the proposed Fourth Schedule be amended in the third paragraph by substituting "Sh. 20" and "Sh. 15" for "Sh. 40" and "Sh. 30" respectively.

In view of what the other Members have said earlier, I do not have to say anything more because I think Sh. 20 and Sh. 15 is too low. It must be possible to exclude as many premises as we would have liked. Therefore, I recommend the new increase.

Mr. Acting Chairman, I accordingly move.

(Question of the further amendment proposed)

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, if we were to accept the amendment proposed by the hon. Member, then, of course, we will be exempting hotels like the Fairview in Nairobi as well as Brunners who charge Sh. 40 per room. Therefore, Sir, I would be prepared, if Members will bear

[The Minister for Tourism and Wildlife] with me, to appeal to them to leave paragraph 3 unamended but instead amend paragraph 4 by raising £5,000 to £8,000.

Sir, I would appeal to the hon. Members, in view of the fact that hotels in Nairobi charge Sh. 40 and Sh. 30 per night we should include those and raise the gross income in paragraph 4. I can assure the Members we will always overlook the question of houses in the country-side.

So, Sir, I intend to move an amendment to the paragraph which will read as follows:

THAT the figure of £5,000 appearing in paragraph 4 be deleted and be replaced with the figure £8,000.

The Acting Chairman (Mr. Ayah): I will now put the question——

Mr. Mutiso: On a point of order, Mr. Chairman, I thought the Minister would have taken each of these paragraphs one by one in the order in which they appear so that we can agree on those we would like to see amended. As regards paragraph 3 we still have to argue with the Minister before we can arrive at an agreeable figure. We cannot leave the figure at Sh. 20.

The Acting Chairman (Mr. Ayah): Hon. Members, in paragraph 3 there is an amendment by Mr. Seroney and I want to put the question of the amendment, that the words proposed to be left out be left out.

Mr. Mutiso: On a point of order, Mr. Acting Chairman, before you put the question of the amendment, I think we should first understand each other otherwise we are going to be in a mess on this particular issue. Hon. Seroney's amendment—— The Minister's amendment does raise a very important point that certain hotels here, like Brunners, charge Sh. 40. I wonder whether we can try to find an agreeable solution on this particular item before we go to the voting.

The Acting Chairman (Mr. Ayah): Order! The position is this. In paragraph 3, Mr. Seroney has proposed an amendment which the Minister has rejected. So I am trying to solve the problem by putting it to vote because there is no problem about paragraphs 1 and 2. The Minister's amendment in paragraph 4, which we will come to later on, will be dealt with next. So, the issue now before us, is in regard to paragraph 3, to which an amendment has been proposed and rejected by the Minister. I want the Committee to decide on this.

So I put the question of the amendment now, as regards paragraph 3 only.

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

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move:—

THAT the figure of £5,000 appearing in paragraph 4 be deleted and be replaced with the figure £8,000.

The Acting Chairman (Mr. Ayah): As regards paragraph 4 of the Fourth Schedule, the Minister proposes that instead of £5,000 we have £8,000. So, I will propose the question of the amendment as regards this paragraph 4 now.

(Question of the second further amendment proposed)

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

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

(Question that the words to be added be added put and agreed to)

(Question that the new Fourth Schedule be read a Second Time proposed)

(Question that the new Fourth Schedule be read a Second Time put and agreed to)

(The new Fourth Schedule was read a Second Time)

(Question that the new Fourth Schedule be added to the Bill put and agreed to)

(New Fourth Schedule agreed to)

Clause 1

Mr. Seroney: Mr. Acting Chairman, Sir, I beg to move:

THAT clause 1 be amended by deleting all words after "1971" and substituting in place thereof the following—

"and shall come into operation on such date and in respect of such premises as the Minister may by notice in the Gazette designate.".

The object of this amendment, Sir, is to ensure a more realistic approach to the responsibility of the Minister than the Act would indicate. I am saying that this Act shall apply to hotels and premises which the Minister shall designate and anything else which the Minister does not designate, subject to the hotels exempted, which we have just passed, shall be governed by the existing law which has now been saved by the amendment

[Mr. Seroney]
of clause 30. That means therefore that everybody will be very clear as to what hotels this Act shall apply to because the Minister has to designate them by notice in the Gazette. That will be the effect of the amendment.

Mr. Acting Chairman, Sir, I beg to move.

(Question of the amendment proposed)

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, in view of the fact that there is schedule 4 there is no need to amend clause 1. I therefore maintain that there is no necessity for any amendment in clause 1 and stand to object to the amendment.

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

Mr. Seroney: On a point of order, Mr. Acting Chairman, Sir, can the Minister table an amendment to clause 1?

An hon. Member: Why?

Mr. Seroney: Yes, there is an amendment to clause 1.

The Acting Chairman (Mr. Ayah): Mr. Shako did you propose an amendment to clause 1?

The Minister for Tourism and Wildlife (Mr. Shako): Yes.

The Acting Chairman (Mr. Ayah): Oh, my goodness!

Further amendment to clause 1

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, now that the hon. Member's move to amend clause 1 has been defeated, I beg to move that clause 1 be amended by:—

An hon. Member: Where were you?

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move:—

That clause 1 be amended—

(*a*) by the deletion of the figure "(1)" in the proposed section 1;

(*b*) by the deletion of the proposed subsection (2); and

(*c*) by the deletion of the marginal note and by substituting therefor a new marginal note as follows:—

"Short title and commencement".

(Question proposed)

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

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

(Clause 1 as amendment agreed to)

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Acting Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Hotels and Restaurants Bill, 1971 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE HOTELS AND RESTAURANTS BILL

Mr. Ayah: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Hotels and Restaurants Bill and approved the same with amendments.

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Works (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I beg to move that the Hotels and Restaurants Bill be now read the Third Time.

The Minister for Works (Mr. Nyamweya) seconded.

The Speaker (Mr. Mati): Now, before I propose the question, I would like to say that normally we do not move on to the Third Reading when we have so many amendments, but because tomorrow we shall adjourn for two weeks, it seems only reasonable that if we can do it, we should complete the work on this Bill tonight. So, I will propose the question.

(Question proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, now that we are going to have this Bill through, I would ask the hon. colleague of mine to tell me whether he intends to bring these regulations which are stipulated in another

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

section—section 28—before the National Assembly because if he can give us that assurance, we will be much obliged because it is in such regulations that we normally have some small teeth which may bite people and hurt. Sometimes we do not feel pain when we are bitten by big things, but if we are subjected to small continuous bites, this can worry one very much.

So, I hope that the Minister, in the course of discharging his duties, will let us have the regulations for the approval of the House so that we can remove any teeth that can bite our own people.

Now, having said that, the second point, Mr. Speaker, Sir, is about these religious organizations. I am quite worried about it because they are also having hotels—big hotels—and if they are not brought under this Act, then there is no safeguard for our people because they can exploit them and increase the prices and we can do nothing about it. One of the examples—I have given one example of the girls at the Flora Hostel who feel that they pay too much money and they are offered very bad food, which I have personally seen. I hope that this is not going to be—— Could he give us an assurance that this will not happen?

Mr. Mutiso: Mr. Speaker, Sir, I know that this Bill is now becoming law and we have given the Minister all that he wanted; but I would like to inform the hon. Minister that some of us were feeling that this Bill should be shelved for about six months and we had very genuine reasons. This, Mr. Speaker, Sir, has been demonstrated by the fact that the Minister has introduced so many amendments to the Bill. What I would like to inform the hon. Minister is this: I am, personally, not very happy with the situation because Kenya has been independent now for over seven years and it is only now that the Ministry has seen it necessary to introduce a Bill of this nature.

I understand that there was a report which was given as far back as 1962 to the effect that Kenya's tourism industry is booming and, therefore, there was every possibility of starting to train our people to run this particular industry so that they could take higher responsibility. To my surprise, Mr. Speaker, there was also another report, I am informed, which was produced by the Swiss Government (I think—in fact, most of our Bills, including this one, are based on that report. The whole idea, Mr. Speaker, Sir, is to start now. Now when you consider the fact that this Bill is going to become law, you become convinced that most of the people who claim that they always help us do not really help because they do not give us any money to train our people. Instead, Mr. Speaker, Sir, we are charged because it is the people who are eating in the hotels and these restaurants who shall be levied so that that money can go into the "kitty" and we can start training our people.

Mr. Speaker, Sir, I think this is not the right way of handling things. We have the department of Home Economics in the University of Nairobi which should have been charged with the authority or which should have been given a chance to train these people. There is also the Kenya Polytechnic which should have taken over this business of training people. What surprises me most is to see that the training, Mr. Speaker, Sir, as envisaged in this Bill will take a person seven years before he can qualify to be a manager of a hotel. This looks rediculous because four years spent in an institution is enough—even more than enough—for a person doing a degree course. I do not think this time is necessary. Therefore, I would like the Minister to look into this and try to see whether he can reduce this period. In fact, two years are enough to train a person to become a hotel manager. I do not think four years will be necessary. I think it has been prolonged so that we do not have our own people qualify immediately to man this industry. These are important points which the Minister should take into account.

With those words, Mr. Speaker, Sir, hoping the Minister will look into those points, I beg to support.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, as the Chairman of the National Industrial Training Council, I would like to sound a very strong warning to other employers or industries that this Bill must not be taken as a precedent, where training of personnel and levy are concerned. The Government does not intend to see any other training institution, no matter how sophisticated it might be, being exampted from application of the Industrial Training Act. I hope this warning will be taken seriously by all industries where training of personnel is conducted.

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

Mr. Kivuitu: On a point of order, Mr. Speaker, Sir, in view of the fact that this Bill has been debated at length, I would like to move that the Mover be now called upon to reply.

The Speaker (Mr. Mati): Yes, I think it is reasonable for the House to consider that now.

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

The Minister for Tourism and Wildlife (Mr. Shako): Mr. Speaker, Sir, I would like to thank the hon. Members for the interest they have shown in the Bill and for the co-operation they have offered to me. I appreciate that ours is really now becoming a mature House. I believe that we shall continue to show maturity in the House.

Mr. Speaker, Sir, the hon. Member for Yatta has mentioned that this Bill should have been brought to this House a long time ago, and for that, I can offer no apology because I was not then the Minister for Tourism. I agree that this three or four years ago. However, the House will see, Mr. Speaker, Sir, that I am doing my best to Africanize the industry. I would like to say, for the information of the House, from the time the Kenya Tourist Development Corporation was formed up to the end of last year, the loans given by the Corporation, 90 per cent were issued during 1970, that is, during the time I was in office.

I would also like to say that I noted the point raised by the hon. Member for Yatta, that perhaps four years to train our hotel managers, is a long time, but as we have not come to the stage of considering the syllabus, I would like to say that at the moment that point is taken and it will be considered at the time we shall be considering the syllabus.

Mr. Speaker, Sir, I would not like to waste more time, and with those few remarks, I beg to move that the Hotels and Restaurants Bill be now read the Third Time.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed) seconded.

(Question put and agreed to)

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

PROCEDURAL MOTION

REPEAL OF CERTAIN STATUTES

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 letter or the spirit of the Constitution."

(Mr. Seroney on 26th May, 1971)

(Resumption of Debate interrupted on 26th May, 1971)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, when the House rose last night, I was dealing with the Public Order Act which is contained in the Motion. Mr. Speaker, Sir, if there are some hon. Members who would not like to see the Public Order Act to maintain peace in situations where public life and property may be endangered by any disorder, then, I do not see how a society such as ours or any other society can be maintained. Mr. Speaker, Sir, to give a good example, which can be understood by the hon. Member, and so much the better, not long ago the hon. Member for Embu North, the hon. Nyaga—not the Minister—was chased by children in his own constituency. He had to look for police so that they could maintain law and order. Mr. Speaker, Sir, do the hon. Members require the Government to remove this situation whereby protection of individuals is properly maintained?

Mr. Seroney: On a point of order, Mr. Speaker, we are arguing now about the details, merits or demerits of a Bill which is intended to be introduced in this country? I have only asked for leave to introduce a Bill but I did not want to argue whether any law should or should not be repealed.

The Speaker (Mr. Mati): It is true we cannot go into details of the statutes such as those Mr. Seroney wants to repeal. It is also difficult to discuss this Motion without referring to some of the examples Mr. Seroney himself has given to the House, because, how else can you decide whether to agree to grant leave or not to agree unless it is on the merit of what is intended to be affected and those are the laws which Mr. Seroney has referred to and many others. According to the Motion, Mr. Seroney could have had a much longer list than he produced there. Therefore, we shall not go into details but, at the same time, I think, it is only fair to allow some reference to the laws which Mr. Seroney himself has indicated.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Thank you, Mr. Speaker, Sir, definitely I was not going into details of each clause of the Public Order Act, the Laibon Removal Act and all the other Acts. What I was doing, Mr. Speaker, was to merely draw the attention of the hon. Members to, as a result of repealing these Acts, what would happen. For instance, the hon. Member says he wants Public Order Act repealed. Repealing means you can do one of the two things.

Mr. Speaker, Sir, the hon. Member for Yatta stated——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, is it in order for the hon. Minister when he refers to the hon. Member for Yatta, another hon. Member to say: "Yes Sir?"

The Speaker (Mr. Mati): No, it is out of order. You may continue, Mr. Moi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the Member for Yatta stated that this country, because of the Public Security Act, is different from all other countries. I would have liked him, in the course of his argument, to say whether in other countries such as Tanzania or even Uganda or elsewhere, there are no such Acts. I would have been pleased if the hon. Member, in his argument, suggested that Kenya has something peculiar. Otherwise, if Kenya is not peculiar, possibly the hon. Member himself is peculiar.

The hon. Mover did say that these laws are inconsistent with our Constitution. I would like to refer the hon. Member to our Constitution that Section 83 of the Kenya Constitution, Chapter 5 of the Constitution, refers to the---

Mr. Mwangale: On a point of order, Mr. Speaker, Sir, in view of the fact that this Motion has been brought more or less by Back-benchers and in view of the fact that the Leader of Government Business is speaking right at the beginning, would I be in order, Mr. Speaker, Sir, to ask that the Back-benchers should be given an opportunity to discuss the Motion before the Vice-President is allowed to speak?

The Speaker (Mr. Mati): It is quite possible that when the Vice-President started speaking Mr. Mwangale was unavoidably away from the House. Mr. arap Moi is only continuing his speech and you cannot cut him short now. You have to wait until he concludes his speech and then wait for your turn. We cannot just stop him for the sake of allowing Back-benchers to speak. It does not sound reasonable at all.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the hon. Member should keep peace of the House.

Sir, what I was saying is that under our Constitution, there is a section which provides for protection of fundamental rights and freedom of individuals. Mr. Speaker, Sir, protection of individual rights can only be observed under a system of laws governing members of a society. One hon. Member, I think it was the Member for Yatta, said that we should be free. I agree we should be free. However, in any society even his own children, are not completely free. There must be laws to regulate the behaviour of his family so that they become good citizens of the bigger society, and to protect that freedom so that they become good citizens in future. That is why there are laws all over the world including —— No single society has no laws.

An hon. Member: Including China.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, as long as there are people who are prepared to break the laws of any society, definitely, any government, as the hon. Member said, worth its salt, must see that such laws are observed and that the people must feel that Government protects them. Therefore, Mr. Speaker, Sir, we are not—and I said this yesterday—objecting to absolute laws or ordinances. These, we agree, should be brought. However, they should be brought by the right body and the right quarter to do it is Government. I have said all along, that Government is always ready to co-operate with the hon. Members.

There is a suggestion, even here the hon. Mwangale said that the Back-benchers—I do not think—— We all here belong to the same party and same Government. But if anyone suggests——

Mr. Mwangale: On a point of order, Mr. Speaker, are you satisfied with the Vice-President's expositions on the question of our status in this House with regard to who is in Government and who is on the Back Bench? He seems to be imputing some wrong motives to me as if I stated—you had better listen—that the Front Bench and the Back-benchers are different political parties. Is he not imputing a wrong motive?

The Speaker (Mr. Mati): I do not understand Mr. Mwangale's problem. What Mr. arap Moi said was that all hon. Members here belong to the same party and the same Government. I take it that you are all hon. Members of this Parliament. In fact, in this House you have equal rights and it does not really matter who speaks before who because it all amounts to the same thing. You have your right to speak when your turn comes. I do not know whether Mr. Mwangale wanted to say that the Back-benchers belong to a different party—Mr. arap Moi did not say that Back-benchers belonged to a different party or anything like that. In fact, he said that you all belong to the same party.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, in fact, I do not know what worries the hon. Member.

[The Vice-President and Minister for Home Affairs]

I did say that for the benefit of the hon. Member—when he rose on a point of order he said that the hon. Mr. arap Moi should give us a chance because we are Back-benchers. I replied and said that we all belong to the same party and all of us will co-operate because we are in the same Government unless somebody here belongs to another party in disguise. Mr. Speaker, Sir, the hon. Member for Embakasi spoke and other two hon. Members spoke and then I spoke and so there is no exception why I should not—— I am the only person from the Front Bench who has just spoken and so the Speaker is very generous.

Mr. Speaker, Sir, I feel that for the benefit of us all, the Mover of this Motion should withdraw this Motion so that in his own words he can provide tranquility here, and so that the office of the Attorney-General can look into this and he, himself, can put across the things he dislikes in the statutes. A generous offer has already been made.

Mr. Speaker, Sir, without labouring on this point, so much, I would like to state that Government rejects this Motion. It does so because we feel very strongly that having repealed, without any urge from the hon. Members, the Laibon Act, The Chief's Authority Act and other Acts, the hon. Members in their speeches should have asked us to speed up and repeal the other Acts which have not been repealed. This would have convinced us that there is genuinness in this move. Therefore, Mr. Speaker, I appeal to hon. Members to accept this request and to know that we have a responsibility of looking after the welfare of this country and we must not shirk it. We must be ready to preserve those laws and ordinances which we know will make our people feel free and happy. No one can tell us that the chiefs today suppress the people because we have elections at the lower strata of our society; locational councils and even chiefs in many areas were elected. Therefore——

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): There is no information you can give me which I do not know.

It is therefore, illogical and irrelevant for anyone to liken the laws of this country to those of South Africa. Anyone doing so is really—I want to stress this—challenging not only the Government, which administers it——

Hon. Members: Who said that?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): It was the Member for Yatta.

Mr. Migure: On a point of order, Mr. Speaker, Sir, the South African Government is not recognized by us, and it is a very serious allegation which has been made by the Vice-President, that somebody said that our laws can be compared with those of South Africa. Can His Excellency the Vice-President tell us who said in this House that our laws can be compared with the laws of South Africa?

The Speaker (Mr. Mati): The difficulty here is that sometimes we do not listen quite well to what is going on. It is quite true that one or two Members did refer to South Africa while they were speaking yesterday. I heard it myself.

I suspect—I am not so sure, and I could be wrong—that the Mover himself did refer to South Africa, and also the Member for Yatta did mention it.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, supposing it is checked in the HANSARD and found out that I never said that our laws are the same as those of South Africa, what will be the position?

The Speaker (Mr. Mati): I said I could be wrong. I am trying to recollect, but I know that South Africa was referred to. It might not be Mr. Mutiso who said it, but as for the Mover I am sure he did it. After Mr. Seroney had spoken another Member also referred to South Africa. I can remember that quite clearly.

Mr. Seroney: On a point of order, Mr. Speaker, I did compare the legislation in question with the South African legislation. I did that.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Why agitate then?

I was listening, and I thought that I was right.

The Attorney-General (Mr. Njonjo): There is nothing to lose.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I have lost nothing.

What I was saying was that it is unfair to compare our laws with those of South Africa. I said that, and I do not want to be misunderstood because the people throughout the country have never been suppresed as those in South Africa. We are proud of our country and we are proud of what we do because our aim is to do good to our people.

With these few remarks——

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

Let them sit down.

With these few remarks, Mr. Speaker——

You will catch the Speaker's eye. You can stand 20 times——

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

Mr. Speaker, if they do not give way, I can continue.

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I was stressing the need for hon. Members to understand and to know their responsibilities. These responsibilities will be judged by what we say in this House and also what we do. The people have been harping on the Public Security Act, and the rest of it. His Excellency the President does not want to detain anyone at any time. He has released many people and he continues to release many. I would like to appeal to everyone here to discourage anybody trying to break the laws of the state.

Mr. Mwangale: On a point of order, Mr. Speaker. I am sure you are satisfied with the exposition of the Vice-President, especially in convincing the Front Bench. Would you agree with me, Sir, that he has, in fact, exhausted all his facts, and it is just about time you ruled that he sits down to give other Members of Parliament a chance to speak.

The Speaker (Mr. Mati): Yes, but Mr. Mwangale, you are taking so much time yourself on points of order that it becomes difficult to know as to whom to listen to.

Mr. Mwamzandi: On a point of order, Mr. Speaker, I wonder if I would be in order to ask the Chair if he could ask the leave of the House so that we may meet longer today than the usual time to dispose of this Motion.

The Speaker (Mr. Mati): No, we cannot do that. We would find it very difficult purely from a practical point of view because our HANSARD team, for instance, was not prepared for this. They work on shifts. We cannot do that just suddenly like that.

Again, this is the night when the Sessional Committee holds its meetings. That is why we do not have Motions on Adjournment on Thursdays. So we will have to stick to our normal routine.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, in fact, I am doing some good to the hon. Members because it will give them an opportunity to have good homework to do so that within a fortnight they will come back fully equipped with facts when the House resumes.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, the Vice-President says that he is doing good to the House by giving us, Members, time to go and do our homework, so that when we come back we shall have good material. Now, is he alleging that right now Members have not done their homework when we have been doing our homework ever since we attained independence?

The Speaker (Mr. Mati): No, that is a matter of opinion, Mr. Wabuge.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): For the information of the hon. Member, all these pages are lined up for him.

Now, Mr. Speaker, Sir, when the hon. Members referred to chiefs——

An hon. Member: That is a repetition!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): No, it is not a repetition, Mr. Speaker, Sir.

Mr. Speaker, Sir, I am saying that the chiefs—because there are Members who complained about the Chief's Authority Act—must maintain order in every area. Chiefs give licences to people to dance as much as they can in their own areas and also, in any area where people are not allowed to carry weapons, they are able to know so that people or tribes living on the border cannot be butchering themselves. Therefore, Mr. Speaker, the work of a chief now is not what it used to be before, during the colonial days.

Mr. Speaker, Sir, what the chiefs used to do during the colonial times is quite different from what they do today. Today they serve the people while in the olden days they used to suppress the people for the benefit of the Colonial Government. Therefore, it is fair that when we propose to repeal such Acts we should take into consideration the welfare of our people and running a good and orderly Government, otherwise, we will land ourselves in a situation whereby our people cannot feel secure because the Government of the day is not able to protect them.

Mr. Mutiso: On a point of information! Mr. Speaker, Sir, I would like to inform the Vice-President that we are not quarrelling with what the chiefs are doing at present. In fact, we are not saying that they are not doing good work, Mr. Speaker. However, we are saying that the present law, as far as the Chiefs' Authority Act is concerned, is out of date as compared to what chiefs are today and this is why we want to repeal it. Does the Vice-President not agree with this?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I did state yesterday that the Chiefs' Authority Act was repealed in 1967——

Mr. Koigi: On a point of information, Mr. Speaker, Sir, I would like to assure the hon. Vice-President that if we do not touch the Preservation of Public Security Act 1960, Government will get away with all the other Acts. We do assure him this, Mr. Speaker, Sir.

ADJOURNMENT

The Speaker (Mr. Mati): It is time for the interruption of business. The House is, therefore, adjourned until tomorrow, Friday, 28th May, at 9 a.m.

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

Friday, 28th May, 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 352

CEMETERY FOR MUTITO DIVISIONAL HEALTH CENTRE

Mr. Kitonga asked the Minister for Local Government if he would tell the House whether the Government could consider establishing a cemetery to cater for Mutito Divisional Health Centre which was currently under construction and nearing completion.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I am apologizing for being late for two minutes. I beg to reply. Under the Local Government Regulations of 1963, a local authority is empowered to establish a cemetery on a site appointed only under Public Health Act. The usual practice is for a cemetery to be established near a hospital because experience has shown that very few deaths occur at health centres where, in many cases, relatives of the deseased usually claim the body for burial elsewhere.

However, when Mutito Health Centre is comleted and it becomes necessary to establish a cemetery there, Kitui County Council will consider the matter accordingly.

Mr. Kitonga: Mr. Speaker, Sir, according to the Minister's reply, is he not aware that patients come to Mutito Health Centre from different places, such as from Endau—which is about 80 miles away—and many other places? When a person dies, the relatives must take his body to where he came from, it does not matter whether the place is 100 miles away or not. Can the Minister take this into account and see the need for a cemetery to be established there? This is very serious, Mr. Speaker, Sir.

Dr. Kiano: It is because of that reason I did not rule out the possibility of establishing a cemetery near Mutito Health Centre. However, I would like to add that according to the procedure, the first approach will have to come through the Kitui County Council, which is the local authority under whose jurisdiction this particular health centre is situated.

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

The Speaker (Mr. Mati): If you have a question, ask it instead of raising a point of order.

Mr. Kitonga: Mr. Speaker, Sir, the Minister has said that this question should be directed to the County Council of Kitui; I think I am right in directing this question to the Minister for Local Government who is the supreme authority and has powers over all the county councils in Kenya. He is the person who can advice the county councils and therefore he should act instead of advising me to go, as an individual, to put my request to the County Council of Kitui. Is that right, Mr. Speaker, Sir? Can the Minister try to do his work properly without avoiding his duties?

Dr. Kiano: Mr. Speaker, Sir, the situation is exactly opposite because the local authorities are made to know their responsibilities. The duties of the Minister for Local Government is to see that the local authorities spend their finances according to the duties given to them. I think, therefore, instead of me ordering the Kitui County Council to establish the cemetery immediately, the hon. Member, having come from Kitui, can go and tell the county council the need for establishing that particular cemetery. If they resolve to spend money on that cemetery at Mutito Health Centre, then they request my permission so that I can allow them to incur such expenditure.

Question No. 346

C.P.E. RESULTS IN SAMBURU DISTRICT

Mr. ole Sompisha, on behalf of Mr. Lenayiarra, asked the Minister for Education if he would tell the House what was the cause of the low pass mark in Certificate of Primary Education in Samburu schools and what could be done to improve this.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Education, I beg to give the following reply. The Certificate of Primary Education Examination has no pass mark since every candidate who attempts it is awarded a certificate. Improvement on the performance depends on the child's interest and the encouragement it gets from teachers and parents.

Mr. ole Sompisha: Mr. Speaker, Sir, arising from the Assistant Minister's reply that the Certificate of Primary Education Examination has no pass mark yet but some of us happen to know better—we know that there is a pass mark; for example, three "Cs" amounting to 15 points, is a pass mark. Can he dispute that this is so?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member has long experience because he has been an education officer in Narok, but I would like to tell him that facts cannot be disputed. However, what I would like the hon. Member to do is to appeal to both the teachers and children in that area to have more interest in education.

Mr. D. M. Kioko: Mr. Speaker, Sir, can the Assistant Minister agree or deny that what causes this low mark of Certificate of Primary Education is the fact that many of our teachers are not trained?

Mr. Munyi: Mr. Speaker, Sir, I do not agree with that point.

Mr. Murgor: Mr. Speaker, Sir, arising from the reply by the Assistant Minister that teachers and pupils should take more interest in education, does he want to say that teachers in Samburu do not take interest in their work, and that is why the pass mark is always low?

Mr. Munyi: Mr. Speaker, Sir, I know that teachers in Samburu District do take interest in education, but we would like them to redouble the interest they have at the moment.

Mr. Umuro: Mr. Speaker, Sir, will the Assistant Minister agree with me that the reason behind the low pass in the Certificate of Primary Education Examination in Samburu is because teachers are imported from other areas and, therefore, they have no interest in teaching these children?

Mr. Munyi: Mr. Speaker, Sir, I would like to deny, very categorically, that all the teachers in Samburu are from outside the area.

The Speaker (Mr. Mati): Next question.

Question No. 420

NUMBER OF PUPILS ADMITTED TO SECONDARY SCHOOLS IN 1971

Mr. Muthua asked the Minister for Education if he would tell the House the number of pupils who were admitted to secondary schools of all categories in the country out of the 170,000 who sat for Certificate of Primary Education Examination.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, on behalf of the Minister for Education, I beg to reply. I do not know how the hon. Member arrived at the figure 170,000 as the number of the pupils who sat for Certificate of Primary Education Examination in 1970. Figures with the Ministry indicate that out of the 166,912 pupils who sat for the said examination in 1970, 21,957 pupils were admitted into Government aided secondary schools; approximately 22,000 other pupils were admitted into private and Harambee secondary schools.

Mr. Kanja: Thank you very much, Mr. Speaker. While I appreciate that the Ministry has done everything possible to give admission into secondary schools to some of the pupils who sat for Certificate of Primary Education examination, what is the Government doing for those pupils who did not get admission into secondary schools? Will they just be left to roam about on the streets?

Mr. Munyi: Mr. Speaker, Sir, that is a very good point which has been raised by the hon. Member. I would like to tell the hon. Member that it is upon him and ourselves in this hon. House to find a solution to this.

Mr. Muthua: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and arising from the fact that according to his figure only 25 per cent of the pupils who sat for the Certificate of Primary Education Examination have been admitted into secondary schools, can the Assistant Minister indicate the time when Government will implement the resolutions which have been arrived at in this House calling upon Government to introduce technical subjects and the abolition of Certificate of Primary Education Examination as from next year as necessary measures geared to serve this end?

Mr. Munyi: Mr. Speaker, Sir, the problem lies in the availability of funds. I would like to tell the hon. Member to encourage the people in his own district, and the same appeal goes to all hon. Members in respect to their districts, to start technical schools like the proposed Murang'a College of Technology. That is one of the solutions—having many technical schools in this country.

Mr. Mnene: Will the Assistant Minister tell this House the reason why the Government-aided schools admitted fewer pupils than Harambee schools?

Mr. Munyi: Mr. Speaker, Sir, the reason why this is so is because there are fewer classes in Government-aided schools.

Mr. Ebu: Arising from one of the answers which have been given by the Assistant Minister, is he trying to tell the House that people throughout the Republic of Kenya can start technical colleges haphazardly without even any guidance being given by the Government in our development plans?

Mr. Munyi: Mr. Speaker, Sir, whenever people want to start a technical school in a certain area,

[The Assistant Minister of State, President's Office]
they consult the Ministry of Education. I know that the Ministry of Co-operatives and Social Services is doing its utmost to assist people who start technical schools. I would like to tell the hon. Member, by way of giving an example, that we started a technical school in Embu on Harambee basis and soon after we had started we were given Sh. 25,000 by the Ministry of Co-operatives and Social Services.

QUESTIONS BY PRIVATE NOTICE

MISTREATMENT OF MR. MTONDOO BY POLICE

The Speaker (Mr. Mati): Questions by Private Notice.

Mr. Boy: Mr. Speaker, Sir, I beg to ask the Vice-President and the Minister for Home Affairs the following Question by Private Notice:—

(*a*) Is the Minister aware that Mr. Bakari Mtondoo of Lungalunga Location in Kwale Central was arrested by the Kwale Police on 14th May, 1971 who took away Sh. 2,290 from him and thereafter handcuffed, beat and locked him up in a private house while no medical treatment was given to him until 16th May, 1971 at 2 p.m. after my intervention?

(*b*) Could the Minister tell this House why the police mistreated the said person?

(*c*) What immediate action is the Minister taking against the policemen who took part in the action?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The hon. Member for Kwale Central, on the 17th May 1971, did lodge a complaint on behalf of Mr. Bakari Mtondoo. Investigations are progressing and on completion the relevant file will be submitted to the Attorney-General for his attention. If as a result of the investigations, any offence is revealed, appropriate action will be taken.

Mr. Boy: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell us exactly what took place on that particular day?

Mr. Matano: Well, this is exactly what we are waiting for and as soon as we know we shall find out whether an offence was committed and action will be taken.

Mr. Ogalo: Mr. Speaker, Sir, arising from the reply which has been given by the Assistant Minister, and arising from the fact this matter has been raised here, would it be possible for the Assistant Minister to bring the results to the House?

Mr. Matano: Mr. Speaker, Sir, I will try my best as soon as I have enough facts, and as soon as we know the outcome of the investigations, the House will be informed.

Mr. Mwamzandi: Arising from the Assistant Minister's reply, does he mean to tell this House, since it is alleged that the police beat and unlawfully confined the said person, that the said policemen have not, up to now, been subjected to questioning as to why they unlawfully confined him for more than one day?

Mr. Matano: Mr. Speaker, Sir, this is just one example out of many whereby allegations are made against the police. Before we take action we have to interview people, get witnesses and let them give their statements, and then out of the statements that are given by the witnesses we are in a position to know exactly whether an offence was committed. This is the type of investigation that we are waiting for.

Mr. Ogingo: Mr. Speaker, Sir, arising from one of the replies that have been given by the Assistant Minister, will he care to inform the House how long these investigations are going to take before any action is taken?

Mr. Matano: Mr. Speaker, Sir, I am not in a position to give the number of days and weeks, but I think it will be as soon as possible.

Mrs. Onyango: Arising from the Assistant Minister's reply, will he make sure that if somebody is arrested because of committing a crime is not beaten until and unless the law proves him wrong?

Mr. Matano: Mr. Speaker, Sir, that is the law of the country and we try our best to follow it.

An hon. Member: To beat them!

Mr. Marita: Mr. Speaker, Sir, arising from one of the answers which have been given by the Assistant Minister, and also bearing in mind the fact that this is a very serious case, will he decide to suspend the officer in question during the course of the investigation?

Mr. Matano: Mr. Speaker, Sir, I think we should not be in a hurry because it would be wrong because these are only allegations and unless somebody has been proved guilty it is wrong to punish him.

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

The Speaker (Mr. Mati): I do not like points of order when they are not necessary.

Mr. Mwamzandi: Mine is a genuine point of order, Mr. Speaker, Sir.

The Speaker (Mr. Mati): All right, let us hear it then.

Mr. Mwamzandi: Mr. Speaker, Sir, what is left for the House to do if a question is submitted to a Minister almost four days before it is asked in the House and the Minister deliberately refuses to answer it? What can the House do when a Minister deliberately refuses to give the House the proper inflormation?

The Speaker (Mr. Mati): The Minister did not refuse to reply. He said investigations were going on. That itself, is a reply.

Mr. Boy: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he not agree with me that the Ministry should have taken sterner measures against the officer concerned? I am asking this because I drew the attention of the District Officer about what happened and he deliberately ignored it until I, myself, intervened and took the man away from the police station and handed him over to him so that he could see for himself that the man had really been beaten—— This could be seen from his swollen face. After this, Mr. Speaker, Sir, I personally took a P3 Form to the police station to prove that this man had been beaten and the police just ignored this.

The Speaker (Mr. Mati): What is your question really, Mr. Boy? You just made a statement by telling us what you did.

Mr. Boy: Mr. Speaker, Sir, my question is: what is the Minister doing to take sterner measures against the district officer because when the matter was drawn to his attention, he did not take any action until I personally intervened?

Mr. Matano: Mr. Speaker, Sir, I would like to repeat it again, and I have said it here several times, that the police are doing a good job under difficult conditions. However, at the same time, if I may be allowed to say so, Mr. Speaker, Sir, we have said it over and over again here that we shall not tolerate anybody, whether a policeman, a Member of Parliament or anybody else, who takes the law into his own hands. The moment this is done, we shall deal with it accordingly.

CONSTRUCTION ON PLOT NUMBER ONE: MWINGI TRADING CENTRE

Mr. Matiko: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

(*a*) Would the Minister tell this House why the owner of Plot No. 1A at Mwingi Trading Centre was stopped from continuing construction on the said plot on 21st March, 1971?

(*b*) Why were a number of people who were engaged in construction work on this plot arrested by the Administration Police on 21st March, 1971, and locked up at Migwani Chief's Camp, 18 miles from the Trading Centre, whereas there is a police station about 200 to 300 yards from the Trading Centre?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, we have been trying to get in touch with the Kitui Administration Police but we have not yet managed to get the full information about this case. Therefore, I would like to promise the hon. Member that by the time when the House will resume we shall have already obtained the detailed information.

(*Question deferred*)

POISONED SUGAR SUPPLIED TO KARATINA TOWNSHIP

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

Will the Minister confirm or deny current reports that thousands of bags of sugar from Miwani destined for Karatina for consumption in Nyeri and Kirinyaga Districts have been discovered to have been poisoned?

The Speaker (Mr. Mati): Ministry of Agriculture? Mr. Wanjigi I think this is your question.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. Government, Mr. Speaker, is aware of this allegation and we have instituted immediate investigations to confirm or otherwise deny the allegation. In view of this, Mr. Speaker, I reserve the right to report to this House when we have completed the investigations.

Mr. Ogalo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell this House when this sugar was taken from Miwani and where the poisoning did take place?

Mr. Wanjigi: Mr. Speaker, Sir, this is a very serious charge and I would rather not really dive into it until we have had the full report.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir. I am actually seeking your guidance, Sir—since the Assitant Minister is not able to answer the question at the moment, I am just wondering whether this question could be allowed to come up again in the House. I suppose by then the Assistant Minister will be in a position to answer the question.

The Speaker (Mr. Mati): The Assistant Minister said he will report to the House the outcome of their investigation, which means anybody can raise the issue later if the Assistant Minister does not bring the information himself. I, therefore, really wonder whether there is any use following up this question because you will not get anything now.

Mrs. Onyango: On a point of order, Mr. Speaker, Sir, according to the Questioner, the other week in Kisumu, there was no sugar and we were really short of sugar for the whole week. Mr. Speaker, Sir, I would like to know who was storing this sugar. We would like the Minister concerned to find out exactly who was responsible for this because the whole of Kisumu Town was without sugar. I went to each and every shop and there was no sugar. Maybe somebody, somewhere, was trying to spoil the name of the Luo over there.

Mr. Wanjigi: Mr. Speaker, Sir, I am sure the name of the Luo is very well protected and they are known to be very loyal citizens of this country: I am sure there is no intention on the part of any tribe to do this. What we suspect is that perhaps there was a mistake in the many mixtures that have to be used in the process of producing sugar. However, Mr. Speaker, as I said before, I will report fully to this House and I think it is better that we leave the matter there.

LAID-OFF MINISTRY OF AGRICULTURE'S STAFF IN NYANZA

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

Can the Minister tell this House why more than 300 members of staff of his Ministry in Nyanza, employed under the Tripartite Agreement, have been laid off?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, as far as my Ministry is aware no staff employed under the Tripartite Agreement have been laid off in Nyanza.

Mr. Onyulo: Mr. Speaker, Sir, is the Assistant Minister aware that about the same number of people have been given notices of termination of their appointments by his Ministry in Nyanza?

Mr. Wanjigi: Mr. Speaker, Sir, yes, I am aware, but these people were not employed under the Tripartite Agreement.

Mr. Ayah: Mr. Speaker, Sir, would the Assistant Minister tell this House under what circumstances these 300 people have been given notice? Is it a mass dismissal or what is it?

Mr. Wanjigi: Mr. Speaker, Sir, some officers took upon themselves to engage about 200 or 300 people. It was about the time we were negotiating the employment of people under the Tripartite Agreement that, without any authority, these people were employed and this is a case of indiscipline which is being handled in the normal procedure.

Mr. Owala-Orwa: Mr. Speaker, Sir, is the Assistant Minister trying to deny the fact that this officer was asked to engage the employees, and then later on the people were not engaged, but the money allocated for this employment was used to engage people at the headquarters and therefore this is why he is being ordered now to terminate the services of the people he was asked to engage?

Mr. Wanjigi: Mr. Speaker, Sir, this is very clear. The procedure of employing people is well known to all the personnel officers in the country and nobody is empowered to take the law into his own hands. The people who were employed in Nyanza, as I said before, Mr. Speaker, were employed without the necessary authority having been given.

Mr. Kanja: With all due respect to the Assistant Minister, is he trying to tell this House that somebody in his Ministry took it upon himself to engage 300 people without the proper authority?

Mr. Wanjigi: This is exactly what I am saying, Mr. Speaker.

The Speaker (Mr. Mati): Next question.

Mrs. Onyango: On a point of order, Mr. Speaker, Sir, would I be in order to inform the Assistant Minister that these people were not employed under the Tripartite Agreement. I personally went to see the provincial agricultural officer who informed me that these people were not employed under the Tripartite Agreement but were employed before the Tripartite Agreement. Therefore, Mr. Speaker, if these people were employed before the Tripartite Agreement, why did his Ministry agree to employ other people under the Tripartite Agreement?

The Speaker (Mr. Mati): No, there is no conflict there. Mr. Wanjigi said they were not employed under this Agreement. Therefore, he agrees with you.

Mr. Karungaru: On a point of order, Mr. Speaker. I did hear the Assistant Minister tell the House that these 300 people are going to be discharged as a matter of discipline. I am now trying to find out from the Chair whether this was the information. If that was so, then it is

[Mr. Karungaru]
wrong because these people should not be subjected to discipline when somebody undertook to employ them, and that person was, himself disciplined.

Mr. Wanjigi: Mr. Speaker, I am sorry I was misunderstood. What I said was that the officer responsible for this very embarrassing position is subjected to disciplinary action.

The Speaker (Mr. Mati): Next question. Mr. Kioko.

TENDERS FOR CONSTRUCTION OF KAMBURU DAM

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Power and Communications the following Question by Private Notice:—

(*a*) Will the Minister confirm or deny that in the recent tenders for the construction of Kamburu Hydro-electric Dam and the supply of equipment, two Yugoslavian firms called Ingara Put and Inergoproject were the lowest tenderers: and

(*b*) Could he assure this House that since the said Yugoslavian firms are among the world's leading companies in hydro-electric dam construction, and since they quoted the lowest tenders, they will get the contract?

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, would I be in order to ask the Member to declare his interest first before I give him the reply?

Mr. D. M. Kioko: Mr. Speaker, Sir, I have no interest about this issue whatsoever. This is only a question of the fact that we have seen these tenders in the Press and we wonder what the decision of the Minister will be.

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, I beg to reply (*a*) I consider this a very unwelcome interference in a matter which is being dealt with under normal accepted procedures. The decision as to who will be awarded the contract for the Kamburu Hydro-electric Scheme lies entirely with the Tana River Development Company and neither tenderers, nor anybody else, can bring any pressure or influence to bear. The Tana River Development Company is a reputable company and has evolved an established and satisfactory machinery for evaluating its contracts. In the circumstances, I consider that they should be left to do their work without any outside interference.

(*b*) I would, however, like to take this opportunity to inform the House that it is true that tenders for the work have been received and are being evaluated by the company's consultants, who will advise on the one to be accepted. The company is not bound to accept the lowest or any tender. It should also be realized that the lowest tenderer is not necessarily the most realistic or suitable person to undertake the particular work involved. It is for this reason that experts must examine the details of the tender to determine whether it is realistic and can be accepted. In the circumstances, I am satisfied that this matter is being dealt with in the proper way and I would not like to make any assurance as demanded by the hon. Member.

Mr. Kahengeri: On a point of order, Mr. Speaker, Sir, at the beginning of answering the question, the Minister said this was an "unfair interference", and I believe he was referring to the hon. Member's question. Is it in order, Mr. Speaker, Sir, for a Minister to say that an hon. Member is interfering while he is entitled to ask such a question particularly since public money is involved? Is that in order?

The Speaker (Mr. Mati): No, Mr. Kahengeri has a point there. It is absolutely out of order for anybody to infer that a question asked here is an interference with anything. Parliament is the supreme legislative authority in this country, and on a matter of public interest Members are free to ask questions. It so happens that this same organization uses public funds as well and it is the right of the Members here to question if there is any doubt at all. So, any inference that questions here are interference in anything is completely out of order.

Mr. Mutunga: On a point of order, Mr. Speaker, I wonder whether I shall be in order to ask the Chair some guidance. Before the Minister answered the question he asked the hon. Member who was asking it to declare his interest first as if he suspected him to be having some interest in this firm. Do you not think we should be told clearly what interest the Minister suspects the hon. Member to be having in this firm?

The Speaker (Mr. Mati): No, I do not think that is necessary because what you are now inviting the Minister to do is to make an allegation against Mr. Kioko.

Mr. D. M. Kioko: Mr. Speaker, since there is a lot of money which will be involved in this project, I would like to ask the Minister which methods—other than the officials who are working on this tender—he will employ to see that canvassing by some of the people involved

[Mr. D. M. Kioko]
would not lead the Government of Kenya to accept a tenderer who is quoting more than 1 million shillings higher than these companies?

Mr. Ngala: Mr. Speaker, Sir, first of all, when I referred to the word "interference"—of course, I am experienced enough to know that Members are entitled to ask. I was referring to my own interference on a job which is already well done. That would be an unwelcome interference. It is not challenging the Members' right to query whatever is happening **in Government.**

Secondly, the Tana River Development Company is wholly owned by Government. So, when the Member says that the people dealing with these contracts would have bad influence and so on, this is not so because the company, itself, is wholly owned by Government.

Mr. Mutiso: Mr. Speaker, Sir, since the whole purpose of inviting tenders for jobs like this one is for Government to see that the lowest tenderer is given the job, and also having seen that the tenderer in question has the necessary know-how, would the Minister tell us the reasons why the firm in question cannot win the tender—apart from the fact that this particular firm is based in a country in the East, from where this Government is not interested in bringing people for such purposes? What are the other reasons? If this firm has offered the lowest tender, why should it not be offered the job when it has the people with the necessary know-how?

Mr. Ngala: Mr. Speaker, Sir, I am neither leaning to the East nor to the West, but I shall remain in the middle.

The companies that have been short-listed are as follows:

(i) The Energoproject, which is a Yugoslavian company—mark you, Yugoslavia is not in the East.

(ii) The Ed Zublin A.G., which is a Swiss company.

(iii) The Societe Dumez/John Howard & Company, which is a Germany company.

(iv) The State Corporation of India.

The lowest tenderer is not necessarily going to be accepted because these details must first be thoroughly examined by the consultants and the experts. We are not committing anyone to anything at the moment, but after we have received a final examination of what is realistic and proper in the interests of the job which is to be done at Kamburu, a decision will be made, Mr. Speaker.

Dr. Munene: Mr. Speaker, Sir, unless the Minister is inviting interference, which he says he does not want, all the tenders are open and the interference is made on the day of opening the tenders. If Mr. Minister did not want interference, there is no reason why he would not have accepted his advisers to advise him on the day of opening. Would the Minister tell us, now, why the experts were not there to scrutinize the applications when they were opened, because the details were in the applicants' forms, unless he wanted some other *kichinichini*?

Mr. Ngala: Mr. Speaker, Sir, I can assure the hon. Member that there is no question of *kichinichini* here; but we have discovered, for example, that the difference between the lowest, and the next lowest tenderer is over Sh. 5 million. Now, for this reason, it was necessary to go into the details as to whether the particular aspects or requirements in the engineering work and all these details are fulfilled in the submission of each company. Therefore, the delay is related to looking for the realistic position of these details so that the difference, which is a lot of money, which is Sh. 5 million—so that we can determine the contract wisely.

Mr. Karungaru: Would the Minister now tell this House that after having scrutinized what he is now doing he will use his wisdom and make sure that he offers the tender to the person who has the know-how, so that we may not incur any other loss?

Mr. Ngala: Mr. Speaker, Sir, in a matter of electric power, we always are careful to use people who have the know-how because this is very necessary, and as for the latter question, I can assure the Member that I will use my wisdom.

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

AGENCY FOR SALE OF TICKETS TO OLYMPIC GAMES IN MUNICH

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

Is the Minister aware that the Kenya Olympic and Commonwealth Games Association has decided to appoint Lufthansa as the sole agent for the sale of tickets to the Olympic Games in Munich in 1972? If so, is the Minister aware that this is contrary to Government policy in view of the circular issued by the Ministry of Power and Communications that East African Airways should be used whenever Government funds are involved?

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply. It is not correct to say that the Kenya Olympic and Commonwealth Games Association has appointed Lufthansa as the sole——

An hon. Member: We do not hear you!

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply. It is not correct to say that the Kenya Olympic and Commonwealth Games Association has appointed Lufthansa as the sole agent for the sale of tickets to the Olympic Games in Munich in 1972. The Association appointed Lufthansa and East African Airways to be agents for selling tickets to the Olympic Games. The tickets do not involve any Government funds; in so far as Government funds are concerned, East African Airways has been appointed to fly the Kenya contingent to Munich and back to Kenya.

The Kenya Olympic and Commonwealth Games Association, a voluntary association, does not come entirely under the directives of Government and, therefore, it has the freedom to make any travel arrangements in respect of its athletes. However, as I have already said, where Government funds are directly involved, they will have to use our national airline.

Mr. I. Lugonzo: Arising from the Minister's reply, Mr. Speaker, can he assure the House that if Government funds are going to be used to take a team to Munich, East African Airways will be used.

Mr. Muliro: Mr. Speaker, Sir, I do not know whether the hon. Member was listening at all. I have said that as far as the Kenya contingent going to Munich is concerned, where Kenya Government money will be used, the team will be flown there by our national airline and will be brought back by the same airline.

The tickets which the hon. Member is talking about, Mr. Speaker, are sent from the organizing committee in Munich to be sold to all those people who want to go there, but the athletes will go there by our national airline because our money will be used.

Mr. I. Lugonzo: Mr. Speaker, Sir, arising from that reply, does the Minister know that every ticket sold, Government gets tax from it; there is always a tax on every ticket sold.

Mr. Muliro: So what? If the tickets are sold here in Kenya, Government will get money from those tickets.

Corruption in Kitui Tobacco Growers' Co-operative Society

The Speaker (Mr. Mati): Now, the next question by Private Notice, by Mr. Munyasia—— I understand the Ministry concerned is not ready to reply to this, so it will be deferred.

(Question deferred)

PERSONAL STATEMENT

Substantiation of Allegation on Staff of the Ministry of Tourism and Wildlife

Mr. ole Marima: On a point of order, Mr. Speaker, Sir. Last Friday, as the House will remember, while the hon. Assistant Minister, Mr. Ngureti, was replying to a question on behalf of the Minister for Tourism and Wildlife, he repeatedly asked me to give names of people I alleged to have been trained in wildlife management in the United States of America. Mr. Speaker, actually, all these people appear on the staff list, as of 1st July 1970, on page 223, and I will just give the names of a few.

Before I do that, Mr. Speaker—if you will permit me—it will be of interest to know that the people who are divisional game wardens now, who are white men, do not show any qualifications against their names, as compared to those Africans. These Africans, Mr. Speaker—just a few of them—are: N. Ng'ang'a, who qualified in 1966; N. Macharia, who qualified in 1967; D. C. Sindiyo, who qualified in 1964, and again in 1969; J. Orumoi; P. Muange; T. Watengo. In addition, Mr. Speaker, we have a whole list of game wardens who were trained at the Wildlife College in Mweka, Tanzania, who have—— Some of them, like ole Pusi, Opieta, Kusero, have been acting for a number of years as divisional game wardens, and they have not even been given their acting allowances, leave alone getting confirmed.

Thank you, Mr. Speaker.

Hon. Members: Hear! Hear!

POINT OF ORDER

Newspaper Misreports—Remedy

Mr. Seroney: Mr. Speaker, Sir, our Standing Order 165 reads as follows:—

> Any newspaper whose representative infringes these Standing Orders or any rules made by Mr. Speaker for the regulation of the admittance of strangers or persistently misreports the proceedings of the House, or neglects or refuses wrong report thereof to the satisfaction of Mr. Speaker, may be excluded from representation in the Press Gallery for such terms as the House shall direct.

[Mr. Seroney]

Now, Mr. Speaker, Sir, I have here a copy of today's *East African Standard* which, presumably is reporting on yesterday's proceedings and has this head line: "Statutes Repeal Motion Defeated". It then goes on to give the details; it says, "a Private Members' Bill intended to repeal certain statutes was rejected by the Government". Towards the end, it says, "The Government rejected the Motion because everyone had responsibility to preserve law and order".

Now, while one cannot say that anything in the body of the article is misreporting because, in fact, the Vice-President, did say—on behalf of the Government—that they rejected the Motion, the head line in the article gives the impression that, in fact, the House had taken a decision in the matter. While no one, Sir, was precluded from wishful thinking, I think this is gross disrespect and gross misreporting of the proceedings of the House and perhaps you might consider inviting the offending newspaper to issue a correction and offer an apology, otherwise they should be excluded from further attendance in this House.

The Speaker (Mr. Mati): Yes, I have seen the report Mr. Seroney is referring to. The offending word is "defeated". Unless it was a very ignorant person who was reporting or unless he had some malicious motives, he must have known that we came to no conclusion and that the debate is still going on. I have warned papers before on a number of occasions but so far I have not taken any drastic action at all. I would like to say—especially to the *Standard*—now that we cannot go on month after month just coming here to point out mistakes and misreportings, it might become necessary to take action in order to demonstrate that we actually feel offended when these things happen. So, I hope that the *Standard* will take the earliest opportunity of correcting that report and I hope in future, they will send a competent person to report the proceedings of this House.

Hon. Members: Hear! Hear!

MINISTERIAL STATEMENTS

FUTURE OF SCHOOL CERTIFICATE CANDIDATES WHOSE EXAMINATION RESULTS WERE CANCELLED BY CAMBRIDGE EXAMINATION SYNDICATE

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, you may recall that last week, on Friday, while I was answering a question by the hon. Mr. Wabuge on what I was going to do with those candidates whose examination results of School Certificate were cancelled I said that I was thinking. Now, Sir, I have thought and what I am going to do is this: The nine candidates whose results were cancelled by the Cambridge Examination Syndicate will be allowed to repeat their examination in 1971. These candidates will be treated as private candidates. Their respective headmasters know the procedure for entry and if the candidates are interested, they should contact their respective headmasters. That is the result of my thinking, Sir.

NOMINATIONS TO THE SELECT COMMITTEE REVIEWING STANDING ORDERS

The Minister for Power and Communications (Mr. Ngala): Mr. Speaker, Sir, on behalf of the Leader of Government Business, I wish to make the following statement:—

The Sessional Committee has nominated the following Members to the Select Committee that is reviewing Standing Orders:—

The hon. I. E. Omolo Okero, M.P.;
The hon. J. M. Shikuku, M.P.;
The hon. J. Muthamia, M.P.; and
The hon. G. M. Mutiso, M.P.

MEMBERSHIP OF SELECT COMMITTEE ON PUBLIC EXPENDITURE

The Minister for Power and Communications (Mr. Ngala): The Sessional Committee has appointed the following Members to constitute the membership of the Public Expenditure Committee:—

The hon. Dr. Z. Onyonka, M.P.
The hon. J. M. Seroney, M.P.
The hon. J. K. Mulwa, M.P.
The hon. W. Kanja, M.P.
The hon. T. M. ole Marima, M.P.
The hon. C. T. Murgor, M.P.
The hon. K. B. Mwamzandi, M.P.

Mr. Seroney: On a point of order, Mr. Speaker, does first list contain an additional list, or a comprehensive list, because it does not sound like an accurate report of what the Sessional Committee decided?

The Speaker (Mr. Mati): I think those four names are in addition to the Select Committee.

The Minister for Power and Communications (Mr. Ngala): That is correct, Sir.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, I do not know whether I am behind time. I do not know whether I am in time to ask about the substantiation which I was trying to follow up yesterday.

The Speaker (Mr. Mati): Which substantiation is it?

POINT OF ORDER

MEMBER SEEKING SUBSTANTIATION OF ALLEGATION SHOULD REMEMBER THE NAME OF THE MEMBER WHO MADE THE ALLEGATION

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I stood on a point of order yesterday trying to ask for a substantiation from hon. Mutunga. The other day I forgot his name but I managed to get it yesterday. Am I out of order?

The Speaker (Mr. Mati): I think it has taken far too long, Mr. Shikuku. It is unfortunate that you did not have the name on the first day and I do not think it is worth reviving now. The matter is not of any immediate interest at the moment.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, will this be taken as easily as it appears to me in future in that if I make an allegation the only way in which to avoid it is to absent myself; and it will be taken as having lost interest?

The Speaker (Mr. Mati): No, what we hope will happen in future is that when a Member wants to raise a point of order in connexion with someone whom he thinks should substantiate, at least that Member will remember the name. If you had given us the name, we would have tried to get hold of Mr. Mutunga and asked him to come and substantiate on the following day or soon thereafter, but we were left in the dark as to who you were referring to.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I am not trying to challenge the Chair but the point is that although I agree it was my mistake that I could not remember him in the first instance, I raised it yesterday and the hon. Member was not in the House. So, if I raise it again later will you ask him to substantiate?

The Speaker (Mr. Mati): I have already ruled against that; we are not going to waste time on that.

MOTION

MANAGEMENT OF KENYA CO-OPERATIVE CREAMERIES

Mr. Mutiso: Mr. Speaker, Sir, I have the honour to move 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 the Kenya Co-operative Creameries Limited and Nestle Products Technical Assistance Company Limited, of Switzerland, this House calls upon the Government, in the best interests of this country—

(*a*) to intervene and suspend the signing of the said agreement;

(*b*) immediately to appoint a Commission of Inquiry 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.

Mr. Speaker, Sir, having moved this Motion, first of all, I would like to declare my interest before even I am challenged. I am a farmer; I am a dairy farmer and also, Sir, I am a shareholder in the Kenya Co-operative Creameries.

An hon. Member: Are you in debt?

Mr. Mutiso: Mr. Speaker, Sir, he is questioning me whether I am keeping in debt. I would like to ignore his interjections and proceed.

The first and foremost important thing is this: the Kenya Co-operative Creameries, which is a co-operative society, and which has limited liability companies whose objects include .... (Inaudible) appointed by the Kenya Dairy Board to manufacture and market dairy products throughout this country. The same co-operative society, Mr. Speaker, has a monopoly, which, in fact, Sir, came about as a result of an Act of this Parliament, the Dairy Industry Act. As such, Mr. Speaker, Sir, the Kenya Co-operative Creameries is—in my opinion—considered by Government to be beneficial to farmers and its shareholders; and also to be in keeping with Government policy in the same way as other bodies which are directly concerned with Government.

Government, as I understand, Sir, if there is to be any major changes, particularly as indicated by the move by the Kenya Co-operative Creameries, of signing an agreement which is going to involve it—and in fact this country—in a lot of money has to be informed or consulted so that the farmers and the shareholders could also know what this move is about. However, to my surprise, Sir, this has not been the case. I am quite sure that the hon. Assistant Minister for Works, who is the Chairman of the Kenya Co-operative Creameries, is aware of this fact.

Mr. Speaker, Sir, the Kenya Co-operative Creameries, although protected by an Act of this Parliament, does not, in fact, come under the

[Mr. Mutiso]
Ministry of Co-operatives and Social Services. This is why I felt, Sir, that a lot of things have been going wrong in this society without any direct check. In fact, Sir, I would like to make a recommendation to the effect that the Kenya Co-operative Creameries as a society should be controlled by the Ministry of Co-operatives and Social Services and not the Ministry of Agriculture. This is because, Sir, there is a lot of confusion, and that is why it has found it necessary even to do certain things, committing the farmers of this country to a large sum of money, without adequate consultations and checks.

Mr. Speaker, Sir, what is worrying me is that we know that the Kenya Co-operative Creameries has at least six factories throughout the country. These factories, Sir, at least each of them has a turn-over of about 10,000 gallons of milk per day. These factories are scattered all over the country. One is in Kitale, another in Eldoret, Nakuru, Naivasha, Nairobi and Kiganjo—— The Assistant Minister for Agriculture thinks he knows these better than I do; however, as we go along, I will prove to him I know equally much, if not more, as he does about the Kenya Co-operative Creameries or this particular industry.

Mr. Speaker, Sir, what is alarming is this: under this technical assistance agreement there are a number of anomalies and that is why I am asking that there must be a commission to look into the affairs of the Kenya Co-operative Creameries and make some recommendations which will prove beneficial to the running of Kenya Co-operative Creameries. It should also recommend, probably, that the co-operative should have people who have the know-how in the business world and are able to run it efficiently; not just simple farmers like the hon. Member here who has two cows in Karatina and then claims he is a businessman.

Mr. Speaker, Sir, the most important thing is that when we look at this report we find that the Kenya Co-operative Creameries is going to be committed to a large sum of about Sh. 660,000, in addition to that, 3 per cent of an annual turnover of Sh. 60 million. Over and above, also, Mr. Speaker, Sir, other expenses, in terms of fees, will amount to Sh. 500,000. The total of all this is Sh. 61,000,160.

Mr. Speaker, Sir, why am I concerned about this? The simple facts are that recently—the Assistant Minister for Agriculture is aware of this —for the past years the Kenya Co-operative Creameries has been running on an overdraft facility of about £800,000. Up to 1969 after even finding it impossible to run with that overdraft facility, they had to call an extraordinary general meeting in Nakuru—also the Assistant Minister is aware of this fact—and in the meeting the Board of Directors pressed on its members to give them more borrowing powers; to increase borrowing powers to the tune of Sh. 25 million. This is now what is making the Kenya Co-operative Creameries run. Sir, this is what is now making the Kenya Co-operative Creameries look as if it is a healthy society.

If the Assistant Minister, or any Member of Government who is going to reply to this Motion, has more facts than that, then I would like to have these facts challenged.

Mr. Speaker, Sir, the facts are that the Kenya Co-operative Creameries, as a body, has taken so long to pay compensation to the shareholders or to the quota holders. Since this recommendation was made, I think it is almost over two or three years, Mr. Speaker. This, Mr. Speaker, has in fact taken so long——

An hon. Member: But the payments have been made.

Mr. Mutiso: Even if the payments have been made, it has taken them so long because they had no money. They had to run to Nakuru and ask for increased borrowing powers, to the tune of Sh. 25 million, so that they could pay the shareholders in the quota system, Mr. Speaker. So, this, in fact, proves that there is a lot of misgivings as far as this particular society is concerned. I am of the opinion, Mr. Speaker, that the reason why the Board of Directors had to run and ask for these increased borrowing powers was because they could see that the society had no money and could not run its affairs effectively.

Mr. Speaker, Sir, in support of my case, I would like to quote an extract from the *East African Standard* report of Thursday, 27th May, 1971. Mr. Speaker, Sir, the title of this extract was "Farmers win action on tax complaints". This promise was made by His Excellency the President Mzee Jomo Kenyatta when he was meeting a delegation of farmers from Rift Valley Province. I would like to quote this extract with your permission, Mr. Speaker:—

> The President made this promise in reply to a memorandum on the subject presented to him at State House by a delegation of more than 300 Rift Valley farmers led by the Vice-President, Mr. arap Moi.
>
> The President replied sympathetically to many of the points raised by the delegation. He agreed that farmers should be told by the Government what prices they could expect for wheat and maize crops before planting.

[Mr. Mutiso]

Mr. Speaker, Sir, I would now like to come to the most important part of the quotation:—

"He was not happy with the prices for milk. Cattle farmers paid a lot of money buying food and medicine to keep their cattle in good conditions and in return they received comparatively little money. He said the question will be looked into to see how farmers could be helped."

Now, Mr. Speaker, Sir, here is a man also seriously looking at the issue of the farmers, particularly the dairy farmers, and he agrees with me here, that there is a case to be looked into as far as this particular society is concerned. Therefore, Mr. Speaker, I would not like to embarrass the Assistant Minister but he agrees with me that I know a lot about the Kenya Co-operative Creameries. There are, Mr. Speaker, facts which speak for themselves. I am informed, Mr. Speaker, that the auditors of the Kenya Co-operative Creameries, who are Gill and Johnson, were, in fact, about to refuse to handle the Kenya Co-operative Creameries accounting system because of a lot of discrepancies in the accounting system of this particular society. The Assistant Minister, who is sitting opposite me, is about to collapse because he knows that this is very true. I would not like to embarrass him because he is the Chairman, Mr. Speaker. But, I know, and I can prove to him, that this was the case. Therefore, I would like to ask this House to agree to pass this Motion so that a commission of inquiry is appointed to scrutinize everything and find out why, first of all, this particular agreement had to be signed. Mr. Speaker, I am informed also that when I gave notice of this Motion, the Managing Director of the Kenya Co-operative Creameries was sent by the Chairman of the Kenya Co-operative Creameries to go and tell this gentleman from Switzerland to suspend the signing of this agreement so that they could wait and see what form this Motion would take. This is true, Mr. Speaker, because the Managing Director came last week from Switzerland and this was the whole motive behind his going there. In support of my case I would also like to quote a reference from the Ndegwa Commission Report which is also a very important issue to these two Assistant Ministers and shows that I have facts and it is the facts that are speaking for themselves. Mr. Speaker, Sir, section 567 (v) of the Ndegwa Commission Report says:—

"The Kenya Dairy Board and Kenya Co-operative Creameries should be amalgamated to form a commission as recommended by the Kibaki Commission."

This, Mr. Speaker, also indicates that there is, in fact, overlapping of business between the Kenya Dairy Board and the Kenya Co-operative Creameries, and this is why there is this kind of recommendation—even that particular commission feels that this must become one body. As I had said earlier, Mr. Speaker, it will be important, at that stage, that this particular body shall come directly under the Ministry of Co-operatives and Social Services so that there can be a close check because the moment this matter is left entirely to the few directors and the chairman, of whom the monopoly is only from two provinces, namely, Central Province and Rift Valley Province, things will go wrong. Mr. Speaker, Sir, 60 per cent of the members in the Board of Directors come from the Central Province and 40 per cent come from the Rift Valley Province. I think this is not very representative, Mr. Speaker. This does not prove that these are the only people who are farming. There are farmers from Machakos and from other parts of the country who should be also given an opportunity to participate in the running of this particular organization.

Therefore, Mr. Speaker, Sir, with these words, I beg to move this Motion and ask the House to give it full support.

Dr. Munene: Mr. Speaker, Sir, thank you very much for giving me this opportunity to air my views on this particular Motion.

I believe, Sir, the crux of the matter here lies on exactly what the Mover mentioned in his last quotation. If there was a Kibaki Commission, which recommended the amalgamation of the Kenya Dairy Board and the Kenya Co-operative Creameries, what has prevented the Government from getting cracking on the issue? Today, I understand, the farmers have to pay 80 cts. to the Kenya Dairy Board. What for? The Kenya Dairy Board does nothing. At the same time, they have to pay an enormous amount of money to the Kenya Co-operative Creameries. I believe you all drink milk. An ordinary farmer gets 20 to 30 cts. a pint for his enormous trouble to produce it. How do you expect him to survive? I believe it is much better for anybody in this country not be sell his milk to the Kenya Co-operative Creameries or to the Kenya Dairy Board because those people who sell outside the Kenya Dairy Board and the Kenya Co-operative Creameries are much, much better off. They sell a bottle of milk at 80 cts. or Sh. 1, and yet you sell your best milk to the Kenya Co-operative Creameries for 20 to 30 cts. a pint. That is an awful thing and I do not know whether the Government really considers the farmers as such.

[Dr. Munene]

Even if before the signing of the agreement we do not have, another commission, why do you not follow either the Ndegwa Commission or the Kibaki Commission and amalgamate the two? Why not appoint a commission as required by this Motion? Not only will such a commission help the farmers but it will also help the Kenya Dairy Board and the Kenya Co-operative Creameries to come to an understanding because they do not see eye to eye and yet they deal with the same one person. The farmer is the poor fellow right at the back, and you get two big bosses there, the Kenya Dairy Board and the Kenya Co-operative Creameries in front. They do not know the farmers. There may be a few farmers, as the previous speaker said, who are interested, and I am sure you must have heard that the other day they increased their allowances, directors' allowances. How can you expect a person to increase his allowances and then go and represent the farmers? You do not sort of think of that——

Anyway, Mr. Speaker, the interesting fact is this. A year or so ago the Kenya Co-operative Creameries found it easy to eliminate the middleman who was—— I do not know whether this was done to accumulate the money to give to the directors! When they eliminated this middleman, they started messing about with the distribution of milk I do not know how many people complained. Mr. Speaker, here I must declare my interest because I am one of the people who was interested in this move of doing away with agents. All the same, Sir, it did not help matters. There is a lot of mess prevailing now. Even in my area there is a problem in the distribution of milk. I used to get milk at my house at Thika but today I have to drive two miles every day to get a pint of milk. Yet the consumer is being helped by the Kenya Co-operative Creameries as well as the farmer. I do not understand this thing: the farmer gets 20 cts.—I pay Sh. 1 for the pint of milk and yet I have to have the trouble of going to collect it.

Over and above that mess, Mr. Speaker, there were some coolers given to the poor farmers, mainly African, who were unable to cool the milk so that they could send it to the Creameries. These coolers were given to the farmers by UNICEF. Immediately the Kenya Co-operative Creameries had its own way, it withdrew—I do not know who gave them power to withdraw—those coolers and forced the people to buy them from the Creameries. It was a gift from UNICEF, a world body, to the poor farmers. Immediately the Kenya Co-operative Creameries had their own way, because, probably they wanted the directors to get more increases on their remunerations, they said, "Okay, come back. If you want to keep that UNICEF thing, you have to buy it". That is what is happening in the reserves. Yet the Kenya Co-operative Creameries, the good body which is helping the poor farmers, and also the consumers——

There is a case—whatever is going to happen, and here we have the good Samaritan; the so-called Nestle Products and their people. If the Creameries has not managed by itself with £25 million borrowing—— I wish you could give me that, I would not have only to run the Kenya Co-operative Creameries, I would be able to run the whole of this place. If they cannot do anything with their £25 million, after borrowing that much money, and they now have to go to Nestle's, then we need an authority, a little bit higher than this—— I mean it, Mr. Assistant Minister. If you looked at the figures you would see that we need an authority, a little bit higher authority —a commission composed of economists—to look into this issue and tell us, recommend to us, that the Kenya Co-operative Creameries does not only need the power of borrowing but also needs a good Samaritan. From which country? Whatever you call them—— These technical advisers. Before you go to Switzerland, Sir, I recommend to the Board of Directors of the Kenya Co-operative Creameries as well as the Kenya Dairy Board to look for good fellows here. We have economists in this country—one has just entered this Chamber. These economists can look into these things and get—— This economist is just by the Assistant Minister there. He should be asked to form a body, a commission to look into the economy of this Dairy Board as well as the Kenya Co-operative Creameries. They will then submit recommendations to this House so that we allow them to join hands with whatever kind of good Samaritan they think will be good to them.

For your information, Sir, I would like whoever is going to reply to this Motion to enlighten me on the management of the Kenya Co-operative Creameries. I have just heard it is a co-operative society. I do not know who registered it because it is not under the co-operative people here. At the same time, Sir, it is a private company—you can buy shares in this company today. It is divided into three. One, for the rich guys, where each share costs Sh. 100, preference shares, which they can recover whenever they want. The other one is, *sijui,* 10 or 20 per cent. Anyway, the chairman will tell us when he replies.

Over and above this, for this society there is a Government guarantee; it is still under the cover of Government. Now, where do we stand? If the Kenya Co-operative Creameries is going to

[Dr. Munene]
be a public company, and we know it should be as such, then I would recommend that the commission which is going to be appointed looks into these matters seriously. It can then recommend that the Creameries should be a public company; then we shall know really it is a public company and we shall buy shares in the company, irrespective of whether we are farmers or not. On the other hand, the commission can recommend it to be a society, and be registered with other societies; it should be protected by the Ministry of Co-operatives and Social Services just like any other society. Then we know exactly whom we are dealing with. We do not have to deal with people who, today, are a society, helping our fellow men, and tomorrow they are a public company, who want to make money for their directors. This is odd! We must know whom we are dealing with and from there we will know where we are going.

At the same time, Sir, we were told that transport—— This is a selfish type of thing. We still have *Kaburus* under the name of African companies who are transporting their milk. Now they are trying to jot down—they know this very well. It is the *Kaburus* who are transporting this milk which is milk looked after by the black man. From there, the money which is divided goes to these people under the auspices of a few black directors who say nothing on that board. I am sure they would not invite me to sit on that board because I would not like to be there. I would give them a piece of my mind.

I want this question of the transport to be looked into. We do not want to go back to the same old fellows, with a few other names.

My sincere recommendation is, whatever commission we are going to appoint, should look for a policy for the Kenya Co-operative Creameries, or the Kenya Dairy Board, or should amalgamate the two under one commission as recommended by the Kibaki Commission. This commission should also decide what we are going to do with the Kenya Co-operative Creameries, whether it is going to remain a public company, a society or a beneficial thing for a few members.

With these few words, Sir, I beg to second the Motion.

(*Question proposed*)

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I think this House has to be told the truth. I, as chairman, Sir, and a director of long-standing in the Kenya Co-operative Creameries, beg to give the following information, true information, to the hon. Members. The information which I am going to give will paralyse the false information given by the hon. Mutiso and the human doctor who is not a veterinary surgeon.

The question here is that the Kenya Co-operative Creameries is in a bad financial position. This is not true, Sir. We took over the distribution of milk in July 1970. We took over all the dairies. This taking over was in the interest of people like hon. Mutiso and others who are stooges——

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

The Speaker (Mr. Mati): Order! You cannot refer to any hon. Member as a stooge.

The Assistant Minister for Works (Mr. Kuguru): I withdraw that word, Sir.

Mr. Speaker, Sir, before July 1970 our financial position was a bit bad. The——

Mr. Mutiso: And now it is worse.

The Assistant Minister for Works (Mr. Kuguru): —— payout to the members was low. However, since the take-over, the Minister appointed a Working Party to look into the streamlining of the industry and to make recommendations on the price of taking over and abolition of the quota system and have a uniform price in the country. This was implemented by the Co-operative.

Before doing that we went to Nakuru and asked our members to increase our borrowing powers from about Sh. 17,500 to Sh. 25,000. This was given. This does not mean that we did so to enable us to pay out what was due to the members every 28th day of the month. For the information of the House, Sir, we have never used that money. Our financial position—— At that time our overdraft was about £700,000 but today our overdraft is about £200,000. It has dropped by two-thirds because the margin between the consumer and the producer who is the Kenya Co-operative Creameries was very small. Since the take-over we have reduced the overdraft to £200,000. That is on the 20th of each month. This is for your information, hon. Members, to show that the company is in a very healthy state.

To prove this, Mr. Speaker, the hon. Member said that the quota compensation has not been effected. Our policy is to reduce in order to pay the quota compensation from 1969/70, the quota which was bought during that period, to be paid by last year. However, because our financial position had improved——

Mr. Mutiso: No!

The Assistant Minister for Works (Mr. Kuguru): Do not interject, hon. Member, I am an elder. I am older than you.

Because our financial position was healthy, Mr. Speaker, we were able to pay £39,000 to quota-holders and the remaining persons are going to be paid at the end of this year. At the same time, Mr. Speaker, Sir, we did have a surplus and declared a bonus to the members of the company but because you are not members of the company you cannot know that. We declared a bonus to the members to the tune of 7½ per cent. Some of the surplus went to the capital levy and part went to the preferential shareholders to enable them do their business. Therefore, for that reason, our financial position was also not so good. Mr. Speaker, Sir, the Kibaki Commission had been abolished at that time and because of that reason, the Minister for Agriculture appointed a working party which I have mentioned earlier on that did work under the Chairmanship of Mr. White and its recommendations were taken into account. That is the case.

Mr. Speaker, Sir, we did approach the Nestle Products Technical Assistance Company Limited for technical advice.

An hon. Member: Question!

The Assistant Minister for Works (Mr. Kuguru): You are being advised in Government matters all over and, therefore, you do not know that most of the people in departments of the Ministry of Agriculture and Ministry of Finance and Economic Planning and the Treasury, are being given advice by experts. Therefore, we did approach the——

An hon. Member: Where is that? Who is that? Question!

The Assistant Minister for Works (Mr. Kuguru): Please give me time. Wait, wait, I am an old man, please give me time.

Mr. Speaker, Sir, we did approach them to advise us but, this advice has not been accepted. We have been arguing that they buy quite a lot of our products. I would ask the Members to listen to me. They are buying all our products to produce baby foods. You do not know how to produce baby foods. You only buy all the baby foods from the East African manufacturers. Therefore, as the milk from the Kenya Co-operative Creameries is bought by the Nestle (East African) Company—— Therefore, it was not a question of asking them to come and give us advice but, it was a question of them coming to produce those baby foods in the best way to suit our children. Do you understand? Therefore, there was no question of signing an agreement with the Nestle Company. We have approached them to come and advise us in the best way but, we are not giving them money. Therefore, this was not a true statement and I have now given a true statement.

Mr. Speaker, Sir, I have spoken about our financial position and I have said that today, we are in a very healthy state and you can come if you are a member of the company and inspect the books of the company. There is no need if you are a member of the company to come and talk in this House. You should be reading the books; I mean the annual reports. If you read the annual reports, you will find that our financial position is very sound.

Now, Mr. Speaker, Sir, our company has grown from an income of Sh. 5 million in 1964 to Sh. 10 million. There is jealousy because the company is being run by Africans and because we have Africanized the whole industry, the Europeans who had monopolized the industry are now coming to you, to the hon. Members, and saying——

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, do you agree with the Assistant Minister talking like this: saying that the Europeans who were in the Kenya Co-operative Creameries are now coming to us and I do not know for what; is that not trying to impute improper motives that before I had brought up this Motion somebody had seen me?

The Speaker (Mr. Mati): Mr. Kuguru, you must not impute any improper motives to what Mr. Mutiso says unless you can substantiate what you are saying.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I am telling a true thing because since we took over, there has been a lot of talk in the Kenya National Farmers' Union because the members of the Kenya National Farmers' Union belong to the executive committee and the majority are Europeans, since then, we have been criticized despite—— Now, look: the price of milk was——

The Speaker (Mr. Mati): Order! Your time is over but, what I meant was that you should not say that Europeans are going to the Members to tell them certain things. That is the thing which I am objecting to and which Mr. Mutiso was raising. Unless you know any European who went to Mr. Mutiso to ask him to raise this matter.

Mr. Mutiso: Can you prove that?

An hon. Member: Or, you withdraw and apologize.

The Speaker (Mr. Mati): Yes, well, we want to sort that out. We do not want to leave the impression that this is happening unless it was known.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker Sir, I was talking generally of what I know and I will bring that paper which has been written by housewives accusing the Kenya Co-operative Cremeries of this and that and these are Europeans.

The Speaker (Mr. Mati): No, probably, you do not follow what we are talking about. You have made an allegation that Europeans are going to Members because they are jealous and asking them to raise matters of this nature. This is what I am saying: now, you were referring, of course, to Members like Mr. Mutiso who have brought up this Motion. What I am saying is: unless you know of any Europeans, even if it is those housewives you are referring to, who have gone to Mr. Mutiso, then you have to withdraw that remark.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, as for the question of withdrawing, I can withdraw but, the thing is: I am saying, Mr. Speaker, that I am not or I was not referring to Mr. Mutiso but to some Members. I said "Some Members" and not only the Members of the House but also the members of the Kenya Co-operative Creameries.

An hon. Member: Who are they?

The Speaker (Mr. Mati): No! No! That is not sufficient, Mr. Kuguru. We do not want to make a big issue of this but, you definitely did say that these people are going to Members and we understood them to be people like Mr. Mutiso who is raising this matter here now.

And, another thing, when you are asked to either substantiate or withdraw an allegation, you do it without putting conditions. You cannot say, "I withdraw but"; you cannot do it that way.

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I think to make the matter easier, I withdraw the remark.

Mr. Mutiso: You are too old my dear!

The Assistant Minister for Works (Mr. Kuguru): I am growing younger!

An hon. Member: You had better retire!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I feel that I would like to make some contribution to this debate because I feel that it is a very, very important debate for the economy of our country.

Now, to go back to the history of the Kenya Co-operative Creameries, I think we should appreciate one thing. That the Kenya Co-operative Creameries was a company, started by the Europeans (and that is true) but, they were farmers. They were farmers who were trying to build the economy of this country and, particularly, in agriculture. As they worked together trying to improve it, they brought in stock that was producing milk and after competing for so many years, they decided that they should end up by working together in order to build this economy and then the Kenya Co-operative Creameries was born.

Now, Mr. Speaker, Sir, I do not want to dwell on the history of it because I think the Chairman has said it very, very well but, in the end, more and more Africans joined in: African milk producers joined in and as they joined in, the idea was to help the farmers; to help farmers to have better stock to produce more milk and make our country self-sufficient in milk production. This, Mr. Speaker, Sir, we have done in a big way because we do not realize how lucky we are here in Kenya but, if you travel to other countries here in Africa, you will be surprised to find they do not have the facilities that we have: where you can buy milk and drink it on the spot or street without boiling it. This, Mr. Speaker, is a great thing. This has only come about because the Kenya Co-operative Creameries has worked under difficult conditions and at times when the farmers suffered a lot and yet the standards were kept high. This is one thing, Mr. Speaker, Sir, which the Members must appreciate and give credit where credit is due. This is because there are not many African countries where you can just get milk and drink it. You must boil it before you drink it. In Kenya, we can buy milk and drink it without boiling it and drink it with safety. Therefore, Kenya Co-operative Creameries has done a good job and it is still doing a good job.

As I said earlier on, it was started by large farmers; people who had large tracts of land who were keeping grade cattle and who were mainly Europeans. However, as we know, here in Kenya, agriculture has improved and more and more Africans than before are becoming large farmers. More and more Africans than before own grade cattle. Therefore, we have gone into the marketing of milk in big quantities. Therefore, the Kenya Co-operative Creameries Limited is no longer what it used to be. It is now an African company. It is a co-operative society belonging to the African farmers of Kenya who want to create a healthy economy for this country and to bring in wealth and happiness to our people.

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

The only thing that worries me and which I would like to speak about here is the way the company is trying to interfere with—— Not really interfering. The Kenya Co-operative Creameries Limited is not helping the cattlekeepers in the rural areas who are far away from the big centres such as Nairobi, Nakuru and Eldoret. In this case, I am referring particularly to our little organization at the coast which supplies milk to Mariakani Plant that is the Mariakani Milk Scheme. The history of the Mariakani Milk Plant is: this plant was given to Kenya Government by UNICEF, free of charge. UNICEF gave the plant to the people of the Coast Province, free of charge. It was given to Kwale and Kilifi County Councils. The Government came and told us that the plant was given to the two county councils. At that time they were not county councils. They were district councils. The Government said the plant was free of charge and it was up to the two county councils to maintain and run it with the help of the Government and for the people to run it themselves in the end.

We, as the leaders of the area, went to our people and we thanked the Government because we had been given the plant by the UNICEF free of charge. We hope that the Kenya Government will be able to own the plant one day, when we finish paying for the plant.

The payment was going to be done in such a way that as more milk was produced, it would be turned into powder and this powder was to be given to hospitals free of charge. However, the value of it used to be accounted for as payment for the plant. This was the idea. The way it was worked according to the amount which was going to be produced in that area and the amount of milk powder which was going to be produced in that factory, the whole exercise was going to take ten years. After ten years, we were going to own the plant. This was done in the open and in daylight. It was not done during the night. Everybody, among the people who were listening, was sane. We agreed that this was going to happen.

Mr. Speaker, what is happening now? What is happening now is that the Kenya Co-operative Creameries Limited have come round and told us that they would like to own the plant. This is worrying us because we have told everybody that the plant is going to be owned by the local people. Now we are told that the Kenya Co-operative Creameries would like to own the plan. We have resisted and said no. The plant was promised to us and it is going to be ours and the local people are working for it. We only want the Kenya Co-operative Creameries to help us as much as possible. We shall co-operate with them but they should please leave the plant to the people.

The company went round again and said that if we do not take heed they will build their own plant and compete with our plant. When we come to that, where are we? Is the company there to help the local people and the small farmers or is it there to help the large farmers who produce gallons and gallons of milk and to finish the small man automatically? This is my worry.

I have confidence in the Kenya Co-operative Creameries. I know the people at the company are people who have the interest of Kenya at heart. However, when examples like this which I am trying to give now happen, then we are shaken and we do not know where we are? Therefore, this is one of the things that I would like the company to go into and try to sort it out in order that the small man can be helped.

Mr. Speaker, Sir, when the Kibaki Commission was set, I was involved in Kenya Co-operative Creameries. I was one of the directors there. I was very much interested in the report. The report was brought here, we fought for it but this House turned it down. To me, I think it was a big loss to the country because there were very many good recommendations in the Kibaki Report and I do not know what can be done about it. If the same report could be reproduced and be presented here again, I am sure the country will benefit from this commission.

I am sure that another commission is really necessary because of the work which has been done. There was the Kibaki Commission which recommended some things. There are also some other working parties which have been appointed and which have recommended such things. I am sure, Kenya Co-operative Creameries and the Kenya Dairy Board have enough facts to be able to know how the milk industry in this country could be helped. I do not see the use of appointing commissions after commissions while their reports are never implemented. Are we appointing a commission for the sake of appointing it? I feel that if we appoint a commission, its recommendations must be considered and implemented, if necessary.

Here, there was a commission on which Kenya Government spent money and yet it was turned down. The recommendations were thrown away. They were not even considered in this House. Here again, we are saying that we appoint another commission. Are we going to repeat the same thing?

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

Mr. Speaker, Sir, I feel that the Kenya Co-operative Creameries are doing a good job and that we should give encouragement to them and help them as much as possible. Of course, there are one or two things which are irritating and which I feel should be put right. However, to say that the Kenya Co-operative Creameries is losing, I am sorry, I do not agree with that.

The question of this other company as it has been said: we want to develop more and more industries in Kenya. The Kenya Co-operative Creameries is bringing in a company that will make baby food, here in Kenya. We are still able to produce children, Mr. Speaker. When we produce them, what will they eat? Are we going to import food from Europe? Kenya Co-operative Creameries is bringing this to your home so as to encourage us to produce more children than before, and have their food produced here in Kenya. Is that wrong, Mr. Speaker? We are trying to make our country self-sufficient. The main thing, if we are going to have a strong and vigorous nation as we would like it be, we must have strong and vigorous healthy children. Kenya Co-operative Creameries is doing just that. Is this a thing that we should oppose?

We are trying to build Kenya and it must be built in more than one way. To me, I feel that Kenya Co-operative Creameries is doing a good job.

With these few words, Mr. Speaker, Sir, I beg to oppose the Motion.

The Speaker (Mr. Mati): Mr. Barmalel. You have only five minutes to speak before the Government Responder.

Mr. Barmalel: Mr. Speaker, first of all I wish to declare my interest, being a director in Kenya Co-operative Creameries Limited.

Mr. Speaker, Sir, I wish to oppose this Motion completely. I oppose it, Sir, because the co-operative has done a good job to the farmers. This co-operative, at the present time, is paying the farmers a good price for their milk. Every farmer, particularly in the co-operative societies—— People who used to get 70 cents or Sh. 1 per gallon of milk they supplied to the company, are now paid about Sh. 2. The co-operative societies are really happy and I will say that because I come from the Rift Valley Province which supplies 80 per cent of the whole supply of milk to the Kenya Co-operative Creameries. All the farmers in that particular area are extremely happy and they are pleased with the running of the company, at the present time.

There is no such a thing as a crisis in the Kenya Co-operative Creameries or anything like that. We are running efficiently and it is only a question of the fact that we could not get a market outside the country. At the present time, the Government is working hard to find us a place where we can sell the surplus milk. Presently, after President Amin took over the Uganda Government, we are able to get more money from there because they are buying our milk. If Government can give us an alternative place outside Kenya where we can sell our milk, the farmers will be able to get more money than other farmers in the other industries. I have never heard anybody criticizing the Kenya Meat Commission which is in the country-side. I have also never heard anyone criticizing the Coffee Board as far as the question of marketing is concerned. However, the Kenya Co-operative Creameries which is making a good thing to the farmers is now being criticized.

I totally oppose this Motion, Mr. Speaker, Sir. With these few remarks, I beg to oppose.

The Speaker (Mr. Mati): I think we can allow one more hon. Member to speak for a few minutes.

Mr. Kinyanjui: Thank you, Mr. Speaker, Sir, for giving me this chance to air my views on this Motion.

Mr. Speaker, Sir, I would like to take this opportunity to tell the hon. Members that I am not one of the directors of the Kenya Co-operative Creameries, but I happen to have worked with the Kenya Co-operative Creameries some time back. Mr. Speaker, Sir, Kenya Co-operative Creameries is one of the best co-operatives we have in the country. This is an organization which is doing a very good job for the small-scale farmers, if it is compared with the other organizations we have in the country. If we look at the other organizations which we have in the country, such as the Kenya Farmers' Association——

An hon. Member: Because you were not working there.

Mr. Kinyanjui: Mr. Speaker, Sir, the hon. Members are interrupting my speech too much, I do not know why they are doing so, but perhaps because they are interested in this organization. I say this with confidence because Mr. Speaker, Sir, not only as a Member of this House, but as a dairy farmer who happens to be a chairman of the dairy co-operation organization, I was elected to be the chairman of that organization by the small-scale farmers. I would like to say that I am speaking here as a farmer, in word and deed, who represents the small-scale farmers. Surely there are very few organizations, as explained by

[Mr. Kinyanjui]
the chairman, or by the hon. Matano, which have been run by Europeans and have changed their organizations very smoothly as the Kenya Co-operative Creameries has done. This is a very good example of what the Kenya Co-operative Creameries is doing. I must say that in the whole of Nyandarua District, the whole of Rift Valley Province, Sotik and Kakamega for the last four or three years when the small-scale farmers started entering into their dairy industry, farmers had been receiving less than one shilling for one gallon of milk. Today, when the Kenya Co-operative Creameries is being run by our own people, surely the only organization which has been fully Africanized, the very person who used to get one shilling or less is getting well over two shillings. In fact, the Kenya Co-operative Creameries have paid Sh. 2/20 to Sh. 2/80 for the last three months. Surely, an organization which used to pay only three years back one shilling or less and is today paying either Sh. 2/20 or Sh. 2/80, Mr. Speaker, Sir, it shows that it is not in a bad financial position. I do not agree with the hon. Member's remarks.

Making use of the short time you have given me, Mr. Speaker, Sir, I must say that whilst appreciating the work of the Kenya Co-operative Creameries, there are two or three shortcomings within this company, of course. Firstly, Mr. Speaker, Sir, we have people who have been working in Kenya Co-operative Creameries and after they have gained experience they are now leaving this organization. We have witnessed this. I must say that this must be rectified because I do not agree that people who are trained and are the ones who would be taking over the management of the organization should be now leaving the Kenya Co-operative Creameries. I have seen very senior officers leaving this organization for reasons unknown to me, but known perhaps to the company. I agree with that remark.

However, Mr. Speaker, Sir, to suggest as the hon. Matano said that we should have a commission set up I must say that I appreciate what the hon. Matano said, but we cannot afford to have commissions after commissions which will be spending public money. If a Member is a co-operative member then he has a chance of telling——

The Speaker (Mr. Mati): Your time is over, Mr. Kinyanjui.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, before I say what I have to say in response to the Motion, first of all, I would like to say, I am very puzzled why my good friend, and a very learned Member of Parliament should have ever thought of bringing this Motion to this House. I am sure that if I had the answer I would perhaps have prepared the Motion in a different way. However, I have spent no less than two days looking for what could be remotely interpreted as a financial crisis in Kenya Co-operative Creameries. I am very glad to report to the House that of all the boards which we have in the Ministry of Agriculture—we have more boards than any other Ministry of the Kenya Government—that Kenya Co-operative Creameries is one of the healthiest organizations in the Ministry of Agriculture. My conclusion, Mr. Speaker, Sir, is that we had to look round for other reasons which tempted the hon. Member to bring this Motion to this House, and the only two reasons I can give are two possible reasons. Firstly, we have no confidence in ourselves; and we have no confidence in organizations which are being run by ourselves to the extent that an educated Member of Parliament, that is, hon. Mutiso, has no confidence in the organizations which are being run wholly by Africans because they have no degrees or they have no business acumen or that and this. However, the result of their work deserves the credit not only of this House but of the whole country and, in fact, of the whole of Africa.

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

[*The Acting Deputy Speaker* (*Mr. Ayah*) *took the Chair*]

Mr. Acting Deputy Speaker, we have perhaps the most developed dairy industry in the whole of this continent. Ours is the most developed dairy industry, and I can say this with authority, that ours is the most developed dairy industry supported not only by the large-scale farmers, people with thousands of acres, but a dairy industry principally supported by a man with one dairy cow or by a farmer with two dairy cows or three cows. I think this transition has gone to an extent of branding it the greatest growth rate known in the dairy industry. Again, this is where we have the greatest Africanization. Therefore, this co-operative deserves the highest appreciation, also from the Member for Makueni. It is a pity he is not a Member of the Board of Directors, but I am afraid, he must have confidence in his own colleagues.

Mr. Mutiso: On a point of order, Mr. Acting Deputy Speaker, Sir, why should the Assistant Minister for Agriculture misrepresent my views? Is it in order for him to refer to me as the Member for Makueni? In fact, he ought to know the area I represent.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Acting Deputy Speaker, Sir, I thought he represented Makueni. I apologize for having referred to him as the hon. Member for Makueni. He is the hon. Member for Yatta. However, Yatta does not produce milk as you know, Mr. Acting Deputy Speaker, Sir. It is therefore, not surprising that the hon. Member does not understand the dairy industry. If it is a question of talking about meat and the representation of Kenya Meat Commisson, I would remotely perhaps be understanding the intentions of the hon. Member. However, nevertheless as an educated Member I would have expected him to bring a much better case for debate, not only on dairy development, but on development of agriculture in which we need a lot of support and a lot of ideas from this House. However, as far as the Kenya Co-operative Creameries, being the principal promoter of the dairy industry, I think I have the pride both of the Ministry and the Government to say that they have done a very good job and I wish them luck in the future. I am not suggesting that we have stopped looking at the structural organization of the Kenya Co-operative Creameries or any other organization. I am not suggesting by any means that Kenya Co-operative Creameries is perfect, this is far from it because we cannot have a growing organization which is perfect. Perhaps, even in inorganic substances we still find imperfections. You may have a car which is made and is supposed to be very good but it might have one or two faults in it. Therefore, it would be a great surprise if we were to stand here and say that the Kenya Co-operative Creameries is perfect; that the dairy industry is perfectly organized; and that we have stopped thinking about ways and means of improving our own industry. This is certainly not what I intend to tell this House. What I intend to tell the House is that the hon. Mover of the Motion, including my good friend, the human doctor, Dr. Munene, have failed to satisfy this House as to where the financial crisis in the dairy industry is; and they have failed to show how the dairy farmers of this country are dissatisfied with the payout of the Kenya Co-operative Creameries. In fact, they have misquoted in very many respects even their own figures. To suggest, for example, that we have ever had at any one time an overdraft of £800,000 is a gross misrepresentation of the facts as far as the Kenya Co-operative Creameries are concerned. We have never had an overdraft of £800,000 and, therefore, I would like to warn the House that most of the figures which have been put forward by the Mover of this Motion are false. I wish I could have time to challenge each and every figure——

An hon. Member: Produce your figures!

The Assistant Minister for Agriculture (Mr. Wanjigi): I will produce my own figures and, in fact, I am coming to it. However, all the figures of which I had a chance to jot down as given by my good friend, the hon. Mutiso are, I am afraid, either a misrepresentation of facts or misunderstanding of the trading position of the Kenya Co-operative Creameries. He suggests, for example, that we are trading on an overdraft. The first thing which I would like to say is that it is not bad business to trade with an overdraft. In fact, you will be a poor businessman if you are using your money to trade whereas you can use other people's money to trade. This is the first principle in business. I can talk like a reasonably good businessman and say that if your financial position is healthy enough to warrant an overdraft and the bank is satisfied that you can have their money to trade with and then you refuse to take advantage of this goodwill and of that position to trade with somebody's money so that you can use your own money to inject development in your industry, then your business will be a very poor organization. This is exactly what Kenya Co-operative Creameries have done.

Over the short period of time since we took over to Africanize the Kenya Co-operative Creameries, I am very glad to report that they have gone out of their way not only to support the old farmers but also to support the factory development and thereby produce even better incentive for development in areas which were marginal or areas which were perhaps not sufficiently serviced by factory facilities. This is a programme that we intend to carry on and even hasten it in order to make sure that the high potential areas of this country with regard to dairy produce have the factory availability near to them in order to generate dairy development all over the country. This is not meant to suggest that we must have factories even in Yatta or Moyale because these are not milk producing areas but they are real producing areas, and——

Mr. Mutiso: Nobody was suggesting that!

The Assistant Minister for Agriculture (Mr. Wanjigi): Well, I am just making the point clear because I might be quoted later on as to why have I not suggested that we should have a factory at Yatta. This may not come and I think my reasons will be understood. However, as far as the dairy potential is concerned I am satisfied that we are well supported by the very great numbers of the Kenya Co-operative Creameries members and its very democratic organization. Kenya Co-operative Creameries is not just an organization of a few directors. They hold annual

[The Assistant Minister for Agriculture]
meetings, they have a board which reports regularly to the farmers whom they represent. I can assure the hon. Member from Yatta that should they falter in any way in reporting progress and profit to the farmers, they will be the first people to be out of that dairy industry—Kenya Co-operative Creameries. These people are not there because they have bought the largest amount of shares. Perhaps, Dr. Munene needs to be informed of that. These people are not directors because it is a public company wherein they can claim the largest ownership; but they are there because they have the confidence of the farmers. Similarly, we are here because we enjoy the confidence of our electors.

Mr. Acting Deputy Speaker, Sir, with the few minutes that I have at my disposal, I would like to explain the relationship which we have with the world famous company of Nestle. I have said it is world famous because should we ever feel that we do not want to take advantage of the technology being developed in other parts of the world, should we ever feel that we, as Members of Parliament, know enough about everything that needs to be known in this country, I think that that will be the doomsday of the development of this country. Again, should we ever be ashamed to seek knowledge whether it comes from the West, East, or from an Asian or a European, that will be an indication that we have no confidence in ourselves. It is, therefore, with great pleasure that I say we have a very healthy relationship with Nestle Company and this has brought a very great deal of material benefits to the development of this country as far as the milk industry is concerned. Nestle Company is known to be well established not only in Switzerland where the mother company is, but in no less than 20 countries all over the world. They are known to be milk experts and also the kind of people who are not interested in politics of a country like Kenya. However, all that they would see is a healthy and growing relationship with the country of their establishment; and because of this healthy relationship we have a very high reputation of the quality of our own milk products which we produce in this country: and it is because of this quality and reputation—— Hon. Mutiso should listen. It is because of this reputation that we are able to develop a very big and growing market of not only baby foods but skimmed milk products throughout the whole of the Eastern region of Africa. We are selling skimmed milk to Uganda, Tanzania and Zambia; and I hope that this market is going to develop to encompass West Africa and other parts of Africa. However, we cannot hope to do this if we cannot put a label "highest quality product made in Kenya" and ensure that we utilize progressively, the very high technology that is required in order to produce these products. Before I come to the next point I would like to assure the hon. Member from Yatta that his own kids must be fed with assured products of baby food. Mr. Acting Deputy Speaker, Sir, it is not just the Kenya Co-operative Creameries or any other organization in Yatta. We would, therefore, like to assure him that when we say we have baby food made out of products of dairy industry in this country, that baby food has a label of the highest quality achievable in terms of baby food. We are——

Mr. Mutiso: I have no babies.

The Assistant Minister for Agriculture (Mr. Wanjigi): The hon. Mutiso says he has no babies. It is just too sad, indeed, but I hope he will be able to produce some in future. Mr. Acting Deputy Speaker, Sir, I want to go on and say that the financial situation of the Kenya Co-operative Creameries is better than it has ever been before. Our sales today are estimated to £1.5 million in 1971 and this compared to sales only about four years ago which was about £400,000, is a great improvement and, I think, it is a record rate of development.

Mr. Acting Deputy Speaker, I would also like to say that despite the fact that we had very difficult rationalization to do just over or less than a year ago, we have been able—and I remember I assured this House that if we can increase the payout to the farmers we would no doubt do so, but we have to start with a minimum of Sh. 2.10 per gallon—to pay as much as Sh. 2.80 per gallon of milk. This is not just for the people around Nairobi where the best market is or in Mombasa or other big towns like Nakuru, this is a countrywide payout and I am very happy to say that even in the case of my good friend from the Coast, the hon. Matano, we are able to give them one shilling more per gallon on top of what they were getting before we took over the sales of milk in those areas.

The hon. Mutiso knows very well how we sell milk because I know he consumes milk. However, there is a difference between what you can pay the farmers and what you sell at. I am saying this because there are certain costs you have incurred in getting the milk down. There are certain costs you have incurred in factory development, in the entire management of the Kenya Co-operative Creameries and even with this, I am very glad to say that we may come out this year with a

[The Assistant Minister for Agriculture]
profit of not less than £170,000. Mr. Acting Deputy Speaker, I think this is a record of financial success and not a record of prices.

Dr. Munene: On a point of order, Mr. Acting Deputy Speaker. Although I do not want to interrupt the hon. Assistant Minister——

An hon. Member: He has already finished.

Dr. Munene: ——because he is a friend of mine, he made a statement to the effect that the motive behind bringing this Motion here was that we have no confidence, that is, we in Parliament or elsewhere, in some people. The fact, according to the Assistant Minister, is that there are some people who do not actually appreciate the work which is done by our own people because they have not acquired a degree of some sort. Therefore, Mr. Acting Deputy Speaker, Sir, could I know whether the Assistant Minister had anybody in mind that somebody has no confidence in So-and-so who is doing a good piece of work just because he does not have a degree?

The Acting Deputy Speaker (Mr. Ayah): First of all, Dr. Munene, you should have come up with that point of order when the Assistant Minister was talking. Secondly, I do not think it is anything serious. Even though Mr. Wanjigi might have an opinion that some people have no confidence in one thing or another that does not affect either the arguments or the Motion as it stands.

Mr. Mutiso: First of all, Mr. Acting Deputy Speaker, Sir, I would like to thank my seconder of this Motion and also the other speakers who have spoken on it. However, Mr. Acting Deputy Speaker, I am rather disappointed by the attitude displayed by the Assistant Minister for Agriculture and his colleague, the Chairman of the Kenya Co-operative Creameries, the hon. Assistant Minister for Works. Mr. Acting Deputy Speaker, Sir, the fact is; when the Assistant Minister of Works, who is the Chairman of the Kenya Co-operative Creameries was speaking, he, in fact, told us nothing concerning what he really knows about the Kenya Co-operative Creameries as the Chairman. I am saying this, Sir, because all he talked about was that a certain Kenya Co-operative Creameries has been able to do this, they took over this and that and they are now paying this or that amount. This was not my argument, Mr. Acting Deputy Speaker. I am not at any time trying to say that the Kenya Co-operative Creameries is not an African-run Co-operative Society, neither am I at any moment suggesting that the Kenya Co-operative Creameries products are bad. I am not trying to say so, Mr. Acting Deputy Speaker, and this is the impression that the two Assistant Ministers have presented before the House. This is not my argument. My argument, and I made it very clear, is this: the effect after the signing of this proposed Agreement between the Kenya Co-operative Creameries and the Nestle Products of Switzerland, is that the Kenya Co-operative Creameries will be committed and, in fact, not the Kenya Co-operative Creameries as such, but the farmers themselves will be committed to a large sum of money, of which neither of the two Assistant Ministers have told us about. They have not refuted the statement I made regarding the signing of the agreement, and for your information I have the agreement in my hands, I was just listening carefully waiting to hear whether any of them would challenge the fact that there is such a proposed agreement. However, none of them said anything about this.

In any case, Mr. Acting Deputy Speaker, Sir, the whole truth, as I said before, is that the dairy producers are going to be committed in paying to this particular company and this is the trick which I think the Assistant Minister does not understand himself. I am saying this because the people who have negotiated for this particular agreement are the Chairman and the Managing Director. Other members are not aware of this and I did state this right from the beginning that the members of the Kenya Co-operative Creameries and all the other members throughout the country are not aware of this particular thing. Mr. Acting Deputy Speaker, we all know very well that the Kenya Co-operative Creameries is a society and the members of the society must be consulted or at least informed before such a decision is taken. Have they been consulted, Mr. Acting Deputy Speaker?

The Assistant Minister for Agriculture (Mr. Wanjigi): On a point of order, Mr. Acting Deputy Speaker, Sir, I think it is important for the hon. Member not to mislead the House as to what decision has been taken as far as the Nestle and the Kenya Co-operative Creameries are concerned.

Mr. Mutiso: Mr. Acting Deputy Speaker, Sir, I am not in any way trying to mislead the House and, in fact, the Assistant Minister should not panic at all because I am not suggesting that the Kenya Co-operative Creameries has committed the farmers in this country. However, Sir, what I am saying is that as the result of that agreement, if signed, the farmers will be committed by the Kenya Co-operative Creameries. This is the whole difference. Can the Assitant Minister not understand this? Mr. Acting Deputy Speaker, I have

[Mr. Mutiso]
not at any time said that the farmers have been committed, but I am saying they are going to be committed when this agreement is signed. This is why, Mr. Acting Deputy Speaker, I am asking the House to agree to this Motion so that the Government can intervene and as a result appoint a committee of inquiry.

Mr. Acting Deputy Speaker, Sir, I did quote a few facts here and I indicated that the auditors —and this is the challenge I am offering the Assistant Minister and ask him to look into this aspect of the issue—that this particular society objected to their books being looked at last year. Along with this, Mr. Acting Deputy Speaker, I did point out many other discrepancies here. Mr. Speaker, Sir, they pointed out that there was misuse of public funds, and if that was not corrected then they were not prepared to continue with their work as auditors. That is why I am suggesting, Mr. Speaker, that there is a crisis in the Kenya Co-operative Creameries. But both the Assistant Minister and the chairman have not convinced the House to the contrary.

What I am now saying is that as a result, this agreement—this is where I am hammering home my argument—is dying and committing the country to over Sh. 61,100,000 per year. Is this a small amount of money? Have the farmers really been asked whether they would like to be committed to this kind of thing? I am a producer myself and I have not been consulted. I also know that farmers from other parts have not been consulted. The two gentlemen, or the board of directors, have no powers to make decisions on their own. This is not a company, but it is a society in which members have to make a decision themselves, but not only the two gentlemen who are heading the organization. This is the crucial matter regarding this society. So, I am asking the House to pass this Motion as suggested so that we can have—I did indicate here, Mr. Acting Deputy Speaker, and I quoted a paragraph where even the President himself said that farmers, the dairy farmers, are underpaid. But the Assistant Minister is telling us here that they are paying us Sh. 2.80. Well, we agree that is what they are paying, but is that compatible with how much they sell their milk per gallon? Mr. Acting Deputy Speaker, Sir, the Kenya Co-operative Creameries sell a gallon of milk for something like Sh. 4, when they buy it at Sh. 2.10.

Hon. Members: They sell it at Sh. 5/60.

Mr. Mutiso: They sell it at Sh. 5/60, Mr. Acting Deputy Speaker.

The Assistant Minister for Works (Mr. Kuguru): Order! Order!

The Acting Deputy Speaker (Mr. Ayah): Order!

The Assistant Minister for Works (Mr. Kuguru): Order, Mr. Acting Deputy Speaker. Can I give—— The question is——

Mr. Mutiso: What is this? Is this a point of order?

The Assistant Minister for Works (Mr. Kuguru): Have I been given permission? Order, please!

Mr. Nthenge: Shall we know on what point the Member is standing?

Mr. Mutiso: Mr. Acting Deputy Speaker, Sir, what I was saying—— Just compare and see the large difference between Sh. 2/10 and Sh. 5/60. This is ridiculous.

What I am saying is this: several Members who have spoken have pointed out that where farmers are holding small businesses the Kenya Co-operative Creameries grab them. We have the case of the Mariakani Milk Scheme. The Assistant Minister, Vice-President's Office and Ministry of Home Affairs quoted that. I have even seen an incident in Kisumu where they have tried to grab what the Municipality of Kisumu has been doing so that they can run—— I do not know whether they have taken that over already. They are running all over the place.

There was some machinery given, free of charge by a world body for the small farmers, but the Kenya Co-operative Creameries are grabbing this already. This is why I am saying that this Motion, Mr. Acting Deputy Speaker——

Hon. Members: ..... (Inaudible).

Mr. Mutiso: Sir, you can even hear those hon. Members who are shouting there. They are the directors of the Kenya Co-operative Creameries. These are the Members who are really——

An hon. Member: Are they?

Mr. Mutiso: Yes. They are the directors of the Kenya Co-operative Creameries, and that is why they cannot——

The Minister for Agriculture (Mr. Nyagah): On a point of order, can the hon. Member for Yatta substantiate that milk machinery given by a world body has been grabbed by the Kenya Co-operative Creameries?

Mr. Mutiso: Mr. Acting Deputy Speaker, the Minister for Agriculture was not here. He has just come in. This statement was made by a Minister

[Mr. Mutiso]
in this House, that in Mariakani Milk Scheme the Kenya Co-operative Creameries want to build up another industry to compete with the farmers when these farmers cannot accept the Kenya Co-operative Creameries to run the Mariakani Scheme.

With these few words, Mr. Acting Deputy Speaker, I recommend the Motion before the House be passed.

(*Question put and negatived*)

MOTIONS

1. EVALUATION OF EDUCATIONAL SYSTEM
2. ESTABLISHMENT OF COMMERCIAL AND RESIDENTIAL PROPERTY CONTROL BOARD

The Acting Deputy Speaker (Mr. Ayah): It seems that Mr. Kivuitu is not here to move his Motion, nor is Mr. Magugu present.

(*Motions deferred*)

POINT OF ORDER

METHOD OF DEALING WITH MOTIONS WHERE MOVERS ARE NOT PRESENT IN THE CHAMBER TO MOVE THEM

Mr. Karungaru: On a point of order, Mr. Acting Deputy Speaker, every Friday Mr. Kivuitu and Mr. Magugu never appear in this House. If they appear at all they just come and disappear, fully knowing that their Motions are on the Order Paper. May we get a ruling now, which must be final, that these Motions will not appear on the Order Paper any more since these Members are not interested enough to move them?

The Acting Deputy Speaker (Mr. Ayah): No, Mr. Karungaru. We cannot do that. This is a responsibility of each individual Member to make sure, if he has a Motion on the Order Paper, he is here to move it. All we can do is to hope that Members will take the Order Paper seriously; and they obviously have an interest in the Motions they want to move in the House. But I cannot say that because they are not here today we are going to rule them out because we do not know yet why they are not here. They may be in some place where they cannot possibly be here at this time. We shall have to wait until we hear from them before we make any ruling on these Motions.

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

An hon. Member: ..... (Inaudible).

The Acting Deputy Speaker (Mr. Ayah): Order, I can only deal with one point of order at a time. Mr. Nthenge, go on.

Mr. Nthenge: Mr. Acting Deputy Speaker, I was saying that as it is not known why these Members are not here because, since they knew we were going to adjourn the House, and there was the Motion for Adjournment, they thought their Motions could not be debated today unless we were not going to adjourn?

Mr. Karungaru: Oh, no! That is just a——

The Acting Deputy Speaker (Mr. Ayah): Just a minute. I am dealing with a point of order. I do not know what Mr. Nthenge is trying to raise as a point of order. If they did know that, there is no problem. I am only saying that due to the fact that they are not here now I am not going to make any ruling that they will not move these Motions next time. I am only saying they are not here now and we shall have to listen to their explanations later on.

The Minister for Education (Mr. Towett): On a point of order, Mr. Acting Deputy Speaker. For the last three weeks I have been waiting for hon. Kivuitu to move his Motion. For these last three weeks I have not seen him on a Friday. Now, Sir, am I to continue waiting, rewriting and revising my reply as the days go by?

The Acting Deputy Speaker (Mr Ayah): I do sympathize with the Minister, of course. It is no good preparing to take part in a debate that does not take place one week after another. But the situation is that if Mr. Kivuitu, or anybody else, does not give sufficient reason, the normal thing is that if he does not appear, as he has not appeared today, his Motion will either be dropped or be put at the bottom of the list. But we have to wait until he tells us why he was not in. I think Members will be doing themselves no good by pursuing this because the two gentlemen are not in here and we do not know their explanations for not being here.

Hon. Members: On a point of order.

The Minister for Education (Mr. Towett): I have not finished. In that case, Sir, because for the last three weeks, I have not been told why he did not turn up in the last three Fridays; can I now, be informed what reasons he gave for not turning up, because I have not been informed.

The Acting Deputy Speaker (Mr. Ayah): Mr. Speaker, informed the House, I think one or two weeks ago, that the Member was not in because he had gone to some meeting, or something like that. I think he had known.

However, the point is that now, Mr. Towett, we promise that we will let you know why he was not in today.

Mr. Wabuge: On a point of order; while not disputing your ruling, would it not be in order, instead of dropping these Motions, we leave them to stand, but on the next Friday—Private Members' Day—they should be placed at the bottom of the list because by so doing, it has taken the chance of the Motion which we would have debated now; these Motions have blocked all the other Motions. Would it be all right if they remain, but come last, Mr. Acting Deputy Speaker?

The Acting Deputy Speaker (Mr. Ayah): I said earlier on, that was one of the alternatives. In any case, this is a matter for the Speaker to decide. I said earlier on that the Motions could be put at the bottom or they could be dropped depending on the explanation given, but as I said, this is a matter for the Speaker to decide on. We are not solving any problem by pursuing this matter at this juncture.

Mr. Seroney: On a point of order, Mr. Acting Deputy Speaker; I see that the Leader of Government Business is going to move the adjournment of the House. Is it in order for Government to recess the House in order to avoid discussing contentious issues, on which they happen to differ with Back-benchers?

The Acting Deputy Speaker (Mr. Ayah): I do not know, Mr. Seroney where you get that impression. According to the timetable that Members have had all along for the last two months or so, there was going to be a recess today, and I have no idea what particular Motion which you call contentious you are referring to. The Leader of Government Business is going to move a Motion of Adjournment, and if you catch the Speaker's eye, you will have a chance to discuss it in any way you wish, but certainly, there is no—I do not think there is any determination on the side of Government, to recess the House because they want to avoid some discussion. In any case, it is not Government that is recessing the House; the House is going to recess itself, the House has to decide whether to recess or not.

Hon. Members: Hear! Hear!

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE OTHER THAN THE NEXT NORMAL SITTING DAY

The Minister for Housing (Mr. Ngei): Mr. Acting Deputy Speaker, Sir, I beg to move that this House do now adjourn until Tuesday, 15th June, 1971. I am wondering why Mr. Seroney wants to stay here longer, because he has some business to do in his constituency, Mr. Acting Deputy Speaker, and apart from that, he is going to participate in the Madaraka Day celebrations.

Mr. Acting Deputy Speaker, I would like, first of all, to say that there are two very important things for the hon. Members to do when they go back to their constituencies; they will have a chance to acquaint themselves with the prevailing conditions and report back or discuss the conditions which they find in their own constituencies, with the respective Ministers. The first is the question of distribution of relief, or perhaps, if I may term it in a milder term, the famine situation in various areas, like North-Eastern, areas—areas which are also affected by this shortage of food—not necessarily Ukambani, as one colleague mentions; famine does not choose one area all the years. The climate changes and you find that in his place, in Busia, perhaps, you see, God will perhaps not give enough rain, to have enough food. However, I hope this will not happen because I am not wishing it. Therefore, the hon. Members who go back, should acquaint themselves and bring back the information, the first hand information they have to Government, and discuss how best the constituency could be helped in this arduous task.

There is also the question of Madaraka Day, where Members will participate and find time to tell the electorate the giant steps Government has taken, in various development projects throughout the country. They cannot shun this responsibility because they are part and parcel of Government; they are even more of apostles and advocates of Government, by disseminating the right information of what Government is actually doing and —— I can see hon. Karungaru smiling; it is up to you, hon. Karungaru to educate your constituency, in the various giant or gigantic Government programmes that are taking place.

While I am speaking on the question of famine, I would like to take this opportunity to congratulate the Office of the President, and more so, the Minister of Agriculture, who has spent a lot of time in trying to probe into the mysterious *posho* disappearance in various parts of the country. I am informed by my colleague, the Minister for Agriculture, that this problem has now been handled very well, with the assistance of the Ministry of Home Affairs where, of course, it is the Vice-President who has taken over, in checking the hoarding of our foodstuffs by very greedy traders and black-marketeers. I am sure Government will hunt down these people, and bring them into their senses, and show the country that Government is not prepared to leave profiteers taking this issue into their own hands.

Mr. Acting Deputy Speaker, when Members go, they should also help the Ministry of Home Affairs

[The Minister for Housing]
and the Vice-President in trying to track down these mysterious hoarders of food.

Mr. Acting Deputy Speaker, I would like to move from there; we have had a good lesson. The lesson came during the dry season, and I would like to ask the hon. Members to take this very seriously. Kenya is a very good country, agricultural potential is better than some of the countries that we see. The Government is determined and is in the process of finding ways and means of really trying to bring water development from various countries. However, I thought I may say this to the hon. Members, that in their own respective constituencies, they should actually try and see how best they could, by way of advising Government and asking the people to contribute, in the spirit of *Harambee,* towards building various dams and water reservoirs, and also engaging themselves in water projects.

Hon. Members: Your time is over!

The Minister for Housing (Mr. Ngei): Mr. Acting Deputy Speaker, the time is very little. If I may be very brief—if I may add, I would like——

The Acting Deputy Speaker (Mr. Ayah): Your time is over.

The Minister for Housing (Mr. Ngei): If I may add to this, I would like to thank the Ministers for their contribution towards many Government projects.

The Minister for Works (Mr. Nyamweya): Mr. Acting Deputy Speaker, while supporting this Motion, I would like to say a few things in support.

First of all, Mr. Acting Deputy Speaker, Sir, we are adjourning at the eve of our eighth anniversary of the Madaraka Day. Eight years ago, we entered into a new chapter of Kenya's history.

An hon. Member: Which one?

The Minister for Works (Mr. Nyamweya): Independence. I would like from this place, to extend heartiest congratulations to His Excellency the President Mzee Jomo Kenyatta, for having conducted the affairs of this country for eight years, and established political stability, which has enabled us to make so rapid economic progress.

Mr. Acting Deputy Speaker, Sir, having said that, I would like to say a few things, which are really not national, but national in the sense that they affect certain areas of this country. While supporting the Mover of the Motion in connexion with the efforts of Government, the Government has done in distributing the famine relief supplies throughout the country or particularly, those areas which are famine-stricken, I would like to appeal to my colleague, the Minister for Agriculture, that there are certain areas, where perhaps it is not necessary at this stage, to extend famine relief supplies. In such areas, people would like to be assisted in the sense that now that the rains have come, they would like to be able to plant more maize and other crops. I am thinking of areas like Kisii where, traditionally, we are not stricken by famine. But during the current year, there is an accute shortage of food. While I do not think the situation has come to a degree where we could ask for famine relief, I think we could ask for seed—particularly Hybrid Maize Seed—which are subsidized by the Ministry of Agriculture. I know, I am not alone in this particular request. I am quite sure that my colleagues, the hon. Members from Western Province who grow maize in large quantities will support this request.

Mr. Acting Deputy Speaker, Sir, I would also like to inform the hon. Minister for Home Affairs that we would like to see that all the tribes in Kenya are living together in harmony. But there are certain things, Sir, which tend to erode this harmonious relationship between certain tribes. A thing like stock-theft which is prevalent along the Masai/Kisii/Kalenjin border is one of the things which can erode the harmonious relationship in these areas. I would request the Ministry concerned to look into the possibility of policing this tribal border with a view to stamping out this menance. Sir, in my constituency—in particular—we have lost a number of lives and a number of stock as a result of stock-theft. In my area we have endevoured to build even police posts in certain strategic points on self-help effort. I think our efforts should be appreciated by the Ministry in supplying us with the personnel necessary to man these police posts. It is essential that we maintain tribal harmony and good neighbourliness in order to help our people to carry on with their normal development programmes.

Sir, another matter which I would also like to address to my colleague, the Minister for Commerce and Industry—unfortunately he is not in —I beg your pardon—is on the efforts of Africanizing trade in the rural areas. There are certain places where we think more efforts should be made to Africanize the trade.

I beg to second.

(*Question proposed*)

Mr. Wabuge: Thank you very much, Mr. Acting Deputy Speaker, Sir. In the first place, before I say what I am going to say, I will begin

[Mr. Wabuge]
by saying that I oppose the adjournment. My reason for opposing the adjournment, Sir, is that before our allowances were consolidated whenever the Government wanted to adjourn the House, they used to say that we were opposing the adjournment because we wanted to sit here so that we get allowances. That was their main excuse. Now that we are not getting allowances the Government knows very well that they have a lot of business to be transacted in this House and that when we are very serious trying to push the Government to bring some Bills here so that we push the business of the House ahead, Government sees it fit to order that the House adjourns and goes into Recess. This is very serious, Sir, because we were elected here for two things. The first thing is to see that the public funds are properly spent or utilized. What happens, Sir, is that every time we have a Recess and during these Recesses is the time when some money is spent by some Ministries without the authority of this House. Sir, I am of the opinion that this habit of adjourning the House from time to time as if we were school boys should cease forthwith. We are here to see that the affairs of this country are properly maintained and looked after and they only be done so through this House and not from outside.

Sir, I therefore feel that Government now see fit that the adjournments of the House every now and then should cease so that we continue with the business of the country.

Now, Sir, if I may come to one point here, every now and then every leader here or Ministers say that we want tribalism to be abolished. This has been said from time to time by everyone here. Now, Sir, what I want to say is this —and let it be known to everyone within and without—the source of tribalism is from this House. The people who claim to be leaders are the people who preach tribalism; they are the people who instigate tribalism.

Mr. Karungaru: On a point of order, Sir, the hon. Member made a very serious allegation; that some of the hon. Members in this House are preaching against tribalism outside and practising it here. Could we know how this one comes about and who are the hon. Members? This is not a matter of opinion.

The Acting Deputy Speaker (Mr. Ayah): Order! Mr. Karungaru, it is unfortunate that you are not a very good listener. The hon. Member made no such claims. He said that it is his opinion that the source of tribalism is in this House. He is entitled to make such a statement but if he makes a false statement which I think he was just about to make, I will call him to order.

Mr. Wabuge: My statement was quite clear; I said that if there will be any tribalism to continue in this country, it will be the blame of the people who are in this House and if there will be any elimination of tribalism, again initiative will be by the people who are in this House. I have never clashed with my hon. friend at any moment but he forgets to realize that one time he said—he being an elected Member of this House—that the East African Airways is full of Abaluhya. Was that not tribalism? Did you not say that?

Mr. Karungaru: Although I do not want to invite this kind of talk, it must be noted that I was provoked by somebody from the same tribe who made me make that statement. Now, I would like to know whether the Chair is going to continue inviting this kind of provocation?

The Acting Deputy Speaker (Mr. Ayah): I cannot understand why Members are so sensitive. Mr. Karungaru is not denying that he said what Mr. Wabuge says he said. Whether he was provoked or not does not detract from the truth of it and I think it is unnecessary to interfere with other Members' speeches if we are going to rise on points of order just for the sake of feeling that we have been provoked.

Mr. Mwangale: Mr. Acting Deputy Speaker——

The Acting Deputy Speaker (Mr. Ayah): Your time is up. I now want some order in the House.

Mr. Munyasia.

Mr. Munyasia: Thank you very much, Mr. Acting Deputy Speaker. I first, thank Government for the work that it has done during this time of our Sitting. This is because it has given us a great deal assistance and to this we must pay tribute to the Government of Mzee. Every Member of Parliament here knows that particular areas have been stricken by famine. Therefore, it is our duty as elected Members to thank Government for the assistance it has given.

Sir, while leaving that alone, I am shocked to find that the House is going into Recess for two weeks when this Parliament only started Sitting on the 4th of this month. What are the reasons which make the House be told to go into Recess for two weeks? The public are questioning, "Why are you going into Recess?" This is a question from the public and not from Members. This is a question from the people who elected us to this House. This is because I do not see the reason why we should go into Recess. Government claims that they have a lot of Bills pending. If there are a lot of Bills pending and also arising

[Mr. Munyasia]
from the fact that we are not receiving sitting allowances, because Government, some time back, used to say that Members wanted Parliament to sit on because they wanted night allowances and sitting allowances—— Now everything is consolidated together. If Government is telling us to go into recess after sitting for three weeks, is this not a day-light corruption of misusing the public funds? This is because—— What duty are we being paid for? For what reason are we going into Recess for two weeks?

The Leader of Government Business must tell us today the reason which necessitated this Parliament to adjourn for two weeks. There is no question of farming. The other day we were told to go and help the *wananchi* in farming. We have planted, weeded and the time for harvest has not yet come; what are we going to do?

An hon. Member: We go home every weekend.

Mr. Munyasia: The time for reaping will be in July or August therefore, what are we going into Recess for? Are we tired? If the Ministers are tired they should resign forthwith and we will take over. This is because, Sir, we do not want to have this question from *wananchi*—"Why are you going into Recess?"—after we have been here for three weeks. They would ask us what we have come back for. This is not sensible and that is why I am warning the Leader of Government Business when he stands to reply, he should give this House the proper information or reasons why we must go into Recess for two weeks today.

Sir, I do not see any reason whatsoever; no matter how much he tried to dance around the Table to confuse the Members; we are not going to accept this. Today, as you can see, there were a lot of Private Members' Motions and also there were two Questions by Private Notice——

The Minister for Housing (Mr. Ngei): On a point of information.

Mr. Munyasia: I am not giving way.

Sir, you will find that three or two Questions by Private Notice were put off until when we next meet. These were urgent questions which demanded replies from Government today. What are we going to do? May I warn Government here, and the Ministers, we must be reasonable. If someone is running a business somewhere, let him stay home and run that business. Or resign his seat and be able to go to the running of his business. You cannot do two jobs at the same time; one leg is there while the other leg is in the Parliament. You had better stick to one and be as a leader. We would like to sit here longer and finish the Bills which are to be debated so that the *wananchi* may benefit from them.

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

The Acting Deputy Speaker (Mr. Ayah): We have not enough time. Mr. Karungaru will probably have three minutes.

Mr. Karungaru: Mr. Acting Deputy Speaker, Sir, I would also like to support the Minister who has moved the adjournment of this House for two weeks. Whereas I am doing this, I would like to give the Minister who has moved this Motion something that he should pass over to his fellow colleagues and this is in connexion with what happens whenever we go on Recess.

Sir, time and again, when we go into Recess, we find that our people are subjected to malpractices, maltreatment and so forth. We do not want Government to take advantage of our not meeting to go and molest our people just because the House is in Recess. I would ask Government, before we come back, to make sure that all the victims of the shanty demolitions and who are genuine landless, are settled. Mr. Speaker, Sir, I say this because in Nairobi we do not have any settlement committee to settle our people. Therefore, I would like Government to look into this very seriously. We do not want our people to be taken to Kiambu District, Kirinyaga District, or Machakos District and other districts; where there are also some landless people who have never been settled. This is not the kind of treatment that we expect from our Government.

Mr. Acting Deputy Speaker, Sir, I would also like to thank the Kenya Police Force for having changed its attitude in that nowadays, they do not arrest people as they used to do before. I pay tribute to them and I congratulate them for that. I hope that they will continue doing this in order that the people in this country may have full confidence in them. Mr. Acting Deputy Speaker, Sir, I am doing this in good faith because I have already seen that they are acting very nicely nowadays. They do not molest our people.

Sir, the other point I would like to mention is on the question of Motions which this House has already passed. Time and again, when we pass Motions we do not see them being implemented. It is a pity that some of these things do happen. We would like to ask Government to do this before we come back. Otherwise, the Motion by the hon. Seroney, will have some support. This is because if Government is not acting, there must be someone who can act. Who is that someone?

[Mr. Karungaru]
They are the Members of this House because they have responsibility which they have been entrusted with.

The other thing I would like to speak on is the question of thanking the hon. Members for, the first time during this Session. This is because the history of this House demonstrates to the nation how mature this House is, in that, there has never been any talk of tribalism during this Session. This shows that the question of tribalism is going to disappear. We want it to disappear and disappear for good because it is not in the interests of the nation. If we want to build the nation we should come out openly and behave like national Members of this House. This is why I am thanking all the hon. Members of this House because they happened to keep off from this kind of talk; I would call it a piecemeal talk or loose talk. Now that it has disappeared, I thank all the hon. Members who have helped us in this.

An hon. Member: Why are you thanking them; and on whose behalf?

Mr. Karungaru: Mr. Acting Deputy Speaker, I am being asked why I am thanking Members and on whose behalf. I am speaking as a Member of this House. I have the power to speak on behalf of other hon. Members because I am part and parcel of the House. Therefore, Sir, being the president of the poor because I have now taken over from the hon. Shikuku, I have all the mandate to speak on behalf of the hon. Members.

An hon. Member: Since when did you take over?

Mr. Karungaru: I was given this power by the House and so I took over peacefully.

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

The Acting Deputy Speaker (Mr. Ayah): We have only three minutes in which the Mover is expected to reply. So, I think I will call upon the Mover to reply.

The Minister for Housing (Mr. Ngei): Mr. Acting Deputy Speaker, Sir——

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Acting Deputy Speaker, Sir, are we not adjourning at 12.30 p.m.?

The Acting Deputy Speaker (Mr. Ayah): No, we have only three minutes in which Mr. Ngei will reply.

The Minister for Housing (Mr. Ngei): Mr. Acting Deputy Speaker, Sir, I would like to throw my comments on the speech of the hon. Member for Kitui West. The hon. Munyasia has told us that the public is complaining that the House is adjourning when there is a lot of business to be done. May I draw the attention of the hon. Member to the fact that two Motions this morning which were tabled by Government Back-benchers were not attended to because the Members concerned were absent and this is not the first time that this has happened. If the hon. Members, as Mr. Munyasia claims, are seriously interested in doing the business of this House, then they should have been here at least to debate those two Motions which have come before the House for at least three consecutive Fridays.

Mr. Munyasia also said——

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, Mr. Acting Deputy Speaker, Sir, by a resolution of this House and if I may be allowed to quote:—

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

Now, Mr. Acting Deputy Speaker, Sir, we are going for a Recess which is more than nine days. How is it that we are being bound by this resolution?

The Acting Deputy Speaker (Mr. Ayah): Order, Mr. Kase. The days we are going on Recess are not more than nine sitting days. They are eight Sitting days in all.

The Minister for Housing (Mr. Ngei): Thank you very much, Mr. Acting Deputy Speaker, Sir, for reminding the hon. Assistant Minister that when counting the sitting days he must subtract the Saturdays, Sundays and Mondays on which we do not sit. It would be better for the hon. Assistant Minister to do his mathematics next time.

Mr. Acting Deputy Speaker, Sir, Mr. Munyasia has claimed that the public is very concerned about our going away. It is the opposite, and I repeat that, because the hon. Members have not been forming a quorum in this House——

Mr. Kitonga: On a point of order, Mr. Acting Deputy Speaker Sir, could I be taken as a person protesting because of being given very little chance to debate such an important Motion? With those few words, Mr. Acting Deputy Speaker, Sir, I beg to go out of the Chamber in protest.

(The hon. Member withdrew from the Chamber in protest)

The Minister for Housing (Mr. Ngei): Mr. Acting Deputy Speaker, Sir, I would like to comment that the public have been watching the fact that we, the Members, have not been forming a quorum in this House at certain times and this is a very serious matter.

With those few remarks, I beg to move that the House do now adjourn until the 15th, June, 1971.

(Question put and agreed to)

ADJOURNMENT

The Acting Deputy Speaker (Mr. Ayah): That brings us to the end of our business today. The House is, therefore, adjourned until Tuesday, 15th June, 1971 at 2.30 p.m.

The House rose at ten minutes past Twelve o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 219

LAND COMPRISED IN CROWN GRANTS

Mr. Seroney asked the Minister for Lands and Settlement:—

(*a*) what was the total acreage of land comprised in the original crown grants to the following tea estates in Nandi Hills area—

(i) Chemoi Tea Estate
(ii) Kaboswa Tea Estate
(iii) Kapchorua Tea Co.
(iv) Kapkoress Tea Estate
(v) Kapsimotwa Tea Estate
(vi) Kapsumbeiywa Tea Co.
(vii) Kaprochoge Estate
(viii) Keil Hensen Estate
(ix) Kepchomo Tea Co.
(x) Kibabet Tea Estate
(xi) Kibwari Tea Estate
(xii) Kipkoimet Tea Co.
(xiii) Koisagat Tea Estate
(xiv) S. W. Outram (Estate)
(xv) Nandi Tea Estate (Excluding the area of the Nandi Township.)
(xvi) Septon Tea Estate
(xvii) T. W. Scroggie (Estate)
(xviii) Siret Tea Co.
(xix) Soyet Tea Estate
(xx) Tindiret Tea Estate
(xxi) Mbogo Vale Estate
(xxii) Kaitet Estate (Ford Dunn)

(*b*) how much acreage has each of the estates in question—

(i) put to tea;

(ii) otherwise developed; and

(iii) left undeveloped.

(*c*) apart from the annual rent specified in the original grants, whether any financial consideration (by way of purchase) preceded the grants in question; and

(*d*) which of the estates have changed hands, when and for what consideration.

The Minister for Lands and Settlement (Mr. Angaine): (*a*) The total acreage of land comprised in the original crown grants to the tea estates listed under part (*a*) of the question is about 61,000 acres.

(*b*) The licensed tea acreage of each of these estates as at the end of 1970 was as follows—

	Acres
(i) Chemoni Tea Estate	1,100
(ii) Kaboswa Tea Estate	unknown
(iii) Kapchorua Tea Estate ..	1,272
(iv) Kapkoress Tea Estate ..	280
(v) Kapsimotwa Tea Estate ..	99
(vi) Kapsumbweiywa Tea Company	870
(vii) Kaprochoge Estate	120
(viii) Keil Hensen (Estate)	100
(ix) Kepchomo and Septon Estates	1,553
(x) Kibabet Tea Estate	746
(xi) Kibwari Tea Estate	314
(xii) Kipkomet Tea Company ..	583
(xiii) Koisagat Tea Estate	694
(xiv) S. W. Outram (Estate) ..	40
(xv) Nandi Tea Estate	1,576
(xvi) T. W. Croggie (Estate) ..	75
(xvii) Siret Tea Company	1,058
(xviii) Soyet Tea Estate	112
(xix) Tinderet Tea Estate	727
(xx) Mbogo Tea Estate	85
(xxi) Kaitet Estate	290

Figures for "otherwise developed" and "let undeveloped" are not available because the word "developed" is relative, e.g. areas planted to napier grass would be developed because the grass is used for mulching.

(*c*) In all cases the land concerned was alienated only in return for annual rents and the acceptance of development policies of the colonial Government of that time. The present owners of these estates purchased them at a total sum of approximately KSh. 15 million excluding S. W. Outram and Soyet Tea Estates which are still held on leases for annual rents.

(*d*) This part of the question calls for a detailed historical analysis of land transactions of the whole tea area in Nandi Hills. I can, therefore,

[The Minister for Lands and Settlement] only give a very brief summary. The hon. Member can avail himself to the rest of the details from the office of the Commissioner of Lands on request:

1. Part of Chemoni Estate in June, 1962.
2. Kapkoress Estate in September, 1964.
3. Part of Kapsumbeiywa Company in April, 1966 and August, 1968.
4. Part of Keil Hensen Estate in November, 1969.
5. Part of Kibabet Estate in October, 1960.
6. Part of T. W. Scroggie (Estate) in September, 1968.
7. Part of Siret Tea Company in October, 1952 and January, 1965.
8. Part of Kaitet Estate in July, 1961.

These estates are private commercial enterprises and therefore any of them, or portions of them, that have changed hands have done so on commercial basis.

Question No. 129 (1428)

CONTROL OF POACHING IN THE COUNTRY

Mr. Magugu asked the Minister for Tourism and Wildlife if he would tell the House—

(*a*) in view of the high rate of poaching in the country in spite of intensive campaigns against it, what definite steps the Government was taking to control or eliminate it; and

(*b*) whether the Minister was aware that the presence of many uncontrolled curio and trophy shops in Nairobi, usually known as "tourist attractions" was a greater factor that accounted for the ever-increasing poaching.

The Minister for Tourism and Wildlife Mr. Shako): (*a*) My Ministry is taking definite steps to control poaching. A new Bill, now in the preparatory stage, will soon be tabled in this House. The Bill will seek to amend the current Wild Animals Protection Act so that new measures and provision relating, *inter alia,* to anti-poaching, can be brought into play. In addition, the Game Department is to set up an anti-poaching unit, based at Isiolo but highly mobile.

(*b*) I am aware of the partial causal relationship between curio or trophy trade in Nairobi and elsewhere and the illicit killing of game animals. However, the existing curio and trophy shops are not uncontrolled as the hon. Member states. These shops are subject to licensing under Tourist Industry Licensing Act 1968, and the existing Wild Animals Protection Act.

Question No. 148 (1469)

CONSTRUCTION OF KAPSABET/ELDORET ROAD

Mr. arap Saina asked the Minister for Works if he would tell the House—

(*a*) why the Kapsabet/Eldoret tarmac road, under construction, had taken a longer time to complete than the Eldoret-Tororo road; and

(*b*) of the two constructing companies doing these roads, which one the Government recommended for future contract of tarmac roads.

The Minister for Works (Mr. Nyamweya): (*a*) The construction time for Eldoret-Tororo road was approximately 30 months from 28th October, 1967. The construction of Eldoret-Kapsabet road started 9th April, 1968 and was originally scheduled to be completed on 7th July, 1969, as extension of time was approved up to 30th November, 1969 due to a change in the pavement design.

(*b*) The contractor who completed the Eldoret-Tororo Road went into liquidation and is no longer operating in Kenya. The contractor constructing the Eldoret-Kapsabet Road may tender for road construction work in Kenya if he wishes.

Question No. 147 (1468)

HOUSES FOR ADMINISTRATIVE OFFICERS: ELDORET TOWN

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

(*a*) why the provincial administration has not provided both housing and transport facilities to administrative officers under the District Commissioner, Eldoret, to enable them to stay in their respective rural areas instead of Eldoret Town; and

(*b*) how many district officers and district assistants were in Uasin Gishu District.

The Minister of State, President Office (Mr. Koinange): (*a*) Until now, the need for local rural administrative centres had not arisen. However, recently, attention has been drawn to the Government that there is a need to establish administrative centres for administrative officers in various divisions and recommendations to this

[The Minister for State, President's Office]
effect have been forwarded to the Government and the Government is considering the case. After examining the pros and cons of this case, and subject to the availability of money, the Government will put up centres in the rural areas away from Eldoret. It is at that stage that housing facilities and transport will be provided in the respective areas.

(*b*) Uasin Gishu District has one district officer at the Headquarters and two district assistants.

Question No. 163 (1493)

EFFECT OF TRANSFER TAX ON EAST AFRICAN TRADE

Mr. Magugu asked the Minister for Finance and Economic Planning if he would tell the House how the transfer tax had affected trade between Kenya and the other partner states.

The Minister for Finance and Economic Planning (Mr. Kibaki): I assume that what the hon. Member wants to know is the effect of the transfer tax on the export of Kenya trade goods to the other partner states. The relevant information is, in fact, available in the 1970 Economic Survey, which shows that Kenya's exports of goods subject to the Transfer Tax to Tanzania dropped slightly, after the implementation of transfer taxes, from K£2,494,062 in 1967 to K£2,257,006 in 1968, and increased substantially to K£3,286,253 in 1969. At the same time, exports of goods subject to transfer tax to Uganda also fell from K£2,121,286 in 1967 to K£806,422 in 1968 and also rose to K£1,471,257 in 1969. Thus the initial decline in 1968 after the introduction of the transfer taxes has been succeeded by an increase in our transfer of taxable goods to both Tanzania and Uganda in 1969.

Kenya's total exports of goods to Tanzania and Uganda have not changed considerably during the past five years. The combined exports have been as follows:—

	K£'000
1965 Exports to Tanzania and Uganda	29,426
1966 Exports to Tanzania and Uganda	28,901
1967 Exports to Tanzania and Uganda	26,178
1968 Exports to Tanzania and Uganda	26,324
1969 Exports to Tanzania and Uganda	28,796

Hon. Members should notice, Mr. Speaker, that nearly one-third of our total exports are bought by our two partner states and that, of these, only a little more than 5 per cent is subject to transfer taxes.

Tuesday, 15th June, 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:—

1971/72 Estimates of Recurrent Expenditure.

1971/72 Development Estimates.

The Economic Survey, 1971.

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

ORAL ANSWERS TO QUESTIONS

RELEASE OF POLITICAL DETAINEES

Question No. 448

The Speaker (Mr. Mati): Mr. Okudo is not here? We will leave his question until the end then.

Question No. 425

PAYMENT OF CIVIL SERVANTS' PENSIONS

Mr. Araru asked the Minister for Finance and Economic Planning if he could tell the House why civil servants' pensions were not paid promptly when they retired from service.

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, pensions are always paid on time and I am not aware of why the hon. Members want us to change the system

Mr. Araru: Mr. Speaker, Sir, arising from the reply given by the Minister where he said that pensions are paid on time, could he tell us how long one has to wait to get his pension?

Mr. Kibaki: Mr. Speaker, Sir, the pension is paid to an officer who has qualified for it. That officer is paid this pension when he retires from service. Immediately he retires, we do an assessment of what his entitlement is and then he is paid. That is what I mean when I say that an officer is paid on time.

Mr. arap Cheboiwo: Mr. Speaker, Sir, could the Minister further explain how long the assessment takes. For example, if an officer retires at then end of this month, will the period you will take to assess be one week, one month, six months or how long will it be before the man is paid?

Mr. Kibaki: Mr. Speaker, Sir, it takes no time at all—— I cannot see why the hon. Member is bothered. Any officer who has served for a given period of time—he, himself, is roughly aware of his entitlement. The department in which he served know how long he has been in that department and what leave is due to him. As soon as notice of retirement is given, the necessary calculation is done by the Ministry concerned, the Treasury does the verification and then he is paid. This should not take much more time, Mr. Speaker—— Mr. Speaker, Sir, this varies from place to place. It cannot be said to take a week or two weeks; but, definitely, it cannot be more than a week.

Mr. Araru: On a point of order——

The Speaker (Mr. Mati): Let us not have points or order.

Mr. Araru: Mr. Speaker, Sir, this is a very important point of order. When the Minister was replying to my question, he said that it takes no time before this pensions are paid. Mr. Speaker, Sir, the Assistant Minister for Finance and Economic Planning Mr. Cherono is my witness and would confirm that two people, from Marsabit, retired from Government service and had to wait for six months for their pensions. I, myself, went to the Ministry of Agriculture where they worked before they retired and I talked to more than six officers each one of them giving me different dates. Later on, I went to see the Assistant Minister who said it takes nine months. Is this not a long time?

Mr. Kibaki: Mr. Speaker, Sir, I repeat. It normally takes no time at all. Mr. Speaker, Sir, if the hon. Member is saying that he is aware of a certain special case where, for reasons which we do not know but which the hon. Member may know a particular case took longer than usual, then this is not a very exciting thing. There are instances of this sort where the normal rules may not apply for the reason that the officer may have served in different departments or many other reasons; but these types of cases are very rare indeed. These are not usual cases in a Civil Service of 100,000 people. It is unfortunate that they occur only to his friends.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Minister's reply, where he said that that type of case is very rare, is he not, up to now, in a position to understand that in Kwale District there is a sub-chief who retired in June, 1970 and up to now he has not received his pension and he is coming to Nairobi next week to find what is happening?

Mr. Kibaki: Mr. Speaker, Sir, I have explained the procedure and there is no point in asking whether I am aware of the case of a particular sub-chief. Of course, I am not aware about that particular sub-chief, Mr. Speaker. What I am saying is that the procedure is there but I should

[The Minister for Finance and Economic and Economic Planning]

invite the hon. Member to visit the pensions division where they endlessly spend at lot of time trying to trace certain people who have gone on leave, or have changed their residence queries are raised and they are not promptly replied to by people who are entitled to these pensions; queries about dates of certain promotions on which they have based their claims. Quite often, Mr. Speaker, the delay is due to these other factors which have nothing to do with the Treasury Pensions Department which does only the disbursement. It is in the assessment of what a particular officer is entitled to. I am sure that a sub-chief who takes the trouble, before he retires, to justify the various details with his district officer should not run into problems such as have been described.

Mr. Muturia: Mr. Speaker, Sir, arising from the explanation from the Minister, would he also tell the House why it is necessary for an officer to be asked to apply for retirement when he has made a mistake and the department wants to sack him?

Mr. Kibaki: Mr. Speaker, Sir, this is, clearly, a different question. If a particular person is being sacked by a department, but because they want to be kind to him they do not publicly sack him but ask him to retire quietly, I should have thought, Mr. Speaker, that this was a matter for congratulating the particular head of a department for showing such generosity, Mr. Speaker. I hope this is rare.

Question No. 431

ROAD FROM MERU TO GARBA TULLA VIA KINNA

Mr. Bonaya asked the Minister for Works if he could tell the House whether he was aware of the pressing need for building a road from Meru to Garba Tulla via Kinna Settlement in order to facilitate trade between the Wameru and the Borana and establish Kinna, already an important trading post, as a centre for trade with the South.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. I am aware of the pressing need for providing a road between Meru and Garba Tulla via Kinna Settlement. My Ministry is currently studying the problem with a view to the possible construction of the said road when funds are made available.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, as the Kinna people are now finding it very difficult to move their produce from Kinna to other areas so that they can get a market for them, would the Assistant Minister consider, a matter of urgency, to constructing a road from Meru to Garba Tulla via Kinna?

Mr. Keen: Mr. Speaker, Sir, I can only consider this when funds are made available to us.

Mr. Wanjagi: Mr. Speaker, Sir, is it not true that the Ministry surrendered so much money back to the Treasury? Why can the Ministry not use the money that it surrenders to the Treasury to construct this road instead of saying that there is no money whereas they are surrendering money to the Treasury?

Mr. Keen: Mr. Speaker, Sir, naturally, when we are given money for our next Financial Year, we shall certainly make the best possible use of it.

Mr. Muturia: Mr. Speaker, Sir, will the Assistant Minister give a specific time when he will construct this road because the Budget is going to be known on 17th of this month and by July he will give the necessary money?

Mr. Keen: There is nothing to add to what I have already said, Mr. Speaker.

Question No. 451

SECURITY LIGHTS AT MACHAKOS CAMP

Mr. Y. Ali asked the Minister for Works if he could tell the House whether he would take prompt action in providing security lights at Machakos Camp where there were no lights.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. This camp is temporary and is situated in an area which is scheduled for industrial development. In view of this, it is considered unwise for Government to spend large sums of money on electrical installation for buildings which will be demolished to give way to industrial development.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could the Assistant Minister be specific and state when—as he has stated that this camp is temporary—this camp will be demolished so that the people who are now living there could know when they will be given better accommodation?

Mr. Keen: Mr. Speaker, Sir, I cannot, possibly, give a specific date on which the camp will be demolished, but as soon as the area is developed —I have already said that the area is earmarked for industrial development—the camp will have to go. Meanwhile, I cannot possibly say that it will be in about two years' or three years' time, but I am sure with the present pace of development the camp is bound to be demolished any time.

Mr. Y. Ali: Mr. Speaker, Sir, since Machakos camp has been in existence for over 20 years and the Assistant Minister, when replying to this question, said that the camp is due for demolition, is he aware that the people there have been experiencing difficulties, especially of theft, because

[Mr. Y. Ali]
they have communal bathrooms and they are overcrowded? The adults are forced to take bath at night and when they are bathing the thieves come and steal their clothes. Is the Assistant Minister going to leave these people in such conditions indefinitely?

Mr. Keen: Mr. Speaker, Sir, I am entirely aware of the hopelessness of the particular camp referred to by the hon. Member. I am also aware of the problems that they are experiencing—sanitary conditions, the lighting system and so on. I am entirely aware of these problems.

As I have already said earlier on in this House, some time in the beginning of this year, my Ministry is currently studying the possibility of providing better housing for the entire staff of the Ministry of Works who are engaged on road works. I am quite sure that with the funds being allocated—it is our intention not to keep our *wananchi* in such hopeless conditions of housing—we will do something; but I cannot say, definitely, that the camp is going to remain there. I am sure that we are going to do everything possible to sort out this problem.

Question No. 457

VARYING SENTENCES FOR ROBBERY WITH VIOLENCE

The Speaker (Mr. Mati): Mr. Mulwa. Mr. Mulwa not here? Mr. Munyasia's question.

Question No. 446

CHECKING EASTERN PROVINCE VEHICLES

Mr. Munyasia asked the Minister for Power and Communications if he would tell the House—

(*a*) whether the Minister was aware that all types of vehicles from the Eastern Province are checked in Central Province; and

(*b*) if the answer to (*a*) was in the affirmative, whether he would establish a checking point at provincial or district level so as to avoid the inconvenience which are being experienced by the owners of the vehicles.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Power and Communications, I beg to reply. The answer to part (*a*) of the question is: I wish to inform the hon. Member that I am aware that all vehicles from the Eastern Province are checked in Central Province.

Mr. Speaker, Sir, the answer to part (*b*) of the question is: As there are not so many vehicles in the Eastern Province, it is not considered necessary to establish a checking point either at provincial or district level. Such an establishment would involve unnecessary expenditure of public funds whereas the people sent to man the establishment would find themselves with very little to do.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Vice-President's reply that it is uneconomical to have a checking point in Eastern Province because the number of vehicles do not warrant this, could he categorically tell this House how many vehicles warrant the establishment of a checking point in a given province?

Mr. arap Moi: Mr. Speaker, Sir, there is no definite number of vehicles to warrant officers to be stationed at this checking point. Nevertheless, when the police find that very few people break the law, as far as this kind of thing is concerned, the establishments of such checking points are not necessary. However, the hon. Member should actually be grateful that the people in this area are peaceful and they maintain the law. In any case, Mr. Speaker, Sir, if a vehicle without a licence stuck on the windscreen, passes through a different checking point, the driver or the owner of that vehicle will be caught somehow, somewhere.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. I think the Vice-President has not understood the question because the question is: if vehicles such as lorries, used for transporting goods, have their licences checked every year throughout the country in checking points established in places like Nyeri, Thika, Nairobi and so on, why is it that not even one checking point has been established in the North-Eastern Province? Now we hear the Vice-President saying that since there is no danger of people breaking the law; a checking point is not necessary, nobody said anything about accidents taking place in the North-Eastern Province. It is not the question of accidents but of checking.

Mr. arap Moi: Mr. Speaker, Sir, as the hon. Member knows, the responsibility of checking vehicles actually falls under my Ministry. I would like to tell him that to ask an officer to check one vehicle per week is totally against the wishes of hon. Members in this House in that to spend public funds on checking one or two vehicles in a week is not at all justified. Therefore, I would like to ask the hon. Member to help to improve the standard of living in the area by urging his

[The Vice-President and Minister for Home Affairs]

people to keep more cattle so that they can buy more vehicles to warrant establishment of a checking point.

Mr. Munyasia: Mr. Speaker, arising from these very cunning words from the Vice-President, the question is: is the Vice-President aware that these vehicles are checked yearly and that all vehicles from Moyale, Kibwezi, Isiolo, Kitui and Machakos are sent to Thika for checking? Why does the Vice-President, who is in charge of this, not establish a checking point either at Kitui, Machakos or even Meru so that vehicles from Meru, Isiolo, Kitui and Machakos are checked there? Why does he not do this?

Mr. arap Moi: Mr. Speaker, Sir, to be more precise, Thika is centrally situated in that somebody driving from Kitui to Thika, for instance, would not like to travel from Kitui to Meru. Similarly, Mr. Speaker, somebody driving from Machakos would like to travel to Thika, which is nearer. Nevertheless, should——

Mr. Araru: What about somebody driving from Moyale?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Araru is asking about somebody driving from Moyale. Mr. Speaker, Sir, I would like to say that somebody driving from Moyale, coming towards Nairobi, would like to come to Nairobi so that after the vehicle is checked it can collect goods here in Nairobi and go back to Moyale. However, Mr. Speaker, Sir, we shall see what can be done to alleviate difficulties which might arise. If we find that the vehicles warrant the establishment of a checking point at Isiolo so that people from Meru and the northern parts could go there to have their vehicles checked, we shall establish one there. However, we shall also have to look into other cases which we think might justify this situation.

Question No. 308

INADEQUATE SALARIES PAID TO DOCTORS

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

(*a*) whether the Minister was satisfied with the salaries paid to qualified doctors as compared with other officers in the Republic who were not necessarily professionals; and

(*b*) whether the Minister was aware that by paying very little salary to doctors he encouraged them to leave Government employment to join private firms.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The salaries paid to qualified doctors and other civil servants are governed by the Civil Service Regulations. As the hon. Member may know, the Ndegwa's Salary Commission recommended a new scale for the doctors and my Ministry is studying this with a view to meeting the hon. Member's anxiety about doctors.

The answer to part (*b*) of the question is that I would like to state that doctors are serving Government faithfully and I want to refute the allegation that money is the only consideration governing our doctors' invaluable services.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Assistant Minister has just said—although this question was brought before the Ndegwa's Commission was established—would he tell this House why he said that it is not only money which makes these faithful doctors do their work? Would he accept that this is the case, if I gave him names of about fifty doctors who are not satisfied with the salaries they give them and also proved to him that some people of Kenya Preliminary Education level are given a lot of money? Can you explain why this is so?

Mr. Jahazi: Mr. Speaker, Sir, the doctors do not have any grievances that we do not know of and I do not think any doctor would rather have more confidence in the hon. Member so as to solve his problems than in the Ministry of Health. If the hon. Member finds a doctor coming to him, he should refer him to our Ministry because this is where the problems are solved.

Mr. Muturia: On a point of order, Mr. Speaker, Sir, when the Assistant Minister says that a doctor should not have more confidence in an hon. Member than in his Ministry, does he mean that when an hon. Member asks a question in this House, he does so, as to compete with a Ministry in order that he is given more faith than is given to the Ministry in question?

The Speaker (Mr. Mati): No, I do not see your point, Mr. Muturia. I do not know what you are quarrelling about.

Mr. Muturia: My point of order, Mr. Speaker, is whether the Assistant Minister is in order to say that a doctor should have more confidence in me when I am trying to get some information from him and his Ministry why doctors are the lowest paid people while they are professionals and at the same time doing a very good piece of work for the Republic.

The Speaker (Mr. Mati): Actually, even if a doctor has faith in you, Mr. Muturia, I see no

[The Speaker]
harm done there. After all, you are interested in their welfare and therefore they should have some faith in you too.

Mr. Karungaru: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, would he tell us; why doctors are paid less than administrators when we very well know that they take a long time before they qualify? If he has any reason to believe that they should continue to be paid less, would he tell us the reason he has in mind?

Mr. Mwithaga: He does not have any reason at all!

Mr. Jahazi: Mr. Speaker, Sir, I have never said I am a strong believer in doctors being lowly paid. I want them to be paid what is due to them. However, what I did say, if the hon. Member cared to listen, is that the regulations governing whatever should be paid to any civil servants does not lie—and in this case I am referring to doctors—with the Ministry of Health. This is why recently we established the Ndegwa Commission and this Commission has already recommended what they feel a doctor should get and we are studying this with a view to implementing it. Therefore, I do not see why we have a quarrel here. In fact, we also advocated, as a Ministry, that doctors should get more than what they are getting at the moment.

Dr. Munene: Mr. Speaker, Sir, what I would like to know from the Assistant Minister is: if it is not money which makes a person work, why does the Ministry of Health induce overseas doctors, who are not specialists, to come here by giving them more money when they do the same work done by our local doctors?

Mr. Jahazi: Mr. Speaker, Sir, inducements to expatriates, whether doctors, engineers or what are governed as I said, by regulations governing the Civil Service. We have two categories of doctors: we have the local service staff and the overseas expatriates who are working on contract. Therefore, this is not the Ministry of Health's baby; but these are the regulations made by the Government and the Ministry of Health has nothing to do with them. However, we need more doctors and since the local doctors are not enough, when we have overseas doctors, just like we have overseas engineers and so on, they are all governed by certain terms in their contract obligations.

Dr. Munene: Mr. Speaker, I think the Assistant Minister did not follow my question. Engineers and all other groups other than the medical staff are advisers to the other Ministries but these people come to work like ordinary doctors and they do not advise but come to work like ordinary doctors and they do not come to advise. The Assistant Minister should differentiate this when he is answering the question.

Mr. Jahazi: Mr. Speaker, the only difference is that those are expatriates and they are governed by expatriate terms of service set for the Civil Service of this Republic.

Mr. Nthenge: Mr. Speaker, Sir, is it not correct that any doctor can do the work of an administrator, for example, a permanent secretary but an administrator cannot do the work of a doctor, and therefore higher salaries should be paid to those who have specialized for their jobs, whose jobs are harder and as we know, they take more time to train?

Mr. Jahazi: Mr. Speaker, Sir, I did not follow the question altogether. Could the hon. Member repeat it please?

Mr. Nthenge: Mr. Speaker, my question is: is it not correct to say that a doctor is qualified to do the work of a permanent secretary but the permanent secretary is not qualified to do the work of the doctor and therefore a doctor should get a higher salary than a permanent secretary because the doctor takes more time to train?

Mr. Jahazi: No, Sir.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he denied the reason for African doctors leaving the Government service is because they are poorly paid, could he tell us the reason why they are leaving?

Mr. Jahazi: Mr. Speaker, Sir, the Ministry of Health is not purely for doctors—— There are so many reasons why a worker will leave his job and look for a better one elsewhere. Some of the workers are motivated by the need to earn a higher salary and others by a want of being their own masters—for example, through opening their own surgeries so that they many not be on night duties to serve on any accident case that might come up at Kenyatta National hospital or any other hospital; others still want to retire and enjoy themselves by getting away from medicine and doing some other kind of business. So, there are many reasons. So, if there is any particular doctor who left the Ministry of Health because he was not paid enough money, well, we can go into his particular case, but we cannot go into the whole question. Anyone can join the Ministry of Health and leave it at any time.

Mrs. Onyango: Mr. Speaker, Sir, can the Assistant Minister tell this House whether the doctors are paid overtime allowances because we know that, occasionally, they do some work which requires working beyond the normal time?

Mr. Jahazi: Mr. Speaker, Sir, I do not think that this House can be turned into a bargaining place on regulations which govern the doctors' services. Mr. Speaker, Sir, before a doctor joins the service, he is shown exactly what he is going to do, his terms of service—his hours of work etc. So, a doctor's job must be, first and foremost, motivated by the need to save lives but not by the money. If the hon Member gets sick at 8 o'clock in the morning and he goes to Kenyatta Hospital, and finds that the doctor is not there because he is not paid overtime allowance or he is demanding something more than what he is getting, do you think he will have all the appreciation that Members are showing at the moment. So, we have our own way, which is accepted by the doctors and at the moment it is working properly. Therefore, when we talk of doctors resigning from the Ministry of Health —if all of them were to resign I think, many people would die because of lack of care. If one wants to resign—one might have good reasons for doing so he is free to do so; it is impossible to pay a salary that will satisfy every doctor because even if they are paid Sh. 20,000 per month some of them may still demand Sh. 30,000 or Sh. 40,000 per month, and if that is not met they resign and say the money is not enough. So there is no salary scale that will satisfy everybody such that everybody will say, "This is enough and I do not want any more."

The Speaker (Mr. Mati): Next question.

Question No. 353

HEALTH CENTRES RUN BY GOVENMENT IN KITUI EAST

Mr. Kitonga asked the Minister for Health if he would tell the House the names of health centres which were formerly run by Kitui County Council but had then been taken over by the Central Government.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. I think hon. Kitonga, who seems to be very serious about this question, should have done a bit of homework in endeavour to know which health centres have been taken over by the Central Government.

For his information, we have taken over four health centres in the area in question: Migwani Health Centre, Tseikuru Health Centre; Ikutha Health Centre and Mutito Health Centre.

Mr. Kitonga: Mr. Speaker, Sir, is the Assistant Minister aware that the people of Kitui were forced to build Mutito Health Centre through a self-help project when it collapsed as a result of the 1961 heavy rainfall? If this particular health centre is among the health centres which were run by the county council but are now being run by the Central Government, and notwithstanding the fact that it was started by an enforced self-help scheme, can he tell us the reasons why it is not yet finished?

An hon. Member: Say, "Yes". He is provoked!

Mr. Jahazi: Mr. Speaker, Sir, I understand from the chief that the people were forced to build this health centre in 1961, and again I also understand that——

Mr. Kitonga: On a point of order——

The Speaker (Mr. Mati): Order! Order! Will you wait for the reply? Mr. Kitonga, will you sit down?

Mr. Jahazi: At the same time, he says that the health centre is not yet completed. So, the whole question is so confusing that I do not know whether the health centre is complete and was not taken over or what the problem is. I said that the Ministry took over Mutito Health Centre and we do not know the person who forced the people to build this particular health centre in 1961.

Mr. Kitonga: On a point of order, I cannot allow this sort of attitude. Mr. Speaker, Sir, I have said that Mutito Health Centre was formerly run by Kitui County Council, but currently it is being run by the Central Government. This particular health centre collapsed a few years ago but the people were told to build it through an enforced self-help scheme. Why were the people forced to build it instead of the Kitui County Council building it or the Central Government which took it over?

The Speaker (Mr. Mati): I am not sure whether Mr. Kitonga stood on a point of order—but I think he said he was standing on a point of order. However, he is now out of order because he is asking a question instead of raising a point of order.

What was your point of order, Mr. Ole Leken?

Mr. ole Leken: On a point of order, Mr. Speaker, Sir, I am seeking your guidance whether it is in order for an hon. Member to make a lot of noise instead of making his point gently?

Mr. Kitonga: Sit down!

The Speaker (Mr. Mati): Order! Well, I suppose that after two weeks of rest one has a tendency to have too much energy. However I would like to ask Mr. Kitonga to make his point a bit more gently. There is no need of shouting, banging the benches and so forth because you can still be heard without making all that noise!

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir since the hon. Member's problem is the language, can we not be allowed to use Swahili when it is convenient?

Mr. Kitonga: On a point of order——

The Speaker (Mr. Mati): Order! We are wasting time for nothing. Mr. Mwithaga, you should read your Constitution.

An hon. Member: On a point of order, Mr. Speaker, Sir, realizing that Mr. Mwithaga has had long experience in this House, was it in order for him to mention, in this House, langauge issue? He said that if the hon. Member has a language problem he should be allowed to speak in Swahili whereas he knows that Swahili is not allowed and that one of the qualifications for coming into this House is a pass in English? Why did he say that?

The Speaker (Mr. Mati): Well, let us not take time here. It is quite an obvious fact that we speak the English language at different levels of understanding and expression. So, it is not surprising if somebody has some difficulties. There is nothing unnatural about it: but I reminded Mr. Mwithaga to refer to his copy of the Constitution where it is clearly stated that the language of the National Assembly shall be "English".

Mr. Kitonga: On a point of order, Mr. Speaker——

The Speaker (Mr. Mati): No more points of order!

Next question.

Mr. Kitonga: On a point of order——

The Speaker (Mr. Mati): Order! You will go out, Mr. Kitonga!

Question No. 460

MOSQUITOES IN AHERO IRRIGATION SCHEME

Mrs. Onyango, on behalf of Mr. Ogalo, asked the Minister for Health if he would tell House—

(*a*) whether he was aware that people who lived in and around Ahero Irrigation Scheme were very much disturbed by mosquitoes; and,

(*b*) whether the Ministry had any plan to eradicate mosquito-borne diseases in the area.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The answer to part (*a*) of the question is, "Yes", and the answer to part (*b*) of the question is, "Yes, Sir".

Mrs. Onyango: Mr. Speaker, Sir, can the Assistant Minister inform the House whether the Ministry will be able to send a mass spray team to fight mosquitoes?

Mr. Jahazi: Mr. Speaker, Sir, we have a very big programme for this area having been aware of the problems that the hon. Member is talking about and I would like to give, in detail, what we are planning to do in this area.

The Ministry of Health is aware of the fact that people in Kano plains near Ahero Irrigation Scheme are disturbed by mosquitoes. This has always been the case even long before Kano Irrigation Scheme came into existence. The Ministry of Health is working co-operatively with the British Medical Research Council Abovirus Research Team to study the problem of mosquito-borne diseases in Kano Plains. The object of this team will be four-fold:—

1. To determine the type of mosquito-borne and water-borne infection which may occur in the area of the Kano Plains.

2. To devise methods of controlling these diseases.

3. To train Kenya officers in these methods of control.

4. To ensure that any method of control or device will not interfere with crop production on the Kano Irrigation Scheme.

(*c*) The World Health Organization Insecticide Research Programme, also based on the Kano Plains, is currently testing proven insecticides in field operations. This programme has assisted greatly in reducing malaria transmission in the area being treated as the Member now may be aware.

Mr. Lotodo: Mr. Speaker, Sir, could we be told by the Assistant Minister when this is going to start?

An hon. Member: As soon as possible.

Mr. Jahazi: Mr. Speaker, Sir, whether the Member was listening or not, I said that some of the personnel, for example, members of the World Health Organization, are already there.

Question No. 359

NATIONAL PARK: EAST OF LAKE RUDOLF

The Speaker (Mr. Mati): Mr. Umuro is unable to ask his question today. So, we move on to Mr. Kahengeri's question.

(*Question deferred*)

Question No. 462

SERVING AFRICAN HOTEL EMPLOYEES

Mr. Kahengeri asked the Minister for Tourism and Wildlife if he would tell the House—

(*a*) whether he was aware that Africans who were employed in hotels owned by non-Africans were not allowed to be served in those hotels even if they might be on leave or off duty while non-Africans who were their fellow workers could be served at any time; and,

(*b*) what steps was he prepared to take to eliminate that racial discrimination.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to reply. I am not aware, Sir.

Mr. Kahengeri: Mr. Speaker, Sir, does the Assistant Minister have any reasons for saying that he is not aware, because we know that hotels have regulations which say that servants in hotels cannot be served, and especially servants of African origin?

Mr. Jan Mohamed: Mr. Speaker, Sir, the hon. Member is generalizing the whole issue. However, if this is true, then we would certainly like to look into it; but I would like the hon. Member to give us some specific examples, either here in the House or submit them to us in the Ministry and I would like to assure the hon. Member that we will take appropriate steps because we cannot have this type of discrimination in our hotels.

Mr. Kahengeri: Mr. Speaker, Sir, would the Assistant Minister perhaps indicate as to what might be the outcome if we brought an instance where a person was refused to be served and consequently he was removed from the job with reasons to cover that but, in fact, that was the reason why he was put out of the job?

Mr. Jan Mohamed: Mr. Speaker, Sir, if this was proved to be true, then certainly the appropriate machinery will be applied and the person in question will have to be reinstated and appropriate action taken against the management of that hotel.

Dr. Munene: Mr. Speaker, Sir, with all due respect to the Assistant Minister who is probably not very conversant with the hotels where we go into, is the Assistant Minister not aware that in any of these big hotels—and we could go there this evening and check—no member of the servants who serve can sit and drink or eat or even take a cup of tea? Has he not even seen that with his own eyes, and yet he has been a Minister in that Ministry for a long time?

Mr. Jan Mohamed: Mr. Speaker, Sir, the workers in a hotel may not, during the working hours, sit and eat at the same place; but I believe the question was that when they are off duty if they go to these places they are not served, and I requested that I be given information so that we can look into it and take appropriate action.

The Speaker (Mr. Mati): Next question.

Question No. 347

GIRLS' SECONDARY SCHOOL IN SAMBURU

Mr. Lenayiarra asked the Minister for Education if he would tell the House whether the Minister would consider providing a girls' secondary school in Samburu District in future.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. As the hon. Member is aware, the number of girls attending primary schools in the Samburu District is comparatively low and those who make the grade have been given, and will continue to be given, preferential treatment in the placement of candidates in the existing secondary schools in the country. Due consideration will, no doubt, be given to providing a girls' secondary school in the area when numbers justify such development.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, will the Assistant Minister tell this House the number of Samburu girls who sat for the Certificate of Primary Education Examination in 1970 and whether that number does not justify a class?

Mr. Rubia: Mr. Speaker, Sir, there were only 35 girls who sat for the Certificate of Primary Education Examination.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he give a favourable consideration because this is one of the neglected parts of the country? Also, if there was a girls' secondary school there, it could serve the neighbouring district—these districts could send their girls there. Why can the Ministry not give a favourable consideration and start one secondary school in Samburu now?

Mr. Rubia: Mr. Speaker, Sir, we have such limited funds, and because we are duty bound to spend that money properly, we cannot set up schools just because it will please some people.

Question No. 459

PUPILS FETCHING WATER AND FIREWOOD FOR TEACHERS

Mr. Matiko asked the Minister for Education if he would tell the House when the Government would change the colonial system in remote areas whereby primary school pupils fetch water and firewood for teachers.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. My Ministry has never allowed teachers to use school children to fetch water or firewood for their own personal use. If the hon. Member cares to let me have some specific examples of this malpractice, I shall have them investigated in order to have the necessary action taken.

Mr. Matiko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he want to tell this House that primary school pupils in remote areas do not fetch water and firewood for their teachers? This happens and it is probably because the assistant education officers or education officers do not reach those places to check teachers—this is why the pupils in those areas are used by the teachers to fetch water and firewood for them.

An hon. Member: That is very true! You are right!

Mr. Rubia: Mr. Speaker, Sir, I did say that it is against the rules and if there are any specific examples that can be given, they must be given of course with their relevant evidence and then we shall take action. I would like to inform the hon. Member, Mr. Speaker, Sir, that I would be prepared to send a circular to all schools restating the facts.

Question No. 448

RELEASE OF POLITICAL DETAINEES

The Speaker (Mr. Mati): We will go back to Mr. Okudo's question. Nobody has been authorized to ask Mr. Okudo's question?

Next question. Mr. Mulwa's question.

Mr. Mbori: Mr. Speaker, Sir——

The Speaker (Mr. Mati): No, it appears that you were not authorized to ask Mr. Okudo's question otherwise you would not have taken so much time.

(Question dropped)

Question No. 457

VARYING SENTENCES FOR ROBBERY WITH VIOLENCE

Mr. Munyasia, on behalf of Mr. Mulwa, asked the Attorney-General if he would tell the House, since anybody charged with the offence of robbery with violence is liable to be imprisoned for 14 years regardless of the amount of violence employed and since the operation of that law is proving unfair where the violence alleged amounts to only a scratch on the victim, whether he would consider introducing the necessary legislation making varying sentences depending on the degree of violence involved.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. We are, Mr. Speaker, Sir, speaking of the offence of robbery with violence and it is only today, Mr. Speaker, Sir, that the hon. Members read in the Press of the robbery which took place yesterday in the Bank of India.

I am not satisfied that the operation of the law at the moment is unfair and I am also satisfied that the sentences awarded by the courts are fair.

Now, Mr. Speaker, Sir, this is, in fact, a wrong moment for us to be discussing about altering the law because of the prevalence of robbery with violence in this country. Therefore, Mr. Speaker, Sir, I have no intention of amending the law.

Mr. Mutiso-Muyu: Arising from the Attorney-General's reply, Mr. Speaker, is he implying that although the President has indicated that the country is in need of such a law, he is not investigating the possibilities of bringing it in the near future in order that these types of crimes can be curbed?

Mr. Njonjo: What I am saying, Mr. Speaker, is that we have at the moment, in this country, a lot of serious cases of robbery with violence. I am also saying that the police are not going to charge a person who has merely committed a technical offence for the offence of robbery with violence. It is a serious problem that we are facing today. In some cases the banks are responsible for these offences. I am quite satisfied that in yesterday's robbery somebody in the bank knew that that offence was going to take place. It was an inside job.

An hon. Member: Get him then.

Mr. Njonjo: We are going to get him. That is why I am saying that it is the wrong time at the moment to suggest to these thugs—these criminals—that the law should be amended.

Mr. Mulwa: I do apologize for being late, Mr. Speaker. Arising from the reply from my learned friend, the Attorney-General, will he agree with me that the present law is unfair, to a first offender, for example, who has been charged for the offence of robbery with violence, in that the judge or magistrate dealing with the case has no alternative but to sentence him to 14 years, because he cannot go below 14 years, whereas another criminal who has a long record will also get the same sentence?

Mr. Njonjo: Of course, Mr. Speaker, my learned friend is talking like a defence lawyer and I am talking like a prosecutor. These so-called first offenders, Mr. Speaker, must at least have started from somewhere at one stage. The question and degree of robbery with violence is a

[The Attorney-General]
matter of fact, as my learned friend knows, and therefore the magistrate will assess it when sentencing such a person. However, what is most important is that the police will not charge somebody who has just scratched someone else with the offence of robbery with violence if it is just a technical offence of snatching a bag of money from someone's pocket. What we are concerned with, in this particular section, is when these robbers are armed with *pangas* and pistols, which is frightening, Mr. Speaker. This is why I urge the House to agree with me that at the moment it is wrong to be talking about amending this legislation. In fact, what we should be suggesting is tightening of the law against that offence. In fact, Mr. Speaker, the President—at the last Madaraka Day—did suggest that the law should be amended so that these people can face capital sentence; to be hanged on the trees so that others can fear.

Mr. Speaker, instead of bringing the amendment that my learned friend wishes me to bring, I am going to bring an amendment to provide for capital punishment.

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Questions by Private Notice, Mr. Nampaso.

QUESTIONS BY PRIVATE NOTICE

CATTLE SALES AND GRADUATED PERSONAL TAX PENALTIES: NAROK DISTRICT

Mr. ole Nampaso: Mr. Speaker, Sir, I beg to ask the Minister for Finance and Economic Planning the following Question by Private Notice:—

(*a*) Since Government has announced that the graduated personal tax penalty will start at the end of June, 1971, is the Minister aware that Narok District is under quarantine of Foot-and-Mouth Disease and that no cattle sales are allowed in public auction?

(*b*) Could the Minister consider each district on its own merit so that Narok District is given another three months as the Masai in the area have no other way of getting money to pay the tax?

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. We are aware that certain parts of Narok District have been put under quarantine and, therefore, there has not been any cattle auctions for nearly a year. Sir, we are also aware that this does not cover the whole area and, therefore, what we are doing—in consultation with the administration in Narok—is to ensure that where there are sales of cattle, the people there do pay their taxes; but where there are no sales, then the question of the penalty is not presssed.

Mr. ole Nampaso: Mr. Speaker, Sir, arising from the answer given by the Minister, is he aware that three-quarters of the district—if not the whole district—is under this quarantine? I am sure that almost the whole of this district is under quarantine because of Foot-and-Mouth Disease. If you are going to impose the penalty at the end of this month, how are these people going to sell their cattle and pay the graduated personal tax before the penalty starts?

Mr. Kibaki: Mr. Speaker, Sir, I can only go by the areas that have been designated by the person who is qualified to do so and that is the Chief Veterinary Officer of the Ministry of Agriculture. The areas which he has designated as having Foot-and-Mouth Disease and, therefore, no sales are taking place, are the areas I was mentioning. If the Member says that there are no sales everywhere in the district, then, Mr. Speaker, this is a question of fact which he has to substantiate. But as far as I know, there are sales in certain parts and only certain parts are prohibited.

Mr. Jilo: Thank you, Mr. Speaker. Sir, can the Minister undertake to extend this mercy to the whole of Tana River District where a quarantine has been in existence for the last two years?

Mr. Kibaki: Mr. Speaker, Sir, the Member for Tana River South is trying to cash in on a situation which is not strictly relevant because, talking about Narok, it is that we accepted the contention of the Member for Narok South that these particular people derive their income from cattle sales and strictly speaking, do not have sales of any cash crop or other products. Mr. Speaker, this matter is not strictly relevant if we are talking about districts other than ones which are in a similar economic condition as Narok.

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

The Speaker (Mr. Mati): No, Mr. Jilo, your question was out of order. Order! Order! Your question refers to a different district and this question specifically deals with a particular district.

Mr. Jilo: But, Mr. Speaker, we are in the same condition and——

The Speaker (Mr. Mati): Order! Will you sit down!

Mr. ole Nampaso: Mr. Speaker, Sir, could the Minister consider this request of three months because I know the Veterinary Officer and administrative officers in Narok will tell him that the people in this place have been affected by the quarantine? Could he give us these three months and then allow the veterinary officer to lift this

[Mr. ole Nampaso]
quarantine to enable the people to sell their cattle in order to be able to pay their graduated personal tax before he imposes the penalty to them?

Mr. Kibaki: Mr. Speaker, Sir, I thought I had assured the hon. Member for Narok South on the point he is raising. The only point I was emphasizing is that Narok is a very large and extensive area; and since it is not all covered by quarantine, I said that we will not apply the penalty in those areas where there is a quarantine and therefore no livestock sales.

That is all I said and I think he is happy now.

The Speaker (Mr. Mati): Next question.

RECRUITMENT OF CASUAL LABOURERS IN KERICHO DISTRICT

Mr. arap Chumo: Mr. Speaker, Sir, I beg to ask the Minister for Works the following Question by Private Notice:—

(*a*) Is the Minister aware that the recruitment of casual labourers which started on the 5th of May, 1971 with a target of 150, one-third of whom have already been recruited, is not giving any chance to the local people but is taking labourers from outside Kericho District to work on the roads in Kericho?

(*b*) If the answer to (*a*) is in the affirmative, could the Minister take immediate action to see to it that the local people are given a chance?

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. No, Sir, my Ministry has not recruited any casual labourers from 5th May, 1971 in Kericho District for work on roads.

If the hon. Member is referring to Sotik-Kericho Road, which is under construction by a contractor, then it is only fair to point out that the contractor is free to recruit his labour force at the nearest source of supply.

Mr. arap Chumo: Mr. Speaker, Sir, arising from that "No" answer from the Assistant Minister, I would like to point out to him that I know what I am talking about. Regarding this case I was referring to, on a contractor in Kericho doing the Sotik-Kericho Road, if I wanted to ask him I would have done so. Sir, I also know that the Assistant Minister knows his work very well to the effect that these people have been hired by his own Ministry and not by the contractors. In fact, Sir, all these people come from Kisii District. Why are there no people from Kisumu, Kericho, Masai and other areas around there?

An hon. Member: Why not from Elgeyo? Answer that question.

Mr. Keen: Mr. Speaker, Sir, the answer I have here is that my Ministry has not recruited any labour force in Kericho District fairly recently. However, Sir, from the information of the hon. Member I would undertake to investigate his claim further. If it is correct that the labour is recruited from outside, then the matter would be adjusted.

Mr. arap Chumo: Thank you, Mr. Speaker, Sir, it might be true as the Assistant Minister is saying that these people might not have been recruited in Kericho District. They may have been recruited in another district and brought into Kericho District. I am glad that the Minister had indicated that he will undertake to investigate this matter because I know that there is a case here. If he is interested, I can bring the list here next week because I have seen these people working.

The Speaker (Mr. Mati): Next Order.

PROCEDURAL MOTIONS

REPEALING OF CERTAIN STATUTES

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 letter or the spirit of the Constitution."

(*Mr. Seroney on 17th May* 1971)

(*Resumption of Debate interupted on 27th May* 1971)

Mr. Kurgat: On a point of order, Mr. Speaker, Sir, in view of the fact that the debate on Order No. 5 has taken long enough and I think everybody has had his share, am I in order to move that the Mover be now called upon to reply?

Hon. Members: Hear! Hear!

The Speaker (Mr. Mati): Well, there was someone still speaking last time when we adjourned so he is entitled to conclude his speech. As a matter of fact, the number of people who spoke is very small compared to many other debates. It is true there is no necessity to take far too long on this kind of Motion because it is a procedural Motion and I hope that Members will not take too long when they stand up to speak. So, I do not think that it would be fair to stop the debate just now. I do not think that would be fair at all.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, when the House rose last month, I was speaking on this very important Motion. Important, Sir, in the sense that it affects the security of this country, particularly in so far as the Public Security Act is concerned.

Since I was speaking—I will not waste the time of the House—events, Mr. Speaker, Sir, have taken place. I was not wrong when I referred to the importance of the security of the state in the course of my speech. I would like to tell this House, Mr. Speaker, Sir, that during the month of January, February and March this year, and until the time those people who conspired to stage a *coup d'état* in Kenya were arrested, His Excellency the President and myself, together with our intelligence service, had trailed the activities of these evil men whose identities were known. I would like to say this: the lives of the people of this country depends on the maintenance of law and order and the way it is carried out. Sir, I, being the Minister responsible for the internal security of this State, would like to tell this House that things must be tightened up. I am going to tighten them up, Mr. Speaker, Sir, in the interests of all *wananchi*.

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, should these men have succeeded, even this House would have been blown up. They were not even caring about the Members in this House: they wanted many people to lose their lives. Are we saying that such people should have a chance? We know, Sir, that their chance was very remote; very remote. The Government knew everything. The President of the Republic and I knew everything. We were trailing——

Mr. Seroney: On a point of order, Mr. Speaker, Sir, there is a rule in our Standing Orders about discussing things, in this House, which are *sub judice* and it occurs to me that since these people have indicated that they are appealing, so, technically, the case is *sub judice*. If the Leader of Government Business opens the case, would we, then, be free to discuss the case he has referred to?

The Speaker (Mr. Mati): There is a point in what Mr. Seroney has said. If the case had just ended after judgement, and no indication was made that these people would appeal, then it might have been quite proper to discuss the issue. However, at the moment, from what I understand, it is the intention of these people to appeal in which case the case is not really over—not until the appeal has been heard. To that extent, therefore, it is *sub judice* to discuss this issue. I think there is no need, really, to introduce this matter in particular. I feel we can discuss the Motion without reference to this case at all.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, since the Motion itself involves a lot of things which would be very, very consistent with what the Vice-President was saying, and in view of the fact that the gentlemen are not appealing against sentence and conviction but only the sentence—which is the duration of period they are going to remain in jail—is it not true that we can debate the substance?

The Speaker (Mr. Mati): The trouble here is that whatever you say might prejudice whatever the appeal court will have to say about the case. This is the only fear; I cannot say exactly at what point. However, once a matter is still before the courts we do not discuss it.

There is a danger in allowing a certain measure of discussion. That is if we say "All right we discuss it" what is going to happen is that every Member will then be free to discuss the issue and this might not be desirable at this stage the way I see it.

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

Mr. Araru: On a point of order, Mr. Speaker, Sir, when you were replying to a point of order by the hon. Seroney, our Attorney-General was here and rushed to the Front Bench while you were on your feet. He walked all the way to the Front Bench. Is this in order?

The Speaker (Mr. Mati): Well, I did not see him, and so I am not sure.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I do not want to go into other matters, but the reason why I said this is because I wanted to keep the hon. Members informed of what action Government is taking on such issues, and what I am going to do, as the Minister for Home Affairs, is to protect the citizens of this country. I also wanted to say that Government intends to enforce the present Preservation of Public Security Act. I think this is in line with our debate and I hope hon. Members in this House feel the same way as other members of the public feel because we all want to live in peace. My objection to the repeal of this Act was on those facts, Mr. Speaker, Sir. In actual fact, Mr. Speaker, Sir, it is an appropriate time to tighten up this Act and even increase the powers which are vested on this Act instead of abolishing them.

[The Vice-President and Minister for Home Affairs]

With those few points which I have raised I would like to add that this Act being so important to me, as the Minister responsible for internal security, I feel I am entitled to say what I have just said. I do not want to go into the pros and cons of other matters which might come at a later stage. However, every patriot, every citizen, who is loyal to the President of this country and to this country will definitely defend this country by all means.

Mr. Speaker, Sir, I am grateful to the hon. Members in this House for listening to what I have said and, therefore, with those few remarks, I beg to oppose the Motion.

The Speaker (Mr. Mati): Just to clarify this point because it is rather important, Mr. Mwithaga has made a distinction between the conviction of the people on their own plea of guilty and the appeal against sentence. It is true you can, as the Press has been doing, comment on this matter because the fact is that these people themselves, pleaded guilty. Therefore, to that extent there is nothing which is *sub judice*. But then, once you reopen the issue and you start discussing the case as such, there is always this danger that you could say something that might interfere with whatever the appeal court will have to consider, and this is why it is dangerous to reopen the issue at all. It is not because you cannot comment on their own plea of "guilty" which is admitted.

The Assistant Minister for Works (Mr. Keen): On a point of order, Mr. Speaker, Sir, in view of the fact that we have learnt from papers that there would be more cases on this matter coming up, would it not be *sub judice* to reopen this issue again?

The Speaker (Mr. Mati): I think my ruling applies generally and it is quite sufficient.

Mr. Mwicigi: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to make a few comments on this Motion. In fact, before the House adjourned the last time I had proposed an amendment to this Motion.

Mr. Speaker, Sir, in this Motion I agree that some Acts should be repealed but there are others I would not support any repeal on. Also, Mr. Speaker, Sir, I can find some Acts here which have already been repealed.

Mr. Speaker, Sir, I would like to start with the Chief's Authority Act 1937, which appears first on the Motion. This Act, Mr. Speaker, Sir, needs some consideration because it seems to be rather unpopular and therefore something should be done about it in the future. When we come to the Age of Majority Act, 1933, there was a Bill in this House which would have amended this Act but it was rejected in the House. As such, we should not blame the Attorney-General for that—who is speaking when I am presenting these points to the House. The Act itself is discriminatory in nature because it gives the age for Europeans to be 21 years, Asians to be 18 years and, apparently, it is not applicable to Africans when we are supposed to be equal before the law. Mr. Speaker, Sir, there are many other Acts which have been excluded by the Mover of this Motion. These are Acts like the Outlying Districts Act of 1902, which should be looked into, and also the United Kingdom Designs and Protection Ordinance Act of 1936. There are many other Acts of that nature, including Judicature Acts of 1967. Therefore, something should be done to review our laws, and to this effect, Mr. Speaker, Sir, I intend to bring a Motion in this House specifically for that review in future.

I am surprised, Mr. Speaker, Sir, to see that the Mover has included the Laibon Removal Act of 1934 in his Motion yet it has already been repealed. Unfortunately it is a mistake which was done by a lawyer. As this Act has already been repealed I do not see why it should be repealed again.

Mr. Speaker, Sir, I would now like to touch on the Public Order Act 1950, which the hon. Mover includes in his Motion. If we were to repeal this Act, it would be very unfortunate because the Act protects us. There is public order when there is that Act. I do not know what was in the mind of the Mover when he said that we should remove this Act. Mr. Speaker, Sir, when you remove public order, what will be the substitute for this? Will it be public disorder or what? Mr. Speaker, Sir, I would be very unhappy if I heard anybody in this House, suggesting that the Public Order Act of 1950 should be repealed. This Act has been important in other countries because I can remember that the United Kingdom Government introduced this Act in 1950 so that they could be able to cope with the storm-troopers of Hitler. This Act also controls many other things, such as organized groups of youth wingers, curfews and also the carrying of offensive weapons. Therefore, without this Public Order Act, Mr. Speaker, Sir, we would be in a very unhappy situation.

Mr. McKenzie: On a point of order, Mr. Speaker, Sir, I hope the Ministers do not mind me raising this matter because I can hear them say that I should not raise it. Is it correct for the hon.

[Mr. McKenzie]
Member to continue reading his speech on and on instead of talking properly?

Mr. Mwicigi: Mr. Speaker, Sir, the gentleman, who used to be a Front-bencher, but now is a Back-bencher, may be having problems with his eyes. I have put some notes in front of me so that I can be able to quote these Acts because they are very many, Mr. Speaker, Sir, and my memory cannot keep all of them in mind. That is the reason why I kept them in front of me, Mr. Speaker. The hon. Member should keep on his glasses to see properly.

Mr. Speaker, Sir, I cannot, therefore, support the idea of removing the Public Order Act because this Act protects us. It is unfortunate for anybody inside or outside this House to say that the Public Order Act should be removed. There is another, equally important, Act which I do not support that it should be repealed, and this is the Preservation of Public Security Act of 1960. This Act, Mr. Speaker, Sir, has been here before; it has been passed and it is rather important because in many countries in the world you have to have this Act because it also preserves public order. In fact, this is the Act in which the Government and the President have power to declare war and the conditions of war. If a country like Kenya is attacked by external forces, there is an Act which can protect the country.

Mr. Speaker, there was a subsidiary legislation in 1966 which was laid on the Table of this House and which was approved. I think that is a very important Act and it should not be repealed because of its importance. I know many people get nervous about the term "detention". However, there is detention involved in the Act but there are some cases where detention Acts help. I am not aware of any country in Africa, or anywhere else, where detention Acts are not applicable. Therefore, I do not feel that it should be repealed.

Mr. Seroney: On a point of order, Mr. Speaker. We are being faced with the same problem of discussing, exhaustively, the merits of certain parts of the Motion which is purely all preliminary. After all, is not the Motion "That this House do grant leave to introduce a Bill entitled an Act of Parliament to Repeal Certain Statutes that are inconsistent with the letter or the spirit of the Constitution?" Is it, therefore, in order for any Member to go into detail of any of these individual Acts? I know I had to do it because I had to give a brief explanation. Are we rehearsing for a debate which should be appropriate for the actual Bill?

The Speaker (Mr. Mati): The problem is that when you were moving your Motion, the Motion itself contained a number of Acts. Unless Members understand what these Acts talk about, it does not really make much sense. It is difficult to know what decision to arrive at, whether to agree to grant leave or not. All Mr. Mwicigi has been doing is to show why these specific Acts which you have referred to should not be repealed. Of course, if you are given leave to introduce the Bill here, all these matters should also be considered. What will be the use of taking the time of the House if Members do not interest themselves in what you are suggesting? It is true we must not go into too much detail but it is inevitable that whoever is speaking must make some reference to the Acts which you have referred to.

Mr. Mwicigi: To continue with what I was saying, when it comes to the Preservation of Public Act of 1960, I feel that sometimes it has to be used to protect the Constitution. When we came in this House for the first time, we had to take an oath of allegiance to the President and to the Constitution. If, however, somebody feels that he has to ignore any of the two—the President or the Constitution—or both of them, then if this Act was to be used on such person, Mr. Speaker, Sir, I would feel that it is rightly used that way.

Mr. Speaker, Sir, I feel unable to support the Motion and, therefore, with these few remarks I beg to oppose.

Mr. arap Cheboiwo: On a point of order, Mr. Speaker, Sir, I want to seek your guidance on whether it is not now time for the question to be put because we have heard enough on it?

The Speaker (Mr. Mati): There seems to be some agreement that the Mover be called upon to reply.

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

Mr. Seroney: Mr. Speaker, Sir, as I indicated when I rose on a point of order, the Motion before us—the substance of it—is merely to seek leave of the House to introduce a Bill entitled "An Act of Parliament to repeal certain statutes which are inconsistent with the letter or the spirit of the Constitution". Much of what has been said has consisted of debating points and arguments which could appropriately be reserved for a later occasion.

The Leader of Government Business was right when he pointed out that the Laibon Removal Act has been repealed. I have checked on it and I have found that it was repealed together with 20 other Acts in 1968. The repealing Act is a very

[Mr. Seroney]
short one and I think it has only two clauses and a schedule. The schedule is a list of 20 Acts and this Laibon Removal Act is somewhere in between However, with due respect to Leader of Government Business, the Chief's Authority Act is still very much in force. What has happened is that minor amendments, in wording, have been effected, such as changing the title of the Act from the Native Authority Ordinance to the Chief's Authority Act. A few words have been changed here and there, like the words "any African"—— The Act originally applied to Africans only and, therefore, there are references of "any African" all over the Act. That has been changed to read "any person". However, the substance of the Act is still very much the same and it is still very much in force and prosecutions continue under this Act.

I am sure the learned Attorney-General will advise the Leader of the Government Business that this Act is still in force.

With regard to the other Acts, I do not want to say very much about them but I cannot let some of the remarks go unanswered. The hon. Mwicigi has discused the Public Order Act as though he has not read it to know what other things are contained in the Act. Every hon. Member here has, at one time or another, come up against this Act when he has been refused permission to hold a meeting in his constituency. However, all I am doing now is to tell the House that this Act, when we were fighting for independence, used to be the target of every nationalist politician. These are the Acts which I am saying should be repealed. Of course, this Motion does not repeal—— If this Motion is carried, it does not repeal the Act. This is merely a Procedural Motion. I am asking the House to give themselves an opportunity to go into the merits of whatever will be included in the Bill which, if I am given leave, I intend to introduce to this House.

The Leader of Government Business used a phrase which the newspapers got hold of. I think he said the Government rejects this Motion. With due respect to him, this Motion is not directed to the Government. This Motion seeks the leave of the House. Ministers of today must remember very well that they may not necessarily be the Ministers of tomorrow. I would, therefore, urge them, and their Assistant Ministers, when deciding their attitude towards this Motion, to try and achieve not what they want to see as Ministers but what they would like to see if they were Back-benchers. Mr. Speaker, the last speaker extolled the virtues of the Preservation of Public Security Act. May I remind him that similar enactments have [illegible] used elsewhere—— I think they have been used in Uganda to detain five Ministers, and I think recently, a Vice-President of Malagasy was arrested. Anyway, it will be open for anyone to argue on merit, this particular Act, and it would be a pity, as I said earlier, Mr. Speaker, if Ministers were to gang together and say that they are not going even to discuss a Bill which is proposed by a Private Member because it will be a very dangerous precedent.

Mr. Mwamzandi: On a point of order, Mr. Speaker; I seek your ruling here because there is a lot of murmuring within the House—I wonder whether you could ask the Members, if they must have discussions, to go outside?

An hon. Member: Are you deaf?

The Speaker (Mr. Mati): Probably where you are sitting—— Could hon. Members, please not make too much noise?

Mr. Seroney: I am saying, Mr. Speaker, in the history of the Parliament of our independent Kenya there has been only one Private Members' Bill introduced in this House. If this is allowed, it will be the second but there is a danger that a precedent may be set that because some Ministers find certain matters embarrassing, there is a tendency, a temptation, to take the easy way out and so avoid discussion. That is an ostrich-like attitude, and I am sure that Members have been here long enough and some of them are old parliamentarians, they would not like to adopt an ostrich-like attitude. The way to meet issues is not to avoid them but to discuss them openly in broad day-light. It would be illogical to tell *wananchi* that things which *wabeberu* used to do, and which we used to attack as wrong, are now all right if they are done by Africans. Most of these Acts, as I have said, are old Acts and I ask Members to give leave for the introduction of this Bill and there will be a Memorandum and Objects of the Bill and also, Members will be able to do some research. I am sure they have been sufficiently provoked to go and find out what these Acts are all about.

Therefore, I am asking them not to close the door for the revision of this particular Act but to take their courage in both hands and give the necessary leave, and then when the Bill comes before this House, we shall see what we can make of it.

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

Hon. Members: Very good!

The Speaker (Mr. Mati): All right; now, before I put the question, I will allow a formal amendment by the deletion of the words:—

The Laibon Removal Act 1934, as it is agreed on both sides that this Act has been repealed, I will now put the question.

(*Question of the amendment that the words to be left out be left out proposed put and agreed to*)

(*Question of the Motion put and negatived*)

Mr. Seroney: On a point of order!

The Speaker (Mr. Mati): Order! No—— Order! I have no doubt in my mind that it was quite clear that the "Noes" had it. Therefore, it is no use wasting time on this.

Next Order.

LEAVE FOR INTRODUCTION OF A BILL TO AMEND THE CONSTITUTION

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

THAT with a view to the amendment of section 75 of the Constitution to put an end to the exploitation of *wananchi* through speculative dealings in agricultural land, this House do grant leave to introduce under Standing Order 95 (2), a Bill entitled "An Act of Parliament to amend the Constitution and for matters incidental thereto or connected therewith".

Now, Mr. Speaker, somebody whispered to me that there was another ganging-up in the offing, with regard to this particular Motion. It would really be a pity, Mr. Speaker, because only a few months ago a Motion was moved in this House, and accepted on behalf of Government, dealing with the same subject.

For many years now, this House and the former House has discussed, from time to time, this question of agricultural land. As long ago as 1965, the Sessional Paper No. 10 recognized that the settlement schemes policy was aimed, not to help the African settler but the outgoing settler because of the concept of "willing-buyer-willing-seller".

Now, this concept of "willing-buyer-willing-seller", Mr. Speaker, has meant that the people who are non-citizens have tended to speculate in land. We know many incidents where local Asians, and some of them from Uganda, have bought land at a reasonable rate, and then, and then after farming it for a few years, they sell it at double the price for which they obtained it. Now, this is clearly exploitation of *wananchi*.

Now, we have all agreed that there is something wrong. I think, before the last Parliament was dissolved, it was agreed that the whole question of prices of land should be reviewed, but nobody has done anything about it. Now, Mr. Speaker, are we merely going to sit and say we know what is wrong, but we cannot do anything about it? As I said earlier, this very House has agreed, in principle, that section 75 should be amended. Now, the particular Motion was moved on 16th October, by the hon. Magugu, and it was amended and accepted by Government. Now, the Motion, as amended, put and agreed to, reads as follows:—

THAT in view of Government's several pronouncements and warnings that land prices have been and are still being highly exploited by unscrupulous individuals, including those citizens who acquired land cheaply before they were registered as Kenya citizens, and that then those wishing to sell their land should only be paid for improvements thereon, such as buildings, specialized crops of a permanent nature and water system, this House urges Government to consider, as a matter of urgency and concern, land transactions in the Republic, with a view to introducing legislation to amend the Constitution, so that land shall be excluded from the meaning of property in section 75 of the Constitution of Kenya.

It is quite clear what the Mover of that Motion and the House had in mind. What I have in mind with regard to this particular Motion is not, and shall not, be to exclude all land from section 75, but to exclude land held by persons who are not citizens of Kenya from the provisions of section 75 of the Constitution.

I understood that one of the Members did comment on this issue, that he was afraid that this Motion would mean that many Members here who have land will have it interfered with. All I can say is that let these Members who have any apprehension wait until they see the terms of the Bill. We have always agreed that something should be done, and what I am asking now is intended to enable the door to be opened so that a Bill amending section 75 can be discussed.

In case the Members are tempted to argue at great length on the merits and demerits of such an amendment, I would remind them that the Constitution has sufficient safeguards. One of them is that there can be no Constitutional amendment unless it is carried by a two-thirds majority of the House. Therefore, hon. Members will have every opportunity to discuss the Bill when they see exactly how it is worded.

In case hon. Members are not aware what section 75 of the Constitution says, I will just read the first few lines of it:

"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 . . ." certain conditions have been met.

[Mr. Seroney]

One of them is the prompt payment of full compensation.

There is nothing in the Constitution, or in the present Laws of Kenya to enable Government to interfere or value the land which somebody wants to sell because the vendor will simply sit back and say, "In that case, I am not selling". There is no such thing as compulsory valuation. That is one of the things which will be worth writing into any amendments which will be introduced in this House.

I urge hon. Members to take some action in this particular matter. Only recently, a delegation from the Rift Valley visited the President at State House, and the whole question of valuation of land was discussed. At that time no indication was given that Government would be hostile to an amendment which would clearly meet the wishes of *wananchi*.

As I said, there is nothing new in this particular idea. We have discussed it time and again, and the actual amendments involved will not be extensive but will only be applicable to agricultural land, and will enable Government or this Parliament to make necessary laws to provide for the compulsory valuation of land and regulate the prices. I do not think there is anyone in this House who has not heard his own constituents who complain about fantastic prices charged for land.

Somebody might ask, "Why pick on the agricultural land held by non-citizens?" Well, it so happens that this is the type of land in which exploitation of *wananchi* is very prevalent, and I believe that it is our duty, as a House or a Parliament, to protect the interests of *wananchi* so that they may not be exploited by a person whose only interest is to acquire as much money as he can get and then move on to either Bombay, the United Kingdom or South Africa. Therefore, I trust there will be no hesitation in giving leave for the introduction of this particular Bill.

I do not want to take much time. With these few remarks, I beg to move.

The Speaker (Mr. Mati): Mr. Kanja, are you seconding?

Mr. Kanja: Yes Sir.

Thank you very much, Mr. Speaker. I have said repeatedly in this House that when it comes to the question of land my views are very well known. I arise to support hon. Seroney in his Motion, which is now long overdue, so that we can give what belongs to our Black Africans back to them because they are entitled to it by birth.

As hon. Seroney has very ably put it, this is not the time to discuss the whole issue, but only to request Government to bring or to introduce this Bill so that it can be passed by this honourable House in order that our own brothers and sisters can also benefit.

Mr. Speaker, Sir——

The Speaker (Mr. Mati): Could you resume your seat. I think what you are saying, Mr. Kanja, is quite different from the purpose of the Motion. The Motion is asking for leave of the House to introduce a private Member's Bill. It is a Bill of public interest, but it is to be introduced by a private Member. The Motion is not asking Government to introduce the Bill.

Mr. Kanja: Thank you for correcting me, Mr. Speaker. I think I took myself to be the Government—after all, I am part of that Government.

Hon. Seroney will be quite in order, as a private Member of this National Assembly, to introduce the Bill, and I hope we shall pass it.

Sir, over and over again, our electors have complained about the exorbitant prices which are being asked by the foreigners who have been exploiting them since we attained independence. Surely, the time has come when section 75 of our Constitution should be amended so that our people can benefit fully from the fruits of *Uhuru*, which they fought for.

Mr. Speaker, it is very well known and it has been said repeatedly by His Excellency the President that *Uhuru* was not griven on a silver platter, but was fought for. We fought for it and to get it completely we must get the whole land in Kenya. We did not fight for *Uhuru* so that we may buy land at a million pounds or shillings, Mr. Speaker, but we fought so that we could also share equally, according to what our capability could be. However, in this case, because of this particular section of the Constitution, Mr. Speaker, there is nothing we can do. We are trying to walk with our legs tied up. Therefore, we have to amend this Constitution so that we can all share equally what I call our birthright.

It is very well known, and it is very clear—I do not think any hon. Member, either on the Back Bench or the Front Bench, is going to oppose this unless he has a personal material gain, which he does not want to share with the others.

I, therefore, feel that it is only fair for us, as parliamentarians and as the representatives of our people who are duly elected, to amend this particular section of the Constitution so that the land will sell at a price that this Government of the people by the people and for the people will

[Mr. Kanja]
decide, but not what the sellers will ask our people to pay because our people cannot afford it. Sir, I can see my good friend, Mr. G. G. Kariuki, signalling me to sit down; however, I will not sit down because I am speaking on behalf of the 12 million Africans of this country. This is not a locational council; it is a National Assembly and a Member of this honourable Assembly should speak and represent the views of the Giriama people as well as the Busia people on the other end of the western border of our country.

Mr. Speaker, Sir, as it is not yet time to elaborate and talk much on this question, I beg to support, wholeheartedly, what this Motion is asking. Thank you very much.

(Question proposed)

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, while I would very much appreciate the introduction of this Motion calling for a Bill to be introduced, would you advise as to how we are going to debate the issue in view of the fact that we had a Motion in this House, not more than six months ago—of course, which was amended by Mr. Gatuguta to incorporate these two—asking for the removal of land from this section of the Constitution, which deals with interpretation of land and property. We debated the whole issue; how are we, again, going to debate the same? Is this not just a mere repetition of the same thing before six months have elapsed?

The Speaker (Mr. Mati): No, the Motion here is different and it is procedural. All that it is doing is to ask leave of the House for a Bill to be introduced. The Motion which was carried here in the last Session was asking Government to do something about it; it was urging Government to look into the question of doing away with or removing land from this particular section of the Constitution. The two are not quite the same. Here we do not yet know what will be contained in the Bill except what Mr. Seroney has indicated in moving his Motion. It will depend on how the Bill comes. All that we know is that the aim is to amend that section where it refers to land. Therefore, the two are not the same.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I propose to speak at this stage because, as the Mover of the Motion has said, this is a procedural Motion and therefore it should not take the House too long to decide one way or the other as they deal with the Motion.

Sir, I want first of all to suggest that this Motion follows a scheme of things. We have just disposed of a Motion whose intention, in my opinion, was to bring about chaos in this country. Chaos having taken place in this country, then, land grabbing was going to follow. Mr. Speaker, Sir, a number of Africans in this country are now land-owners. If these amendments in our Constitution are done by this House, it does mean that these Africans who now own land, their land can be taken just as the land which, perhaps, hon. Members are thinking is still in the hands of Europeans. This section covers both Europeans and Africans; in fact, everybody in this country. Therefore, I would suggest, Sir, that this is a fundamental section in our Constitution.

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

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

May I add that it has nothing to do with land valuation. If—as the hon. Mwamunga was saying —land is expensive or there is speculation in this country, these matters can be dealt with; not under this section but under other sections in our ordinary laws in this country affecting valuation of land. This is then a matter that the Ministry of Lands and Settlement can deal with as far as land valuation is concerned. As far as section 75 is concerned, this guarantees my title to the land, your title to the land and those Masai title to their land; once it is removed, then this Government, which was perhaps going to take over, was going to take this land regardless. Therefore, I suggest, Sir, that this is a very sinister Motion and I think the House ought to consider this very, very carefully before voting on it.

I completely oppose the Motion on behalf of——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, may I seek your guidance on this. A Motion being brought before the National Assembly must first be approved by the Speaker of the National Assembly; he has to be convinced that it is in order and that it can be debated—I am seeking your guidance as to whether one can actually, after a Motion has been moved, describe it as "sinister"?

The Deputy Speaker (Dr. Waiyaki): I do not know what you understand by the word, "sinister"; that has nothing to do with whether the Motion is proper or not. I would like to know your definition of the word "sinister" before I comment.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, what I understand by

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
the word, "sinister", is something that is completely—in the opinion of the speaker (and in my opinion)—not worthwhile to be brought here; it is evil; completely undesirable and all the rest of it. That is my English.

The Deputy Speaker (Dr. Waiyaki): The last part of your definition, "evil and undesirable", perhaps is correct—perhaps the other was not. This is what the word, "sinister" means there. The hon. Attorney-General is entitled to regard a matter as evil when it comes here. However, it does not matter that the Speaker, did not rule it out of order; it is not out of order; it merely is evil.

Mr. Seroney: Mr. Deputy Speaker, Sir, on a point of order, do not our Standing Orders provide that we must not impute improper motives to each other in this House?

The Deputy Speaker (Dr. Waiyaki): Is this word, "sinister" imputing an improper motive? It is the description of a Motion. The Motion's effect, as far as he is concerned, would amount to robbery of Masailand, for example. This he regards, to his way of thinking as an evil.

Mr. Seroney: Mr. Deputy Speaker, Sir, I was referring to the word, "intention"; I am not concerned with the word, "sinister" for that word is a matter of opinion. The question here is whether I had an evil intention in moving this particular Motion. This is what I was referring to.

The Deputy Speaker (Dr. Waiyaki): As far as I understand, the hon. Attorney-General merely said the Motion was evil. The intention was not described in such words. I do not think that was recorded up there.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I did not say anything like that. What I was going to suggest is that the hon. Member, in moving this Motion, was misguided. I did not suggest that he had any sinister motive.

Sir, I hope this House will allow me and other Members of this House, to have opinions. If the hon. Members, Mr. Shikuku, likes this Motion, and I do not like it, I think I am entitled to express my own opinion. That is all I was saying. Therefore, I can say that the Motion is sinister in my opinion.

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

The Attorney-General (Mr. Njonjo): Sir, I was saying that I own a piece of land and in my view I am protected by this section as far as that piece of land is concerned. If the present Government wants to grab my land, they will pay me a fair compensation and promptly. If this section is amended and I know my hon. friend has a piece of land—if we remove this section, the Minister for Lands and Settlement can take his land without any compensation. Mr. Deputy Speaker, Sir, this might be happening in other parts of East Africa, however, I do not think we would like the same thing to happen in Kenya because everyone wants to say, "This is my land, this is my property or this is my house". We hope that there will be no Government——

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir, is the Attorney-General aware that we want to redeem the land in Kenya which was taken by the Europeans by force?

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, with the greatest respect, I would like to tell the hon. Member that he is not redeeming the land, but he is grabbing the land if this amendment is carried forward.

The Deputy Speaker (Dr. Waiyaki): That was not a point of order, Mr. Koigi. Will you sit down please, Mr. Koigi. What you said was a point of order, was not a point of order, it was a point of argument. You are not entitled to pursue your argument under the pretext of an answer to your point of order which was not really a point of order. This is out of order.

Mr. Koigi: Mr. Deputy Speaker, Sir, may I comment on what the Attorney-General has said?

The Deputy Speaker (Dr. Waiyaki): No! Mr. Koigi, I think you understand the procedure. The hon. Member is speaking and you are entitled to comment on what he is saying, but at the right time. In this case you are commenting using a point of order as the pretext, something which I cannot allow.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, only yesterday, His Excellency the President handed over title-deeds to a society in Nakuru of 700 people who had collected money so that they could own land. That land belongs to them. These people would like to feel that that land belongs to them. Likewise, everyone would like to feel that this is his house, this is my wife as the hon. Members would like to feel. Equally a woman would like to feel that this is her husband and so on.

Mr. Deputy Speaker, Sir, I think it is important for the House to know although I know the hon.

[The Attorney-General]
Member read this part—I would like to emphasize what the effects of this amendment are or what they are likely to be. I hope this will never happen in this country. Section 75 of the Constitution protects against deprivation of property or against the grabbing of property or against taking individual land without compensation. The section reads as follows:—

> "No property of any description shall be compulsorily taken possession of, and no interest to that land—for instance, if it is a leasehold or tenancy—in or right over property of any description shall be compulsorily acquired, except under certain conditions."

The conditions specified there, Mr. Deputy Speaker, Sir, are, for instance, the land required for public utilization, for example, to build a school and so-forth and so-forth, or if it is a matter in which the State is interested then the property can be acquired, but prompt compensation will be paid. You will not grab as is happening somewhere not very far from us. You do not grab and then negotiate for compensation. You negotiate compensation before the land is compulsorily acquired.

Mr. Deputy Speaker, Sir, I would like to suggest to this House that any Member of this House who has a piece of land and he has a title-deed for it cannot agree that the Government should come—not this Government, but perhaps the next Government—to take his land compulsorily without compensation. This is the intention of this Motion. This is the reason why I say that the Motion is sinister because it is bound to bring chaos in this country. If the Masai or the Kalenjin or the Kikuyu in Central Province were to be told that their land was to be taken over compulsorily —and I wish the hon. Member who seconded this Motion was here—— If people in Central Province were told that the Government is going to take their land without compensation, there will be chaos and civil war in this country. If the hon. Minister for Co-operatives and Social Services, who has a piece of land on which he has spent a lot of money, is told that the Government is going to take his land compulsorily and without compensation—I am sure, even the snuffers—he would prepare himself to fight against the legislation. Therefore, Mr. Deputy Speaker, Sir, I would like to suggest to this House that there is no point in approving this Motion because if a Bill was to be introduced in this House it will be opposed. The opposition to such a Bill if it is introduced in this House will be there because it will be an amendment to the Constitution. To pass it will require a two-thirds majority of the House. I question, Mr. Deputy Speaker, Sir, whether the hon. Member for Tinderet is hopeful of getting a two-thirds majority in this House to support the amendment of the Constitution which guarantees against robbery. This is exactly what will happen to allow the Government to rob people of their property without paying compensation. I suggest, Mr. Deputy Speaker——

Mr. Seroney: On a point of order, Mr. Deputy Speaker, has the speaker seen this Bill and if not, why should he assume that the Bill will contain a clause which will allow grabbing people's property? I did not say anything like that. Can he substantiate that he has seen such a Bill in existence?

The Attorney-General (Mr. Njonjo): I am not assuming, Mr. Deputy Speaker, Sir, because the Motion speaks for itself. The Motion says as follows:—

> "With a view to amending section 75 of the Constitution".

Section 75 is in this red book which is the Constitution of Kenya. You cannot, for the interest of the hon. Members of this House who are interested, amend this Constitution unless you have a two-thirds majority of the hon. Members supporting the amendment. I am suggesting to the House that the House should throw away this Motion in the interests of deprivation of one's land and property. We do not want to see what is happening in the other places here. We want our property to be safeguarded in this country. I want what is mine to be mine, but not to be for robbers who are not prepared to work, but to grab other people's property.

I beg to oppose.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I want to stand up on the Floor of this House to air my views on this very important Motion before the House.

Mr. Deputy Speaker, Sir, all the hon. Members in this House must know that every word said in this House is recorded. It is not as it used to be in the past before the Europeans came into this country when we used to sit under trees to talk and whatever we talked about was not recorded. Therefore, when we air our views on such important Motions like this one we must bear in mind that—I think there are very few Members here who have not given birth to children in this country—— I think every one of us is either a father or a mother or a grandfather.

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
Mr. Deputy Speaker, Sir, I do not think there is any Member in this House who does not have a child. If he does not have one legally, then, he has it somewhere else. However, Mr. Deputy Speaker, Sir, the point we are trying to put across is the future of those souls which we have created and not that I am existing today——

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir, is the Assistant Minister trying to suggest that we have unmarried people here in the House?

The Deputy Speaker (Dr. Waiyaki): We have them.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I am glad you have replied that we have Members here who are not married. However, I was very cautious in my statement when I said that if they do not have one, then, they must be having them elsewhere. This is possible. Now, Sir, the most important point here is the future of those children. The Mover himself is seeking—one hon. Member is telling me he has no child but I am sure he has one somewhere and he does not have to be wed to get one, you can get it without being married —leave of this House to bring an amendment to amend section 75 of the Kenya Constitution. I, personally, do not know what the hon. Member for Tinderet has in mind in connexion with this amendment. I would be wrong, Mr. Deputy Speaker, to assume that I know what the hon. Member for Tinderet has in mind because I would be assuming too much. One thing, I know, Mr. Deputy Speaker, is that now we are in a situation where our own judgement is in danger. Why, Mr. Deputy Speaker, Sir? It is because since the Europeans left this country, at least politically, some of us, and even Members of this House, are guilty of grabbing of land. I want it to be recorded because, I, for one, was not one of those backroom-boys. I played my part——

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House those who are guilty of grabbing the land?

The Deputy Speaker (Dr. Waiyaki): That is not just a matter of opinion, "guilty of grabbing". That, I think is a grave statement and I think you ought to substantiate it.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I think the word "grabbing" is rather too strong because it implies that one takes without consent. I must apologize, therefore, that that word was a very strong word to be used. However, Mr. Deputy Speaker, Sir, a better word would be: "guilty of the fact that with the position they hold, they have managed to take land which they would not have otherwise dreamt of——"

Dr. Munene: On a point of order, Mr. Deputy Speaker, Sir, I think the hon. Member has not simplified his statement. He has repeated exactly what he had said. If he is sure in his mind that there are some people who have grabbed or possessed land in this country because they have been in a better position, would he tell this House who these people are? He, himself, earlier on had said that whatever is said here is recorded——

The Deputy Speaker (Dr. Waiyaki): I think the hon. Member has just said that some people have a lot more land than they would have otherwise possessed by virtue of their position. This is the kind of statement you cannot contest properly. He might even produce one or two names and then he will defeat you.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, having said that, this is something that is quite human. However, I, personally, would not like to kill or to be a party to camouflaging or trying to get the truth suppressed or deny other people a chance in this country. When we fought for independence of this country, and I played my part, however small it might have been, but I was known and I was one of those people who used to tell the people that we want the *mzungu* to go because *mzungu* has taken our land and we do not have any land and, therefore, we must remove the *mzungu* to get the land—— We never told them that we the leaders—after the *mzungu* have gone—we will take the land. However, the problem, Mr. Deputy Speaker, is that we are involved. In those days, we talked of the *mzungu* going, but the black *mzungu* cannot go. The only place he can go is six feet underneath, because, Mr. Deputy Speaker, even Jesus realized that people must eat and he gave them food. We can use our position, we can use this Parliament but the hungry man or woman may use other means to put us six feet underneath. Therefore, when we speak here, let us realize that this Motion —— The hon. Jahazi is asking me when are we going six feet underneath? He had better ask his constituents.

Mr. Deputy Speaker, Sir, the language I use here is the language of the Butere people. The intention of this Motion is to seek the leave of

[The Assistant Minister, Vice-President's Office and Ministry of Home Affairs]
the House for a Bill to be introduced in this House, to introduce an amendment to section 75 of the Kenya Constitution. It is not asking—let us be honest with ourselves—the deletion of section 75 of the Constitution. It is an amendment to section 75 and if that hon. Member for Tinderet comes up here with the deletion of section 75 of the Constitution, I can assure him that he will get the stiffest opposition from every Member in this House including the Member for Butere. However, what he is seeking to do is to get permission to introduce an amendment to section 75 of the Constitution. Until I know his amendment, I cannot hit him now because if I do, I will be hitting him below the belt. If he introduced that amendment stating that section 75 of the Constitution should be deleted, thereby making it open for the Government to acquire land from any person without compensation, thereby taking the land of the *wananchi* as has been stated, I am sure he will never get his two-thirds majority in this House. What I assume, however, is that the hon. Member is probably trying to amend section 75 to make it illegal for a non-citizen to own land. If he is trying to deprive the non-citizen from owning land, and any Member in this House supports that non-citizens should own land, then that hon. Member is not worth his salt and he will never see the four walls of this House. Mr. Deputy Speaker, I have yet to be told of a country which allows non-citizens to own agricultural land.

Mr. Koigi: There is none.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Yes, there is none. I may be ignorant, I am here to be educated. Let any hon. Member tell me, and I am prepared to give way on a point of information. Let any hon. Member in this House, if he can, stand up and say, "Mr. Shikuku, such-and-such country allows non-citizens to own agricultural land, especially for speculation".

The Assistant Minister for Agriculture (Mr. Wanjigi): On a point of information, Mr. Deputy Speaker, I want to inform the hon. Assistant Minister that already that amendment is in our own Constitution and no non-citizen can own agricultural land in this country.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, I said I wanted to be educated. If there is any truth in the statement made by the hon. Assistant Minister, then I would like to say that I know, personally, of people who are not citizens but who own such land here.

Mr. Koigi: Attwood!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): So it is up to you to make your own judgement on that information.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Deputy Speaker the hon. Wanjigi has said that the amendment has been introduced. I do not know whether it was passed. Would he be kind enough to quote when the amendment was made and where it is?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Deputy Speaker, thank you for giving me the time to explain.

What has happened is that if a non-citizen had land before this change was introduced we cannot now, as the Attorney-General has rightly said, go and grab that land back. However, at present, Sir, if anybody cares to check, no non-citizen can be allowed to buy such land.

The Deputy Speaker (Dr. Waiyaki): Order! I do not know whether that is correct, Mr. Attorney-General. Is it not a fact that a non-citizen can buy land provided it is approved by the President?

The Assistant Minister, Vice-President's Office and Ministry of Home Affaiirs (Mr. Shikuku): Sir, I am glad you have told him the truth. I accept that land——

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, I seek your guidance here and with due respect to the Chair. Would you not agree with me that the Member on the Floor is exhausted and is using the opportunity to sit down, asking for information in order to continue on the Floor?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): I would not worry about that hon. Member, he needs a stool to stand on.

Now, Sir, the point I am trying to make is if what the hon. Member, Mr. Wanjigi said that there is an amendment that no non-citizen can buy land but those who had land can keep the land, then hon. Seroney has a point here to provide amendment to prohibit those who now own land to stop owning it any more. What is wrong with that? Let him tell us it is wrong, then we shall see what sort of people he represents. In Kamukunji, I am sure, he will lose very badly. There are very bright boys here who have been handling them during the colonial days when they were addressing big meetings and rallies at Kamukunji. They would really oust him and he will never come to this House again.

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

Now, Sir, the opposition to this Motion, in my opinion, by the Government, is that this thing being drawn to our attention, Government is going to introduce an amendment when it feels it is appropriate to do so. I think the hon. Member should be a bit patient because we are also elected representatives of the people. Very few of us are not elected representatives of the people. Very few of us are not elected representatives but most of us are——

Hon. Members: All of us.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): All of us. I am talking of the Front Bench. All of us are representatives of the people and, therefore, we would be fools not to pay heed to the cries of the people. Even if we think we cannot pay heed to them because we are in this Parliament, even if we come back next time, but one day we will be out.

The point here talks of speculation. The most important thing that made me speak on this Motion is, speculation. It is not only on land but on buildings and property here. Today, even people from Tanzania are rushing to Kenya because they know their houses will never be taken away. They know their houses are being taken away there and so they are rushing here, thinking that thing will never happen here. They think Kenya is heaven. It can be heaven for the time being but my son, Majimbo, will not have the same views that Shikuku has, his views may be different. That is the point. We are here for today but our soons will never think the way we are doing. They may not. I have seen so many people whose fathers are big clergymen but they have turned out to be big drunkards, or big rogues. The bible did not work there, the bible had no effect at all on them. I always assumed once you are the son or daughter of a clergyman you will——

Mr. Muturia: On a point of order, Mr. Deputy Speaker, I hear from the Assistant Minister who is on the Floor now that Kenya is a heaven for the time being. Is it going to be a hell tomorrow or what does he have in mind?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Sir, the hon. Member is probably imputing improper motives. What I said, and which any man with guts should realize is this. Latin people say, *tempos mutat et nos mutamos* which means, time changes and we must change with the times. So if the hon. Member sits there thinking everything will be the same in this country, he had better think again. There is a Latin saying, the hon. Nyagah says I should repeat the words. I was in the seminary and I learned there, *tempos mutat et nos mutamos*. I left the seminary, I changed. I was in the seminary, *tempos mutat et nos mutamos* means we change—we change along with the times. Kenya will not be the same for ever. So, Sir, the hon. Member should wait to see what it will look like.

The question of speculation is the one I was dealing with. There is speculation in this country with regard to land, with regard to buildings here. Exorbitant money is being taken from the poor people in this country—— They are not poor in that they are able to pay but they are confronted with a situation whereby they have no alternative. Furthermore, in the course of this speculation some of our people fail to get the buildings or the land because they do not have enough money. Some of our brothers who were non-citizens during the colonial times and who amassed a lot of money and property are the ones who are taking these lands in the name of citizens. What is happening, Sir, is that we who fought for independence feel that the African is now seeking the property coming from a non-citizen going over to another person who is a citizen by application. So, this African is just watching, seeing everything going. This is the situation, the situation in which we find ourselves after independence. I do not object to anybody owning land, if he is a citizen. He should own land. However, the question remains that in this country there are two classes of citizens: those who are indigenous and those who are by application. Those by application acquired property and used the golden days during the colonial times and now they are enjoying in a different way. Here we must look at the situation and we must be realistic, Mr. Deputy Speaker. I must speak out here because this is where I must speak and not go around doing subversive things. We must speak our minds. Those who go underground are cowards. If they are men worth the name "Men" let them stand up and speak here openly and take the consequences, if there are any. But we are not going to keep quiet, watching this game going on.

Sir, my words now act as a medicine. It is medicine for those who want to change, who have those funny ideas because they have some friends who during the colonial times were on the other side and are now with them. They say, "Look, Mark, this is this". "Look So-and-so, this is that". We get all these Look Mark, Look Joe. The Joes, the Marks, the so-forth, they should know they are in the minority. Therefore——

The Minister for Tourism and Wildlife (Mr. Shako): On a point of order, Mr. Deputy Speaker, I beg to move that the question be now put.

The Deputy Speaker (Dr. Waiyaki): It cannot be, "that the question be put" because that will obviously be the wrong thing.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): He should have known that before he stood on that point of order.

I come now to the last point.

You cannot suppress the truth in that style; it is a funny style.

The last point I want to make is this. Even if this Motion is defeated, which I think should be defeated because it is the Government that should bring an amendment in this case—— I have explained our position in the Government.

What should happen is that this Motion, its spirit, can never be killed. The spirit of the Motion will never be killed, I repeat. Anybody who thinks he can kill this he can only do so for the time being. This will be read in HANSARD one day. The truth shall prevail. I have nothing against anybody but I am playing my part in the development of this country by speaking the truth and stopping this kind of pretence of looking good and making a case which has nothing. Here I know this amendment is not for deletion of section 75 entirely; if it is for deletion we shall wait and when the hon. Member brings that, then we shall oppose it. For the time being, Sir, I think the Motion has something.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, after those words from the former president of the poor, I beg to move that the Mover be called upon to reply.

The Deputy Speaker (Dr. Waiyaki): I will put it to the House to decide.

(*Question, that the Mover be called on to reply, put and negatived*)

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to say something about this Motion.

Perhaps, as a result of the recent unfortunate events in our country Members might be affected and, therefore, they might not speak what they feel is the truth about a matter of this kind.

I do not agree that a matter like this which has a connexion with the Constitution should be left as the property of a private Member to introduce in the House; but it should be the duty of the Government to introduce it and bring the necessary amendments. Mr. Deputy Speaker, Sir, Government would be failing in its duties—and for that matter the Attorney-General—if we failed to give this House the dignity it deserves. I personally agree with the sentiments expressed in this Motion but I do not agree that it should be the duty of a private Member, like hon. Seroney, to bring changes in the Constitution of the country but it should be the duty of the Government to bring these changes. However, the hon. Member has done his duty by drawing the attention of the Government to a matter of this kind.

Mr. Deputy Speaker, Sir, everybody knows that when we were fighting for independence, one could just go to the field and after mentioning the word, "Land" people could clap and starting from there one could say any nonsense and get a following. Our President was reported on the radio and shown on the television giving *wananchi* land. What this Motion seeks is that the President should have more land to give to *wananchi*; and I do not see the reason why anybody should have an objection to this.

Mr. Deputy Speaker, Sir, the situation which prevails in our country today is very unfortunate because you have a few people who have money or who are creditworthy or who are trusted by the banks. These people go on buying land: they buy land today and tomorrow they sell it as if land were a commodity that could easily be manufactured by somebody. Land is the birthright of our people and if somebody has nothing that person will live on the land. I feel that the Government should have powers to regulate and decide what happens to the land. We do not want these few people who have the money to decide what to do with our land. The Government must have the powers to regulate land possession and not to take land from the people as hon. Shikuku said but regulate it in such a way that *mwananchi* can also get it.

The situation as it is does not only concern land. When we are speaking on this issue, I would like to appeal to the Attorney-General to bring a Bill in this House even on properties. What is happening today with regard to property ownership? The non-citizens are demanding sums of money which *mwananchi* cannot afford and because he has no alternative—I do not know whether these people have ganged up to make price so high—he is made a slave. Even the *mwananchi* who is buying land is put in the same situation and some of them who are here are grumbling. These people are prisoners of the

[The Assistant Minister for Commerce and Industry]

banks from where they get the money because the burden is just too heavy for them.

Mr. Deputy Speaker, Sir, I am appealling to the Attorney-General since he has the mandate of this House to see to it that when Motions of this nature are brought into the House, the Government should find out what it can do. That will not be tantamount to saying that the Backbenchers are directing the Government. All these Members of Parliament are elected and when they bring nonsense here, it is our duty to reject it but when they bring something that is good, it would be an act of irresponsibility on the part of the Government to refuse what we believe in our own hearts that that is what *wananchi* want.

With those few words, because I do not want to lecture for too long, I would like to emphasize that it is not fair for hon. Seroney to bring in the amendment; and similarly, we should not give an individual the right to change the Constitution of our nation because that responsibility is vested on the Attorney-General. I, therefore, hope that this amendment will be brought in by the Attorney-General.

Thank you.

Mr. Koigi: Thank you very much Mr. Deputy Speaker, Sir. I would like to comment on what the Attorney-General had said.

An hon. Member: You are a progressive!

Mr. Koigi: The people of this country will be satisfied and they are not satisfied until the whole land is given back to the Africans. People are telling us here that there are some citizens—— People who detained me for nine years and yet they are called citizens! We are not going to grab other people's property but we want a fair deal in this country. There are some people who think that citizens of this country are asleep. If some people own 10,000 acres and others 20,000 acres what do they think of other people? The question of land has never been discussed either outside this Parliament or inside Parliament. We want security of the state and this security will come out of the justice which will in turn begin from the land. We have suffered too much in this country but we are not going to allow our own kith and kin to be white Europeans! As hon. Shikuku has said here, I have no dealings in darkness because I like dealings in day-light. I would not join any dirty organization against the Government but I would like the Government to be fair. If we have to be fair, we have even to go to the extent of putting a ceiling on land sales. We are not going to allow some people to own tracts and tracts of land when others are landless. Despite all this, you will find well educated people either in the Front Bench or the Back Bench laughing and claiming that this cannot be done!

Let this Motion be brought in by the Government and let it sit down and think of the grievances in this country. We cannot hide the fact that there are some people who have come to speculate in the wealth of this country. The duty of this House is to protect the wealth of this country and protect our kith and kin.

We know there are even some millionaires from other countries who control land in Kenya. I hope nobody can ask me who these millionaires are. They own this land and we are aware of this and a good example is Attwood! We have read his books——

An hon. Member: How many acres does he own?

Mr. Koigi: About 250,000 acres, Sir.

Mr. Deputy Speaker, Sir, I am not jealous if I find a Minister owning even 2,000 acres but he should allow his followers to own at least, 100 acres or 10 acres instead of taking for himself tracts and tracts of land which were owned by foreigners in this country. According to my personal philosophy, a citizen in this country is a person who has a colour like mine—no more and no less. I was in England and I know what they say.

An hon. Member: What do they say? We want to hear.

Mr. Koigi: We have had many educated Kenyans residing in Britain but none of them has ever been a Member of Parliament. Many of you have been to Britain and some of you are doctors in philosophy, doctors of medicine yet you cannot be admitted to their Parliament, although we admit British people into our Parliament. Again, you cannot be allowed to buy land in that country. They ask, "Why do you come here?" The slogan is, "Make Britain white"! With regard to land, I would like to proclaim, "Let us make Kenya black"! Let us have international trade. I do not intend to refuse this Government and Kenya in general to have international trade because we have to trade with other people. However, when we come to the question of land speculation, I deny anybody who is not an African to own land in Kenya; and I have a right to say this in this House. I do not want to say this during the night like what other people who want to murder others would have done because I am not a murderer.

[Mr. Koigi]

Mr. Deputy Speaker, Sir, with these few remarks, I appeal to the Government to bring in an amendment.

Mr. ole Leken: Mr. Deputy Speaker, Sir, I rise to oppose the introduction of the amendment to the Constitution. Mr. Deputy Speaker, Sir, I am of the opinion that if such an amendment is introduced, surely it is not going to put an end, as the Member says, to the exploitation of *wananchi* through speculative dealings in agricultural land. It is, in fact, going to aggravate it.

The Deputy Speaker (Dr. Waiyaki): Order! We do not know what the amendments will be; at the moment, we do not know. All that the Motion is asking is that the hon. Member should be allowed to introduce a Bill which will have amendments to that part of the Constitution. However, you will not be allowed to question him at this stage.

Mr. ole Leken: Mr. Deputy Speaker, Sir, I thought that it should not be brought up anyway.

The subject of land is a very serious one; it is very touching, indeed, and I can see that quite a number of Members in this House have demonstrated a true spirit of national feeling because we know what the public—the constituents—feel as well. There are things in this country, for example, land, which must honestly be made to belong to the Africans. There is no point of us talking about independence when we have no land. There is no point of us talking about an independent Government with so many thousands of people very poor because of lack of land and yet the owners of land are, in fact, foreigners. A typical example of this and I know it and one Member has mentioned it is the big farms at the Coast and in the Rift Valley Province. Who own them?

An hon. Member: Mr. Brown?

Mr. ole Leken: Very few Africans; very few. And we imagine the question of citizenship. Who is a citizen? A man by application or a man by birth?

An hon. Member: By birth.

Mr. ole Leken: You bring a large paper like that one; does that paper qualify a person to become a citizen of a country? A mere paper like that one! That law is made by man and therefore——

The Minister for Co-operatives and Social Services (Mr. Muliro): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to say that registered citizens under our Constitution are not Kenya citizens? Is he not striking at the root of the Constitution?

Mr. ole Leken: Mr. Deputy Speaker, Sir, I did not say what the hon. Member indicates but, I said that there must be a difference, a significant one between the two citizens; a citizen by application of a mere paper and a man like ole Leken who is a citizen by birth. I am a citizen by birth.

An hon. Member: Tell him!

Mr. ole Leken: The hon. Muliro is a man and I have admired his career in politics. I am sure that your own constituents will not agree for a Mr. Smith to come from London and have the same rights as you have today in your constituency! Never; not in this country. And I think what the Minister is trying to do is to cover up; I do not know why and, therefore, do not smear me with some *siagi*. A citizen by birth is different from a citizen by paper and as citizens we must have land. We must look at it that a citizen by birth must have every privilege first and secondly comes the citizen by paper.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member is outside the scope of the Motion. Are we now trying to define citizenship or what?

The Deputy Speaker (Dr. Waiyaki): Yes, he is diverting too far. He started by talking about ownership of land by citizens whom he calls, "Paper citizens" and I do not know who those are.

Mr. ole Leken: For goodness sake, why are some people crazy about it: is it because they are guilty?

An hon. Member: For example, the Assistant Minister!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, the existence of the Constitution means that every individual is protected and I suppose that even the Masai who have tracts of land would not wish other people to go and take their land but, if he so wishes, then the Government can let everything be free and we shall see what the Masai will say.

Mr. ole Leken: Mr. Deputy Speaker, Sir, I did not come to mention the——

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, Sir, I have been listening very, very carefully to the Motion and the Motion started when I was here and almost every Member who stands up to speak, speaks exactly like the other one, expressing the same opinions, the Ministers and the Back-benchers. Mr. Deputy Speaker, Sir, would I be in order to move that the Mover be now called upon to reply?

Hon. Members: No! No!

The Deputy Speaker (Dr. Waiyaki): No, well, there has not been very much difference in the people who are sitting in the House; there has been very little movement in and out and when I tried this a few minutes ago, there was an emphatic "No" and I do not think I would be right risking putting it again now.

Hon. Members: Yeah! Yeah!

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir, the Members who have spoken have shown some inconsistency, perhaps, due to a misunderstanding; would you give your guidance by way of a ruling as there is nothing in the Constitution which says that a Bill to amend the Constitution cannot be brought by an individual Member of the House, because I have read the Constitution and there is nothing there to say that it cannot be amended on the initiative of a Private Members's Bill?

The Deputy Speaker (Dr. Waiyaki): I do not think that is what Mr. Anyieni said and not even Mr. Koigi. I think what they did wish should happen, was that the Government should introduce an amendment to the Constitution but, there is nothing in our law or in our Constitution which prevents a Member of Parliament—a Backbencher—to introduce a Bill, either to introduce absolutely new legislation or to amend an existing legislation.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Ours was an argument!

The Deputy Speaker (Dr. Waiyaki): Yes, it was an argument!

Mr. ole Leken: Mr. Deputy Speaker, Sir, I can see that the Vice-President—— If the matter is all about the tracts of land then, there are citizens by birth and they have every right in this country, from Lake Rudolf to the end (I do not know what I will call it).

With those few remarks, Mr. Deputy Speaker, Sir, I would request the Attorney-General to look into those matters very seriously and bring an amendment which will, in fact, enable the African first—as a first class citizen—an African by birth —to have every opportunity of owning land.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir, I do not want to speak too long but, I have a few points I would like to make clear.

Section 75 of the Constitution deals with all properties as property; it can be a shop; it can be land; it can be anything as long as it is one's property. It must be protected whether that property happens to be the property of an Asian, a European or an African, it is property because it has not changed its character. Therefore, Mr. Deputy Speaker, Sir, if we will say that we must aim at expropriating the Europeans in this country or the Asians in this country of their property then the following day we might as well go forward and say, "We must expropriate a given tribe in Kenya as well". The philosophy of hate is very dangerous because the object must be there all the time to be hated. If you hate a white man today, tomorrow you will have to transfer that hatred to another African tribe.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Deputy Speaker, the hon. Minister is saying that the hon. Members who spoke about citizenship spoke about hate. I never heard anybody saying that. I think he is imputing some improper motives.

The Deputy Speaker (Dr. Waiyaki): I think that it is imputing an improper motive to suggest that a desire to change the Constitution, in this particular aspect, can only come out of a philosophy of hate. I think that is not proper.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir, I think the hon. Member has caught the wrong end of the stick. I said that the philosophy that we should expropriate any—I do not say it is the philosophy of the hon. Member—I said that the philosophy that we should—— That some individuals in this country, irrespective of their colour, should have their property expropriated, is dangerous. This is what I said.

The idea of speculation——

Mr. Seroney: On a point of order, Mr. Speaker, will the hon. Minister from Kitale East say who, in this House, during this debate indicated the desire to expropriate anybody's property either citizens or non-citizens?

The Deputy Speaker (Dr. Waiyaki): May I draw the attention of the House again to the Motion at hand. The Motion merely refers to putting to an end the exploitation of *wananchi* through speculative dealings in any agricultural land. There is no reference here to expropriation.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir, I was advancing my point—— I will still say that the question of speculation can be dealt with very ably and appropriately by the Minister for Lands and Settlement. Mr. Deputy Speaker, Sir, time and again the hon. Members of this House have been told by His Excellency the President during Kanu Parliamentary Group meetings that if any high valuation is put on any agricultural land,

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they should go to the Minister for Lands and Settlement who will give official Government valuer to value the land correctly. That is the point and possibly we are not using our machinery effectively because we are not using the Minister for Lands and Settlement to value the land properly.

The other point that I would like to mention is this: The hon. Member Mr. Koigi argued here that we must place all land in this country in the hands of the black people. What about a citizen——

Mr. Koigi: On a point of order, Mr. Deputy Speaker, my point of order is to inform the Minister that we fought in this country to acquire our rights.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): On a point of order, Mr. Deputy Speaker. I think that the Minister is deliberately trying to mislead the House in that he says that the Minister for Lands and Settlement has the power to give a value to property and that the property will be sold at the value agreed to by the Minister for Lands and Settlement. Is that not wrong because the owner of the land is not bound to sell his land at the value given by the Ministry of Lands and Settlement?

The Deputy Speaker (Dr. Waiyaki): I did not get the impression that this is what he was trying to say. The Constitution provides for freedom of self-expression. Whether there is valuation or not, I did not get the impression that this is what he is trying to convey to the House though.

The Minister for Co-operatives and Social Services (Mr. Muliro): I would like to inform the hon. Member that I am more informed than he is. However, Mr. Deputy Speaker, Sir——

Mr. Mwithaga: Mr. Deputy Speaker, Sir, I want to seek your guidance here. Does the Land Control Act not empower the Minister for Lands and Settlement to make the final decision which cannot be challenged in a court of law on any question regarding valuation and land transactions?

The Deputy Speaker (Dr. Waiyaki): I think that is correct, but it does not however, seem to apply here actually. The Attorney-General could probably put us right here because what Mr. Mwithaga is saying is true. He can, in fact, stop the sale, but sales are going through all the time and we know it.

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Deputy Speaker, Sir, the point I am trying to advance is that hon. Members must keep their constituents more informed so that where they are being hoodwinked or run-down by the willing sellers and the case comes before the Control Board of the hon. Minister for Lands and Settlement—of which I am a member—we will definitely put a stop to a given price but these given prices——

Mr. Koigi: That board is dead wood!

The Minister for Co-operatives and Social Services (Mr. Muliro): In fact, Mr. Deputy Speaker, two cases have come before this board and we decided against the price the owners originally wanted.

Mr. Deputy Speaker, Sir, what I want to say finally is this: we, as Africans in this country, land is our treasure——

Mr. Koigi: Of course, it is ours!

The Minister for Co-operatives and Social Services (Mr. Muliro): Land is our national prestige as far as we are concerned. However, what we must also bear in mind is that land can never multiply. Although we say every African should own land, not all Africans are going to own land. Some people are not going to own land and, therefore, if we deceive ourselves by saying that everybody is going to own land, this is not going to be possible, Mr. Deputy Speaker.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to say that this amendment is uncalled for because we have the machinery to deal with the work.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I am speaking merely to enlighten some of my colleagues about the present situation. We should not beat about the bush in order to please our constituents when we are talking about land. Mr Deputy Speaker, Sir, the Minister for Co-operatives and Social Services advanced a very valid point in that if we are looking merely at the small pieces of land held by the expatriates, then I do not think we are going to solve the whole problem. First of all, Mr. Deputy Speaker, Members of the Divisional Land Board are Africans. Are we suggesting that those who sit on this Board are incapable of dealing with this problem? Secondly, Sir, there is a Provincial Appeals Board where buyers can go to and there is still a further appeal to the Minister. This is not a question of speculation. Of late, I have not heard of a non-citizen coming to buy land here. He cannot do this because a law was passed in this House regarding the buying of land by non-citizens. A non-citizen cannot buy any land. The only clause which might make hon. Members

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suspect—and I hope none of them does—is where, if there is anything regarding our national interest, the President only can exempt some individuals. I put this forward, as an example, which is in the national interest—there is a seedling company in Kitale where a foreign company which produces hybrid maize on a small acreage wanted an exemption from the Government so that they can produce more hybrid maize because our people wanted more of this type of maize; 511, 613 and so on. This company had to be given that right but not to buy the land. They had to work on it for a given time.

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

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

Mr. Speaker, is that not in the interests of the *wananchi* themselves who would like to plant better seed and get better yields? Now, who raises these prices? I come from that area and I am knowledgeable on this. A group of Africans; not whites —and I hope the Member for Butere can be enlightened more if he is attentive—go to visit an expatriate farmer to buy land and they put it at £10,000. Another group goes in and the expatriate farmer tells them, "A group has approached me and they have offered £10,000." This other group then says, "We are prepared to offer £12,000." That is not the President, that is not ourselves; it is the people.

Now, the Government and His Excellency the President has given a very wise decision; that Government valuers and the Ministry of Lands and Settlement should assist and make sure that no one raises this point. Hon. Members have from time to time put this point across. I agree with them that a measure or some ways and means must be found to make sure that Africans or people who buy land must do so at a very fair price. This decision was, in fact, made by the Parliamentary Group and now the Minister for Lands and Settlement has officers to value some of this land so that our people can buy it and be able to make a profit. The question of paying for development and so on, of course, does rise.

Another question is this, Mr. Speaker. We are buying out these expatriates and by so doing we put our people in their place. We have so much money now to buy out those who have remained. They are running out now; they are becoming less and less and in a few years to come we will not be talking about these Europeans. The Minister for Co-operatives and Social Services stated clearly that once you have directed your attention to a certain group and aimed hard once that group ceases to exist you must transfer your attention to elsewhere. I suppose the nominated Member from Kajiado will have his eyes wide open towards that direction.

An hon. Member: What direction?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I am being asked what direction. The answer to that question is his homeward direction.

The reason why we must be careful about the laws we make is that they must not be discriminatory. If we start to discriminate against one group, soon or later one tribe will discriminate against another tribe and the result would be chaos. The situation, therefore, would not be controlled. It is good for political electioneering and that kind of thing but is not the solution to the problem. So, Mr. Speaker, Sir, we have a machinery through which we can act on this. If the hon. Member for Tinderet—the Government might buy Tinderet area to settle Nandis—would care to advise his people to buy shares in co-operative soceties that may buy farms in his area from the Government, I suppose if his skin is high he will be happy. I urge him that if he wants to penetrate deep into the economy of the area, let his people buy shares of the companies or societies concerned. So, in Kericho and elsewhere.

Mr. Speaker, Sir, I did not want to say more other than to trust that if the hon. Member had asked, as I said before, the Attorney-General to note these points and bring some of them, this would have been preferable rather than trying to force his way. I would like to enlighten some hon. Members about a Private Member's Bill which brought into operation the Hire Purchase Act. Sir, many people have lost their buses now. If I am not right, anybody can rise and say that it is not true. They have lost because it was not carefully planned by those people who understand these things in the Attorney-General's Chamber. The Attorney-General can look at these things and bring something in which will be practical. However, if we are going to bring Private Members' Bills because of a rush, people will lose immediately and eventually it will be said "Who brought these things?" So, Mr. Speaker, Sir, the question of non-citizens, as far as I know, unless one can stand up and tell me that on such and such day, this or that farm was bought by a non-citizen—expatriates are being bought out and what we require is to sell to our people.

With these few remarks, Sir, I oppose the Motion not merely for the sake of it, but the Attorney-General is going to note the small matters which can be brought in at a later date; I have consulted him. I hope my colleagues will agree with

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me that harmony, understanding, and co-operation are very much needed in all the things we want our people to achieve. Sir, I oppose the Motion.

Mr. Mwamzandi: Mr. Speaker, Sir, the base of any country is estimated by its Constitution. Section 75 of our Constitution if amended would not encourage anybody who would like to invest in a country like Kenya, in finding out that his property is not protected.

Mr. Speaker, Sir, section 75 of our Constitution does protect the property of everybody both citizens and non-citizens alike. So, Sir, if this section is amended to suit the interests of the citizens of this country alone, investments in this country might not be entertained by those people who have money and would like to invest it in this country. Mr. Speaker, Sir, it is quite true that there is speculation over land in this country. But, sometimes, Mr. Speaker, Sir, this speculation is caused by the rush of the Africans themselves. If I was allowed I could give the example of Usher Jones Farm. Mr. Speaker, Sir, many groups of the public were hurrying to buy that land and they were doing so by paying a lot of money to defeat the other prospective buyers. Do we assume here that the landlord was forced to sell the land to the highest bidder? That is why, Mr. Speaker, Sir, we had very many difficulties with the Usher Jones Farm whose question was brought here in the last Parliament. Therefore, if the Africans themselves could be organized, there could be very little land speculation in this country. Again, Mr. Speaker, Sir, I say it is quite true that land was unfairly acquired formerly. I can recall that some time back in 1965 I had tabled a Motion in this House which was pointing out that the land which was acquired by the Arabs and the Asians in the Coast Province was unfairly acquired, Mr. Speaker, Sir. These people were given title-deeds for this land which they acquired unfairly, Mr. Speaker, Sir, while we are suffering. Therefore, I would like to ask Government to form Ministerial Committee to find out how rightly that land was acquired. The Ministerial Committee, which was formed at that time, has never given out its recommendations up to this time as it was requested by that Motion. Mr. Speaker, Sir, if that Ministerial Committee had given its recommendations, we would be in a position to understand what happened and Members would not be bringing such Motions in the House.

Mr. Speaker Sir, here it appears that Government is not very active on the land problems in this country. I said earlier, Mr. Speaker, that there was no need of amending this section of our Constitution if the internal affairs of Government could be handled carefully. For example we have had cases where land has been acquired and settlement schemes made for the public without amending this section of our Constitution. This is done internally, Mr. Speaker. If Government could practise internal methods of acquiring land, the public in the country would not be complaining about the speculations over land.

Mr. Speaker, Sir, we must realize that every Government is doing whatever it can in its own country for the benefit of its people. As such, Mr. Speaker, Sir, what Government is doing might not be provided for in the Constitution but this is within Government machinery to see that the public are relieved of most of these burdens. I said, Mr. Speaker, Sir, that the basis of every country is estimated by its own Constitution. We must be careful when amending section 75 of our Constitution, otherwise, we might discourage investments in this country. What I am saying here, and I must be very clear and very specific, is: let the Constitution remain as it is and let us follow up our work of giving land to the public without amending section 75 of the Constitution. The people will be happy about it. While here it says it is illegal to do so, it might be illegal but it is within our country.

The Assistant Minister for Information and Broadcasting (Mr. Kase): On a point of order, the hon. Member has said that we can give land and it might still look illegal.

Hon. Members: No!

The Assistant Minister for Information and Broadcasting (Mr. Kase): This is what he said. He said it might be illegal but we are in our country. Is he really trying to tell this House that although we are in our country we can still do certain things which look illegal?

The Speaker (Mr. Mati): Probably the trouble is that you were interrupting him too much when he was speaking. However, I thought Mr. Mwamzandi was putting forward the argument that it is possible to get other ways of giving land to the people without necessarily amending the Constitution. That is what he was trying to say. That "illegal" part was through your provocation, Mr. Kase.

Mr. Mwamzandi: That is exactly what I said, Mr. Speaker. I did not say it is illegal. What I said, if I could enlighten the Assistant Minister is that it is known that in that same section, land can be acquired for Government use. If we have to settle our people, that is one of the Government uses of the land. Therefore, we could

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acquire someone's land without changing the Constitution or amending this section and so settle our own people.

Mr. Speaker, I will give one other example. We are today acquiring shops where non-citizens are not supposed to carry on trade in some places. The Government is very active on that. The Constitution might be protecting them but we are going ahead with allocating business premises to our own people. There is, therefore, little need here, as I said earlier on, Mr. Speaker, of changing the Constitution. Mind you, Mr. Speaker, immediately we change this Constitution, we might give a bad name or a bad picture of Kenya. What I mean is that we could go ahead and settle these people and do whatever we want without the amendment of that particular section of the Constitution.

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

The Minister for Foreign Affairs (Dr. Mungai): Thank you, Mr. Speaker.

This is a very important question and I have a lot of sympathy with the people who have spoken here. However, we must be careful that we do not deceive ourselves in this House and say that—it is only the foreigners—the Europeans or the Asians—who are exploiting, speculating and who are going to exploit the Africans. I think we must be more honest and truthful. I know the African is going to exploit the African. This is what is very important to us because the European is a vanishing individual in Kenya today. The Asian is also a vanishing individual in Kenya today. It is, therefore, the African who is rising, who is going to control this country, who is going to be involved in this exploitation and who is going to be involved more and more as we go on, in speculations. It is this new individual that we have to take care of and make sure that he does not exploit the poorer African.

I must say that there are some well educated people now in Kenya who also know the value of rising prices of land. They are now ready to buy tracts of land and keep it for a while and then in a few years, subdivide it and start selling it to their poorer brother at a very high price. This is the individual who is going to be more difficult to control but not the foreigner who is being controlled through the laws which we have.

Mr. Speaker, when we talk about the exploitation of the African or of *mwananchi* by another individual, we must not always say it is the white man or the red man who is going to exploit the black man here. The black men, and there are many of them, are ready to start exploitation as soon as they get a chance. These are the people who should be stopped, and here, Sir, let me come round to how we can do it.

We must not only think in terms of agricultural land, because this is where—— This is not the only area where the African is being exploited; he is being exploited in business. He must be protected in business; he must be protected from the Asians, from the Europeans, and from the other Africans. We must not give licences to the educated Africans to exploit the uneducated—illiterate Africans who live in the villages; just because we are here and we have a target called white or red or Europeans or Asians; we come here and hammer at it, and we forget the main exploiter, who is developing and who is mushrooming. We must make sure that this person is also stopped; he is the one who is going to know where the goods are going to come from—from Europe, from Japan, from America, and this is the man who is going to have the contacts, he is the man who is going to tell his people that I know how to do it, and I am going to do it for you. He is the one who is going to try to raise money to form a company, to do it for other people who do not know, who do not have the contacts, and it is this man who is going to exploit.

Today, no European can go to the villages and raise money; no Asian can go to the villages and raise money for business or to buy land. The only person who can do so is an African, who will be able to go to the villages and get a number of people together, raise money, "I am going to get a piece of land for you", and then before you know what happens, half of the money is not there. You cannot blame the Asian or the European for that; it is the African that you have to look up to. It is he who will be buying land for speculation purposes, it is he, who will be exploiting the *wananchi*, and when you talk about these things, Sir, I feel that we have to look at them a little deeper, so that we do not talk from emotion of citizenship and colour or religion. We have to look at them from a human point of view and also be honest and just, if we want laws to be passed in this House, which are going to protect the individuals and the citizens, particularly, the poor ones who live in the villages. This is where I am in favour of asking the Attorney-General to look into all the loopholes or any other area, where an African can be exploited by another one—forget about the emotions of racialism; forget about the emotions of colour; let us get into this business, and let the Attorney-General himself look into it,

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whether it is agricultural land, whether it be exploitation in business, whether it is a brother trying to exploit a brother, let the Attorney-General just look at the whole thing, give him time and the mandate, so that he will come out as a Government and move this thing himself.

We should not try to do them piecemeal as individuals, because the field is very big and we must attack them from this very wide field, and not only from just agricultural land. We must make sure that in the future, it is not the white man or the red man who is going to exploit the black man; it is black against black, and it is this man that we have to guard against.

Mr. Speaker, when we talk about agricultural land, we must also know that some people are not going to remain there cultivating a quarter of an acre of land all their lives, when there are other people who come from the areas where nothing is being done. If we take North-Eastern Province, we have rivers over there, like Garissa, we have Tana River, we can do a lot of irrigation there, and our people who have no land today, can move into those areas and then they can have somewhere to cultivate. We have to broaden our thinking, not only thinking in terms of just a few farms remaining in the Rift Valley, that these are being bought or these are going to be settled. There are tracts and tracts of land that have not been touched by anybody else, or which, if we put our efforts into, we can work hard, we can bring out our sweat, we can irrigate those areas and the people who have no land are going to get some land to be settled in. We must not close our minds to some few farms which were developed by some European farmers in the past, and we think there is nothing else to be done. We must also open our eyes very wide because if you hold a piece of land, from which you are not producing anything which you are not cultivating, then you are a part of the group that is exploiting our land unfairly. Therefore, if you go to the Coast you will find a lot of land that is not being farmed. It is producing nothing. I would like to ask the Members from the Coast, as I have heard them speak a lot of good sense about land, that if there are people who are holding land that is not being used at the coast, and it is not producing—people are just sitting on it—they are exploiting the wealth of Kenya, and that is unfair. They should be able to cultivate this and——

Mr. Mwamzandi: On a point of order, Mr. Speaker, would I be in order if I ask the Minister to substantiate what part of Kenya he is talking about, that is not cultivated? If he means the land between Mtito Andei and Voi, that area is all desert. What part of our land is he talking about?

The Minister for Foreign Affairs (Dr. Mungai): Mr. Speaker, I think I was very careful in the choice of my words here. I said, "If there are parts of the Coast which are not being farmed or are not producing today, those people who sit on them will be exploiting the wealth of Kenya unfairly . . ." because if there is such land it should be farmed.

If there is land in Masailand that is not being properly utilized the Masai must move in at once and start utilizing it. Here again, I must point out that because this land is held by so many clans communally there may be a few individuals who may try to become very clever and take large pieces of land and later try to sell it to the others. Government must also look out for this. This is the kind of thing that the Attorney-General will be looking into, and will be very useful in helping our people from being exploited by the others.

Mr. Speaker, if I may move into this question of citizen and non-citizen ownership of land, I must say that our President was very clever and he saw this a long time ago. I do remember that in 1967 he told us, "You must pass a law in Parliament which is going to protect the land so that it is only the citizens who can buy land." We then started Land Boards in every district and Africans are the chairmen. They decide whether they are going to effect transfers or not. We also have the Ministry of Lands and Settlement. That itself can refuse any of these transfers. Finally, we have the President who can refuse. In fact, the law as it stands today—I am not going to quote the section—non-citizens are not permitted to buy land today unless they have been given permission by His Excellency the President to purchase that piece of land. He, himself, is so difficult in doing it that unless you have a very good reason why you should get this permission the President is just not going to grant it to you. It does not matter who you are. You have to prove, first of all, that you are going to do some special work that the citizens of this country are not yet ready to do. For instance, we need good dairy cattle in Kenya because those we had in the past—— You know what happened to them. When the former owners of this land were moving they sold them overseas. As a result we are now short of good dairy cattle. The Ministry of Agriculture cannot develop this all at once today, yet we need them developed. So there are some people who come from overseas who want to invest here on a temporary basis to breed high grade dairy cattle. If they can prove that is what they want and since

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this is only going to improve the wealth of Kenya and the standard of cattle in Kenya, then they can be permitted to do so. However, nobody is just permitted to come and farm a piece of land because of the pleasure of farming, but it is because of what our Kenya Government gets as profit and the advantages there are by so farming within Kenya. This is why they are permitted.

Today, we are trying to sell our beef to Europe and America, where we have not had this chance of selling it before because we have been told, "Your beef is not good enough. It has diseases." We have had some people who are bringing in some good breeding bulls and cows and good bulls for crossing with our own cows here where we can improve the stock that we keep on our farms. In so doing our meat will compete with that produced in Swaziland, Italy, Germany and other places and we will be able to put it on the World Market and be able to sell our beef. Some people are willing to bring their foreign capital here and import these foreign cows and foreign bulls so that Kenya can have more of this produce which is valuable for us and which will be good and they will be able to be sent to every province. Therefore, if anybody who wants to do ranching in the North-Eastern Province, Masailand or in any area there will be a source from where these beef producers come from. We are not able to do that today but somebody else can with the guidance and blessing for Kenya do it for the future use of this country. These are the people who have the permission to buy land or to utilize land for a limited period of time until we satisfy our needs and thereafter the *wananchi* are going to take over.

This is the wisdom of His Excellency the President and this is why we have the 1967 Land Control Act, which provides that foreigners are not permitted to buy land except when they prove that they are going to be of benefit to Kenya for this reason. Finally, Sir, we must not neglect our duties ourselves. We know the Land Boards in our own areas and districts. We should know the members of these Land Boards. We, as elected Members of Parliament, should be able to meet them and be able to impress on them that there is a law which stops non-citizens from buying land. Therefore, if there is any question of a land transfer where they are not sure whether that person is a citizen or not then you as a Member from that district, should even be able to advise them; you should be able to check whether this person is a citizen or not. If he is not a citizen, then you know what the law says; if you are not a citizen you cannot buy land. Therefore, that transfer of land can be turned down and so it will not be sold to him. The only person who will be able to have that permission is that person who has a written permission and whose name has been gazetted in the Official Gazette; that His Excellency the President has given permission specifically for that person, for a period of time to use that piece of land for the benefit of Kenya; not just to make money for himself.

Mr. Speaker, Sir, with those few remarks, I would like the Member for Tinderet, Mr. Seroney to accept that exploitation is not only in agricultural land and that there are many ways in which the Africans can be exploited and also that I would like the Attorney-General to go into the whole question of this. After an appropriate time when it is right he can bring the amendment to the law, himself. However, as the law stands today on agricultural land, what we need is not to have any amendment, but to enforce the Land Control Act which we have and make aware to the members of the Land Control Boards in our districts; their functions, their powers, and ability so that they exercise the powers given to them. Finally if that fails, then we can always appeal to His Excellency the President. Therefore, I would like, with agreement from the Member for Tinderet, to oppose this Motion. Maybe he can accept that the Attorney-General should go into this whole question and look into it himself.

Thank you, Mr. Speaker, Sir.

The Assistant Minister of State, President's Office (Mr. Munyi): On a point of order, Sir, after having gone through, I think the Motion is exhausted and I would propose that the question of the Mover to reply be now put.

The Speaker (Mr. Mati): I will put the question of the Mover to reply. It is up to the House to decide.

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

Mr. Seroney: Mr. Speaker, Sir, I have found it exceedingly difficult to follow the thinking of some of the Members who have been speaking. This section is part of the original Constitution which was very bulky. When we became independent, Mr. Speaker, Sir, we had a very bulky Constitution which guaranteed many fundamental rights like the right to liberty which has been amended so that now people can be detained just "left, right and centre". This Constitution has been amended in other respects and it is now completely different from the original Constitution. I am surprised, Sir, that where the rights of *wananchi* are concerned, they have been amended. Yet this

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section has not been amended for the last eight years. One is bound to ask oneself, Sir, "Why is this so?" Are we more concerned with the rights of non-citizens than we are of those of *wananchi*? Why should we be so ready to detain our own people without trials? Why should we be ready to detain without trial, our own citizens? When we suggest that a section which affects a non-citizen should be amended hon. Members stand up and start saying it is not possible because if we do that we shall spoil the country. Mr. Speaker, Sir, I do not object to the idea that amendments should be brought by the Government. However, Mr. Speaker, Sir, how many times in this House have we passed Motions urging the Government either to repeal certain laws and those laws have been sat on?

This problem of land has been a burning issue for the last eight years. However, when a private Member stands up and says that it is high time action was taken, some people say that it is not good to do so, and they suggest that such a thing should be directed to the Government who will choose, in their own good time, to bring an amendment. I am surprised, Mr. Speaker, Sir, the hon. Members should be so inconsistent. When we were discussing a similar Motion in the month of October last year hon. Members unanimously agreed that section 75 of the Constitution should be amended. At that time even the Government accepted the amendment, and this is on record in the HANSARD, a portion which I read earlier on. The Government accepted that this section ought to be amended.

Mr. Speaker, Sir, I cannot allow certain impressions created here to go unchallenged. It has been suggested if we amend this section, we are opening a flood gate. My only reply to that one is that why should the hon. Members not wait to see the terms of the amendment? After all, the fact that the amendment is going to be brought does not mean this House will be committed to pass it. It does not mean that once the House has agreed that the Bill should come forward that it is automatically going to get the two-thirds majority. The Attorney-General has pointed out that a two-thirds majority is required. Mr. Speaker, Sir, it is important to really see what actually we are talking about. No one has suggested that there should be expropriation. What is being suggested is that powers should be given to Parliament and to the Government to do something to protect *wananchi*. It is not true, Mr. Speaker, Sir, that the Minister for Lands and Settlement can interfere today as far as land transactions are concerned. The Attorney-General says that he can. However, Mr. Speaker, if a non-citizen says that this is his land and that he is not going to sell it there is nothing the Minister can do unless he can claim it for a public purpose, for instance, buildings a school or a health centre. If a foreigner says that he is not going to sell his land unless you pay as much as a *mhindi* or somebody else can pay, there is nothing the Minister can do. We are objecting to exploitation. This does not consist only in buying land. We agree that the 1967 Act put restrictions or prevented the foreigners from buying land unless they had the permission of the President as the Minister for Foreign Affairs has just mentioned. The situation we are trying to guard against is that of a non-citizen occupying agricultural land and then selling it at an exorbitant price to an African or to a non-citizen or a non-African citizen. That is exploitation. We have every time discussed how we can relate the price of land to actual development. In other words, what did the person, who is owning the land pay for it and what has he done on it by way of development and, in other words, what has he invested in it? Now, we want to find a way whereby the valuation of land can be related to that and not to the artificial method which has been created by these people. As the Constitution is at the moment, Parliament cannot impose a valuation and Government cannot control the price of land. I challenge anybody to tell me that Government can say the price of land will be so much.

I will explain for a minute, Mr. Speaker, how these non-citizens avoid this situation. Very often we have been approached by our electorate and they have complained because it has become a practice when a *mzungu* wants to sell land he tells you to go to his advocate. Now, when you go to his advocate, the advocate tells you: "I am not going to talk anything about agreeing to sell the land, you must produce cash amounting to either £10,000 or £20,000 and I must see it in cash". He is so cunning that he will not even agree to sign that yellow paper which goes to the Divisional Land Board, because he knows that once he commits himself and that paper goes to the Divisional Land Board, the Land Board can reduce the price. So, what they do it to refuse to sign anything until they get the money in cash in full. He will tell you quite clearly that he is not interested in borrowing from the Agricultural Finance Corporation or from anywhere else. He wants the money in cash and it is that situation which we want to remedy.

The other situation we want to remedy is of the non-citizens who, many years ago, were given land freely. The Leader of Government Business has referred to Tinderet. Now, I will refer to Tinderet

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to give this example. Many years ago, these non-citizens were given vast tracts of land, they paid absolutely nothing for it and they have only been able to develop a limited amount. However, they say that all this land is ours, we cannot sell it and if you want it you must pay Sh. 300 or Sh. 500 per acre for a virgin forest. Then, they will tell you that if you want it you must pay so much money.

Mr. Speaker, Sir, the intention of this Motion is to ensure that unearned profit is not acquired by these non-citizens simply because section 75 of the Constitution is so worded that it can be taken advantage of. I sincerely ask hon. Members, because the *wananchi* who I am sure must be approaching Members of this House every time they go to their constituencies with problems like this of this exploitation to consider this Motion. We have to tell them we have no powers because of this section of the Constitution. Therefore, why are Members trying to avoid this issue? Some Assistant Ministers and a Nominated Member obviously sympathize with the idea of the Motion but for some reason or other there seems to be a Government whip which is worrying them.

Sir, I think the issue before us is being merely procedural and asking for an opportunity for the House to examine this issue on merit, namely the amendment of that section of the Constitution. I think this is a matter of conscience and I would urge the Leader of Government Business not to take advantage of his position to impose a whip on Ministers and Assistant Ministers.

An hon. Member: He has already done that.

Mr. Seroney: As the hon. Member for Butere has indicated, we are elected Members and there is no doubt that *wananchi* everywhere—I refer to the recent delegation which went to State House. Hon. Members heard what was said over the radio, live. There was no doubt that those people who came there were African farmers and they complained about having to pay so much for land which is not related to actual development. There was no doubt, if we are to believe what we heard over the "live" broadcast and what we read, about this. I am sure even the Vice-President was there. There was no doubt that there was unanimity in that group that something ought to be done.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): What was that? Say.

Hon. Members: You were there.

Mr. Seroney: You were there and you know best.

Sir, the Leader of Government Business has asked me what was said. Unfortunately, I was not in the delegation because I was not aware it was going. However, as a matter of fact it was led by the Vice-President himself. It cannot have escaped his attention that when this delegation complained about this thing, the head of the Government was sympathetic to them.

I have been informed that both the Ministers were there. As a matter of fact I think more than the two were there. I believe that the Minister for Agriculture and the Minister for Finance were there.

Hon. Members: And the Attorney-General!

The Minister for Agriculture (Mr. Nyagah): On a point of information, Mr. Speaker, I think it is most unfair for the hon. Member to mislead the House by saying that the farmers complained and they were sympathetically received, in the way that he is trying to put it.

What happened was that the farmers talked of high prices put by the valuation officers, and the sympathy was that the valuation officers would do their best to do the work more fairly. There was nothing about change of the Constitution.

Mr. Seroney: Mr. Speaker, I am not misleading the House in any way because although I was not there I listened to the live broadcast of Mzee's Speech. Sometimes I wonder why the Ministers are now adopting a different line from that one which was adopted during that meeting.

Hon. Members: We also wonder.

Mr. Seroney: It is all very well to offer sympathy and say that something should be done but, Sir, we have already spent eight years since *Uhuru* and nothing has been done. So I am asking the Members to treat this as a Procedural Motion and to wait until they see the actual Bill.

As far as settlement schemes are concerned, it is true as the Leader of Government Business said, that there are plans to settle *wananchi*. I believe that the President did mention something about 150,000 acres for settlement but let us see this question of settlement in relation to this section 75. The money which is going to be used to settle these people is borrowed money, from England, to buy out British farmers and which will be paid by *wananchi* for many years to come. We are borrowing money which our children's children will have to pay. The evil of this money is that here was our land, because we could not get *Uhuru* unless we agreed to the Constitution which, according to Kanu, was imposed on them—— Mr. Speaker, Kanu has always said that the original Constitution was imposed on them. If that Constitution was imposed

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on them, this section 75 is part of that Constitution. Kanu has scrapped many other things in the Constitution but for some reason or other they seem to be hesitating about this section 75. There is no reason why we should put our *wananchi* into a position where they are exploited.

I have a settlement scheme in my district which consists of 15 acres for each plot. Now, if plots there had been paid for in cash they would have cost Sh. 4,000. But what happens is that the landless are told, "You produce Sh. 120 and"——

The Attorney-General (Mr. Njonjo): What are you discussing?

Mr. Seroney: The Attorney-General is asking what I am discussing, I am discussing the exploitation of *wananchi* in the first instance.

These settlers pay Sh. 120 and it looks very cheap but then they are given these loans to build little huts and so on. Later they have to pay Sh. 600 every six months for the next 30 years. You can imagine within 30 years what the rate will work up to if you have to pay Sh. 600 every six months. It will exceed, I do not know how many times, the original cost of Sh. 4,000. Now, this is exploitation, Mr. Speaker, which for some reason or other some Members in this House are trying to encourage. All I am seeking is to say—— I do not want to scare away the foreigners from investing in this country as the hon. Mwamzandi has said.

An hon. Member: Why are you looking at the clock?

Mr. Seroney: I am not, I am looking at the hon. Mr. Mwamzandi.

An hon. Member: Mwamzandi is not there!

Mr. Seroney: I am looking at the hon. Member.

Mr. Speaker, the hon. Mwamzandi said that we will scare away foreign capital. Sir, we are not trying to do anything of the kind. All we are trying to do is to amend our Constitution so that foreigners, before coming to this country, will know that they will not be able to practise exploitation in this country. It is true as the Minister for Foreign Affairs has said, that there is exploitation in other spheres, other than agriculture. I know there is exploitation with regard to buildings and Government to some extent has assisted in this exploitation because of loans which it gave from the Industrial and Commercial Development Corporation. Some of these *wahindi* know that So-and-so is going to get a loan and so he quotes a high price; and the Industrial and Commercial Development Corporation gives a loan which has to be repaid by *wananchi* over 10 years. The same thing applies to agricultural land and the Agricultural Finance Corporation. They used to give loans up to one half. Now because of the Agricultural Finance Corporation loans the prices of land have to be kept up.

Therefore, I am asking that we amend this Constitution so that Government can say that the price of land in this area is not going to be more than so much. I am asking that we amend the Constitution so that when a foreigner has sold land——

Mr. Speaker, I see it is time for interruption of business, so 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, Wednesday, 16th June at 2.30 p.m.

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

Wednesday, 16th June, 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. 360

PRESIDENT TO VISIT MARSABIT

The Speaker (Mr. Mati): Mr. Umuro. Not here?

Question No. 466

PRESIDENT'S VISIT TO MOYALE

Mr. Araru asked the Minister of State, President's Office if he would tell the House if His Excellency the President Mzee Jomo Kenyatta, would visit Moyale.

An hon. Member: No Ministers here!

An hon. Member: They are on leave, in recess.

Question No. 66 (1297)

CENTRAL AGRICULTURAL BOARD RUNNING FARMS IN RIFT VALLEY

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

(*a*) if he was aware of the fact that there were farms in the Rift Valley Province which were run by the Central Agricultural Board, after being mismanaged by the individual owners;

(*b*) what immediate action the Minister was taking so that these farms were returned to the owners, as it seemed that the Central Agricultural Board did not wish to take them over:

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

Mr. arap Cheboiwo: On a point of order, Mr. Speaker, could you please enlighten the House whether these hon. Ministers are busy somewhere because they do not appear to have the responsibility of answering questions in the House? Things seem to be going on like this.

The Speaker (Mr. Mati): I think we will wait and see what happens because I am equally mystified.

Question No. 435

RE-OPENING OF THE ABATTOIR AT ARCHER'S POST

Mr. Bonaya asked the Minister for Agriculture if he would tell the House and explain why the Government had not found fit to re-open the abattoir at Archer's Post, thus helping to alleviate the serious unemployment problem in the Northern Province and protecting the people from exploitation by the Livestock Marketing Department which offers ridiculously low prices for livestock.

The Speaker (Mr. Mati): Agriculture?

Mr. arap Cheboiwo: No Minister. What about collective responsibility?

Question No. 463

HOUSING IN RURAL AREAS

Mr. Kahengeri asked the Minister for Housing if he would tell the House, considering the housing development that had taken place in urban areas, when the Minister was introducing a Bill specifying on health grounds the types of buidings in which rural workers, particularly in the farming industry, would be accommodated.

The Assistant Minister for Housing (Mr. Khalif): Mr. Speaker, Sir, I beg to reply. Introduction of a new Bill specifying on health grounds the types of buildings in which rural workers should be accommodated is not necessary. Adequate provisions already exist under the Public Health Act (Cap. 242) whereby plans of houses must be submitted to the Local Authorities for approval by Health Inspectors before such houses are constructed. Health Inspectors must see to it that those houses all provide the basic requirements for privacy and human dignity.

Mr. Kahengeri: Mr. Speaker, Sir, is the Ministry of Housing interested in good accommodation in the rural areas or do they leave it to the Ministry of Health to see to it? If they are interested, then when did the Minister last know what type of accommodation the workers in the rural areas are accommodated in?

Mr. Khalif: Mr. Speaker, Sir, it is the policy of the Government that the people of this country should be properly housed. Landlords have been warned. The hon. Member can check from local newspapers of 5th February and 27th March this year when my Minister, the hon. Ngei, made statements that the houses they build must ensure reasonable standards. They should be in keeping with the moral growth which is vital in the family unit. Therefore, any landlord found doing the contrary shall be dealt with accordingly.

Mr. Kahengeri: On a point of order, Mr. Speaker, I have seen these statements in the papers but I am most concerned with the houses accommodating the labourers, the people who are working in the farming industry, particularly in places like Juja constituency? What does the Assistant Minister know about the houses there?

Mr. arap Cheboiwo: Has he been there?

Mr. Kahengeri: I am not talking about Nairobi and Kilimani.

Mr. Khalif: Mr. Speaker, Sir, that is a different question altogether.

Hon. Members: No. Oh, no.

Mr. Khalif: It is.

Mr. Speaker, Sir, I was not asked particularly about Juja constituency houses. However, if the hon. Member wants to know about houses all over Kenya, the answer is a follows. It is the policy of the Government that the houses should be in keeping with the health standards. I have said so.

Mr. Kahengeri: On a point of order, Mr. Speaker, I hope I made myself clear, where I have said in my question, "particularly in the farming industry", and this farming industry includes Juja Constituency.

Mr. arap Cheboiwo: Baringo North as well.

The Speaker (Mr. Mati): What Mr. Kahengeri is pointing out to you is that he has referred particularly to the farming industry, the labourers on the farms and so on. That is what he wants an answer on.

Mr. Khalif: I thought I made the point clear in my original answer where I said, Government is interested in all areas including the rural areas and instructions have been given that houses which are in keeping with health standards shall be built.

Question No. 412

MURRAM FOR BELLEVUE/ENDARASHA ROAD

Mr. Kanja asked the Minister for Works if he would tell the House when the road leading to Bellevue via Endarasha will be murramed.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. We intend to improve the particular road at the beginning of the next Financial Year.

Mr. Kanja: Mr. Speaker, Sir, while I thank the hon. Minister for Works because his Ministry has done a lot of work, would he now please ask his Ministry at least to improve some of the bad sections so that the farmers in that particular area can move their milk and their crops during the wet weather?

Mr. Nyamweya: Mr. Speaker, Sir, the Financial Year begins on the 1st of July and we intend to work on this road as from that date.

Question No. 458

RETIRING AGE FOR CIVIL SERVANTS

The Speaker (Mr. Mati): Mr. Mulwa. Not here?

Question No. 354

BUILDING OF DISPENSARIES IN KITUI EAST

Mr. Kitonga asked the Minister for Health if he would tell the House whether if the people of Kitui built their own self-help dispensaries in areas now only attended by Mobile Ambulances, the Ministry would provide them with necessary facilities, including dressers.

The Minister for Health (Mr. Okero): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Kitonga: Mr. Speaker, Sir, according to the Minister's reply, if the answer is, "No", why should the Kenya Government always appeal to its citizens to develop their areas by self-help projects?

Mr. Okero: Mr. Speaker, I had the opportunity of touring Kitui District and I was able to see a number of completed projects which at the moment remain unopened because of lack of personnel. It would not be for me to give any assurance to the hon. Member to enable Kitui people to embark on a programme that may not be useful within the foreseable future. That is why I said no.

Dr. Munene: Mr. Speaker, Sir, is the Minister telling us that the mobile unit is a constant sort of proposal, or does he intend to change the mobile unit into a stable or constant dispensary when funds are available?

Mr. Okero: Sir, the Minister said nothing at all about mobile units. However, if I were to say something about it, all I can say is that at the present time the units are serving a very useful purpose.

Question No. 474

ARREST OF CHARCOAL BURNERS

Mr. Ziro asked the Minister for Tourism and Wildlife if he would tell the House the reason why the people of his constituency who burnt charcoal at Gede and Dola in Bamba Location in Kilifi District had been arrested by the Game Scouts and taken to Voi, detained for days on end and then sent to jail.

The Speaker (Mr. Mati): Tourism and Wildlife.

Hon. Members: Not here.

Question No. 348

SAMBURU BOYS IN P3 TEACHER TRAINING COLLEGES

Mr. Lenayiarra asked the Minister for Education if he would tell the House, in view of the difficulty experienced by the Samburu Primary School children in getting teachers who

[Mr. Lenayiarra]

spoke their own mother tongue, what the Minister was doing to enable more Samburu boys to be admitted into the P3 Teacher Training Colleges.

The Speaker (Mr. Mati): Minister for Education? Not here?

Question No. 464

GOVERNMENT TEACHERS IN HARAMBEE SECONDARY SCHOOLS

The Speaker (Mr. Mati): Mr. Ogero. Not here?

Question No. 475

EQUIPMENT FOR MERU SCHOOLS

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

(*a*) if the Minister was aware that some schools in Meru have not received the necessary equipment since they had been taken over by the Government from the county council;

(*b*) what immediate action he would take to rectify the situation.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Education, I beg to reply. (*a*) Mr. Speaker, I wish to inform the hon. Member for Meru Central that all primary schools in Meru District have been receiving the necessary equipment since the Government took over primary education from the county council, and I am not aware of the schools which have not received the necessary equipment.

(*b*) If the hon. Member has any specific schools that have not been supplied with equipment during 1970 or this year, I would be glad if such cases can be referred to my Ministry so that immediate action can be taken to rectify the situation.

Mr. Marete: Mr. Speaker, Sir, this is like——

Mr. arap Cheboiwo: Collective responsibility!

Mr. Marete: ——joking.

Can the Attorney-General state why he has said all primary schools in Meru have been supplied with equipment? I would like to tell him that there are more than 10 schools which have not received equipment from last year.

Hon. Members: Name them.

Mr. Marete: One is Kairaa School, then there is Kiamweri School, Gaturi School and Kiroone School.

Hon. Members: And the rest.

Mr. Marete: And the rest of the schools in Meru.

Mr. Njonjo: Mr. Speaker, Sir, the Member is speaking of last year. I am suggesting that if the hon. Member was to go home now——

An hon. Member: What for?

Mr. Njonjo: ——he will find—— No, no. Mr. Speaker, I am denying that there are schools which have no equipment. I am, therefore, asking the hon. Member, if he could give us specific names of the schools, then we will take the necessary action.

An hon. Member: He has given you the names.

Mr. Tsuma: Mr. Speaker, Sir, realizing the fact that the question of school supplies is not only a matter for Meru, it is a general question, what is the Ministry doing to see that this question is stopped so that the schools get their supplies from some near place? They should decentralize for that matter.

Mr. Njonjo: Mr. Speaker, I am only interested in Meru at this particular moment.

Hon. Members: Why? Why?

Mr. Karungaru: Arising from the Attorney-General's reply, would he tell us specifically whether he is well briefed on this matter because it appears he has not been briefed? I say this because he appears not to have known whether the schools in question—that the Member has brought up before the House—have or have not received the equipment. If this is so, what action is the Attorney-General going to take to see that the schools in question get the equipment in time?

Mr. Njonjo: Mr. Speaker, Sir, to answer that point, I was with the Minister for Education only a few minutes ago. We wanted to have Cholera injections but his turn had not come because there were two more people ahead of him. I am fully briefed; I have his brief case here. As I indicated earlier, of course, the Ministry must be interested in seeing that the equipment is supplied to the schools. However, what the Ministry is saying is that the allegations which the hon. Member has made are not accurate.

Mr. Ziro: Mr. Speaker, Sir, arising from the Attorney-General's reply—here, in Kenya, and I am talking in general and as far as Meru District and the constituency of the hon. Member is concerned—when the Government took over the services of the primary schools from the county councils, the county councils were doing very well——

The Speaker (Mr. Mati): Order! Will you ask your question?

Mr. Ziro: I want to ask a question, Mr. Speaker.

The Speaker (Mr. Mati): You are taking too long.

Mr. Ziro: I beg your pardon, Mr. Speaker. Why is it, that since the Government took over the services the people concerned with the primary schools, especially in Meru, where the hon. Member comes from, have done nothing? The people are grumbling because nothing is being done by the Ministry to solve this problem in that part of the country. Why is it that only fees are collected and no services are rendered?

The Speaker (Mr. Mati): May I give you a warning, Mr. Ziro, that if you persist in doing that you will find it difficult to ask questions.

Mr. Njonjo: Mr. Speaker, Sir, I was going to retort to the hon. Member's sweeping allegations and, first of all, say that the performance of county councils, not only in Meru, but in particular in the area where the hon. Member comes from was zero and that is why the Government decided to take over the schools.

Mr. Mbori: Mr. Speaker, Sir, if I understood the Attorney-General well, in his reply he stated that the necessary equipment has been taken to Meru schools. Could he tell the House which necessary equipment have been taken and the last time the supply reached these schools?

Mr. Njonjo: Mr. Speaker, Sir, I do not think I should be asked to give the information because I am denying what the hon. Member is saying, that equipment was not supplied in 1970 and 1971. What I did ask, Mr. Speaker, is for the hon. Member to produce specific examples, substantiate, or give us a list of the schools where equipment was not provided.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, now that the Attorney-General has already made it clear that the Member who has asked the question has made a sweeping allegation, am I not in order to ask the Member who has asked this question to substantiate his allegation?

The Speaker (Mr. Mati): It is not necessary. Mr. Marete did give a number of names of schools.

Question No. 360

PRESIDENT TO VISIT MARSABIT

Mr. Umuro asked the Minister of State, President's Office to tell the House—

(*a*) when our President would visit Marsabit since he has never been to the area; and

(*b*) whether the Minister was aware that the people of Marsabit have never seen Mzee and that they greatly long to see him.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. (*a*) His Excellency the President will visit Marsabit when it is convenient. Because of many commitments of State, it is not possible for me now to tell the House when this will be.

(*b*) Many people from Marsabit have seen His Excellency the President at Embu and when they have visited His Excellency the President at Gatundu. It is not, therefore, true to allege that the people of Marsabit have never seen His Excellency the President.

Mr. Umuro: Mr. Speaker, Sir, I do not disagree with the hon. Assistant Minister that the President has a lot of commitments, but what I said was that the people of Marsabit have never seen the President and it is true. They are not like me who can see Mzee every day, but I mean the local people in the reserves who have never seen Mzee except in pictures and pictures are not Mzee.

Mr. Munyi: Mr. Speaker, Sir, I would like to tell the hon. Member that if what he says was to be followed, representation in this hon. House would mean every *mwananchi* from any corner of Kenya being here, but since this is not possible, we have hon. Members who have been given a mandate by the *wananchi* to come and represent their interests. Therefore, Mr. Speaker, Sir, as I have already answered, it is not possible for His Excellency to visit every corner of the Republic of Kenya because of commitments. However, I have given an assurance that as soon as His Excellency the President finds an opportunity, he will visit Marsabit.

Question No. 466

PRESIDENT'S VISIT TO MOYALE

Mr. Araru asked the Minister of State, President's Office to tell the House when His Excellency the President would visit Moyale.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, as I have already answered the hon. Mr. Umuro, I would like to say that His Excellency the President will visit Moyale when he gets an opportunity to do so.

The Speaker (Mr. Mati): I do not think there is any sense in following up the question. Next question.

Question No. 66 (1297)

CENTRAL AGRICULTURAL BOARD RUNNING FARMS IN RIFT VALLEY

Mr. arap Cheboiwo asked the Minister for Agriculture to tell the House—

(*a*) whether he was aware of the fact that there were farms in the Rift Valley

[Mr. arap Cheboiwo]

Province which were run by the Central Agricultural Board, after being mismanaged by the individual owners; and

(*b*) what immediate action the Minister was taking so that these farms were returned to the owners, as it seems that the Central Agricultural Board does not wish to take them over.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The answer to the first part of the question is that we are aware. The answer to (*b*) is that at the moment there are only five farms in the Rift Valley which are under the Central Agricultural Board but all these have been leased to citizens. The rest were either sold or have been earmarked for squatter settlement. Squatters have been settled on some already.

Mr. arap Cheboiwo: Mr. Speaker, Sir, could the Assistant Minister tell the House what would be the future plans to see that this does not happen again because this is embarrassing to the farmers?

Mr. Wanjigi: Mr. Speaker, Sir, the House knows very well that we have a very aggressive training programme and we hope that farmers would be able to avail themselves of these facilities so that cases of mismanagement do not arise.

Mr. Mutiso-Muyu: Mr. Speaker, Sir, could the Assistant Minister tell the House the difference, at least in functioning, between the Central Agricultural Board and the Agricultural Development Corporation?

Mr. Wanjigi: Mr. Speaker, Sir, that is another question; but if I could answer, the Agricultural Development Corporation is a development corporation actually engaged in the development of agriculture whereas the main function of the Central Agricultural Board is advisory.

Question No. 435

REOPENING OF THE ABATTOIR AT ARCHER'S POST

Mr. Bonaya asked the Minister for Agriculture to explain to the House why the Government had not found it fit to reopen the abattoir at Archer's Post, and thus help alleviate the serious unemployment problem in the northern provinces and also protect the people from exploitation by the Livestock Marketing Division which offers ridiculously low prices for livestock.

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I beg to reply. The Government has not reopened the abattoir at Archer's Post since it was closed down in 1966 because it was found that the abbatoir was losing money for the Government because the products which were being produced from this abbatoir were not really marketable.

As regards the prices for livestock offered by the Livestock Marketing Division, I wish to point out, Mr. Speaker, that the prices paid are the full value that can be obtained for the livestock under current conditions. The local people in the area are, however, free to move their cattle direct to the Kenya Meat Commission for sale if they are not satisfied with the prices offered.

Mr. Bonaya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, what economy is involved and why did the Colonial Government not find it uneconomical to run the Archer's Post Abattoir?

Mr. Wanjigi: Mr. Speaker, Sir, this has nothing to do with it whether it was a Colonial or non-Colonial Government, but the meat that was being produced in that area does not have a fair market now.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Assistant Minister has just said, is he aware that this abbatoir was closed down as a result of shifta activities, and therefore now that the shifta activities are over the abattoir should be reopened?

Mr. Wanjigi: Mr. Speaker, Sir, it might have been closed down during the shifta activities but the main reason is what I have just said.

Question No. 458

RETIRING AGE FOR CIVIL SERVANTS

Mr. Mulwa asked the Minister of State, President's Office to tell the House whether, considering that due to Africanization most of the civil servants are young men and will therefore take a long time before they retire in order to give their juniors chances of promotion, something which is killing the morale of the young men, would he reduce the retiring age of civil servants from 55 to 45 years so that the retired officers may also employ their pensions and gratuities properly by going into business and at the same time give their juniors chances for promotion.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. There is no evidence that the morale of junior officers in service is being killed by the present compulsory retirement age of 55 years.

[The Assistant Minister of State, President's Office]

This retirement age is considered to be comparatively low in relation to the average retirement age in other civil services. The issue was examined by the Pratt Commission in 1963 which expressed the view that it would be unrealistic to reduce the working life of the civil servant in a developing country where the experience of a senior officer was most needed. The commission had also come to the conclusion that those officers who are able to carry on until the attainment of the compulsory retirement age would not in any way retard the progress of junior officers.

The question of the retirement age was again examined by the Millar-Craig Commission, which recommended, for an experimental period of five years, the adoption of a voluntary retirement scheme on attainment of 45 years of age or on completion of 10 years' service.

Since then the Ndegwa Commission has re-examined the issue and recommended that there should be no change in the retirement age.

The Government is therefore satisfied that the present compulsory retirement age of 55 years is adequate.

Mr. Mulwa: Mr. Speaker, Sir, arising from the lengthy answer given by the Assistant Minister, will he agree with me that it just needs one to use his common sense to know that the present retiring age, being at 55 years, does not allow the junior officers to look forward for promotion instead of looking forward to the undue deaths of their superiors because unless these officers die the young junior officers will not expect any promotion? Can he agree with me that it just needs one to use his common sense to know that if these people are retired at an ealier age the young junior officers will get an incentive to work hard for promotion? This is just a matter of common sense.

Mr. Munyi: Mr. Speaker, Sir, arising from that fact of using one's common sense, which the hon. Member has emphasized very much, I would like to let the hon. Member know that since 1966 —which is only a few years ago—at least 12 Permanent Secretaries (and these are the highest posts in the Civil Service) have resigned to join the private sector. As a result of their resignations, Mr. Speaker, Sir, opportunities were opened for other people to join the Civil Service. Therefore, I would like to urge the young people, or the junior officers, to work harder because there are opportunities for them in the future in the service.

Mr. Kitonga: Mr. Speaker, Sir, is the Assistant Minister aware that there is discrimination as far as the superscale officers and junior officers are concerned because the superscale officers can retire at an age of 45 years? Why do we not have a uniform retiring age for all officers working in the Civil Service?

Mr. Munyi: Mr. Speaker, Sir, as I have already answered the original question, the hon. Member can read what I said. I have answered the question and given a true and reliable answer.

Mr. O'Washika: Mr. Speaker, Sir, in view of the fact that life is now running very fast and things are changing in this young nation of ours, is the Assistant Minister convinced that the retiring age should not be reduced from 55 to 45 due to the rapid changes taking place in the country today?

Mr. Munyi: Mr. Speaker, Sir, I think if the hon. Member, whom I know very well, is put in the same position as those people now working in the Government and is told to retire at the age of 45 years, he will be the first person to object to such a move. Therefore, Mr. Speaker, Sir, I would say that his suggestion is very unreasonable.

Mr. Onyulo: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he stated that there have been commissions set up to look into this question of the retiring age, is he not aware that the developing nations are being faced with this problem of young junior officers being frustrated because of having to wait for a long time before they can be promoted simply because the senior officers do not retire at an earlier age? As a result of this fact, can the Assistant Minister deny that the 45 years, as the retiring age, was there even during the colonial rule and just before independence this rule was changed so that the young able Africans could be frustrated?

Mr. Munyi: Mr. Speaker, Sir, that is not true at all. I know the hon. Member very well and I know that he has travelled widely. Mr. Speaker, Sir, I can give a few examples of what is happening in other countries. I know that—although he says that this practice is colonial—in a country like Britain there are people who have been working in a Ministry for at least 25 years as Permanent Secretaries. Therefore, to propose that the retiring age should be reduced is very unreasonable and unfair.

Question No. 474

ARREST OF CHARCOAL BURNERS

Mr. Ziro asked the Minister for Tourism and Wildlife if he would tell the House the reason why the people of his constituency who burnt charcoal at Gede and Dola in Bamba Location,

[Mr. Ziro]

Kilifi District, were arrested by the Game Scouts and taken to Voi, detained for some days and finally sent to jail.

The Assistant Minister for Information and Broadcasting (Mr. Kase): Mr. Speaker, Sir, on behalf of the Minister for Tourism and Wildlife, I beg to reply. I am not aware that the people who burn charcoal at Gede and Dola have been arrested by Game Scouts, detained or sent to jail. However, I am aware that a man, Mangere Anzoyo, was arrested by National Park Rangers on 20th February 1971, in Tsavo East National Park for entering the park without permission and for being in possession of eland meat and poisoned arrows in the national park. He was taken to court and sentenced to a term of nine months imprisonment on 23rd February 1971.

Mr. Ziro: Mr. Speaker, Sir, arising from the Assistant Minister's reply, whom I know is not dealing with animals anywhere in this world can you allow me to give the names of the people who were arrested and taken to jail next week because the man he has mentioned does not come from my constituency but is, in fact, a Kamba?

The Speaker (Mr. Mati): You can mention the names.

Mr. Ziro: I will give you the names of those people who were arrested by the Game Scouts next week.

The Speaker (Mr. Mati): In that case, you might as well deal with him directly. Order! I am dealing with your point of order. I think the best idea is to see the Minister himself and give him the names of those people who were arrested. There is no point in you bringing them here to me.

Mr. Ziro: On a point of order, Mr. Speaker, Sir, is it in order for an Assistant Minister to give a wrong reply to this House when the Minister for Tourism and Wildlife and his Assistant Ministers are there and——

The Speaker (Mr. Mati): You are wasting the time of the House for nothing.

Question No. 348

SAMBURU BOYS IN P3 TEACHER TRAINING COLLEGES

Mr. Lenayiarra asked the Minister for Education if he would tell the House what he was doing in view of the difficulty experienced by the Samburu Primary School children in getting teachers who spoke their own mother tongue, to enable more Samburu boys to be admitted into the P3 teacher training colleges.

The Assistant Minister for Education (Mr. Rubia): Yes, I have apologized for having been late. However, I beg to reply. My Ministry has increased the number of Samburu students joining teachers' colleges for training as P3 teachers. This is being done not only for Samburu alone but for all the other areas which do not have local teachers who can teach the children in their mother tongues.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, can he inform the House how many Samburu boys were admitted into teacher training colleges this year?

Mr. Rubia: This year, that is 1971, we recruited seven students.

Question No. 464

GOVERNMENT TEACHERS IN HARAMBEE SECONDARY SCHOOLS

Mr. Ogero asked the Minister for Education if he would tell the House whether since *wananchi* all over the Republic of Kenya had spent large sums of money, time and energy in putting up Harambee secondary schools with the encouragement of the Government; he would consider posting and paying all the teachers in Harambee schools as well as supplying text books, and what future plans the Ministry had for taking over all the existing Harambee secondary schools.

The Assistant Minister for Education (Mr. Rubia): Mr. Speaker, Sir, I beg to reply. Because of the limited funds available to my Ministry, it is impossible for us to accede to the request by the hon. Member. Under our 1970/1974 Development Plan my Ministry can only take over 30 additional new classes each year. I would like to assure this hon. House that the Government is fully appreciative of the Harambee efforts that the *wananchi* have put up in constructing Harambee schools.

Mr. Ogero: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, apart from taking over 30 additional classes each year, is the Ministry going also to take over the responsibility of paying in a few schools each year—the salary of teachers in Harambee schools?

Mr. Rubia: Mr. Speaker, Sir, we are guided by the Development Plan and we cannot forego it without the permission of this honourable House.

Mr. Jilo: Mr. Speaker, Sir, does the Assistant Minister realize that the putting up of these schools is as a result of Presidential appeal that people should build them on Harambee basis? What is he doing to boost up the morale of the people

[Mr. Jilo]
because I see the morale of the areas where Harambee schools have been built, has very much been lowered?

Mr. Rubia: Mr. Speaker, Sir, I am aware that people are more frustrated in some areas more than other areas. This is true; however, I think it is also true that the Harambee effort has had its results, and we have seen those results in that we have more secondary schools on Harambee basis than, actually, Government is maintaining now. This is a good effort and we appreciate their problems. However, we have also limitations as a Ministry. As I have said, we have to go by the Development Plan. I sincerely hope that if we have any intention to review the Plan, my Ministry will be permitted to take over more than 30 schools every year, and we will be delighted to do so.

The Speaker (Mr. Mati): We will now go on to the Questions by Private Notice. Mr. Matiko.

QUESTIONS BY PRIVATE NOTICE

CONSTRUCTION ON PLOT NO. 1: MWINGI TRADING CENTRE

Mr. Matiko: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

(*a*) Would the Minister tell this House why the owner of Plot No. 1A at Mwingi Trading Centre was stopped from continuing construction on the said plot on 21st March, 1971?

(*b*) Why were a number of people who were engaged in the construction work on this plot arrested by the Administration Police on 21st March, 1971, and locked up at Migwani Chief's Camp, 18 miles from the Trading Centre, whereas there is a police station about 200 to 300 yards from the Trading Centre?

The Speaker (Mr. Mati): Anybody from the the Office of the President?

We will move on to the next Question by Private Notice.

Mr. Amayo.

ALLOCATION OF MAIZE: KENDU BAY AND HOMA BAY STORES

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

(*a*) Is the Minister aware that the allocation of maize at Kendu Bay and Homa Bay stores has been reduced from 800 to 200 bags per week, thus seriously affecting a population of 300,000 and such institutions as hospitals and boarding schools?

(*b*) If the answer is in the affirmative, what steps is he taking to rectify the situation?

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to reply. The allegation made by the hon. Member for Karachuonyo is not correct. The true picture for the last two weeks is as follows—

Kendu Bay	*Homa Bay*	*Week ending*
828 bags	1,578 bags	28.5.71
795 bags	1,514 bags	4.6.71
750 bags	900 bags	11.6.71

Therefore, the statistics of the hon. Member of the reduction from 800 bags to 200 bags per week are not correct. I wish also to add that periodical reviews on the current situation—— It was only yesterday that at a meeting convened by the Provincial Commissioner, Nyanza Province, which was attended by his district commissioners, representatives of the Maize and Produce Board from Kisumu, and Nairobi as well as a senior officer from my Ministry the situation was reviewed and decision made to increase maize allocation in various areas of the provinces as per their requirements with quantities ranging from 500 bags per week to 1,500 bags per week.

Part (*b*) of the hon. Member's question is not, therefore, in the affirmative; it is in the negative. I have, however, taken the opportunity to explain the steps Government takes as a matter of routine in the periodical review of the food situation, not only in Nyanza but all over the country.

Mr. Amayo: Mr. Speaker, Sir, arising from the Assistant Minister's reply disputing my allegation. I would like to seek your guidance. Is it in order for him to say so because I find the reply he has given is contary to their own allocation which since I went there, accompanied by the district commissioner and other members and in their presence I took these records? These records are here with me. The week ending 18th May 1971, 200 bags; the week which followed, 100 bags. I can produce these records in the House, which I copied from their own files. Would he still deny the fact if I produced this evidence which is from his Ministry here in Nairobi, and the district commissioner in my area is my witness?

Mr. Khaoya: Mr. Speaker, Sir, if the hon. Member produced this information, it would be very useful as we would be able to find out what is happening. If any officer in the Ministry is lying, we shall deal with him accordingly. However, all that I am saying is that this is the information we have so far.

[The Assistant Minister for Agriculture]

As I have just said a few minutes ago, if the hon. Member, and indeed any other leaders in any particular areas find that there is famine or shortage of food, they should co-operate with our officers on the ground with a view to helping in giving food to our people. Therefore, the question of arguing about the figures does not help this Ministry, nor does it help the hon. Member. What we want is to give food to the *wananchi*.

Mr. Amayo: On a point of order, Mr. Speaker, Sir, is it in order—— I am seeking for your guidance, Sir; would it not be better if I brought a copy of these documents tomorrow for the House to see? However, this would force me to go to Kendu Bay so that I can bring the document tomorrow.

An hon. Member: By what means will you go?

Mr. Amayo: I will go by plane and they will meet the charges.

The Speaker (Mr. Mati): Yes, if you can produce the document: it is quite all right. However, it might be better if you would try to speak to the Minister; he might be able to help you.

Mr. Amayo: I want to bring it here.

The Speaker (Mr. Mati): There is no harm in bringing the list here if you like.

Mr. D. M. Kioko: Mr. Speaker, Sir, I would like to hear from the Assistant Minister whether it is not true that our maize is going outside this country as stated by one Minister in a public rally in this country?

Mr. Khaoya: Mr. Speaker, Sir, all I can say is that there is a shortage of food in the country and everybody is interested in having food for himself and for the *wananchi* around. As usual, when you have a shortage of this nature, there are bound to be rumours and sometimes there may be some truth in the rumours. However, Government does not work on rumours. Therefore, if any hon. Member, including the Member who has asked this question, or whoever has been alleged to have stated this, came to our office we could talk over the matter among ourselves: it would be better than just going to a public rally and shouting for the purpose of getting votes.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, recently the Assistant Minister stood here and said that there is no shortage of maize. Now, he is standing here telling us that there is a shortage of food in the country. Can we get your guidance here so that we may understand the actual position as there are a lot of contradictions from the Assistant Minister? Recently he said that there would be no shortage of maize, and today he is saying another thing. Can we get your ruling so that the Assistant Minister may stand up and tell us the truth of the situation?

Mr. Khaoya: Mr. Speaker, Sir, the hon. Member, I thought, gave out the distinction very clearly himself. We said that we had sufficient quantities of maize in the country for distribution to *wananchi*, but now there is shortage of food because, as a result of the drought which we have experienced, other kinds of food cannot be found and therefore everybody is now falling back on maize. This is what is happening. Because of the drought that we had, beans are no longer there; sorghum, bananas, *wimbi* and so on are not available now. As a result, the people who previously ate *irio*, for instance, cannot find it now. They have to turn to maize. This is the shortage we are talking about. As a result, we are now falling back on the reserves of maize which we had in store, and so far the problem has been as to how best we can distribute this maize so that every *mwananchi* can get his food.

Mr. Murgor: Mr. Speaker, Sir, arising from the unsatisfactory answer given by the Assistant Minister, and in view of the fact—as it has been stated—that we were told there was plenty of maize, can the Assistant Minister tell this House what has happened to bring us to a situation where there is no maize meal in the country? Where has it gone to if the people have turned to eating maize rather than eating other foodstuffs like *irio*, as he has said? What has happened to the maize? Where has the maize meal gone to?

Mr. Khaoya: Mr. Speaker, Sir, this issue is a very sensitive one and, therefore, naturally, when it comes up, hon. Members would like to discuss anything concerning it. However, looking at the question, we have a specific point by the Member for Karachuonyo about his area. I have outlined to him what he should do. If he sees that his people are not getting sufficient food, all he should do, with other leaders, is to sit down and discuss the allocation. So I do not see the connexion with what the hon. Member for Eldoret is talking about making a general and vague allegation.

Mr. Mulwa: On a point of order, Mr. Speaker, I am at a loss here. When there is a question like this—I do agree that this is for a specific area—is it not in order for Members to ask similar questions about their constituencies in general because it will be time-saving, rather than me putting a question about my area, hon. Mutunga submitting the same question about his area and so on? Is it not better if we asked these questions here now instead of each person submitting the same question about his area?

The Speaker (Mr. Mati): Of course, the difficulty arises if the question is so specific that the Minister, in preparing his reply, deals with only that particular area. However, I agree that this question is quite general in a sense. It deals with a problem which is affecting the country as a whole. It might be helpful if the Minister chose on his own, to reply generally, covering the whole country, so as to avoid repetition of this question.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of information, Mr. Speaker, Sir. I would like to inform hon. Members that seven days ago His Excellency the President asked me, along with the Minister for Agriculture and those concerned, to meet—and we met—all the millers and the others. I took upon myself to investigate the shortage of maize because, on record, consumption of maize in the month of February was 250,000 bags, whereas in the month of March it rose to 440,000.

We have gone into this in all provinces as we were instructed to investigate to find out whether there was any racketeering in the sale of maize. We have some information and I am going to issue a statement to cover all the meetings I have had and what has come out of them.

Some traders who have been licensed to sell maize are holding some behind their shops and so on; but I would like to say that, generally, nobody is selling maize outside Kenya. Those "Jogoo" and "Simba" brand maize meal, particularly on the boundary of Somalia and Kenya, are there due to the fact that Mandera is the only big shop on the border and therefore there is a likelihood of some Somali coming from Somalia and buying some foodstuffs. Nevertheless, Government realizes this. Though we have some maize in stock, sufficient for some months, we are taking into consideration that in other provinces maize will be ready soon. In Western Province—they should be harvesting by this time—maize is late because of the rainfall. This is the situation, and something will come out.

I thank hon. Members for taking a keen interest in this.

Mr. Wabuge: Mr. Speaker, arising from the Vice-President's remarks—I just want some clarification—that they were asked by His Excellency the President to look into this affair, and possibly he happened to be the chairman of that committee, can he tell the nation whether the maize which we have, at the moment, in the stores, is enough or the country is going to be plunged into famine in the next two months judging by what is happening now? If so, what is the alternative? Has Government arranged to bring in more food to subsidize the stocks we have?

Mr. Khaoya: Mr. Speaker, Sir, I hope I am still answering the question, Mr. Speaker——

Mr. Kitonga: On a point of order——

The Speaker (Mr. Mati): No, you are taking time unnecessarily, Mr. Kitonga.

Mr. Khaoya: ——and the Vice-President came in on a point of order. So I continue answering this.

We have decided to send officers of the Maize and Produce Board, as well as the Deputy Permanent Secretary in the Ministry of Agriculture, to tour every district with a view to discussing with the officers in the field and the leaders also so as to assess what requirements there are in a given district. As a result of their visit—they only returned yesterday—Kisumu will be getting 1,500 bags per week. Yala will be receiving 1,000 per week, Kakamega will receive 2,500 bags and Vihiga, even though it is in Kakamega, will get an allocation from Kisumu of 500 bags. Bungoma's allocation has been raised from 650 bags to 1,200 bags. These officers are still going on. You should be patient because the situation will continue to be difficult for the next two or three months, when we hope we shall get out of this crisis. We know that due to rains being late this year, planting took place very late and, therefore, the harvest is going to be delayed. As a result, we think between now and September, we shall have some difficult times, but thereafter, we hope, with the present quantities we have in our stores, we should be able to feed the nation, especially if the hon. Members are patient with us—if you shout a great deal, you will require more food to enable you to shout more!

Mr. arap Saina: Mr. Speaker, Sir, since we have been discussing the question of maize since the Second Parliament was opened, and since the entire Republic almost feeds on maize, would I be in order, Sir, to ask the Minister and Government, for that matter, to give this House a policy on maize—on how much money is involved in growing of maize to feed the nation in any particular year—drawn to ensure that we do not run short of maize, so that we do not have to come here and ask questions.

The Speaker (Mr. Mati): That was a question, really, you were asking.

Mr. Khaoya: Mr. Speaker, Sir, I beg to reply to that. It is obviously a very important question that hon. arap Saina has raised. He must have known and followed the steps we have taken, one

[The Assistant Minister for Agriculture] being the raising of the price of maize, this being designed to induce more farmers to grow maize. If it is not enough, I am only too pleased to join hands with those who want to raise it, but then, each problem has to be discussed in detail. You must also have known of the results of the commission which we set up recently, and whose results have now been published, which sets out—— Hon. Saina, for the information of the House, is one of the members of that commission. They have certain recommendations which they have put to Government, some of which touch on the price of fertilizers and the subsidies to be given on fertilizers—all these are measures designed to induce farmers to grow more maize.

Surely, today was not time for us to discuss the whole policy on maize because the question arose as a result of the hon. Member for Karachuonyo, who thought that their allocation had been reduced from 800 bags to 200 bags a week.

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

Mr. Amayo: On a point of order, Mr. Speaker; since the Assistant Minister gave the allocations of other areas and I did not hear the allocations for Kendu Bay and Homa Bay, what is due to them this week and the weeks that will follow? Would it be in order, Mr. Speaker, Sir, to seek to know what is our allocation?

The Speaker (Mr. Mati): Oh, no! You can find that out from the Minister direct.

Mr. Munyasia's question.

CORRUPTION IN KITUI TOBACCO GROWERS CO-OPERATIVE SOCIETY

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

(*a*) Since the Kitui Tobacco Growers' Co-operative Society has to date neither paid any dividends to shareholders nor any moneys to the tobacco growers for the 1970 crop because the society's funds have been misappropriated, what immediate action is the Minister considering to take to save this grave situation?

(*b*) Is the Minister aware that the District Co-operative Officer and the Executive Committee of the Society are involved in this corruption?

The Minister for Co-operatives and Social Services (Mr. Muliro): Mr. Speaker, Sir, I beg to reply. (*a*) There has not been any corruption or misappropriation of the society's fund by anybody. All the society's moneys have been accounted for in the form of crop advances, and any outstanding debts against members will be collected from the current and future sales of tobacco.

(*b*) I would advise the hon. Member to refrain from imputing improper motives to officers of Government who are doing their best to serve the country and the public as a whole.

Mr. Mulwa: On a point of order; since the Minister is giving an answer which is contradictory to what is imputed by the question here, could we get a clarification, from either the Questioner or somebody else, as to the truth of the question; because it is alleging fraud and we had prepared our supplementary questions on the authority of the imputation in the question?

The Speaker (Mr. Mati): Yes, the second part of the question is a very serious allegation and I remember asking Mr. Munyasia whether he was quite sure of the facts, because here he is accusing some people of corruption. Therefore, we expect Mr. Munyasia now to substantiate the basis of this very serious allegation.

Mr. Munyasia: Thank you, Mr. Speaker. Mr. Speaker, Sir, if you really followed the answer by the Minister, you would have found that he did not answer the question as regards part (*a*). Now, since the formation of this society, the dividends have never been given. The society, last year, Sir, fetched Sh. 309,900 and they set aside Sh. 10,000 as dividends. Since then members of this society have not received these dividends.

The Speaker (Mr. Mati): I am not interested in part (*a*); I am interested in part (*b*).

Mr. Munyasia: Okay the co-operative officer in question, who is entirely responsible for the running of the co-operative society, borrowed Sh. 500 from the committee of the co-operative society without the consent of the members; and, Sir, if you give me time, I will bring the cheque with which he paid back the money about two weeks ago—Sh. 500.

Secondly, Sir, the very members of the executive committee—each member loaned himself, over Sh. 6,000. Now, is this imputing improper motives? The reason why the Minister has said that is because an auditor from his Ministry was in Kitui last week to check this, and this is a chosen story, so that the co-operative officer, plus the executive committee, are covered. Now, can he deny that these members have never loaned money to themselves?

Hon. Members: Shame! You see!

Mr. Muliro: Mr. Speaker, I deny that most emphatically. Whatever money the hon. Member alleges is owed by the officials of the co-operative movement, who have been renting the house and the rent is in arrears and have made every arrangement to repay the rent; that is not definitely borrowing from the society. Furthermore, Mr. Speaker, this particular co-operative society of tobacco—— I went through this with the hon. Member when I was touring Kitui and he praised this tobacco society as one of the best co-operative societies in the area. Now, the——

Mr. Munyasia: On a point of order, Mr. Speaker; is the Minister in order—you can see the way the Minister is answering—to say that I went with him and I praised the society? That was last year, early last year—1970. It is true. This happened. Is the Minister aware that this happened within this year, the corruption took place this year, and not last year?

The Speaker (Mr. Mati): That is not a question; you are just disagreeing with the Minister.

Mr. Muliro: Mr. Speaker, the year in question is the year in which I travelled with the hon. Member in Kitui; and, also, the year in question, Sir, has been the most difficult year in the farming world today. It has been a year of drought.

Now, our aim in the co-operative movement is to pay out the highest possible payout at any given moment. Once the money is given back, we will pay the dividends. If all the money, or the bulk of the money, has been paid to the producer from the usual source of payment, there will be no dividend.

Last year and the first part of this year have been the most difficult times in the whole of the Eastern Province. Therefore, the whole co-operative movement has been in trouble. This problem is not only in Kitui Tobacco Co-operative Society. In fact, today we are battling to make the tobacco societies in Kitui survive.

Mr. Mulwa: Mr. Speaker, would the Minister tell the House whether this co-operative society is financially sound, that is whether it is bankrupt or not, and whether he is prepared to add more of his co-operative officers to work in keen conjunction with the officers of the co-operative society because most of them are illiterate and that is why there is trouble because they cannot keep the books of accounts well.

Mr. Muliro: This co-operative society is not bankrupt. However, it has been experiencing difficult problems during the drought. As the situation improves and we have more rain, they will get more tobacco leaves than they have and they will, therefore, pay out more money than they are doing now. However, honestly, they could never have paid out dividends when they had no leaves to sell. Also, the problem with Kitui, and here is where the hon. Members from Kitui could help, is that B.A.T. wants Kitui District to produce only one crop in a year. We are battling with them so that Kitui people should have at least two crops in a year. We know there is not very much rain and, therefore, the second crop will not be as good as the first crop. However, we are battling with the B.A.T. for this. Therefore, any form of discouragement from the hon. Members without supporting the co-operative movement in the area is, actually, in the long run, to their own discredit.

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

CONSTRUCTION ON PLOT NO. 1: MWINGI TRADING CENTRE

Mr. Matiko: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office the following Question by Private Notice:—

(*a*) Would the Minister tell this House why the owner of Plot No. 1A at Mwingi Trading Centre was stopped from continuing construction on the said plot on 21st March, 1971?

(*b*) Why were a number of people who were engaged in the construction work on this plot arrested by the Administration Police on 21st March, 1971, and locked up at Migwani Chief's Camp, 18 miles from the Trading Centre, whereas there is a police station about 200 to 300 yards away from the trading centre?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The hon. Member should be aware that the construction of Garissa/Nairobi Road has already started. The road passes through Mwingi Township. When the construction on Plot No. 1A was commenced, the district authority asked the owner of the building to stop for a while so as to allow for the verification of the new road plan as that it appeared the new building was being constructed where the road was going to pass through.

The owner of this building flatly refused to co-operate and he wanted to carry on the work. As a result of him and his workmen disobeying the order to stop construction, they were apprehended and taken to Migwani Chief's Centre as there were no custody facilities at Mwingi.

As the hon. Member might agree with me, it was in both the interests of the owner of the plot and the Government that verification of the road plans were done before the work continued.

Mr. Matiko: Arising from the Assistant Minister's reply, of course, it is true that Thika-Garissa Road passes through Mwingi Market. However, the county council had given Plot No. 1A after the survey by the county health inspector. The road had already by-passed there and the beacon is 50 ft. away from the road. Therefore, if these people were guilty, why were they taken 18 miles away from the centre while the police station is only 300 yards away from the Township.

Mr. Munyi: Mr. Speaker, I think the hon. Member has already answered one part of the question which he has asked. He has agreed that the road passes through Mwingi Township. The chief had issued an order under the Chief's Authority Act to the effect that nobody was allowed to erect any structure or cultivate along the land where the Kangondu-Garissa Road was to pass through.

The other fact, which the hon. Member knows very well, is that at Mwingi, there is no magistrate's court. The magistrate's court, Mr. Speaker, is at Migwani. Therefore, it was thought better for those people to be driven to Migwani. That was more convenient. As I have answered, the order had already been given and the man was informed in advance.

Mr. Mwengi-Nzelu: Mr. Speaker, arising from the Assistant Minister's reply, is he aware that the layout of Thika-Garissa Road does not touch that plot at all and that those people who were arrested on that day were released by the court when they were taken to the court of law?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member is trying to make an allegation but all I would like to tell him is that the people who were arrested and taken to Migwani Chief's Centre were released by the court of law. That is a good thing because they were not fined or imprisoned.

Mr. Matiko: Arising from the Assistant Minister's reply, is he aware that these people were charged and that it was only last week that the charge was withdrawn? Are you aware of that?

Mr. Munyi: Mr. Speaker, Sir, since our Government follows a democratic line I think the hon. Member should be thankful because even if people had been charged—the charge might not have been based on truth and as a result of that they were released. That shows how democratic our Government is. They were neither fined nor given a prison sentence.

The Attorney-General, who is here, might have told them that there was no case to answer. Therefore, we must be thankful to our popularly elected Government for its democratic attitude.

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

PERSONAL STATEMENT

SUBSTANTIATION OF ALLEGATION ON PRIMARY SCHOOL FEES

Mr. Tsuma: On a point of order, Mr. Speaker, Sir, I would like to inform you that I have the papers you asked me to lay on the Table regarding primary school fees.

An hon. Member: Speak louder!

Mr. Tsuma: Mr. Speaker, Sir, you will recall that when we were adjourning for the last two weeks recess, I was asked to lay, on the Table, letters which I was referring to in my question as regards primary school fees in Kakamega District. I said that I would produce these letters when we come back from recess.

The Speaker (Mr. Mati): Do you have the letters with you?

Mr. Tsuma: I have the letters here and I would like to lay them on the Table. This clears the confusion which was raised in the process——

The Speaker (Mr. Mati): No, that is all right. You do not need to go back to what happened during that time. You only have to lay the letters on the Table.

(The hon. Mr. Tsuma laid the letters on the Table)

The Speaker (Mr. Mati): Let us go to the next Order now.

PROCEDURAL MOTIONS

LEAVE FOR INTRODUCTION OF A BILL TO AMEND THE CONSTITUTION

THAT with a view to the amendment of section 75 of the Constitution to put an end to the exploitation of *wananchi* through speculative dealings in agricultural land, this House do grant leave to introduce under Standing Order 95 (2) a Bill entitled "An Act of Parliament to amend the Constitution and for matters incidental thereto or connected therewith".

(Mr. Seroney on 15th June 1971)

(Resumption of debate interrupted on 15th June, 1971)

The Speaker (Mr. Mati): Mr. Seroney, you were replying to the Motion before we adjourned yesterday.

Mr. Seroney: Mr. Speaker, Sir, I was commenting yesterday before the close of business on some of the things which the Attorney-General had said.

[Mr. Seroney]

Mr. Speaker, Sir, the Motion talks about putting an end to exploitation of *wananchi* through speculative dealings. I do not know how the Attorney-General conceived this idea that my intention—which he described as sinister and which the newspapers have seized on by putting a headline on it—I do not know how he came to the conclusion that it was my intention to create chaos by authorizing Government to grab Kalenjin, Kikuyu or other *wananchi* land. Now, in view of the challenge made by the Attorney-General, I have circulated to Members a copy of some of the amendments which I had in mind and which the Attorney-General preferred to distort. Mr. Speaker, Sir, it is not my intention, neither has it ever been my intention, to authorize any grabbing of land anywhere in Kenya. I, myself, have an interest in at least three farms; two of them jointly with other people and the other one in my own name. Now, it is inconceivable that I would authorize Government to come and grab my land in the former scheduled areas and also in the former Trust Land. So I think the Attorney-General should disabuse his mind of such ideas.

Mr. Speaker, Sir, I think the Attorney-General was guilty of prejudicial conduct, both professional and parliamentary. Because contrary to parliamentary usage—and he has been a Member of Parliament for the last seven years—he knows that we should not impute improper motives to other Members, Mr. Speaker. Yet, Mr. Speaker, Sir, he tried to connect this Motion with the earlier one on proposals to abolish detention and about the case which involved an alleged conspiracy which was reported in the papers last week. Now, there is no justification, whatsoever, there is no connexion whatsoever between this Motion and the earlier Motion. I noted, Mr. Speaker, Sir, that he did not speak on the earlier Motion and it seems that he left the Leader of Government Business to speak on that Motion. Yet, Mr. Speaker, Sir, he is trying to seek a connexion where no connexion existed. If Members want me to clear myself I will say quite categorically that if Kenya, according to the newspapers, has the best intelligence agents in Africa, they must know that during the election campaign I campaigned on the platform of these things which I have been trying to do ever since and that there is nothing new in this matter. Therefore, Mr. Speaker, in answer to that challenge, I have circulated an attached copy of section 75 of the Constitution as it is. I am sorry there are some typographical errors but I am sure hon. Members will accept that they are not intentional because there was not enough time to do something about it. However, I have also included the only amendments that I have ever considered. They are very few in number and, in fact, they only number five.

Mr. Speaker, Sir, the first amendment was going to exclude agricultural land——

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, I wonder whether the hon. Member is in order. We appear now to be discussing the substance of the hon. Member's future amendments. Now, we are at the moment discussing simply the procedural Motion whether the hon. Member will be given leave by this House to introduce the amendment. Now, is he in order, Mr. Speaker, to supply us with these early substantive amendments of the Constitution?

The Speaker (Mr. Mati): Order! I am perfectly sure that Mr. Seroney knows he cannot do what he is trying to do. It was all right for him to circulate whatever amendments he had in mind for the information of Members but he cannot now start discussing the actual amendment which were intended to be brought in the form of a Bill. That cannot be done. So, I hope he will not take time on that at all.

Mr. Seroney: Mr. Speaker, Sir, I am not moving this amendment but I am clearing myself from the charge which was made against me by the Attorney-General. I am only clearing myself of the charge that my intention was either to repeal the section altogether or to amend it in such a way as to create chaos. That is all, Mr. Speaker. I am not moving any amendments to the Constitution. I am only showing the limit of what I had in mind to justify myself against the charge made to me by the Attorney-General. That is all, Mr. Speaker. I know very well, Mr. Speaker, that I am not moving the amendments but I am only replying to the allegations made by the hon. Member who had raised a point of order.

The Attorney-General (Mr. Njonjo): I still think there is something sinister in this Motion!

Mr. Seroney: Mr. Speaker, Sir, the Attorney-General has said that he still thinks that there is something sinister in this matter. If I am not supposed to refer to it and yet he still calls it sinister, hon. Members will be able to read it for themselves and know exactly whether there is anything sinister, Mr. Speaker, in trying to protect the interests of *wananchi* from exploitation by non-citizens.

Therefore, Mr. Speaker, Sir, all I am asking now is—for heavens sake—for the Attorney-General and other Ministers, who are of similar thinking,

[Mr. Seroney]
not to adopt an ostrich attitude which seems to be the fashion nowadays. I have noticed that every time there is a Motion which they find embarrassing, they try to dodge it. I can quote many Motions which have been treated that way. If there is any Motion which anybody disagrees with, let us face it and discuss it. In the same way, if a Member wants to bring a Bill, then I would make the same appeal to Ministers which they have been making to us and which I am sure they will be making when we get to Bills like the Loans and Credit Facilities (Amendment) Bill which appears on the Order Paper today, and which some of us feel very strongly about. I am sure they are going to tell us to discuss it on merit and amend it in Committee, Mr. Speaker. So, I am making the same appeal to them, Mr. Speaker, that having shown them the limits to which I am thinking of amending the Constitution, I hope that they will be sufficiently reasonable and will not block an attempt by a Private Member to move a Private Member's Bill. I know that they were organized to defeat an earlier Motion and they have used that Motion to prejudice, in the minds of Members, a perfectly innocent Motion——

The Attorney-General (Mr. Njonjo): It is not innocent!

Mr. Seroney: I can hear the Attorney-General keeps on interfering saying that this Motion is not innocent. Well, it is for him to prove that it is not innocent. If this Motion is defeated, hon. Members know that nothing can be reintroduced for another six months. Meanwhile, the Attorney-General says that he can introduce it. It was first moved in this House in October last year and it is more than six months now yet, he has done nothing about it. So, Sir, there is no guarantee that he is going to do anything about it. Anyway, I have shown hon. Members what I have in mind. I ask them to take me in good faith and to at least wait to see the Bill itself. As the Attorney-General said, the fact that a Bill is published does not mean that it has been passed; it requires a two-thirds majority. Therefore, if the Attorney-General is so confident that I cannot get a two-thirds majority, then why should he try and block it procedurally instead of waiting to block it when it is introduced?

Hon. Members: Hear! Hear!

Mr. Seroney: Therefore, Mr. Speaker, Sir, with those remarks, I beg to move.

(*Question put and agreed to*)

Hon. Members: Division! Division!

DIVISION

The Speaker (Mr. Mati): I will put the question again.

(*Question put and the House divided*)

(*Question negatived by* 43 *votes to* 40)

AYES: Messrs. Abdallah, Ahmed, Ali M. S., Ang'elei, Araru, Ayah, Bonaya, Boy, Cheptai, Cheserek, arap Chumo, Ebu, Ejore, Hussein, Rev. Kalume, Messrs. arap Keino, Kioko D. M., Kurgat, Marete, Marita, Masibayi, Mnene, Dr. Munene, Messrs. Murgor, Mutiso-Muyu, Mutunga, Mwamunga, Mwangale, Nyakweba, Nthenge, Nyaga, Ogero, Ogingo, Okudo, Mrs. Onyango, Messrs. Onyulo, O'Washika, Seroney, Sompisha, and Wabuge.

Tellers of Ayes: Messrs. Khaoya and arap Chumo.

NOES: Messrs. Y. Ali, Angaine, Anyieni, Balala, Bomett, arap Cheboiwo, Gatuguta, Jahazi, Jan Mohamed, Kanja, Karungaru, Kase, Khalif, Khaoya, Kibisu, Kioko, S. M., Koigi, Lenayiarra, Lentaya, Matiko, arap Moi, Mukuna, Muliro, Munoko, Munyi, Muregi, Mwithaga, Nabwera, Ngei, Ngureti, Njiru, Nyagah, Nyamweya, Ogutu, Okero, Omamo, Dr. Onyonka, Messrs. Odha, Rubia, Shako, Shikuku, Wanjigi and Wood.

Tellers of Noes: Messrs. Munyi and Ebu.

Abstention: Mr. Kadir.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I think the House will be interested —this is not a question of one side winning or the other side losing. I think it would have been the wrong time for the Government to lose a Motion like this, but I want to assure the House that I propose to introduce an amendment, which I seriously consider to be necessary, to control land speculation. Why I was opposing hon. Seroney's Motion was because to tamper with the Constitution is a serious matter. I want to assure the House that I will introduce an amendment in this House to avoid speculation on the land which is the hon. Members' interest.

The Speaker (Mr. Mati): Next Order.

REDUCTION OF PUBLICATION PERIOD: TRADE DISPUTE (AMENDMENT) BILL

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT the publication of the Trade Dispute (Amendment) Bill be reduced from 14 days to 13 days.

Mr. Speaker, Sir, under normal conditions, and in accordance with the procedure of the House,

[The Assistant Minister for Labour]
this Bill would normally have come up for debate tomorrow or the day after tomorrow. Sir, because of the fact that tomorrow is the Budget Day, and as we are not allowed to interrupt Budget discussions for the following seven, or so, consecutive days, the Bill is likely to be delayed. The urgency of this Bill, Mr. Speaker, is, in my view, very much in the interest of the Members of this House as well as the country at large. One, Mr. Speaker, Sir, is because the Tripartite Agreement, under which some 45,000 Kenyans were employed, comes to an end on 30th June, 1971, and therefore it is necessary for the Ministry of Labour and Government as a whole to have freedom to regularize the position and so determine the fate of these people. No. 2, Mr. Speaker, is that any day after the 30th of June, the trade unions will no longer be bound by the Tripartite Agreement and they will be at liberty, therefore, to press for wage increases which could have a serious effect on the economy at large. The Bill, therefore, is designed to enable Government to introduce special measures under the Incomes and Prices Policies to regularize the position and so arrest the situation in a more legalistic form.

Mr. Speaker, Sir, after the procedural Motion is adopted, I hope to inform the House exactly what the Bill contains and why it is being proposed. However, at this moment, I would ask hon. Members to take into account the fact that the 30th of June should find us better equipped, legally speaking, to be able to deal with the situation likely to arise with the termination of the Tripartite Agreement. Mr. Speaker, Sir, I believe that no hon. Member would like to see his brother or sister losing a job or being treated unfairly as a result of Government delay, if I may say so, in regularizing the position.

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

The Assistant Minister of State, President's Office (Mr. Munyi) seconded.

(*Question proposed*)

Mr. Mwithaga: Mr. Speaker, Sir, this Bill is not as simple as the Assistant Minister has just said. In fact, I am sure I am not the only one who has not had the time to consult the relevant law which is intended to be amended by the Trade Disputes (Amendment) Bill. Mr. Speaker, Sir, I am saying this because of the short period of recess we have had, and, of course, now that hon. Members are studying the Estimates of Expenditure and other relevant documents subject to debate tomorrow when the Budget Speech will be presented by the Minister for Finance and Economic Planning, they do not have enough time. Mr. Speaker, Sir, I believe it is the wish of most hon. Members to have the Bill published in the normal manner for fourteen days. It is unwise, Mr. Speaker, for an Assistant Minister, or a Minister for that matter, to take this House for a ride. It has been said in the past, and I repeat it here, on behalf of my colleagues the Back-benchers, that all important Bills——

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, do you not consider that expression by the hon. Member, "... an Assistant Minister or a Minister taking this House for a ride", is tantamount to imputing improper motive on the Mover?

Hon. Members: Oh, no! No!

Mr. Mwithaga: Mr. Speaker, Sir, I think the time has come when there should be a refresher course for hon. Members who have spoken too much in this House they have lost their sense of direction. However, Mr. Speaker, Sir, what I was saying is: most hon. Members would like to view the Trade Disputes (Amendment) Bill with a great deal of concern. In fact, Mr. Speaker, this Bill requires a lot of amendments and we shall have to think of separating and defining the kinds of disputes and the trade unions, which should have the access or which should resort to the Industrial Court in order to be able to discuss and even hear cases in connexion with the trade disputes. There are a lot of things involved in this, and my friends who are trade unionists—and I used to be one of them—will agree with me that there is a lot of work to be done about this Bill. I accept that Government has the goodwill, good intentions in trying to bring this Bill here. However, why can we not have enough time? Where are the trade unions going? Where is the Industrial Court going to? Is there any move from their present position. If it is just the question of the Tripartite Agreement, why did not Government visualize this situation a bit earlier and act in due course? Why rush it by trying to discuss these things in a hurry? I am sure the Attorney-General, on behalf of Government, will agree with me that there is no need to hurry this Bill. If the other machinery which the Ministry of Labour has, can be utilized at the moment, we could still take care of the Tripartite Agreement before this Bill is passed. Mr. Speaker, Sir, I beg the support of hon. Members that we have this Bill published for the normal period of 14 days.

Mr. Ayah: Thank you very much, Mr. Speaker, Sir. I do not want to make a long speech on this Motion, but I would like to say straightaway I oppose this Procedural Motion on two grounds. One has already been mentioned by my hon. friend, the Member for Nakuru Town, simply that there is no immediate and urgent reason why we should curtail the publication by one day. Obviously, if it is too late, because we have the Budget Speech tomorrow and Friday is a Members' Day, I cannot see any reason why this Bill cannot appear on the Order Paper on Tuesday. Therefore, Mr. Speaker, Sir, I do not see why the Assistant Minister should come here and tell this House that there is urgency in this matter. When the time comes to look into the contents of the Bill, I will have the opportunity to oppose the provision most vehemently. However, my second reason for opposing the Procedural Motion is

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

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

this: it is a very unfortunate coincidence that immediately after one Procedural Motion has been defeated, by a group to which the same Assistant Minister belongs, the same Assistant Minister has the audacity to stand up and ask the House to allow a Procedural Motion to go through. Mr. Deputy Speaker, this is very wrong. I was going to suggest that it is even bad manners to behave like this because if you cannot give and take but you only entertain taking, you should not ask to be given anything. We have just had an occasion where a very formal and simple Motion has been defeated and then after that, an Assistant Minister stands up and says, "Would you please, now that I have refused your share, give me another share to add to mine?" Mr. Deputy Speaker, Sir, I urge hon. Members not to look into the contents of the Bill as it is just now. We are not called to do that right now. However, we should take two things into account. What will the difference of one day make, especially when we are not going to discuss this thing tomorrow or Friday? What is the difference? Nothing at all.

Secondly, Mr. Deputy Speaker, are hon. Members going to be as generous as the Assistant Minister expects them to be, that immediately after one Procedural Motion has been defeated, we lose our principles by giving in, in terms of Christian charity? Those of us who are not Christians do not believe this is the right thing to do.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to oppose the Motion.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, to deal first with the point that hon. Ayah has raised, I would like to tell him that it is not only a question of urgency but the position is that under Standing Order 137, we cannot interrupt the Budget Speech once it has started. Therefore, I would like to know where the hon. Member was, instead of him, asking me where I was. So, that does cover that, but I think what is most important is this: On the 30th of this month the fate of 45,000 people who were employed under the Tripatite Agreement will be very uncertain because the Tripartite Agreement was an agreement between the employers, Trade Unions and Government to employ the 45,000 people. Unless something is done before 30th June, the employers will be at liberty to get rid of the people who were employed under the Tripartite Agreement. We are hoping, therefore, that on 1st of July if hon. Members of this House are interested in the welfare of these 45,000 people—— I always hear hon. Members speaking on behalf of *wananchi* this is a sort of vicarious responsibility which one carries on his head—— I can speak on behalf of a few but not on the whole country. On the 1st of July, if this House does agree that we deal with this Bill and it comes into operation, Government will announce an income policy which will be a guideline both for the Trade Unions, Government and the Employers. One hopes that we will have industrial peace as a result of this guideline which we hope, working together with Trade Unionists and the Employers, will be worked out.

This is the position, Mr. Deputy Speaker, and that is why there is this urgency because if we do not do it today and tomorrow, then, I am afraid it will not be done until the end of June and by that time the Tripartite Agreement will have come to an end.

I am not going to end now, Mr. Deputy Speaker, I will go on speaking because I think I would like to appeal to hon. Members that this is really a Procedural Motion and we should pass it and then we can tackle the Bill itself and see whether there are certain amendments that hon. Members would like to introduce. I know there are some hon. Members who are in the Trade Union movement and, I am sure are against this because it does, somewhat, curb their empire.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, I want to seek your guidance here. I know that the Attorney-General was expecting this. We have the Tripartite Agreement signed by three parties which are Government, Trade Unions and the Employers. It was agreed by the three parties that none of the three would break the contract. Could we be told whether

[Mr. Mwithaga]
it has become impossible for the three parties to consult one another before this Bill comes to the House so as to discuss the extension of the Tripartite Agreement or is it only one-sided where Government wants to extend the Agreement without consulting the other two parties?

The Attorney-General (Mr. Njonjo): Was that, really, a point of order? I think that is the worst point of order I have ever heard. I am sure that when the Minister in charge of this Bill replies to the Motion he will touch on that point and I would hesitate to hazard a guess on that but my own fear is that, perhaps, some of our friends in the trade unions do not want the Tripartite Agreement because it curbs their authority and they cannot, at the moment, call strikes as they wish. I hope that the House will agree that this Procedural Motion is approved.

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

Mr. D. M. Kioko: Thank you very much, Mr. Deputy Speaker. I would like to mention two or three points on this Procedural Motion.

The first point is that the Tripartite Agreement which has been mentioned here once and again was extended some time back without being brought to this House because the employers were very co-operative and they are still co-operative including, Mr. D. M. Kioko, who is an employer. I think we should, in this House, try to follow the procedure without colliding with the Standing Orders because it is always one-sided because when we ask the other side to co-operate with us they are always against us. So, Mr. Deputy Speaker, I think that even if we give leave of the House for the Bill to be discussed we shall not be able to finish the Second Reading. There are many things that hon. Members would like to say about the Bill and time will be short and this will mean that the Bill will have to be discussed later on and the Budget Speech starts tomorrows. To me, even if we give the leave of the House for the Bill to be discussed, we shall not finish discussing it today. Therefore, Mr. Deputy Speaker, we should not be told that there is a need for urgency because tomorrow will be Budget Day and I do not think the time we have today is enough, Mr. Deputy Speaker.

I would like to say that the Ministry concerned should go back and discuss a gentlemen's agreement with the employers so that we have more time for discussing the Bill, and more time to go through the Bill and amend some parts, if possible.

There are many things to be said about this Bill—we got the Bill after Recess and on my part I got it yesterday and I have not gone through it although it carries a lot of weight on the employers and the employees and also the Trade Unions who also signed the pact.

Therefore, Mr. Deputy Speaker, I think we should not discuss the Bill.

Mr. Onyulo: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity.

Mr. Deputy Speaker, the Procedural Motion has been brought by the Ministry of Labour; this is a Government Ministry which is charged and presumed to be the authority of good industrial relations. It is a pity that they have displayed opently that the Ministry is not, therefore, an industrial relations Ministry.

Mr. Deputy Speaker, every Ministry for its own functions has certain boards or councils which deal with certain matters that affect the Ministry. In this case the Ministry of Labour has the Labour Advisory Board. The Labour Advisory Board is composed of Employers' and Employees' representatives.

Now it has its functions. One of them is to look into this matter before it comes here because they are the experts. Now they have on this occasion jumped over the Boards; they have not convened the Boards for many years and they have had proposals to put before them and yet they are coming to ask us here to short-circuit the procedure.

Mr. Deputy Speaker, Sir, I think it is most unfortunate and unfair to have the House discuss something which should have been processed properly and which is being brought here improperly. Now keeping that aside, Mr. Deputy Speaker, Sir, I would like to touch on a point that thas been raised here by one of the hon. Members. That is the Tripartite Agreement has been used as an excuse.

Mr. Deputy Speaker, Sir, this Tripartite Agreement is not the first one; it is the second one. We have had one before. The one which was there—the first one—which had not had the precedent, was held up and it was given up to a certain time. When that time came up, it was extended further with the consent of the parties and the parties are still seemingly in existence. Now this one here, Mr. Deputy Speaker, Sir, this Tripartite Agreement that we are referring to now, incidentally, I did not study it this morning but, the impression I had as a participant to this Agreement was that it was different from the previous one in one big respect and this was the respect: in that the people who were taken for jobs under this Tripartite

[Mr. Onyulo]
Agreement were supposed to be absorbed in jobs and employed permanently. Now the Ministry is telling us that these people were merely taken temporarily; either they are asking employers or they are giving employers a different interpretation, a leeway by which they would decide to dismiss or remove all these temporary people. In fact, the Employers and the Trade Unions have understood it. There is no employer in Kenya without this understanding that these people who were taken under the present Tripartite Agreement were fully absorbed into their firms. The Government has also done that and it has been accepted. I do not understand this interpretation which is being brought here today.

Mr. Deputy Speaker, Sir, it has been mentioned or I think it has been alluded that the income or income policy or anything like that will be affected by this Agreement. Surely, this is one of the functions which has to be discussed. If it has been made a reality it has to go through the usual channels that the employer and the employee organizations advise the council and talk about it before these things arrive here. Surely, what are we doing about such matter? I am a little bit shocked to see that these are being side-tracked.

Now, Mr. Deputy Speaker, Sir, taking a further point of the trade unions' demand that after the 30th June, we do not know what things will be like—— I mean the trade unionists are not living in a vacuum and, therefore, on that day they will not come here and say that you employ a man today and you must all do that. We have machinery which exists for this matter. I think one of the assumptions was after the 30th of June, the 1st of July, will be a D-Day and the trade unionists will call a strike all over Kenya. That is not there at all. I mean the trade unionists in Kenya are very responsible. The Ministry did say and has also congratulated the trade unionists that in Kenya the strikes are getting fewer and fewer. The present law exists and there is machinery even if they submit their claims, they will not be processed overnight; there will be nothing to disturb anyone. These are merely, I think, unjustified fears——

The Assistant Minister for Labour (Mr. Kibisu): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member for Winam not misleading the House by saying that the Tripartite Agreement provided that the people taken under that Agreement will be absorbed in jobs; is he not misleading the House by implying that that Agreement was not for a period of one year?

The Deputy Speaker (Dr. Waiyaki): I think, in fact, from my own reading of the Agreement, the Agreement expires at the end of this month as far as I know.

Mr. Onyulo: Mr. Deputy Speaker, Sir, the Agreement expires but, the fact that the Agreement expires does not mean that the people who were employed under that Agreement are—— Mr. Deputy Speaker, Sir, I am not a lawyer but I would ask you that when we attended the meeting, this was merely, I think, to enable the checking of the people to be done within a certain time. It was not to enable the employers to terminate the services of the people employed at that time. However, whether that interpretation of mine is wrong or not, I think the understanding was that these people were taken into jobs permanently and this view has been accepted by the employers or some employers and I can quote the Government.

With these few words, Mr. Deputy Speaker, Sir, I beg to oppose the Motion.

Mr. Abdallah: Thank you very much, Mr. Deputy Speaker, Sir. Mr. Deputy Speaker, Sir, I have just listened very carefully to all the reasons given as to why this Bill should be discussed within a period of 13 days instead of 14 days. However, I am here to oppose the Bill before it is discussed by many people.

First of all, I, myself being one of the trade unionists, would like to urge Members in this House that this Bill should not be treated as a patient who is sick in bed and is in need of an urgent operation in order to save his life. This Bill can wait and it should be regarded just like other Bills which are brought here and which can be discussed later on. I do not see the reason at all for the urgency of this Bill to be discussed today or tomorrow. However, the reason given in this House, that tomorrow being a Budget Day, is not enough at all; it can still be waived and the Bill can wait.

Another thing, Mr. Deputy Speaker, Sir, is that this question of Tripartite Agreement, it was discussed by three parties: that is the Government, the employers and the trade unionists. Now, towards the end of this month this Tripartite Agreement is going to expire but, we should just wait until such time that the employers, who have been provided with those people, who are the workers, are shouting or writing to say that or to remind the Government that this Agreement is overdue and they want to get rid of the people. However, to my understanding, as I am not an employer but I deal with employers, 90 per cent of the employers are very happy with the people

[Mr. Abdallah]
who have been provided to them and they do not have any intention of getting rid of them at all. It is only today that I have come to learn in this House from our hon. friend, the Assistant Minister for Labour, that the Government should get rid of these people by the end of this month. However, until then, it should be the work of our Government to see to it that these people—the 45,000 people—should remain in their employment. We are not here to fight for ourselves; we should remember that we have been elected by the people and those people are workers. They are in an embarrassing situation because they are after having a better living and other things just as ourselves.

I have learnt that we people, when we are fighting to come into this House we promised these people a lot of things—we will do this and that for you! We will get employment for you and things like that. But, as soon as we came here we turned quickly against them just like a propeller of a ship. That is we forgot these friends, which is very bad and it should be the duty of every Member who is here to see to it that we help these people.

Mr. Deputy Speaker, Sir, this question of 45,000 people; we should wait until such time that the employers put it in writing to the Government, saying that they would like to get rid of these people and then it should be brought right into this House rather than anything being discussed outside the House without the knowledge of this House and this has been urged by our colleagues here.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to oppose, with all my might, the Motion.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that I notice there is a tendency of talking too much on this Procedural Motion as was the case in my Motion, will it be in order to ask the Chair to call upon the Mover to reply? If you look further down, you will find that the leave of the House will still be required for the Second Reading and I doubt whether it will be given and, therefore, I do not know what we will gain by taking too long on this Procedural Motion. Can you now call upon the Mover to reply?

The Deputy Speaker (Dr. Waiyaki): Yes, it is time we considered that and therefore, I will put the question to the House.

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

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, Sir, I would like to thank the hon. Members who have contributed to this Procedural Motion. With due respect I think a great number of the speakers so far are either under misinformation or they have their facts wrong.

Let me first of all clear one or two points raised by the hon. Member for Kanjulu who is practising trade unionism leadership.

Mr. Ogalo: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member speaking in order to refer to a Member as "Member for Kanjulu" when we know very well that we do not have a Member for Kanjulu here?

The Assistant Minister for Labour (Mr. Kibisu): Mr. Deputy Speaker, Sir, I withdraw and apologize but I thought that would be taken as a joke because the Member in question is a Member for Winam.

Mr. Deputy Speaker, Sir, the Tripartite Agreement which we have very much in our minds in tabling the Procedural Motion, was meant for a period of one year; and the hon. Onyulo knows this very well and, therefore, there can be no question of Government requiring employers to keep these employees on but if that arose, Government would need legal provisions to do so.

Secondly, Mr. Deputy Speaker, Sir, the hon. Member for Winam knows that under the Employment Act, Cap. 226—I think section 4—the Minister for Labour derives his advice from the Labour Advisory Board among others. However, the Minister for Labour under the same Act and under the same section of the Act is not bound to obtain such advice. Therefore, the Minister for Labour has acted correctly in treating this Bill in the manner it has.

It is not that the Minister deliberately refuses to obtain advice because we obtain advice from time to time through regular discussion. I would like to appeal to hon. Members to consider the fact that had these few sittings been normal sittings, this Bill would come up for discussion because it would mature by tomorrow and, in fact, we are talking in terms of less than a full day. Mr. Deputy Speaker, Sir, it is not unreasonable for the Minister for Labour for the first time to request the House to advance the publication day by only less than 24 hours.

Again, I would like to thank the hon. Members for the contributions which they have made; and hope that they will support this Procedural Motion.

I beg to move.

(Question put and agreed to)

An hon. Member: Division!

The Deputy Speaker (Dr. Waiyaki): There is not enough support.

BILL

First Reading

THE TRADE DISPUTES (AMENDMENT) BILL

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

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir, it looks as if the microphone of the clerk is out of order.

An hon. Member: It is working perfectly and, perhaps, it could be a defect in your ears.

Second Reading

THE LOANS AND CREDIT FACILITIES (AMENDMENT) BILL

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Deputy Speaker, Sir, I beg to move that the Loans and Credit Facilities (Amendment) Bill be now read a Second Time.

Hon. Members who have looked through this Bill will have seen that it is a very brief Bill, indeed, which has three main purposes: one of them is that according to the Loans and Credit Facilities Act 1967 the Government was authorized to borrow externally for——

An hon. Member: Speak loudly.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Am I not audible? The Government was authorized to borrow externally for the purpose of meeting Development Estimates up to a maximum of K£60 million according to the provision of the Loans and Credit Facilities Act 1967. Secondly, the purposes for which this money could have been spent was defined as being under "Development Estimates". As the hon. House knows, there is a difference between "Development Estimates" and "Recurrent Estimates".

The amendment to this Act which I am suggesting to the House, if passed, will facilitate two things: first of all, it will raise the limit of the amount of money which the Government can borrow externally from K£60 million to K£100 million; secondly, the original Act of 1967—The Loans and Credit Facilities Act is due to expire on 30th June 1971 and, therefore, the Bill seeks to have this Government authority to borrow extended up to 30th June 1974—the end of Kenya's second Development Plan which has been approved by this House. In addition to that, it has an important amendment. Section 3 states: section 3 of the Principal Act is hereby amended by the deletion of the words "Development Estimates" wherever they occur and the substitution therefor of the words, "Estimates of Expenditure".

It has been found by certain legal advisers working under the Attorney-General—the Member who is opposite me—that certain obstacles have confronted Government who deemed it necessary to use some of the money credited from abroad for such purposes like specialized equipment. Usually, the question arose whether these were classified as Recurrent Expenditure or Development Expenditure. In order to provide for that legal loophole, it is suggested here in section 3 that Government should be authorized to spend this money up to the extent of K£100 million for both Development Expenditure and Recurrent Expenditure. Mr. Deputy Speaker, Sir, I do see the reasons why in certain cases, it is difficult to draw the line between expenses which are meant for development and expenses which are meant for recurrent expenditure because, for example, when the Government is ordering very highly specialized equipment, this can be termed as a recurrent expenditure, but also it is a form of development because if the equipment which is needed for certain purposes, let us say, for military purpose, that in itself is a form of development although it can be argued this was recurrent expenditure. Therefore, this amendment is intended to provide a legal cover for such a kind of expenditure in case there might be some doubts.

I would like to tell the hon. Members that, in fact, the difference between development and recurrent expenditure should not really be taken as being fundamental because whether expenses being incurred by the Kenya Government are recurrent expenditure or development expenditure, the authority of this House will be needed. Therefore, this shift from being able to borrow money purely for development and for recurrent expenditure also will not be taken as being a fundamental departure from the usual practice. This should not also be used as basis for argument by the hon. Members in opposing the Bill.

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

The Assistant Minister for Labour (Mr. Kibisu) seconded.

(Question proposed)

Mr. Mwithaga: Mr. Deputy Speaker, Sir, we do not sit on stools, but we sit on benches for the information of the hon. Shikuku.

[Mr. Mwithaga]

Mr. Deputy Speaker, Sir, I agree that this Bill is an important one as far as the country is concerned. This is a Bill which seeks an amendment. We must remember, Mr. Deputy Speaker, Sir, that when we were passing the mother Act, we were promised in this House that we were going to embark on a new move, that is, a move of continuing to borrow internally. We were given a picture which indicated that we had done very well just because we were able to borrow as much as possible from within. The hon. Members of this House will remember that all speeches, almost from every hon. Member, were all directed at one thing, that is, borrowing less from abroad, and borrowing more locally. The amount which was indicated in the Memorandum of Objects and Reasons was specific and the period given was specific. What has just happened to make this Bill be introduced, firstly to increase the amount, and there is nothing wrong in doing that, but the period has been extended as far as up to 1974 during which time £100 million may be borrowed from abroad. There has been a quarrel in this House as to whether the House is entitled to know from whom some of this money should be borrowed, that is, from which country, personality, or individual group this money was going to be borrowed. Much of this quarrel was directed favourably to internal borrowing.

Mr. Deputy Speaker, Sir, the Assistant Minister for Finance has not been able to make his case or to advance reasons which the House can easily accept as to why this move is justified. There is no specification as to whether the money is intended for development, as such, despite the fact that there is a reference to the Development Plan. We voted money during the debate on recurrent expenditure and development estimates and, indeed, during the time we were discussing last year Financial Statement. What has happened between the Financial Year and this Financial Statement which we expect tomorrow is that a new move has come in, that is, to go and borrow from abroad, and the Bill says specifically, "abroad". Mr. Deputy Speaker, Sir, this is a contradiction of affairs because at one time, the Minister for Finance told us that we are moving towards a very healthy financial position because most of the money we need for development is going to come from local resources and, therefore, we are heading towards self-reliance, but at another time the bigger Minister instructs his Assistant Minister to come and present the case in the House—I mean the future Deputy Minister, if the Cabinet is serious about the Assistant Minister's right title, because we were promised by the Attorney-General that the Cabinet was going to discuss this issue—— If he was a Deputy Minister he would have been able to tell us more, but now all that he told us was curtailed. Mr. Deputy Speaker, Sir, I was saying that the Minister himself promised and gave us a very beautiful promise which could help us to move towards self-reliance. This has been our pride, that we are no longer borrowing millions and millions of pounds from overseas and that we were not long going to subjugate ourselves to the foreign money lenders, because we were going to borrow locally. We even went as far as asking to know from which groups of persons, individuals we were going to borrow money because you may find some individuals having bigger budgets than the State's Budget. We wanted to know about this. This has not been done.

The Assistant Minister for Local Government seems to be very angry with my argument, but he must know—— Thanks a lot. I think provocation sometimes reveals a lot. If the Assistant Minister is very happy with what I am saying he should know that we do not want to borrow to be able to pay salaries to our officers. If money is specifically stated, that it is meant for development, then the lenders must be exposed and the projects to be financed must be exposed. Last year the Minister for Finance started a case in London in connexion with money. They have been to Britain again on the same question of money. We would like to know whether that money which was negotiated last year is covered by these figures shown in the Bill. There is no question of saying, "No", it is a question of being specific because the Minister goes out to negotiate for money somewhere and we are told in the Press that so much money has been negotiated or so much money is forthcoming in the form of loans and what-have-you. The figure we are shown here, is the difference, but it almost covers the same thing we have been discussing, that is the Development Programme. If the Development Plan is covered what is the use of the Minister going to discuss some other financial loans? Why also contradict the original statement. This is because all of us, except the Attorney-General, in this House, are politicians—he is a politician by implication. Mr. Speaker, Sir, we are answerable to our constituents and we are answerable to the country at large. We must be able to go out and talk in one language. However, it should not be that one time we tell them something and tomorrow we tell them something which is different. The Government makes the positions of Members or the Back-benchers rather intricate, and very difficult at times because when you go out and

[Mr. Mwithaga]
you want to defend your "party Government" you cannot have the language in which to express yourself because the Ministers have too many languages to use as promises. We speak in one language, that is English, in this Chamber. However, the hon. Kibisu's mother does not understand English, for that matter, and he will have to speak in Luhya to his constituents. Therefore, Mr. Deputy Speaker, Sir, the Assistant Minister and this is where most Ministers have been failing in this Chamber, have almost at all times failed to present the Bills to the satisfaction of the hon. Members. There is no point for one to fear addressing this House. They speak with a bit of fear—psychological fear and what-have-you. They do not have the courage exactly to say what they want to do with that money or where they want to get it from and which particular areas are going to be affected as far as the utilization of this money is concerned.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Deputy Speaker, Sir, I have no intention of picking a quarrel with the speaker on the Floor. However, he is making some wild allegations about us, Members of the Front Bench, being afraid and not giving the information which has not been called for. I said, when I was moving this Bill, Sir, that all the details of expenses and the loan agreement will be presented before the House. There is no question of hiding anything at all.

The Deputy Speaker (Dr. Waiyaki): He is expressing an opinion.

Mr. Mwithaga: Thank you, Mr. Deputy Speaker, I think it is good to train some of the new Members how to debate here.

An hon. Member: How old are you?

Mr. Mwithaga: Mr. Deputy Speaker, Sir, for the information of these Members, I have been in politics for the last 17 years. Most of them are my colleagues.

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

Mr. Mwithaga: Mr. Deputy Speaker, Sir, I would warn the hon. Shikuku to deny this. I have been with him.

The Assistant Minister for Labour (Mr. Kibisu): ..... (Inaudible).

Mr. Mwithaga: Mr. Kibisu was in the Shell Company before he joined the trade union. Mr. Deputy Speaker, you were with me all the time and we trained them.

Sir, all I am saying is this: if the Assistant Minister does not have the actual audacity to present those figures before a Bill as such, is debated, then what he is calling for, Sir, is a move to block the Bill until we have the figures presented. This is a dangerous approach. What he should have been able to do is to accompany this Bill with the figures and then the hon. Members will not have to block this Bill. As I have said, it is always important to understand the psychology of your colleagues. The Members of this House have time and again said, they are not prepared to sign blank cheques. They are not prepared either to be hoodwinked. The Minister instead of waging war or creating psychological warfare against the Back Bench, should be diplomatic enough and tactical enough to present documents which are acceptable and which are acceptable and understood by the Members, then you can have the Bill passed.

However, when I am trying to put right my colleague here, he thinks I have an empty brain. Therefore, Sir, what I am saying is that he wants us to amend the figure, "1971" to read, "1974". Out of the £100 million to be borrowed, how much is intended to be spent each year during the other three coming years; and where is the money going to be spent? We must know, Sir. Even if we needed this money, why should Government give us a contradictory Bill where they contradict what they promised the Nation? What is our work? What is our trust? I am not convinced, Sir, that we should be able to have this thing. This is, in the actual fact, in the sense, a money Bill, which if you oppose or reject, Government will have to resign.

An hon. Member: You will lose your job.

Mr. Mwithaga: Mr. Deputy Speaker, I have no job to lose; I have problems to lose.

The Assistant Minister for Labour (Mr. Kibisu): You have a constituency to lose.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, all these Members have their constituencies and they know their own worries. I do not have similar worries.

What I am saying is that it is always absurd to take us for a ride and when I use that word some Members panic, I hope they will not do it now.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I stand to seek your guidance here. I rose on a point of order earlier on——

An hon. Member: Do not lean; stand alert.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Deputy Speaker, Sir, I think if only the hon. Member could grow up, I think I will grow up too. However, I think I am tall, so I have to lean to come to his size; and this is how he looks.

Sir, the guidance I am seeking from you, is with regard to this word, "taking one for a ride". This could, as well mean, "mislead him"——

An hon. Member: ..... (Inaudible).

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Yes, Mr. Deputy Speaker, Sir, I learned a bit of English in the school I attended. When you take one for a ride you are not telling him the truth; you are misleading him. Sir, are we to continue to hear this word being used here thereby imputing or insinuating that those who moved this Bill are taking people for a ride, in other words, telling them an untruth?

The Deputy Speaker (Dr. Waiyaki): No, it is not proper, really, for the hon. Member to say that the Assistant Minister for Finance and Economic Planning has taken the House for a ride. He has laid his cards on the Table; it is in the Bill. I cannot see how he can take people for a ride in that Bill.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, the question of semantics is not my subject.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order Sir——

Could you, tell the hon. Member to sit down? It is a shame that the hon. Member does not know by now that when somebody is on a point of order, he should be seated.

Sir, do you agree with the statement so far stated. He is not actually accepting your ruling when you have ruled that it is not quite in order with regard to the word he used.

The Deputy Speaker (Dr. Waiyaki): The word he used, I am not quite sure whether that is the correct word to use because he said synthesis or was it syntax nor did those two seem to apply. Never mind, I think you should not pursue that line, Mr. Shikuku.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, I quite agree with you that we should use the correct words. However, the Member himself spoke Latin here yesterday. I wonder whether other Members apart from myself understood what he was saying. Nobody questioned this.

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

Mr. Mwithaga: I was experienced for a longer period than he was. However the point is that, Sir, all that this Bill is going to do is to leave the whole mother Act, substantially as it was, leave the Development Plan and the Development estimates as originally were, with only these so-called amendments—— Sir, if you look at section 3—— In an attempt to support the move to borrow from overseas the £100 million up to 1974, they say and I quote:—

> "3. Section 3 of the principal Act is hereby amended by the deletion of the words, 'development estimates' wherever they occur and the substitution therefor of the words, 'estimates of expenditure'."

Mr. Deputy Speaker, Sir, there have been cases here when we have passed Bills and only within a very short time the same Bill or Acts are brought with amendments to amend exactly what we had passed some six or seven months ago. Sir, this can be progress, but it can also be retrogressive in one way. If we are now going to amend it to read, "estimates of expenditure", rather than "development estimates", Mr. Deputy Speaker, Sir, then obviously, it is like—for most of Members, we are obviously going back to our words that the Development Estimates we debated are not the same as what the Minister intends as the Estimates of Expenditure. They are not the same. The Minister was unable to differentiate between the two to define each one of them so that Members when supporting this Bill or opposing the Bill can understand the implication.

Sir, all that I have been aiming at here is to have these things done clearly. I have seen the documents that we have now been presented with by the Minister of Finance and Economic Planning, the Recurrent Expenditure and the Development Estimates. They have accepted most of the points we presented last year——

The Assistant Minister for Labour (Mr. Kibisu): ..... (Inaudible.).

Mr. Mwithaga: Mr. Deputy Speaker, Sir, could you stop the hon. Kibisu from patting my back.

The Deputy Speaker (Dr. Waiyak): He is congratulation you.

Mr. Mwithaga: Thank you, Mr. Deputy Speaker. I was thinking it otherwise.

Now, Mr. Deputy Speaker, Sir, what I was saying is this. Since the Ministry was brave enough to accept our suggestions of last year and included most of them in the current Estimates of Expenditure and Estimates of Recurrent Expenditure, why can they not see sense, that when we have to work in this House we always have a reason.

[Mr. Mwithaga]

Would it have been right to move that this Bill be blocked until we have everything in black and white? Would the Ministry want that? Therefore, Sir, without lecturing to this Ministry because I know their problems, would they not be prepared to withdraw the Bill, go and prepare——

Hon. Members: No!

Mr. Mwithaga: Mr. Deputy Speaker, some Members say, "No". If you ask them how much of this money goes to their constituencies, they will not be able to stand on the Floor of this House to give the amount. This is true.

An hon. Member: Yes, you are right.

Mr. Mwithaga: Yes, it is and I will challenge the Ministry of Finance to compare how much money, in the form of loans, has gone to the constituencies. How many constituencies have benefited from these credit facilities? I want a clear-cut statement and the figures exposed so that they know it. I am not going to be so blind because I have a duty, I represent my constituency and there is no compromise.

Therefore, Sir, there is no question of us saying that we have this thing and we have to accept it. I am suggesting that in order that the Ministry can have a case, in order that the Minister for Finance can win the support of this House, and in order to avoid other delays in trying to have this Bill passed, they should withdraw it temporarily to go and re-examine it.

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

Mr. Mwithaga: I am serious, Mr. Deputy Speaker, just as serious as the Butere people are.

They should go and re-examine this Bill so that there is no contradiction of the original statement of borrowing overseas and the limit of the money, the extent to which they can borrow is the thing that we passed here and they should follow that. If there is any new justification for £100 million as opposed to £60 million, then there must be a reason for an additional £40 million.

Mr. Karungaru: Do you not know the reason?

Mr. Mwithaga: Mr. Deputy Speaker, honestly that Member for Embakasi, if it was ignorance, then he is as ignorant as I am. He does not know what the £40 million is for.

An hon. Member: He is not ignorant.

Mr. Mwithaga: If he is not ignorant, then he is in the Cabinet.

What I am saying is that there must be a reason for the £40 million and the Members have, as of right, a duty to know why that money is wanted, and how it is going to be spread over the coming years. It is as simple as that.

Therefore, Sir, in the hope that the Assistant Minister and the Front Bench as a whole will not just want us to pass this Bill for the sake of it—in order to go to the Budget tomorrow—and in the hope that they will be able to explain to this House, convincingly so, I reserve my support.

Mr. Ayah: Mr. Deputy Speaker, I am not going to take a lot of time of the House because I have very little quarrel with the greater part of this Amendment Bill. For instance, Sir, I do not want to quarrel about sections 1 and 2 which talks about substitution of 1974 for 1971 and £100 million for £60 million. I may perhaps have some reservations later on.

However, before I give a blanket cover for my acceptance of the first part of the Amendment Bill may I make a few remarks about the whole idea of borrowing. Sir, there has been some careless talk—in my opinion—and I must say that I, myself, have been a victim of this, where Members and some members of the public as well have said that this country is being mortgaged and that we are borrowing too much. There has been a great deal of this and if I have ever said it, then I have had a good deal of——

The hon. Member for Nyando seems to know more about what I have said than I do.

I say that as long as we are still in our initial stages of development, as long as we are not yet able to generate a great deal of money or capital from our own resources, from within, it is necessary, for the sheer reason that we are unable to get it ourselves, to borrow money from somebody or other. Sometimes it is necessary to borrow it from within but mostly we do have to borrow from overseas sources. And I see no reason why this House or this nation should be ashamed of that. It is not important, the fact of borrowing. The fact of borrowing itself is not important. We do it personally every day, we do it as a community, we do it as a nation, we do it every day. What is important is the question of the terms of the borrowing and also what we are going to do with the money we borrow. Members, I think, Mr. Deputy Speaker, should not run away with the feeling that the mere fact that the Minister for Finance wants the power to borrow is itself an indication that there is something rotten either in Denmark or that we are trying to mortgage this country.

Having said that, Sir, I would like to say that the last time this Bill came up the House said

[Mr. Ayah]
there should be borrowing up to 1971. If in the course of the Estimates and other things the Government has found that they need £100 million, or this House should authorize the power to borrow £100 million, then there is nothing sinister about it because it is still provided that this will be approved by this very House. I am sure Members will at that time have an occasion to scrutinize the specific borrowing, the sources, the terms and so on. I do not think, therefore, that it is a fair idea for Members to be sceptical because we like to have the ability to scrutinize this Bill and, therefore, we say that if we allow a future chance Government will come up with this and then we will not have a chance to scrutinize the borrowing and the terms.

However, Sir, I do oppose strongly section 3 of the Amendment Bill. Just as a matter of principle it is wrong for a Government to borrow money for a recurrent expenditure. The law that is being amended there—— Parliament specifically says that the money borrowed from overseas should be used for development projects, for Development Estimates, and I do insist that we should not allow this borrowing to spread to recurrent expenditure for the simple reason it makes it too easy to overspend Government money on the recurrent side because we are able to borrow money from overseas or from somebody else. If anything, Sir, it is important that we as a House should take a close look at our recurrent expenditure and we cannot do that unless we are sure that we have tightened the sources of this money. We must tighten that by only allowing the Government, the Minister for Finance to borrow money for only development expenditure.

I want to ask the Assistant Minister if he does not want to do that, then we will be able to do it at the Committee Stage—now in good faith that he should himself introduce an amendment for the general goodwill of the House, which is going to reinstate the previous provisions in the law, that is, money borrowed from overseas or elsewhere will only be used for Development Expenditure.

I am informed, Mr. Deputy Speaker, that the Assistant Minister is not listening but I gather he has extra ears and I am not worried about that.

I am happy, Sir, that one important provision has been left in the Amendment Bill, namely, that these Estimates have to be approved by Parliament. I am sure the Assistant Minister wanted to amend that but because he is prevented by the Constitution—he has not been able to amend it.

I want to say this, Sir. I want to urge him once more. I want to suggest this thing in all earnestness, that if the Assistant Minister is serious, as I am sure he is serious in the first two amendments, then I see no reason why he should fight with this House about the very important provision: that these borrowings should only be used for Development Expenditure. An hon. Member has suggested that, perhaps, in future, the money borrowed from overseas should be used for increasing the salaries here and there and we shall have another Salaries Review Commission which, this time, might be the Kioko Commission for Revision of Salaries. There is nothing wrong with increasing salaries, as hon. Members know. But we do not want to use this borrowed money from overseas for this kind of thing.

The Assistant Minister for Agriculture (Mr. Khaoya): ..... (Inaudible).

Mr. Ayah: I have just said, Mr. Khaoya, that there is nothing wrong with the increase of salaries as you well know.

Unless he has something hidden in his intention I do not see why he should not introduce this idea of including Recurrent Expenditure in the borrowings from overseas.

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

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Deputy Speaker, thank you very much for allowing me to contribute a few points to this Bill which has been tabled in this House by my colleague concerning the loans and credit facilities.

Mr. Deputy Speaker, I have one or two things to elaborate on the methods of borrowing money from within or outside the country. I do not see any bad thing if we have to borrow money, either from individuals or groups of any type, whether they are in this country or outside. Sir, we do not borrow money because we just want to bring it here and put it somewhere without utilizing it, but we borrow it to use and cater for the projects which we have in the country. We do not borrow it to use it on salaries or Recurrent Expenditure, but we borrow it for development. This is covered in the Development Plan which we have, and hon. Members of this House, including myself, have time to go through it and see what is covered in it.

Mr. Deputy Speaker, I do not remember any time our Government borrowed money at a loss. We borrow money to bring more profit into the pockets of Government, but we do not borrow it to come and spend it carelessly to make our Government lose in any way.

[The Assistant Minister for Co-operatives and Social Services]

Mr. Deputy Speaker, Sir, the other point which I would like to make is in connexion with the spreading of projects all over the country. Some Members think that when we borrow this money we should make sure that projects are put up in every part of the country or in every constituency. Generally speaking, this can be done, but sometimes it is impossible. We have what we call national projects. These cover the whole country, not one specific area or constituency.

If I may take the rice mill which I have in my constituency as an example, it is not serving my people alone but it is serving the whole country. We have a lot of money from Government buried there. That mill is doing work for the benefit of the whole nation. It is not for the people in Kirinyaga alone but it is serving the whole nation. Therefore, whoever has this idea of having projects put in every constituency, Mr. Deputy Speaker, is making what I would call a wrong impression on people. He is misleading the people. We have what we call national projects. We have roads. The Members of this House, including myself, want to standardize them. We want to make sure that we have international roads—the roads from Nairobi to Ethiopia, from here to Tororo, and from here to Namanga which is on the way to Tanzania. These are national roads and we want them to be standardized to be on the same level with the other roads in other countries.

Mr. Deputy Speaker, we also want to have industries here which will cater for the interests of our country. Therefore, I feel very strongly that when we speak or national propects or loans to improve our country by way of putting up new projects I feel that we should be allowed to have loans to accelerate these programmes of putting up more projects.

The last point I wish to raise is in connexion with what I have noted as regards the impression given that the money we borrow has to be paid out as salaries and so on. Mr. Deputy Speaker, we already have enough money to pay the salaries, but what we do not have is money to put up big projects. This is why we are asking the House to allow us to borrow it. If Members are not certain about the projects to be put up, I am sure my colleague will tell them what these projects are, if they are not already covered in our Development Plan.

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

The Assistant Minister for Information and Broadcasting (Mr. Kase): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity. I wish the Member for Nakuru Town was around because he made many misleading statements.

Mr. Deputy Speaker, if the hon. Member for Nakuru Town was really reading his Development Plan 1970/71 well he would have seen at page 161/62 that to finance the whole of the Development Plan we need £180 million.

If he read further, he would have seen that we require £85 million to be borrowed locally. This is why the other day the Minister for Finance and Economic Planning asked this House to allow him to borrow locally up to £70 million.

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

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

You can see, Mr. Speaker, that he still requires another sanction of this House to extend that £70 million depending on the projects which will be forthcoming in this country.

The second part goes on further to say that he requires to borrow up to £95 million. This is a rough estimate which was made in 1969. Therefore, the Minister for Finance and Economic Planning is asking this House to allow him to borrow up to £100 million. That is allowing for any adjustment in terms, of course, in terms of change of the dates. I do not understand where the hon. Member for Nakuru Town comes to believe that this money was just being borrowed for that reason at all. In fact, he gave me the impression that he was not in this House way back in 1969 because he should have known better than tell other hon. Members contrary to what is written.

Mr. Speaker, Sir, he said that the Minister for Finance did promise the House that we were going to borrow locally. That was just a beginning that we should borrow locally £70 million and more, but the Minister for Finance did not say that he would never borrow abroad. This is what he never said in this House. This means that he could borrow abroad according to the Development Plan as accepted by this House. I do not see any mistake the Minister for Finance is making because he is trying to abide by what we endorsed in this same honourable House.

If we want the Minister to give us a document —the Development Plan—with all the targets set, and then we tell him to break that honourable promise, I think this is what the House would not like to do. They would not like to see a Minister break his own promise which he made to the House. I think this is what the Minister is trying to avoid and he is trying to borrow within the limits of the Development Plan, both locally and abroad.

[The Assistant Minister for Information and Broadcasting]

Having said that, I would like to say another thing on clause 3 which has prompted a lot of misunderstanding: Estimates of Expenditure and Development Estimates. I am sure that when my friend was moving the Bill he made one observation that when you go to borrow money you come with it. Some think that certain parts of that project are Recurrent Expenditure and, therefore, you cannot spend that money for development purposes. Here, Mr. Speaker, I would like to give an example. In the course of building Busia Hospital, perhaps, they are going to install an X-ray unit. Some people might think that the money which, we are going to spend on the purchase of the X-ray equipment is Recurrent, not Development. It is from these little loopholes that the Ministry of Finance and Economic Planning would like to get away from.

Nobody, Mr. Speaker, is going to lend you money to come and pay salaries in Kenya. It has never happened. Mr. Speaker, Sir, nobody is foolish enough to give you money to come and spend it in paying Mr. Kase an extra £1,000. He is not going to give it to you. Anybody, whoever lends you money, wants to look at the viability of your project, is it viable, is it worthwhile, am I putting my money to a certain country to assist them or not? I do not see where the misconception is coming in that we must borrow this money to adjust salaries. We must borrow this money to pay salaries of civil servants or others. It is a question of borrowing this money for a particular project.

Mr. Speaker, Sir, those who have managed to negotiate loans, leave alone money from abroad, even some hon. Members here, when they go to borrow money from a bank, the bankers are interested to know what you are going to do with the money. You cannot go to a bank and borrow Sh. 40,000 and just tell them: "I am just going to put it in my house and spend it". You must tell them what you are going to do with it. I do not see any person, outside this country or a government outside Kenya that is going to lend you money to come and pay salaries. Therefore, here is a question of terminology so that somebody does not come, at the time of spending the money to tell you: "You should use that money for buying an X-ray equipment and this is to be used for paying the labourers". When you estimate for a project, you imagine that whoever is going to put up the project is going to pay so much in terms of salaries, he is going to spend so much in terms of equipment and he is going to pay the contractor so much. This is what you call Development Estimates. You do not separate the two because if you estimated that to build a hospital all you needed is the equipment inside, you do not need money to pay the salaries for the people working on that particular project, then, that project will not be done.

Mr. Speaker, Sir, having explained that, I hope the hon. Members can now see that whatever we were told by our friend from Nakuru did not really hold water. I am glad he is a good philosopher, but he has not done well with his philosophy today and I hope that we shall allow the Minister for Finance the extended period he wants, extended from 1971 to 1974 and also we shall substitute the words £60 million with £100 million so that our Development Plan is fulfilled. I hope, having told the hon. Members that we need this 100 million, borrowed from overseas, and having agreed that the Development Plan has authorized us to borrow from overseas, on page 162, for the information of the hon. Member for Nakuru, the Development Plan has allowed us to borrow locally £85 million, and this finances the whole of the Development Plan at £185 million. If he has not read that one, he should go back and read it.

Finally, Mr. Speaker, Sir, I think there is no problem here. Whenever Government borrows money for any project, a paper is laid on the Table of this House. Under our Standing Orders, I hope I am right, you will correct me if I am wrong, if a Paper is laid on the Table and an hon. Member does not agree with the contents of that Paper, he is allowed within our Standing Orders to raise this in the normal manner and, I think, he is allowed a shorter period than a normal Motion. I hope this is allowed within our Standing Orders. Therefore, I do not see the fear of an hon. Member saying that we can borrow this money for salaries. Once a Paper is laid on the Table of this House, it is the duty of every hon. Member to read that document and see whether that money is going to be used for development and for what purpose. However, the mistake we make at times is that we get a lot of papers in our pigeon-holes and you look at them and they look too many and so you throw them aside. You do not read them and then you wake up one day and ask: "Where was this paper?" I am sure, Mr. Speaker, even if you were to ask how many of us have this document, you might be surprised to see the number of the hon. Members who do not have it in their hands or even know where it is. Therefore, Mr. Speaker, the problem many of us have, and I hope this is

[The Assistant Minister for Information and Broadcasting]

not what we should do, all we should do is to make sure that all documents given to us, be they agreements of money borrowed of any nature, we should read them, so that we are not overtaken by events, otherwise, if we do not allow ourselves to do this, I am sure, Mr. Speaker, we shall not be doing our work.

Now, having clarified the position, Mr. Speaker, I hope——

Mr. Mwithaga: How about my flamingoes?

The Assistant Minister for Information and Broadcasting (Mr. Kase): He is asking about his flamingoes in Nakuru; I think they are just beautiful, but he should not teach them the philosophy he has in his head.

Having explained that, Mr. Speaker, I beg to support the Bill.

Mr. Karungaru: Mr. Speaker, I have taken the trouble to see what this Bill contains, and I have seen that the Bill requires or is asking us to amend two or three things, namely: extending the time and also allowing the Minister to use powers to borrow more money from abroad and I cannot see any reason why a Member of this House should come openly to oppose a Bill like this. Mr. Speaker, all that we could do is to ask the Minister not to continue thinking in terms of getting money from abroad, if he can raise the same money locally. We would like the Minister to forget this kind of negative attitude or forgetting that when a country lives within its own means, it is much better than trying always to rely upon another country for any money raised.

Why I am saying this, Mr. Speaker, is that we would like to maintain the attitude of self-reliance, rather than depending always on these other countries abroad; I am not talking about the Arusha Declaration, which had no meaning, and I am not discussing it.

Mr. Speaker, it is very well known that the time of this Parliament is most likely going to expire in 1974, and it is only fair that the Minister should be given the opportunity to know how best he can see that the country is properly financially run between now and 1974. Mr. Speaker, it would be very naive of us, if we continue saying that we do not know that the life of this Parliament is between now and 1974. 1971 in my mind was just an oversight, for which we can excuse the Minister, and particularly my hon.——

Mr. Mwithaga: On a point of order Mr. Speaker, Sir. I want to seek your guidance here. Is the Member not really misleading the House, when he calls the figure 1971 an oversight, when it was debated and backed by this Parliament, and remained a substantive Act of Parliament until now, when it is going to be amended?

The Speaker (Mr. Mati): No, it was not an oversight, Mr. Karungaru.

Mr. Karungaru: Mr. Speaker, I am assuming that it was an oversight on the part of the Ministry, in spite of the fact that they did not bring at that point the——

The Speaker (Mr. Mati): No, no! Order! Let us get this correct. What happened was that this House agreed at one stage, that borrowing powers would extend up to 1971. Now, what the Ministry is doing is to extend that period to 1974; that is all that is necessary.

Mr. Karungaru: It appears as though we are talking the same language. I am saying that it was the fault of the Minister not the fault of the House—in that he did not see that point in advance. If Government saw it, they would not have come to us this time to ask us to do work which we could have done much earlier.

Mr. Speaker, I am not blaming the House but I am trying to blame the Ministry concerned. However, simply because the hon. Assistant Minister is one who has brought this matter to the House and he happens to be my friend, I have not much quarrel with him. If this matter was brought by the Minister himself, he would have had it in a big way.

Mr. Speaker, this is my first time to support the Minister in question on a matter like this. However, Sir, it has been explained to us, by the Assistant Minister, about the issue regarding the Bill before us. I, therefore, seem to be satisfied by what he has told this House. This is because if a Minister can see a sort of shortcoming and he comes in time and asks this House to rectify it in time, the House would not have any quarrel with such a Minister who behaves gently, as the Assistant Minister has done. I am afraid that many Assistant Ministers do not behave in the same manner. I am sorry to say this.

An hon. Member: Who are they?

Mr. Karungaru: I do not know them but they know themselves.

As to the question of allowing the money which was to be used for development—now we have a new terminology which is Estimates of Expenditure—it is only fair that the Minister, during the course of the time of the reply, expounds on this one because it can easily lead us astray without our knowledge. This is a matter of legality and

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we would like it to be clearly stated in order that we may not get confused.

Thinking in the same respect and the same manner as the other previous speakers who have doubted the method and the way in which the money will be used, particularly when we see this kind of a terminology being used which we have not been familiar with, it is only fair that the Minister concerned should explain it properly, otherwise, the whole Bill is good.

Clauses 1 and 2 appear to be in order, in my opinion, but in clause 3, particularly where I had indicated earlier on, we require some explanation. Otherwise, during the third stage of the Bill, it will be very difficult for this House to agree with the Minister on a matter regarding this question of terminology. However, Mr. Speaker, Sir, we would like to sound a note of warning to the Ministry concerned to the effect that this kind of practice, as I earlier on indicated, of depending upon other countries for anything we do, is not doing us any good but instead it is doing us more harm. I am saying this with good intention because it happens that in the past we have been living within this kind of practice and we would like to avoid it as much as we can. We have lived in this sort of life for quite a long time and it would be fair if the Minister concerned came out with a different approach in order to avoid this kind of argument which crops up almost every year.

Mr. Speaker, Sir, the Member for Nakuru Town had indicated that I do not know on what projects this money is going to be spent. It would only be fair if the Member for Nakuru Town took some time to find out what is provided in the Development Plan because I am not the Minister in charge of the Development Plan to tell him what this money is going to be used for. I know, because it is matter of common sense, that this money is going to be used for a purpose of which he is aware of, because it is provided for in the Development Plan. Mr. Speaker, Sir, it will not be good argument for a Member, like the hon. Mwithaga, to continue confusing the House by telling us about seminary philosophy and the other kinds of philosophies. Mr. Speaker, Sir, I think in future the Member for Nakuru Town will adopt a positive approach instead of a negative approach.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, could the hon. Member declare his interest?

The Speaker (Mr. Mati): What interest are you referring to, Mr. Mwithaga?

Mr. Mwithaga: Mr. Speaker, Sir, I would like to seek your guidance on this mater. Since the hon. Member is a cosmopolitan representative as I am, what other interest separate from mine does he have?

The Speaker (Mr. Mati): Then there is no point in asking him to declare his interest. You know it already.

Mr. Karungaru: Mr. Speaker, Sir, I have already told the hon. Member that we are not living in a particular area of Nakuru but we are living in Nairobi and others are living in other places.

However, Mr. Speaker, Sir, I would like to feed the hon. Member with some good information. At Embakasi Airport, Sir, we are extending our runway and we are expecting to get some money from the Minister for Finance and Economic Planning. This is why I am supporting this Bill because I would like to see the work which has already been started completed. This question of living with seminary philosophy does not arise, Mr. Speaker.

Mr. Speaker, Sir, I would not like to continue speaking on this self-explanatory Bill which appears to have enjoyed the support of this House. However, I would only like to ask all the other hon. Members, including the Back-benchers, to give their support to this Bill.

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

Mrs. Onyango: Mr. Speaker, Sir——

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, Sir, since this is a very short Bill, and Members are being repetitive in their speeches, would the Mover be now called upon to reply?

The Speaker (Mr. Mati): Well, debate on this rather short Bill has been going on for quite a long time now and so it is for the House to decide.

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

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Thank you very much, Mr. Speaker, Sir. I would like to thank hon. Members both on the Front Bench and Back Bench who have spoken on this Bill and I can assure them that their criticisms, whether ill-informed or not have been taken seriously.

However, Sir, the main point to emerge from what I have heard or what has been talked about in the House is the question of the shift from using the borrowed money exclusively for what was in the original Act called "Development

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Estimates" to the one now called "Estimates of Expenditure". Mr. Speaker, Sir, I mentioned at the beginning the problem which is purely legal: at what stage does expenditure cease to be development and becomes recurrent? That is a difficult problem and I am not professing to be able to tell precisely the distinctions between the two. However, I gave an example that if in a given hospital, a modernization programme was being effected by the Ministry and needed say, X-ray equipment and other equipment which is not available locally, now, is that Recurrent or Development? This is a matter of legal argument which can be carried on indefinitely. Sir, what I mentioned is that it is believed, in certain legal circles, that perhaps this was not development estimates but recurrent. This particular amendment to the Bill was brought in, therefore, to take care of situations of that nature. To suggest that Kenya Government can borrow money for paying salaries, with all due respect, is quite an irresponsible suggestion. I can assure the House that is not going to happen.

As to the exact details on which this money would be spent, this is in the Development Plan which the hon. Member for Nakuru Town has already approved in this House. I am grateful to my hon. colleague who mentioned, in fact, that in the Development Plan it is provided that the financing will be from two sources: external sources involving K£95 million and internal sources involving K£85 million. I am quite sure that the balance between the two is about half and nobody can suggest by merely reading these figures that Kenya's economy is being mortgaged. I would, therefore, suggest that with the present boom in our economy, there is no need to worry about our being unduly dependent on foreign financial aid for our development. I can assure the hon. Members that Kenya will increasingly, increasingly, depend on local borrowings. However, that is a pattern which will continue for a number of years in order to mature. I, therefore, assure the House—hon. Members—that there is no intention in anybody's mind in the Government to rely exclusively on foreign assistance.

My friend hon. Karungaru has suggested that external borrowing should be done away with completely but this is not economically feasible at this stage. As a matter of fact hon. Members will be surprised to know that quite a number of countries in the world, which we know to be advanced technically and to be economically rich, still, to a great extent, go to, say, the International Monetary Fund or other international agencies in order to borrow money. If any hon. Member can give me a name of a single country in the world which has not gone out to borrow, indeed, I would be very, very surprised.

The only other problem which I would like to mention, Mr. Speaker, Sir, is that whether the shift is from Development Estimates to Estimates of Expenditure and vice versa, it is all dependent on the authority of this House. Nobody is going to spend any money without the authority of the House. Nobody can spend any public money in Kenya without the authority of this Parliament. If I may say, in the Memorandum of Objects and Reasons, it says in the last sentence, "to permit its expenditure" that is the borrowed money, "upon any purpose approved by Parliament". There should be no doubt in anybody's mind that the Government has a sinister motive in that it intends to spend money purely on the authority of this Bill or Act of Parliament without actually coming to the House to explain the purposes of which any particular expenditure is intended.

Mr. Speaker, Sir, I, therefore, hope that those few observations have cleared the misunderstandings which are in the minds of some of my hon. colleagues here.

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

(Question put and agreed to)

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

ADJOURNMENT

The Speaker (Mr. Mati): That concludes the business on the Order Paper for today. The House is, therefore, adjourned until tomorrow, Thursday, 17th of June, at 3.30 p.m.

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

Thursday, 17th June, 1971

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

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

PRAYERS

NOTICE OF MOTION

CONFIDENCE IN THE PRESIDENT'S LEADERSHIP AND GOVERNMENT

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

THAT in view of the recent shocking and illegal political activities on the part of some misguided individuals in the Republic of Kenya, this House expresses its fullest confidence in His Excellency Mzee Jomo Kenyatta's leadership and in the Government of Kenya, and further declares its determination loyally to support the President and the Constitutional Government of Kenya as by law established.

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

(*The Speaker announced the arrival of His Excellency the President, the hon. Mzee Jomo Kenyatta, M.P.*)

(*Hon. Members rose in their places while His Excellency the President took his seat in the Chair of State*)

COMMITTEE OF WAYS AND MEANS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Finance and Economic Planning (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, the hon. Members will have received copies of the Economic Survey of 1971, and the Recurrent and Development Estimates for the coming Financial Year 1971/72. In this speech, we will assume that these documents have been studied carefully and with remarks made on them, on the state of the economy. During my speech, Mr. Speaker, hon. Members should be receiving their copies of the Financial Statements for the coming year, together with the copy of the Revenue Estimates. All these documents must be considered together in order to place in context the statement on the Annual Budget that I am going to make today.

Before commencing on the Budget proper, Mr. Speaker, I would like to mention that the layout of the Development Estimates this year is rather different from the previous years. We have endeavoured to present much more detailed breakdowns on individual projects which go to make up the Development Estimates. This will, I think, go a very long way to meet the wishes of Members of this House to have more details on how Government is spending the money that they are generous to vote.

I should also mention that in order to meet the wishes of the House, the Recurrent Estimates have also been drawn up to provide additional details on how money voted by Parliament is actually spent. In particular, details of the amount of money required for each class of manpower, or Civil Service, is shown separately together with the number of posts in that particular grade. Further details of the expenditure items going to make up other subheads are also set out for the information of hon. Members, and I hope that Members will find this additional information useful because this is what they requested during Budget debate last year.

The Gross Recurrent Expenditure this year, that is 1970/71, is expected to total approximately K£180 million compared with the audited expenditure for 1969/70 of some K£91 million. This represents a sharp increase of 18½ per cent; but this percentage is somewhat misleading for two reasons. Firstly, as hon. Members are aware, Government has this year taken over, completely, the responsibility for primary education, local health services and local road maintenance, from county councils. This accounts for an increase in gross spending, this year, of approximately K£10 million. Hon. Members will also recall that as a result of a number of loans falling due for repayment this year, Consolidated Fund expenditures have risen by K£4.4 million or 24 per cent. If allowance is made for these factors, the increase in gross ordinary expenditure was no more than 3 per cent in the year just ending.

On the side of development spending, Mr. Speaker, even though I am seeking a further improvement through improved project planning and improved forward planning, as I described a moment ago, the performance of Government over the last few years has been splendid. In the last three Financial Years for which we have audited figures, that is, 1967/68 to 1969/70, the net spending on development has been K£15.6 million, K£26.8 million and K£31.4 million. In the current year I expect development spending to reach a level of K£48 million net. I accept that this figure has been boosted by special factors, such as the cost of Government share purchases, which totalled K£8 million in 1970/71. However

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when these share deals are excluded from both years, development spending increased from K£29 million to K£40 million between last and this year. This is an increase of 38 per cent. In addition, since increasing amount of credit purchases for development are being accounted for under Appropriations in Aid, the gross spending has risen even more sharply from K£30 million to K£43 million, a rise of 43 per cent. The Ministries that are reponsible for this performance should be congratulated.

To turn to development financing, we have taken a much more flexible and expansionary attitude to financing in the past year. Hon. Members will recall that in my Budget Speech last year, I spoke of the high level of liquidity in the banking system and the fact that this represented unutilized resources for development, I indicated that I proposed to use those unemployed resources in the current year.

Accordingly, an increasing use had been made of the short-term treasury bills for financing development. No treasury bills were on issue at the beginning of July, 1970, but by March, 1971, total issues reached a peak of K£13 million. At the end of June, I expect that a total amount of some K£10 million will be outstanding.

Most of these treasury bills have been taken up by the banks with idle cash resources. The banks have welcomed the opportunity to do this, to the extent that they have competed strongly for these bills, and the average rate of interest has been bid down by tender from 2.4 per cent to 1.6 per cent. The previous time we borrowed by way of treasury bills, at the beginning of 1970, the rate of interest was 3.16 per cent.

During the current year, the Treasury has for the second year running, obtained a loan from the Central Bank of K£5 million. This, also, represents another way in which we have put to work unutilized resources in the economy, so as to take care of our other very important resources which is unemployed, which is labour. In this way, I am able to divert idle resources in the banking system to development spending. I am convinced that the Kenya economy is able to withstand a limited degree of money creation, such as is represented by the Central Bank lending to the Exchequer, and this can be done without creating wasteful inflationary forces.

The fact that I have financed a good proportion of development spending in the current year by means of treasury bills, and a further loan from the Central Bank, does not mean that I have not used what, for want of a better word, I will call the usual sources of development finance. A total of K£6.7 million new money has been borrowed, medium- and long-term, from the Nairobi Stock Exchange this year. This is rather less than last year, mainly because cheaper forms of finance, such as treasury bills, have been available to me and I have thought it advantageous to have recoursed to them and thus avoid paying long-term rates of interest, which are still very high in relation to short-term and even medium-term rates. However, I hope that future long-term issues will be possible at rather lower rate of interest. As usual, Mr. Speaker, we have also received finance from international lending agencies such as the World Bank and the International Development Association. We have also received loans and grants from friendly countries, who are prepared to help Kenya's development by providing money on favourable terms.

During the Budget, last year, I indicated that I expected to receive some K£14 million this year from aid sources. In the event, it seems that we are unlikely to receive more than K£11½ million, including revenue accounted for as Appropriations in Aid.

During the past year, a number of criticisms have been voiced in this House against the amount of loans and grants we accept from overseas. The Government agrees and has made it quite clear, in the Development Plan, that it should finance the country's development to an increasing extent from local sources. This year, and I would like this point, Mr. Speaker, to be noted particularly by those who criticize other policies—this year, out of a total gross spending of more than K£159 million, less than K£15 million, Sir, that is less than 10 per cent, represents overseas finance. Even if we consider the financing of development alone, it can be shown that less than one-third, including the commercial loan of K£3.45 million for the shares in the Oil Refinery was financed from overseas. This is a significantly lower percentage than was proposed in the Development Plan and accepted by this House when we considered it.

I am, Sir, as determined as any other hon. Member that we rely to the maximum extent possible, on our own resources to finance our development. However, as I pointed out last year, I do not believe that it would be sensible or in the country's interest, to carry this policy of self-reliance to the point where we restrict our own overall development. Further, our ability to take advantage of the finance made available to us under aid terms, means, among other things, that I can minimize the pressure on local money

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market which I expect to finance private development as well as public sector development. We also obtained valuable balance of payment support to cover the substantial current account deficit that is created in large measure by the level of our own development spending. If these capital sums were not available from overseas, it would be impossible for me, on balance of payment grounds, to follow the expansionist spending policy that has been my aim in the last year, and will be my aim in the coming year. I would, therefore, Sir, impress on hon. Members the need to take a broader view of the impact on the Kenyan economy of aid finance and remember that it represents a transfer of real resources —that is economic wealth—from the donor countries to Kenya. Kenya, I have no doubt in my own mind, would have been a poorer country now if that aid had not been made available in the years since we achieved political independence.

The only other source of development finance, which I have not discussed is the recurrent surplus. I have transferred K£6 million of the surplus on the recurrent account to Development Exchequer. Such transfers within the overall Exchequer Account represent no more than book-keeping entries and the cash position of Government is unaffected. They do, however, serve to highlight the fact that we are restricting the growth of recurrent services in order to divert recurrent revenues to financing of development.

As a result of the fact that in recent years we have been running a recurrent surplus each year, even after making transfers to the Development Account, we have tended to accumulate an increasing balance in the Recurrent Exchequer. On the other hand, we have accumulated an increasing deficit in the Development Account, particularly in the last year, when we have financed development with short-term finance which cannot be credited to either the Recurrent or Development Exchequer. There does not seem to be a great deal of sense in allowing these balances to move increasingly in contrary directions and I, therefore, propose—and I would ask the House in accordance with the Standing Orders to take this as a notice of intent—to transfer the credit balance in the Recurrent Account as at 30th June to the Development Account. On present trends this is likely to mean a transfer of approximately K£15 million over and above the K£6 million already transferred. It will mean that we shall commence the new Financial Year with a nil balance in the Recurrent Exchequer.

Since I discussed the highlights of the Government spending programme in my comments on the annual Economic Survey which has been published, I do not propose to cover that ground again today, except to mention the recent Government share purchases. Some K£8 million of development money this year has been spent on the acquisition of shares in companies in the private sector. In particular, we have purchased a 60 per cent shareholding in the new Kenya Commercial Bank Limited; and a 50 per cent shareholding in the new Standard and Barclays Bank of Kenya Limited which is now in formation; 50 per cent of the shares in East African Oil Refineries Limited; and 40 per cent of the shares in Grindlays Bank (International) Kenya Limited. These share purchases acquired by the Government directly are in addition to those acquired indirectly through Government investment agencies such as I.C.D.C., Tourist Development Corporation, Kenya National Properties Limited and the Development Finance Company of Kenya. In addition, and as I have said earlier on, workers of the Republic have increased their participation in the private sector through the National Social Security Fund. Government share purchases represent a significant part of development spending in the current year and it is, therefore, appropriate that I should say something about Government policy towards these and any further acquisitions that may be contemplated in future.

Here, Mr. Speaker, I want to emphasize that the Government's primary concern is the development of the economy and the achievement of a rapid rate of economic growth, with an equitable distribution of the rewards of that growth amongst the people. For this reason, the Government does not, in general, propose to divert the available cash, which would otherwise be used to finance new development projects, into the purchase of shares in existing businesses. The Government believes that its primary duty is to use the financial resources it can command to build up the stock of national assets by new investment, rather than merely purchasing existing assets leading to no net increase in the total stock of national capital.

Where, however, we decide that an industry is of such economic and strategic importance that Government must take a financial interest, it is our intention to continue the present policy of entering into negotiations for such share purchases on a commercial basis, rather than endeavour to nationalize first and negotiate a value subsequently. This way, we are able to retain the goodwill of investors and also maintain

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the necessary continuity in management and thus avoid serious operating interruptions.

We believe in the development strategy of a mixed economy in which the State participates jointly with the private sector in various projects. This will require that the public sector of our economy grows at a relatively faster rate than that of the private sector.

The Government has, however, made it quite clear in the Development Plan that the policy of the mixed economy allows, and indeed looks for, a simultaneous expansion of private investment and private sector production. We do not believe that we can maximize income or social and economic benefits unless the initiative and enterprise of the country, as a whole, are harnessed in the overall development task. We accept that the principle of a mixed economy requires that investment decisions are undertaken in the expectation of profit. We do not believe that a reasonable profit is bad. We believe the Government has an obligation to intervene to ensure that more than normal profits are used to improve wage benefits or reduce prices. This is particularly necessary when, these profits are derived from the protection afforded to firms by Government through high tariffs or import licensing.

Our attitude to the sale of shares to the public on the Nairobi Stock Exchange is derived essentially from the same premises which govern our attitude to Government share purchases. We believe that the Stock Exchange should be used by local companies to raise cash for capital development. We cannot agree that the local capital facilities, which are clearly limited, should be used simply to finance the repatriation of capital to overseas. It has been suggested that this is a denial of the investment Protection Certificate given to foreign investors. This is not so. It represents no more than the belief that when local capital resources are limited, it is only reasonable that priority in raising of funds should be allocated, firstly for Government's own development financing needs, and secondly, for meeting private enterprise financing needs leading to capital expansion and new development.

While on the question of share issues on the Nairobi Stock Exchange I would like to mention that a Committee has been set up in the Treasury to be responsible for examining all proposals for the sale of shares on the Nairobi Stock Exchange. The Committee has been set up to check all such issues before they are presented to the public. To do this work, the Committee will need to have provided to it all details that would normally be included in the share prospectus, details of how the funds to be raised by the issue will be employed and the amount of any sum the company may wish to repatriate after the issue has been completed. The Committee will ask for all information necessary to determine the order of priority for such private issues on the Nairobi Stock Exchange and to operate as, what in other parts of the world, is known as a Capital Issues Committee. I shall shortly introduce into Parliament legislation to enforce these rules. I should add that this Committee will also deal with applications from non-resident owned companies wishing to have more than the presently allowed credit facilities.

Recently, my Ministry published the report of the Committee on Agricultural Inputs. The Committee made many recommendations. Most of these were directed towards my colleague, the Minister for Agriculture, who, I believe, will comment on some of them during the Budget Debate. The recommendations in the report which were directed at me fall broadly under three heads. Firstly, proposals for the control over the pricing policies of suppliers of agricultural machinery and agricultural supplies, particularly fertilizers. Secondly, recommendations relating to the need for a new approach to agricultural credit. Thirdly, proposals relating to reduction in taxation on petroleum fuels used by farmers.

As regards the first group of recommendations concerning prices, I am prepared to give an undertaking to the House that the necessary investigations into the recommendations of the Committee will be put in hand immediately. I am, in fact, concerned that there has been an inordinate rise in the prices of farm machinery, such as tractors; I have noted that the prices of different types of tractors have risen by between 7½ and 20 per cent in one year. Farmers' income cannot be expected to rise at this rate; I am investigating, and I hope to take action pretty shortly.

I would like this afternoon, to give an undertaking, that this recommendation of the Committee, concerning a new approach to this matter will be implemented early in the new Financial Year, and I hope to be able to come back to the House with proposals for a major overhaul of our agricultural credit system.

As regards the third set of recommendations I have, as the Committee noted, already abolished the consumption tax on diesel fuel and this has led to a reduction in diesel fuel prices. Owners of diesel vehicles now have a substantial tax advantage over owners of petrol vehicles and I

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believe that in these circumstances a case for a reduction in the customs duty on diesel fuel does not exist. I have noted that the Committee agrees that it would be dangerous to introduce special and separate sales of petroleum fuel to farmers at reduced rates of tax.

Government continues to pursue the policies outlined in the Development Plan for a greater emphasis on the development of the rural areas. We shall do all we can to hold down the level of agricultural costs. However, it is clear from the report of the Committee on Agricultural Inputs that it would be dangerous to cause an uneconomic diversion of resources by treating agriculture significantly different from other sectors of the economy through subsidizing agricultural inputs even more than we are doing already. However, one area in which more Government subsidy will be given is for artificial insemination. I propose that in the current year, the amount of subsidy involved in this programme should be increased from what is now Sh. 22 per successful insemination to over Sh. 30. I propose that the present charge of Sh. 10 per pregnancy should be reduced to Sh. 1 as from 1st July. This will be operative from the 1st of July and it is the consequence of the undertaking given by His Excellency, the President to the farmers who have been to see him.

Government will continue to review, regularly, its agricultural pricing policies in order to maximize farmers' income. Hon. Members will, for example, recall that the amount to be paid to farmers in the current year for both maize and wheat has been increased. And, of course, Mr. Speaker, all of us, as farmers, are specially grateful to His Excellency, the President, for the award of the very major increase on the price of milk to Sh. 3.50 per gallon. This will give enough boost to our policy of expanding the livestock industry.

However, Mr. Speaker, Sir, an additional problem is posed by the fact that if Government increases the farm prices of products such as wheat and maize, some surpluses of production over local consumption are created which can only be disposed of in the world market at substantial losses. The House will be aware that on a number of occasions in recent years Government has had to ask for funds to be voted by the House to pay for export losses in respect of wheat and maize. When the weather is favourable during the growing seasons, we can normally expect surpluses of wheat and maize at current prices. Those prices can, therefore, only be maintained if consumer prices are increased in order to cover the costs of export loss. I have considerable doubt whether it is reasonable to ask maize and wheat consumers to pay for losses incurred on our wheat and maize exports.

The conflict, therefore, arising between producers and consumers is one of the reasons why Government has endeavoured to formulate a comprehensive incomes policy. Contrary to what is sometimes supposed, an incomes policy is not only concerned with wages policy. Government believes that the objectives of an incomes policy are to assure that the benefits of economic development are distributed equitably amongst all sections of the people and that employment opportunities are created in all sectors of the economy as rapidly as possible. In order to achieve these objectives, the comprehensive incomes policy must take into account the impact of all policies and programmes, particularly those concerned with agricultural pricing and rural development, wages policy, rents, price control, profits, Government spending and, of course, taxation.

I have already spoken about the conflicts between high farm prices and low consumer prices. Government must be prepared to intervene and decide the issue posed by this conflict. It must also be prepared to follow a positive policy towards prices throughout the economy as a whole, and to this end the price control machinery will, in a very near future, be used to impose restraint on increases in a wider range of commodities than is the case at the present time.

I have, Mr. Speaker, decided not to announce the particular list today.

One of our most important objectives in our incomes policy is to maximize the growth of employment in all aspects. Achievements in this direction last year, particularly when the Tripartite Agreement is taken into account, were better than in earlier years. However, we still have a very long way to go if all the unemployed people are to be absorbed and the degree of unemployment in the economy reduced.

Mr. Speaker, Sir, normally at this stage of the Budget, I would consider in some details the recent performance of the economy and indicate how I thought it might perform in the coming year. The out-turn of the Budget is still dependent, to a significant degree, on the performance of the economy. At the same time, economic performance is influenced strongly by the expenditure programme and taxation policies that are outlined in the annual Budget. For these reasons, when formulating this Budget, I have to consider the

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overall situation in the economy in the recent past and the immediate future, and have to pay regard to the longer term development directions we propose in the Development Plan.

If today I spend less time than usual discussing the state of the economy, it is not because I feel that the economic influence, or my Budget, are less than in the previous years. It merely reflects a fact that hon. Members will already have had time to examine the Economic Survey for 1971 and will have seen my review of that Survey which was issued a few days ago. Because of the amount of ground I wish to cover today, and the time available to me, Mr. Speaker, I do not propose to repeat the review of the economy once again.

It is sufficient to say that last year turned out to be quite a good year from the point of view of economic growth, and the coming year, although affected by the recent dry weather, also promises reasonably well. The highlights last year were perhaps the upsurge in capital formation which expanded the productive capacity for future growth. Our balance of payments position was still reasonably strong, although the surplus earned was less than in the previous two years, largely because of the sharp increase of imports needed to sustain our development effort. This trend was not unexpected, and followed closely the path foreshadowed in the Development Plan.

As the Plan emphasized, however, the proposed rate of development spending and the forecast rate of economic growth will require an even greater quantity of imported machinery and equipment which will lead to an increase in the deficit in the current account of the balance of payments. That balance of payments current account deficit can only be covered by a capital in-flow, whether by way of private capital investment or grants and loans to the Government. These are inescapable economic facts which is why I emphasized earlier in my speech the continued need of the Government to obtain aid finance from overseas and to encourage foreign private firms to use funds for development rather than repatriate money to parents overseas.

I have ranged widely over the Government's economic policies, and I have referred hon. Members to the Economic Survey and my personal review of the economy, both of which have been made available to them. I should like now to turn to the Government's expenditure programme for the year 1971/72, the detailed estimates for which have also been made available.

TOTAL EXPENDITURE 1971/72

As before, I shall consider the expenditure programme in terms of *gross* expenditure, since this is the measure of the impact of Government expenditure on the economy. Looking at expenditure this way, also overcomes the problem of variations from year to year in the amounts available by way of Appropriations in Aid.

I noted earlier in my speech that taking both Recurrent and Development Accounts together, total gross expenditure in the current year was likely to be K£159 million. For next year, 1971/72, I have tabled Estimates which together make up a gross total of approximately K£177 million, that is an increase of 11 per cent over the amount spent this year. The Recurrent Estimates show an increase of some 11 per cent, while the provision for Ministries, excluding Consolidated Fund items, will increase by some 15 per cent. This represents a significant increase in the cost of Government services.

As usual, however, there are special factors involved. This year the most important is the provision that has been included in the Recurrent Estimates to implement the salary recommendations of the Commission of Inquiry on Public Service Structure and Remuneration—K£5.1 million. If this amount is deducted from the total increase in the recurrent expenditure, it can be said that the recurrent Government services next year will expand by 10 per cent overall. The 10 per cent increase in recurrent services is approximately in line with the forecast in the Development Plan.

The Development Estimates at K£56.5 million gross are little different from the total sum voted by Parliament for the current year—K£55.7 million. However, I have already advised the House, that actual gross expenditure is unlikely to exceed K£51 million as a result of under-expenditure, while K£8 million of the current year's total, represented the cost of share purchase transactions for which no provision is made in the current year. Accordingly, if this year Ministries can improve their Plan implementation performance and spend all money provided for in these Estimates, there could be an increase of over 30 per cent in the expenditure on new development services. Every effort must be made by Ministries to ensure that this happens.

The total expenditure programme of K£177 million represents an overall increase in expenditure by Government of K£18 million in one year. On occasions, in recent years, criticisms have been heard both in this House and outside that the Treasury has maintained too tight a grip on expenditure to the extent that development efforts

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have been frustrated. I consider it to be the duty of the Treasury to continue to scrutinize all expenditure proposals closely and only provide for those which conform to Government policy as expressed in the Development Plan, as adjusted from time to time since that document was published. But I have felt there may be a little scope for some loosening of the reins where Ministries have come forward with sound arguments for an expansion of recurrent services or well prepared projects for development. For this reason, a more flexible attitude has been taken by the Treasury in the granting of funds which is reflected in the size of the Estimates. I do, however, hope that it will be possible this year to minimize the level and number of Supplementary Estimates submitted by Ministries and that they will make a determined effort to work within the higher expenditure provisions given them without asking for more later in the year.

Hon. Members will, of course, have the usual opportunity to discuss the expenditure proposals of individual Ministries. I shall, therefore, leave it to my colleagues to explain their respective programmes in detail at the appropriate time.

PAPERS LAID

(*a*) 1971/72 Estimate of Revenue of the Government of Kenya for the year ending 30th June, 1972.

(*b*) Financial Statement for the year of Account 1971/72.

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

(*Resumption of Minister's Speech on Financial Statement*)

And so, Mr. Speaker, Sir, I have reached the point in the annual Budget Speech, which hon. Members must feel I put off as possible, when, as Minister of Finance, I have once a year to discuss questions of taxation. Accordingly, I would like to request, Mr. Speaker, that the following part of my Speech be taken as a Notice of Motion to be placed before the Committee of Ways and Means.

Hon. Members will have already seen from the Development Estimates that I hope to obtain some K£21 million by way of external loans and grants (including those accounted for by way of Appropriations in Aid) to finance development in the coming year. This means that some K£35 million of our Development programme will be financed from internal sources.

This is a large sum and it would strain the local money market considerably if I were to attempt to raise all of this amount by way of long-term stock issues. However, as I indicated earlier in my Speech, I shall ask the Central Bank to provide the Development Exchequer with a long-term loan of K£5 million each year and I shall look to the Central Bank for such a loan in the coming year. Although there is still considerable over-liquidity in the banking system, I have found from experience that this type of money does not normally subscribe to long-term Government stock issues. For the latter purpose, we shall as, in the past, seek funds mainly from the National Social Security Fund and to a more limited extent from private insurance companies. It seems unlikely, therefore, that I shall be able to raise more than, say K£7 million by way of long-term stock issues in the coming year.

For these reasons, it is necessary that I maintain the level of recurrent surplus if I am to continue, as I should, to finance the major part of development spending from internal sources and not rely too heavily on external aid sources. Thus, although the recurrent surplus in the current year will, in all probability, turn out to be a record, I propose to budget for a recurrent surplus in the coming year equally large.

Yet, on the recurrent side, as I have already mentioned, I have to provide for an increase of spending of some K£12 million.

However, we have been particularly fortunate in Kenya in recent years in that the revenue has responded well to the growth of the economy. So long as the national income continues to grow at around the rate achieved in recent years, I can expect that revenue from taxation will grow steadily year by year without any changes being introduced in tax rates. Thus, even though I am taking a somewhat cautious view of the growth of the economy in the next 12 months, I still expect this natural growth of the economy to provide me with an additional K£6 million from tax revenue next year. This is most helpful to me, but it is not, I fear, enough.

In total, my budget consists of a total expenditure of K£177 million. Recurrent revenue, allowing for natural increase at existing rates and a reimbursement from the British Government for expatriate pensions will provide me with an estimated K£109 million. Appropriations in Aid for the Recurrent Budget will provide another K£18 million, Local Loan Conversions K£5 million, Grants and Loans from overseas for development K£21 million and local loans K£15 million. This all totals K£168 million.

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There is thus, a gap of K£9 million. Accordingly, Mr. Speaker, Sir, there is no escape, I am afraid, from some increase in taxation this year. But K£9 million is still a very large sum in Kenya and I do not think I can take as much of this out of the economy by way of increased taxation without causing some set-back in the level of economic activity.

I propose, therefore, to take half of this sum—K£4.5 million—by way of increased taxation and to finance the difference by way of short-term finance. Thus, I shall on these figures allow the overall deficit on the Exchequer to increase by K£4½ million over the year.

Hon. Members will recall that a month or so ago when petrol prices went up because of a rise in the price of crude oil imports, I took the opportunity to raise the petrol tax and at the same time to abolish the diesel fuel tax. I stated at the time that this would help our farmers to keep down the level of agricultural costs. It was, of course, inevitable that all users of diesel fuel obtained the benefit of this measure—not only the farmers, and, as a result, users of diesel vehicles now pay significantly less tax than users of petrol vehicles. If a 5 ton truck is used fairly intensively this difference can be over K£200 per year. I can see very little justification for this discrimination and I propose, therefore, to correct the balance by changes in vehicle licence fees. As from tomorrow, the cost of a licence for a diesel vehicle will be twice as much as the cost of the licence for a petrol vehicle.

At the same time, I propose to increase the scale of licence fees for heavier vehicles. Starting with medium weight motor-cars which will pay small increase of licence fee—the fees for smaller vehicles remaining unchanged—the scale will rise rapidly, so that the very heaviest vehicles will pay at a significantly higher rate. To quote some examples. The Ford Cortina licence fee will remain unchanged but a Peugeot 404 will pay Sh. 50 per year more and a Mercedez 220S, Sh. 110 per year more. A 45-seater petrol bus will pay about Sh. 200 per year more, whereas if the same size bus operates with a diesel engine, it will pay Sh. 1,600 a year more. A 10-ton lorry which will in any case tend to have a diesel engine will pay about Sh. 2,000 a year more than now.

There are some good reasons for these escalating licence rates. First, it is quite clear from our recent road building experience that the very heaviest vehicles cause a disproportionate damage to the roads compared with smaller vehicles and it is not unfair, therefore, that heavier vehicles should be asked to pay at a rather higher rate. Secondly, the profitability of road haulage with the very heaviest vehicles is extremely high, and the Railways have suffered substantial losses of freight as a result of this. Although some of the increase in licence fees may seem to be fairly high, I would point out that our calculations show that generally the increases in licence fees for diesel vehicles will be little or no higher than the relief they obtained from the cut in diesel tax, assuming that the vehicles are used reasonably intensively and economically. I must, therefore, emphasize that there is no justication at all of any increase in bus fares as a result of these licensing measures. There was no decrease in fares when I cut the diesel tax and there is no case, therefore, for an increase now.

As a result of the increasing number of diesel vehicles on the roads of Kenya, I hope to obtain up to K£700,000 from the proposed licensing measures.

Our Customs Tariff has been increased quite sharply in recent years and I do not think that a further general increase is justified at the present time. There are, however, a few relatively minor adjustments I propose to make in the current year.

Firstly, in order to assist local industry, I propose that the present duties on tallow and tyre textiles should be abolished. Since these duties were previously subject to refunds or remissions, no loss of revenue is involved. Further, in order to assist local producers of cheaper knitted fabrics, the duty on the cheapest imported grades will be raised from Sh. 12 per kilo to Sh. 36 per kilo, with the *ad valorem* duty remaining unchanged.

Early this year, a Select Committee of this House considered the problems of Unemployment in this country, and amongst their recommendations, was a proposal that a duty should be imposed on lifting and loading equipment since they were increasingly being used to replace local labour. The reasons which persuaded the Select Committee to make these recommendations seem to me to be sound. Accordingly, I propose to impose a duty of 30 per cent on lifting and loading equipment, including fork-lift trucks and work trucks. This measure is expected to produce a useful gain to the Exchequer of K£270,000.

In order to assist my search for additional revenue in the current year, I propose that the customs duties on beer, spirits, cigarettes and tobacco should be increased. Imported cigarettes will go up by an average of 30 or 40 cents for

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a packet of 20, while I expect the price for a bottle of whisky to go up by approximately Sh. 2.

My final measure relating to the customs tariff is to reverse the proposal made last year, whereby the duty on sports goods was increased. Since no local manufactures have come forward to take advantage of the protection afforded by the customs tariff of 50 per cent, I propose that the whole of that duty should be abolished in order to encourage sports generally throughout the country. This measure will cost me about K£17,000 per year in revenue.

Taken together customs duty changes are expected to increase the revenue by some K£373,000.

I have looked very carefully at the Excise Tariff in the current year. But this is essentially a common tariff and I propose to make no changes this year, except a slightly technical one of wording which does not have any revenue implications.

However, I well recall listening to the Budget Debate last year when hon. Members rose to their feet and argued that I should then have taxed beer and cigarettes more heavily. I was impressed by the arguments advanced by hon. Members and as I promised at the end of the debate, I have given careful consideration to those arguments during the current year.

I have to tell you now that I have been convinced. I propose that rather than increase the excise, a consumption tax of 50 cts. per litre will be introduced on all beer subject to the excise. This tax will be collected by the Treasury Inland Revenue Department and the money, therefore, will come directly to us rather than indirectly through the Customs Department. I hope to collect K£1.9 million from this tax.

At the same time, I feel, as hon. Members argued last year, that our own traditional beer should not escape entirely. A Bill will be published today to repeal the out-dated African Liquor Act and replace it by a Traditional Liquor Bill. Most of that Bill is concerned with the licensing and control of brewing of Traditional Liquor, but one section provides that the Minister for Finance may impose a tax on the manufacture of traditional beer produced in the large breweries that have been set up throughout the country. It is not, however, the intention of Government to tax home brewed beer or indeed to tax beer produced by small breweries which have been defined as those producing up to 6,000 litres per month, i.e. something like 12,000 bottles of Pilsner per month. Any brewery licensed to produce more than that limit will, however, be asked to pay a tax at the rate of 20 cents per bottle as from the 1st of July. Since taxes on a half litre bottle of Pilsner amount to Sh. 1, a tax of 20 cents per bottle on Traditional Beer brewed by the large manufacturers of this product is not unfair. It is only reasonable that people who are able to frequent local clubs and bars should make a contribution to the development of the country. It is estimated that the Treasury will earn K£500,000 from this new measure

I am also proposing a similar consumption tax on cirgarettes and tobacco. The new cigarette tax will be at the rate of five cents on a packet of 20 of the cheaper brands, ten cents on the medium price brands such as Sportsman, and fifteen cents and twenty cents on the more expensive brands which many Members of this House smoke. I think that those people who can afford to smoke can afford to pay this tax. I hope to obtain K£500,000 from this measure.

Hon. Members will, I am sure, not have forgotten the recent heated debate on the Hotel Licensing Bill. It was clear from that debate that many hon. Members felt that luxury hotels were being constructed around the country which were providing benefits for the richer members of the community and tourists without providing benefits for the country as a whole. Having regard to the very substantial sums the Government is spending to improve the infrastructure of roads, water and drainage for tourist facilities, it is not unreasonable that I should look for some revenue from the people who use these hotel facilities. I, therefore, propose to introduce a small tax of 10 per cent on the hotel room charges, excluding the charge for food, drink and service, to be paid by all hotel guests when they pay their hotel bill. Hotels excluded from the licensing provisions of the Hotel Licensing Bill, recently passed, will once again be exempted from the payment of this tax. These, Mr. Speaker, Sir, you will recall, were small places where payment for a room is Sh. 15 or Sh. 20 per night. If this is done, Sir, I expect the revenue gain from this new measure to amount £500,000. This should go some way in helping us to expand the tourist facilities we want to do.

If I may call the new tax on hotel accommodation a consumption tax, the total amount I expect to earn from the new consumption taxes, taken together including those covering beer, cigarettes and tobacco, will be approximately £3.4 million.

I would now like to turn to income tax. Hon. Members will be aware that last year I introduced a number of far-reaching measures attempting to bring our income tax system more up to date. The impact of those measures was hotly

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debated throughout the last year and I have followed that debate with considerable interest. Many of the criticisms advanced against the new system were badly misinformed but others did, I feel, have considerable validity. I am sure that the extension of PAYE to the full range of the employee's income is sound and sensible; and I am sure that the provisions for the earlier payment of company tax were not unfair. I do not, therefore, propose to introduce any changes in the basic principles of employee's PAYE and the only change I propose in relation to the payment of company tax is to cancel the arrangement whereby companies paid in two instalments, firstly, 75 per cent one month after the end of the accounting year, and secondly, 25 per cent four months after the end of the accounting year. I propose to introduce a system whereby companies will pay 100 per cent of their estimated tax liability three months after the end of their accounting year. Owing to the problems of obtaining fully audited accounts within three or four months of the end of their accounting year, I propose to allow companies to submit final audited accounts up to nine months after the end of their financial year. Since almost all of their tax will have been paid on the basis of estimated tax liability, it will then only be necessary to make a final adjustment on the basis of the agreed assessment. This change will I think reduce the burden on companies in the accounting profession and will ease the burden on the Income Tax Department to a certain extent without causing the Exchequer any loss of revenue.

There are two other changes I propose to introduce with regard to company tax. They are both rather technical and are not expected to make any significant impact on the revenue. At the present time mining companies producing scheduled minerals pay a company tax at a rate of 22½ per cent even if they are making substantial profits. I no longer see any strong justification for the continuation of this indefinite favourable discrimination towards a few mining companies and I propose that although the lower rate of company tax will continue for five years after the company first makes a profit, from the sixth year, the mining company will pay tax at the normal rate of 40 per cent, which everybody else pays.

Secondly, under section 19 of the East African Income Tax Management Act, associated companies are allowed to make, what are called, subvention payments between profitable and loss-making companies in the same group and the subvention payment is fully deductible before tax is assessed. I do not accept that there is a continuing justification for the concession and section 19 of the Act concerning subvention payments will be revoked, Mr. Speaker, Sir.

It has been a matter of concern to me which hon. Members may have detected from the earlier part of my speech that foreign companies are taking substantial sums of money from Kenya by way of dividends, interest on loans, management fees and royalties; in some cases those sums are not taxed at all until they get back to the country of the parent company. In some cases taxes are paid but the Income Tax Department is then required to make complicated assessments of whether or not liability was in fact due in those cases.

In order to simplify the situation and to increase the Kenya revenue, I propose that a withholding tax on both dividends and interest will be introduced as from tomorrow at a rate of 12½ per cent of the gross dividend and interest paid. The withholding tax will be paid by both residents and non-residents; but residents will be allowed to set off the amount they pay by way of withholding taxes against their normal tax liability. Where the amount of withholding taxes is greater than a resident's normal tax liability, a repayment will be made by the Department in the normal way. Non-residents will not, however, be allowed to set off the tax against their Kenya tax liability. What is done in their own countries we cannot deliberate on it.

Where, however, there are double taxation agreements between Kenya and the country receiving the dividends and interest, which is likely to be the case more often than not, it will be possible for non-residents to set off the withholding taxes they have paid in Kenya against their tax liability in their home country. In fact, therefore, where there are double taxation agreements, a non-resident receiver of dividends and interest derived from Kenya will probably not pay any additional tax in total. All that will happen is that the amount of tax charged and collected by the foreign Treasury will be reduced and the Kenya Treasury will profit to the same extent.

It is estimated that some K£2 million per year leaves Kenya by way of management fees and royalty payments to non-residents. These sums are at the moment fully deductible for tax. From tomorrow, I propose that a withholding tax of 20 per cent will be imposed on all payments of management fees and royalties to non-residents. This tax will not apply to Kenya residents, individuals or companies. I expect to get K£400,000 from this measure. Once again, the tax will normally be relieved in the receiver's home country,

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and he is unlikely to have to pay very much more tax as a result of these proposals.

Hon. Members will be aware that the most contentious measures introduced last year concerned the timing of payments of tax by self-employed people, particularly farmers. Some people have found no difficulty in adapting to the new system; but it is undoubtedly true that others, particularly the farmers, have found the greatest difficulty in attempting to estimate the amount of income they have earned each quarter and, therefore, the amount of tax they are liable to pay. I, therefore propose to abolish the system introduced last year in so far as it applies to the payment of tax by the self-employed people, especially farmers.

With effect from 1st January, 1972 self-employed persons and persons not paying tax by way of PAYE, such as people with dividend income or people with a wife earning taxable income, will pay their tax in two instalments based, still on provisional assessment, but after the year of income. Such people will pay their tax three months and six months after the end of their accounting period, which in most cases will be a calendar year. They will also be allowed up to nine months to submit audited accounts for assessment and final adjustment of tax liability where such accounts are required. This means that in future we shall be treating self-employed persons very much in the same way as if they were companies, except that they will be allowed to pay in two instalments and will have rather longer to pay.

If I were to take this measure in isolation, the Exchequer would lose over a million pounds in revenue and all the self-employed would have a one year tax holiday. In these circumstances it seems to me only fair that the self-employed and other individuals not paying tax by way of PAYE, who are being given a very substantial concession by the new proposals, should pay off all outstanding tax liabilities up to the 31st December, 1971, during the year 1972. This means that, whereas last year proposals were introduced to spread forward the 1970 tax liability for four years, those provisions will now be cancelled and the tax will be due in two instalments on the 30th March, 1972, and 30th June, 1972. By the end of 1972, I expect that all outstanding tax debts relating to the self-employed and other individuals not paying their tax by way of PAYE to be paid up. I am confident that everyone concerned will accept the new proposals as being a fair way of collecting income tax from them and will clear off their debts in the time available, so that the new system can come into operation during the year 1973 in respect of the year of income 1972. I shall still lose revenue by these measures taken together—an estimated K£500,000 in 1971/72 by this concession mainly to firms.

I would like to turn now to the question of individual allowances and rates of tax. There has for some time been a special allowance for a single parent with a child. I do not accept that there is a justification for a single person responsible for the care of a child to have an allowance virtually the same as that of a married couple and children. I propose, therefore, that the Supplementary Single Allowance for the single parent will be withdrawn and such people will in future have merely the single allowance and the normal child allowance.

I have no proposals this year concerning the scope and rates of graduated personal tax. The arguments for and against this tax have been rehearsed at great length in previous years and I do not intend to go over those arguments today. I am, however, prepared to concede that the combined imposition of graduated personal tax and personal income tax involves an element of double taxation. For this reason I propose that as from the 1st of January, 1972, the amount paid by way of graduated personal tax will be deducted from income before the charging of income tax. This concession will cost me £400,000 in the full year.

Last year when I extended PAYE to cover the full range of surtax for employees, I wanted to make the change without making any change in the rates of tax. This did, however, mean that the income segments to which the graduated rates of personal income tax applied were not easily divisible by 12 for the assessment of monthly tax by employers. I propose, therefore, to change the income segments, now generally K£1,000, to segments of K£600 for the lower range of income and K£1,200 for the higher ranges of income. The rate of tax on the first £600 of chargeable income will be Sh. 2.50 in the £ and thereafter will rise in £600 steps from Sh. 2.50 to Sh. 4, 6, 7, 8 to a chargeable income of £3,001. At that point it will increase in income segments of £1,200 from Sh. 10, Sh. 12 to Sh. 14 up to £6,000 chargeable income. In the chargeable income range of £6,601 to £10,800 tax will be Sh. 15 in the £.

This new scale of personal tax will mean that a person, with a wife and children, earning a chargeable income up to £1,600 per year, will pay exactly the same amount of income tax as he does at the present time. And in fact when the proposed

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relief for G.P.T. is taken into account, many will pay less. People earning chargeable incomes above £1,600 will pay a little bit more income tax and the amount will increase as income increases to the extent that the very highest incomes will pay quite significantly more in income tax. It will, therefore, be seen that the new tax rate proposals are administratively more simple for the implementation of PAYE and at the same time they further the aims of African Socialism whereby the richer members of the community are asked to pay relatively more towards the cost of maintaining Government services than the poorer members of the community.

In the income tax measures I have announced today, Mr. Speaker, I have provided concessions for companies in so far as they will be allowed more time to finalize their accounts. I have announced concessions to the self-employed and to people with non-employment incomes in so far as they will be assessed in future in the year after the year of income. I am aware now that the heaviest burden is falling on employees who were liable to surtax in 1970 who have been asked to pay their 1970 surtax over and above their current tax liability. Taking into account the fact that those people who paid surtax in 1970 are also likely to have to pay a little bit more income tax as a result of the new tax rates in 1972, they will I fear be asked to carry an unfair burden which could affect adversely the livelihood of their families and, indeed, the consumption patterns of the economy.

I, therefore, propose that surtax in respect of 1970 employment income will be suspended with immediate effect and will be written off completely in eight six monthly instalments commencing the 31st December, 1971. Any payments made by employees in respect of their 1970 employment surtax liability will be refunded or set off against future tax liability. Where surtax is charged on a composite of employment and non-employment income, employment income will be assumed to be charged at the lowest rates of tax and non-employment incomes charged at the subsequent higher rates. So long as the person stays in Kenya, he will not be asked to pay anything in respect of his 1970 surtax on employment income. If, however, he leaves Kenya, he will be asked to pay the amount outstanding in accordance with the timetable of write-offs I mentioned a moment ago.

I hope hon. Members will agree that the suspension of payment on 1970 employment surtax represents a very substantial concession on the part of the Treasury. I estimate it will in fact cost me £1.1 million in each of the next four Financial Years.

I have announced a wide range of measures affecting the income tax, and I have indicated that some of these will cost me substantial sums of revenue. On the other hand, the new withholding taxes and the new rates of taxes on personal income will have the effect of increasing the revenue. Overall, in the coming Financial Year I estimate that the income tax measures will have a neutral effect on the revenue. In the following year I hope to gain by some K£500,000 and in 1972/73 I look forward to a gain of K£1½ million.

These then, Mr. Speaker, are my tax measures for this year. I estimate they will together bring an additional K£4.5 million to the revenue in the coming year, which with a natural increase of revenue, estimated at a lower level after these measures at K£5.5 million, will provide us, the Treasury, with K£10 million extra I was seeking from my budget.

The changes I propose are in a number of ways far-reaching, since they represent an attempt to introduce a fiscal system consistent with the policy aims and objectives of the Government such as I have outlined this afternoon.

The new income tax rates will have the effect of increasing the burden of taxation on the richer members of the community without touching the poorer members. The new withholding taxes will obtain greater revenue from non-resident receivers of income without increasing the overall burden on resident tax-payers.

The increased and wider taxation of beer, spirits, cigarettes and tobacco cannot be considered unfair, for if people can afford to consume these products, they can afford to pay an extra few cents of tax. The taxation of labour-saving equipment is consistent with our employment policy aims.

The heavier taxation of vehicles represents no more than my asking all transport owners to pay tax equitably, taking into account the present differences in taxation on petrol and diesel vehicles and asking them to pay rather more taking into account the construction and maintenance costs of the road system we provide for them to operate. The tax on hotel accommodation is also an attempt to ask our richer members, tourists, to make a contribution to the expensive facilities the Government provides for them. I do not think the charge either onerous or unreasonable.

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As I made clear earlier, even as a result of these measures, my budget for 1971/72 will not be balanced completely in financial terms. Total revenues received in the Exchequer will be insufficient to meet total expenditures. I am, however, prepared to cover the overall deficit by short-term borrowing.

In economic terms, my budget is expansionary. Expenditures of Government will be 11 per cent higher next year compared with the present year —if we ignore recent share purchase transactions expenditures can be said to rise by 17 per cent. At the same time I shall take out of the Kenya economy K£20 million or 11 per cent less than I put in, taking into account receipts of grants and loans from overseas, interest and debt repayments to overseas and the fiduciary loan I propose to obtain from the Central Bank.

Once again, therefore, my budget is a budget for expansion, Mr. Speaker, Sir. This is because there are still unutilized resources in our economy and we want to put to work. I am sure, if we all work as we have done in the past year, we shall see a rate of growth even higher than the 8 per cent we achieved in the year which is just ending. Mr. Speaker, Sir, I am sure we can make it.

I therefore, Sir, beg to move.

The Minister for Agriculture (Mr. Nyagah) seconded.

(Question proposed)

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

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

(Hon. Members rose in their places while His Excellency the President left the Chamber)

ADJOURNMENT

The Speaker (Mr. Mati): That brings us to the end of our business for today. The House is, therefore adjourned until tomorrow, Friday, 19th June, at 9.00 a.m.

The House rose at Five o'clock.

Friday, 18th June, 1971

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 361

VICE-PRESIDENT TO VISIT MARSABIT

The Speaker (Mr. Mati): Is Mr. Umuro not there?

Next question.

Question No. 477

MURDER OF MR. OUMA OBURI

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

Question No. 355

SITTING OF AFRICAN LIQUOR LICENSING COURTS

The Speaker (Mr. Mati): Is Mr. Kitonga not there, too?

Let us move to the next question.

Question No. 467

COPY OF PRESIDENT'S JAMHURI DAY SPEECH NOT REACHING MOYALE

Mr. Araru asked the Minister of State, President's Office if he would tell the House why the speech of His Excellency the President was not delivered to the District Officer, Moyale, during the Jamhuri Day on 12th December, 1970.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Normally, His Excellency's speech is delivered to the provincial commissioners only, not to the district officers. It is the provincial commissioners who read the speech of His Excellency on national days, and it is a major undertaking to have the speech sent to provinces, some of which are very far away from Nairobi. It was, therefore, not intended that His Excellency's speech for Jamhuri Day, last year, should go to the District Officer, Moyale.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which I do not think is satisfactory—Jamhuri Day is a national day, not the provincial headquarters' day—is the Assistant Minister telling us that the speech should not be heard everywhere, and therefore *wananchi* should not, on that day, trouble themselves going to the offices of the district commissioners and district officers and even police stations and hear how bread and fruit is to be delivered throughout the country? Is he telling us that it is not right to send the speeches there?

Mr. Munyi: Mr. Speaker, Sir, I think I have said clearly already, and the hon. Member knows very well, that when His Excellency the President delivers a speech on a national day the speech is kept confidential until that very day. Therefore, it takes some time before such speeches are sent to places which are far away from Nairobi.

Mr. Araru: Arising from the Assistant Minister's reply, I think the Office of the President have something queer going on between them and the provincial officers. Last time, for the information of the hon. Asssitant Minister, the new Provincial Commissioner for Eastern Province delivered the speech before the appointed time at Marsabit. This was the first time, since independence, a speech had been delivered there. It was delivered by the new Provincial Commissioner for Eastern Province, Mr. Koinange. Why did the former provincial commissioner not do the same thing in that province?

Mr. Munyi: Mr. Speaker, Sir, all I would like to tell the hon. Member is that he might have misunderstood what happened on that particular day because he has referred to the new provincial commissioner. In any case, His Excellency's speech on national days is made public when he has already made it. There are always special arrangements with the Ministry of Information and Broadcasting. For example, the Voice of Kenya gives a comprehensive and live coverage of the speech by His Excellency the President on such occasions.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he telling the House that where there is no district commissioner the speech of His Excellency the President cannot be made by a district officer?

Mr. Munyi: Mr. Speaker, Sir, I have answered that. However, I would like to clarify that point and tell the hon. Member that on such days district officers or, for that matter, chiefs, if a meeting is held in a location, can make a speech based on development or anything else because this is a national day.

Question No. 473

GRADUATED PERSONAL TAX ASSESSMENT OFFICER FOR BARINGO

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

(*a*) since it had been announced publicly that there would be a graduated pesonal Tax assessment office in every district throughout the Republic in 1971, and in view of the fact that that had not happened

[Mr. arap Cheboiwo]

in some districts, what immediate action he was taking to see that an assessment officer was sent to Baringo; and

(*b*) whether it was true that those officers were working in some districts in the Republic; if so, which were the districts.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, I think the hon. Member will be happy to hear that Government is in the process of appointing a district revenue officer for each district for graduated personal tax assessment purposes. As soon as these appointments have been finalized an officer will be sent to Baringo.

Mr. arap Cheboiwo: Mr. Speaker, Sir, while I shall be happy when I see these people there, will the Assistant Minister agree with me that this was meant for 1971, and we are almost to the end of this year? When will they go there, and how will they assess the graduated personal tax for 1971? How soon are they going to be appointed?

Mr. Munyi: It was just yesterday, Mr. Speaker, when the Budget Speech was delivered in the House by the Minister for Finance and Economic Planning. Today is the first day as far as the new Financial Year is concerned. Therefore, I would like to give an assurance to the hon. Member that the process is going to take a very short time. We shall see to it that revenue officers are not only going to be sent to Baringo but to all districts throughout the Republic.

Mr. Nthenge: Mr. Speaker, can we know from the Assistant Minister why it has taken so long to send these assessors?

Mr. Munyi: Mr. Speaker, Sir, it has not taken so long. I would like to let the hon. Member know that a revenue officer is a man who should be capable to deal with finance. You cannot send a person who is not qualified.

Mr. Murgor: Mr. Speaker, Sir, in view of the fact that some *wananchi* are to be exempted from payment of graduated personal tax because of their inability to pay how would chiefs or sub-chiefs for that matter, know who is to pay and who is not to pay if no assessments have been carried out?

Mr. Munyi: Mr. Speaker, Sir, that is the reason why Government took immediate action to see to it that in every district there will be a revenue officer who will be dealing with assessments.

Mr. arap Cheboiwo: Mr. Speaker, Sir, can the Assistant Minister tell us who assessed the graduated personal tax for 1971 if these people have not yet been sent to the districts?

Mr. Munyi: Mr. Speaker, Sir, it was assessed by officers from the district commissionerss' offices or from other offices.

Mr. O'Washika: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, is he telling us that these district officers who are going to be appointed are going to be promoted from within the administration or they are going to employ new district officers to do the assessment?

Mr. Munyi: Mr. Speaker, Sir, some will be promoted, and new officers will also be appointed.

Question No. 465

COMPENSATION FOR LAND ACQUIRED BY GOVERNMENT

Mr. Ogero asked the Minister for Local Government if he would tell the House, since education, health and road services were taken over by the Central Government, together with school fees and graduated personal tax, what immediate steps he was taking to ensure that compensation in respect of land acquired for schools, health centres and murram pits was paid to the owners.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. Under both the Local Government Transfer of Functions Act, No. 20 of 1969, and the Transfer of Function Regulations of 1970, no specific provisions were made with regard to the legal transfer of land on which the services affeoted were situated. However, the position regarding schools and health centres has always been that these institutions were situated either on Government land leased to county councils for that purpose or on land set aside under the Trust Land Act or on land vested in a county council on adjudication or on land donated to a county council by the owners concerned.

In all these cases, the formalities of compensation and change of ownership had been formerly completed before the transfer of functions.

In the circumstances, Mr. Speaker, unless the hon. Member knows of any specific case for which the original owners were not paid compensation before the transfer of functions, my Ministry is not aware of them at the moment.

Mr. Ogero: Mr. Speaker, Sir, is the Minister telling this House that there is no landowner who has not been given compensation for any land acquired for the purpose of health centres, murram pits or schools? If that is so, will he be prepared to get a list from some of the many landowners in Kisii whose lands were acquired long before and for which no compensation has been paid? This has happened elsewhere in the Republic of Kenya also, Mr. Speaker.

Dr. Kiano: Mr. Speaker, Sir, what I would like to be told by the hon. Member, when he brings the information to my office, is the circumstances under which these plots were acquired. In other words, whether the land was belonging to a private person and the county council took it over. If the county council took it over for the purpose of building a school, I would like to know why no compensation was paid by the county council at that time, or whether he was referring to a piece of land, owned by a private individual which was taken over by a missionary group, and asking why compensation was not paid. I would like to know, when he brings this information to my office, who actually took the land from the private individual.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Minister, is he aware that several questions have been brought to this House in connexion with health, roads and education services after the Central Government took over these services and his answers have not satisfied the country? What action is he going to take to stop this sort of nonsense or affairs coming to the Parliament all the time with regard to education and health services?

Dr. Kiano: Mr. Speaker, Sir, I think the hon. Member is absolutely mistaken to refer to hon. Members' concern about health and education as nonsense. I think the hon. Member is nonsensical himself.

Mr. Murgor: Mr. Speaker, Sir, would the Minister tell this House as to who is now responsible for the payment of compensation for land set aside for health centres, schools and so on, as far as private individuals' land is concerned? Is it the county council or the Central Government?

Dr. Kiano: I am not a lawyer but I think I am pretty informed about this matter. With regard to the question of sites, the responsibility still remains with the local authority concerned. The actual running of schools, and health centres will be under the relevant Ministry but the actual site issue has to be settled with the local authority concerned.

Mr. Kahengeri: As I can remember when the Education Act came into operation I thought that all school buildings were to be taken over by the education authority. What happens if such school buildings are on private land; for example, if they are sited on the former European farming areas where the people concerned offered a plot and built schools for the children? Are these buildings supposed to be Government buildings or are they still owned by their original owners?

Dr. Kiano: Mr. Speaker, Sir, I think that is a matter which the hon. Member should bring to my notice because it refers to specific cases in such places like his constituency where a plantation owner might have built a primary school mainly for his workers. The arrangements which might have been done after independence may vary from farm to farm; and so it is a matter which I would like to discuss in more detail with the hon. Member for Juja.

The Speaker (Mr. Mati): Next question.

An hon. Member: On a point of order, Mr. Speaker, Sir, I would like to know from the Minister the action he would take if I produced a list of the landowners who have not been compensated?

The Speaker (Mr. Mati): You should find out that from the Minister outside because that is a question and it is too late.

Question No. 413

IMPROVEMENT OF ROADS TO SETTLEMENT SCHEME

The Speaker (Mr. Mati): Mr. Kanja not here? Next question.

Question No. 310

STANDARD PRICES FOR FURNITURE

Mr. Muturia asked the Minister for Commerce and Industry if he would tell the House whether, since the Prisons Department had started industries which made anything required in our houses at a very reasonable price and as its furniture was superior to the imported one, he would establish standard prices for furniture throughout the country and allow the Prisons Department to open up shops in every district in Kenya.

The Speaker (Mr. Mati): Anyone here from the Ministry of Commerce and Industry?

Next question.

Mr. Mwithaga: On a point of order, since Prisons Department comes under the office of Vice-President and Ministry of Home Affairs, and in view of the fact that we have an Assistant Minister in the Vice-President's Office and Ministry of Home Affairs, why can we not have the question answered?

The Speaker (Mr. Mati): Mere reference to a department does not mean that the substance of the question is the concern of that particular department because it could concern another department; for example, as in this case, the Ministry of Commerce and Industry is connected with industries.

Question No. 76 (1318)

CASSAVA FACTORY IN SIAYA

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

(*a*) whether he was aware that Nyanza Province leads in the production of cassava;

(*b*) whether if the answer were in the affirmative he was planning to establish a starch factory at Siaya which is situated in the cassava zone.

The Speaker (Mr. Mati): Anyone here from the Ministry of Commerce and Industry?

Next question.

Mr. Y. Ali: Mr. Speaker, Sir, before I ask this question I would like it to be referred to the appropriate Ministry. I would like this question to be replied to by the Ministry of Works because Machakos Camp is the property of the Ministry of Works but not the property of the Ministry of Co-operatives and Social Services.

The Speaker (Mr. Mati): I think hon. Members should remember what has been said several times here before. When a question is addressed to a Ministry, and then that Ministry discovers that the matter does not concern them, they transfer it to the appropriate Ministry. So, you should wait until you hear the reply and see whether you are satisfied. It is not just a question of the name of a Ministry or a Minister but it is the substance of the question which matters and upon this a decision is made as to who should reply.

Question No. 452

NURSERY SCHOOL AT MACHAKOS MINISTRY OF WORKS CAMP

Mr. Y. Ali asked the Minister for Co-operatives and Social Services if he would tell the House whether he would open up a nursery school for over 200 children who were idle at the Ministry of Works, Machakos Camp where there was a building which could be used for the purpose.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): Mr. Speaker, Sir, I beg to reply. The Ministry of Co-operatives and Social Services is not allocated funds for the actual management and running of individual nursery schools and cannot, therefore, open a nursery school at the Ministry of Works, Machakos Camp. The responsibility of the operation of individual nursery schools lies with local authorities, parents' committees or individual persons. I would suggest that parents at Machakos Camp should discuss the matter with their employers to see how their need for a nursery school can best be met.

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir, according to the Minister's reply, it is quite clear that this was a deliberate way of evading the question because I directed this question to the appropriate Minister, and according to the ruling from the Chair, the question was diverted to the relevant Ministry. Before I asked this question——

The Speaker (Mr. Mati): In his reply, Mr. Ngureti pointed out that the problem was where to get the money. Unless you have evidence to show that the Ministry of Works built a nursery somewhere else, then I find it difficult to see why you should follow it up here because, in a sense, Mr. Ngureti admitted that his Ministry is responsible for nurseries but they had no money for this particular camp; and he directed you to where you could try to get the matter settled. So, it is useless to quarrel merely about the name as what you should be worried about is whether you are getting what you want.

Mr. D. M. Kioko: On a point of order, Mr. Speaker, Sir, I think I am lost here. If the question was directed to the Ministry of Works, and then it was diverted to the Ministry of Co-operatives and Social Services, which in turn refers the hon. Member to the employers for negotiation with regard to the problem, why does the Ministry of Co-operatives and Social Services refer the hon. Member to the employer—the Ministry of Works—instead of letting the Ministry of Works come here and answer the question because according to my understanding the employer of those people at Machakos Camp is the Ministry of Works?

The Speaker (Mr. Mati): I do not know what is happening this morning. Mr. Ngureti did not refer to the Ministry of Works as being responsible for the establishment of the nursery school; he was referring to the Ministry of Works as the employer of those people concerned, who should co-operate with the local authority in finding ways and means of setting up a nursery school there. If Mr. Ali knows of any case where the Ministry of Works has established a nursery school, then, that indicates that the Ministry of Works has a responsibility for nursery schools. However, as far as I understand from what Mr. Ngureti has said, it is his Ministry—the Ministry of Co-operatives and Social Services—which is responsible for nursery schools.

Mr. Y. Ali: On a point of order, Mr. Speaker, Sir, according to your ruling you inferred to the question of my having evidence. Accordingly, I would like to state that I have evidence to support my argument by saying that the Ministry of Works, at its camp in Nairobi, has been providing

[Mr. Y. Ali]
facilities for nursery schools; for example, at Shauri Moyo there is a nursery school for the employees' children, and even some years ago the Ministry was helping in the provision of nursery school facilities until recently when this was stopped. I had some negotiations with the Ministry which, nevertheless, ended fruitlessly and that is the reason why I have resorted to bringing the question to this House. I feel quite strongly that the Ministry of Works has a responsibility for answering this question.

The Speaker (Mr. Mati): Do you have anything to say on that, Mr. Ngureti?

Mr. Ngureti: Mr. Speaker, Sir, the only point which I would like to elaborate is that the Ministry of Works helps in certain cases but there are certain alternatives: the local authority, or the city council, can assist in the way he wants if he approaches them.

Mr. Nthenge: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell us what he did when this question was presented to him with regard to consulting the other authorities since it is their responsibility to run or to establish nursery schools? What action did he take either with the local Government or with the employers of the people at Machakos Camp?

Mr. Ngureti: Mr. Speaker, Sir, the establishment of nursery schools in any part of the country is, first of all, indicated by the people themselves and leaders of that particular area, including the hon. Members of this House. This matter is brought up through the administrative machinery to our department where we give our moral support.

Mr. Araru: Thank you very much, Mr. Speaker, Sir. Arising from what the Assistant Minister has said, it appears to be total shame if there is no nursery school at that camp because it was established in 1919—it was, in fact, started before he was born. In view of this, can he tell us what the Ministry is doing to alleviate this problem where many children are going without education? What urgent measures is he taking?

Mr. Ngureti: Mr. Speaker, Sir, this is very interesting. The Ministry is not ashamed at all and I would like to inform the hon. Member that the people who have lived there as far back as 1919 are the ones who should probably be ashamed, including the hon. Members from that area and other leaders!

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

Mr. Umuro: Mr. Speaker, I apologize for being late.

Question No. 361

VICE-PRESIDENT'S VISIT TO MARSABIT

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

(*a*) whether he was aware that the Vice-President and the Minister for Home Affairs had not visited Marsabit since 1966; and

(*b*) if that is so, when he would visit the area.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. I hope that the hon. Member will be on time next time.

(*a*) Yes, I am aware.

(*b*) As soon as time avails itself the Vice-President and Minister for Home Affairs will visit the area.

Mr. Umuro: Mr. Speaker, Sir, this is a very interesting reply because when I asked, last time, on the possibility of the President visiting this area, I was told that he would do so when it was convenient for him to do so, and the same reply has been given with regard to this question of the Vice-President and Minister for Home Affairs visiting this area. Everyday I hear that the Vice-President and the Minister for Home Affairs, together with the President, are visiting some other areas. Why are we neglected? Is it because we are not represented by these two gentlemen?

Mr. Shikuku: Mr. Speaker, Sir, the question states that since 1966 the Vice-President and Minister for Home Affairs has never visited that area, which, essentially, means that before that time he used to visit the area. It is only the other day when I visited that area in my capacity as the second man in command to the Vice-President and the Minister for Home Affairs!

Mr. Araru: Mr. Speaker, Sir, the Assistant Minister in the Vice-President's Office and the Ministry of Home Affairs claims that he visited that area recently. Can we know whether he is the Vice-President and Minister for Home Affairs in the Republic of Kenya?

Mr. Shikuku: In my earlier reply I said that as soon as time becomes available the Vice-President and Minister for Home Affairs will visit that area. I continued to add that the other day, being under his instruction, I visited this particular area, accompanied by the two gentlemen. Naturally, Sir, being an Assistant Minister in the Vice-President's Office and the Ministry of Home Affairs, I am second in command.

Mrs. Onyango: Mr. Speaker, Sir, is the Assistant Minister aware that when the Vice-President and Minister for Home Affairs, and for that matter the President, visits a particular place, there are some improvements which are carried out and therefore it is necessary for these big men to visit various areas so as to encourage development?

Mr. Shikuku: Mr. Speaker, Sir, I agree with the hon. gracious lady, and that is why I have said that as soon as time becomes available His Excellency the Vice-President and the Minister for Home Affairs will visit this particular area. Naturally, when a big man goes round some improvements are made. The other day I visited this particular area, and as a result some lorries are now going there.

Mr. Mwamzandi: On a point of order, Mr. Speaker, I would like to know if the Assistant Minister is justified in saying that he is the second in command to the Vice-President when we know we have only one Vice-President? We are not like Tanzania which has the First Vice-President and the Second Vice-President, then the next man becomes the second in command to the Vice-President. Is he, therefore, justified in using that term here when we have only one Vice-President?

The Speaker (Mr. Mati): The Vice-President is also the Minister for Home Affairs and Mr. Shikuku is the Assistant Minister for Home Affairs.

Mr. Mwithaga: Mr. Speaker, since the Member for that area had obviously some reasons for wanting the Vice-President to go to his area and not as the Assistant Minister implies by way of jokes and making fun—there are reasons—would it not be proper for the Assistant Minister to find out from the Member exactly what specific reasons he had for wanting the Vice-President to go to his area so that he can answer the question to his satisfaction?

Mr. Shikuku: Mr. Speaker, Sir, I know that the people in the area which the hon. Member represents would like to see the Vice-President and the President of this country. Furthermore, they would also like to present their difficulties to them. In that given area I know the dominating difficulty is the security aspect, since there are constant raids from Ethiopian stock thieves, and they would like some improvement. I have been there and I know why they want the Vice-President to go there and see for himself.

Question No. 477

MURDER OF MR. OUMA OBURI

The Speaker (Mr. Mati): Mr. Ebu. Not here?

(*Question dropped*)

Hon. Members: Apologize first.

Mr. Kitonga: Mr. Speaker, I apologize for being late.

Question No. 355

SITTING OF AFRICAN LIQUOR LICENSING COURTS

Mr. Kitonga asked the Minister of State, President's Office if he would tell the House, since the district commissioners were reluctant to grant the sitting of a special meeting of the African Liquor Licensing Courts because they alleged that the fee of Sh. 20 payable by the applicant for such a special meeting was inadequate in view of the expenses which would be incurred to convene such a meeting, the Minister of State would state what plans the Government had to alleviate the problem.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The allegation contained in the hon. Member's question is completely inaccurate. Therefore, the Government has no plans on it.

Mr. Kitonga: According to the Assistant Minister's reply if my question is inaccurate, would the Assistant Minister tell the House how many special meetings for African Liquor Licence have been held in the country, especially in Kitui District with particular reference to Kitui East?

Mr. Munyi: Mr. Speaker, Sir, I would like to elaborate or explain to the hon. Member the procedure which is followed. I am not aware of any district commissioners who are reluctant to grant such meetings as stated by the hon. Member. We have 42 district commissioners in the Republic of Kenya. It is not clear from the hon. Member whether he means all district commissioners or some of them, and which ones.

Sir, the procedure to be followed when one requires a special meeting is to make an application to the district commissioner. The district commissioner in turn asks for authority from the provincial commissioner who normally grants such authority if a request is reasonable. A fee of Sh. 20 is charged to the applicant for such a meeting.

Mr. Speaker, Sir, if the hon. Member can give us a specific case, then action will be taken by Government because district commissioners have been given a directive that they must help *wananchi* if a request is genuine.

Mr. Kitonga: Mr. Speaker, according to the Assistant Minister's reply, I will give him a definite and specifi case. This was in Kitui District where when I applied for a liquor licence the district commissioner advised me that this liquor

[Mr. Kitonga]

licence was very expensive because the members need accommodation, the members of the board need allowances and to call a meeting can cost the Government a lot of money. Therefore, the district commissioner advised me that unless the Act is changed it will be quite expensive. He said that I, as a Member of Parliament, should bring this to Parliament in order to have the Act changed. This is the one case I have to point out.

Mr. Munyi: Sir, since the hon. Member has tried to give a specific case I would like to give him an assurance that the point is noted and thorough investigations will be carried out.

In addition to that, Sir, I would like to let the hon. Member know that it is not the policy of the Government to encourage more beer halls to be opened in the country.

In any case, Mr. Speaker, the point is taken.

The Speaker (Mr. Mati): Mr. Kanja.

Mr. Cheserek: Mr. Speaker, Sir, on behalf of my collegue, Mr. Kanja, I would like to——

Hon. Members: Are you authorized?

Mr. Cheserek: Yes, I am.

The Speaker (Mr. Mati): Order! You can only ask another Member's question if he has specifically authorized you to do so.

Mr. Cheserek: Mr. Speaker, I would like to tell the House that my colleague, Mr. Kanja, is unable to be here today and he has authorized me to ask this question on his behalf.

Mr. Mwithaga: On a point of order, Mr. Speaker, I would like to seek your guidance here. When you called this question earlier, in the normal course of the proceedings, the hon. Member was sitting there and the question was bypassed. Now that you have come back to it he claims the right and authority to ask the questino. What is the position,

The Speaker (Mr. Mati): As I have said before, hon. Members are expected to be honourable. Therefore, I take his word.

Question No. 413

IMPROVEMENT OF ROADS IN SETTLEMENT SCHEMES

Mr. Cheserek, on behalf of Mr. Kanja, asked the Minister for Works if he would tell the House what plans the Ministry had for improving Settlement Roads and in particular feeder roads in Kieni East and West Divisions

The Assistant Minister for Works (Mr. Kuguru): Mr. Speaker, Sir, I beg to reply. A project is in progress involving the construction of 580 kilometres of roads in Settlement areas. It is anticipated that this will be completed by December, 1972. In Kieni East and West Divisions a total length of 115 kilometres will be reconstructed under this project.

Mr. Cheserek: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that the roads within the Settlement Scheme —when the Department of Settlement constructed these roads—were not really maintained by the Department of Works?

Mr. Kuguru: When you refer to settlement roads you will understand that we did say here in 1970 that a loan of £2 million was being negotiated. Since then the machinery has come and most of the roads have now been constructed, at least improved. Therefore, Sir, I am sure the hon. Member is aware that most of the roads in his and my areas, Kieni East and West, have been constructed.

Mr. arap Cheboiwo: Mr. Speaker, arising from the answer given by the Assistant Minister, that they have £2 million, and some of these roads have not been improved, because I know that some of the roads, like in Sabatia Settlement Scheme the roads are deteriorating, could he make sure that all these roads are maintained in time?

Mr. Kuguru: Mr. Speaker, Sir, I do not know why the hon. Member next to me cannot understand. I did not say that we have £2 million. I said that a loan of £2 million was being negotiated from the World Bank. As a matter of fact, Sir, I said that most of the roads have now been improved. We are continuing with this work. The reply given here is that by December 1972 most of the roads will have been improved.

Mr. Muturia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that some of these roads in the settlement areas have never been repaired since 1964? I have some roads in mind to prove this.

Mr. Kuguru: Mr. Speaker, Sir, as a matter of fact, when I mentioned these roads I was dealing with classified roads. There are some farm roads which are under the district commissioner because the policy is now changing. For this reason, there could be one or two roads which have not been repaired since 1964 but these roads are not only in the settled areas but are also in our own areas where there are roads which are not classified and have not been repaired.

Question No. 310

STANDARD PRICES FOR FURNITURE

Mr. Muturia asked the Minister for Commerce and Industry if he could tell the House, since Prisons Department had started industries

[Mr. Muturia]

which made anything required in our houses at very reasonable prices and as its furniture was superior to the imported one, he would establish standard prices for furniture throughout the country and allow the Prisons Department to open up shops in every district in Kenya.

The Assistant Minister for Commerce and Industry (Mr. Wood): Mr. Speaker, Sir, in the first place I would like to apologize to the hon. Member and the House for coming late.

Secondly, I beg to give the following reply.

It is not correct to say that Prisons Department makes everything required in our houses as the number of items and the volume produced by that department are limited by resources and skills available to that department. It is, however, true that prices charged by Prisons Department on their products are very reasonable. This is partly to make them competitive and also because the industries' main purpose is not profit but the training of prisoners.

The question of whether its furniture is superior to that imported is, of course, a debatable one but I have no doubt that the Prisons Department does, certainly, make a very high class type of furniture.

It is not possible to establish standard prices because the furniture market, like any other market, is a competitive one and buyers will purchase in accordance with their taste, which is governed by price and quality. I can see no difficulty of Prisons Department being able to dispose most of their furniture since their prices are, as I have said before, very competitive.

Mr. Muturia: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, when he said that the number of items and the volume produced by the department is limited, would he, then, agree with me that there are many prisons in Kenya which can be converted into this type of trading so that the resources and the number of items are enough? There is only one prison, that is Kamiti, making these items.

Mr. Wood: Mr. Speaker, Sir, as I have already answered, the furniture made by the Prisons Department is, absolutely, very good furniture and are competitive in the market. In that case, Mr. Speaker, Sir, I do not see the supplementary question's stand.

Mr. Araru: Thank you very much, Mr. Speaker. Arising from the reply by the Assistant Minister, could he agree to open this type of training in every prison in every district? Mr. Speaker, Sir, this is a Government department which is evenly distributed all over the country and every prison in the country should be given trainees who should be trained in making this type of furniture so that the department can open shops in every district.

The *wananchi* in the rural areas can only get this furniture from Nairobi.

Mr. Wood: Mr. Speaker, Sir, this is left entirely to the Prisons Department and I believe that within the organization of that department, there is room for establishing this training in districts.

Question No. 76 (1318)

CASSAVA FACTORY AT SIAYA

Mr. Okudo asked the Minister for Commerce and Industry if he could tell the House whether—

(*a*) he was aware that Nyanza Province was leading in the production of cassava;

(*b*) if the answer was in the affirmative, he would tell the House when he was planning to establish a starch factory at Siaya which is the cassava zone.

Before the Assistant Minister answers this question he should apologize for having been late.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I am sorry because when that question was asked I had not arrived.

Mr. Speaker, Sir, the hon. Member should also apologize because he had asked this question some time back and it was replied to in this House and he does not have the memory to remember that he received a reply to this question.

Mr. Okudo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I do not remember this question having been asked in this House.

Mr. Anyieni: Mr. Speaker, Sir, I have a cutting of the HANSARD. On 6th November 1970, Mr. Okudo——

The Speaker (Mr. Mati): Mr. Anyieni, I know what happened. Mr. Okudo is quite right because this question was asked during the last session and he is entitled to ask the question again even if it had been asked before if there is a reason for him to do so.

I am not quite sure whether it was replied to here, but he is entitled to do so.

Mr. Anyieni: Thank you very much, Mr. Speaker, for your ruling.

Mr. Speaker, Sir, I beg to reply.

Nyanza Province is not the leading province in the production of cassava but ranks second as the producer of this crop. Cassava is mostly grown in Western Province where there are 18,000 hectares of land under cassava whereas in Nyanza

[The Assistant Minister for Commerce and Industry]

Province there are only 15,370 hectares of land under cassava.

The Government has no plan, therefore, to establish a cassava starch factory in Siaya District.

Mr. Okudo: Arising from the answer by the Assistant Minister, Mr. Speaker, is he aware that as far as back as 1964 there was a suggestion by the former Nyanza Regional Assembly that a cassava starch factory should have been built in Nyanza Province. If he is aware of that, what has brought the change?

Mr. Anyieni: Mr. Speaker, Sir, I am not sure, but I suspect that the hon. Member was a member of the regional assembly and I hope that he does not think that this Parliament is a continuation of the regional assembly. To be fair to the hon. Member, there is a lot of cassava grown in the western part of Kenya and it would be better if the hon. Member was asking that this factory be built in the western part of Kenya.

Mr. Speaker, Sir, the hon. Member should also realize that my Ministry does not build factories but only encourages those who have the funds to start the factories.

If the hon. Member could find some way of starting the factory, my Ministry would help him in establishing it in the western part of Kenya and not in Nyanza Province.

Mr. Mwithaga: Mr. Speaker, Sir, since the Minister has revealed, quite rightly, that there are 18,000 hectares of cassava growing in Western Province, and in view of the fact that the hon. Member wants the factory built in Siaya District, where there is no potential, would the Assistant Minister, then, accept the responsibility to go to the Western Province, with immediate effect, and survey the possibilities of establishing the factory there?

Mr. Anyieni: Mr. Speaker, Sir, I agree that there should be a starch factory in the western part of Kenya and not necessarily in the Western Province.

QUESTIONS BY PRIVATE NOTICE

MURDER OF SUB-CHIEF AND ADMINISTRATION POLICEMAN AT EMORIJOI

Mr. ole Nampaso: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

What steps have been taken in connexion with the murder by Kapalwa Kipsigis of Sub-chief Tolata ole Kaapei at Emarti in 1968 and an Administration Police Officer at Emorijoi on 28th May, 1971?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I beg to reply. On the 7th of November, 1969, and not 1968, Sub-chief Tolata ole Kaapei was murdered at Emarti and two persons were charged with the murder. Eventually a *nolle prosequi* was entered by the State Counsel, Nakuru, and the two accused were discharged on 2nd March, 1970 by a Second Class Magistrate sitting at Kisii. The two accused were later charged with the offence of assult, contrary to section 253 (*b*) of the Penal Code but were acquitted on 22nd September, 1970 by the First Class Magistrate, Narok. Mr. Speaker, Sir, I now come to the second part of the question, and that is: on 28th May, 1971, at about 4 p.m., 130 head of cattle were stolen from Emorijoi in Lumek Sub-location by about fifty Kipsigis tribesmen. The cattle were taken across the Mara River into Kericho District. An alarm was raised and an Administration Police Officer, Constable Kiringai ole Masoi, accompanied by another police officer, followed the tracks. Both officers were armed with rifles and ten rounds of ammunition. When they separated, the gang also divided into two groups. In the course of following the tracks, one of the two Administration Police constables crossed the Mara River, but the deceased did not and was never seen again.

A police inquiry commenced on 1st June, 1971 and the deceased's body was found floating in the river and a post-mortem was carried out. There were no external injuries found on the body and the death was due to drowning. Ten rounds of ammunition were found in his pocket but the rifle was missing and believed to be in the river. An inquest file has been opened and is to be submitted to the magistrate empowered to hold an inquest. As the case is before the court the issue should be treated as *sub judice*.

Mr. ole Nampaso: Arising from the Assistant Minister's reply, would he agree with me, or not, that the killing of these two officers was intentionally done——

The Speaker (Mr. Mati): Order, Mr. ole Nampaso. As far as the second part of your question is concerned, in connexion with the death of Emorijoi, you cannot refer to that because the issue is before the court at the moment. You will, therefore, have to leave that and follow up the first part of your question if you want to do so.

Mr. ole Nampaso: Mr. Speaker, Sir, does the Assistant Minister not agree with me that these people killed the sub-chief intentionally because he

[Mr. ole Nampaso]
was accompanied by a police constable who was armed and who did not protect the sub-chief from being killed. Why was the constabe not killed if it was the intention of these two people to kill the two Government officers? This constable was a Kipsigis and the Masai sub-chief was killed in front of him. Why did he not protect him?

Mr. Shikuku: Mr. Speaker, Sir, all I can do is to trust the court. The evidence which is now being given by the hon. Member, that the sub-chief was killed in front of the police officer, should have been produced in the court. However, I am sure that the court examined everything and left no stone unturned and eventually came to the conclusion I have already revealed to the House.

Mr. ole Sompisha: Mr. Speaker, Sir, while I do not want to discuss the latter matter, about the constable, since two Government officers have been murdered while I would——

The Speaker (Mr. Mati): No! No! Mr. ole Somphisa, the explanation given about the second incident was quite different from the first one—and it is still being investigated—and therefore you do not know what actually happened.

Mr. ole Sompisha: Mr. Speaker, Sir, since a Government officer, the sub-chief was killed during the first incident, what steps is Government taking to see that these people, the murderers of the sub-chief, are removed from where they are residing at the moment? I am sure the Assistant Minister understands what I am saying.

Mr. Shikuku: Mr. Speaker, Sir, I do understand what the hon. Member is trying to say, but what I can tell him is that these two people were apprehended by the police because we thought we could get them convicted. However, when we took the case before the court, the judge gave the ruling which I have told the House and the matter ended there. We tried again and got hold of these people and they were acquitted for a second time. Therefore, what does the hon. Member want us to do now? These people cannot be referred to as murderers because they have been acquitted.

Mr. ole Sompisha: Mr. Speaker, I think the Assistant Minister did not follow my question. What I said, Mr. Speaker, is that the Kipsigis living in this place are not living there legally. They moved there and are now living through use of some kind of force. They are not supposed to be there and they have taken it upon themselves to be attacking the Masai. My question is: what steps is Government taking to see that these people are removed to their proper areas of residence?

Mr. Shikuku: Mr. Speaker, that is a slightly different question. We are here dealing with the question of number and we apprehended two persons in—— Are hon. Members trying to answer the question or what is happening, Mr. Speaker? I am trying to reply and they are just talking.

The Speaker (Mr. Mati): Order! Will you listen first?

Mr. Mwithaga: On a point of information, Mr. Speaker——

Mr. Shikuku: Mr. Speaker, Sir, I do not need any information from the Member for Nakuru. Now, Mr. Speaker, what I am trying to tell the House is that these two people we apprehended for the murder of the sub-chief were sent to the court and acquitted. Whether these people should be removed, deported or whatever should be done to them is a different matter altogether. If they are a danger to the security in that area, then there will be somebody else to do the job, but as far as the police are concerned, these people have been acquitted and they are therefore, ordinary innocent men in the area.

Mr. Lenayiarra: Mr. Speaker, arising from the explanation from the Member from that area, that the police officer, who is a Kipsigis, did not protect the sub-chief, and since it is obvious that he was the first to give evidence to the court how the sub-chief was killed, will the Minister undertake to transfer all the Kipsigis policemen who are in that station?

Mr. Shikuku: Mr. Speaker, Sir, the question of transfer is usually done administratively, and therefore, if those in charge of the police officer concerned feel he is not the right person there, together with the views being expressed here, they might take note of the feelings of the people in the area and could transfer him.

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

The Assistant Minister for Health (Mr. ole Oloitipitip): On a point of order, Mr. Speaker, while I do not want to interfere with this case, I kindly request your guidance. Since all of us in this House are shocked about this reply issued by the Assistant Minister, knowing very well that a Government sub-chief was murdered in the presence of a Government police officer, and the accused have been acquitted twice, is it not time the Assistant Minister tried to see the Attorney-General with a view to opening this case again because it is shocking the whole country?

The Speaker (Mr. Mati): That is a question, but I am sure he has heard what you have said.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUETION BY PRIVATE NOTICE: MURDER OF SUB-CHIEF AND ADMINISTRATION POLICEMAN

Mr. ole Sompisha: On a point of order, Mr. Speaker, Sir, in view of the unsatisfactory reply to the question, if the hon. Questioner is not objecting I would like to raise this matter on the adjournment.

The Speaker (Mr. Mati): All right. You do not have to say that now. Next question. Mr. Araru's Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

FAMINE RELIEF FOOD FOR MARSABIT AND MOYALE

Mr. Araru: Mr. Speaker, Sir, I wish to ask the Min'ster of State, President's Office, the following Question by Private Notice:—

(*a*) How much and what types of famine relief food have as yet been despatched to Marsabit District?

(*b*) How much of each type has been reallocated to Moyale Sub-district?

(*c*) Is the Minister aware that many people have died and are still dying in Moyale as a result of lack of food?

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. The hon. Member will be satisfied with the reply I will give him. The following quantities of foodstuffs have been despatched to Marsabit District for famine relief purposes. Maize and *posho*—2,792 bags; rice—680 bags; edible oil—674 tins; vitamins—229,880 capsules; milk and soup—20 tons. However, besides these, more quantities of other foodstuffs have been delivered to the district by voluntary agencies such as the Red Cross (and the President of the Red Cross is present here) and the National Christian Council of Kenya.

Of the above quantities, the following quantities have been reallocated to Moyale by the organizations I have mentioned as follows:— Maize—420 bags; rice—260 bags; vitamins—15,000 capsules; milk and soup—1,425 kg.

The Government, Mr. Speaker, Sir, is not aware that many people have died and are still dying in Moyale as a result of lack of food. The Government has stocked adequate supplies of foodstuffs in the district to keep the people going until they are able to feed themselves.

Mr. Araru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I have no quarrel with the President's Office and I do not know what was sent to Marsabit, and I quite agree with him because whatever is sent there is sent from here. What I would like to know from the Assistant Minister, as I asked in my question, is how much of each type of foodstuff was sent to Moyale Sub-District. Also, his reply, that 420 bags of maize have been sent to Moyale is untrue. Therefore, could he be specific and tell me how much of this foodstuff went there? Also, on to the second the part of the question, we are very thankful to the National Christian Council of Kenya for what they have done but we have never seen any member of the Red Cross there for his information.

Mr. Munyi: Mr. Speaker, Sir, I think all that the hon. Member should do is, first, to thank the Government for all that has been done there, and I would like to let the hon. Member know that it was only yesterday that these foodstuff were despatched and if he will go there by tomorrow, he will find that more lorries which were filled up with bags of rice and maize were despatched to Moyale yesterday. In addition, Mr. Speaker, Sir, a lorry, which was given by one of the organizations was also sent to Moyale and it is being used to transport food to all areas; not only in Marsabit Town, but also right inside the locations. Not only that, Mr. Speaker, Sir, a special vehicle—a Jeep—has been given by Government and is being used now to send foodstuff not only to Moyale but also to all locations within Moyale District and to other areas within that part of Kenya.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, may I seek your guidance here: though this question is confined to Marsabit only, it is a very important question in that it also touches on other areas affected by famine. Would I be in order to ask a general question, say, concerning my area under similar circumstances based on this question?

The Speaker (Mr. Mati): No! It might not be possible to get a reply because I do not know whether you were here when Mr. Munyi was replying to the question. He gave a long list of figures. Now, he is not likely to have figures for Machakos since he did not expect anybody to ask that, but what you could ask is a general question whether he could, some time, supply the figures for the various areas which are famine stricken and that would be a fair question. But you cannot expect him to give you a definite answer right now as far as your area is concerned.

Mr. Mulwa: Here is another question, Mr. Assistant Minister: do you not agree with me that

[Mr. Mulwa]
it appears as if you are keeping the food in stores? This is food, which should be given to these people, in various areas, who are famine stricken, and you are keeping it in store dishing out very little quantities, and as a result of this the people are still suffering whereas we understand, in fact, and even from the President's Speech himself, that there is enough food to give to these famine striken people so, why are you keeping it in the stores?

Mr. Munyi: Mr. Speaker, Sir, I am not aware that the food is being kept in stores. If the hon. Member has a specific case, then it can be investigated and action taken. However, I would like to add and say, Mr. Speaker, Sir, that Machakos District, where the hon. Member comes from, is one of the districts which have been given more foodstuff and I know that the hon. Member is happy and thankful for what the Government is doing and is continuing to do.

Mr. Kadir: Mr. Speaker, Sir, is the Assistant Minister aware that although some food is being taken there, a lot more of this food is being kept in the stores and the people are always fed with porridge and not the other food which is being taken there? Will the Assistant Minister, therefore, prepare now to instruct the officers to give the proper food to the people and not to lock it up in the stores?

Mr. Munyi: Mr. Speaker, Sir, the directive which the officers have been given is that they must give what the hon. Member calls "proper food". I would like to advise the hon. Member to get in touch with the District Commissioner, Isiolo, and advise him on what he thinks the Government should do to improve the distribution —— However, in any case, Mr. Speaker, Sir, we are very much satisfied with what is going on in the area, and even the hon. Member is also satisfied.

Mr. Araru: On a point of order, Mr. Speaker, Sir, I rise on a point of order because of the way the Assistant Minister has explained on how the food which was taken to Moyale in lorries and things like that. For the information of the Assistant Minister, Mr. Speaker, Sir, Moyale never received any food from March to April. Only 389 bags of maize went there and therefore all the food which he is mentioning only went to Marsabit District and is still locked up by some people in stores. I, myself, walked to the President's Office to inquire about this and I was told everything that is there, and even I have a copy of the letter which was sent by the district commissioner to the Minister of State, President's Office. I, therefofre, thank the President's Office and as I appreciate, they are doing their job. However, Mr. Speaker, Sir, my point is that the food which is there, I went to ask about it from somebody after I had obtained all the information from the President's Office to District Officer 1— he kicked me out of his office and told me that that was not my business: it was a private matter of the Government, and therefore he pushed me out with his hands when I asked him how much food he had received and what he was doing with it. I have witnesses to prove this. Therefore, what action is the Assistant Minister taking because the Government is providing food to our people and somebody is sitting on it? Where is this food going to: or is there somebody selling it in the country?

An hon. Member: Why did you not arrest him or push him out?

Mr. Munyi: Mr. Speaker, Sir, that is a good point which the hon. Member has raised and, therefore, I can give him an assurance that action will be taken and a further inquiry is going to be made into this matter. I am happy, Mr. Speaker, Sir, that the hon. Member is thankful to the Government for what has already been done, but there might be some shortcomings caused by some people in some areas. However, the Government has done its utmost and that point has been taken note of.

Thank you, Mr. Speaker.

The Speaker (Mr. Mati): Let us go on now. Next Order.

Mr. Mnene: On a point of order, Mr. Speaker, Sir, I know you gave a ruling about dress in the Chamber. I am always disturbed whether the hon. Chief Kitonga is using a jacket or something different. Could you please clarify this matter.

Mr. Kitonga: Mr. Speaker——

The Speaker (Mr. Mati): No, will you sit down, Mr. Kitonga.

Well, sometimes when things are done repeatedly and no objection is raised, they tend to be taken for granted as being harmless. Mr. Kitonga has been dressing like that since he came to this House and nobody has so far complained about his mode of dress. As such, it is assumed that it is decent enough for him to dress so.

Mr. Kitonga: Mr. Speaker——

The Speaker (Mr. Mati): Order! No more on that, Mr. Kitonga.

Mr. Onyulo: On a point of order, Mr. Speaker——

The Speaker (Mr. Mati): Yes, but not on the matter which I have already ruled on. Your point of order should not be on the question of Mr. Kitonga's dress.

POINTS OF ORDER

TIME FOR MAKING MINISTERIAL STATEMENT ON POISONED SUGAR GIVEN

Mr. Onyulo: Mr. Speaker, Sir, on the 28th of May 1971, the last Sitting Day before we went for the two weeks recess, the Member for Githunguri, hon. Magugu, raised a question on poisoned sugar which was alleged to have been railed from Miwani to Karatina. Now, the Assistant Minister for Agriculture, hon. Wanjigi, did say that he would report to this House his findings on this matter because the allegations were made. Now, on the 1st of June 1971, the Assistant Minister did attempt to give some information as to how that sugar became contaminated. He referred to Chemelil Sugar Factory and so far the name of Miwani has not been cleared in connexion with this matter. I would, therefore, like to seek your guidance as to whether: (*a*) the Minister is going to report his findings to the House as he promised and, (*b*) the hon. Member still feels that Miwani was responsible for this matter. I would also like an assurance from the Minister as to whether clearance on this matter is going to be given through media, other than the radio and Press, because the information has gone to the *wananchi* at the other end and they are feeling very much concerned about this issue.

The Speaker (Mr. Mati): Yes, Mr. Onyulo has raised an important point here. I do remember that the Assistant Minister for Agriculture did promise the House that he would report his findings on these investigations. Under normal circumstances, we expect the report to be made in the House before it is made anywhere else. Now, the case here was rather different in that we went into recess during that week and the matter was being whipped up in some quarters as I could see. It was, therefore, reasonable for the Ministry to try and clear the air before it becomes too late, and that does seem to justify his action, otherwise it would be indetensible. However, I still expect that he will come here and tell the House exactly the outcome of his investigations so that the House can clear up any other doubts that might still be prevailing.

The Assistant Minister for Agriculture (Mr. Khaoya): On a point of order, Mr. Speaker, Sir, this question was handled by my colleague, the hon. Wanjigi, but on behalf of my Ministry, I will undertake to get a report brought to this House.

DELAYING IN MAKING PROMISED MINISTERIAL STATEMENT ON RECRUITMENT OF PEOPLE BY CITY COUNCIL

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, during the last Sitting, before we went for a two weeks' recess, I did raise a matter concerning the Nairobi City councillors recruiting people instead of the usual administrative machinery being employed. One of the Assistant Ministers in the Ministry of Local Government did undertake to go and investigate the matter and report back. Now, we have resumed sitting after the recess and so far this matter has not been reported. Would you please give us a guideline as to how best I can approach this matter?

The Speaker (Mr. Mati): I think the Assistant Minister concerned, Mr. Ogutu, is here in the House and he has heard what Mr. Karungaru has said. Therefore, he might be in a position to say something.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I will leave the matter for my Minister to reply to.

Hon. Members: He is also here!

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I did not hear what the hon. Member was saying because I was having a private conversation with some hon. Members here. I should be very grateful if the hon. Member would let me know what the issue was about, Sir.

The Speaker (Mr. Mati): The issue was that Mr. Ogutu promised the House that he would investigate Mr. Karungaru's allegation that City councillors were recruiting employees instead of the proper machinery being followed. Mr. Ogutu promised to come and tell the House the results of his investigations and the House is still waiting.

The Minister for Local Government (Dr. Kiano): Well, I shall undertake, on behalf of my Assistant Minister, to provide this information to the House on Wednesday afternoon, Mr. Speaker, Sir.

DELAY IN DEBATE ON A MOTION NOTICE OF WHICH HAS ALREADY BEEN GIVEN

Mr. Araru: On a point of order, Mr. Speaker, Sir, I think you can remember that before we went into recess there was a Motion which was tabled by the hon. Mark Mwithaga, Member for Nakuru Town, about the party which was held in the residence of Mr. J. M. Kariuki, the Assistant Minister for Tourism and Wildlife. Mr. Speaker, Sir, up to now we do not know what happened to this Motion and we have been waiting for it every Friday but we have never seen

[Mr. Araru]
it on the Order Paper. As this Motion has already disappeared from the Order Paper, the public interest is to know what happened to it because rumours are circulating that Government has warned the person concerned and such like things. We would like to know what happened to that Motion, Mr. Speaker Sir.

The Speaker (Mr. Mati): Well, this Motion seems to have taken so long now and it seems that the urgency which existed at that time does not seem to be there because there are other Motions, or other matters, coming up where anybody wanting to speak about this issue can do so. As far as I understand, I think the Motion has since been withdrawn and the best idea is to continue with the present Budget Speech, which is a free business, or more or less unlimited. We should not try to revive the same issue which has taken so many weeks now.

TIME GIVEN FOR "PERSONAL STATEMENT" ON WITHDRAWAL OF MOTION

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, under the normal circumstances of the businesses of this House, when a Member is challenged in such a hypothetical manner, he is entitled to a personal statement. Am I entitled to one?

The Speaker (Mr. Mati): Do you want to make a personal statement?

Mr. Mwithaga: Yes.

The Speaker (Mr. Mati): Well, in that case you will have to produce the statement so that I can see it first because I do not know whether it could be in order or not.

Mr. Mwithaga: Mr. Speaker——

The Speaker (Mr. Mati): No, Mr. Mwithaga. This is the normal procedure and if you ask anybody he will tell you that he usually produces the statement beforehand so that the Speaker can see that it does not contain some attacks on other Members which are uncalled for and so forth.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this matter. Mr. Speaker, Sir, I know that any hon. Member can take the time of the House by giving notice of a Motion in the House. Now, in view of the fact that time of the House has been taken and the notice of a Motion has been given but the Member concerned disappears quite suddenly like that, what have we, as Members, to do in such cases because I think that once a Motion has been given notice of it becomes the property of the House? Are we not entitled to an explanation, through you, as to how we can deal with this matter, Mr. Speaker?

The Speaker (Mr. Mati): This is not the first time that Motions have been brought here and, for some reason have never been debated. This is not the first one. Mr. Wabuge has been in parliamentary politics long enough to know that. So, your point does not arise here. You might be dissatisfied with what has happened but this is not the first time such a thing has happened.

A MOTION DOES NOT BECOME THE PROPERTY OF THE HOUSE UNTIL IT HAS BEEN MOVED

Mr. Wabuge: On a point of order, while I do not want to disagree with your ruling. As you know, Mr. Speaker, when this matter was first raised here—— When this matter was first raised here, you saw the atmosphere of the House and you understood it. You said that the matter should not be raised under Standing Order No. 20. You suggested that it should be brought on a Substantive Motion.

Now, my argument here is: since it was given notice of, and therefore, it became the property of the House, is the hon. Member entitled to withdraw it just quietly like that without the House being informed?

The Speaker (Mr. Mati): First of all, Mr. Mwithaga said that he wanted to make a personal statement. You do not know what the statement will be. Secondly the Motion was never moved. Therefore, it was never really, the property of the House—until it is moved by the person who gave notice of it—according to the Standing Orders. So, what you are saying is—— You may express dissatisfaction; but to try to imply that the Chair, for instance, has stopped you from raising this matter is unfair because the Motion had been approved and notice was given. Therefore, your suggestion does not carry any weight.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of information, I think the hon. Members, having been in this House for a long time now, have seen that—and normally, if you were to be stricter than now—many of the questions which come to this House could have never been answered. This is because what happens is that if the Questioner is not present in the House, he asks his friend to ask the question on his behalf. However, what can happen is that somebody can easily say, "On behalf of my colleague, I beg to ask question No. such-and-such", which is not true. Secondly, somebody can be sick, or if one of his relatives can be sick, it is not something that can be controlled by this House. If, therefore, his Motion is not moved, it is not your fault or anybody else's fault. So, if you study the Standing Orders, you will find that these things normally happen.

Mr. Kadir: On a point of order, I remember that in the last Sitting when the hon. Araru, asked a question in this House, the Minister for Local Government promised to look into the question of allocation of plots in Isiolo Township. The Assistant Minister, Mr. Ogutu, promised that he was going to bring a list of the names of those people who have been allocated with plots. Up to now he has not brought the list. Is he prepared to produce it now?

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I promise the hon. Member that I will produce the list on Tuesday.

BUSINESS

ORDER OF BUSINESS

The Speaker (Mr. Mati): Just before we go on, there is a typographical error on the Order Paper. The numbers do not follow the proper order. After questions, the Procedural Motion will be Order No. 4 and the others will be Orders No. 5 and 6 instead of 6 and 7.

PROCEDURAL MOTIONS

EXEMPTION FROM STANDING ORDERS: PRECEDENCE OF FINACIAL STATEMENT

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

> THAT the business appearing on this day's Order Paper be exempted from the provisions of Standing Order 137 (1) which gives precedence to the debate on Financial Statement.

Mr. Speaker, this is a Procedural Motion and the Standing Order which I have quoted is self-explanatory because it states, on page 42 of the Standing Orders booklet—

> "Unless the House otherwise orders, the debate on the Financial Statement on the annual Estimates shall take precedence over all other business, and until disposed off shall be set down each day as the first business of that day.

Yesterday, Mr. Speaker, we had a financial statement made by the Minister for Finance in this House. Naturally, today we should embark on the financial statement debate—discussion on the Budget. However, since we would like to get some of the businesses to be conducted, particularly the business on Order No. 6 on the Order Paper, we would like to exempt this business from this Standing Order so that we have the Motions on the Order Paper debated.

This being a Procedural Motion and having had the applause we had yesterday when the hon. Gatuguta was giving notice of the Motion in question—Order No. 6—I think that it is only natural that the Members of this House would appreciate the importance of that Motion and therefore support this Procedural Motion.

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

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I beg to second the Motion, knowing that we have a very improtant Motion under Item No. 6 which touches the hearts and the daily bread of every *mwananchi* in Kenya. I, therefore, think it is only reasonable that we allow ourselves to brush aside this Standing Order, which is referred to under item No. 4, with a view to giving ourselves ample time, this morning, to ventilate some of the feelings which we carry on behalf of the nationals of Kenya.

With these remarks, I beg to second.

(*Question proposed*)

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, since there is nothing to be debated in the Motion, would I be in order to move that the Mover be called upon to reply?

The Speaker (Mr. Mati): It seems there is no objection.

An hon. Member: Are you objecting, Mr.——

Hon. Members: No!

The Speaker (Mr. Mati): In that case I will put the question.

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

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

(*Question put and agreed to*)

LIMITATION OF DEBATE: SPEECHES IN BUDGET DEBATE

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

> THAT each speech in the debate on the Financial Statement on the Annual Estimates shall be limited to fifteen minutes excluding the Mover's speech and reply.

Mr. Speaker, Sir, this is a very usual Procedural Motion as we always have it before we embark on our Budget Debate, and I am sure the hon. Members are quite aware of this. Therefore, there is no need for me to labour trying to create a case because the case is obvious. Therefore, Mr. Speaker, Sir, in order to get straight into the business we have before us in Order No. 6, I beg to move.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to second, but I would like to make one comment. I would like to say that 15 minutes is quite unreasonable because——

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Is it not out of order for the Assistant Minister, to say, "I beg to second . . ." and then say he intends to make some remarks? Is he really seconding, or he is opposing?

The Speaker (Mr. Mati): What I would like to know is whether Mr. Munyi said 15 minutes were reasonable or were unreasonable.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I meant that 15 minutes were reasonable.

Mr. Speaker, Sir, after having said that, I can only recall that in the then Senate, which was abolished, we used to speak for days, but this time hon. Members will be given only 15 minutes to speak. In any case, since it has become a tradition, I would like to second the Motion.

(Question proposed)

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, I would like to move that the Mover be now called upon to reply.

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

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): Mr. Speaker, Sir, I must congratulate the hon. Members for their co-operative attitude this morning; and I beg to move.

(Question put and agreed to)

Dr. Munene: On a point of order, Mr. Speaker, Sir, now that we have gone over the big problem which was going to prevent us from coming to Order No. 6, would you, Mr. Speaker, clarify this point here. Procedural Motions are supposed to be moved by the Leader of Government Business here. By virtue of the Vice-President being the Leader of Government Business, as well as the Minister for Home Affairs, does it mean that his Assistant Minister is the Deputy Leader of Government Business?

The Speaker (Mr. Mati): I do not see any relevance in what Dr. Munene has said. The Leader of Government Business was not going to—— Are you talking about the Motion which we have just gone through, the Procedural Motion?

Dr. Munene: Yes, Sir.

The Speaker (Mr. Mati): This, really, does not arise because Dr. Munene has seen Assistant Ministers moving so many Motions and Bills here. Why make an exception of this? I think we are taking the time of the House for nothing. Next Order.

Dr. Munene: On a point of order——

The Speaker (Mr. Mati): Not on that, Dr. Munene, because you know you are wrong.

Dr. Munene: Mr. Speaker, Sir, it is indicated on the Order Paper that this Procedural Motion is going to be moved by the Leader of Government Business——

The Speaker (Mr. Mati): Order, Dr. Munene. It is well known that on the Order Paper we give the Minister's titles, but it depends on who moves from that Ministry. If the Minister is not there, the Assistant Minister can do it; and even if the Minister is here, and it has been arranged that an Assistant does that, then, it is done. This is what happens daily and I do not see any problem at all.

MOTION

CONFIDENCE IN THE PRESIDENT'S LEADERSHIP AND GOVERNMENT

Mr. Gatuguta: Mr. Speaker, Sir, I beg to move the following Motion:—

> THAT, in view of the recent shocking and illegal political activities on the part of some misguided individuals in the Republic of Kenya, this House expresses its fullest confidence in His Excellency Mzee Jomo Kenyatta's leadership and in the Government of Kenya, and further declares is determination loyally to support the President and the Constitutional Government of Kenya as by law established.

Mr. Speaker, Sir, I would like to say at the outset that the Motion before the House is quite clear and straightforward. The Motion has two purposes as one can see. It seeks, first of all, to demonstrate to all the people of Kenya and the world at large that the people of this country, through their popularly elected representatives, have the confidence in the President's leadership and the democratic Government of our Republic. It also seeks, secondly, Sir, to condemn unreservedly the barbaric attitude of a few foolish and criminally minded people in the Republic who have attempted or are still attempting to change our beloved Government through violence.

Everyone in this country knows what has been happening in the last few days. I would like, first of all to express my thanks and, I think, I am speaking on behalf of many Members in the House, to our security force of our country for having been able to discover these barbaric criminals who were attempting to plot against the Constitutional Government of our country.

[Mr. Gatuguta]
We mean to thank them, Sir, because if they were not efficient enough, if they were not able to discover these criminals, many of us would not have been in this House today. They were attempting to blow up the House, this National Assembly, so it would not have been here now——

Mr. Seroney: On a point of order, Mr. Speaker, Sir, when I saw this particular Motion, there was nothing which was objectionable. However, is the Mover now not infringing the *sub judice* rule because there is an appeal pending against sentence and what he is saying now is calculated to affect a case which is pending. Could he not avoid that aspect of the case or postpone this debate until the case is heard? I am serious, Mr. Speaker, Sir.

The Speaker (Mr. Mati): Last time you raised the same point as a result of a question by an hon. Member and I pointed out that there were two aspects of this case. There is the aspect of their having pleaded guilty and, therefore, to that extent, things on that, surely are infringing nothing since they pleaded guilty and were convicted. Some of the things which Mr. Gatuguta is referring to were what they themselves said in their statements. Now, if Mr. Gatuguta went farther and started talking about the appeal and things like that, that would be wrong. However, certainly, what was admitted by these people themselves cannot be *sub judice* in that they have been convicted of their own plea of guilty.

Mr. Wabuge: On a point of order, Mr. Speaker, Sir, in view of the fact that these people have been convicted and that there is still a move by the security section whereby they are picking up some more people who might be charged for the same offence, for questioning, would it not be premature to go into the details of the case since the security section is still investigating and possibly some other people might be brought before the court and we might not know whether they are going to plead guilty or not?

The Speaker (Mr. Mati): No. In the inner sense, your fears are hypothetical, Mr. Wabuge in that you are saying that investigations are still going on. All right, but you do not know what the result of the investigations will be, unless you can tell us. You cannot, therefore, say that we are prejudicing any case when you do not know of any case, in any case.

A matter only becomes *sub judice* when it has been brought to court. This debate is not about anybody who is before the court now as such.

Mr. Wabuge: Mr. Speaker, Sir, every time in this House when there is a question for a Minister to answer, he always comes to say, "The matters are still under investigation" and you right away rule that since the matters are still under investigation, we should not go further. Now, do I understand from now on when a Minister says that matters are still under investigation, we must insist that he must answer?

The Speaker (Mr. Mati): No, Mr. Wabuge, unless you have some other purposes for trying to mislead the House, you cannot quote anywhere I said that because a matter was being investigated by the police, it was *sub judice*. On the contrary, I have told Ministers that they could not plead *sub judice* if the matter was just being investigated by the police. Many Ministers have probably not liked it. It is on record. If you read your HANSARD you will see that. So, do not try to mislead the House; you should reveal whatever you have in mind when you come to speak. Do not use the Chair to confuse the House.

Mr. Gatuguta: Mr. Speaker, before I continue with the Motion, I have two points to make in respect to the points of orders raised by the two hon. Members. One is that the question of appeal has nothing to do with conviction. The appeal by these people is against the sentence alone but not conviction. My learned friend, Mr. Seroney ought to know this better, being a lawyer himself. Secondly, I am very much surprised to find that there are some people who are trying to disrupt this Motion and are attempting to be sympathetic to criminals—people who were trying to destroy this House. They should get no sympathy at all.

Mr. Seroney: On a point of order, Mr. Speaker, that is a very improper motive; will the hon. Member withdraw it because it is against the Standing Orders.

The Speaker (Mr. Mati): What is your objection, Mr. Seroney?

Mr. Seroney: The hon. Member is imputing improper motives.

The Speaker (Mr. Mati): In what? On whom?

Mr. Seroney: On the two Members who have raised points of order.

The Speaker (Mr. Mati): No, you see, what is happening now is that if a Member raises a point of order which is not really a point of order, then, obviously he is provoking trouble. Mr. Wabuge's claim, as far as the Chair is concerned, for instance, was completely out of order because it was not true; it was false. So, if you provoke this kind of thing you get it.

Hon. Members: Hear! Hear! Yes, you get it.

Mr. Wabuge: Mr. Speaker, I am now becoming rather perturbed. When a Member says that—for example, I raised a point of order—my point of order demonstrated my sympathy to the criminals, can he substantiate this allegation? Has he gone into my mind to know that I am sympathizing with the criminals?

The Speaker (Mr. Mati): Since you were not in order yourself, Mr. Gatuguta might have been moving a bit too far by suggesting that any Member could at all be sympathizing. But this was based on the reaction and these are some of the things—some of which were said by you—which I took objection to myself because they were not true and you knew they were not. Now, I will only ask Mr. Gatuguta to keep away from any imputations; we will not take any more time on this unless it is the intention of the House that we should stop this debate.

Mr. Gatuguta: Mr. Speaker, Sir, I will proceed with the Motion and I will continue with what I was saying. I had just made a remark on the question of our security and I thought the House ought to congratulate the security people for being able to discover this plot.

As the Motion states, Sir, we wish to express our confidence in the leadership of our President and the Government. I believe the majority in this country, a very big majority of our people are satisfied with the leadership and the Government. This kind of thing of having a few people who are dissatisfied with what is happening is everywhere. People who can never be satisfied with what is being done are everywhere. However, we want to say that in our own country we have a leader who has sacrificed his own life for the benefit of *wananchi*. Since independence the leadership that we have is devoted to the development of our people both economically and socially. In my remarks at the beginning, I said this is a democratic Government because I believe that there is no country in the world that could be more democratic than our country Kenya. Here, in Kenya, people are free to speak their mind. In this House, we have been extremely free to criticize our own Government so that we can move ahead and get the things that we want. What we have been against is subversion. As long as we are alive, we shall fight against anybody who tries to introduce subversive methods in this country. We have just emerged from General Elections; two years are not yet finished since the General Election. The General Election was free. They were given the opportunity to change the Government through constitutional methods; through the ballot. The country demonstrated its wish by electing the people who are in this House and by electing the Government we have today.

Now, Sir, it is, therefore, very surprising to find that after the people have expressed their wish, some people should think of overthrowing this popularly elected Government. We can only say that these people are misguided, we can only say that they were frustrated and they did not know what they were trying to do. We would, therefore, ask our Government to be watchful and to eliminate anybody else remaining in the Republic who has the same thoughts like the persons who have already been arrested. Why do we not look at African countries where revolutions have brought nothing good but only bloodshed? Who wants bloodshed in this country? We do not want bloodshed. I was very surprised, when I was reading the procedings of that case in the papers, that the mitigating circumstances that they gave were that they had children and wives at home. Why did they think about their children and wives when they were not ready to think of the children and wives of the people they were going to kill?

An hon. Member: Tell them!

Mr. Gatuguta: The people they were going to kill have children and wives; they should have thought of that first. In fact, this Government is so lenient to have convicted these people for sedition instead of treason. These people had committed a crime and the sentence or conviction for this crime should have been death by hanging but because of our sympathy and the leadership that we have, they were given a lenient sentence.

Mr. Speaker, Sir, Mzee Kenyatta has, as I have said, spent a lot of time in building this nation and many more people have joined him in building this nation. It is very difficult to build but very easy to destroy. All whatever has been done for this country during the last 40 to 50 years could have been destroyed by these criminals in one or two days. Therefore, we want to say that we are satisfied by the progress that is being made here in Kenya. Our economic development has advanced very highly and everybody knows about it. The country is free and everybody has a right to do what he wants in the way of business, or trade and so forth to build himself up. Most of us who were here during the colonial period—and I think most of you were here—know that we were being discriminated against. We had no opportunity to get into business; we were being discriminated even to go into the European hotels; and we were discriminated in every economical, political, and social life of our country. What do they want? Why should anybody

[Mr. Gatuguta]
support people who want to overthrow our Government?

An hon. Member: Or sympathize with them?

Mr. Gatuguta: Or sympathize with them? I read the records and I found that some of them were sick people, some of them were frustrated fellows. Unfortunately, they claim that they were supported by some very big people. Sir, I think this House has the right to ask the Vice-President and Minister for Home Affairs when he comes to reply, to tell us who these big people are. Where are they? Have they been arrested? If they have not been arrested, why not? We want to know. They were mentioned. It was mentioned that there were some other big persons involved in this matter. This is a very serious matter, Sir, and nobody should be given the slightest chance of doubt if he is suspected to have been involved in this type of criminal activity. In fact, some Members have said—— This is very dangerous. We have been told that even some Members of Parliament are involved. Mr. Speaker, Sir, if they are still in this House, what are they doing? Government should get hold of these people and bring them to justice. If there are some other people outside this House who have been involved in these criminal activities, they should also be arrested. This is because, for example, if I go out now and start talking to a colleague and Government happened to know that he was involved in these activities, they may think, because I am talking to him, I am also involved.

We are also in danger because you do not know who you are talking to. Therefore, I urge Government to take a very serious view of these things and not just to tell us that there are people involved. We want to hear that they have been arrested and that we have been cleared so that we know that the people who are left are good ones and we can talk to them without fear. We are now afraid for we do not know who to talk to, because we are afraid whether he is involved or not in these things. Therefore, I wish to move that this matter be discussed in a very reasonable manner. I do not wish to raise emotions on the matter.

Sir, this Motion should give us an opportunity to review our progress since independence and demonstrate to our people that whatever Government is doing is the best it can do; and no other government can do better than our present Government. I think any wise man will realize this as a fact. This country has no other leadership which can be better than the present one. In fact, everybody is praying all over the country —the majority of the people are praying—I should not say everybody, because we have seen recently that there are some people who think differently—everyday that Mzee Kenyatta continues to lead this country for many more years to come. This is because during his leadership, the country has been peaceful and stable. What other things do we want apart from stability and peace in the country? It is only in the atmosphere of peace and stability that a country can advance socially, economically and even politically.

Therefore, I hope the Members of this House will support this Motion, adopt it and condemn in the most strongest terms any idea of an individual or a group of individuals who will try to entertain the idea that they can overthrow this Government by violence. This is because violence brings violence, and we do not want to reach that stage. I am prepared to say that anybody who is dissatisfied by what is going on in the country, let him form a political organization of his own and agitate for an election so that Government can be changed through Constitutional means. We want to establish democracy in this country which is equal to any other form of democracy in any other country.

Mr. Speaker, Sir, the other thing I wish to say is that we want the Vice-President and Minister for Home Affairs to tell us whether there are foreign elements involved in this plot. This is because we understand these people have been going around countries outside Kenya to seek financial aid. Which are these countries that are our enemies? Have these people who are involved in the plot been supported by foreign elements? We want to know this because we know some countries these days have began thinking about revolutions in other peoples' countries so that they can create their own puppet governments. Is there a foreign power trying to change this Government and create a puppet government? These are some of the things we would like to be told by the Vice-President and Minister for Home Affairs when he comes to reply.

Sir, the other point I wish to make is this: our Government should not be lenient. If any more people are arrested for plotting to change our Government by un-constitutional means, they must be tried for treason as the law establishes. There is no question of being lenient because these people, if they took action, would have not been lenient. They were going to eliminate all the leaders; and they were going to eliminate everybody who would be opposed to them in order to establish their own Government. They were not going to be lenient; so why should we

[Mr. Gatuguta]
be lenient to them? Why should our Government be lenient to them? That is a very important point. However, I am glad that Government was capable of saving the lives of millions of people here. This is because, as I have said, if these people had taken action, so many people would have lost their lives.

Mr. Speaker, Sir, let me make my last point; I know our people will fight in the streets; they will fight in the forest; they will fight through all corners of Kenya against anybody who will try to change this Government. Let nobody be mistaken that he can play about with a Government like this. This is because the masses are behind Mzee Kenyatta; they are behind the present Government and they are behind the present leaders. They will not tolerate anybody who thinks that just because he has a gun he is supreme. The people will fight using stones; they will fight using *marungu* and *mapanga* and they will fight using everything that they will come across against anybody who will try to change our Government.

Sir, I know there are many Members who wish to speak on this Motion, I therefore, move the Motion.

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Speaker, Sir, I am glad to take this opportunity to second this Motion. In normal circumstances——

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, the hon. ole Marima was the one to second the Motion.

The Speaker (Mr. Mati): Hold on, Mr. Khaoya. I think in future, the person moving a Motion should indicate to the Chair who his Seconder is before he starts to move his Motion. We do not want this sort of embarrassing situation developing again. I am sorry, I have already called Mr. Khaoya, but I think it is only fair that Mr. ole Marima seconds the Motion first then Mr. Khaoya will speak after him.

Mr. ole Marima: Mr. Speaker, Sir, I would like first of all to appeal that while we are discussing this sad Motion we should be calm and mature as demonstrated by our own Government as far the treatment of these criminals is concerned.

Mr. Speaker, Sir, when we first heard over the radio and read in the newspapers about this attempted *coup d'état*, some of us could not believe the news. This is a Government where many of us think or believe that we have had the opportunity to express ourselves in this House and outside this House as best we could and with very little interference. You cannot, and I repeat, that it is very seldom you can find this kind of freedom being enjoyed elsewhere in the world. It is true, Mr. Speaker, Sir, that we cannot deceive ourselves that here we have a Government that does everything 100 per cent correctly. We have an unemployment problem; we have people who are hungry; we have people who have no land and we must expect them to grumble. However, they must understand that this Government is not closing its eyes to their problems. We are out everyday trying to solve these problems. We must consider this, Mr. Speaker, Sir, in the light of what has happened elsewhere in Africa. We have had series of *coups d'état* since the first one took place in Togo. Looking at this trend, one should stop and wonder whether this is an attempt by the foreign governments to revert to the *status quo* so that Africa will be, once again, colonized.

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

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

We must not, therefore, allow our own people to be misled by little complains to think that overthrowing the Government, is the solution to our problems. How many of these governments which have been overthrown through forceful means are, in fact, better than the governments which took over? There are many governments which are worse than their predecessors. We shall, therefore, warn, realizing our force, that our problems must be solved in a democratic way, through voting and discussing, but not through shedding of blood. Mr. Deputy Speaker, Sir, those of us who have read the history of the life of His Excellency the President of this Republic would not be left with any doubt, of his love, sincerity and faith towards the peoples of Kenya. Whatever force is used by the Government, and mind you we are a part of that Government because we are advisers to Mzee, must not be interpreted or used by any one of us as bad intent to destroy the good Government which fought, very hard, to gain our independence.

Mr. Deputy Speaker, Sir, I would not like to take a lot of the time of this House, but I would like to say that those of us who were elected, in fact, should know that there are very many governments in this Continent which did not live long enough to see democratic elections in their respective countries. Ourselves, we saw this happen in our country. In fact, in our timetable it is stipulated the number of years we shall be in this Parliament before holding the next elections. The last elections were almost held on the target date. Those people who said, before we gained independence, that Mzee was a leader to darkness and

[Mr. ole Marima]
death, cannot come face to face with Mzee because this Government is indeed much more democratic than theirs. Mr. Deputy Speaker, I would like to appeal to the House, and the world should learn from us here, and from our masses when we demonstrate on 27th June, that those people who had planned this *coup d'état* were misguided or probably were abnormal and they are also so very few that they cannot form a fraction in this country. The majority of us, 99.9999 per cent do support this Government. Mr. Deputy Speaker, Sir, I can go further and say that the people I represent cannot imagine that anybody with a sound mind can plot a thing like this. Any Masai wearing a blanket can walk straight and see Mzee and can speak out his problems with him personally. Where else can this kind of a thing happen?

Mr. Deputy Speaker, Sir, I would like to give a chance to the other hon. Members, but I would like to say that the world should learn from us that we shall totally fight tooth and nail any foes on the mountains, in the holes or anywhere to support the Government we have so pledged to support.

Thank you, Mr. Speaker, Sir. I beg to second.

The Assistant Minister for Agriculture (Mr. Khaoya): Thank you, Mr. Deputy Speaker, Sir—— This Motion——

An hon. Member: The question has not been put.

(*Question proposed*)

The Assistant Minister for Agriculture (Mr. Khaoya): Mr. Deputy Speaker, Sir, the hon. Member for Kikuyu must be congratulated—that is hon. Gatuguta—for having taken a lead in this House to try to show the whole world the feelings we Kenyans have with regard to the incidents which have taken place recently. It is a Motion which is fair and honest and on which an honest opinion or an honest feeling should be expressed here. The fact that we did not debate this matter before, only demonstrates how mature we, in Kenya, are in that we allowed justice to take its course. Only after that we came to register what everybody in the country think as far as this issue is concerned so that we could not be misunderstood.

We have read contemporary history; we have seen big names coming up and then disappear; we have heard of Ben Bella and what happened after him; we have heard of Nigeria, the Great Congo from which we have learnt a lot, if I may say so, we have seen what has happened in Uganda—our neighbour—and we know what is going on there and, of course, we have seen what has happened in the Sudan. After seeing all these incidents, one question which has been in our minds—and I am reminded of Somalia, but I can say that we can go on mentioning many other countries because there are very many other countries where such incidents have taken place —— "What do all these incidents mean"? This is the question one has to ask himself. There have been some foreign elements who have volunteered to give answers. Some of these people have dared to say that the reason behind these happenings is because we on this Continent do not give enough breathing space to the opposing views and that we do not take the lesson we learn from a motor-car, whereby the radiator has a lid that has a safety valve to let off the steam and therefore, that is the reason why we are having problems in Africa. If that is what foreign elements are thinking, I would like to tell them, and assure them, that we in Kenya have given them the biggest breathing space, more so than other African county on the Continent and that perhaps even the European countries may live to learn from what our leader has now and again said "To forgive without bitterness". This is something that we never heard of before in the European Continent but which we have learnt in Kenya. I can say that apart from the recent—it was in 1969—assassination of the late T. J. Mboya probably, in Kenya we have made more progress in the last eight years than the whole of 70 years or 80 years of the colonial régime which started since the famous scramble for Africa of 1888. Sir, I heard it was in Brussels—whatever place it was. For all that period, they did nothing. However, in only eight years, we have done something for which we should be proud of.

I sometimes wonder what does a native of Kenya think and want? This reminds me of a discussion between a son and his father; the son volunteered to say that his name was Jimmy, and that all he required was plenty of good food and some shelter. I think everybody in Kenya wants some good food and some shelter. I am sure that this is what our present Government is giving right from Malindi to Malaba on the other side of our country. Only yesterday, those of us who were here, were able to listen to what progress we have made. I can say that in the farming community, we have never had it so good. We know of prices that have gone up, for instance, in maize. We know that for those who grow beans the price has gone up. Those who sell milk, the price has gone up.

[The Assistant Minister for Agriculture]
We have had some concessions on farm machinery and the fertilizers' subsidy. Now, what else can, say, an average farmer in Kenya demand from his Government? I submit that they are getting the fairest treatment they can ever hope to get either here or in heaven after death. We have a saying, Mr. Deputy Speaker, Sir that "Once bitten twice shy." This brings me to the question of what punishment the culprits should receive.

Mr. Deputy Speaker, Sir, I have already been warned by my colleague that there is an appeal pending on what sentence they should be given. So, we are to refrain from commenting on that. However, all I wish to say here is that the punishment should be able to deter any other fellow who might be thinking on similar lines or anybody who might wish to dream about changing this Government. Mr. Deputy Speaker, Sir, we have had it so good that we would like to continue the way we are because surely if you have been eating a cake and then you change suddenly, who knows whether you are not going to eat ginger or *waragi* for that matter? We are accustomed to eating cakes and I wish we continue that way. However, Mr. Deputy Speaker, Sir, one point I would like to bring forward is that people of this nature when they are caught are bound to panic and mention a lot of names here and there saying: Oh! I was with hon. Khaoya, hon. Dr. Waiyaki or So-and-so. This should be taken like those words from a drowning person. A drowning man will get hold of anything even though they may sink together. We should be cautious that when names are put up, as a Government we remain calm and differentiate the chaff from the grain. As the hon. Gatuguta very ably put it, now we do not know who to take tea with! If somebody comes late in the night and sleeps at your house, you will not know whether tomorrow he will say that we were plotting with So-and-so the other day and that he spent a night in your house!

Hon. Members: Hear! Hear!

The Assistant Minister for Agriculture (Mr. Khaoya): So, Sir, if a name is merely thrown out, our Government should be calm enough and should not incriminate one on the basis that a name has been mentioned by one of these criminals.

Mr. Deputy Speaker, Sir, once more I would like to say something about our leader and his leadership. I think we have the most unique leader in the whole Continent of Africa. We are happy and proud to have him. He has been given this mandate by all *wananchi*. Now, anybody who doubts that, let him go to the poll and stand against him. I can assure him that we in Bungoma District shall just brush him aside and continue voting for Mzee Jomo Kenyatta.

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

Mr. arap Saina: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support my colleague who moved this Motion.

Mr. Deputy Speaker, Sir, it is very, very dangerous to have a child born which when growing in a healthy condition without even a little cold reacts very much. The point, Sir, is that there is somebody somewhere or a group of people who are very, very jealous of Kenya.

Hon. Members: Hear! Hear!

Mr. arap Saina: We have been growing very healthily, so prosperously without any jealousy to any other friendly country in Africa. Perhaps, Sir, other friendly states in Africa have a friendly jealousy to Kenya. Our economy which was revealed yesterday is really very prosperous. I would like to take this opportunity, Mr. Deputy Speaker, Sir, to ask the Government of Kenya to take precautions, precise precautions, against these subversive elements. There are some people somewhere who may come and speak to me about their friends. I think, I must be careful with anybody who comes to speak to me; even you hon. Members.

Hon. Members: Hear! Hear!

Mr. arap Saina: All of us, Sir, are very suspicious. We are very suspicious of what to wear, of what to eat, of what to speak and even of where to sleep!

When we went on a short recess, Mr. Deputy Speaker, Sir, we left this House in a healthy mood. Some of us went to plant maize and wheat but in a very short time, we heard of a very astonishing thing to the effect that some people wanted to overturn the Government. Mr. Deputy Speaker, Sir, I would like to ask, particularly, the Vice-President to clear Nairobi completely because we find that some of these people who have been sentenced between seven and nine years' imprisonment are people who roam about in Nairobi. They go from one office to another. They even do not know their homes; since they left their homes, they have never gone back there for a long time. These are the people who have to be cleared from Nairobi completely

Another point, Mr. Deputy Speaker, Sir, is that the Government of Kenya must be very, very careful with foreign aids. We have many foreign countries which are friendly to Kenya and have embassies in this country. I would like to say that the enemy that you know is better than the

[Mr. arap Saina]
enemy you do not know. There are communist elements in this country and we do not know them. Sir, Russia has never ruled Africa and these countries have started penetrating Africa in all ways. They approach from all directions: from the front, behind, left, right above and under the ground. Mr. Deputy Speaker, Sir, these are the things which are confusing the leaders. The practice of *coups d'état* is not new in Africa.

The Deputy Speaker (Dr. Waiyaki): Order! I must remind the House of the rule that you do not criticize a friendly country except on a Substantive Motion. We have diplomatic relations with Russia. So unless you introduce a Substantive Motion you cannot attack them here in the House.

Mr. arap Saina: Mr. Deputy Speaker, Sir, before I withdraw I would like to say that we are either aligned to the East, which is either communist——

Hon. Members: No, no! You are lying.

Mr. arap Saina: Mr. Deputy Speaker, Sir, I beg to withdraw.

Sir, while appreciating and congratulating the Mover of this Motion, and also Government for having taken strong action to arrest these subversive elements—the people who have lost interest, and who say that they are frustrated—I would ask Government, after cleaning up these people in towns, to do more checking, not only in towns outside Nairobi, but right in the reserve also, so that these elements which generate sedition from Nairobi may not move and spread out into the country-side. One rotten potato will spoil so many in a bag. So, Sir, I would call upon Government to engage and train as many people for the Criminal Investigation Department and Special Branch as possible.

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

Mr. Kitonga: Mr. Deputy Speaker, Sir, first of all, I thank you very much for giving me this chance. I would like to take this opportunity to thank the Mover of this Motion. He took trouble to think and bring this Motion here, and it has come on time.

I also wish to thank His Excellency Mzee Jomo Kenyatta for his good leadership of this country for the last eight years without anything bad happening.

Sir, I also wish to thank the Kenya Government and all the leaders of Government. All these have helped in solving the problems facing Kenya very ably. For this reason, Kenya has shown to the world that she is a democratic country. This is known because we have set a precedent in history in the world by governing ourselves for the last eight years, and this is the ninth year, without any problem. This is what we like, and we pray God that we may continue doing the same.

Mr. Deputy Speaker, Sir, I would not forget to thank the members of the Intelligence Department of Kenya for the good work they are doing. I thank them and congratulate them, and also ask them to try and do much better than they are doing now.

Mr. Deputy Speaker, Sir, no doubt I must blame anybody or those who have an intention of overthrowing our elected Government. It is recently when we had General Elections in this country. By the leadership of Mzee everybody was welcome to come into the field and contest a seat. This never happens elsewhere. We were all welcome wherever we were to come out and contest seats. I did not see these people who were planning to overthrow the Government coming out to contest. Where were they at that time? Why cannot these people contest for parliamentary seats? These people must be condemned today very strongly. I would like to state that if there is any hon. Member in this House who is today dreaming to involve himself in this sort of activity he too must be condemned and I only wish that he would die tomorrow! We are given every chance here to speak our minds without reservation; and if that is the case, therefore, why should we have this underground movement? This is completely unfair.

Although I am a believer in change I am not going to agree with this idea of overturning the Government through violence—this is a damned thing.

An hon. Member: Remove your shoes and demonstrate!

Mr. Kitonga: We do not want this kind of change.

I would like to advise the Kenya Government that when they are investigating this very important matter they should make sure that investigations are not polluted by *fitina* because I know there are some people who celebrate on such occasions like this one. I can recall that we learned our lesson during the emergency because some people used to go to the Government and claim falsely that they knew of some people who were involved in certain activities—they did all this in order to get money. I should, therefore, like to advise the Government to handle this matter very carefully because we would not like to entertain that sort of *fitina*. We are not here to fear because we are here to remain in Kenya.

[Mr. Kitonga]
Those people who are investigating this matter should be careful in the way they handle it.

I would like to thank the Kenya Government in the way it handled those plotters because when they were taken to court they pleaded guilty. This shows quite clearly that the Kenya Government has a good intelligence network and has real democracy. Nobody can claim that these people were taken to court for nothing because they pleaded guilty. We are here to condemn them!

I would not like to waste time of the other hon. Members. Finally, I would like to state that the people of Kitui and particularly people from Kitui East have confidence in the Government and the leadership of Mzee and Kanu as a party and at present we do not know anything about an underground movement. My people have commissioned me to come and state this in this House in order that we may continue to support Mzee.

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

Mr. Ayah: Thank you very much, Mr. Deputy Speaker. I would like to thank the hon. Member for Kikuyu for bringing this Motion before the Floor of the House. Hon. Members like myself, have been absolutely shocked at the time this group of misguided and, in my opinion, abnormal people came to light that they had intention of subverting the Government. I would like to support this Motion in three capacities. First of all I would like to support this Motion in my capacity as a parliamentarian. As a parliamentarian I am a great believer in an orderly change of Government through the ballot. This is important, Mr. Deputy Speaker. Those of us who were recently given the job by the *wananchi* to come to this House to voice what is their opinion, to the best of our ability and judgment, know—and I personally know—that this is the best form of Government. Somebody once said that perhaps democracy is the worst form of Government, except for the alternatives. I think it was Winston Churchill who said this. The alternatives are all the worst, and the worst of the alternatives, Sir, is violence. I am told, and I read in the papers, that these people, one of their targets was this National Assembly. I must thank the Government in that they took prompt action, it is because of this that we are still alive in this House.

The second point that I want to address myself to, Mr. Deputy Speaker, is contained in the last part of this Motion which says—

". . . . and further declares its determination loyally to support the President and the constitutional Government of Kenya as by law established."

This is very important, Sir. We as representatives of the people—in my capacity as the representative of Kisumu Rural—believe that we cannot run any society, this Government, unless we believe in discussion, unless we believe that other people are as valued as ourselves, that we should not lead by eliminating other people. The best method is that we believe in Kanu because Kanu has a certain programme. We are not saying that the programme is followed strictly, but this is the reason why there is a National Assembly, this is the reason why there is a Cabinet, this is the reason why there is any organization at all, to make sure, (*a*) that we have a programme and, (*b*) that we do our best to make sure that that programme succeeds.

These people who wanted to overthrow the Government, Sir, where was their programme? What were they going to do for this country? Whom did they tell? Had they established any programme? Did they tell us that after they had bombed the National Assembly, eliminated, maybe, His Excellency the President and Ministers they were going to do this and that? What were they going to do? And, more important, Mr. Deputy Speaker, what have they done? What have they done that would assure us that if they came to power they would have done anything for the rest of the community? Sir, this cannot be led by anybody who just wakes up one morning and thinks, "It is about time I was a leader too". It is not the way human societies are run.

As the hon. Gatuguta said, some of them in mitigation said they had families, some of them said they were frustrated, some said all kinds of things. I gather some of them said they were fools. Now, anybody who can admit and think that because he is frustrated, because he has a family—— It is a very inverted argument to think that when you have a family, then you must kill other people; when you are frustrated, then you must lead a Government. Now, what Government is going to be led by frustrated people? I am saying in effect, Mr. Deputy Speaker, that we cannot and we will not allow—I personally would not allow—any change of Government that does not involve the *wananchi* themselves to say that Ndolo Ayah will no longer lead, will no longer be a Member of Parliament. When I cease to be a Member of this Parliament I do not want to cease because the Parliament was bombed, I do not want to cease because somebody cut my throat. I want to cease to be a

[Mr. Ayah]

Member of this House because the people of Kisumu Rural say, "No" in the ballot box.

The second capacity in which I want to support this Motion is because I have during the last eight years studied what is going on in this country. I am not saying that we have done everything as we should have done, but I am saying that after we have weighed and compared ourselves to the rest of Africa, to the rest of the world I think we have done much better than a lot of other people. This is the reason, Sir, why we should continue to strive to improve on what we have done, on the foundations we have started on. It is the reason, and I think this is the very reason why the people who have been involved in this foundation, the people who have continued to work should be given a chance to keep on improving and building on this foundation.

As I said earlier, these people who wanted to overthrow the Government, has anybody seen one of them trying to build anything? Have they been in any party trying to build anything, or their houses at home, or even the children they were complaining about? I have not seen these children of theirs but I am not so sure that they have looked after them in the way they now tell us they are worried about them. Some of them were, as one hon. Member has told us, hanging around in Nairobi. Is that the best way to look after their children? Are we going to trust the foundation that has been laid in this country in the hands of people who do not know what a foundation means? I doubt it, Mr. Deputy Speaker.

I am concerned with only one thing: the security of this country has had a very quick result. I am also concerned with another thing: our people should not have come forward at the right time to inform our security people about the goings on of these people. I know the Vice-President said the other day that this thing was known a long time ago but I am not so sure because I have not heard, even during the proceedings in the court, that members of the public came forward. These people must have been moving among some people, they must have been talking to some people, they must have been sleeping somewhere. Just eight or ten people could not have a private club. I hope in future if such a thing comes forward members of the public, and even Members of this House, will come forward and help the Government and ourselves.

My last point, Sir, these people in their various ways have come from certain areas and I want to ask hon. Members that in condemning and in supporting this Motion, in expressing our loyalty to the President, our support to the Government and our support for democratic methods, we should never get to the temptation of condemning communities. These people were parts in their own right. People are born bad when their parents are good, people are born bad when their brothers are good. We should never condemn a community because of the ill-intentioned element that might come from here or from there. In so doing we shall be doing exactly what the President wants us to do: to be a council of elders to look at the whole country to make sure that all of us throughout the country come forward to build this nation without undue discrimination in terms of our condemnation.

Mr. Deputy Speaker, it is not possible to make my support any stronger than I have done because this Motion is so clear. I wish to say once more that I support it most wholeheartedly.

The Deputy Speaker (Dr. Waiyaki): Perhaps, I should ask the House whether it is the wish of the House that we should extend the sitting time up to One o'clock?

Hon. Members: Yes.

The Deputy Speaker (Dr. Waiyaki): Mr. arap Moi.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, since the House agrees unanimously that His Excellency the Vice-President should wait until the last minute, am I in order to ask you to request His Excellency the Vice-President to wait until the last minute?

The Deputy Speaker (Dr. Waiyaki): You are quite in order to ask me to request the Vice-President but he has already caught my eye. In any case, this Motion is a mere expression of confidence in our Government. The Vice-President would do well to express his confidence early.

Mr. Ahmed: On a point of order, Mr. Deputy Speaker, I have no quarrel if the Vice-President wants to speak but I have one question to ask. I have one question to put to the Vice-President who should explain to the House and since, if he speaks on this Motion now, he will not be allowed to speak again——

The Deputy Speaker (Dr. Waiyaki): Well, there is a collective responsibility in Government. I do not know why we are taking it this way. The Vice-President alone is not the whole Government but he is the Leader of Government Business. He is sitting next to the Attorney-General and the Minister for Tourism and Wildlife, and, I think,

[The Deputy Speaker]
any one of them can handle the situation. They are very many here.

If the Vice-President wants to withdraw the opportunity now and speak later on he is in order.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, in order to please the hon. Members and although I will not have anything new to say then, if you will agree to give me a chance to speak at a quarter past noon, I will be only too pleased to withdraw the opportunity.

Mr. Ahmed: Thank you very much, Mr. Deputy Speaker, for giving me this chance.

Mr. Deputy Speaker, Sir, I rise to support the Motion. I very much want to thank the hon. Member who brought this Motion so that we can air our views on this matter. Mr. Speaker, Sir, I am, particularly, worried because of what has happened for we have never heard, in history, of any people who have admitted in a court so easily that they wanted to overthrow the Government.

Mr. Deputy Speaker, I am also thankful to the officers who followed up this matter and brought these people to court and also to the person who revealed the intentions of these people to the people of Kenya.

An hon. Member: On a point of order, Mr. Deputy Speaker, since the hon. Member wanted to put a question to the Vice-President and now the Vice-President has gone, can he give a chance to somebody else——

The Deputy Speaker (Dr. Waiyaki): No!

Mr. Ahmed: Mr. Deputy Speaker, Sir, my worry is this: the people who were charged with subversion and sent to prison mentioned very many people and only one man was arrested and now we do not know where he is. Mr. Deputy Speaker, yesterday the Vice-President told us that everything is quite all right but my question is this: what happened to those people who were mentioned in the court and who were said to have conspired with those people——

Mr. Karungaru: On a point of order, Mr. Deputy Speaker. Is it in order for a Minister to pass before the speaker on his feet without bending down and then proceed walking as if he is walking outside the Chamber? Is that in order and if not, could you order him to come to order?

The Deputy Speaker (Dr. Waiyaki): Carry on, Mr. Ahmed. There is very little time left now.

Mr. Ahmed: Mr. Speaker, Sir, as I said before, my main worry is: what made these people plead guilty just like that? What do these people know? They knew there were some other people who were with them in the conspiracy and maybe, they thought they were going to be sent to prison for a few months after pleading guilty. However, Mr. Deputy Speaker, what is Government doing about those people who were mentioned in the court? These people as we know, were part and parcel of this plan. Mr. Deputy Speaker, Sir, this is my main worry because——

The Assistant Minister for Health (Mr. ole Oloitipitip): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member really contributing anything to this serious Motion or is he just asking questions?

The Deputy Speaker (Dr. Waiyaki): I do not think we want to stop Mr. Ahmed from speaking. However, if you want to occupy your time, Mr. Ahmed, you had better spend it more profitably until your time goes.

Mr. Ahmed: Mr. Deputy Speaker, Sir, I do not have any more points to advance, but that is the only question I want to ask. I want the Vice-President to explain to the House what is happening to those people implicated in the court.

Mr. Araru: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak. Mr. Deputy Speaker, I do not want to waste my time and I would like to start by saying that the history of this country—and it is known in the whole of Africa and the world as well—shows that the Father of the Nation has the power to lead the people of this country. Mr. Deputy Speaker, if we consider what happened during the emergency in this country, we find that some Kikuyu supported the colonialists and as we know, these supporters were called loyalists. We also know, Mr. Deputy Speaker, Sir, that most of the freedom fighters lost their lives, but when our beloved President was released, he told the Nation, "forgive those who have wronged you". This was justice and he demonstrated it during the case of his companion, Mr. Watson Macharia from Kitale who was taken to court but he asked Mzee to forgive him and he was forgiven despite what he had done. We all know that Mzee was jailed for seven years without any justice by the colonialists. However, later on when our President came into power, he forgave the people who arrested him. As a result, we still find a colonial police officer guarding our President. He is not the only one, there are several others in the police and they are even more proud now than they used to be during the colonial period, although there is more justice in this country now.

[Mr. Araru]

Mr. Deputy Speaker, Sir, I was here when these things were happening and I know all what happened during the emergency period. However, what I know is that our President used to advise his people about politics to fight for the freedom of this country, but Mzee never told his people to go and kill or anything like that. Before Mzee was released, the *wabeberu* tried their best to see that he did not come to power, but since God knew how our President liked his people and his heart was always with them, he returned him to his people, and now this is the seventh year since that time.

Mr. Deputy Speaker, Sir, I do not want to say anything which is against this man like some of our hon. friends have been talking but, I could say to our father that it is only God who can guard human beings. I believe in myself that the human being is the property of God and nobody can do anything about that. For instance, if today God wants you, he will take you as he wants. However, in this town of ours—the City of Nairobi—the capital of our country, an hon. Member—a Minister—was killed and yet there is a good security network in this country. There was security in this House and even the police guarded him in his House but, Mr. Deputy Speaker, Sir, no human being can guard himself. That does not count because it is God who knows your end. It is only God who knows about it.

I am only praying to our father to continue forgiving any people for their sins because their minds were not as balanced as those of other human beings. Mr. Deputy Speaker, Sir, they wanted to overthrow our lovely Government—our *wananchi* Government. I remember during the time of elections, Mr. Deputy Speaker, Sir, if it was not for freedom of Kanu which was guaranteed and headed by our father, then somebody like Araru would never have come into this House until he died because I was born in Moyale, myself, two sisters and a brother. There is not even a section of my tribe or anybody near to my tribe in the whole of Moyale. However, as a national or as a citizen of this country—— Although some of my friends who were in this House before, I threw them out politically, they tried to close this door for me as far as they could, but through the freedom of Mzee I came back here. I think even several of the hon. Members, if they can recall back how they were, they will thank God for the freedom of Mzee and of this House.

Mr. Deputy Speaker, Sir, I was saying that during the General Election, I think every hon. Member knew how they were fighting or how they were threatened by the old Members of Parliamenet or Kanu officials or Kanu organizations but, I only remember our district because we are only three Members of Parliament from that area——

Mr. Kadir: On a point of order, Mr. Deputy Speaker, Sir, since the hon. Member has said that only he and his sisters are living in Moyale, would he tell the House where he came from and whether he is citizen of this country or not?

The Deputy Speaker (Dr. Waiyaki): No!

Mr. Araru: Mr. Deputy Speaker, Sir, I think my hon. colleague is confused in his mind. I cannot come here by myself and I told him only about myself as an individual. However, I told him politically what type of freedom we have in this country.

Mr. Deputy Speaker, Sir, I believe in democracy of talking, because since I came to this House—and even yesterday—I have voted against my Government since I was in this House, on several votes which have come here because I have been opposed to Government but, I voted through my own freedom of opinion which has been given to me by this House. However, I can speak and take sides in this House in everything. I can speak, criticize, challenge, but I cannot let or tell somebody to go through the back door of somewhere and try to deal with any human being like myself from the back. That is what I believe and that is what my hon. friend should believe although he has been sitting here only for some minutes. I am always here and I always speak. That is what I believe.

Mr. Deputy Speaker, Sir, I can see some hon. Members rising from their seats. I would like to inform them that I am still on my feet, and I will continue speaking so long as I have time.

Mr. Deputy Speaker, Sir, I was saying that the father of the nation, the President, is very lenient. He has forgiven many things even what happened in the North-Eastern Province in connexion with the shifta menace although we still criticize Government in this House. Mr. Deputy Speaker, Sir, very many things have been done by our President since we attained our independence. Recently when we visited him on the 2nd of June this year, he agreed to instruct the Government to take over two Harambee secondary schools in our area. He also agreed to send more relief supplies to the drought-stricken areas in that part of our country. When we were sitting with him he told us that he was our servant and not our master and he was serving us day and night. He told us that the door was open for us to visit him any time, as a servant and leader of the people. Since we were elected to this House I have been to Mzee's

[Mr. Araru]
residence three times and I have found that he is a very kind man. He is very kind to his people, Mr. Deputy Speaker, Sir. He has helped us in many difficulties like the Nairobi/Addis Ababa Road. Recently, during the last recess, Mr. Shikuku and myself went to Marsabit through the new Nairobi/Addis Ababa Road and he can bear me witness that we never saw any other car moving along that road. Mr. Shikuku asked us "Why is Government spending such a large amount of money to build this road" to which we replied, "The Father of the Nation is building this road for the people of this country."

With those few remarks Mr. Deputy Speaker, Sir, I beg to support this Motion very strongly and tell the people who have sick minds to go to hospitals for treatment.

Mr. Magugu: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to air my views on this very important Motion.

First of all I would like to make a very brief statement on this Motion. As I see it, Mr. Deputy Speaker, I think this Motion has been approved and supported and even adopted by the whole House. That is the impression I get about this Motion, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I would very much like to see the Vice-President in the House while I speak because there are some points which I would like to direct to him particularly on the questions which involved names of the people who have been mentioned in the attempted *coup d'état* case.

Mr. Deputy Speaker, Sir, one thing I would like to say and one thing I know is the proverb that goes "still waters run deep". Now our Government, which we all are part and parcel of, is a goverment which talks very little but, in fact, does a lot. I think that is why some of these people, who were said to have been dissatisfied, really took it for granted that Government was not aware of what was in their minds or what was in their plans. In fact, that is why I think that reports of the said *coup d'état* started leaking out way back in 1970 and I must say that this opportunity is a good one because I, personally, tried to put a question to this House on this very issue which we are discussing today but unfortunately it could not go through. However, we are now discussing the issue, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I think we have had enough bloodshed in this country especially when we were fighting for our independence and whoever might have attempted to add more bloodshed into the country was simply misguided. That is the only word I can use, Mr. Deputy Speaker. What baffles most of us is that we have seen that there are very many people who have been convicted or so many people who are serving their sentences as a result of this matter. Now, Mr. Deputy Speaker, through the reports, while the case was going on, there were quite a few other names which were mentioned in connexion with this matter and these names are the ones which really mattered most, as far as I am concerned.

Mr. Deputy Speaker, it has been said that there were people who are holding responsible posts in the Government and people who are highly placed in our Government, who were involved in this affair. We have also been told that the vice-chairman or the so-called "vice-chairman" of the revolutionary council was and is a very senior Member of this House.

We have seen photographs and at least I remember on one occasion, although it was refuted later on, seeing the photograph of our Chief Justice, who is highly placed in our Judicial Service. We have heard or seen also, such names as the name of the Chief of the Defence Staff and many others. I would, therefore, personally appeal to the Vice-President—and it is a good thing he gave way so that he can reply or speak after he has heard the views of various speakers—to clear the names of these officers, Mr. Deputy Speaker. I would appeal to the Vice-President to clear the name of the Chief Justice which has been referred to; the name of the Chief of Defence Staff or the Major-General for that matter and the names of those Members of Parliament who have been referred to here. This is because, as the hon. Mover said, I do not know where I stand now.

If I have heard, and I may tell you, gentlemen, that I have heard so many names mentioned in this case. So many names so that if I look around I can see the Members here. I have heard all these names mentioned. Now, I go for lunch, take my tea and my friend comes in and asks, "How are you, Mr. Magugu". I get afraid especially if I see the hon. Attorney-General there. He will give my name to the Criminal Investigation Department or to the Special Branch and ask them, "Will you investigate the movements of this fellow"? Therefore, these things have to be made clear, Mr. Speaker.

One other thing which I would like to bring up is that this House, which is an hon. House, appears to have been very badly misused by us—we hon. Members—or by some of us. I have in mind my Identity Card to this House. It would

[Mr. Magugu]
be a shame and, indeed, a very great shame, for me to misuse this privilege of mine.

Therefore, I would assume that all the privileges which have been conferred upon us will be properly used. They are privileges which will enable us to function and execute our duties as much as we are to do and in so much as we believe that in the course of all these duties, we are helping our electors and our country as a whole.

Mr. Deputy Speaker, what I would like to end up with is that——

(*Hon. Members stood up to speak*)

Gentlemen, I have a long way to go but this is just my last point.

What we have seen and what we have experienced and witnessed is the great maturity and the great attitude of forgiveness which is exercised by our beloved President. What I would like to put to the Government—and to his Excellency the President in particular, is that this is not a case where we should exercise mercy. This is a case where violence has to be met with violence and where fire has to be met with fire. Why do I say this? It is because, Mr. Deputy Speaker, if this *coup* ever succeeded, the aim was to eliminate the present Government from the top; from the President, to the Vice-President, Ministers and to some Members of the Parliament, and even to Parliament Buildings. Therefore, Mr. Deputy Speaker, Sir, I do not think, and I do not believe that at this stage, we need to exercise or to show any mercy whatsoever to whoever are involved and I believe the Government knows them whoever is involved in this *coup* plan will have to be disciplined in the severest manner possible.

Thank you very much, Mr. Deputy Speaker, Sir.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Deputy Speaker, Sir, I also arise to support this Motion and congratulate the Mover very highly.

Mr. Deputy Speaker, Sir, this Motion is very timely, it is a very important one and at the same time it is a very serious Motion.

Mr. Deputy Speaker, Sir, I have heard Members supporting this Motion and I would like to say only one thing and appeal to the Members that what we say here should be meaningful. What I mean by "meaningful" Mr. Deputy Speaker, Sir, is that I do not want us to pay lip service when we speak in this House. Whatever any Member speaks in the House, should be a speech from the bottom of his heart, should be what he means, should be what he is going to do and what he is going to carry back to his own constituents. I do not think there are many Members who bluff us here, but let me also appeal to the Members that we should mean what we say and not go back on our words. When we speak here to support the Government, and support the President and the nation, let us do it internally and not just give the country lip service.

Mr. Deputy Speaker, Sir, that is one point I wanted to make and I think it is a very important point.

Mr. Deputy Speaker, Sir, on coming to the Motion itself, on behalf of myself and my constituents and on behalf of all the Masai in general, as a Masai leader, the Masai people will be the last people to sabotage and create a *coup* to the present Government of *wananchi*. I say this with all sincerity and I ask the hon. Members of this House to watch and they will see we do not care who is going to lead the Government. Whether it is led today by a Kikuyu, tomorrow by a Boran, the day after by a Giriama, what the Masai people would like to see is an African Government led by an African and that Government to be a stable African Government, nothing else.

Mr. Deputy Speaker, Sir, these people who are hungry for power should be condemned because we know where power comes from. You cannot be in power if you have not been given the mandate of being in power by your own people here and God also to agree that you are the one who is going to be in power. Mr. Deputy Speaker, Sir, if people are thinking in terms of power, they are only misleading themselves. It is we on the ground who are going to elect the Government as we did elect our own President and as our voters did elect us as Members of this House.

Mr. Deputy Speaker, Sir, let me, in the first, place congratulate the Intelligence Service of our Government for the timely action they took and for the discovery they made. What I would ask the Office of the President, if it is in charge of our Intelligence Service or if it is the Ministry of Home Affairs, is to promote the leaders of the Intelligence Service of this country from today. This is because they have done a great service to the Kenya nation and, therefore, they deserve not merely congratulations but also promotion as from today.

Mr. Deputy Speaker, Sir, we were shocked to hear that this good Government of Kenya was being plotted against by some people of this nation. We are even now shocked to hear or think that somebody is dissatisfied with the present Government. Let us ask ourselves what kind of Government we want better than this one.

[The Assistant Minister for Health]
Let me speak on behalf of my own people, the Masai. Sir, we were a forgotten tribe by the colonialist. But what do we see today? I start with the Agricultural Finance Corporation. Over 1,000 Masai people have been given loans by the Agricultural Finance Corporation to develop their land. What else would the Masai want more than that?

Mr. Deputy Speaker, Sir, we have been settled like any other tribe today and we are able to supply good meat to the Kenya Meat Commission through the efforts of the Agricultural Finance Corporation. This is why I say the Masai will be the last people or the last community to interfere with an African Government or to join traitors as they are called. Mr. Deputy Speaker, Sir, what else do we want? Look at the road from Athi River to Namanga today; the Minister has put tarmac on it so that everybody can travel easily all the way through. We had no secondary schools during the colonial time but we have four secondary schools in Kajiado District now. What else do we want, Sir, apart from that?

Mr. Deputy Speaker, Sir, we had only one district hospital, now we have 20 health centres and an additional hospital at Loitokitok in which our people are treated. What else do we want apart from that? Sir, we have water projects all along. We used to be a very thirsty tribe, moving about like birds from tree to tree, but now, we see water running all over the country and our farmers are able to produce everything. What else do we want more than that, Mr. Deputy Speaker? In a short time we have been able to run our own Government like this one. We have our own county councils, we have our own sectional councils to decide on the desires of our people. Sir, what else do we want more than that?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): You can also put on trousers now.

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Deputy Speaker, Sir, let me come to the question of trousers. Whether I put on a pair of trousers or wear a *shuka* or I am skin-clad myself, I have the freedom in my own country.

Hon. Members: Hear! Hear!

The Assistant Minister for Health (Mr. ole Oloitipitip): Mr. Speaker, Sir, last time the people were accustomed to twisting like this.

(The hon. Oloitipitip demonstrated to the House)

However, today, the President of the Country has given us authority to go back to our traditional dancing and everybody enjoys it. When we go to Gatundu to visit him, I personally strip off my clothes and put on my ornaments and lead the Masai there.

An hon. Member: Do you want to strip them off now?

The Assistant Minister for Health (Mr. ole Oloitipitip): Sir, on the 27th June, I will strip off and become a real Masai to lead my people with a spear and shield to go and visit the President.

Mr. Speaker, Sir, now, let me come to the leader of our Government, the hon. Mzee Kenyatta. One thing I will say, "Long live the President of Kenya." If God can give him another 100 years more, this is our prayer. However, this thing is beyond our power, Sir. But we pray that God make our President live longer. What type of a leader do we want again? Let me briefly say—although I am a Masai, some people might say, what does a Masai know—however, I know what I speak about.

Who was responsible for the formation of the Kikuyu Central Association? It was Mzee. Who was responsible for the formation of the Kenya African Union? It was Mzee. What is that other association—— The Kenya Independence Movement, who was responsible? It was Mzee. Mzee was also responsible for the formation of Kanu. Some people, like ourselves formed Kadu; we later reformed and joined Kanu——

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

The Assistant Minister for Health (Mr. ole Oloitipitip): May, I finish, Mr. Deputy Speaker, Sir?

The Deputy Speaker (Dr. Waiyaki): Order!

The Assistant Minister for Health (Mr. ole Oloitipitip): Therefore, Sir, may I end by saying that I support the Motion wholeheartedly and I appeal to——

The Deputy Speaker (Dr. Waiyaki): Order! Order!

Mr. Jilo.

Mr. Jilo: Mr. Deputy Speaker, Sir, Members should not shout because the Member for Tana River South has been given a chance to speak. It is the only time, Sir, that we at the Coast should be given a chance to express our thanks and confidence to Mzee and his leadership.

Sir, I must first of all, thank the Mover, my hon. friend, Mr. Gatuguta for moving this timely Motion. I also thank the Kenya Police who have unearthed this sinister plan to overthrow this legally elected Government of the people of

[Mr. Jilo]
Kenya. My people and I have demonstrated this in a meeting held last weekend where a vote of confidence was passed in Mzee's leadership, his Government and the party, Kanu. Mr. Deputy Speaker, Sir, it is not enough to speak in this House, as my hon. friend the Assistant Minister has said. Hon. Members should be sincere when they express their views. This is because, to overthrow an elected government of the people is a very serious matter and particularly this Government of Mzee. It is easy to express one's views here. However, Sir, when one goes to the extent of even undermining Government of this country which the people of this country have fought so dearly, Mr. Deputy Speaker, Sir, I think this is very serious, indeed.

I am saying this with all my sincerity and this is coming right from the bottom of my heart.

An hon. Member: Finish up.

Mr. Jilo: If somebody tells me to finish, I am not finishing; this is my right time to speak. Therefore, I do not want anybody to bulldoze me.

An hon. Member: Sit down you are wasting time.

Mr. Jilo: Mr. Deputy Speaker, Sir, those Members who are telling me to finish and sit down, I think it is the Member for Kisumu Town who is trying to interfere with me and I am not going to tolerate it. She will be given her own time to express herself.

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir, would I be in order to inform the House that it was the other hon. Member who told him to sit down; not myself. Is the hon. Member speaking having a grudge against me?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): He is falling in love. Have you fallen in love?

Mr. Jilo: Mr. Deputy Speaker, Sir, the hon. gracious Lady knows very well that I have no personal grudge against her. I am assuring her that our friendship, as Members of this House, will continue.

Mrs. Onyango: On a point of order, Mr. Deputy Speaker, Sir, does he mean a political friendship or personal friendship?

The Deputy Speaker (Dr. Waiyaki): He can explain better.

Mr. Jilo: Mr. Deputy Speaker, Sir, I said that she is my friend in her capacity as an hon. Member of this House.

Mr. Deputy Speaker, Sir, it was very shocking when we first heard of the news about this shameful and sinister move by a few disgusted and frustrated people. They did this just because they could not get employment, and because they were not well paid where they were working. This cannot, however, justify their sitting down to plan to overthrow this Government. I am saying this because those people who go on planning to overthrow a government, have not seen or heard about the consequences that occur after a government has been overthrown. Mr. Deputy Speaker, Sir, in such occurrences much blood is shed, many lives are lost, the country's stability suffers a great deal when a *coup d'état* is attempted. With sincerity it is very bad to read in the newspapers news that the Kenya Government, which is known for its good work, or as the most stable Government in Africa, that is, a Government which is led by a leader who is respected all over the world, not only in Africa or Kenya in that matter, there are misguided people who have tried to overthrow this Government. Mr. Deputy Speaker, Sir, they are learning a big lesson where they are now.

Mr. Deputy Speaker, Sir, I would like to ask the Attorney-General, and the Minister for Home Affairs to tell us the names of those people who allegedly have been said to be connected with this sinister move. They should be exposed to the public so that the public can know who these people are. In that connexion, I mean particularly the big people. It was said that there were some very big, important and prominent people connected with this move, and I say that these people should be brought to book so that we can know who they are. We do not want to live in fear. It is very difficult for hon. Members of this House to walk freely on the streets because we do not know whether the person you are talking to is connected with this incident or not. We do not know whether the people we talk to or we sit next to are connected with this case. It is very bad because you may be walking with a friend who is connected with this incident and then you may be picked suddenly by the police and you are charged with consorting with the man who has been plotting to overthrow this Government.

I think, Mr. Deputy Speaker, Sir, we should be told who those people are so that we can know them. We do not want to live in fear in our society or in our country where we have been enjoying democracy for many years. Mr. Deputy Speaker, Sir, there is one point I would like to mention in this House. Time and again it has been said that Kenya has the best intelligence service in Africa, the best police force in

[Mr. Jilo]
Africa, so we want that intelligence service to continue working well. We would like the Vice-President to encourage or to boost the morale of these people so that they can go on working very hard in order that they can bring to book those people who sit at night plotting to overthrow this Government. I am sure a poor Pokomo or Giriama, a peace-loving man at the Coast when he hears of this, Sir, wonders whether this is this true? Nobody at the Coast believes that there are people who could sit and plan to overthrow our Government.

Mr. Deputy Speaker, Sir, when it was allegedly said by those few disgusted people—I call them disgusted—that 80 per cent of Coast people were behind that move, I am telling you, Sir, that I very much disagree with them. There are no people at the Coast who would, ever, ever, think of that. We are known for our goodwill towards other people. We are known to be peace-loving people and we would never, in fact, we would be the last people, to support such people. We believe, Mr. Deputy Speaker, Sir, that any move to change a Government is through the ballot and this is the system which we shall always continue to support.

With these few words, Mr. Deputy Speaker, Sir, I beg to support this Motion wholeheartedly.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I thank the Mover for bringing this Motion in this House. In fact, it is overdue. I would like to draw the attention of hon. Members on some petty things which, probably, some hon. Members have spoken about in relation to this Motion.

Sir, this Motion is confined to the confidence we have towards our President and his Government. I feel that other matters are not relevant to this one. We do not know the reason for these people wishing to overthrow this Government. We do not know whether or not they wanted positions. Since, Mr. Deputy Speaker, Sir, some hon. Members have asked me or asked the Government to disclose—particularly the hon. Magugu —their intentions and at the same time to clear the names of people who were mentioned in the court and in the Press, I cannot do so. Intensive investigations are going on and the results will be known and, Sir, after all who am I to clear some people's conscience?

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I have said, here, the definition of a good citizen. A good citizen is a person who when he hears anything or sees a person who acts or whose activities are such that would endanger the lives of the innocent people proceeds without hesitation to the police or to the right quarters to inform those people about that person's activities. If, Mr. Deputy Speaker, Sir, all of us follow that definition definitely, there should be no need for us to worry or to ask us to tell the hon. Members of this House as to who is a dangerous person.

Sir, it is known, even by a fool, that this Government has done so much which we do not even need to stress. At the attainment of our independence, we had 80 secondary schools and today, we have 600 secondary schools! Roads which were tarmacked at the attainment of our independence are now threefold; the length of our roads which are tarmacked is three times more than at the time of independence. So, the answer to the question of what this Government has done is known by all, even a blind person. Mr. Deputy Speaker, Sir, the Mover of the Motion said that this Government is lenient. I agree with him that we are a little bit too lenient but this is because we want to give people a chance to talk about anything they wish and that is being democratic but I want now to warn hon. Members. Always I have said in this House that I warn you and then somebody goes out and says that "Mr. arap Moi is always talking about warnings". I now think that the best way to do things is to stop warning people and act.

Mr. Deputy Speaker, Sir, people talk of subversion as being something done underground but I would like to tell hon. Members in this House that by passing information by a word of mouth could be subversive and could lead someone to the garden path without knowing. Therefore, we should guard our tongues—I have said that each one of us, elected in this House, has been given trust by the *wananchi* to take care of their lives and needs. Therefore, Mr. Deputy Speaker, we should not fail in that responsibility.

Mr. Deputy Speaker, Sir, one hon. Member suggested that the City of Nairobi should be cleared of conspirators. I have taken note of this so that good citizens could work freely and help themselves.

Talking about leadership, Mr. Deputy Speaker, I do not think that any of us or, for that matter, any other person can say that he can lead this country and give better leadership than our beloved President. None at all. The good name of Kenya has come because of him and if we want to preserve the good name of Kenya we must support the President wholly. It is our duty, as parliamentarians to support him. It is our duty,

[The Vice-President and Minister for Home Affairs]

if we are looking ahead, to make sure that our President is happy because of the way in which we handle the national affairs.

The other matter that I have talked of is tribalism and it is so important. Tribalism breeds hatred and, essentially, may lead others, as I said before into the garden path. The Mover suggested that we should be tougher. Being the Minister for Home Affairs, I will tighten up internal security and by this, it may mean, being not so very harsh but making sure that Government is seen to be governing—somebody suggested that by wearing a *shuka* or a blanket, it is not possible—who are the people misleading the public? Are they the people wearing *shukas* or blankets? No, they are people wearing ties and suits. Many of us have been evaluating our own ways of life and according to our traditions we have to follow certain code of regulations to regulate our own lives. Mr. Deputy Speaker, as I have said, tribalism, inciting people or talking about this or that will have to cease. This, I am telling hon. Members, I am not warning them, that if you speak against one tribe or another or against the people of a certain community, they will protest. The laws of this country must be maintained and Government cannot continue to be on the borders protecting these people when incitement has taken place. This makes it impossible for Government to make these people live together. After all, Mr. Deputy Speaker, the Members of this National Assembly are the people who should unite the people of Kenya. Our beloved President has united the people of Kenya and it is not for the hon. Members of this House to destroy what our President has built. We would be doing a great service for the nation, if not now, in future, by adding the little we can contribute towards the building of the nation.

Mr. Deputy Speaker, Sir, I do not want to take much time of the House so as to give the Mover a chance to speak and as I said before, it is our duty to express to the President that we have confidence in him. This will be seen on Sunday the 27th June, by the multitude who have confidence in the President. I would like to ask hon. Members to make sure that in future that whatever they hear or see to be contrary to our ways of doing things, they should report it to the police so that everyone is clear about what is going on.

The other thing, I would like to point out, is that we are here to make sure that Government governs properly and, therefore, with these few remarks, Mr. Deputy Speaker, Sir, I am glad that hon. Members have expressed their desire and their feelings that there is no other leadership which can provide social, economic and political stability other than in the person of our President Mzee Jomo Kenyatta.

With these few remarks, I support the Motion

Mr. Mutiso-Muyu: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to say a few words about this Motion. I must declare my interest in the first instance why I support this Motion. Mr. Deputy Speaker, Sir, I think the most important point has been mentioned and what I think we are now trying to do here is to emphasize how this matter is important. However, Mr. Deputy Speaker, to come to the point, I am very glad to note that the Members of this House do uphold the principles of democracy in that any changes in Government or in any political arrangements must be constitutional. This, I am very glad to note because most hon. Members who have spoken uphold that principle. This principle is being upheld in this country by the ordinary *wananchi* as well, because whether they know how to write or not, they go to elect their leaders. Mr. Deputy Speaker, this is a point I mentioned in 1963 in the other Chamber when I moved a Motion on stamping out the secession groups. I made my point, and I would like to remind Government today that there are international organizations which thrive on troubled waters.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir, we are not able to hear properly because of the noise on the Front Bench.

An hon. Member: Especially led by Dr. Kiano.

The Deputy Speaker (Dr. Waiyaki): Order, Dr. Munene! Go back and sit down. There is far too much noise here and we cannot hear properly.

Mr. Mutiso-Muyu: Thank you very much, Mr. Deputy Speaker, Sir, for protecting me.

However, I will repeat my point which I made in 1963 when we were elected for the first time in the other Chamber; it was not in this Chamber, and I did say that there are organizations—international organizations—which thrive in troubled waters and the Government must be very careful that we do not become the victims of these organizations. The idea of changing Governments by violence or *coups d'état*, is not an idea from within but from without and it is provoked by these international organizations which thrive or enjoy in troubled waters. It is only fair, Mr. Deputy Speaker, Sir, that we know who are our real friends because those who speak

[The Vice-President and Minister for Home Affairs]

on high platforms say they are our friends, but I doubt if they are really true friends. They speak with double-tongues and at the same time, they might be the people who organize or encourage these types of things. We must be very careful with these international organizations whose business is to enjoy or thrive on troubled waters. We must be careful that we do not become victims of these organizations.

Mr. Deputy Speaker, Sir, we all know what has happened with the group or the individuals who have tried or who have thought of trying to bring a leadership in this country of their own choice, whether, a sane choice or not a sane choice, but Kenya believes in democracy. However, as I have said, our people—some of them knowing how to write, and some not knowing how to write—do know how to go to polls to elect their leaders. That shows that we do believe in democratic principles.

Now, Mr. Deputy Speaker, Sir, I think the matter is more serious than we have been thinking because I was expecting when the Vice-President was speaking to tell us something better than what we know now. However, it seems as if we are left where we were before he spoke. The matter is important more than "*sub judice*".

An hon. Member: What is that?

Mr. Mutiso-Muyu: Mr. Deputy Speaker, Sir, Kenya must be analysed properly. This country cannot tolerate even a military rule because we know how to go to the polls. Our people will fight against that rule; our people will fight even a *coup d'état* by a group of people like those who have been tried. We must know how we stand and we must know exactly who are our friends. Mr. Deputy Speaker, Sir, the political history of this country is different from that of Tanzania, Uganda and even from that of any other African country. That must be known, Mr. Deputy Speaker. We seem not to know that because we do not seem to emphasize it every time. This country's political history is completely different from any other country of Africa. This is because when we were not educated we knew what democracy was and we knew how to fight for our freedom. I do not think that a group of us can change the minds of people in this country by bringing a different thinking from what we have been having. Our thinking has been democratic all the time, Mr. Deputy Speaker. When we were trying to chase the *Mzungu* from this country we said, "These are our leaders, you can take them to hell or even to heaven but when they come back they will still remain our leaders". That happened, Mr. Deputy Speaker and the reason why it happened is because we believe in democracy.

Mr. Deputy Speaker, Sir, there is one thing which I would request from our Government. The issue of trying to change our Government by unconstitutional means is now a matter known to the public. It is only fair that we should know, as other hon. Members have stated, whether you are with me or you are not with me. The question of leaving us in darkness, or in suspicion or in suspence is a torture of some sort. We must have it made clear about this issue so that we know where we stand.

Mr. Deputy Speaker, Sir, it is unforunate that one of us in this Chamber is involved in this matter. Mr. Deputy Speaker, Sir, it is said that birds of the same feathers fly together. There must be some birds of some kind which must fly together. This is the reason which makes us say that we should have been told more than we were told by the Vice-President. However, we——

An hon. Member: What is your problem?

Mr. Mutiso-Muyu: It is not a problem, but it is a problem in the sense that we do not know whether we are going to cry tomorrow. As I said before, Mr. Deputy Speaker, birds of the same feathers fly together and they never fly alone——

An hon. Member: Like the flamingoes!

Mr. Mutiso-Muyu: They can be flamingoes or pelicans.

In this case, Mr. Deputy Speaker, Sir, we must be told exactly what is happening.

The other point, Mr. Deputy Speaker, which I would like to make——

An hon. Member: The final point!

Mr. Mutiso-Muyu: It is not the final point because my time is not over.

Mr. Deputy Speaker, Sir, as we have been showing fair judgment in all these happenings, we do not expect victimizations or implications.

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

The Assistant Minister of State, Presdent's Office (Mr. Munyi): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to air my views on this matter.

Mr. Deputy Speaker, Sir, I would like to associate myself with the views which have been expressed on the Motion and all those who have supported this timely, historical and very important Motion. I would like to say that it is better

[The Assistant Minister of State, President's Office]
to play with anything else in this world save one thing. It is dangerous and it is a move which I am going to term satanic to try and overthrow our Government. Those people who have been arrested and condemned are not human beings. They are satanic and diabolical criminals, Mr. Deputy Speaker, Sir. Those criminal activities have reached a degree which has made the entire people of the Republic of Kenya restless. Today, Mr. Deputy Speaker, Sir, the public of Kenya are asking for permission to sharpen their arrows for action.

It was on Monday, Mr. Deputy Speaker when we held a meeting at Embu which was attended by all the leaders, including all Members of Parliament from Embu. At the meeting, the people told us that they should be given an opportunity to sharpen their arrows and their spears in order to come forward and protect our popularly elected Government. This is because they know that the father of the Kenya nation, President Mzee Jomo Kenyatta is the one who saved our country from being turned into a second South Africa—that is a fact. He sacrificed his life. Why? To save our country and to bring independence to our people and not only to our country but other countries.

Finally, I would like to say that there should be no sympathy in this case because even God threw away Satan.

The Deputy Speaker (Dr. Waiyaki): Order!

Mr. Gatuguta.

Mr. Onyulo: On a point of order, Mr. Deputy Speaker, in view of the fact that the Motion which is going on is very serious and due to the fact we will be having the Budget Debate next week, could you give me some advice. If we wish that the Motion continues to be debated, taking into account the fact that if the stupid action that is condemned here took place this very Parliament would not be sitting, would you advise on that?

The Deputy Speaker (Dr. Waiyaki): The Motion was due to end at thirty minutes past Twelve o'clock. However, I increased the time by half of an hour. This means that the Motion will end at one o'clock. I think we have had more than enough time to express our views.

Mr. Karungaru: On a point of order, Sir, there has been a gentleman's agreement here that the hon. Member for Kikuyu would only take five minutes. He has, therefore, agreed that I should take the other five minutes.

The Deputy Speaker (Dr. Waiyaki): Mr. Gatuguta.

Mr. Gatuguta: Mr. Deputy Speaker, I can assure the House that I am going to speak for ten minutes so that other Members who wish to speak can speak.

The Deputy Speaker (Dr. Waiyaki): Order! If you are not going to take your full time, then you are advised not to speak because nobody can speak after you.

Mr. Anyieni, you will have two minutes to speak.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Deputy Speaker, I will not take long. I will only take two to three minutes.

I wish to thank you very much and also to thank the hon. Gatuguta for moving this Motion. I also wish to thank him for not being selfish and for allowing other people to express their views on this Motion. First of all, I wish to thank President Nyerere for having—— When these people went there, they thought that their socialism is different from that of Kenya. They thought that President Nyerere was so cheap as to be used by cheap people from Kenya. I thank him and hope that all the leaders will not take part in a conspiracy to overthrow other countries' governments. This is because in the course of doing so, they may conspire against themselves.

The other thing that I would like to say is that since I am sure no Member from Kisii District is going to speak, I have the mandate of the hon. Members of Parliament from Kisii to say that the people of Kisii have full confidence in the President and his Government.

Mr. Deputy Speaker, Kisii District has been favoured by this Government. However, since I do not want to raise any jealousy, I will not say what favours we have received. However, we do not know, from those people who wanted to overthrow the Government, how many Ministers from Kisii District they were going to have—whether we were going to have the Minister for Works from there and whether people like Mr. Onyulo was to be anything. I think, Mr. Deputy Speaker, that God has helped us so much that these people did not succeed.

One very other small point which I want to make and which is very important is this: I know some people may not like it but I would like to say it as a leader. There are some people in this House and outside this House who are Kikuyu people, Kisii people and people from every tribe who say that this Government belongs to the

[The Assistant Minister for Commerce and Industry]

Kikuyu people. You have Kikuyu people who think that this is their Government while at the same time you have a man from Kisii who thinks that this Government belongs to the Kikuyu people. This is a danger, Mr. Deputy Speaker. It is a very, very great danger.

No man, even if he is a Kikuyu, should think that this Government belongs to him just because Mzee Kenyatta leads it. Who could lead the Government without toiling?

If it is Mr. Moi who leads the Government, he is a Kalenjin. If it is Mr. Njonjo, he is a Kikuyu. Therefore, a man must come from a tribe. There is only one President and there are 23 Ministers. They are not all Kikuyu tribesmen. These Ministers are not all Kikuyu. I am an Assistant Minister and if anybody says that this Government belongs to him, where am I? Am I not also a Minister of this Government and am I not drawing a salary from the Government? Therefore, from here the danger comes that some people want to call it a Kikuyu Government so that they may confuse other people that they are trying to remove the Government which does not belong to them. This is very wrong, Mr. Deputy Speaker.

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

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I would like to express my thanks to all the Members of the House who have spoken and those who have not spoken as well. It is my feeling that everybody is supporting the Motion.

Mr. Deputy Speaker, Sir, now that the Motion has been supported, I would like to make one or two comments. You have listened to the Members who have spoken on this Motion and it is the wish of this House and the wish of the country as a whole that those people who have not been arrested and who have been connected with this conspiracy should be arrested immediately. The people are asking the question as to why these people have been left at large when other people have been put into prison? This is one point, Sir, on which we would like the Government to take immediate action.

The other thing, Sir, we feel very strongly about this matter. The country is concerned about this matter. The question of a military take-over is a serious one because it means death. It means bloodshed. Therefore, anybody who is attempting this kind of thing, it is the wish of this country and this Parliament that these people should be hanged. There should be no mercy and, if possible, they should be hanged in public so that in future, nobody will attempt to do this kind of thing. We are expressing our confidence in our President and the Government because of what has been done, good things that have come to this country, schools, roads, health facilities and, of course, the amount of democracy that we have. Even if we do not have anything else, the fact that there is freedom in this country for people to speak about their grievances and for people to move about freely, is enough to express our confidence in the President.

Military governments mean dictatorship. Who wants dictatorship in this country? We do not need one. We know, unfortunately, that some of these people who were concerned with this conspiracy, have been known criminals. One of them by the name Owino was arrested in connexion with the Lanet mutiny. Mzee sympathized with him and the fellow was released. He was again arrested in connexion with some criminal activities, he was again released. Even if you have so much mercy on them they will then dig a grave for you. Therefore, the answer for these people is to be hanged, finish them and leave us in peace because if you release them again, they will come and create some other trouble.

Therefore, I would like to say that the Motion has been supported but quite seriously the Government ought to take the serious views of the feelings of the House because our feelings are the feelings of the entire country.

That being the case, Sir, we would like to urge our police and security forces to continue with their good work because we feel they have saved us from death and from other things.

Thank you very much, Mr. Deputy Speaker.

(Question put and agreed to)

ADJOURNMENT

The Deputy Speaker (Dr. Waiyaki): It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 22nd June, at 2.30 p.m.

The House rose at One o'clock.

Tuesday, 22nd June, 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 April, May and June 1971.

No.	*Title*	*Passed Third Reading*	*Date of Assent*
8.	The Supplementary Appropriation Act, 1971	1-4-71	20-4-71
9.	The Rent Restriction (Amendment) (No. 2) Act, 1971 ..	4-5-71	25-5-71
10.	The Fsih Industry (Amendment) Act, 1971	5-5-71	25-5-71
11.	The Asian Officers' Family Pensions (Amendment) Act, 1971	6-5-71	4-6-71
12.	The Landlord and Tenant (Shops, Hotels and Catering Establishments) (Amendment) Act, 1971	5-5-71	4-6-71
13.	The Coffee (Amendment) Act, 1971	5-5-71	5-6-71
14.	The Statute Law (Miscellaneous Amendments) Act, 1971	6-5-71	5-6-71
15.	The Customs Tariff Amendment) Act, 1971	11-5-71	5-6-71

PAPER LAID

The following Paper was laid on the Table:—

Vote on Account, Financial Year 1971/72.

(*By the Assistant Minister for Finance and Economic Planning (Mr. Balala) on behalf of the Minister for Finance and Economic Planning (Mr. Kibaki)*

NOTICE OF MOTION

VOTE ON ACCOUNT

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

THAT, in accordance with section 101 of the Constitution of Kenya the withdrawal from the Consolidated Fund of the sum of K£66,030,710 made up in the manner set out in the Vote on Account laid before the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending on the 30th June 1972, until such time as the Appropriation Act for that year comes into operation.

ORAL ANSWERS TO QUESTIONS

Question No. 490

CLOSURE OF KEHANCHA DIVISIONAL HEADQUARTERS

Mr. Marwa asked the Minister of State, President's Office if he would tell the House the reasons why Kehancha Divisional Headquarters, which had been put up by the *wananchi* of Kuria because they wanted closer administration in order to ensure quick development in their area, was closed down at the begininng of this year and all officers and their vehicles taken away.

The Assistant Minister of State, President's Office (Mr. Munyi): Mr. Speaker, Sir, I beg to reply. Kehancha Divisional Headquarters is not closed. The matter, therefore, does not arise.

Mr. Marwa: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I would like further explanation because Kehancha Divisional Headquarters was closed last year, all the officers who were there were transferred to other areas and the vehicles which were there were removed. Up to this time, Sir, only the district officer has returned to the headquarters; the others have not yet come back.

Hon. Members: Why? So, what is your question? You have not asked you question?

Mr. Marwa: Therefore, Mr, Speaker, Sir, my question is: Why have they not come back if the Assistant Minister is denying the fact that Kehancha Divisional Headquarters has been closed down, and why were they removed from the area?

Mr. Munyi: Mr. Speaker, Sir, I would like to brief the hon. Member because he is not aware of what is going on there. I would like to tell the hon. Member that as from 14th April 1971, the following officers have been stationed at Kehancha Divisional Headquarters:—

1. District officer.
2. Police Officer.
3. Agricultural Officer.
4. Education Officer.
5. Medical Officer, or Medical Assistant for that matter.

There are also five vehicles which have been stationed at Kehancha Divisional Headquarters —the hon. Member has alleged that there are no vehicles stationed there yet there are five vehicles, belonging to the Government, stationed in that particular divisional headquarters, Mr. Speaker, Sir.

[The Assistant Minister of State, President's Office]

It is true that the local people assisted in putting up the district officer's office and, therefore, as a result of that the hon. Member has already seen the fruits of the assistance which was given by the local people and he must be thankful to the Government.

Mr. Marwa: Mr. Speaker, Sir, the reply which has been given by the Assistant Minister is misleading, Sir, because up to this time there is no agricultural officer, no veterinary officer, no medical officer or education officer simply because there is no accommodation for them there. Therefore, where are they stationed because we do not see them in that particular division?

An hon. Member: Maybe in Embu!

Mr. Munyi: Mr. Speaker, Sir, all that I can tell the hon. Member is that the Government will see to it that the officers I have mentioned above are stationed there, and they are even supposed to be there by now. It does not matter whether they are staying in private houses or not, but they are supposed to be there. They must stay there.

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

The Speaker (Mr. Mati): Order, Mr. Munyi! Now, I have said before that it is better to listen until you have heard what is being said before you interrupt. I am quite sure, Mr. Marwa, you did not hear what Mr. Munyi was saying; you interrupted far too early.

Mr. Marwa: Mr. Speaker, Sir, my point of order is this: the Assistant Minister is alleging that the officers he has mentioned are stationed or are working at Kehancha Divisional Headquarters—where are they stationed? That is my question because, Mr. Speaker, Sir, without accommodation an officer cannot stay in a district or division. Where do they work and where do they come from because we do not see them in that particular division? That is why I am questioning this, yet he is telling me that they are working there; where? Where are they working and where are they staying?

Mr. Munyi: Mr. Speaker, Sir, I think the hon. Member, as I have said, should be very thankful to the Government for what has already been done in his division. However, I would like to tell the hon. Member that the officers I have mentioned are supposed to be there and it does not matter whether they are going to rent private houses or not but they should be there now.

However, since the hon. Member, Mr. Speaker, Sir, has raised a point in connexion with this matter, all that I would like to tell him is that if the officers are not there, and it is hard for us to know if an officer fails to go there, that is not the fault of the Government. All that we know, Sir, is that these officers are supposed to be there; the officers I have mentioned.

Mr. Wachira: Mr. Speaker, Sir, will the Assistant Minister deny the fact that there are no houses for these officers?

An hon. Member: Yes, simple! Where do they stay?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member would bear me witness that there are housing problems, and not only in Kehancha Divisional Headquarters but also here in Nairobi. There are officers who are supposed to be here in Nairobi but they cannot be housed and have, therefore, to find their own accommodation. However, what is important is that these officers are supposed to be there now and it does not matter whether they get privately rented houses or not. They must be there.

Mr. Kadir: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, that the officers are supposed to be there and the Government has already sent them there, and yet they are not there now, what action is the Minister going to take against those who have failed to go there?

Mr. Munyi: Mr. Speaker, Sir, the officers I have mentioned must be there by now. In case they are not there, then the reason why they are not there will be investigated and action will be taken against them.

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

The Speaker (Mr. Mati): No, I do not think we are getting very far. Order! Mr. Munyi said that it was only the district officer who was there; which means that he knew that only one had gone back, and so, there is no question of the others being there at all.

Mr. Wanjagi: Could the Assistant Minister not supply us with the names of the officers who are there?

The Speaker (Mr. Mati): No. He said that it was the district officer when he started replying.

Mr. Wanjagi: He only mentioned the district officer but did not mention the other officers whom the Member is denying are there.

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

Mr. Munyi: On a point of order, Mr. Speaker, Sir—my point of order is this, Sir: In that divisional centre, the officers who are supposed to be there as from 14th April, 1971, are as follows: district officer, police officer, agricultural officer, education officer and medical assistant. These are the officers who are now supposed to be there and they must be there.

Hon. Members: Where are they? When are they going there?

The Speaker (Mr. Mati): Order! Mr. Muturia's question.

Question No. 93 (1364)

PROVINCIAL BREAKDOWN OF AGRICULTURAL FINANCE CORPORATION LOANS

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

(*a*) whether he could give the breakdown of the Agricultural Finance Corporation development loans given to the Eastern Central, Rift Valley, Nyanza, Western, Nairobi and the North-Eastern Provinces; and

(*b*) what were the necessary qualifications for a farmer to get an Agricultural Finance Corporation development loan.

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Although my Ministry does not strictly keep the records of the districts or provinces of the loans paid to the farmers, I would like to inform the Questioner and the House that there are 32 branches where the Agricultural Finance Corporation operates and any application is processed by the officers from those areas in consultation with the officers of the Agriculture Department.

The major qualification for an application of an agricultural loan is the possession of a farm.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Minister has just said, that he does not keep the records or the breakdown of loans on a district or provincial basis, but they have 32 branches and the major qualification is just possession of a farm, may we know from the Minister where these branches are situated and whether anybody who is owning a farm—the Minister is sincerely saying that anybody with a farm—can get a loan from the Agricultural Finance Corporation?

Mr. Nyagah: Mr. Speaker, Sir, I need notice of that question about the whereabouts of these branches. It should not be difficult to get if I were pressed that I should present them, but not right now. Secondly, Mr. Speaker, I would be a very untruthful man if I did say that everybody who possesses a farm can get a loan. What I would like to say, Mr. Speaker, is that the hon. Questioner has been for very many years a member of the Agricultural Finance Corporation and he is in a better position to know than myself.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from one of the Minister's reply, that one of the qualifications for a farmer to get a loan is possession of a farm, what happens to those places where land has not been consolidated and people have no title-deeds? How can these people get these Agricultural Finance Corporation loans, Mr. Speaker?

Mr. Nyagah: Mr. Speaker, Sir, although I said that possession of a farm is one of the qualifications for getting these loans, up to now it has been the policy or the practice of Government that only those people with titled farms or holdings have had this opportunity. However, Government is considering to see what can be done for those other areas where land has not been consolidated. As a matter of fact, I may say that some of the recommendations, or one of the recommendations in the Havelock Commission Report to help the farmers deals very much with this point.

Mr. Mulwa: Mr. Speaker, Sir, I thought the Minister said that he could not get these figures. Was it not possible to compile the breakdown through the branches because, I am sure, they keep records of the loans they give? If it is possible, does he need more time so that he can give us the breakdown?

Mr. Nyagah: Mr. Speaker, Sir, if that is the wish of the House, I will try my best to do whatever I can. I do not promise that I shall give a very detailed breakdown of everything but I will do my best to present what is available to the House.

Mr. Muturia: On a point of order, Mr. Speaker, Sir, the Minister has just said that I have more experience in——

The Speaker (Mr. Mati): Order, Mr. Muturia. That has nothing to do with what we are doing now.

Mr. Mulwa, will you ask your question.

Question No. 495

HUNTER'S LODGE/KIBWEZI FOREST LAND

Mr. Mulwa asked the Minister for Agriculture if he would tell the House whether, in view of the fact that the Ministry had taken a large tract of land between Hunter's Lodge and Kibwezi Forest for the purpose of establishing Range Management Schemes, and in view of

[Mr. Mulwa]

the fact that this area was inhabited by people who had a lot of crops and other works therein, which they had to abandon, and suffered great hardships as a result thereof, these people would be paid compensation for their property.

The Minister for Agriculture (Mr. Nyagah): Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. First of all, let me correct the impression that that land does belong to the people the hon. Questioner alleges it belongs to. This land belongs to us all because it is a State land. The State has allocated that area for range research, Mr. Speaker, Sir.

Mr. Speaker, Sir, the number of people who had infringed the regulations by going there is about ——There are about 15 houses and they moved well before the research team started working.

Mr. Mulwa: Mr. Speaker, Sir would the Minister agree to correct the impression which he is giving to the House that these people infringed the Government Regulations by going to settle on this land because there was no fence on the land? Although it was Government land, like every other piece of land in Kenya, since there was no fence, they settled there. As such, Mr. Speaker, Sir, there is no question of infringement. They rightly settled there, Mr. Speaker. Could the Minister, therefore, agree to correct the impression which he is giving to the House?

Mr. Nyagah: Mr. Speaker, Sir, I would not like to argue with the learned gentleman because lawyers have different meanings attached to words. What I would like to say is that he is right in saying that the land was not fenced. However, now that it is being fenced, being fenced for a specific purpose, the Government of this Republic wishes that nobody will trespass in there to interfere with the useful work that is going on.

Question No. 414

TETU SPECIAL RURAL DEVELOPMENT PROGRAMME

Mr. Koigi, on behalf of Mr. Kanja, asked the Minister for Finance and Economic Planning if he would tell the House—

(*a*) what progress, if any, had been made since the launching of Tetu Special Rural Development Programme;

(*b*) why there had been so much delay in implementing this scheme; and

(*c*) when this programme would be fully implemented in the whole of Tetu Division.

The Assistant Minister for Finance and Economic Planning (Mr. Cherono): Mr. Speaker, Sir, I beg to reply. (*a*) Work started in January on the ground in the form of an intensive extension and farm management experiment for which 100 farmers have been selected. Funds have also been provided for extensions to the Wambugu Farmers Training Centre for the additional staff required to carry out the project. A great deal of work in the Tetu Special Rural Development Programme project will, however, consist of bringing ahead a number of on-going projects, such as improvement of water supply, environmental health, construction of cattle dips and minor roads maintenance.

(*b*) I am not aware that there has been any delay in implementing the project after its launching on the ground. Before that, however, a great deal of time had been taken in ensuring that the project was soundly prepared prior to the release of public funds for use on the project.

(*c*) The Special Rural Development Programme is intended to be a five-year programme, as a component of our national Development Plan, and it is expected that the Tetu project will have been fully implemented by the end of the current plan period.

Mr. Koigi: Mr. Speaker, Sir, does the Assistant Minister agree with me that it was announced by Government, and it was made a very popular scheme, like the others in other parts of the country and the aim was to teach people in rural areas how they can develop? Mr. Speaker, Sir, does he also agree that we were told that money is going to be poured into that particular area? If that is the case, Mr. Speaker, Sir, what happened after that?

Mr. Cherono: Mr. Speaker, Sir, for the information of the Member, I am afraid we do not pour out public money just like that.

Mr. Speaker, Sir, as I have already said in my original reply, it is true that Government announced that there was going to be a special rural development project at Tetu and work has already started on this project. Mr. Speaker, Sir, work on this project is going to be completed within the Plan period and I do not know what the hon. Member is complaining about.

Mr. Muturia: Mr. Speaker, Sir, since there are thousands of divisions in this country and that particular division has been selected for a special rural development project, how long is the Ministry going to take to complete special development projects in the country?

Mr. Cherono: Within the planning period. I have said that before, and for the information

[The Assistant Minister for Finance and Economic Planning]

of the hon. Member, the money which was released by Government for the purpose of implementing this programme in December 1970 was £18,075 and during the current Financial Year—1st July to 30th June 1972—a further sum of £27,927 will also be released for implementation of that project. Therefore, as the hon. Member can see, we are making some sort of progress although he seems to be quite impatient.

Question No. 481

AFRICANIZATION IN COMMERCIAL BANKS

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

(*a*) whether he could confirm that Africanization in the commercial banks in Kenya was very slow;

(*b*) how many African managers were working with the following commercial banks:

(i) Standard Bank Limited;

(ii) Barclays Bank Limited;

(*c*) how long it would take to Africanize all the posts of managers of the above-mentioned banks.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. (*a*) I would like to confirm that the Africanization in commercial banks in Kenya is not very slow. (*b*) (i) As at March 1971, the Standard Bank had 29 African managerial staff as opposed to only three in 1968.

(ii) Barclays Bank Limited, on the other hand, as at March 1971, had a total of 31 African managerial staff as compared to 12 in 1968.

This, therefore, means that in three years the Standard Bank promoted 26 more African staff, while the figure for Barclays Bank was 19.

(*c*) Mr. Speaker, Sir, the time required in order to Africanize all the posts of managers of the above banks is dependent on a number of factors. Firstly, there is the criterion of know-how and experience. Here, professional qualifications and several years of experience are pre-requisites of a competent manager. Then there are other things like trust and integrity. These qualities only come with time. As at the present, the Standard Bank has a total of 32 expatriate managers spread all over Kenya. Of this number, nine are expected to be replaced by citizens by the end of 1972. Barclays Bank has 56 expatriate managers of whom 27 will be phased out by 1972.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from that long answer given by the Minister about Africanizing managerial posts in these banks, could he be specific and say whether these Africans who are said to be holding managerial posts are assistant managers, branch managers and whether there is any African who has taken over as a full manager for the Standard Bank in Nairobi or any other big town like Mombasa or Nakuru? Could he be specific on this?

Mr. Mwendwa: Mr. Speaker, Sir, if the hon. Member is not aware of what we mean by managerial staff, these are the persons who hold posts which are not unionizable. These are the people who are supposed to be among those people who make decisions in a bank. These people rise from the posts of assistant manager, assistant cashier and what-have-you, Mr. Speaker.

Mrs. Onyango: Mr. Speaker, Sir, would the Minister tell this House whether the people he is talking about have a final say to warrant them being called managers?

Mr. Mwendwa: Mr. Speaker, Sir, nobody has any final say in any bank except the man at the top. However, Mr. Speaker, this is quite normal. Even here, Mr. Speaker, it is only you who have the final say although we all say a little. The same thing happens in the banks, Mr. Speaker, Sir.

Mr. Koigi: Mr. Speaker, Sir, will the Minister agree with me that although those Africans are given senior managerial posts they are not enabled to make free decisions?

Mr. Mwendwa: Mr. Speaker, Sir, in a post where money is handled, which is your money—I would hate to bank my money where any simple Jack can make a decision. Money must be controlled, Mr. Speaker, Sir.

Mr. Magugu: Mr. Speaker, Sir, I do not know whether the Minister is aware of the implications of the question. Could he definitely tell the House whether or not, there are African managers, sub-managers, branch managers in these banks, and if there are, would he be able to tell whether or not they have powers of a full manager?

Mr. Mwendwa: Mr. Speaker, Sir, if I may enlighten the House, through experience, I know for sure that there is an African bank manager in Kitui Township. This African manager has powers to approve loans up to a certain point and this is up to, if I am not wrong, Sh. 100,000. In Machakos Township there is also an African manager, who also has power to give loans up to a certain extent. If they have to go beyond the limit which they are allowed, they have to refer the matter to Nairobi, which is normal, Mr. Speaker. I am quite sure, Mr. Speaker, that there are many more African managers in places to which I have not gone. However, I know of the two places which I have just mentioned.

Mr. O'Washika: Mr. Speaker, Sir, arising from the reply which has been given by the Minister for Labour, that at Kitui a branch bank manager can authorize a loan totalling Sh. 100,000, why can the same person not have a final say in the whole matter and, for example, grant Sh. one million. In view of the fact that he has said that there are 29 African managers in the two banks, can he tell us how they are selected? Is there a special board for interviewing these Africans before they get their promotion?

Mr. Mwendwa: Mr. Speaker, Sir, I do not know whether the hon. Member understands how money dealings are transacted in a bank. He seems to think that a manager in Kitui can have a say in the money which is banked at Nyeri; whereas the fact is that the manager at Kitui can only have a say with regard to the money for which he is responsible and he cannot even be asked about a loan which is being approved in Nairobi.

With regard to the question of promotion, I would like to say that there must be a person who is responsible as is the case elsewhere, for example, in the Government service. It is not everyone who is responsible for promotion, otherwise people would promote all their friends and you would then obtain a situation where, if it is the Ministry of Labour, everyone would be a senior labour officer! Of course, there must be a man in charge.

The Speaker (Mr. Mati): Next question.

Question No. 484

NUMBER OF INSURANCE FIRMS IN KENYA

Mr. Karunguaru asked the Minister for Finance and Economic Planning if he would tell the House—

(*a*) the number of insurance firms in Kenya;

(*b*) the number of these insurance firms which are owned by non-citizens.

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, the annual returns which all companies are required to submit provide only for the nationality of the directors to be declared and not that of the shareholders. However, for the information of the hon. Member, the Government holds the majority of the shares in the Kenya National Assurance Company Limited—59.4 per cent shareholding and this figure rises gradually.

Shares in Jubilee Insurance Company Limited and the Pioneer General Assurance Society Limited are approximately 90 per cent held by citizens in each case; and the remaining 10 per cent of the shares are held by nationals of the other two East African States—that is Uganda and Tanzania.

Panafric Insurance Company Limited is a public company whereas the other two remaining companies—Insurance Company of East Africa and Phoenix of East Africa Assurance Company Limited, although locally incorporated, are foreign owned.

The hon. Member knows that the State Reinsurance Corporation has been formed recently and is 100 per cent Government-owned.

Mr. Karungaru: Mr. Speaker, Sir, I do not want to raise a point of order, but can the Assistant Minister specifically answer part (*a*) of my question?

An hon. Member: How many firms?

Mr. Balala: There are 61 firms.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, can we know the reason why the Assistant Minister has chosen to speak of only three or four insurance companies whereas he is aware that the total number is 61 and, seemingly, he is not interested enough to mention the rest with regard to how far they have taken care of this question of non-citizens because we do not want them to own insurance companies? We should know exactly how many there are.

Mr. Balala: Mr. Speaker, Sir, I think I said that we have 61 insurance companies, and out of this number I have mentioned specifically four insurance companies which are owned either by citizens or are locally incorporated. On the question of insurance companies being owned by expartriates, or by foreigners, and how we can go about handing over the insurance industry into the hands of the people of this country, I would like to say that, as in any other industry, expartriate employees of insurance companies are controlled through the Kenyanization of Personnel Bureau in conjunction with the Immigration Department. Work permits have been issued to all expatriate staff of insurance companies and these are not renewable when suitable Kenya citizens are available to take over. There are training courses for managerial staff which are conducted at Kenya Polytechnic, and most of the insurance companies are taking advantage of these courses. In addition, there has been set up an insurance institute—an insurance training and education board—which is the co-ordinating body for all insurance companies. This body is charged with the responsibility of training local people with the sole objective of speeding up Africanization in the insurance industry. Individual insurance companies, on their part, undertake

[The Assistant Minister for Finance and Economic Planning]
their own training courses internally, and in some cases they send some personnel to overseas countries to learn more about insurance because this is a technical and specialized profession.

Mr. Mulwa: On a point of order, Mr. Speaker, Sir, although I did not intend to interrupt the Assistant Minister—he nevertheless seems to be dwelling on the people who work with the insurance companies, the way they are trained and so forth. The Questioner asks about ownership but not about the workers. He should stop telling us about the people who are working there.

An hon. Member: We are not interested in the workers!

Mr. Balala: Mr. Speaker, Sir, I mentioned a few of the insurance companies which are owned by citizens of this country and by the Government.

I would like to stress one very important point which I mentioned very clearly, like any other industry, there is no barrier, whatsoever, to stop any citizen going into the insurance business and therefore the hon. Member and any other person who is interested in going into the insurance business is free to do so.

Mr. Jilo: Mr. Speaker, Sir, is the Assistant Minister aware that most of the insurance companies in which Government does not participate have been exploiting Africans in that when an African, who has taken a policy with them, is involved in an accident they are reluctant to meet the claim?

Mr. Balala: Mr. Speaker, Sir, I do not agree. What is important here is the question of lack of knowledge when one takes a policy with a certain insurance company.

The Speaker (Mr. Mati): Let us go on now.

Question No. 476

LICENCES FOR MERU CANTEENS

The Speaker (Mr. Mati): Mr. Marete not here? Next question.

Question No. 487

TREASURER: ELDORET MUNICIPAL COUNCIL

The Speaker (Mr. Mati): Mr. arap Saina not here?

Next question.

Question No. 453

MINISTRY OF WORKS MACHAKOS CAMP SHOP—OWNERSHIP

Mr. Y. Ali asked the Minister for Commerce and Industry if he would tell the House why a shop at Ministry of Works' Machakos Camp was still run by an Asian.

The Assistant Minister for Commerce and Industry (Mr. Anyieni): Mr. Speaker, Sir, I beg to reply. A shop at the Ministry of Works' Machakos Camp is at present being run by two non-citizen Asians and one Kenyan, who is an African. It is situated in the general business area and that is why the Asians have not been issued with a "quit" notice.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister, is he aware that this particular shop was advertised about three weeks ago by the Ministry of Works for take-over by a Kenya citizen?

An hon. Member: And why——

Mr. Muthamia: It was, but the answer is to the contrary.

Mr. Anyieni: Mr. Speaker, Sir, if the Ministry of Works wants to give the shop to an African my Ministry has no objection at all.

Mr. Y. Ali: Mr. Speaker, Sir, arising from the Assistant Minister's reply, it seems that he does not know where the Ministry of Works, Machakos Camp is. Since Machakos Camp is 100 per cent African residential camp, would the Assistant Minister tell this House what justification there is for a non-citizen to run a shop there and at the same time continue exploiting the Africans under the pretext of "a general business area?"

Mr. Anyieni: Mr. Speaker, Sir, the definition of a "general trading area" and a non-trading area does not go according to the ratio or group of our people who live there. If the hon. Member is suggesting that we should change this—general business area—into a non-general business area, then we are going to consider it in our next bunch of "quit" notices.

Mr. Munyasia: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, that there are two non-Africans running this shop with an African, does he agree with me that this African, whom he is referring to, is being used as window-dressing for the benefit of the two Asians?

Mr. Anyieni: Mr. Speaker, Sir, we have repeatedly said in this House, and outside this House, that if our people are going to be cheap and accept themselves to be used by these non-citizens it is them to blame. However, equally, I would also like to say that those non-citizens who want to use Africans in order to exploit them, our Ministry is watching them very carefully.

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

Question No. 359

NATIONAL PARK—EAST OF LAKE RUDOLF

Mr. Umuro asked the Minister for Tourism and Wildlife if he would tell the House—

(*a*) when the proposed national park to the east of Lake Rudolf would be started;

(*b*) what had made that park not to be as had been scheduled.

The Assistant Minister for Tourism and Wildlife (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. The proposed national park, to the east of Lake Rudolf, will be created soon after the Trust Land out of which it is to be carved is set apart. Government is taking action on this matter. As to part (*b*), the park could not be legally gazetted as scheduled just because negotiations to obtain the land for the proposed national park have taken much longer than the original plan.

Mr. Umuro: Mr. Speaker, Sir, is the Assistant Minister aware that because of not starting this national park on the east of Lake Rudolf, the poachers, or the raiders, from Ethiopia, known as Galubars and Anarkoreke, are enjoying the income of this country by killing the game and they are also raiding our people?

Mr. J. M. Kariuki: Mr. Speaker, Sir, I am very pleased that the hon. Member is aware of that. We are quite aware of that as well. The only thing we are trying to do is to ask for the forms to be properly filled in so that we can avoid the "red tape" which is included before the completion of the necessary documents for the setting apart of the land. The quicker that can be finalized the better. I would like to appeal to the hon. Member to try and help the council concerned to complete the forms in the proper way. We will, in fact, continue with the gazetting of the park in question.

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

Question No. 478

DOUBLE AND TREBLE STREAMS POLICY FOR SECONDARY SCHOOLS

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

(*a*) what his policy was in granting secondary double or treble streams in the Republic of Kenya;

(*b*) when Otieno Oyoo Secondary School, in West Kano, would be given double or treble streams since that was the only Government-aided secondary school in the whole of Winam Division.

The Minister for Education (Mr. Towett): Mr. Speaker, Sir, I beg to reply. (*a*) The policy decision on whether a school should be made a double or treble stream is normally governed by the following factors: First whether the school's present existing physical facilities, such as accommodation, classrooms, sports grounds, etc., are adequate, the nature of existing distribution of streams in the whole country; whether the school is a boarding or day school. Lastly, whether it would be economical or not to the shool concerned.

The (*b*) part of the question, Sir, my answer is as follows. I am unable to say when Otieno Oyoo Secondary School will be made a double stream. However, in future this school will be considered along with other schools in the area after taking into account the factors I mentioned earlier on.

Mr. Onyulo: Arising from the Minister's reply, would he consider that the facilities that exist at Otieno Oyoo Secondary School, in relation to the factors that he has said, qualify it to be considered for a double stream immediately?

Mr. Towett: Mr. Speaker, Sir the hon. Member knows very well that it is only three years ago when my Ministry took over this School. There are now Forms I to III; it has not become of age yet; that is when the school will have Form IV. Therefore, I cannot consider doubling the stream or trebling the streams; I want it to be of age first.

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

Question No. 426

EXPANSION OF SAGANA BRIDGE

Mr. Araru asked the Minister for Works if he would tell the House whether he would expand the Sagana bridge to avoid accidents which occur now and then.

The Assistant Minister for Works (Mr. Keen): Mr. Speaker, Sir, I beg to reply. The Sagana Bridge is among the many bridges in the country which require widening. However, in view of the vast development and maintenance programmes that the Ministry is engaged on at the moment, I cannot precisely say when reconstruction or widening of this bridge will commence.

Mr. Araru: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, which is the usual reply he has given when asked about other bridges in the country, that he is extending many other bridges in the country, my point or question was about Sagana Bridge—— Could the Assistant Minister tell the House whether he is aware that

[Mr. Araru]
during the visits by our President and the Vice-President to that part, so many people especially school boys, died in accidents because of narrowness of that bridge? What immediate action is he taking to widen the bridge?

Mr. Keen: Mr. Speaker, Sir, I think I made my point very clear: that in view of the fact that the Ministry of Works is engaged on a number of other development projects in the country, including construction of bridges, I cannot say, precisely, when reconstruction of this bridge will commence. However, as soon as the funds are available—of course, we have to take that into consideration—then we will certainly widen the bridge.

Mr. Wanjagi: Mr. Speaker, Sir, the Assistant Minister has repeated, several times, the question of lack or unavailability of funds and yet they have surrendered so much money to the Treasury. Would the Assistant Minister say, precisely, when they are going to build this bridge because it is said we have more money than we are actually spending and a lot of the money is lying in the Treasury?

Mr. Keen: Mr. Speaker, Sir, although probably, as may be alleged by the hon. Member, funds have been surrendered to the Treasury, those funds were actually earmarked for certain projects. There were no funds earmarked for reconstruction of this bridge. As I have said many times in this House, in the Republic we have 27,000 miles of roads, including hundreds of bridges, to look after; it is not Sagana only.

Mr. Mutunga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House how the Ministry of Works can afford to construct a road from Isiolo to Addis Ababa and yet it cannot afford to construct a bridge?

Mr. Keen: Mr. Speaker, Sir, the money which we are using for the construction of the Isiolo to Addis Ababa Road is foreign money; it is not from the Treasury. In any case, Mr. Speaker—— Sir, I think I require protection from the Chair here, because I think if the hon. Members would just take care to pay attention, they would understand better.

In many cases, for funds that are allocated for certain road projects, bridges and so on, we normally have a team of surveyors from overseas sources doing the survey work. Of course, if the road project is worthwhile and it is financed from abroad, then, certainly, whatever lending agency lends the money, is responsible for this work. However, as I have said, I cannot say, precisely, when we will reconstruct the Sagana Bridge.

Mr. Murgor: Arising from the Assistant Minister's reply that foreign money is being used to build the Nairobi/Addis Ababa Road, why can the same money not be used to build such bridges?

Mr. Keen: Mr. Speaker, Sir, the money was earmarked for the road from Isiolo to Moyale, and there was nothing included for the bridge.

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

Mr. Wachira: On a point of order, Mr. Speaker. The Sagana Bridge was built in 1917 and it has already started cracking. Would it not be in order for the Assistant Minister to send his surveyors there, to see that people do not die on this bridge?

The Speaker (Mr. Mati): That is not a point of order, Mr. Wachira.

Mr. Muthamia, you are asking Mr. Marete's question?

Question No. 476

LICENCES FOR MERU CANTEENS

Mr. Muthamia, on behalf of Mr. Marete, asked the Minister for Local Government if he would tell the House—

(*a*) whether he was aware that more than 10,000 canteens which were allocated to *wananchi* by the County Council and Area Councils of Meru had been refused licences; and

(*b*) what action he was taking to prevent the loss which might have resulted if they closed down.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. (*a*) In the first place, Sir, the wording of the question is quite contradictory because if the county council allocated these 10,000 canteens, then one would have expected that they were allocated by the county council, and given the necessary licences. However, Sir, when I checked the situation, I found that there was nothing like 10,000 canteens in the area, that the council's records show that the total number of licensed businesses operating outside the markets is 2,620; this includes, Sir, canteens as well as water mills, power mills and so on. In addition, there is a further 270 temporary sheds and kiosks, which have been constructed in various markets for the purpose of conducting petty businesses, but which the County Council of Meru has so far declined to license, as they do not conform with the public health rules.

(*b*) Therefore, it is quite clear, Mr. Speaker, that if there are other canteens operating outside these ones which I have mentioned, they are

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operating illegally, and I would only advise that the owners of such canteens go to the county council for the necessary licensing. In any case, 10,000 canteens will be a bit too many, Mr. Speaker.

Mr. Muthamia: Mr. Speaker, Sir, arising from the answer given by the Minister, can he tell the House whether the county council is prepared to pay compensation to these 270 canteen-owners who built the canteens with the authority of the county council?

Dr. Kiano: Mr. Speaker, that is not the question; nobody said he is breaking them down, it is not a question of compensation, it is a question of these fellows who have these 270 temporary sheds to go and see the Public Health Officer of Meru County Council, and be advised as to how they can make them acceptable.

Mr. Muturia: Mr. Speaker, arising from what the Minister has just said about these 270 temporary canteens around Meru, would he agree to change the position if I told him that I was a councillor in Meru and I am very satisfied that these 270 canteens are not a danger to health, and that they were started through the County Council of Meru?

An hon. Member: Why are they not licensed?

Dr. Kiano: Mr. Speaker, Sir, I am not interested in the personal history of the hon. Member: what I would like to say is that the hon. Member has forgotten the original allegation of 10,000 canteens. Now, they are following me up with about 270—not canteens, but temporary sheds for various kinds of petty businesses. If the hon. Member was a councillor at that time, and they called those kiosks canteens, then the hon. Member was entirely wrong at that time.

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

Question No. 487

TREASURER: ELDORET MUNICIPAL COUNCIL

Mr. Cheptai on behalf of Mr. arap Saina, asked the Minister for Local Government if he would fully explain to the House—

(*a*) the criteria used in the selection of the Treasurer to the Eldoret Municipal Council on 9th March, 1971; and

(*b*) why the Ministry of Local Government had dropped the name of the only local Kalenjin candidate who had the required qualifications.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. First, I would like to object to the second part of the question because the Eldoret Municipal Council did not consider the tribal origin of any applicant as a qualification or disqualification for the post of Treasurer of the Eldoret Municipal Council. The Finance and General Purposes Committee of the Eldoret Municipal Council, who knew Mr. arap Mutai quite well, Sir, because the Sirikwa County Council, where he was working, is also situated in Eldoret, had even omitted this person's name from the short list, and, I personally, Mr. Speaker, insisted that he should be given an opportunity to be interviewed like everybody else. He was interviewed on 16th March, 1971, together with two other applicants who had been put on the short list, until the Finance and General Purposes Committee of the Eldoret Municipal Council agreed they did not feel inclined to take Mr. arap Mutai, not because he was Kalenjin but because they apparently were not satisfied with the report of his previous employers and, therefore, the post was not offered to him.

However, Mr. Speaker, the person to whom this post was offered has recently informed the Council of Eldoret that he is not prepared to take the job and therefore the job is being readvertised and Mr. arap Mutai, like everybody else, may again apply.

Mr. Cheptai: Arising from the long answer given by the Minister, he has proved to the House that the people who were on the board of interview knew, through underground ways, that Mr. arap Mutai was a bad man entirely, but his qualifications were not considered on their merit.

However, can the Minister prove to the House that those people were not practising tribalism, so as to ensure that arap Mutai was kept away from the interview, when he had the necessary qualifications? A man with no qualifications was considered—why was that? Can the Minister tell the House why this was done and why *fitina* was followed?

Dr. Kiano: Mr. Speaker, Sir, if I may give the A, B, C of the art of employment to the hon. Member—it is often necessary for a prospective employer to find out the opinion and the judgment of previous employers in respect to an applicant. To do so, Sir, which is also done even by our Public Service Commission, cannot be classified as an underground exercise. This, in my opinion, is a very improper way of assisting an employer to assess the ability of an individual who has applied. Therefore, Sir, I reject the implication that the Municipal Council of Eldoret acted in an

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underground manner when they sought to find out the opinion of the former employers of this particular person.

Secondly, Sir, I do not believe that being a Kalenjin is in any way a qualification or disqualification of the applicant; I believe that if the hon. Member applies, like all other persons, and if another aplicant is given the post, it will not be because he is either from Rift Valley, Mombasa or anywhere else.

The Speaker (Mr. Mati): Let us go to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

PORTRAIT OF DEPOSED PRESIDENT OF UGANDA IN EAST AFRICAN COMMUNITY OFFICE

Mr. D. M. Kioko: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice:—

Why do some East African Community offices, for instance, the Customs Headquarters at Mombasa, keep the portrait of the deposed President of Uganda side by side with those of the Presidents of Kenya and Tanzania?

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Speaker, Sir, I beg to reply. Ideally the display of portraits of the Heads of State of the three countries comprising the East African Community should reflect the realistic situation as to who effectively controls the government in each territory. However, the necessary changes in official portraits that are called for in this question are the sole responsibility of the East African Community and not that of Kenya Government.

The Speaker (Mr. Mati): Next question.

SALE OF MR. DIMA'S BULLS BY ADMINISTRATION POLICE

Mr. Hussein: Mr. Speaker, Sir, I beg to ask the Minister for Finance and Economic Planning the following Question by Private Notice:—

(*a*) Is the Minister aware that on 9th June, 1971, at Bangal in Wajir District two bulls were seized from Ali Dima by the Administration Police and sold on the spot for Sh. 100 on the grounds that the money would be paid as graduated personal tax?

(*b*) Could the Minister also tell this House why poor people in Wajir District were imprisoned for failure to pay graduated personal tax when they had no money?

The Assistant Minister for Finance and Economic Planning (Mr. Balala): Mr. Speaker, Sir, I beg to reply. Due to shortage of time it has not been possible to find out whether or not the statement made by the hon. Member concerning the man, by the name of Ali Dima, is correct.

However, the Graduated Personal Tax Act provides for payment of graduated personal tax due by 31st March during the tax year. Failure to do so is an offence which is punishable by fine or imprisonment.

The tax payable by an individual is assessed by an assessment committee which, in the case of persons having an income of less than Sh. 960 per annum, exempts such person from payment of graduated personal tax. Provision is made by the Graduated Personal Tax Act for authorizing the police to arrest persons who have failed to pay the tax on the due date without a warrant, and to take them before a court of law. The courts of law are empowered to make order for recovery of the tax by discharge, which empowers the collector to seize the defaulter's property and sell it to recover the tax.

Mr. Hussein: Arising from the Assistant Minister's reply, is he aware that we have no markets in the North-Eastern Province where we can sell our cattle and that we only wait for the Livestock Marketing Department to buy our cattle, and also that the district officer in charge of the revenue in Wajir District does not allow the *wananchi* in the area to sell their cattle at Wajir Market and pay the graduated personal tax? Instead of doing so, he goes round the reserves and confiscates cattle, sheep and camels and sells them on the spot to the people he knows, who, in turn take the animals to Wajir Township and sell them at a profit? Why is this happening? Also——

The Speaker (Mr. Mati): That is enough, Mr. Hussein.

Mr. Hussein: Number (*d*)——

The Speaker (Mr. Mati): Order! Will you sit down!

Mr. Balala: Mr. Speaker, Sir, I am not aware of any people who go round collecting animals and selling them. Whether there are markets or not, the law governing the collection of graduated personal tax will have to take its own course. The moment a court orders a collector to recover tax by way of distraint by seizing the property of the defaulter and selling it, that order has to be executed and that is what is being done at present.

Mr. Hussein: Arising from the Assistant Minister's reply, if law says that the defaulter's property can be confiscated, does it say that the property can be sold in the bush and not in the district headquarters?

Mr. Balala: Mr. Speaker, Sir, property can be sold anywhere.

An hon. Member: Even in the bush?

Mr. Kadir: Mr. Speaker, can the Assistant Minister tell the House, since the due date of payment of graduated personal tax is 31st March, every year, whether the only person who has been arrested and whose property has been sold is Ali Dima and whether all the people in Wajir District were forced to pay their graduated personal tax on that date? How many people have been arrested for this offence apart from Mr. Ali Dima?

Mr. Balala: Whoever is a defaulter, after the 31st March of every tax year he is arrested and made to pay the tax.

NON-PAYMENT OF SALARIES BY MR. ALAMIN OF EAST AFRICA MINING COMPANY

Mr. arap Cheboiwo: Mr. Speaker, before I ask the question, I wish to make a correction of the word "Taita" to read "Yatia".

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

Is the Minister aware of the fact that very many people from Kipcherere, Sibilo and Yatia, in North Baringo Constituency, worked for Mr. Mohamed Alamin of East African Mining Company for more than seven months, earning more than Sh. 6,000, which money has not been paid by him?

The Assistant Minister for Labour (Mr. Kibisu): Mr. Speaker, I beg to reply. Yes, I am aware that people worked for Mr. Mohamed Alamin of the East African Mining Company at Kipcherere and they have not been paid wages for some months. My Ministry is, however, not aware of the people who have worked at the other two places and no complaints have been received from these two areas.

Details of claims of the employees who worked at Kipcherere have been collected by the Senior Labour Officer in Nakuru and steps are being taken to recover the outstanding wages.

Mr. arap Cheboiwo: Could the Assistant Minister tell us, specifically, when he thinks these people will be given this money because they are really suffering?

Mr. Kibisu: Mr. Speaker, I sympathize with the expression of the hon. Member for Baringo, but we cannot be pressed to give a date until and unless we have contacted Mr. Sheikh Alamin and we have carried out the necessary negotiations to effect the payment of wages.

Mr. Y. Ali: Arising from the Assistant Minister's reply, since these salaries are overdue and it is now over seven months since these people were due for their first salary and the Minister has taken no action, whatsoever, would he assure this House that if, tomorrow, the employees concerned took over the mine his Ministry would support them?

Mr. Kibisu: Mr. Speaker, Sir, the hon. Member for Langata is, perhaps, not aware of the situation. The Ministry has not delayed in attending to this matter because we did not get the report seven months ago. We only received the report several weeks back. Furthermore, for the information of the hon. Member for Langata, the East African Mining Company has been taken over by the Government.

Mr. Kurgat: Mr. Speaker, Sir, could the Minister inform this House whether the money which was withheld by the Ministry of Natural Resources when buying out Mr. Alamin is going to be retained until such time that the cases between my district and Baringo District are resolved?

Mr. Kibisu: Mr. Speaker, Sir, I cannot undertake to do that because if we do that, it will mean that Mr. Alamin will have no money to pay the wages. He is the bona fide employer.

The Speaker (Mr. Mati): We will move on now.

Next Order. Mr. Wanjigi's——

MINISTERIAL STATEMENTS

SUBSTANTIATION OF ALLEGATION ON PLOT ALLOCATION IN ISIOLO TOWNSHIP

The Assistant Minister for Local Government (Mr. Ogutu): On a point of order Sir. Last Friday, I undertook to produce to the House the list of plot allottees in Isiolo Township in reply to Question No. 1123 which was asked by the Member for Isiolo North, the hon. Kadir.

I, therefore, beg to lay the list on the Table.

(The Assistant Minister for Local Government, (Mr. Ogutu) laid the document on the Table)

The Speaker (Mr. Mati): Mr. Wanjigi has a statement to make.

REPORT OF INQUIRY ON POISONED SUGAR RECEIVED AT KARATINA

The Assistant Minister for Agriculture (Mr. Wanjigi): On Friday, 28th May, 1971, I promised, in Parliament, to issue a detailed report on the inquiry of the poisoned sugar consignment received at Karatina. The following is the Statement issued to clarify the position:

[The Assistant Minister for Agriculture]

On or around the 5th May, 1971 the Kenya National Trading Corporation depot in Karatina received notification of a sugar consignment of 130 bags from East African Sugar Industries in Muhoroni. This sugar was railed in Railway Wagon No. 62910.

When it was suspected of contamination because of smell, the Medical Officer of Health, Nyeri, was called in and he took samples from the consignment immediately. These samples were despatched for analysis to the Government Chief Chemist here, in Nairobi.

The whole consignment was then resealed and the police were put on guard to ensure that no sugar was released for consumption.

The Government Chief Chemist has since analysed the consignment and found it to be contaminated with a chemical called Organchlorine Pesticide Benzene Hexachloride, and therefore declared the sugar unfit for human consumption.

Mr. Speaker, the whole of the consignment of sugar—of 130 bags—was then destroyed by burning at Karatina on 17th May, 1971 in the presence of the Medical Officer of Health, Nyeri and the police, under the court order issued by the Resident Magistrate, Nyeri on the same day.

Mr. Speaker, further investigations have revealed that the Railway wagon in question had previously carried a consignment of Gamatox which contains the chemicals such as were isolated by the Government Chief Chemist.

This, Sir, would seem to suggest that the sugar in question may have been contaminated in the wagon by traces of Gamatox which may not have been well cleaned out at the time of loading.

I wish to point out, Mr. Speaker, at this juncture, that the Press statement made by me and which was released on 1st of June, 1971 was based on the official information we had received after the investigation. I also wish to emphasize the necessity for this statement and the urgency that it had to be issued to the Press at a time when the whole country could have been thrown into panic while Parliament was in recess.

Hon. Members, Sir, will note that there was no intention at all by those who were involved in loading the wagons with sugar from Muhoroni to go to Karatina, to poison the sugar. I am not even sure that they were in a position to tell or know the destination of the sugar. This should serve to clear the position completely and to allay any fears in the minds of those who might have suspected some foul play.

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

The Speaker (Mr. Mati): No, this is not an opportunity to start reviving the whole issue. You have heard the statement and it is quite clear. I think we should not take time on this.

Mr. Kurgat: On a point of order, Mr. Speaker, Sir, now that this matter has come up, and in view of the fact that last year there was a case of poisoning of milk from Nakuru to Kisumu, and this time a case of poisoning of sugar from Miwani to Karatina, is the Government going to restrain the papers from writing nonsense which implicates almost every province and the whole blame is aimed at Nyanza Province?

The Assistant Minister for Agriculture (Mr. Wanjigi): Mr. Speaker, Sir, I think the newspapers were very responsible regarding the two issues.

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

The Speaker (Mr. Mati): No, that is the end of the matter. Let us go on to the next Order.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(The Minister for Finance and Economic Planning on 17th June, 1971)

(Resumption of Debate interrupted on 17th June, 1971)

(First Day of Budget Debate)

Mr. Mwamzandi: Mr. Speaker, Sir, I would first of all like to congratulate the Minister for Finance and Economic Planning for the able Budget Speech he has given this year where he has not at all imposed a burden on the ordinary man. Here, Mr. Speaker, I am not going to talk about what the Government has done in my constituency or in the country as a whole because I know exactly what it is doing at the present moment, and what it is still going to do. My great concern here, Mr. Speaker, is the general attitude of the people employed either in the Civil Service or in public offices. Sir, I would like to take this opportunity to discuss it in detail so that Government can clarify the situation.

Mr. Speaker, Sir, we have attained independence and should show that we are responsible and ready to treat one another as human beings. It is very surprising, Sir, that the public who go to public offices are often rudely attended to. They are attended to in such a way as if we are not yet independent. Mr. Speaker, Sir, they are attended

[Mr. Mwamzandi]
to, in some offices, in the same way as during the colonial days. This, Sir, is normally done by those who are below the rank of officers.

I will give an example, Mr. Speaker. We are not normally very happy when we are on the road and then we see police constables asking drivers questions in a very rude way, something which is, provoking. We get this sort of attitude, Sir, from persons below the rank of inspectors. Immediately from the rank of inspectors, we get officers who attend to the public in an awkward way when the public are the ones who are contributing a lot of money to have these officers paid their salaries. We are greatly surprised when we see these same officers attending to the public or asking them questions in an awkward or rude way. We do not like to see such attitudes, Mr. Speaker.

It even becomes worse sometimes, Mr. Speaker, when someone is driving with a lady next to him. The constable will always try to show the lady that he is superior and can question the driver. Mr. Speaker, this is not the way we would like to see our people being treated. We want to have people who can ask reasonable questions.

In the same way, Mr. Speaker, when we go to hospitals, we find that the patients are well attended to by the doctors and medical assistants. But when you see officers of lower ranks, Mr. Speaker, you wonder as to who the boss is. The dressers are normally very rude to our patients. For someone who comes from Greenland, it might seem that the dressers are the doctors in this country. This is very wrong.

Mr. Speaker, we always have this occasion so as to point out the mistakes our people are doing. We want these people to correct these mistakes. We would like our people to be attended to in a kind healthy manner rather than the way we see them attended to today. We do not want to receive orders from people who are in this category, who are incapable of making decisions. These are very bad people Sir, they do not attend to our people as they should to show that we are independent. They are normally rude and the patients sometimes tend to think that their life is in danger when they are attended by such people. We want these things rectified because it is these things which spoil the name of our good Government.

Another thing, Mr. Speaker, is that we get the same treatment in our community services. Our telephone operators use awful language. When they reply to telephone calls, their manners are rude. They do not know how to talk to the public. We would like the Minister concerned to see to it that such things are rectified because when the public grumble outside, this spoils the good name of the Government. This must be taken into consideration because it is important when you want to have a good name.

Mr. Speaker, I have particularly chosen to speak on nothing about the development of this country because I know the Government is doing something, but the Government has never done anything to rectify the mistakes and behaviour of people in public offices.

When you go to the district commissioner's offices—most of the district commissioners—you find that the district commissioner is always willing to see anybody and listen to his grievances, but here you have to deal with his secretary. These secretaries think they are the district commissioners. We see the same sort of secretaries in the Minister's offices. You would normally think she is the Minister's wife, the way she behaves. She does not even allow a Member to see the Minister; she does not allow any person to get into the Minister's office. She does not even bother to inquire what a person would like to see the district commissioner or the Minister about. We get very rude replies from them and yet we say this country is independent. We should put such things right.

We have good examples in our neighbouring country, Tanzania. If a constable stops you and asks for your Driver's Licence you are happy to show it to him immediately because he has asked you for it so nicely. But in our country, Kenya, the way they ask you is awful. And if you are driving along with a lady the constable would like to show to the lady that you are nobody.

The Attorney-General (Mr. Njonjo): Is the lady your wife?

Mr. Mwamzandi: Not necessarily. She can be any lady.

Mr. Speaker, we are putting this kind of thing to the Minister and we hear the Attorney-General just joking about that. He does not take care of these things but this is a very important issue. He should take such things into account.

Mr. Speaker, sometimes we blame the Government, and it is not because the President is bad but because of some bad things done by some other person, somebody who is nothing in this Government, some person who is perhaps a messenger.

We want all these things to be rectified as quickly as possible. We want our people to be listened to, to be regarded as gentlemen, as people

[Mr. Mwamzandi]
who fought for this independence. We do not want people who take advantage of their positions to embarrass others.

With these few remarks, Sir, I have chosen to speak mainly on these two items of the Budget Speech.

Mr. Araru: I welcome the Budget of the Minister for Finance and I am sure the whole nation welcomes it. It is a very satisfactory Budget.

Mr. Speaker, when we were discussing the last Budget we suggested that the Government should impose heavier taxation on certain things. When our Minister, last Thursday, was reading this Budget, he mentioned things like cigarettes, beer, wines and spirits, for which he has increased the prices. I think the Minister took the advice of this House and therefore we welcome his Budget. It was very good and can help the nation. Our people are happy because graduated personal tax, the vehicles and so many things, like cloths and rations, which affect the ordinary man have not been mentioned. Every year we want to see this type of Budget as it will encourage development, and therefore we are grateful to the Minister of Finance.

I want to mention a few points in the Budget. The first point is this. We have doctors, advocates and managers of various companies who make a lot of money through their offices. Every time you go to an advocate you are charged a lot of money; he does this without your knowledge; you never know what it is all for.

Even doctors do the same thing. There are some doctors who resigned from the Government service because they did not get enough salary.

I live in this town. I know of a person who qualified at Makerere College and is now working as a doctor. He started a small dispensary in this town and now he is in one of the new city buildings near this Parliament. He has more than three doctors with him and they have so many facilities.

Mr. Speaker, if we are looking for money, our Budget should be based on what the people of this country are able to pay. Since some of these people get a lot of money, I would advise our Government to look at such businesses next time and ensure that their licences are on the Budget so that we can get more money. I want to be quite clear on this and I am going to give an example. When there was cholera all the hospitals in Nairobi were charging Sh. 15 for an injection. I went to see one hospital doctor who told me that he gets more than 600 people in one day. Can you imagine how much money they are making? They are making a lot of money—take only the cholera injections and leave all other things aside.

If I come to advocates, we know there are a lot of young advocates most of whom have come from outside our country. They are very rich and they are still making a lot of money. As you know, Sir, human life is full of difficulties. People are always in trouble and they always have to go to advocates. These people are making a lot of money because there is no control on their prices. If you go for even a small case you are quoted Sh. 2,000 or Sh. 3,000 and I do not know how the advocates help you. They never give you your case file, not even a piece of paper. I do not know what we buy from them that they charge us so much. But such people, Sir, have a lot of money.

I come to a company in which I am involved. I have been involved for three or four years in charter company operating from Wilson Airport. Some people enjoy benefits from these charter companies because they are making a lot of money. The pilots are paid more than Sh. 4,000, for only one night's work they are paid an allowance of Sh. 150. They are expensive people. If somebody has to pay a pilot more than Sh. 4,500, together with other allowances, then this is a lot of money. I know of several charter companies which operated during colonial times and even after independence—as I said, I have participated in such a business for three years, from 1966 to 1969. I have made money through this charter company—but although I hire from them, I know they have a lot of money and therefore our economists should consider businesses.

I come now to the father of the nation and the recent transfers of the provincial commissioners to various provinces. This is in regard to the administration. I thank our Mzee and I congratulate him on the way he has taken action. He always listens to what we in this House say. We are his servants and the public are his servants too. Through this House we put forward our points, and we did bring in this point. I congratulate our Mzee for carrying out these transfers. Civil servants must be transferred. Even Ministers are changed from one Ministry to another. The provincial commissioners are at the top of the province where they are and they have to see the people, and what the people are doing, for themselves. These provincial commissioners must see the different places in the country and different people, and also the difficulties of human beings. They must see to development. I am happy about this and want to congratulate Mzee. During the last year that we have been in this House some

[Mr. Araru]
of my colleagues have spoken on this matter. They said that some of the provincial commissioners had never been transferred since *Uhuru* and therefore they forget their duties and act like kings. We urge him to see that provincial commissioners and such other people are always transferred so that they do their work well.

I come now to the point of development. When we were given the Development Estimates and the Recurrent Estimates books I went through them to see what had been provided for my constituency. But there is only one primary school at Sololo. For this I thank the Ministry for that school built by Government. I am very happy about that.

I have tried several times. I have even brought questions to this House about a doctor. Moyale is on the border with our sister country which also has a shortage of doctors. This is on the side that belongs to Ethiopia. There is only one doctor there and the same situation obtained during the colonial times. For the information of this House people die day and night in Moyale. Only yesterday, I was not able to leave until late at 4 o'clock because two people had died. I am happy because the Minister for Health knows about this. It is some kind of cholera that the people there are suffering from. Every day two or three people die. I am happy the Government has taken note of this matter. Medical staff in Embu Division went there last week together with the provincial medical officer. The Ministry of Health sent a health inspector there with a new vehicle. Yesterday I met him when he was going, perhaps, to Moyale to give injections. Also, the missionary doctor in Marsabit was sent to Moyale for a week. I believe the Government will see that this situation is dealt with and brought to an end. A doctor is a guardian of human beings. If there is no doctor for about 700 miles from this City—— People are always meeting with accidents because of tribal clashes and they need a doctor. I thank the Flying Doctor Service very much because they always fly out there and help people; they bring them to Kenyatta National Hospital and other hospitals. I thought we would get a doctor for our place this year and I went through this book to check. I have been told that a doctor will be sent to Moyale as soon as possible. I thought, from the answers given to my question, that I would get a doctor but I went through the whole book but I never found one such doctor for my area. The only thing I found was the Sololo Primary School and I thank the Government for that. Our area was neglected and forgotten during the colonial times but the Government of Mzee is doing all it can to help our people. I cannot say the Government just sits down and does nothing because Government is doing more than other governments have done. The Colonial Government never constructed even a simple road, leave alone other things. Our Goverment today, however, is doing everything possible to help the people. There are a lot of difficulties still facing that part of the country and therefore I appeal to the Government to look into the question of providing a doctor, as an emergency matter, so that our people can also enjoy the medical facilities that are enjoyed elsewhere in the country.

Another thing, Sir, is that we in that part of the country are crying for water; our main problem is lack of water. Mr. Speaker, Sir, we all know that water is one of the most important requirements in human life. Mr. Speaker, Sir, you find that at Sololo Police Post and the shopping centre in the same place, the kind of water being used there is not fit for human use. Let alone the police post and the shopping centre; the teachers who are teaching in our schools there use very bad water; and, in fact, Mr. Speaker, you would cry if you saw the kind of water they were using during the drought season. This water, Sir, is not at all fit for human consumption. However, Mr. Speaker, the Ministry of Agriculture does a very good piece of work because the district officer in the area sends water in a vehicle to that place, a distance of 50 miles, and therefore, you can see how much the Government spends by sending water to that place. In fact, sometimes, the lorry carrying water has to travel over 100 miles to some areas. However, Mr. Speaker, Sir, the Government should do something more about the water situation in these dry areas. My opinion in this connexion, Mr. Speaker, is that a separate Ministry for the supply of water should be established to see to it that the problem of water in the whole of the country is solved. Mr. Speaker, I am saying this because we all know that about three-quarters of Kenya struggles for water during the dry season. Water problem is not confined within the Northern Province, Turkana or even the Rift Valley Province and Masailand. Mr. Speaker, we are all in trouble and as human beings we need water.

Secondly, Mr. Speaker, our people, who mainly keep cattle, sheep and goats, cannot do any farming because the drought in our areas cannot let our people grow crops: If we try to grow wheat after the rains, sooner or later, drought suddenly comes and everything dries up. For this reason, Mr. Speaker, I am urging the Ministry of Agriculture, although it is a very large Ministry dealing

[Mr. Araru]
with many different things, like livestock, irrigation schemes and so on, to see to solution of this problem of water. I think the time has come now, Mr. Speaker, when development of water projects in these areas should start. We all want to see Kenya enjoying everything; we do not want to see the whole country struggling with a simple matter such as lack of water. Mr. Speaker, Sir, we do not want to see our Government always appealing to the world to help us during the dry season. We have, on a few occasions now, turned to the world for help, and although I thank those who responded to our call, it is a shame to the nation, Mr. Speaker, for Government to be asking for help from other countries year after year when we have enough water in Kenya. I am saying this, Sir, because we have water in Tana River which flows into the sea. Again, Mr. Speaker, we have River Turkwel, which flows into Lake Rudolf—this water is not being put to any use. We have a great deal of water coming from Mount Kenya and all this water flows just like that without being used. Mr. Speaker, Sir, our Government should find ways and means of using this water by constructing water pipes so as to supply water to areas experiencing frequent droughts. This is a very important point, Mr. Speaker, and I hope the Minister concerned has noted it.

Mr. Speaker, Sir, I would now like to come to my last point. This, Mr. Speaker, is about our prisons today. Recently, when the hon. Mr. Shikuku visited Moyale and Marsabit, I had the opportunity of visiting our prisons for the first time as a Member of Parliament. However, Mr. Speaker, I was shocked to see the prisoners dressed in very poor clothes. Although these people are prisoners, we must realize that we are now independent and we must change the colonial attitude because during the colonial period our prisoners used to wear very poor clothes. I think we should provide good clothing for our prisoners because they are human beings and they have lives too.

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

Mr. Migure: Thank you very much, Mr. Speaker, for allowing me to air my views about the Financial Statement made by the Minister for Finance.

Mr. Speaker, Sir, I will try to direct my address to one or two problems. The first problem which is about the national security, which has been a most disturbing issue in this country. Mr. Speaker, Sir, time and gain, there have been very many cases in this country of raids on banks, on personal houses and in other places of business. Mr. Speaker, what we are asking ourselves everyday when some Sh. 200,000 or even £200,000 is stolen from a bank is: where does this money go to? Mr. Speaker, everyday we hear that such-and-such an office has been raided. What are the national security forces doing? This is a very big challenge to the Ministry of Home Affairs. The Minister for Home Affairs should come forward and tell us where this money is going to because we cannot have our country facing these problems. For the information of this House, Mr. Speaker, I am complaining seriously like this because in the recruitment of the General Service Unit—and this is what we read in the Press about two weeks ago—there was somebody recruited into the General Service Unit whose name was Mr. Karanja, or something like that, while he had two previous convictions which involved theft. What we are now asking, Mr. Speaker, Sir, is: if we want this country to be peaceful, how can we recruit people in the armed forces, in the police force or even in the security force, who have previous convictions? This is the question everybody in the country is asking. Government should now come forward and tell us what is happening in Kenya today. It was only the other day, that we read in the newspapers that a lot of money got lost at the Railways Police Station and, in fact, this money was in police custody. How are we going to get on in a country where an ordinary member of the public says, "All right, let me go and deposit this money in the bank or keep it under police custody", and then the next day he hears that there is no money because it has been stolen. Mr. Speaker, Sir, this is why I am saying that this kind of recruitment into the General Service Unit, whether somebody is doing it for his personal reasons or not, we do not accept it and anybody who is responsible for this will have to explain in about ten years' time. If this Government will have gone by then, the other Government to come, although I might be an old man at that time, will have to tell this country why this was happening.

Mr. Speaker, we must be fully responsible for what we are doing in this country and we cannot escape from this. We cannot have a country where the people have no confidence in the police. What kind of security do we have in this country? Where does this money go to? Why are we not told? Is this the kind of security we can be proud of? If another country comes to invade Kenya today, do we have enough security to defend us? We find that just a few robbers armed with about two pistols can come and chase everybody away and escape before they are arrested by the police.

[Mr. Migure]
This is why we are saying that whoever is responsible for this, whether it is the Minister of State in the President's Office or the Minister for Home Affairs, must come forward and tell us—and if somebody is going to ignore this, he will be responsible for whatever will happen. Kenya is for every citizen and nobody can cheat us that it is a handkerchief which he can put in his own pocket as some people wanted to do about two weeks ago and I am glad they have been put inside. Mr. Speaker, this is very serious because no matter what we do, if a bank or a businessman tries to organize himself so that he can bring about more development, and thereby employ more people, someone else goes and steals about £3,000. What does the businessman do next? He sacks the *wananchi*. However, who is going to be responsible for this? These are the things we do not want and the office responsible must come forward and tell us. The Minister for Home Affairs, if he is the one responsible for these investigations, must tell us; otherwise the President should give this Ministry to someone else. I am very serious when I am talking about this because we cannot have a Government where people are stealing day in and day out and the Minister for Home Affairs has not even come forward to condemn these people, let alone telling us what has happened. Mr. Speaker, Sir, I suggest very strongly that Government should detain these thieves who cannot give enough evidence to establish their innocence beyond any reasonable doubt; or get them convicted in a court of law. Government should detain these people and this is my suggestion, Mr. Speaker. Mr. Speaker, I am saying this, Sir, because if Government is not in a position to arrest these people and bring them before the court of law for any legal conviction, then it should detain these people because they are dangerous to the security of this country.

Mr. Speaker, Sir, I now come to another thing about the Game Department, of which I was once a member, and I think I am well informed about this department. Mr. Speaker, Sir, the rate of Africanization in the Game Department is too slow. We would like the Minister for Tourism and Wildlife—but I am not blaming him for anything because he found these problems there—to do something because there is a system in this department whereby an African applies for a post and he is told that he must be a biologist with what-and-what qualifications. If you look at the qualifications of some of these expatriate officers who are serving as game officers, you will see that they are former military officers. What type of biology can one tell me he studied in the army? Is it batallion biology or platoon biology or what type of biology does he study in the army? Mr. Speaker, Sir, this is what we do not want. I know that the Minister for Tourism and Wildlife came and found this problem existing, but we want him to rectify this situation because we have African officers who can take over the running of this department. There is nobody who can convince me—I was a game officer for four years before I came to this House—that today a chief game warden can be an African, but a divisional game warden cannot be an African. Africans are leaving the department because the Africanization programme is too slow since the Europeans working there do not want to leave their posts. What they do is to frustrate Africans if they happen to work under them so that they leave the department. We have chaps with School Certificate who have been trained to do the jobs. Some of these boys have been to Mweka for two years or one year and they have graduated in wildlife management. I think these chaps should have been given a chance to take over the management of the Game Department instead of retaining expatriate game wardens. The work of a game warden is to educate the members of the public under their jurisdiction as to why we should preserve wildlife and the policy of Government towards this goal. We cannot have an expatriate officer talk to *wananchi*. What is he going to talk to them about? They are not in a position to do so. Moreover, the Africans are very hostile towards the white man because the moment he goes to speak to them, they will think he is a colonialist agent and that is the reason why he has come to talk to them.

Therefore, I would say that Africanization in the Game Department should be speeded up as soon as possible. Most of the time they have been unable to get suitable officers because they are given very tight conditions. This system was originated by the expatriate officers. Mr. Speaker, Sir, I am now asking the Minister for Tourism and Wildlife to look into this affair and to make sure that the department is Africanized so that we can have our own African officers working there.

Mr. Speaker, Sir, I would like to appeal to the President of the Republic of Kenya to see that we have a Minister of State who will be responsible for provincial administration. This is very important because the present Minister of State has not, at any time, travelled in the countryside. I have never seen him in South Nyanza. When does he talk to the administrators in South Nyanza District? I have also never heard that he has been in Nyanza Province addressing administrators, nor have I heard that he has been in

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Central Province to address people about the immediate problems in this country. If he is very busy with presidential affairs, Mr. Speaker, Sir, we need somebody else who can be in charge of provincial administration because this is the reason why there have been so very many complaints made against the administrators. This has not been the case because the district officers are bad. For instance, I have no complaints against my district officer, the district commissioner or the provincial commissioner.

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

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

Members of Parliament have from time to time complained in this House that this thing is not happening or that they have been refused licences to hold public meetings. Some of those people who have suffered under this practice are Ministers. We have not been told the reason why this is happening because the Minister for State is very busy with presidential affairs. Although I do not blame him because he is very busy, we should have another Minister of State who will be responsible for provincial administration. This will be the person who will be travelling around the country to talk to the administrators. If he happens to hear some complaints here in this House it will be his duty to go and talk to the *wananchi* about such complaints so that he can find out how bitter they are. However, if we are only going to have a Minister who will only be talking to us only in Parliament, this is not what Kenya needs. Kenya needs educators. Other Ministers are going around the country-side addressing the public. They are rendering a lot of services to the country. I have never seen this particular Minister doing a similar thing. I do not blame him for this because he might be busy with other things. If this is the case, then there should be another Minister who will be responsible for provincial administration, Mr. Deputy Speaker, Sir.

If we come to the question of the Public Service Commission, I would say that it is a very unfortunate thing if we are going to accept what was contained in the Ndegwa Commission Report. We cannot do without the Public Service Commission of Kenya. I think the Public Service Commission of Kenya must be maintained under all circumstances. Mr. Deputy Speaker, Sir, the Public Service Commission of Kenya is the only body in the country in which the *wananchi* can have hopes. For example, it is a body which is composed of representatives from different tribes. There is nobody who can convince me that the Republic Service Commission is tribalistic. It is a body which is composed of Members from different tribes. Anyone who has attended an interview under this board would confirm this. I say this because I have appeared before the Public Service Commission twice before I came to Parliament. In fact, Mr. Deputy Speaker, Sir, if someone did not like Migure, as a person, because of reasons known to him, when I went to the Public Service Commission of Kenya they only considered how competent or qualified I was. Therefore, whoever, is saying that employment should be vested in the hands of Permanent Secretaries is wrong because it is impossible. If we want unrest in this country, we should vest the business of employing people in the hands of the Permanent Secretaries. There is only one Permament Secretary in a Ministry. If he happens to be a Luo, his staff right from the office messenger to the Permament Secretary, will all be Luos; if he is a Kalenjin, from the office messenger to the Permament Secretary all will be Kalenjin; if he will be a Kikuyu, from the office messenger to the Permanent Secretary, all will be Kikuyu; and if he will be a Giriama the same thing will happen. We cannot have this country run like that. If we do so, we shall be giving problems and difficulties to our civil servants. We want to give our civil servants the best terms because very few—— I can see the implications here in the National Assembly. I do not think any one can convince me that employment in the National Assembly is tribalistic. This is a place which is composed of different tribes. However, very few people can be of that nature. Very few people have been told to look for the truth in this country. If we are going to give the responsibility of employing people to the Permanent Secretaries—that is impossible. If I die tomorrow, I want it to be read out that Migure opposed this idea. I am opposed to this idea because it is intended to invite tribalism. The *wananchi* want jobs, but how can they get jobs through one Permament Secretary. Mr. Deputy Speaker, we are not going to accept this idea. If the President, the Government or this Parliament, is going to accept this, I personally do not accept this Ndegwa Commission Report as far as it concerns this question.

The other thing is in connexion with salaries for the civil servants. It is true that there have been complaints made here about the civil servants. However, I would like to say that the civil servants have done a good job in this country. Some of them work up to late in the night. Here in the National Assembly, you can see some officers working late in the night. I have seen policemen on duty at night and many other civil servants doing the same things. They are doing all that they can. We would like their salaries to

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be adjusted properly. Mr. Deputy Speaker, Sir, if you go to the hospital you will see people working day and night. I do not agree that the Commission made the proper recommendations, because the lowest man in the Civil Service did not get his just due or proper share. This must be considered. I do not say that the salaries given to our Permanent Secretaries, are too much, because we do not want to encourage corruption in this country. However, Mr. Deputy Speaker, Sir, coming to the question of the Ministry of Local Government—

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

Mr. Munyasia: Mr. Deputy Speaker, Sir, I beg to thank the Minister for Finance and Economic Planning for his able speech which he delivered on his Financial Statement last week.

Mr. Deputy Speaker, Sir, you will find that since this Minister took over as the Minister for Finance and Economic Planning things have been running smoothly.

I would also like to thank Government for the development that it has done throughout the Republic since we achieved independence. Sir, although I have taken some of my time to thank Government because of the development it has done, you will find that there are some areas to which Government has turned a deaf ear because in every Financial Statement we always tell Government what we would like it to do.

Mr. Deputy Speaker, Sir, if you look at the Development Estimates for 1971/72 and also the Reccurent Expenditure you will find that there is no specific development in some areas. Mr. Deputy Speaker, Sir, we would like things done and distributed evenly throughout the Republic. Last year I said that in Ukambani, and especially, Kitui, we require one thing—forget all the other things—if Government can have a proper water project alone, it will be a big project for the district and with this we can do the rest of the projects without the aid of Government. Everybody knows that water is an essential factor and without water no project can be done. No matter how we develop and no matter how we make our attempts to develop those areas where there is very little rain—we shall be failing in our duty—when it rains in this area the water runs right down to the sea.

Mr. Deputy Speaker, Sir, we said that we should not like Government to be a watchdog looking on one side and forgetting the other side. For instance, I gave an example—let us call a spade a spade—in Embu there is a lot of water and it is not good or fair for my Government of which I am part and parcel to compare a woman who walks for a distance of 50 yards to draw water and another woman who walks about 10 to 20 miles to draw water. This takes the whole day. This woman who walks for 50 yards has plenty of water—that is very unfair.

Mr. Deputy Speaker, I did plenty of homework in going through this book and I found that there is no major water project for Ukambani. The places you find with such projects are North-Eastern—it is my submission in this Financial Year the Ministry of Agriculture must have at least five projects for water in Ukambani. Although you hear that Ukambani is suffering from famine —that is not true because we have soil with good potential—we do not speak to God and it is not our fault that we do not have rain—we shall believe in that until Jesus comes back. Therefore, Sir I think that water projects should be encouraged in Ukambani. We want a water project and not dams and so on. Since the colonial days we have been drinking water from dams and our Government, Kanu Government is also telling us to have more dams. Where on earth have you seen people drinking water from an open dam where hyenas, hippopotamuses and other animals also drink from? This is terrible. That is why people in Ukambani suffer from Bilharzia and cholera. Therefore, Sir, I say that we want clean water and irrigation all along the Tana River. This can only be done if Government embarks on proper water development.

Mr. Deputy Speaker, Sir, turning to the Ministry of Works—everybody knows that the Central Government has taken over all the roads. I am grateful for the work that Government has done in Ukambani but what it has done is not sufficient. I would like to point out that before Government took over these roads, there were some roads which were managed by the Central Government and the others were managed by the county councils. These roads were classified as secondary roads, classified roads and unclassified roads. So long as the Central Government has taken over all these roads—it is not my intention and it is not the intention of this House to continue so classifying these roads because if the Ministry of Works has classified these roads as secondary roads, classified roads and unclassified roads, who will be responsible on the unclassified roads which go to the interior of the rural areas?

Mr. Deputy Speaker, Sir, I was shocked the other day when I took the Minister for Works to my constituency—Kitui West—and we toured

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around the constituency with him—his Assistant Minister came to my constituency twice and said that he was going to make sure that the roads were improved. To my great surprise, Sir, the tractor started working on the roads and when it had done 10 miles it was called off. The Minister had already assured the people of my constituency that all the roads were to be repaired and all *wananchi* cheered him. Now, Sir, what was the outcome? It is a great shame on the part of the Minister and I am not going to tolerate this sort of attitude. If something cannot be done let the Minister tell the *wananchi* that is impossible and if it is possible let him say so. Mr. Deputy Speaker, Sir, despite what the Minister has done, it is a shame on the popularly elected Government. *Wananchi* are not happy about this.

Mr. Deputy Speaker, Sir, saying something about the Ministry of Home Affairs—— Mr. Migure talked about stealing—everybody is worried about this crime because, although we are encouraging foreign investment, eventually, the foreign investors will withdraw their investments because before a bank opens at 9 a.m. security men with dogs stand at the main gate and see the workers go in the bank. How does it happen that these robbers go in the bank to threaten workers while the security people are on guard and then run away with thousands of pounds? One must wonder how this happens. I think this is a well-organized thing and it involves a lot of clever guys, intelectuals. This is not done by an ordinary man who does not know how to do such things. I think, perhaps, I am not sure, but maybe some of the civil servants who are on duty are involved. This is on the security side of it. They are civil servants.

Just imagine how thieves can enter a bank, try to shoot the workers in the bank and then run away with money while the security men stand by at the gates? You will find that when the robbery is taking place the policemen who are supposed to be at the door are not there and when a police 999 car is called it takes some time before the officers arrive. I think, with this delay, the officers give the robbers time to escape. We cannot have this sort of thing. Let the Minister for Home Affairs come here and say "Gentlemen, we have robbers and the people involved are thieves".

About two weeks ago, Mr. Deputy Speaker, my brother-in-law who works in the Ministry of Home Affairs—— I must tell the House the truth I will tell you, just give me a hearing.

They were just walking along the street when they were got hold of by five chaps. A watch was taken from them and some money too. When these five fellows were arrested, one of them was found to be a police officer, who was in civilian clothes. Why are they doing this? The reason, Sir, is that they are underpaid. This is the truth. Looking at the Ndegwa Report, it does not serve any useful purpose for the civil servants——

The Assistant Minister for Labour (Mr. Kisibu): On a point of order, Mr. Deputy Speaker, Sir, the unfortunate civil servants are seriously being accused in this House by the hon. Member. Would the hon. Member substantiate his claim that one of the thieves was a police officer, by actually revealing the actual details of the officer, his name and so on?

Mr. Munyasia: Mr. Deputy Speaker, Sir, it was my brother-in-law who was robbed, two arrests were made and one of the arrested persons was found to be a police officer. Therefore, it is up to the Assistant Minister, Mr. Kibisu, to go and find out these particulars in the court who this police officer was. I need not tell him, but he is a police officer in Nairobi here.

Mr. Deputy Speaker, Sir, what I was saying is that this Ndegwa Report does not serve any useful purpose in one section of the community because you will find that the top civil servants were the only people who are highly paid. There are what we call essential services which include doctors and what-have-you and you will find there was no proper recommendation according to the Ndegwa Commission, they were forgotten. Also when we come to police officers you will find that they are lowly paid and that is why they commit crimes. What happens is that if a police officer is given Sh. 300 or Sh. 400 and he works for 24 hours, by the middle of the month, he has no money. A police officer will tell his wife: *nitakwenda kukuletea sukuma wiki. Sukuma wiki* is some kind of vegetables. "You prepare *sima,* I will bring you *mboga*". At that time he has no money but he will go to duty and when he sees a car he stops the driver and tells the driver: "Your brakes are not good". The driver does not want to appear in the court and, therefore, he tells the policeman: "Take this Sh. 20 and let me go". Therefore, this policeman gets his *mboga* for that day. We cannot continue to have these things in the country. Let these officers be given proper salaries so that stealing and disturbance of the members of the public is stopped.

When turning to the Ministry of Power and Communications, I think it is the intention of the Government when it embarks on a project in a

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district to see that projects do not overlap. For instance, Mr. Deputy Speaker, Sir, we have been pressing this Parliament since 1963 up to date that we require electricity in Kitui. After we pressed the Government very hard, they installed electricity in Kitui but that electricity supply does not serve any useful purpose. It can only be used for lighting and cannot be used in an industry of any kind, not even to operate a garage. This electricity supply is only one phase. What we want is a three-phase electricity supply in Kitui so that it can be used in such simple industries like garages and what-have-you.

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

The Assistant Minister for Labour (Mr. Kibisu): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, the Minister for Finance and Economic Planning, when presenting his second year Budget proposals, termed them progressive Budget proposals. I am wondering, Mr. Deputy Speaker, Sir, whether the man himself, the hon. Mr. Mwai Kibaki is not the one full of progress. I think, to be able to produce to the National Assembly a balanced Budget, a Budget without shocks, is a clear indication of the stability of the economy of the country. The absence of any disheartening decisions in that Budget should clearly be a further encouragement to a bigger boost in the economy of this country specially based on principle of mixed economy, attracting as high a number as possible of private investors to inject their capital in the economy of this country and thus helping us to solve or to move towards solving such chronic problems like the problem of unemployment. We have said, time and again, Mr. Deputy Speaker, that unemployment will not be solved by piecemeal arrangements, by many Tripartite Agreements, but it will be solved, long-term, by the expansion of the economy. Therefore, congratulations go to the Minister for Finance and Economic Planning for giving the House and the country, for that matter, the balanced Budget at hand. However, Mr. Deputy Speaker, Sir, there is one aspect of the national planning, financial planning, that I continue to notice is lacking. When we talk about industrial and commercial development, for example, in places like Machakos, Kakamega, Kilifi and Meru, we are, indeed, talking about shops and people to run those shops, roads to those shops and other services. There is one aspect of the service which is continuing to lack in our Annual Development Estimates. It is that aspect which concerns certain services of the East African Community Departments which operate in this country. Take, for example, Mr. Deputy Speaker, postal services. I happen to know that we proceed to make plans to develop certain areas, maybe building up a new district office and yet we do not plan, at the same time, for the provision of certain communication services like postal services and telephone services. We are also aware that an industrial and commercial centre can develop faster if it has these services, namely, postal and telecommunication services.

The thing that is lacking is that although the Posts and Telecommunications Department in this country is a Community Department, I think we are entitled to know what plans they have for certain areas of this country so that when other forms of development are taken to those areas, the entire planning is well integrated and there is not one aspect which is lacking. Take, for example, Mr. Deputy Speaker, the question of providing telephone communications between provincial offices like Kakamega and the national centre in Nairobi. I do not know whether it is not a waste of public funds to take the example of having constructed a high quality telephone line between Kakamega and Kisumu over a year ago and since then, this line has not functioned. No country can afford this type of luxury. If, in fact, our planning was sufficiently integrated, then the post office ought to have known in advance that constructing a line of that magnitude, with that very high capital outlay, should not lead to delay in making it funnction. Within the year it has not functioned, a lot of revenue has been lost and this is why I am saying that there is one aspect of our development planning which is still lacking. The Minister for Finance and Economic Planning and, indeed, this House and the country are entitled to have those aspects of the Railways, of the Post Office, the Meteorological Department and other Community Departments affecting Kenya brought to this House along with the Annual Development Estimates to be able to give the hon. Members the balanced picture when looking at the Development Estimates.

Mr. Deputy Speaker, Sir, I would now like to make some comments on the Ndegwa Commission, on which much has already been said. Mr. Deputy Speaker, first of all, I would like to say that I support the idea that the civil servants should have their remuneration improved. To that extent, I support the hon. Minister for Finance and Economic Planning that the sum of £5 million required to implement the Ndegwa Commission recommendations should be approved by this House. However, Mr. Deputy Speaker, I would

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like to make one observation. Perhaps, I would borrow from my personal experience in these matters of setting remunerations for employees. We can still use that £5 million to make the civil servants better off than how it was intended to use that same money as per the recommendations of the Ndegwa Commission.

Mr. Deputy Speaker, I am saying that the £5 million or so can still be apportioned in such a way that those most deserving civil servants should get a more appropriate increment as a result of these recommendations rather than placing those weighted increments in an underserving place.

Mr. Deputy Speaker, Sir, I would like to quote some examples. Take the example of an Under Secretary or a Senior Deputy Secretary in a Ministry. In terms of pure management, his, is a co-ordinating role. He is not a functionary man and he does not operate anything: he merely makes sure that the left hand is doing exactly what the right hand wants it to do. He co-ordinates the activities of others. Therefore, his work is fairly routine.

Compare the same man with the district commissioner in a district. The district commissioner is the chairman of practically all—I repeat the word "all"—Government committees and sub-committees in his district. He is called upon to do thankless tasks of making sure that his district is developing in all aspects, yet the job content of the two, according to the Ndegwa Commission, does not warrant the district commissioner getting a higher salary than the co-ordinator who is sitting in the office. The difference which I see in these figures is such that it cannot be explained. That is the first example, Mr. Deputy Speaker.

At the co-ordination level itself, the Permanent Secretary and his assistants, I cannot see any justification whatsoever, as a person, to leave a gap of over £782 between the Permanent Secretary and his assistant. I see no justification at all. Neither do I see any justification in the case of the National Assembly. With due respect, Mr. Deputy Speaker, I do not want to bring in any personalities, but I will be confining myself to the jobs.

Sir, the clerks of the National Assembly do a job which is absolutely tiring. I think the hours worked are never counted, yet the Ndegwa Commission sees it fit not to look at the salaries of the Clerk Assistant No. 1, or the First Clerk Assistant and the Second Clerk Assistant in that particular connexion. Hence, there is a similar mistake made regarding the salaries of the Clerk of the National Assembly and his assistants whereby there is such a big disparity which justifies absolutely nothing because both of them always sit in this Chamber. I know they also work upstairs until 10 p.m. every day. But then, where is the justice in the fixing of these remunerations to account for the fairly intensive duties they are required to perform? Their jobs are so much inter-related.

Mr. Deputy Speaker, to me, these examples are a little sad. We have not yet moved towards improving the position of the chiefs and the sub-chiefs, now designated assistant chiefs. Mr. Deputy Speaker, the positions of these two people are neither Civil Service nor public. They are both ways. I think that the Ndegwa Commission could do a little more in fixing the remuneration in such a way that the services which these people perform are adequately remunerated.

I can go on with the list. We talk about retaining doctors in this country, but they resign and go into private sector, like my hon. friend, Dr. Munene, who is not here now. The salaries which are given to doctors in this Report, compared to other grades of Government officers in the senior grades, cannot make a doctor stay, nor can they make an engineer stay in the Civil Service.

All I am trying to do, Mr. Deputy Speaker, is to justify a case that we can use the £5 million more appropriately by reversing the order and laying emphasis on the place where it belongs. That is what I am saying. But I support the fact that a civil servant must have his salary increased properly within the capacity of Government.

Sir, I cannot complete my comments on this Report without mentioning the secretaries. In the old system they were better off, but today they are worse because whereas a secretary or a shorthand typist with certain educational qualification expected to go up by increments to about £1,020 per annum, today she only expects to go to £972. This Report is not meant to make any condition of Government worse than it was yesterday or before the Report was implemented. That is why our secretaries are having to do a lousy job of work in the offices, but when they complete their bond with Government they rush to commerce and the private sector. We have to say these things. I want to see the civil service properly protected, but you cannot protect it with things of this kind.

Finally, Mr. Deputy Speaker, I must say what I have said once before—lack of inter-Ministerial co-ordination in the implementation of the approved projects. There is too much red tape. An Under Secretary decides to sit on the papers,

[The Assistant Minister for Labour]
when his engineers and his gang are wasting time in the rural areas away in the bush hoping the money which has been approved by Government is coming. One man alone does not pass on the papers to allow those people to buy materials to go on with the job. Mr. Deputy Speaker, I could have substantiated this but it is not necessary. The Minister for Finance has complained from time to time that Ministries do reimburse the Treasury at the end of the Financial period because the projects for which the money was originally voted for have not been implemented, not because there is anything wrong, but the engineers do wait and the people who implement wait, whilst the fellows in the offices, those who handle the papers, are guilty of an offence. This renders a lot of Members of Parliament to complain. For this reason, I approve the Ndegwa Commission's recommendation of setting up an Ombudsman to be able to police the implementation of the projects approved by this House. That is vital because there is no use providing the Development Estimates saying so much will be spent on water development in Moyale, but at the end of the following June you find that there is no water in Moyale, and hon. Araru will complain here all the time. It is not because they do not have the people to do this work, but it is just because the machinery to release the money is too cumbersome.

All we are saying is that it is better to streamline Government a little more and get the approved projects for which money has been voted actually implemented, and there will be peace in this country in that respect. The politicians are always accused of talking too much, but if I talk too much in pushing the civil servants around to get certain moneys released as approved then I am doing a good job for the nation and for the people of this country.

Mr. Deputy Speaker, I beg to support.

Mr. Wachira: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to commend the Minister for Finance and Economic Planning because I have read his Financial Statement and I find that he has done a good job. I congratulate him for his skill and manpower employed in the preparation of the statement.

Mr. Deputy Speaker, Sir, when I was scrutinizing the Budget, I noticed that there is nothing in it which is set aside for settling people. Sir, I have also learnt that the Government has borrowed some amount of money amounting to K£2½ million to buy land. As we all know, there are a lot of emergency villages all over the country and, in fact, these people are living in sheer poverty. The time has come, Mr. Deputy Speaker, Sir, when we ensured that all these people were settled because they could not go on living in that condition for such a long time without having an inch of land to cultivate. For instance, in Makuyu, Mr. Deputy Speaker, Sir, there are so many villages of this kind. I have so many squatters and when I was with the Assistant Minister in Makuyu, I was glad that he was impressed with the work there and I feel I should appeal to the Government to settle all these squatters. Unless they are settled, there is a danger that these people will become thieves or a menace in the farming community.

Mr. Deputy Speaker, Sir, to come to education, I note that the Budget does not say anything about taking over any secondary school in Makuyu. Mr. Speaker, Sir, it is a known fact that Makuyu area was considered by our former colonial masters as a labour base. However, the time has come now for the *wananchi* in the area to be given secondary schools. We have built Makuyu Harambee Secondary School, Gaturi, and Kiambuki, Harambee Secondary Schools and, Mr. Speaker, Sir, none of these have been taken over by the Government. It is high time these secondary schools were taken over by the Government, otherwise, we will not be able to maintain them.

I must thank the Government, Mr. Deputy Speaker, Sir, for bringing to my area 240 bags of food recently. My people in Ithanga have been starving and it is only last week that they received the food. I think that the Government should have given them food a little earlier than last week. While I thank the Government for its generosity, I feel that they need more food and, therefore, more should be sent there. We particularly need food with protein: milk for the children and the aged members of the area.

Mr. Deputy Speaker, Sir, on water, several locations in Makuyu have contributed a lot of money for water projects especially Gaturi Location which has contributed KSh. 60,000; Gikindu Location has contributed about KSh. 20,000; Ithanga Location has given well over KSh. 15,000 and the time has come—these people are poor compared to other divisions in Murang'a District—when these people should be assisted by being given some money for these projects.

Mr. Deputy Speaker, Sir, on roads, the Murang'a-Kiriaini-Gaturi Road is now under construction. Sir, I am surprised to understand that after spending a lot of money on this road, all they have decided to do is only to put on murram. I believe that the Government would have spent the money better by tarmacking this road. I appeal

[Mr. Wachira]

to the Government to decide on tarmacking this road instead of putting on gravel and murram.

In Makuyu, Sir, we plant a lot of maize but it appears that unless Government can aid farmers by killing the wild animals which destroy this crop our efforts will be wasted each time we plant the crop. Sir, there are very many wild pigs, monkeys and baboons which destroy crops in Locations 17, 15, 20 and Ithanga. The Government should send its game scouts to kill all these animals, otherwise, people in the area will starve although they are putting a lot of effort into farming.

Coming to health services, Sir, a dispensary was built at Kinyangi in Gakuthi Location and another was built at Gakurue, at Muragua Ridge and Gikindu. *wananchi* paid a lot of money for these and I appeal to the Government, during this Financial Year, to take them over because unless they take them it will appear that the efforts of *wananchi* were wasted.

Mr. Deputy Speaker, Sir, I must congratulate and thank the Special Branch of Kenya for the good work they have done. I believe the time has come when we should raise their pay. In fact, had it not been for these people there is a likelihood that the convicted plotters would have killed all we Members of Parliament and, I think, our Special Branch should be given credit for their good work.

In 1959, Mr. Deputy Speaker, Sir, the Colonial Government took land in Kangure, Kiamuti, Kiambicho and Kaharura areas. There, Sir, 800 people were displaced. The time has come when Government should settle these people in settlement schemes. It should also compensate these people for the loss of their land. It is true that some of these people are now being put in jail for trying to cultivate this land which belonged to their forefathers. These people and their children, Sir, have no land at all; they have no other means of livelihood. It is high time the Government settled them and, at the same time, compensated them for the loss of their land. As you know, Mr. Deputy Speaker, Sir, we fought for *Uhuru* because of land and it is so serious when these people have already lost their land and nobody seems to care about them.

Mr. Deputy Speaker, Sir, I do not think that I have very much to say. With these few remarks, therefore, Sir, I beg to support the Motion.

Mr. Owala-Orwa: Mr. Deputy Speaker, Sir, I stand to comment on the Budget Speech by the Minister for Finance and Economic Planning. First of all, I commend him for having taken into consideration some of the suggestions that were made during last year's speeches in that he has detailed the Estimates to an extent that it is a little easier to grasp this year's figures than of last year.

Nevertheless I feel I should comment on a few parts of it which I would have liked the Ministers to be here to listen to so that they can take them into consideration during the Financial Year. I am happy Sir, that the President directed that the police be considered by the Ndegwa Commission for salary increases. The public has not, in the past, had much faith in the work of the police, because in many cases when culprits were handed over to them, instead of the police co-operating with the public by carrying out investigations on their own, they let these thieves free. Consequently, Sir, stealing and robbery increased especially cattle theft in my area which brought insecurity to my people. The public suspected, therefore, that because they are lowly paid, they can be swayed by being bribed. However, now that their salary has been increased, I trust that the person who is in charge of police and for that matter the police force will see to it that they work and bring about the security that is expected of them. I am looking forward to their co-operation with the introdution by the Attorney-General of a Bill in this House in connexion with capital sentences for cattle rustlers and robbers. I trust that this time the Attorney-General will not try to include a trap to the hon. Members as he did last year so that the Bill may not be killed again. I hope that this time it will be a clean Bill to fight these rustlers and thieves; and that it will not be tantamount to bringing a trap under cover of the Bill, including unwanted documents and publications. If ever he wants to include that, he should bring it by itself and it should be discussed on its own merits rather than being brought in under the cover of the Bill that is going to deal with the people that are a menace to the public.

Mr. Deputy Speaker, Sir, the people in my area seem to be suspecting the action of the Ministry of Agriculture in as far as the dealing with maize is concerned. Last year, this particular Ministry mixed *unga wa ngano* with *unga wa mahindi* and this was rejected. We suspected that this must have been a trick of trying to save, the amount of *mahindi* because they were aware that they had not enough in store. During this time when there is little amount of *mahindi* in the shops, you will find a lot of *unga wa ngano* in the shops. The millers are busy milling *unga wa ngano*. Perhaps there is too much *ngano* and they do not know where to put it; but I would like to advise the

[Mr. Owala-Orwa]

Ministry of Agriculture to see to it that only enough of the *ngano* is grown so that maize meal eaters may not be frustrated later on. I understand that the Minister has not made full use of the silos that were built in the Rift Valley and which were expected to store enough maize for any period of time to save any shortage of food. Surely, if this is true, why waste money in putting up something that is not going to be made use of or something that is going to tie up money idly or carelessly? I feel that the Ministry must contemplate seriously the ways of making use of these silos so that we are not caught red handed by shortage of food and then the people start crying about because the maize they were promised is reduced.

Last week, when Mr. Amayo gave some figures in connexion with maize they were refuted although they were the proper figures pertaining to Homa Bay and Kendu Bay. We would like to have statements that would withstand the times but not statements that would die today and then another statement is issued tomorrow and so forth. We would like a statement that would withstand the times and provide the proof to the public.

I hope that with the increase of the price of maize the people have grown enough maize and the Ministry will, therefore, keep enough of it so that in the time of need the people will not be frustrated as they have recently been.

Mr. Deputy Speaker, Sir, I am sorry that we have waited for a very long time for the introduction of free education—which for convenience I wou'd like to term, "tax-aided education". Surely, Kenya being an agricultural country, our African Government should have seen fit to revise the syllabuses in order to train our people to suit the surroundings rather than clinging to the English white collar type of education! A long time ago, agriculture, handicraft, carpentry were taught in schools but subsequently these subjects were removed from the syllabuses and as a result many of the students who leave school know nothing about handling any tool, and therefore, cannot gainfully employ themselves. I feel that time is ripe when Kenya should introduce a form of education for self-employment such that even the students chosen to be trained for higher education could also safely know how to make use of their hands instead of making use of their brains alone.

Recently, the Minister said there is a commission that is coming around to review the type of education in Kenya. May I urge him to see to it that as soon as the report of this commission is out it is implemented. There have been many commissions whose reports are shelved although this is done after spending a lot of Government money and nothing is made use of them any more. We should not encourage such commissions whose reports are shelved and people forget about them and do not see the result of the money so used to support such commissions. I feel that as soon as that commission issues its report, the Minister for Education should implement it straightaway; but at this juncture, I would like to urge him to see to it that he introduces the tax-aided education so that the clever children of the poor people may also benefit.

I know that there is a lot of wastage in our schools because some schools have been given the opportunity of enrolling, for example 350 students but you will find only about 150 students which means that 200 places are wasted although I am sure that the teachers could teach the extra 200 students very safely just as the other teachers are doing in other places where there is enough enrolment. We should not allow wastage whereby if the students are expected to number 200,000 one only finds 80,000 students. This is a waste of public money; but if the Ministry can start reducing the school fees as from now on so that more children can make use of these new schools that have been established, then, this will serve the public properly.

May I also suggest that the take-over of Harambee secondary schools is very slow, for example, in my district—South Nyanza District—we have about 40 Harambee secondary schools and if the Minister takes over only one of them per year, it seems it will take us 40 years before they are all fully taken over although I hope that every year we will be increasing them. In fact, 40 years is a drawback and that is why I feel the plan that was brought in this House some five years ago should not prevail but instead another plan should be brought here for approval so that more schools are taken over so the people may benefit and be relieved of the heavy burden which they are carrying on their shoulders in running these Harambee secondary schools; because it is the duty of the Government to provide education but not the duty of individuals. It was due to the call of our President that the people undertook Harambee projects; but the burden is very heavy on the shoulders of these people who have dared take care of the Harambee schools. I am now calling upon the Minister for Commerce and Industry to see to it that he makes lighter the burden of the people by decentralizing the work of the Industrial and commercial Development Corporation so that the services rendered by this corporation are centred in the provinces so that more people can

[Mr. Owala-Orwa]
have access for discussion and access for advice. Mr. Speaker, Sir, I understand that there are some people who have been given loans by the Industrial and Commercial Development Corporation, however, because of the distance; because of the red-tape that they follow, one after another, these loans stay for over ten months before they are handed over.

I know of one person who was crying that he had paid insurance on a loan which was given to him and he was now being asked to pay another instalment of insurance whilst he does not know when loan will reach him. He is afraid he might be asked in the third year for the third time to pay for a loan that has not reached him. This is frustration to the public, from which I think the people could be saved by decentralization. It might be too much work, Mr. Minister, through the Deputy Speaker, for your staff in the Industrial and Commercial Development Corporation. I do not say that they are lazy nor do I say that they do not do their work, but I think everybody is development conscious such that there might be too many requests and too many applications to deal with. Therefore, I feel decentralization of these services will save much frustration of the public

Sir, recently we were hardest hit by drought in Kenya: animals died because of drought; people suffered and died because of drought. Therefore, I feel water should commence as priority, I remember a story of when somebody who was dying because of thirst, said, "Water!" "Water, in the name of Christ!" I would also say the same for the sake of my people who have to travel miles, and miles to go and fetch water. At this juncture, the person in charge of water should take care of this. It does not matter whether he provides dams; it does not matter whether he provides us with boreholes; it does not matter whether he protects springs or wells. But so long he provides water so that the people do not have to walk long distances wasting time—and time is money and if they waste 3-4 hours to fetch a pot of water, this is very valuable time that the people could be using in developing other things and thus bring their economy up to date. Therefore, the case of water, and especially, the sources of water in my district, Sir, that were worked upon by the Minister for Health have been left to go stale. These have not been repaired. The boreholes have become blocked; the dams are full of reeds and are infested with *dudu* so that you find people suffering because of drinking such water. I feel the man in charge of water should go and save my people from this by clearing these dams now so that the people become healthy.

Mr. Deputy Speaker, Sir, to end, I feel that I should also advise the Minister for Local Government that he should find sources of revenue for the county councils. It was recommended that the graduated personal tax was going to be returned to them. Return it now because the county councils are frustrated. The Minister is now the "Minister for Townships" and not the Minister for Local Government. The staff of the county councils are declaring strikes and yet the councils are frustrated because they have no means or resources of money to pay their salaries. I feel this frustration should cease.

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

Mr. Kurgat: Mr. Speaker, thank you very much for allowing me this chance to speak on the Financial Statement given by the Minister last week. I think the Minister this time did what other Ministers have not done in the past. He has been constructive; he has furnished us with a lot of information; a lot of information which we have been seeking for ages. I now know that each Ministry has one permanent Secretary; one Under Secretary; one Minister and one, two or three Assistant Ministers. This information is valuable because when we work out the total expenditure in Kenya we know how much and how many people are involved. However, in the previous years, they used to group them together under "Personal Emoluments". That was not enough because we could not know where the Minister was; his Permanent Secretary and so forth and what they were earning. However, now we know and I am sure next year he will give us details of their names. This is because when we have that we will know, for example, this year, So-and-so when employed as a district officer he will retain that post for the whole of that year, unless he is dismissed. Therefore, we would like him in future, to give us the names. This is not a hard thing to do; it is just as simple as stating we have one Permanent Secretary and then put his name; we have two district officers and give their names. Although it may look bulky, it does not matter. What the Minister for Finance and Economic Planning has done this time is better; he has gone abroad to look for money and has brought it back. This is the money that is being used and, I am sure, he will be going abroad again to look for more money for development. This is because the Development Plan is up to 1974. He should borrow all the money he can at this time before we reach 1974 because we want to develop the

[Mr. Kurgat]
country according to the Development Plan. If he delays as in the previous years, then it will force us to extend the development period. When it is five years, we need so much money for that period. But we should not beg every year; we should know how much we need at a particular period. We should also know how much we would like to borrow because we will have to pay this money back to the lender.

Mr. Deputy Speaker, Sir, I have gone through both Estimates—— Estimates for Recurrent Expenditure and Development Estimates—but I think we have left out something. I do not know why that has been left out. These are roads in the settlement schemes. I am lucky now because the Assistant Minister for Works is here. The roads in the settlement schemes are completely excluded from whatever we are having here. Is it because those roads are in a "colony"? Or are they not part of Kenya? I only know of roads or secondary roads or minor roads which were maintained by county councils. However, those roads which have been under the Minister of Lands and Settlement since 1964, have not been graded; they are not even under minor grading. When we ask the Ministry of Works, they tell us there is no money and that this is a matter for the Ministry of Lands and Settlement. But when is the Ministry of Lands and Settlement coming to help us? This is where Kenya Government is getting a lot of money in the form of milk, pyrethrum and so on. Why have you forgotten these roads in the settlement schemes? Are they not part of Kenya or are they outside Kenya? Are they in the air or are they within Kenya? If they are within Kenya then, you must consider this very seriously.

Mr. Deputy Speaker, Sir, I do not want to waste my time because I want to rush and see what I can contribute.

As regards the collection of school fees, there is a problem at the moment——

The Deputy Speaker (Dr. Waiyaki): There is too much talking there, below Mr. Kurgat.

Mr. Kurgat: There are a lot of problems now about the collection of school fees. This has been handed over to the district commissioners who have to collect both taxes and school fees; this is not possible. As a result, they only advise people to go to the nearest centre on a particular day. When you send your child, who is about 10 years old, with the fees, the child has to line up the whole day only to be told that time is over. When he goes there the following day, he is told the fees are not being collected today so he should wait until next week. This is punishing the parents, the children and, of course, punishing everybody. This is because the child will miss going to school for three days; one day for walking to the place where the fees are to be paid, the second day for lining up and the third day for going back.

The Government must design a way whereby fees' collectors will go to each school to collect fees on a particular day rather than heaping all of them and telling them to line up in a place 15 miles away. Some of the parents are very old and cannot go that far; the children are too young to take the fees, anyway. If the children are given the school fees they may even use it on the way and say, "I was hungry and so I used some of the money".

Therefore, Government should devise another method of collecting the school fees.

The other point, Mr. Deputy Speaker, Sir, is on stock-theft. I understand that the stock raiders are disturbing Kenya and I understand now that the Ugandans are bombing and firing on the Turkana raiders along the border. I do not know or see the reason why Kenya Government is not using aircraft for bombing and shooting the raiders from Ethiopia and other parts. If our people are killed on the border, I mean across in Uganda, we should also bomb them when they cross to our side. We must establish some airstrips along the border so that when raiders come to raid our *manyattas,* then our security people should be able to fly immediately, locate and bomb them. By this method, I think we shall be able to finish the inter-territorial raids but as for the local raids, well, that is a matter for that committee which was set up some time to tell us what to do about stealing between one district and another. However, most rustlers come from outside Kenya.

QUORUM

The Assistant Minister for Works (Mr. Kuguru): On a point of order, Mr. Deputy Speaker, Sir, is there a quorum in the House?

Mr. Kurgat: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to interrupt me——

The Deputy Speaker (Dr. Waiyaki): Order! Order!

An hon. Member: There is no quorum.

The Deputy Speaker (Dr. Waiyaki): No, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. Waiyaki): We have a quorum now. You may continue, Mr. Kurgat.

Mr. Kurgat: Mr. Deputy Speaker, Sir, I am sorry that the Ministers decided to remain outside

[Mr. Kurgat]
the Chamber when I was speaking on such a very important Budget and they have just decided to come now when they know there is something serious.

An hon. Member: Your time is up!

Mr. Kurgat: You come and listen. I do not care whether you are shouting at me or not. Mr. Deputy Speaker, Sir, it is they who have been absent and I am not worried whether they came in or not provided a quorum was there.

Now, I am coming to rural development and that concerns the Ministry of Agriculture. I have read through the Rural Development Plan and have seen what they call "Special Rural Developments". I have only seen some places which were there even during last year and they have not added any new ones. I do not know what they are thinking about our most important area known as the Kerio Valley. This Kerio Valley, the Minister told us that he has used well over Sh. 4 million in survey only. Therefore, if the Minister has used this money in survey only, why can he not come now and start all the projects, for example, roads and irrigation? We have water there which is being wasted, it is going right to Lake Rudolf and it is just a matter of diverting the water, not even piping it. I do not see the reason why Government cannot pump that water which is lying at a place called Kapnorok. You must make sure that this water is no longer wasted when we need water; we need water for irrigation as we have been running short of food. The other time one Minister said that we are not short of maize only but also short of other foodstuffs. However, why can you not come to such a very simple place and see for yourself that we only need to cut furrows to irrigate the areas, and show us what to plant in a particular season? Mr. Deputy Speaker, Sir, this place is 8,000 ft. above sea level and water can just flow freely because of the gradient. You do not need any pumping machines to bring water to these places. This area should be developed and the plans for these development projects should have been included in the Current Development Estimates, even if in the form of a token, Mr. Deputy Speaker. They should only have shown that £10 will be used for the development of Kerio Valley. Why can they not even show phase one of this development? We were being told by them that during the 1971/72 Development Estimates something will be shown to this effect, Mr. Deputy Speaker. I have gone through these Development Estimates but I have not seen such a token. If rural development means all rural areas and this is not explained, why did Government not give the breakdown of the development? Government should have given this breakdown, Mr. Deputy Speaker, Sir. I would like to tell the Minister for Works, who is sitting in front of me now, that I was given an answer some time back that the road between Nyaru and Kimwaren will be constructed during the 1971/72 Development period. I have been looking for this provision in the current Development Estimates but I could not find it. I still want an answer to that effect——

The Minister for Works (Mr. Nyamweya): Who gave you the answer?

Mr. Kurgat: It was not the Minister himself who answered that question but it was one of his Assistant Ministers. But, they are all involved in this exercise, Mr. Speaker.

The Minister for Works (Mr. Nyamweya): Do you want the answer?

Mr. Kurgat: I do not need the answer until the day you will feel like answering that question.

Mr. Deputy Speaker, Sir, what we need mostly are experimental stations and environmental sanitations in the Kerio Valley. But, before all that is done, there has to be a road built by the Ministry of Works in that area, Mr. Deputy Speaker, to enable people to move round. They should not use £200,000 for surveying the area, using aircraft, Mr. Deputy Speaker, and never tell us what we should do. Why keep these papers with you after spending Sh. 4,000,000 on surveying the valley. Mr. Deputy Speaker, Sir, I have no quarrel against this matter but I would like the Minister for Finance to take into consideration the fact that he promised me, personally, when he came to Kerio Valley that he was going to look into this matter and I thought he was going to include it in the Development Estimates. I will go to him again and ask him the reason why he told me a lie. However, before then——

The Minister for Works (Mr. Nyamweya): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member correct in saying that the Minister for Finance and Economic Planning lied to him? I am under the impression that hon. Members in this House do not lie. The emphasis is particularly in this House, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Dr. Waiyaki): He is out of order to say that an hon. Member was lying.

Mr. Kurgat: I apologize, Mr. Deputy Speaker, if I used that word but I think I did not use it. However, if I used it, because the Minister who has risen on a point of order is sitting near me, I do not know how I might have slipped, but all the same I beg to apologize.

[Mr. Kurgat]

Mr. Deputy Speaker, Sir, what I need in that Great Rift Valley as they call it—I do not know what they call it in Swahili but I used to read in geography that it is about 3,000 ft. above sea level —is for Government to build a Divisional Headquarters to cater for Elgeyo Marakwet and Baringo Districts so as to co-ordinate all other departments. This is because once we have officers like a district officer in that area, there will be an agricultural officer in the same area, a police station, a veterinary officer and a range management officer, so development will be faster, Mr. Deputy Speaker, Sir. However, when they look at the valley they say, "I cannot walk all that distance. To go round with a car is 70 miles up. Let the chief go there". The chief goes there and comes back in the evening and says, "Oh, everything is all right". We want them to be there so that even our people will be paying their taxes in time. When they go there for assessment they do not even know who is there because they do not know the area.

On the question of labour movement in Kenya we have the Fluospar Mining Company. I am very happy——

Hon. Members: Time up.

Mr. Kurgat: I see my time is over.

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

The Assistant Minister for Foreign Affairs (Mr. Nabwera): Mr. Deputy Speaker, Sir, I would like to say that this is a very welcome Budget and I would like to congratulate the Minister for Finance and Economic Planning for producing this meaningful Budget. The present Budget is welcome for two reasons. Firstly, because it fits in our accepted principles of a mixed economy. I think this House, the Government and, indeed, the country have accepted that we in Kenya will use the mixed economy so that the debate in this House, and outside the House, will necessarily be as to how much Government participation should be rather than whether it is going to be a mixed economy. We all accepted that we will have a mixed economy and I hope that we will continue to pursue this development along those lines.

Secondly, Sir, this is a welcome Budget because ever since we became independent eight years ago we have progressively reduced our dependence on foreign borrowing. There are many developing countries whose national budgets derive most of their development finances and even current expenditure finances from foreign sources. Fortunately, we in Kenya have been much more fortunate and we are able now to depend more largely on our own resources. I think this is a move in the right direction and that we shall gradually continue to move in that direction until we are completely independent of foreign borrowing. Instead of borrowing money from foreign countries, Sir, we should move in the direction of expanding our production so that we can earn our foreign exchange from trade and other economic activities of our people.

Sir, having said this, I would like to refer to two main items that appear in the Budget Speech by the Minister for Finance and Economic Planning. One, among the new taxes that he introduced there is what one might call the hotel tax. Now, under the new arrangements hotel users will be expected to pay an extra 10 per cent. I would like to appeal to my colleague that instead of asking the hotel users, which will tend to discourage people using the gazetted hotels, and tourists perhaps coming into Kenya in larger volume, to pay, since the hotels are making what one might call abnormal profits, since they are making very big profits, we should take the 10 per cent off their earnings, off their takings and not from the tourists or other local hotel users. I think this is very important. We should not ask the hotel users to pay, so much so that our own people and the tourists would prefer to go to the ungazetted hotels rather than the gazetted hotels and in the end we will end by collecting less money than the Minister has estimated for. This is one small suggestion I would like to make to the Minister.

Secondly, Sir, I am glad to notice that the Minister is now going to allow the people who pay both income tax and graduated personal tax to set graduated personal tax payments against income tax. However, I must say that the operation of graduated personal tax out in the rural areas still leaves a lot to be desired. The assessment of graduated personal tax, hon. Members will agree with me, is still far from being in accordance with what the law wants to be done. We still have local assessors who indulge in *fitinas*, and I would like to appeal to the Minister to speed up the recruitment and training of graduated personal tax assessors so that these officers who will be properly qualified in assessing graduated personal tax as income tax is assessed by people who are qualified can be sent out to the districts and do the assessment of graduated personal tax. It is important that we as a Government must not look as if we are not telling the truth to our own people when we say that only people whose income is Sh. 960 and upwards are subject to taxation, and the local sub chiefs and other assessors make people who mak

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only Sh. 200 or less taxable. I think we must make sure as a Government that this does not happen, that the law is adhered to. I know, for example, in Western Province the Provincial Administration found that interpreting and implementing the law on graduated personal tax was difficult and so they decided to take a short cut. They ask, for assessment purposes, in Western Province—I do not know what happens in other provinces—how much land they have and how many *ng'ombes* they have, and without finding out whether, in fact, the piece of land that one has does have maize planted on it, and if so, whether he earns enough from it, the person with 3 or 4 acres and perhaps five *ng'ombes* is subject to taxation straightaway. I know it is a cumbersome business and I sympathize with officers in the field, but here we have a law and the law must be adhered to. Therefore, I appeal to the Minister once again that the assessors who are in the process of being trained should complete their training and be posted to the districts so that at least next year we will have people who are qualified doing the assessment and the *fitinas* and scoring old debts and problems will be brought to an end once and for all.

I now wish to refer to two other matters. First I am glad that the Minister for Finance and Economic Planning, in his Budget Speech, outlined some of the proposed industries that are going to be sited in different parts of the country. It has been the policy of this Government, that instead of concentrating all industries in a few major towns and, therefore, drawing people from the rural areas, that these will be sited in different parts. In principle, this is a welcome thing. However, in practice the problem is that implementation is not moving fast enough. I will take one example, the Broderick Falls Pulp and Paper Factory has been in the Development Plan for the last five or six years. Every time that we have a Development Plan, every time that we have a Budget Speech, this Broderick Falls Pulp and Paper Factory comes up. And, as a Member who comes from that part of the country, I would say there are no signs that anything is happening, not even putting up the signboard. The signboard says, "The Pan-African Paper Mill will be sited here". I hope that the Minister will be able, and we, as a Government, should be able to implement what we have accepted and where money has been voted, instead of repeating year after year, that the following industries will be established in such and such a place.

The other point, Mr. Deputy Speaker, that I wish to talk about is on the settlement schemes. Our settlement schemes throughout the Republic have landed us with three major problems. One is that most settlers are not able to repay the loans, the loans for the purchase of land. The development loan is okay because we can get this from the crops that they sell to the Kenya

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

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

Farmers' Association or Maize and Produce Board.

The Minister for Finance and indeed we, as a Government, have come to a stage where we should try and see whether we can help the Minister for Lands and Settlement, in whether or not, we should not turn these plots into plots that are leased by the settlers, so that they only pay a lease fee to the Commissioner of Lands. I doubt very much, whether we will ever be able to recover money from these settlers if they have to pay an economic price. The only people who can afford to repay the loans are people like ourselves or people who are employed, and therefore, get money from their other sources of income; not the real farmers, not the actual people whom we wanted to help when we achieved independence. These people are too poor to repay the price for the land. It may be that we have reached a point where the land should remain in Government hands and perhaps, on a lease basis of 33 or 99 years, so that the settlers and their successors will only be expected to pay a small fees by way of lease.

Secondly, on the settlement schemes again, I think the time has come when we should, once a settlement scheme is completed, transfer all the settlement officers, and absorb them into other Ministries, so that the Ministries of Agriculture, provincial administration, co-operatives and social services can carry on with the kind of work that they do in the rest of the Republic. I think it is a mistake for us to treat the settlement schemes as a special case, where we keep the settlement officers long after the actual settlement is completed. From my experience, the settlement officers do not seem to have very much work to do anyway; if it is the question of collecting money, the provincial administration can do that; if it is the question of ensuring that crops are properly planted, the Ministry of Agriculture can do and if it is the question of ensuring that the co-operatives work effectively, the Ministry of Co-operatives and Social Services should be able to cope with that.

Finally, the settlement scheme roads, unlike the rest of the country, and I am not sure that we are likely to debate the Vote of the Ministry of

[The Assistant Minister for Foreign Affairs]
Works—we did not do it last year—the settlement scheme roads, unlike the rest of the country, are not receiving enough attention from the Ministry of Works because they were taken out of the main stream; they were treated as a special case and the result is that the roads that were constructed by the Ministry of Lands and Settlement have now gone into disuse. Now, for rapid economic development of these areas, which we must do and which we must see through, roads in the settlement schemes must be treated like roads elsewhere in the Republic.

Mr. Speaker, Sir, let me now come to my last point.

My last point is that we are living through difficult times in that the question of loyalty to the President and the Government has been a subject of discussion in this House towards the end of last week. I think that we in Kenya will continue, and we must adhere to having a democratically elected Government.

I do not think that what we have been able to achieve so far would have been possible under any other form of Government. We are now used to having Government proposals subjected to serious discussion both in this House and outside it. I think that we, as Members of Parliament and, indeed, the people whom we represent, will adhere to this principle and if there is anybody who will try to disturb the peace, we shall all unite and resist that encroachment.

With these few remarks, I beg to support.

Mr. Kadir: Thank you very much, Mr. Speaker, for giving me this chance to make comments on the Development Estimates of this year.

Mr. Speaker, I want to speak about the markets in the former Northern Frontier District, in the northern part of Kenya. Members from these areas have all the time, in fact, been talking about the problems of the marketing of animals in the area. Mr. Speaker, since our lives depend on our livestock, it is high time Government made special arrangements for the development of the northern part of Kenya.

In fact, this afternoon, the hon. Member for Wajir North was complaining that some people have been arrested because of failure to pay the graduated personal tax. In fact, all we have in our area is animals. If we do not, therefore, have any market for them, I do not know from which bush our people will be able to get the money to pay for their children's school fees and the tax. It is high time Government started a meat industry in the northern part of Kenya so that our people get markets for their animals and so meet all their necessary financial demands.

Although I do not want to speak much about tribalism and such like things, on one matter I want to accuse the Minister for Local Government. Though I have complained to him about the allocation of plots in Isiolo District, he has never taken the trouble to stop construction of buildings on the plots which have been given to the people who do not belong to that area. It is, therefore, high time that the Minister for Local Government stopped construction on the plots which have been given to those people who do not belong there. The *wananchi* of the area were refused the right to have the plots and build on them in their own areas, while people from other places were being allocated plots there. This sort of tribalism should be stopped forthwith; otherwise, it is going to cause a lot of problems.

Mr. Speaker, how do you take it when the Government officers refuse to allocate the *wananchi* with plots in their own home areas and then allocate other people with those plots?

Mr. Speaker, you can see from this list that the District Commissioner for Wajir, Mr. Babu has been given a plot; the District Commissioner for Isiolo has been given one and also the District Commissioner for Marsabit has been given a plot. There are also Ministers and others whose names I can mention here. This sort of tribalism must, in fact, cease. The *wananchi* who are the owners of the place should have been given the chance to trade in their own areas.

The Minister for Local Government—— The Assistant Minister for Local Government who has given me this list of names is here now. Although we do not want the list of plot allottees to be laid on the Table, it should be read in this House so that the public at large can hear the names and know, through the names, which people have been given these plots—whether it is the people from the district or people from outside the district who are being given the plots. Mr. Speaker, Sir, this sort of thing should be stopped, otherwise, it is going to be a very serious problem.

Sir, the other thing that I wanted to speak about is hospitals. It is high time the Government saw to it that every district had a district hospital. If you go to Isiolo now, there is not even a dispensary where people can get medicine. The people are living in a very awkward sort of life. The people in that area are suffering because there is no doctor. Every time someone falls sick he is taken to Meru and, in fact, before he reaches the main hospital, sometimes he dies on the way. It is therefore, high time the Ministry of Health

[Mr. Kadir]
constructed a district hospital in Isiolo District so that the people of that area can get medical facilities as the rest of the people in Kenya do.

Another thing, Sir, is about the salary increases. It is no use trying to cheat the public into believing that civil servants have had their salaries increased while we know that it is only the big bosses—the only people who have been enjoying everything ever since—who are trying to increase their salaries while the others, the low earning group, are still suffering. Sir, you can find that those people who have been earning Sh. 200 have had no increase. It is only, perhaps, Sh. 10 that has been given to them as an increase. It is, therefore, not justified for the Government to say that the "Ndegwa Recommendation" should be taken as it is. It should, in fact be reviewed again and again.

Mr. Speaker, Sir, another thing is that the Local Government officers have been given their increases in arrears just recently. I do not, therefore, see the reason why they should be included in the "Ndegwa Commission". These people should, in fact, be excluded from the increases of salaries because they have had their salaries increased only recently. I am, therefore, asking the Minister for Local Government to exclude the officers of the Local Authorities from the salary increases because they have already had their increases. The Minister should see to it that the lower earning group in the Local Government are given an increase of salary other than the officers in the Ministry because they have already earned their increase.

Another thing that I wanted to speak about, Sir, is the roads. We Members from Isiolo District find it difficult to go to our constituencies because of the problem of roads. It is now time for the Minister for Works to see to it that the road between Isiolo, Garba Tula and Masii is constructed. During the bad weather period, we are not able to visit our constituents and all the time we are subjected to accusations from the people of our constituencies. It is high time now for the Minister to see that the roads between Isiolo, Garba Tula, Masii ..... (Inaudible.) and Girisho ..... (Inaudible.) and the rest of the other areas are constructed.

Mr. Speaker, Sir, another thing is about the recruitment of the district assistants in the area. We have found and seen that the North-Eastern Province—because it is the only province which is not included in the "plans" like other provinces —is not getting everything that the other provinces are getting as assigned to them. Mr. Speaker, Sir, since Kenya attained independence, nobody from my area has ever been appointed a district assistant or a district officer. I do not see why we should be told to wait for anything. We want to see special recruitment being done from our area so that school-leavers do not flock here in town hopelessly looking for jobs.

Mr. Speaker, Sir, the other point I want to put across is about water. It is pointless Government looking into the water problem only during the drought periods and when this is over, they do not care any more about it. During the drought period, very many people who wanted to move from the most severely drought stricken areas died in their efforts to do so because they could not get water and to do so they had to move for about a 100 miles. It is high time the Ministry of Agriculture organized a water boring team to investigate the possibilities of digging boreholes in areas where people suffer greatly during the drought periods. Mr. Speaker there are many good areas for grazing animals, but because of the water problem, we cannot do so. Therefore, Sir, it is high time the Ministry of Agriculture went into the interior of these areas and constructed boreholes so that we do not experience any more water problem.

Mr. Speaker, the other thing I want to speak about is on secondary schools which are still not fully taken over by Government. If Government want to promote the standard of education in Isiolo District—and I am glad the Minister for Education is here—I do not see why they cannot take over the whole administration of the schools instead of taking over one class and leaving others. I am saying this because taking over all classes in a school does not cost Government a lot of money. Therefore, the Minister for Education should see that the running of these schools is taken over by Government.

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

Mr. Nyakweba: Mr. Speaker, while joining my colleagues to thank the Minister for Finance, I have a few points to make. Mr. Speaker, I have looked through the Estimates and I have found that the Minister did not allocate funds for a new hospital at Kisii, at a place called Nyamira. Mr. Speaker, I request the Minister to reconsider this as a matter of urgency and reallocate funds for this hospital. I am saying this because Government had assured the people at Nyamira that the hospital would be built and plans had been made already. Mr. Speaker, it is really disappointing that now, no funds have been allocated for this hospital.

[Mr. Nyakweba]

Mr. Speaker, Sir, the other point which I want to make is about graduated personal tax. Mr. Speaker, Sir, I thought the Minister for Finance should have done away with this tax for those people who are poor and unemployed. I am saying this, Mr. Speaker, Sir, because the assessment committee has proved a failure. This committee has always assessed graduated personal tax for the poor as much as for the rich. I, therefore, call upon the Minister to abolish this taxation on the poor people.

Mr. Speaker, the other point I want to touch on is about education. Mr. Speaker, it would be very good if the Minister for Education could consider upgrading two schools in Kisii which are: Nyabururu Girls' High School and Kereri Girls' High School so as to have Form V. These schools, Mr. Speaker, have all the necessary facilities and teachers too. Mr. Speaker, Sir, if these schools are upgraded they are going to cater for girls. At the moment we have two high schools, Kisii and Bishop Otunga High Schools. However, we would like to have a high school for girls. Mr. Speaker, Sir, whilst on this Ministry, I would like to appeal to the Minister for Education to consider upgrading Yabaka Primary School to a secondary school level so that it can cater for girls in Wanjare/South Mugirango Constituency.

Mr. Speaker, Sir, the other point I would like to make is in connexion with the Ministry of Power and Communications. I would like to call upon the Minister for Power and Communications to consider improving the telephone services between Homa Bay, Kisii and Nairobi. Mr. Speaker, Sir, it is indeed disappointing to see that the telephone services between Homa Bay and Kisii are very bad. One has to wait for a long time before he is able to get his friend on the phone either in Nairobi or elsewhere. Therefore, I call upon the Minister for Power and Communications to improve the telephone services in this place by increasing the number of lines so that people in Homa Bay and Kisii can communicate easily.

Mr. Speaker, Sir, I would appeal to the Minister for Natural Resources to consider taking over Nyagweta Forest which is in my constituency. It is now under the management of the county council which has failed to improve this forest. Mr. Speaker, Sir, I would like also to appeal to the Minister for Labour to consider reinstating all those people who were employed under the Tripartite Agreement, but have now been sacked or have received notices of termination of services. Mr. Speaker, Sir, it was only the other day we were pressing firms to employ people, but today you will see very many young men on the streets looking for jobs. It is very encouraging that the Government decided to introduce the Tripartite Agreement, because very many people got employment through this scheme. However, it is very disappointing to see that those people who were employed under the Tripartite Agreement have received notice of termination of services. I would request the Minister for Labour to look into this affair so that he can make sure that those who are in employment under the Tripartite Agreement remain in such employment.

Mr. Speaker, Sir, I would like to make another point in connexion with the Ministry of State in the President's Office. Mr. Speaker, Sir, a few months ago, we held meetings in Kisii to discuss matters related to the question of subdividing locations, and sub-locations. Mr. Speaker, Sir, the Minister shou'd take immediate steps to see that the subdividing of sub-locations and locations in Kisii is done immediately. This will ensure that administration is carried out smoothly. I believe that we shall be able to progress as we require as soon as possible if the administration is brought closer.

I would also like to talk on roads. Mr. Speaker, Sir, in my constituency there are remote areas where I am unable to hold public rallies. Mr. Speaker, if an hon. Member does not visit his people they usually lose confidence in him, and when an election comes that hon. Member will be kicked off. I would like to visit every part of my constituency. Therefore, I would like to appeal to the Minister for Works to construct such roads as: Nyamarambe, Nyakembene, Marongo to Koba. Also the road from Nduru, Manywanda to Ogembo should be constructed so that I will be able to visit these places. Mr. Speaker, Sir, I believe that if these roads are not constructed people cannot make any progress. Therefore, I call upon the Minister for Works to see that the Ministry builds roads in all remote places.

Mr. Speaker, Sir, the other point that I would like to speak on is on agricultural loans. Mr. Speaker, Sir, so many farmers, throughout the country, find it very difficult to repay the loans because the animals bought with the loans given to farmers die before the farmers have made any profit.

Mr. Speaker, Sir, I would request the Minister for Agriculture to think of writting off these loans which were issued to farmers to buy animals who have since died, so that the farmers do not get the burden of repaying the loans.

[Mr. Nyakweba]

Finally, Mr. Speaker, I would like to say something about settlement. We in Kisii are very overcrowded and I request the Minister for Lands and Settlement to settle the Kisii people who are now landless. We are very many and it would be good if the Minister bought land elsewhere—this land could be bought in the Rift Valley or anywhere else in Kenya—to settle the Kisii people.

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

Mr. Nthenge: Mr. Speaker, Sir, I rise to congratulate the Minister for Finance and Economic Planning for his very good work, mainly, because he laboured very much to tax those that are taxable. I believe that we should not bother people by asking them for what they do not have. We should always concentrate on milking the cow that has milk. The people to be taxed are those with big incomes, cars and lorries. As a matter of fact, I very much agree with the last hon. Member who suggested that graduated personal tax from the poor people should be done away with because many poor people worry so much about graduated personal tax that they lose or forget what they are supposed to do because of worries. I know one man who pretends to have a bad arm in my constituency. I learned the other day that he pretends to be a sick man so that he does not pay graduated personal tax. Maybe if this man was exempted from graduated personal tax he might have started a project, let us say, farming and then he is taxed indirectly from what he purchases for himself and his children but now to avoid paying graduated personal tax he pretends to be sick and, therefore, we do not get anything from him. So, I feel that the Minister did a very good job by taxing those who are taxable. People like me and other hon. Members and anybody else who gets a good salary should be taxed more and nobody will complain. I believe that the wealth of this country should be shared by everybody in this country and the only way to make everybody enjoy the fruits of this country is by getting a lot of money in the hands of Government so that Government can provide services for everybody.

Mr. Speaker, Sir, may I say something about education. The other day I said that I believe in education being supplied to every *mwananchi* at the same level. I still feel that something should be done in this Budget when we come to the Ministry of Education. I warn the Ministry of Education in advance that they should think of a method of improving the standards of education. The type of schools which were termed as African schools during the colonial era should have their standards raised, and the schools which we used to call European schools and which are now maintained for the children of the people of my income should be lowered a little so that we can unify the standards of education. We raise the standard of the low schools and lower the standard of the used-to-be European schools and with this we strike a balance. Let the lucky child and the brilliant child get the same education and be useful in the country. After all, you do not educate a child so that he can become a teacher to teach himself, you do not educate a child to become a doctor so that he can cure himself, you do it so that he becomes an asset to the country. Mr. Speaker, Sir, I believe we should exploit all the brains we have by giving all the children the same chance.

Another point, Mr. Speaker, while I am on education, is that I complain very seriously and I think the Ministry of Education in conjunction with the Ministry of Finance should look into the payment of teachers. You find a teacher who gets a salary of Sh. 600 and compare him or her with another person of the same standard of education who went to become a secretary or a stenographer, a person who takes dictation and does not influence decisions or help to shape the country as much as a teacher does, that secretary gets a better salary. Supposing that they pass their school certificate examination at the same time, get the same marks, one goes to become a secretary, the other one goes to become a teacher, the secretary trains for less than a year, the teacher takes two years, what happens at the end? By the time the teacher comes out of the teacher training college, the secretary has had an increment of one year and the secretary gets more money. Is the secretary doing a more responsible job, a more helpful job than a teacher? I have a feeling that there is always a case for the teachers to be given the same salary as any other person.

Actually, Mr. Speaker, Sir, while I am still on this, I do not believe in our system of payment of salaries. I am suggesting to the Minister for Finance and Economic Planning that the payment of anybody should be in accordance to the time taken to study. In other words, if a chap studies for 12 years and goes for a course for another four years, all those who go for four years' training should get the same salary so that there is nobody who feels inclined to envy those who went to a different training of the same duration. In other words, the employer is the same, the training taken is the same and why should the pay not be the same. For example, you find doctors who train for seven years getting less salary than a chap who went and obtained a B.A. degree and joined the administration. Is the administration

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more important than doing medicine? Take another example of such professions like engineering. You will find that they are not as well paid as the administrators, who probably did a shorter course. Mr. Speaker, Sir, I feel that if we all go to a university for ten years, when we finish the ten years, we should get a standardized salary. I do not want us copying the anomalies created by the Colonial Government. Unfortunately, Mr. Speaker, Sir, you will find that some of the anomalies to be corrected, should be corrected by those who benefit from them and that is why they have been sitting on these corrections. Not that they believe it is wrong to correct them, but because they, being egoistic, like any other human beings, feel if they rectify the thing, they would not benefit. Mr. Speaker, here, I stand for correction to say that I have even been informed, in the Ndegwa Commission, that for some of the professions, instead of calling the members of the same profession, a person like an administrator, say, a Permanent Secretary or his Deputy, to go to speak for the doctors when it comes the turn of that Ministry to be discussed—instead of inviting a qualified doctor or a qualified engineer or a qualified surveyor to present the case, they did not invite members of those professions to do so.

Mr. Speaker, Sir, there is another thing I object to and, I think, it should be corrected by the Minister for Finance and Economic Planning. I would like him to consider very seriously these parties offered by Government. Many of them have become a sort of a mockery. I feel that they should either be done away with or they should be improved. First of all, you may get a Head of State coming into this country. When you go to the reception you find a lot of people who are not worth meeting a Head of State there and, equally, a lot of people who are worth meeting him are excluded. They are not invited. There is a mistake being made somewhere. You find some people who are oustanding politicians and outstanding members of the society left out. A party looks as if the whole intention is to have people attend and become drunk. On the contrary, the idea is to meet such kinds of people.

On Madaraka Day and such similar days, the people who were fighters in the Mau Mau—maybe they do not know much English or they were not educated, but they have their country at heart—are not invited. At big state parties, Madaraka Day and other occasions these people should be invited to celebrate. Who gets the invitations? It is the secretaries in offices, the clerks, who have never made any sacrifices in the country, but the man who has sacrificed for the country is left out and he only watches from a distance.

Mr. Speaker, Sir, when teachers are wanted I will not go as I am not a teacher. When businessmen are wanted I will go if I am a businessman. When we are doing something political, let the politicians lead. In fact, a district commissioner can do without being invited for Madaraka Day. Instead, a former chairman of Kenya African Union, secretary, or youth winger should be invited. That is the only day they should come and enjoy. As for the other man, the civil servant, when they are holding a party for a new provincial commissioner, the whole lot can go there. When are the politicians going to get their rights or, at least, enjoy some respect? A politician is mainly paid by respect. All he can get on such occasions is to have a prominent position. Mr. Speaker, I am saying this very seriously, that we either do away with these parties, but if they are to continue, whereby public money is spent, then let those who deserve go there, but not collect people as if it were a company.

Another point is: we are the politicians, and I feel that some of the administrators who are given some money to look after security and the rest of it, instead of doing that, they fight the politicians. Sir, I am saying this because, for example, our President has said that he wants all of us to go back and stay in our constituencies and talk to the people. For more than a year now I have never had a licence to hold a meeting. Whenever I apply for one I am told to hold on and on until the meeting day arrives. I do not get a licence, and this has been going on for some time. Are we going to start a system whereby we shall talk to our people in hidden places? I feel that we should be very free to meet our people so that we can do what the Head of State said, but not what a few administrators think is the right thing.

I am quoting myself as an example. Even today I received a letter from my district commissioner saying that he will not allow me to hold the meetings which I had arranged in my constituency. This is now about the 20th time that I have received such letters. Mr. Speaker, when are we politicians going to meet our people? As a matter of fact, I would like to ask the Minister of State, President's Office, to consider it very seriously to abolish that system whereby he, himself, as the Minister of State, goes to the district commissioner to apply for a licence. If the district commissioner does not like Mr. Mbiyu's politics he might tell him, "I am considering it". If he gives him the licence at all he only gives it three days from the meeting day

[Mr. Nthenge]

so that he does not get a big crowd, then the district commissioner says, "My *barazas* are bigger than those of Koinange". This kind of competition is almost a showdown between politicians and civil servants. This, Sir, is encouraged by this Act. The earlier the Minister of State, President's Office reviews this Act the better, because they have a wonderful term they use when they do not want you to hold a meeting. They always say "For security reasons" one cannot hold a meeting. When are we going to do what the Head of State tells us to do? When are we going to explain to our people the Budget Speech or what the Government is doing? We are the Government; *wananchi* are the Government and we are their spokesmen and as such we should go back to them and explain what is going on. So, Sir, let this practice be done away with.

Mr. Speaker, Sir, I congratulate the Minister for Finance and Economic Planning for outlining the use of machinery instead of human beings being used to end unemployment in the country.

With these remarks, Sir, I beg to support.

Mr. Nampaso: Mr. Speaker, Sir, first of all, I would like to thank the Minister for Finance and Economic Planning for bringing this Motion before the House for discussion. While I support the Motion, Sir, I have a few comments to make arising out of the Budget Speech.

I was shocked, Sir, to see that in 1971/72 Estimates, Narok District was not included in the participation of many projects. I would like to say something about the Ministry of Health. I find that the only hospital we have was not included in the Budget for expansion. However, I thank the Government for providing a small amount of money for the construction of staff houses; we are happy about it. We need health centres to be improved to better conditions together with more and better drugs. Drugs should be provided at the district hospital which can distribute them to health centres outside the district headquarters.

Water development was not considered especially in Narok South where people are really lacking water. We need improved water facilities. *Maji Moto* should be pumped in pipelines from a high gravity to water the Loita Plains. Boreholes should be sunk in wetter places. If the Government can remember water projects in Narok in the next Financial Year it would be better because we are lacking water facilities in Narok South Constituency.

The other thing, Mr. Speaker, Sir, I would like to speak about is the question of roads. Roads have also not been included in this year's Estimates, but I would like to remind the Minister to consider a number of roads in Narok South Constituency—it is shameful to find roads in their present state—because you find, Sir, that sick people are carried on donkeys or stretchers to hospital because there are no roads in some areas. This is shameful to the present Kenya. I would like, Mr. Speaker, Sir, the following roads to be improved: Naikara to Morijo Loita; Naikara to Olpusi Moru; Naikara via Megwara to Ingineji; Mulot via Ilmotiro to Marinwa, Mulot via Emorijoi to Emarti, and the last one, Sir, is Mosiro to Magadi. If the Ministry can improve these roads and also construct new ones this could help the people in this area so that they do not suffer due to lack of roads which can be used for transport.

Mr. Speaker, Sir, I would like to talk about education. Sir, I would like the Minister to consider districts on merit. In Narok District, Sir, parents still do not like their children to get education. If a child is sent away from school due to lack of school fees the father usually refuses to pay the fees so that the child can remain at home and look after his cattle. This is not what we would like to see happening. What we would like is to have chiefs empowered to get school fees from parents. Say if a parent has cattle and he does not wish his child to return to school after having been sent away due to lack of fees, the chief should have power to sell the cattle and pay the child's school fees. If the chief has no power, Sir, it will be impossible for the child to go back to school. The Minister should consider backward areas which include Masai of Narok, Kajiado, Samburu, Turkana and others for this type of compulsory education. This, I think will help the people rather than considering all districts on an equal basis. If we compare Kiambu with Narok or Narok with one of the Akamba districts there is a great difference. If, say, somebody's child misses education, the parent is embittered because he knows the use of education. In other areas, Sir, if a child misses school, the father laughs and becomes happy because he knows that the child is going to look after the *ng'ombes;* this is not what we want at the moment.

The other thing, Mr. Speaker, Sir, I would like to speak about is with regard to the assessment of graduated personal tax. I really support the hon. Member who talked about the idea of assessment of the graduated personal tax. We would like to have educated and trained people to assess people to pay graduated personal tax. For example, Sir, you will find that a man is registered

[Mr. ole Nampaso]

as having one cow but he is forced to pay KSh. 63. Now, Sir, what income does he get from one head of cattle? The graduated personal tax is supposed to be paid from one's income. Some people do not have even ten heads of cattle or 30 heads of sheep and cannot sell any of them to pay the tax because they do not know how they will be assessed! So, if the Assessment Committee could be composed of trained people to know exactly how much they should assess somebody in relation to what he has, this would make people happy, otherwise, Sir, these poor people should be exempted from paying this tax altogether. You find, Mr. Speaker, Sir, in some areas the members of the assessement committee are corrupt. At the same time, Sir, if a member of the public is perhaps not on good terms with one of the members of the committee you find that he is assessed to pay a lot of money for nothing because of hatred. So, Sir, such things are not good at all.

Mr. Speaker, Sir, I now come to the Ministry of Power and Communications I would like this Ministry to give Narok a direct telephone line from Narok to Nakuru which is our Provincial Headquarters. At the moment, Sir, you find that before you ring Nakuru, you have to ring Nairobi first where you are given a line to Nakuru. We should be given a direct link from Narok to Nakuru. Mr. Speaker, Sir, the distance between Narok and Mau Narok, where you can get another extension line which is only 32 miles and, therefore, I do not see why——

ADJOURNMENT

The Speaker (Mr. Mati): You will continue tomorrow. It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday 23rd June, at 2.30 p.m.

The House rose thirty minutes past Six o'clock.

Wednesday, 23rd June, 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. 427

POLICE CONSTABLES PAYING FOR RATIONS

Mr. Araru asked the Vice-President and Minister for Home Affairs if he would tell the House whether he could explain why the police constables in the rural areas were now being charged for the ration which was given to them freely before.

The Minister for Works (Mr. Nyamweya): Mr. Speaker, Sir, on behalf of the Vice-President and Minister for Home Affairs, I beg to reply. It is not true to say that police constables in the rural areas were in the past supplied with free rations. In accordance with past regulations, all subordinate officers, including police and prisons officers below the rank of sergeant, serving in North-Eastern Province and certain areas of Eastern, Coast and Rift Valley Provinces were supplied with rations and deductions of Sh. 30 per month were being made from their salaries. The average cost of such rations was Sh. 75 per person and, accordingly, each of the subordinate staff serving in these areas gained a net amount of about Sh. 45. However, it has since been decided that instead of the subsidized rations all staff stationed at these remote areas should be paid a "Remote Area Allowance" amounting to 20 per cent of their salaries. It may be noted that in this way the staff concerned now derive an extra gain which, in comparison with the former supply of subsidized rations, represents an average cash benefit of Sh. 18 per month for police constables and prison warders; Sh. 42 for police and prisons corporals and Sh. 68 for the police and prisons sergeants.

Besides the extra gains outlined above, arrangements have also been made for the Police Department to continue to supply rations wherever difficulties may be experienced by the staff in obtaining the supply of rations from local sources. In such cases recoveries are being made at the end of the month from the salaries of the officers concerned.

Mr. Araru: Mr. Speaker, I thank the hon. Minister for the way he replied to the question, although he is not the Minister concerned.

My point is: why have they changed from giving the subsidized rations to payment of cash while some police constables in the area which was visited by the Assistant Minister for Home Affairs recently—Sabaree and Lerek—cannot buy their supplies because there are no shops? And why——

The Speaker (Mr. Mati): Order, that is sufficient.

Mr. Nyamweya: Mr. Speaker, as I said in my earlier reply, in those areas where difficult conditions exist, arrangements are being made for rations to be supplied to the officers concerned and the deductions are made according to the rates which I have already outlined. However, in other areas where such difficulty is not experienced, it is better and more convenient, and also, I think, to the benefit of the officers concerned, to pay cash allowances.

Mr. O'Washika: Arising from the reply given by the Minister for Works, when the questioner raised the question he was of the impression that during the colonial days the rations were given freely to the police constables. According to him, Sir, he has said that at that time these rations were deducted from the officers' salaries. Now he is talking about allowances. The supplementary question which I wanted to ask——

The Speaker (Mr. Mati): Mr. O'Washika, we have no time. We have to stop at thirty minutes past three o'clock.

Mr. O'Washika: What I wanted to ask is: are the constables told about these deductions from their salaries and why they are deducted and what they pay so that this sort of question does not arise in the House?

Mr. Nyamweya: Mr. Speaker, Sir, the officers working in the areas which are mentioned in the question are being paid remote area allowance. I have already stated how much they get. It is not correct for the hon. Member for Mumias to say that they were being given rations free of charge. The fact is that they were given rations but they paid for them. It was only a matter of conveniece that they were supplied with rations where they were working.

Mr. Umuro: Mr. Speaker, will the Minister agree with me that the allowance which is given to the officers in the remote areas—which he is said is to their benefit—is not to the officers' benefit because some of them go for operations at any time and they do not have places to buy food from?

Mr. Nyamweya: Mr. Speaker, Sir, I have already stated that in areas where special difficulties of obtaining supplies are being experienced, arrangements are made for the officers concerned to be given rations. However, in the

[The Minister for Works]
areas where such difficulties do not exist, no rations are given except the Remote Area Allowance.

Question No. 502

ROBBERIES AT MARAGWA RIDGE

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

(*a*) whether he was aware that a shop belonging to Mr. Sebastiano Wamwati, a trader at Maragwa Ridge Settlement Scheme, was broken into twice in 1970 and property worth Sh. 3,000 stolen;

(*b*) whether the was aware that Mrs. Alice Wairimu w/o Asab was beaten up and robbed of Sh. 80 in 1970; and,

(*c*) what measures his Ministry was taking to see that innocent *wenyenchi* in this area were not terrorized.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (*b*) It is true that the shop of Mr. Sebastiano Wamwati was twice broken into in 1970 by armed gangs. In regard to the first robbery in March, 1970 involving cash and property worth Sh. 2,358/80, a man was arrested and charged but was acquitted. The second time, in June 1970, a gang was disturbed after breaking in and nothing was stolen except that a door was damaged to the extent of Sh. 250. Investigations were carried out but there were no arrests.

(*b*) It is also true that on October 13th, 1970, an armed gang broke into the house of Mrs. Alice Wairimu and robbed her of cash amounting to Sh. 80 and property worth Sh. 68. Inquiries were made but no arrests were made.

(*c*) The hon. Member can be assured that the areas involved are well protected within the means available to the police.

Mr. Wachira: Could the Assistant Minister agree with me that the first person was acquitted because of the failure on the part of police to investigate and prosecute him in the right way?

Mr. Matano: I do not agree.

Mr. Karungaru: Arising from the Assistant Minister's earlier reply, would he agree with me that it is due to the fault of the police that this sort of maltreatment is taking place and that it is time the police worked harder so as to prevent this kind of crime from taking place?

An hon. Member: They are too corrupt.

Mr. Matano: Mr. Speaker, Sir, the police cannot prevent crime. It is the public who should help the police to prevent crime. The police are there to help. The public must co-operate with the police. This is one of the occasions where we need co-operation of the people in trying to stop crimes of this nature.

Dr. Munene: Arising from the Assistant Minister's reply, is he telling us that the police are not preventing crime and that the public should turn to the old method of beating these rogues? If he gives us the mandate, we shall start today.

Mr. Matano: No, Mr. Speaker, I do not mean that. I mean that policemen are doing their job. One of their jobs is to prevent crime, and the other one is to detect criminals. With the help of the public, their work will be made easier.

I did not mean that we are all now going to be policemen and do the job of the policemen. We have trained people who can do that job very well.

Mr. Wachira: Will the Assistant Minister agree with me that, despite the fact that these people reported the crime to the police at 2 a.m. the police did not come until 10 a.m. the same morning?

Mr. Matano: Mr. Speaker, Sir, the statement made by the hon. Member may be true but there must be a reason for such an occurrence. At the moment, however, I am not in a position to deny or accept the allegation. However, if there was any delay, I am sure the police had a very good reason for coming the following day.

Question No. 362

MINISTERS' VISIT TO MARSABIT

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

(*a*) how many Cabinet Ministers had passed beyond Nanyuki to visit Marsabit; and

(*b*) whether he would agree with him that Government would be blamed because Government Ministers were neglecting some parts of Kenya.

The Assistant Minister for Housing (Mr. Khalif): Mr. Speaker, Sir, on behalf of the Minister of State, I beg to reply. (*a*) There are no proper records kept to indicate when and how many Ministers pass beyond Nanyuki to visit Marsabit. I have, however, been able to ascertain that many Ministers have been to Marsabit.

(*b*) It is Government's policy that as many Ministers and Government officers visit as many parts of the country as is possible to acquaint

[The Assistant Minister for Housing]
themselves with problems on the ground. It is not possible for a Minister to visit each and every area or district in Kenya within a short period of time, although this is very much encouraged.

(*c*) Arising from that, part (*b*) of the question does not, therefore, arise.

Mr. Umuro: Mr. Speaker, arising from the answer given by the Assistant Minister, can he tell us, with the exception of the hon. Muliro who visited the area in question in 1970, the names of Ministers who have visited the place?

Mr. Khalif: Mr. Speaker, Sir, I have not been there personally, but I know very well that, for instance, the Vice-President, hon. Moi, was there a few years ago.

Mr. Jilo: Mr. Speaker, Sir, is it not true, if I may help the hon. Assistant Minister, that Ministers have formed a habit of visiting places only where roads are in good condition thus neglecting the places where roads are not in good condition?

Mr. Khalif: Mr. Speaker, Sir, I have no intention of agreeing with that statement of the hon. Member. As a matter of fact, Mr. Speaker, Sir, I would like to say that the Ministers and Assistant Ministers have been travelling to remote places; for example, Lodwar, Wajir, and so on. Mr. Speaker, Sir, I know of occasions when Ministers have visited these places. As a matter of fact, Ministers have not been facing transportation difficulties whether the roads are not in a very good condition because they are provided with air facilities to enable them to reach these areas safely.

Question No. 454

WATER SUPPLY: KAREN/LANGATA AREA

Mr. Y. Ali asked the Minister for Local Government if he would tell the House whether, since water supply in Karen/Langata had been for many years a monopoly of an individual, and had so far proved to be a hindrance to the development of the area, the Government in conjunction with the City Council would take over the responsibility as a matter of great urgency.

The Assistant Minister for Local Government (Mr. Ogutu): Mr. Speaker, Sir, I beg to reply. I am aware that the water supply to the Karen/Langata area is the monopoly of a private water undertaking company called Karen Estates Limited, established as far back as 1931. I am also aware that the supply of water to this area is not always adequate or as satisfactory as in other parts of the city where the water is supplied by the City Council of Nairobi. It is our intention that as soon as practicable the Nairobi City Council should be responsible for the supply of water for all areas falling within its boundaries.

In the case of Karen/Langata area, this is particularly more urgent in order that development in the area may be brought to the standards of the current requirements of the City Council's policy of having larger residential plots subdivided into smaller plots of about 2.5 acres in size.

Mr. Speaker, Sir, I would like to inform the House that Nairobi City Council has recently carried out a comprehensive study of the city's water supply and plans for improvement and extension of the facilities have already been drawn up. The middle Chania Water Supply, for instance, which is due to become operative by early 1974, is designed to feed Nairobi with an additional 10 million gallons a day. I want to assure the hon. Member that Karen/Langata is one of the areas which have been given high priority, including a supply from the Kikuyu springs which, it is proposed, would be diverted to the Karen area.

Mr. Speaker, Sir, when all these schemes are fully operative, the City Council plans to take over all private supplies and incorporate them into the existing distribution system as a new supply network.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, can the Assistant Minister deny that this man who owns the water supply is a foreigner? If this is the case, why do the City Council allow this particular individual to continue exploiting our people for such a long time?

Mr. Ogutu: Mr. Speaker, Sir, I have not denied that the water undertaker is a foreigner, and at the same time, as I have explained in my comprehensive reply, the City Council is now looking into the possibility of taking over the supply of water to Karen/Langata. This question has been included in their plan for development and it will start operating as soon as the Chania Water Scheme and Kikuyu springs start operating in 1974.

Mr. Speaker, Sir, if I may add, all these commitments require finances. The City Council, in line with the other plans the council intends to implement within its jurisdiction, is considering the priority of water supplies. At the moment, Mr. Speaker, Sir, the private undertaker is supplying water to Karen/Langata residents.

Question No. 503

GRANTS TO KISUMU AND SIAYA COUNTY COUNCILS

Mr. Ogalo asked the Minister for Local Government if he would tell the House, since Kisumu County Council had been split into Siaya and Kisumu Councils, how much grant the Ministry was planning to give them to start them off.

The Minister for Local Government (Dr. Kiano): Mr. Speaker, Sir, before I reply, I hope that the hon. Member is happy because now we have the two councils, of Siaya and Kisumu, in operation.

I would like to clarify that the clapping which has been going on just now, was not intended for the Minister for Local Government, but it was intended for the Minister for Defence who has just walked in and the House was very happy about that.

Mr. Speaker, Sir, the two new councils, Siaya and Kisumu, have been operating with admirable efficiency in the short time they have been in existence. In December, the two councils received an advance from my Ministry as a working balance to start them off. The grant was £7,500, to each council. This was intended to enable them to start off. In the meantime, Sir, the accounts of the former County Council of Kisumu are being audited in order to decide what the assets are and the way they should be divided between the two councils. I am happy, Mr. Speaker, Sir, to announce that the deficit which the Commission, in charge of the former Central Nyanza Council, may have accumulated will be offset by the Central Government.

Mr. Ayah: Mr. Speaker, Sir, arising from the Minister's reply, namely, that £7,500 has been given to each of the two separate councils, can the Minister tell the House on what basis these figures were calculated, or how did he come to allot £7,500 to Kisumu and Siaya Councils? What was his basis of arithmetical calculations?

Dr. Kiano: Mr. Speaker, Sir, to be honest with the hon. Member, this figure was just given to enable them to pay their bills and their employees and to meet any very urgent expenditure that they may be incurred. I should also add, Mr. Speaker, Sir, that, for instance, in Siaya there was no headquarters for the council at all and the Central Government had to help them to start building headquarters for Siaya County Council which is not included in the figure which I have just mentioned.

Instead of replying the question by the hon. Member for Kisumu Rural as to how this figure was calcu'ated, I would like to inform him that this figure, which will enable the councils to meet their immediate expenditures, will be reviewed when the full accounting exercise has been completed. That will be the time when I shall be able to answer the hon. Member as to how we arrived at that figure. At the moment this is what we can call a trial exercise.

Mr. Ogalo: Arising from the reply given by the Minister, is he aware that although each of these councils received £7,500 up to this moment their employees have not been paid and they have given notice of intending to go on strike because of that? What is he going to do about the payment of arrears which was awarded to these employees by the Commission?

Dr. Kiano: Mr. Speaker, Sir, I am very happy that the hon. Member has raised that question because it has given me an opportunity to make the following points: This question does not apply to the former Central Nyanza but it applies to the whole Province of Nyanza. The revenue which we anticipated to get from the people of this area has not been forthcoming. We also have a problem in South Nyanza. It is not a matter of £7,500 which, I have mentioned, that matters but is the response of the people of the whole Nyanza Province to see that the revenue expected from them for their local government system will be forthcoming. I request the hon. Member, as well as any other hon. Member from that area, to assist the Government to get this revenue out of the pockets of the people because we are facing difficulties to meet the expenditure which our accountants had estimated to be collected from this area. This sum of £7,500 is too little to meet the finances for a year for any local authority anywhere let alone Nyanza. It is because we anticipated getting more money from the people that we are now facing these difficulties because this money is not forthcoming at all at the present time.

Question No. 482

REDUCTION OF LAND PRICES

Mr. arap Cheboiwo asked the Minister for Lands and Settlement to tell the House if he could consider setting up a commission of inquiry to investigate the ways and means of reducing the land prices so that many Africans may be able to buy farms.

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Mr. Speaker, Sir, I beg to reply. It is considered that adequate machinery already exists to safeguard prospective African buyers of land from exploitation. Therefore, setting up a commission of inquiry to

[The Assistant Minister for Lands and Settlement] investigate the ways and means of reducing land prices will not serve any useful purpose. Under the Land Control Act, 1967, every land transaction requires the consent of the Land Control Board of the area concerned and the board has the duty to consider the prices of land and to withdraw the consent if the price is considered to be excessive or markedly unfair. Professional advice is available from the Ministry, if required, on land transactions.

Mr. arap Cheboiwo: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister that professional advice can be obtained from his Ministry, will he agree with me and the House as well, that the present valuers are foreigners and this question of the Land Control Act is not followed? Can he agree with me that these high prices are still there because of these foreign valuers—or do we not have Africans who can man the job?

Mr. G. G. Kariuki: Mr. Speaker, Sir, if a valuer is a foreigner, he is someone who is accepted by the Government and he is employed by this Government. To be a foreigner is not a crime—actually we only consider his professional advice. Under the same policy, Mr. Speaker, Sir, we have managed to acquire two million acres from the former European owners. If we can condemn that policy, then, maybe we do not know what we are doing.

Mr. Komen: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell us what criterion or system they use to know whether a farm has not been charged more than the amount that should have been paid? What method is used?

Mr. G. G. Kariuki: Mr. Speaker, the criterion and method used lies with the district commissioner of an area because he is the chairman of the Land Control Board.

Mr. Koigi: Would the Assistant Minister agree with me that land prices are rising too rapidly and that we should call upon the Government to control these prices? For instance, Nyeri has now been declared a municipality and you find that an acre costs Sh. 1,700 to Sh. 1,800. Does he know that when exorbitant charges are raised like this it is for the Government to control the situation?

Mr. G. G. Kariuki: Mr. Speaker, Sir, we have created Land Control Boards so that they can control land prices. This is an economic problem because land prices are determined by the economic factors and you cannot decide to reduce land prices just because you want to reduce them.

Dr. Munene: Mr. Speaker, Sir, there seems to be a bit of misunderstanding here. The Land Control Board only gives its consent. It has nothing to do with land prices. The question here is where the Government comes in. Would Government try to assist the people who buy the land? The Assistant Minister should not talk about the Land Control Board because it has nothing to do with prices. We want him to give us somebody who can control the prices of land. You cannot tell us that.

Mr. G. G. Kariuki: Mr. Speaker, I wish the hon. Dr. Munene had the chance to read our Land Control Act; but if he is too busy giving people injections, that is not our problem.

Mr. Murgor: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, would he assure this House that if one went to the Ministry tomorrow to ask for a land valuer, that land valuer will be available?

Mr. G. G. Kariuki: On a point of order, Sir, could he repeat his question?

Mr. Murgor: Mr. Speaker, arising from the answer given by the Assistant Minister, would he assure this House that if one went to the Ministry tomorrow to ask for a land valuer, that land valuer will be made available?

Mr. G. G. Kariuki: The answer is yes.

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

Question No. 512

COMPENSATION FOR UNLAWFUL ARRESTS

Mr. Kitonga asked the Attorney-General if he would tell the House how much compensation had been paid to each of the victims of unlawful arrests and false imprisonment since 1969.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. When such cases are brought forward—and, of course, this means that instead of going to court, an agreement is reached between the person who is injured and the defendant, which is the Government—the money or compensation that is paid to the plaintiff is paid by the respective Ministries and I do not keep records of such figures.

Mr. Kitonga: Arising from the Attorney-General's reply, and as we know that before a person is compensated the Attorney-General must be consulted, why does the Attorney-General say that he does not keep records?

Mr. Njonjo: I think the hon. Member, who was a chief not a very long time ago, knows very well——

[The Attorney-General]

Mr. Speaker, I did not call him a headman, I called him chief.

Mr. Speaker, I merely said that if a case is brought in court against the Government and I feel that if it goes to court the Government will pay more than the figures that will be arrived at through negotiation, I advise the Ministry concerned to pay such-and-such a figure and then the figure is paid by the Ministry and not from my Vote.

Mr. Mutunga: Mr. Speaker, Sir, arising from the Attorney-General's reply, does he imply that the Government saves money at the exploitation of the poor? Why does he not want the matters to go to court so that the plaintiff can get a fair judgment instead of encouraging negotiations?

Mr. Njonjo: Mr. Speaker, I am sorry I was interrupted by the Assistant Minister here. Could the hon. Member repeat his question?

Mr. Mutunga: Mr. Speaker, arising from the Attorney-General's reply, where he said that he preferred negotiations to court judgment, does he imply that he prefers the Government to save money at the exploitation of the poor?

Mr. Njonjo: Mr. Speaker, I do not think we are talking about the poor. I thought we are talking about compensation to people who have been unlawfully arrested by the police. There is nothing here to do with the poor.

An hon. Member: But they are the poor who are arrested.

Mr. Njonjo: No, Mr. Speaker, I think what the hon. Member wants to know is this: if we agree to pay compensation, the Government pays less than if the matter had gone to court because if the matter goes to court, the figure will be higher. The lawyers who are here are sometimes reluctant that we should do it by way of negotiation because they prefer to go to court and be paid their fees on those bigger compensations.

Mr. Ahmed: Mr. Speaker, Sir, arising from that reply, why has the Attorney-General seen it fit not to help those people who are arrested unlawfully and detained, and instead only cares to save money for the Government? Is he the legal adviser of this country?

Mr. Njonjo: Mr. Speaker, I help them because I advise Ministries to pay them compensation, otherwise I could be saying that the people who are unlawfully arrested should not be compensated.

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

Question No. 313

NUMBER OF CINEMA THEATRES IN THE REPUBLIC

Mr. Muturia asked the Minister for Information and Broadcasting if he would tell the House—

(*a*) how many cinema theatres there were in the Republic;

(*b*) how many of them were owned by Africans; and

(*c*) whether the Government would ensure that all these theatre-owners offered 50 per cent of their shares to Africans.

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Speaker, Sir, I beg to reply. There are presently 43 places of showing 35 mm. films in the Republic and 34 of these are conveniently known as covered cinemas, three are drive-in cinemas and the rest are social halls where films are shown regularly. In addition to these, there are four mobile units showing films throughout the Republic.

As to the second part of the question, Africans presently run, participate or jointly own 13 of these cinemas. To be more specific Africans presently own at least nine wholly and participate in another three, including some very distinguished Members of this House.

As to the last part of the question, I would like to tell the House, quite honestly, that I am not in the position to give a very firm statement on this matter because right now it is still under consideration by the Government and, in due course, I will definitely inform the House what decision has been taken.

Mr. Muturia: Mr. Speaker, Sir, arising from what the Minister has just said about the mobile cinemas is he aware that I was not asking about the mobile cinemas but I was asking about the theatres in Nairobi, Mombasa, Thika and Kisumu, and that I wanted to know how many Africans are participating in these theatres?

Dr. Onyonka: Mr. Speaker, Sir, I thought I was being very generous by supplying the hon. Member with additional information. I have even gone further and done my homework not just on Nairobi, Mombasa and Kisumu but in fact, for his information, the majority of these cinemas are not within these three or four large towns in the Republic; they are in other smaller towns of the Republic. Now, that, in fact, is quite outside his question. What he wanted to know is how many there are and I have said that there are 43. The four additional mobile vans are not included in the 43; they are in addition.

[The Minister for Information and Broadcasting]

He wants to know, in the second part of the question, how many of these are owned by Africans. I have clearly said that Africans own nine and also participate in another four, which makes a total of 13. Now, as to the third part of the question, Sir, I have emphatically said that I am not in a position to give a firm commitment or statement to the House now, but that in due course I would be in a position to do so. However, as to the additional question of how many of these are in Nairobi, Mombasa Nakuru and so on that is not the original question. I think the hon. Member is going out of the subject.

Mr. Ogalo: Arising out of the reply given by the Minister, Mr. Speaker, Sir, could we be told how many are in Nyanza?

Dr. Onyonka: Mr. Speaker, Sir, I am pleased to reply to that question. I would like to repeat that this particular hon. Member is also out of the subject because that was not part of the question. However, I would like to assure him that among the 13 in which Africans have participation, there are people from Nyanza and I would be quite happy to release the list for him to see.

Mr. Karungaru: Mr. Speaker, Sir, arising out of the Minister's reply, would he start making sure that as soon as Government considers seriously this matter, African participants will have a share of 50 per cent, rather than inclining to non-citizens all the time?

Dr. Onyonka: Mr. Speaker, Sir, this particular question poses an issue that is not as easy as the hon. Member might think. One interesting thing about the cinema industry in Kenya is that the majority of the people holding controlling shares, or ownerships in these firms are, in fact, citizens. So, unless you give me a guiding principle as to how I am going to treat these gentlemen or citizens, you can see why it is going to take Government time to think and consider the matter seriously. It is not a question of playing around with your citizens. Thank you, Sir.

Question No. 479

VILLAGE POLYTECHNICS IN THE COUNTRY

Mr. Onyulo asked the Minister for Co-operatives and Social Services if he would tell the House whether he was aware of the existence of village polytechnics which were run in the Republic. If so, what assistance the Government was giving to them.

The Speaker (Mr. Mati): The Minister for Co-operatives and Social Services not here? I thought I saw the Minister here a few seconds ago!

The Assistant Minister for Education (Mr. Rubia): This question was originally directed to my Ministry but we handed it over to the appropriate Ministry, the Ministry of Co-operatives and Social Services, Mr. Speaker, Sir.

The Speaker (Mr. Mati): All right we will leave it for the time being.

The Assistant Minister for Co-operatives and Social Services (Mr. Ngureti): On a point of order, Mr. Speaker, Sir, we would like to answer it tomorrow.

The Speaker (Mr. Mati): No, just before we go on, according to my information there is a reply to this question somewhere. A reply has been received somewhere. All right we will leave that alone for the time being. Next question.

(Question deferred)

Question No. 415

MODERNIZATION OF NYERI GENERAL HOSPITAL

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

(*a*) what plans the Ministry had for modernizing Nyeri General Hospital; and

(*b*) if modernization was going to take long, whether some improvements could be made immediately to the laundry, kitchen and the maternity wing.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The Ministry of Health has plans to modernize and expand Nyeri General Hospital from its present capacity to 500 beds. The hospital will be modernized as a whole and the laundry, kitchen and the maternity wing will be included in this expansion.

Mr. O'Washika: Arising out of the reply from the Assistant Minister for Health, if there are funds for modernizing Nyeri Hospital, what plans has the Minister towards modernizing other hospitals throughout the Republic?

The Speaker (Mr. Mati): That is a separate question.

Mr. Kanja: Thank you, Mr. Speaker, Sir. Now, could the hon. Assistant Minister be specific and tell the House how soon this modernization is going to take place?

An hon. Member: Tell us the date.

Mr. Jahazi: Mr. Speaker, Sir, we have a big programme of reorganizing and modernizing all provincial hospitals. As hon. Members are aware, Nyeri Hospital is one of these old hospitals and requires a complete overhaul. Plans are going ahead now, Mr. Speaker, Sir, and within this planning period we will be able to modernize

[The Assistant Minister for Health]
the whole of this hospital. At the moment plans are going ahead to start with the kitchen and the maternity wing. However, this phase will not be in isolation but we are working out plans so that every phase we undertake to modernize will join another until the whole hospital is modernized. So, I think during the next Financial Year, we will be able to tell him when exactly the plans will be ready.

Mr. Koigi: Would the Assistant Minister, Sir, tell us how long it will take for this work to be completed? Mr. Speaker, Sir, we doubt whether they are going to start as soon as the Assistant Minister says.

Mr. Jahazi: Mr. Speaker, Sir, I just want to reassure the hon. Member that we have definite plans for this hospital and we are going to do what we are saying. If he has any doubts in his mind, I want to remove them by telling him that we have definite plans.

Mr. Kanja: Thank you, Mr. Speaker, Sir, could the hon. Assistant Minister please note that Nyeri General Hospital is terribly congested, to the extent that patients are now sharing beds. Now, Sir, what immediate steps has the Ministry taken to remedy the situation because it is getting worse every day?

Mr. Jahazi: The immediate steps, Mr. Speaker, Sir, are to give them a completely new hospital with 500 beds. This, Sir, is a very big advance indeed.

An hon. Member: When?

Mr. Jahazi: Within this planning period Mr. Speaker, Sir.

Mr. Koigi: Arising out of that——

The Speaker (Mr. Mati): No, Mr. Koigi. Next question.

Question No. 485

AFRICANIZATION IN NAIROBI HOSPITAL

Mr. Karungaru asked the Minister for Health if he would tell the House what prevented acceleration of Africanization in Nairobi Hospital.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. Nairobi Hospital is a private company and like all other private companies, Mr. Speaker, Sir, we have no control over its rate of Africanization except that the hon. Member could approach the Ministry of Labour and also the Department of Immigration. They may, perhaps, help in that sphere. However, we have no control over who should be Africanized there.

At the same time, Sir, we do not want to encourage this very much because if they have to Africanize especially nurses and doctors they will be poaching from our own hospitals because they do not have their own supply. However, Mr. Speaker, Sir, on the question of nurses, they are doing a good job by training our people. They have a training school for nurses and I think on that line the hon. Member cannot complain.

Mr. Karungaru: Arising from that reply, and bearing in mind that we have always been reminded of "collective responsibility" by the whole Front-benchers, why has this kind of responsibility declined today because I am now being referred to other Ministries? Does it not mean that he cannot pass on the same information to his colleagues in the Ministries concerned so that an appropriate action can be taken?

Mr. Jahazi: Mr. Speaker, Sir, I always thought the hon. Member for Embakasi was senior enough to know where to direct his questions.

Mr. Umuro: Mr. Speaker, Sir, can the Assistant Minister agree with me that there is very little care taken regarding Africans in the private hospitals like Nairobi and the Aga Khan? If so, is it not true that they should be Africanized in order to rectify this problem?

Mr. Jahazi: Mr. Speaker, Sir, Africans are not qualified.

Mr. S. Lugonzo: Mr. Speaker, Sir, I would like to ask Question No. 501; but before that I would like to correct the word "Shivagala", which is written as "Shinagala".

Question No. 501

STAFF FOR SHIVAGALA AND SHISESO DISPENSARIES

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

(*a*) whether he was aware that the health centres built at Shivagala and Shiseso with the approval of his Ministry were then completed; and

(*b*) if the answer was in the affirmative, whether he could tell the House when he was staffing those centres and providing them with medicine.

The Assistant Minister for Health (Mr. Jahazi): Mr. Speaker, Sir, I beg to reply. The question of staffing and opening up new health centres has been answered by my Ministry several times when we have stated that trained personnel are not available.

[The Assistant Minister for Health]

I would now like to tell the hon. Member that all the provincial medical officers have been asked to inform areas where health centres and dispensaries have been built on self-help basis to submit details of such dispensaries and health centres to the district and provincial development committees so that priority can be approved by those committees. It will be on the basis of the recommendations of district and provincial development committees that the Ministry of Health will staff dispensaries and health centres.

Mr. S. Lugonzo: Mr. Speaker, Sir, in view of the fact that 90 per cent of this country's population live in the rural areas, would it not be wise for the Assistant Minister to have a policy, from now on, of posting all the new nurse graduates to the health centres in the rural areas like Shivagala and Shiseso?

Mr. Jahazi: Mr. Speaker, Sir, the Ministry of Health has no demarcation as to who is more important than the other. All the people in the Republic are equally important. However, even if we spread out what we have today there will still be so many areas that will not have enough people to man the health centres there. We do not grade them so that those in the rural areas are grade B, and those in the urban areas are grade A. They are all our people and we are responsible to them equally without any favouritism. So, Mr. Speaker, we are doing all we can to make sure that the trained personnel we have are posted to these rural areas where these health centres that have been built on Harambee basis are ready but unstaffed.

QUESTIONS BY PRIVATE NOTICE

DETENTION OF KENATCO DRIVERS AT VOI POLICE STATION

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*) Is the Minister aware that the Kenya National Transport Corporation drivers for KMV 917, KMV 986 and KMB 622 were locked up in cells at Voi Police Station from 1st June, 1971 to 5th June, 1971 while transporting maize meal from Kitale to Mombasa?

(*b*) If the answer is in the affirmative, will the Minister tell the House the reasons which led to the detention?

(*c*) Since these drivers had valid licences for transporting maize meal day and night and were released without being charged, who will pay their disturbance compensation?

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. It is not true that these people were locked up. The drivers of KMB 622 and KMV 917 were stopped on the night of 31st May, 1971 for moving maize meal at night. The vehicles were detained at Voi and the drivers were released to appear before court on 2nd June, 1971 as 1st June was Madaraka Day.

On 2nd June, both drivers pleaded not guilty to the charge of moving maize meal at night and the case was set for hearing on 15th June, 1971. However, one of the drivers, of KMV 917, who was also charged with the offence of failing to display a Transport Licence Board licence, pleaded guilty to this offence and was fined Sh. 20. Similarly, the driver of KMV 986 was stopped on 1st June, 1971, for moving maize meal at night and was charged with this offence and was asked to report to court on 2nd June, 1971. On this day, he too pleaded not guilty, but on the date of hearing, which was set for 16th June, 1971, he changed his plea to one of guilty, and was fined Sh. 200.

Mr. D. M. Kioko: Mr. Speaker, Sir, can the Assistant Minister tell us which law these people were breaking by transporting the maize at night?

Mr. Matano: Well, I am not aware of the law which stops maize movement at night, but the fact that they were stopped by the police, and they pleaded guilty, indicates that there must be a law which they realized they had broken.

Mr. D. M. Kioko: Mr. Speaker, Sir, since the Assistant Minister does not know of any law, and these people were authorized by their employer to transport this maize day and night, and the permits had been given, probably by the Maize Marketing Board, can the Assistant Minister tell us why these people were disturbed while there is no law to prohibit this practice, and they were supposed to transport maize?

Mr. Matano: Mr. Speaker, Sir, I am not a lawyer. Therefore, I cannot remember the section. However, there is a law to stop people from doing this.

Mr. Munyasia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, that these people transported maize meal during the night, in view of the fact that these people were officially permitted to transport maize meal day and night, under what section of the law were they charged?

Mr. Matano: Mr. Speaker, Sir, I have already put the facts very clearly and I do not think I can add anything more.

TRANSPORTATION OF MAIZE TO ZAMBIA

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

Could the Minister explain to the House why 150 bags of maize from Kenya were, according to the *Daily Nation* report of Thursday, 17th June, 1971, being transported to Zambia on Tuesday, 15th June, 1971?

The Minister for Agriculture (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The matter is still being investigated. So far, the information I have is not satisfactory to be brought before the House, but the matter is being investigated.

Mr. Amayo: Mr. Speaker, Sir, arising from the Minister's reply, can he tell us when this information will be brought to the House rather than leaving it like a blank cheque; whether it will come in two or three years' time?

Mr. Nyagah: Mr. Speaker, Sir, the House can rest assured that it will not be two years. It will take as short a time as possible. I am pressing hard.

TRANSPORTATION OF SALT IN A RAILWAY WAGON CONTAINING POISONOUS CHEMICALS

Dr. Munene: Mr. Speaker, Sir, on behalf of my colleague, Mr. Magugu, I would like to ask the Minister for Power and Communications the following Question by Private Notice:—

(*a*) Is the Minister aware that hundreds of tons of salt from Magadi destined for Karatina a few weeks ago were found to have been transported in a railway wagon containing poisonous chemicals?

(*b*) Since this is not the first case of its nature is it not evident that this could be a case of sabotage?

The Assistant Minister for Power and Communication (Mr. Moss): Mr. Speaker, Sir, I beg to reply. I wish to inform the hon. Member that I am aware of this vicious rumour. The consignment of salt from Magadi was extensively analysed by the Government Chemist and no symptoms of poison were found. I am sorry to say, therefore, that this question does not arise.

Dr. Munene: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that it was the officials of the Kenya National Trading Corporation depot who reported that this salt was smelling of a poisonous substance and, probably, the chemist who analysed it was not a qualified person? Can he go into it further?

Mr. Moss: Mr. Speaker, Sir, the hon. Member is a doctor by profession. I know that.

Our chemists, Mr. Speaker, Sir, are trained and qualified. Before they are employed they are interviewed. Unless they prove to be chemists they are not employed—— The report that was given by the chemists was true and correct.

The hon. Member's point, that this was reported by the Kenya National Trading Corporation officials, does not justify his contention that this salt was poisoned.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker. Is it not proper that the hon. Dr. Munene, who is by profession a doctor, should substantiate his allegation that the Government Chief Chemist does not have the proper qualifications, and that this salt should have been examined by somebody better qualified?

Dr. Munene: Mr. Speaker, Sir, does the hon. Assistant Minister think that whatever goes to the Government Chemist is analysed by the Chief Chemist himself? You should study your own medicine.

Hon. Members: Hear, hear!

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker.

The Speaker (Mr. Mati): No, Order! I think what Dr. Munene meant was that whoever the chemist was—— He did not specifically refer to the Chief Chemist.

Hon. Members: Hear, hear!

Mr. ole Marima: Mr. Speaker, Sir, would the Assistant Minister tell us where this salt would be, since the Government Chemist certified it as not poisoned?

Mr. Moss: Mr. Speaker, Sir, I did not follow the question. Would the hon. Member be kind enough, Sir, to repeat it?

Mr. ole Marima: I will repeat it. Could the Assistant Minister tell us what happened to those bags of salt which were certified, by the Government Chemist, as not poisoned?

Mr. Moss: They are in the stores.

Mr. Wabuge: Mr. Speaker, arising from the Assistant Minister's reply, that the salt was tested and found not to be poisoned, does he mean to say that this salt is being stored for consumption or is it being stored in order to be destroyed at a later stage?

Mr. Moss: Mr. Speaker, Sir, if the salt has been proved to be free of poison, then it is fit for human consumption.

The Speaker (Mr. Mati): Next Order.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance and Economic Planning on 17th June 1971)

(Resumption of debate interrupted on 22nd June 1971)

(Second Day of Budget Debate)

The Speaker (Mr. Mati): Mr. Nampaso was speaking—he is not here?

Mr. Mwengi-Nzelu: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few things about the Budget this year.

First of all, Mr. Speaker, I will start with water development in some parts of Kitui District or some parts of Ukambani. Mr. Speaker, I think the time has come when Government should take very seriously the water issue in some parts of this country, especially the northern part of Kitui. Mr. Speaker, it was only last week, when I was at Kisa Division, where we have a district officer, a police station, a secondary school and missionary centres. Mr. Speaker, in that part of the district, there is no water; the dam which is there, due to rock catchment, contains very little water, which, I think, would not last a month for those who are stationed there. Therefore, Mr. Speaker, I was expecting the Minister for Finance and Economic Planning to have a special programme for that part of the district, that is Kitui North. Mr. Speaker, we have plenty of water which is flowing down to the sea, and that is in the form of Tana River, and, Sir, that water is enough, even for irrigation and for human consumption in that part of the district. That water could even be pumped up to Mwingi Divisional Headquarters.

Therefore, Mr. Speaker, I have to remind Government, especially the Ministry of Agriculture—— The Minister was there and he witnessed the situation in that place, Sir, and I think Government will have to do something very special to that area as far as water is concerned.

Mr. Speaker, the northern constituency, is almost as big as a district. Mwingi Division and Kisa Division have a population of about 140,000 people and for only one Member to represent that area—he will do very little because it is very difficult, Mr. Speaker. Therefore, Government has to know if they are prepared to help those people to have one more constituency in the area, that is Kisa Division to have a Member because they are qualified. The area, as far as the population is concerned; in fact, the northern constituency is even bigger—larger by size, and even more by population—than Embu District, which is represented by more than three Members in this House. Therefore, Mr. Speaker, I would ask this House and Government to consider that request very carefully, and, Sir, I hope Government will give us one more Member to represent the far north part of Kitui's North Constituency. There is a lot of development to be done in that area, and if Government, on their own, considered that they should have two district officers in that constituency—— We have a district officer at Mwingi; we have an agricultural officer at Mwingi, a livestock officer and a police officer, and I think the same thing applies to Kisa Division. If Government felt than one officer cannot do enough work in that constituency, I do not see why we should not be given one more Member to represent that area, Mr. Speaker, and I am sure that is overdue and Government will consider having a by-election in that area as soon as possible.

Mr. Speaker, Sir, the other thing is about loans in Kitui District. Every year, every now and then, every financial year, our people complain of the poor allocation of loans to them, even the loans which are given by the local loan boards. Even on the Industrial and Commercial Development Corporation, there are very few people from Ukambani who have been given this money for development. If there are some in Kitui at all, they are very few, perhaps one or two. Therefore, Mr. Speaker, Sir, this question of loans should not be concentrated here in Nairobi and in some parts of Kikuyuland but should be distributed according to districts. Mr. Speaker, whenever we go to the trade officer at Kitui he says he has been allowed to loan a total sum of Sh. 30,000 only.

Mr. Muregi: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to allege that big loans are concentrated in Nairobi here and in Kikuyuland?

The Speaker (Mr. Mati): I hoped he was going to substantiate that, and if he does not, you can disprove him when you come to speak, Mr. Muregi.

Mr. Mwengi-Nzelu: Mr. Speaker, Sir, the hon. Member only wanted to waste my time for

[Mr. Mwengi-Nzelu]
nothing because he knows what I am saying only too well. If he asked me to substantiate, I could have done so. However, Mr. Speaker, Sir, I want to draw the Government attention to the need for Kitui people to be given a larger allocation of loan money and the Minister for Commerce and Industry should note this, although in fact, I do not think he has ever been to Kitui. He has been visiting other places where he knows he can get better accommodation and other things. Other Ministers have visited Kitui and I hope the Minister for Commerce and Industry will take note of what I am saying and consider Kitui very seriously, as far as loans and other development is concerned. Mr. Speaker, you find that we have very many Arabs in Kitui who are agents of the Kenya National Trading Corporation and also agents of his Ministry while we know very well that these people used to make our fellow Africans slaves—the Minister still considers them as first-class citizens. Mr. Speaker, this should be considered very seriously and I hope the Minister for Commerce and Industry will make arrangements to visit Kitui tomorrow or next week.

Mr. Speaker, the other thing I want to talk about is education. Mr. Speaker, I have only one point to make here, and that is: there is only one teachers' training college in Kitui and this is Mutuni Teachers' Training College. Mr. Speaker, Sir, this college is for boys only and we always have girls who want to go for the P1 teacher training course in Kitui but they have no college to go to, and as a result we have to send them to Kisii, Nyeri, Nairobi or some other places. Therefore, Mr. Speaker, this training college at Mutuni should be made a co-educational college so as to cater for both girls and boys so as to solve the existing problem. Mr. Speaker, the Minister for Education should note this very carefully because we are fed up with a situation where our girls do not complete their training because of travelling too far and are forced to stop after a year or two. Therefore, Mr. Speaker, Sir, the Minister and Government should as well consider Mutuni and make it a co-educational institution.

The other thing I want to touch on is about what we have recently been reading in the papers here and about the Motion which was brought to this House about the people who wanted to topple Mzee's Government. Mr. Speaker, we, in Ukambani, believe that Mzee is still strong enough to rule this country well and we cannot tolerate anybody in Ukambani using Mzee's name badly. We have faith in our Government because we attained independence through blood and other bitter experience and, therefore, we do not want anybody—and I repeat, "we do not want anybody"—in authority to use these rogues who could not even earn their daily bread to blacken the good name of the Kamba in the eyes of this nation and the world at large. We have faith in this Government and if there are any forces against this Government, the Kamba will fight to the last minute. However, Mr. Speaker, we do not want the people in authority—and I am now warning them—to use these few people in order to eliminate the Kamba people who are top civil servants. We can never agree to this, Mr. Speaker, and we shall defend ourselves in this House—and I am saying this with a clean heart—so that nobody will use these lazy people who have proved to be nothing, not only to Mzee himself but to the *wananchi* as well, to eliminate the Kamba, at the same time blackmailing them. This, Mr. Speaker, we cannot allow because we know we are innocent and we have faith in our Government and we do not want our people to be penalized for nothing. Mr. Speaker, Sir, I am saying this with a clean heart and I am sure all the hon. Members of this House are with me here. However, Mr. Speaker, do not forget one thing—and I will now mention it in this honourable House—and this is: during Mzee's fight for Uhuru, for the survival of this country and for the survival of our fellow Africans in this country, which was then a colonial governed country, we had some people such as Mr. Macharia who wanted to sell the old man, Mzee Jomo Kenyatta, to the Colonial Government. Do not forget that we have the same type of people in this country today, who are ready to sell their brothers for their daily bread. Do not forget this, Mr. Speaker, although I am mentioning it just by the way.

Therefore, Mr. Speaker, Sir, what I would like to tell this House is this: let us be careful; we are responsible people and have a responsible President who is an outstanding person; but do not forget that we still have certain Mr. "Macharias" in this country who are prepared to sell their people at any time. Mr. Speaker, I do not intend to pursue this point further, and therefore I will stop here.

Finally, Mr. Speaker, I would like to say that I support this Budget Speech and, in fact, since we attained independence, I have never seen such a thing, worked by a man with brains, as this year's Budget.

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

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

[The Minister for Co-operatives and Social Services]

rise to congratulate my colleague, the Minister for Finance and Economic Planning, for the most excellent Budget he has produced for this country in this Parliament this year. Mr. Speaker, the economic viability of any nation is determined by balancing the Budget of that nation. However, in the modern developing countries, Mr. Speaker, it is most difficult for developing nations to be able to balance their Budget. However, here, Sir, when we look at the Financial Statement of this year, out of a total sum of £177 million, the Minister has been able to raise more than 90 per cent of that revenue from our own country. My colleague has to be congratulated on this. In fact, I thought with all these ambitious development projects we have, the shortfall was going to be something like £15 million, but we have only £9 million, of which only £4½ million will be sought outside our own nation. This is magnificent. It is an achievement which hon. Members in this House and the whole country should be grateful for.

My colleague who has just sat down, Mr. Nzelu, speaks of teacher training colleges in Kitui. Hon. Members in this House must know that teacher training institutions in the whole country are national institutions and children can be transferred from one province to another without any problem. This narrow parochialism of Members in this House must stop because the schools are built for Kenyans and Kenyans can move from one province to another, from one district to another without worrying about their own districts. This is a point I thought I must raise.

Also the hon. Member talked of water development and roads in Kitui District. We know the Government of Kenya is very conscious that road and water development are major projects of development in this country, and when one looks through the Budget, when one looks through the Estimates of Development in the Ministry of Agriculture and the Ministry of Works, one will see that these two items are being given priority in all our development. People must realize that they must cut their coat according to the cloth. Our development projects, for roads or for water, must be measured against the background of the revenue and the money at the disposal of Government. If the Member is patient, everything will be all right.

Another point I want to congratulate my colleague on is his statement on the question of the agricultural industry. It is only now that the African is becoming the farmer in this country and in order to generate wealth we have to assist our African farmer, from the peasant, the small-scale farmer to the large-scale farmer. Therefore, the question of examination of farm inputs is very important, the question of examination of the prices for farm machinery in this country is very important. This is a problem that has to be looked at and I hope when the Minister brings before the Government the report on the Havelock Commission on farm inputs this is going to be looked at much more fairly in the interest of our farming economy. Our farming economy, Mr. Speaker, is the backbone of the whole progress of this country. One can have a shop but unless the shops in, say, Industrial Area are supported by viable agricultural economy outside, there is no future for this country. Sir, the little shortage of maize meal caused havoc in the country and if we should have a definite shortage of maize, a definite shortage of rice in this country, this would be a very big problem for us all. So we have to do everything in the interests of our agricultural economy. This is a point I hope my colleague, in finally agreeing to the paper on the Havelock Commission, will bear in mind.

Something I would like to say to my colleagues in this House is this. We are political representatives, we are a political institution and what we must know is that as long as we are here as Members of Parliament we should realize that we are not the best people that could have been in this House and continued being here all these years. We are on the stage and when we are on this stage as politicians our aim should be political stability in our country. We can talk of all economic developments, we can talk of building roads, we can talk of building schools but if we do not have political stability, this is impossible. The people who can create the atmosphere of proper development in this country are the Members of this House. Mr. Speaker, the Members of this House have to look to stability. Whoever is misguided, whoever can think that if he topples the present Government he will be better off, is like a small child who has eaten a nice dish and then after finishing the meal says, "I will break this plate", and the following morning has no plate from which to eat. We have to be watchful, we are the watchdogs of the constitutional development of this country. If we want to change our Government, then we must do so by constitutional machinery. That is established there. Some people, foolish people, might cherish political disruption. Political disruption, political upheaval destroys more of what is good than what is bad. This is very evident in all the countries in Africa, in all the

[The Minister for Co-operatives and Social Services]

countries in the world where *coups d'état* have taken place. We must be happy and we must be grateful that whatever machinations, whatever manoeuvres were in this country have been nipped in the bud. Thank God for that. Let us all direct ourselves to economic development of this country, not in our own interests but in the interests of the whole country. As a parent who has a number of sons and daughters my work has been finished. The future of our children is what is important, and there is hardly anyone in Africa who can claim to have no children because even if one is a bachelor he has a cousin, he has an uncle, he has a grandfather, a sister who has children: and so for everyone in this House he is a parent, including our renowned bachelors.

Therefore, Mr. Speaker, what I would like to urge my colleagues in this House is that they form a forum as politicians, a forum from where one can give the best, a forum where one can air his views. But these underground movements, the night meetings should be condemned without any reservation. Given political stability our country's economic development is assured, more than doubly assured. When one moves through Africa one will see that Kenya's economic development is second to none. There is no African nation, headed by a black man, which is more advanced than Kenya. There is none. Therefore, here is where we should expect less frustration by the ambitious young men in politics.

Mr. Speaker, I only want to say this, once we have political stability, if we seek political stability, economic development of this country is more than assured.

With these few remarks, Sir, I support the speech of my colleague very strongly.

Mr. Lotodo: First of all I would like to thank the Minister for Finance for not having increased the price of foodstuffs, apart from beer and drinks which we can do without.

Now I want to speak about our borders, our security. It was early this year, about 9th January, 1971 when the Uganda troops crossed the border and killed one man at a place called Loran; they shot him dead. The excuse they gave is that there is no demarcated line and they could not see the boundary. Again, on 23rd April this year, the same First Battalion of Uganda, stationed at Moroto, crossed at the same place, attacked people at Konyao Market, some of whom are still lying at Kapenguria District Hospital. The Kenya Government has not done very much to find out why Uganda Battalion violated the border.

Again, last Thursady—or Wednesday—the same people, from the same Uganda Police Force, Uganda Administration Police, forces, supported by Uganda Air Force killed so many Kenyans saying that they were cattle raiders. Mr. Speaker, this is a very nasty thing that the Uganda Government has done, using jets to attack the people. I must say that the Karamojong are the most notorious tribe in East Africa. Karamoja is surrounded by about six tribes. To the east leads people to Turkana. They steal from these people and kill them. The south-east leads to Pokot. They kill them and steal cattle from them. To the south leads to the people called Sedei, who do the same. To the south-west we have the Teso, and to the west we have a tribe called Lanie where the deposed president comes from. Karamojong steal cattle from these people. It was in 1965 when these people called the Karamojong went to Teso, stole pupils in a school, killed the teachers and on the same day they went to a hospital, killed the patients, the doctors and so on.

The former government never used jets to fight the Karamojong but it was necessary for the present Government in Uganda to use jets for killing Turkana, Kenyans.

The Assistant Minister for Housing (Mr. Khalif): On a point of order, Mr. Speaker, Sir, I thought our Standing Orders did not allow us to criticize a friendly country.

The Speaker (Mr. Mati): Yes, and probably Mr. Lotodo was forgetting about this. You cannot do it that way, you know. You have to confine yourself to expressing your views without accusing a friendly Government of any such activities.

I also happen to know that you are still following up the matter. So do not spoil it by discussing it here.

Mr. Lotodo: Mr. Speaker, I was trying to say that there is no reason why the Kenya Government should not have another battalion across there so that if any such thing happens the same sort of action can be taken. Here we have the Karamojong coming across the border, stealing our cattle. I do not see any reason why we should not do the same.

Coming to local authorities, Sir, I think the Minister for Local Government, Dr. Kiano, should see to it that the Sirikwa County Council is dissolved and dissolved immediately. The main functions have been taken over by the Central Government: public health, roads and education. So what is left is just a skeleton of Sirikwa

[Mr. Lotodo]

County Council. Is there any reason why it should exist? Mr. Speaker, that county council is running short of money and it does not even bring the councillors for meetings at Sirikwa headquarters in Eldoret. So I do not see the purpose of having that council any more. We should go back to the former African District Councils or whatever we used to call them, or Area Councils, so that closer local administration is enforced rather than somebody who is living about 250 miles away having to come to Eldoret, using a lot of fuel and drawing a lot of allowances. Probably he arrives a few minutes before the meeting ends and gets so much money. Mr. Speaker, Sir, I think the Minister should do something to see that the Sirikwa County Council comes to an end.

On the question of education, Mr. Speaker, Sir, I think the Minister for Education should do something to support the district. We have only one Harambee girls' secondary school in the district and this has been under the care of the parents for about seven years. The school is well constructed and I do not see the reason why the Minister should not take over this single girls secondary school. While on the Ministry of Education, I would like to touch on the question of school fees for children in hunger-stricken areas. It was early this year, or mid last year, when the President announced that pupils whose parents are being given famine relief food and so on are not going to pay school fees. Up to this time, Mr. Speaker, Sir, money to help these children has not been released. I do not know what is wrong in the Treasury or wherever this money is coming from. The Ministry should release the money or advise the headmasters and headmistresses that those children, whose names have been listed for remission, should not be disturbed.

In Kara-Pokot we have seven primary schools which, of course, during the Ugandan Administration, were all boarding schools. When we took over the administration of the area, we did not have any plans and, therefore, these schools ceased to function. It would be unfair, Mr. Speaker, if we took over the administration of this area and then left these schools just like that. We should reopen these schools as boarding schools and keep them going. The Ministry of Education should see that the seven schools are reopened as boarding schools and run properly.

Mr. Speaker, Sir, talking on the Ministry of Health, we have a district hospital at Kapenguria which has only one room, serving as a maternity ward, with only two beds. I do not know what kind of a maternity ward that is. This is a Government district hospital and it should have sufficient room for mothers to deliver in. We were forgotten by the Colonial Government and probably they did not see the point of putting up a maternity ward at Kapenguria but the present African Government should build a larger maternity ward to accommodate expectant mothers. Mr. Speaker, Sir, Pokot women are just like other women in the Republic and there is no reason why they should not be given the same facilities like other people in Mombasa, Busia or Garissa.

On the Ministry of Works, Mr. Speaker, Sir, the Minister is here and I hope he is going to listen. The Ministry of Works has not done very good work but I must admit that this is the Ministry which has done best in that district. They have done one road. I think there is only one other road which has not been worked on and I think Mr. Nyamweya will finish this in July this year.

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

Mr. Y. Ali: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my friends in congratulating the Minister for Finance and Economic Planning for his Budget Speech which he delivered in this honourable House last week.

Mr. Speaker, Sir, I would once again like to congratulate the Minister for Finance and Economic Planning for having taken note of what the Members of this honourable House pointed out last year in his last Budget. Last year, Mr. Speaker, many hon. Members spoke very strongly on taxation on beer, cigarettes, wines and spirits. The Minister has taken into consideration what the hon. Members said and he has increased the prices of beer, cigarettes, wines and spirits and he has also increased the taxes and prices for heavy vehicles.

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

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

I think this is a most welcome move, Mr. Deputy Speaker, and I must say that this is a step towards the right direction taken by the Minister. Some Members in this House have described our economy in this country as: "mixed economy" and so we must admit that we have a mixed society. We have the well-to-do people in this country; we have well-to-do businessmen, farmers and workers, those who are in the high income bracket, and we also have those who are in the low-income bracket. Mr. Deputy Speaker, Sir, we feel very strongly that those who are earning more in this country, through employment and holding high positions.

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and those who are doing businesses in this country should pay more for the development of this country. Not only that, they should also subsidize the low-income group or the workers. On this, Mr. Deputy Speaker, Sir, I would like to congratulate the Minister for having taken the right step.

Mr. Deputy Speaker, Sir, I would also like to bring to the notice of the Minister the question of income tax as far as the new African businessmen in this country are concerned. It is obvious, Mr. Deputy Speaker, that the new African businessmen in this country have been able to start their businesses by having obtained big loans from the Government. Whatever, efforts they are putting to their businesses, they are obliged to repay these loans to the Government. If you consider how these people are being taxed, you wonder whether these people are really working for profit at all. They are working hard to repay the loans and at the same time the income tax is there waiting for them. I would like to ask the Minister, quite honestly and sincerely, to consider the position of the new African businessmen in this country, particularly those who have obtained loans from the Government in so far as the income tax is concerned. I am not an economist but I know for certain that the Minister has, at his disposal, experts on economy. They should sit down and devise ways and means of how the new African businessmen should be taxed. I think this is a very important point and if the Minister is here he should take note of it.

Coming to my second point, regarding the Ndegwa Commission Report, I would like to say, without going around the issue, that I have agreed with most of the points in the Report but what I do not agree with, and I think our Government has a duty to reconsider it quite seriously, is the position of the low-income group. Mr. Deputy Speaker, these people have not been considered fairly by the Commission. If you have taken the trouble of reading the Report quietly and carefully, you will have seen that even the people who are working as messengers in the National Assembly here have not been considered at all. The increment which has been recommended to them is about Sh. 12, or Sh. 10. I feel very strongly that since our economy has been described as "mixed economy", and this is an admission that we have a mixed society, we are forgetting a very important section of our society and that is the low-income group. Over 77 per cent of Government employees in this country are people in the low-income group. Therefore I quite honestly ask Government to reconsider this matter very, very seriously and take it as a matter of urgency. This is because, Mr. Deputy speaker, Sir, I do not think anybody holding a high position would be in a position to do his job properly without having a messenger or without having a filing clerk, for that matter, who would be filing his important correspondence dealing with this important work. Therefore, Sir, although this Report has been accepted by Government—and there is nothing, perhaps, we can do about it—I feel very strongly that we can have an opportunity, through this honourable House, to ask Government quite seriously to reconsider the position of the clerical staff and those people who are in the low-income group in Government employment.

Mr. Deputy Speaker, Sir, my third point is about development in my constituency. I would like to take this opportunity to congratulate the Government for having embarked on a very big housing development in my constituency. If you go to Langata you will find that housing constructions are taking place almost in every corner. However, Sir, I would like to ask the Government not to forget one point which is very important and that is that these houses are being built for the people; they are being built to accommodate the people and the people have problems. For instance, they have children to send to school; they fall sick and they need recreational centres. If Government is only engaged in putting up houses without giving provision to essential services like schools, health centres, dispensaries better roads etc., I think, I will have to come back here shortly and ask Government to provide these essential services. A good planner always takes into consideration other aspects of that particular development.

For example, now that the houses are being provided where thousands and thousands of people are going to be accommodated I think it is the right time now for Government to also consider how many schools will be provided for these people; how many health centres or dispensaries and how many social centres for recreational purposes, rather than waiting until after the people have occupied the houses so that they will face the peoples' demands.

Sir, I would also like to mention the question of secondary schools in my constituency. Last year I spoke at length about having a secondary school in Langata Constituency where I considered there was nothing for my people. At that time I was reminded that there were Lenana School, Upper Hill School and so forth in my constituency. Mr. Deputy Speaker, Sir, I would like to make it clear that these schools which are being referred to constantly by those concerned,

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are for high-class people. I, as a Member of this House, cannot afford to take my child to, for instance, Lenana School. How do you expect my Voter, who is a cleaner or a driver, to send his child to Lenana School? How do you expect these poor people in the low-income group to send their children to schools like Upper Hill School? Therefore, once again, I would like to take this opportunity to ask the Minister for Education to consider seriously the question of putting up a Government maintained school in Langata Constituency. If necessary, my people are quite ready to help themselves on a self-help basis or according to the spirit of Harambee.

Mr. Deputy Speaker, Sir, I would like to touch on the question of Kibera because there is a misrepresentation of facts; the facts have been distorted by the people in authority as far as the peoples' problems are concerned. Last year, I moved a Motion here which was called by the Press, "freelance Motion" because it was a straightforward Motion and was accepted by this House. The Government also accepted it but it has not been implemented. Whereas I have been following Government, or the authority concerned, administratively to implement this Motion, the results are that demolitions are going on in my Constituency. Mr. Deputy Speaker, Sir, if you go to Kibera you will find people sleeping in the open. Over 12 houses have been demolished and ten more are going to be demolished. This is contary to what this House approved, in a Motion which would have taken care of these people as far as their housing problem is concerned. Mr. Deputy Speaker, Sir, since I am now dealing with this by taking this matter to the highest authority, I will not dwell much on it. However, I would like to inform this House, quite honestly, that the houses which have been provided to the Kibera people as alternative accommodation are not worthwhile. This is because they have been provided with houses with three or five rooms whereas the families concerned are very large; one family having as many as 10, 15 or 20 people. Mr. Deputy Speaker, Sir, imagine giving a family of 20 a house of three rooms; how will that help that family? That is why the people there are seeking for implementation of the Motion which was approved by this House. They are demanding that the Government implements that Motion.

Mr. Deputy Speaker, Sir, I would, finally, take this opportunity to express, on behalf of my people in Langata Constituency, our loyalty to His Excellency, the President, Mzee Kenyatta, his Government and Kanu. Sir, I think we have talked much about these misguided, disgruntled people who wanted to topple our Government but we have not been given a solution.

I want to suggest, quite strongly, that the Government should reorganize the Kanu Party. Kanu Party should be reorganized so that it is effective so that all *wananchi* will be involved in the protection of this nation. At the same time Government should now consider seriously the question of introducing militia men in this country. This is because we are going to demonstrate the day after tomorrow to show our loyalty to Mzee. However, this is not enough, Mr. Deputy Speaker, Sir. I think we should demonstrate to Mzee our readiness to rise up against whoever will come to try and topple our Government and thereby to bring misery to our people. I think if Government will consider this question of militia in this country, then nobody will dare, tomorrow, to hold night meetings here and there trying to raise few shillings for his own selfish interest under the guise of organizing divisions in this country.

Mr. Deputy Speaker, Sir, with these few remarks, I would like to support.

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, first of all I would like to thank you very much for giving me this opportunity to comment on the Budget proposals. Having listened to the comments which have been made by hon. speakers, I decided that my discussion should be somehow different.

An hon. Member: How different?

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, the hon. Member should know that I am in the Cabinet and I am also a Member of Parliament.

I know it is customary for hon. Members to speak during the Budget Debate as if the Budget really intended to state virtually everything that the Government intends to do. In fact, this is not the case; but it is healthy to listen to some of the comments.

I am going to try, somewhat, and look at the Budget proposals professionally. I have heard a general statement about the Budget proposals but due to the shortage of time I will limit myself to the taxation aspect of the Budget. We have heard quite an interesting reaction to the Budget proposals and I would like to give my views on this.

Mr. Deputy Speaker, Sir, if I were looking at this Budget, I would adopt the following criteria —my looking glasses, as far as taxation is concerned—— I am not going to cover everything

[**The Minister for Information and Broadcasting**] but I would like to look at the administrative feasibility or possibility of some of the proposals; to what extent it will be possible to collect some of the taxes that have been proposed.

The second point which I would like to raise in this connexion is related to equity in taxation proposals. The third point is related to the incentives—the extent to which the proposals encourage or discourage those who would like to undertake production in the economy. The last point is related to the extent to which the tax proposals reflect the general feelings with respect to the *wananchi* expectation, and for that matter the House's expectation because the hon. Members are the representatives of the people in this House.

The first point which I would like to emphasize in this connexion is that we should not be under the impression that there is such thing as an ideal tax system. Hon. Members, there is no such thing as an ideal tax system. In as much as everyone has his own values or tastes with respect to what is good, you are not likely to get this, "ideal tax system" because a tax proposal, for example, that is equitable, might surprise you because it might be a kind of tax that will produce disincentives to those, say, who would like to invest —both local and foreign investors. To some people, for example, income tax is perhaps one of the most equitable taxes but to some people it causes certain disincentives. How does one reconcile this? Here it becomes quite subjective; and you will, therefore, find that what one citizen considers to be equitable is inequitable to another citizen.

Using my four criteria, I would like to look at hon. Kibaki's Budget proposals—I am not trying to be funny; but I am not happy about most of the proposals in the Budget. However, I was quite surprised to find that he did not include afro-wigs in the proposals in connexion with taxes. Culturally, most distinguished Members would say that they are anti-African and that import duties on these items should be trebled or quadrupled if possible. This would really yield much more revenue, and, therefore, my colleague might retort that this is what we call a nuisance tax and, therefore, it being a nuisance tax, would interfere with the other taxes. I am, therefore, very pleased to note that he was professional enough not to include it.

The second point which I would like to raise is connected with the proposed increases in the charges for diesel. Here, again, my colleague, a man of integrity and a professional, decided that the motor vehicle tax system should be rationalized and, accordingly, he proposed that those people who had been let off lightly on diesel fuel should actually pay their share. I would like to emphasize this point: owners of large trucks, in my opinion, should be responsible for paying between 50 and 60 per cent of the total cost involved in building roads in this country. These trucks are human hazards and, economically—those who are learned in economics know this—they produce what we call professionally, "external diseconomies" and this is commonly called, "damage" by *wananchi*. This is a serious problem because the cost involved in maintaining these roads is presently, in my opinion, very exorbitant. I think it is quite fair that those who are responsible should be charged accordingly. So my colleague has just done that, and I would like, therefore, to congratulate him.

Mr. Deputy Speaker, Sir, there is the question of taxing cigarettes. I have been fortunate enough that I have not spent even a penny on cigarettes in my life and so I have nothing to regret about this. Since we would like to see all the *wananchi* enjoying cigarettes as part of their benefits in their hard labour, perhaps, they were fairly taxed. However, it is important to note that the logic behind the whole proposal, though, partly, it is when you tax such a thing like a cigarette we say, professionally or economically, that the demand is inelastic—that is, even if you have to increase the price by another 50 cents, most people will still continue to smoke cigarettes. So, this is a way of raising money very easily, and that is one of the logics behind the whole thing and it equally applies to *pombe*.

Mr. Deputy Speaker, Sir, the question of *pombe* is very similar to the question of tankers and other huge trucks on the roads. You will see many accidents on the roads involving what we call "social costs or external disbenefits". I feel very strongly—I know that the East African Breweries might not agree with me because it might discourage drinking—that the cost to the community stemming from *pombe*, and I am not talking of East African Breweries only, but *chang'aa* in particular, is very high. I note with gratification, therefore, that my colleague was wise enough to note that one cannot go on taxing Tusker and Pilsner and what-have-you in isolation. I would have gone to the extent of taxing the ordinary *busaa* in the villages if it were me. However, when you apply my first criterion of administrative feasibility, you will find that it is not possible to do so. So, again, he found that was a "nuisance tax" and he, therefore, left it out. However, you must note that

[**The Minister for Information and Broadcasting**] *chang'aa* to a very large extent is the principal cause of a lot of difficulties in the rural areas. Many of the *chang'aa* addicted fellows can hardly do anything and their philosophy seems to be "seek ye the *chang'aa* kingdom and the rest shall be given unto thee"! This is unfortunate because they are supposed to go back to their *shambas* and get the *chang'aa* they are after because it comes from the *shamba*. I believe that as a result of my people taking less *chang'aa* they have done a tremendous job on their farms during the last year and I am quite happy about that. So, I would have suggested higher rates; but noting that most of the hon. Members in this House are not *chang'aa* addicts but beer addicts, the Minister decided to be modest in his charges and so he has put on a very light tax. However, definitely we are socially paying very heavily for heavy drinking; and it is, therefore, my conviction that nothing demoralizes a nation or affects a country's ability to develop than heavy drinking of *pombe* regardless of the quality. In fact, I would not have any objection if 60 cents were added to the beer tax. However, we should all be grateful to the Minister for having let this pass so lightly.

An hon. Member: Declare your interest!

The Minister for Information and Broadcasting (Dr. Onyonka): Mr. Deputy Speaker, Sir, I have no interest to declare.

Mr. Deputy Speaker, Sir, there is a very important point which I would like to raise in connexion with the Minister's speech. I note in the Economic Survey of 1970, page 26, that the assets of the commercial banks in this country are highly liquid. Now, to me this is very liquid, Mr. Deputy Speaker, Sir. But, I would say that it is not only to supplement, in fact, it is not a criticism but a supplement. It is not that the lenders have not realized the opportunities arising in the commercial sector as far as the African is concerned. But rather there is a need to change the attitude of those who run the commercial banks especially in the rural areas. This is because what essentially is going to happen is that unless there is a significant change, the branch banks in the rural areas will become a means of draining away resources from the rural areas to the urban areas for investment purposes. From the point of view of profitability, this is all right because it is a more efficient allocation of resources but from the point of view of socialist desirability in some of these areas, something will have to be done. This is because the resources presently rotting in the banks are very significant. The liquidity ratio, if I may quote, Mr. Deputy Speaker, at the end of December was approximately 60 per cent. This is what we call Deposit Advances Ratio, an index we used to judge how the banks are doing in terms of getting deposit and lending their money. Now, the index gives the impression that a lot of the money is lying in the banks and something needs to be done to get this money out to the *wananchi*. But, the *wananchi*—the economists are fond of talking about the demand side and the supply side. I have been talking about the supply side but what about the demand side?

Mr. Deputy Speaker, Sir, the *wananchi* will also have to make an effort to meet their loan commitments. This is because what happens, and I saw a record of one of the banks yesterday and I was shocked, is that out of tens and tens of loans advanced to farmers in a particular district, only one or two have made any repayments at all for a period of more than one year. This was almost shocking despite the fact that they were supposed to make at least two repayments in that particular year. So, the farmers also will have to make an effort to repay their loans because the banks are not handing out money on a charity basis. They are in business and even if they were to become Government institutions, this would continue to be a problem because the *wananchi* must repay their loans provided those who administer these institutions adopt a less aggressive and a more progressive attitude towards the African borrower.

Mr. Deputy Speaker, Sir, I would like to mention one other small point. This was definitely a professional Budget, Mr. Deputy Speaker, Sir, but my friends would agree that maybe it is because it has been conventional not to mention funds utilized by public agencies such as the Industrial and Commercial Development Corporation and the rest in a Budget such as this one. But, given the fact that these organizations presently operate with very huge sums of money, I believe their activities are so important that in future an attempt should be made to bring their activities within the Budget so that, in fact, one gets a more comprehensive picture of them.

Finally, Mr. Deputy Speaker, Sir, I would like to say just a word on the question of expenditure. Mr. Deputy Speaker, Sir, we have become very fond of talking in terms of so much money having been spent on this and that item. Professionally, we know that there is a slightly different type of Budget although it is not easy to implement or to utilize. The new breakdown in the presentation of the Estimates, in my opinion, is an excellent improvement over the previous years. This is because they have tried to tell us what the funds

[The Minister for Information and Broadcasting] are going to be utilized for. But, if you were to drive this exercise to its logical conclusion, then what becomes important is one's ability to tell if you utilize the resources, for example on building roads there should be the question, "How many kilometres of road"? This is what professionally or economically we call a performance Budget. Now, this will tell much more than an ordinary classification which says so much money to be spent on books but it must be able to tell you how much on each book; this is what is important. Since it is not easy to introduce this kind of Budget in a developing country as ours without prior reoganization and perhaps greater effort I do hope that gradual efforts will be made towards this direction but definitely the Budget of this year, looked at from the point of view of many professionals in economics they would agree that it is a properly thought out piece of analysis and I do hope that in the next year we will have something even better.

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

Mr. S. Lugonzo: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in congratulating our Minister for Finance and Economic Planning for the excellent job which he has done in presenting his Budget.

Mr. Deputy Speaker Sir, I take it that we here, Members of Parliament and the Government as a whole, have one important job which we must always have in mind and that is the welfare of the people we represent. To that effect, I take a Budget like this one presented to the House as a major objective towards the improved welfare of the people of our country. Mr. Deputy Speaker, Sir, the question to be asked by the Minister for Finance and Economic Planning before he prepares this Budget, in my opinion, should be, how shall I improve the living standards of the people of our nation by this Budget? I am sure he asked himself this question when he prepared this Budget and the answer is what he read to us during the Budget Day. Well, it is our duty to mention a few things which we feel that should have been emphasized in this Budget which the Minister presented to us.

Mr. Deputy Speaker, Sir, in order to improve living standards of the majority of the people of this country of ours I feel that the first step, which perhaps economists, like the speaker who has just sat down, would not like is actually a kind of redistribution of the wealth of our nation in order to reduce the gap between the wealthy and the poor. This one, is a quick way of improving standards of living of the majority of our people. I do not know how much of this was done by the Minister for Finance and Economic Planning in his Budget. Did he try to redistribute the wealth of our nation? Did he try to bridge the gap between the very wealthy people and the very poor people in our country? Mr. Deputy Speaker, Sir, I think he did it on a very small-scale when he indirectly taxed the wealthy people who drink beer and I would like to congratulate him for this. When he taxed the people who own lorries and buses, this was a way of reducing the gap between the wealthy and the poor because he taxed them. Well, there are a number of things he did but, Mr. Deputy Speaker, Sir, I do not think he went far enough to improve the standards of living of the poor people. I do think, if in the long run we are to improve the living standards of our people, we must get more money from these wealthy millionaires in our country and pump it into the rural areas where the majority of the poor people live. Mr. Deputy Speaker, Sir, we must try to increase the productivity of the rural areas. I am always unhappy when I hear that millions of Kenya pounds are pumped into the old White Highlands in the form of loans to buy grade cattle, in the form of loans to buy tractors, or in the form of inputs for wealthy people like the hon. Wafula Wabuge here——

Mr. Wabuge: What are you talking about?

Mr. S. Lugonzo: Year after year, all the money that goes into inputs to increase the agricultural production goes to the wealthy people—to the big White Highland farm-owners—the fellows who took over from the whites, who took over the big farms that the whites possessed. The money which is pumped into business goes to the big building owners, owners of huge buildings in the City of Nairobi, in Kakamega and in other places. What about the poor man?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): Say it again!

Mr. S. Lugonzo: I can repeat it, Mr. Minister, but you have heard it well and, therefore, there is no need to repeat it.

Mr. Deputy Speaker, Sir, the question here is: what are we doing to help the small farmer; the man who lives next to me in my constiutuency? I have seen nothing done for such a small man who lives next to me. He plants maize but, he is still planting the old non-hybrid type of maize. His plants still remain without fertilizers and yet we keep on singing and telling him to remain on the land digging it in order to improve his economy. Mr. Deputy Speaker, Sir, I think this

[Mr. S. Lugonzo]
is a very unfair plan indeed and we must change it. I feel that all the Ministries concerned with the economic development of our nation should co-operate and co-ordinate their inputs; the money they use as inputs to improve the ordinary man; to improve the small farmer; to improve the Somali range owner whose land is dry. We should at present concentrate on the poor man. We have done enough for the rich commercial people; we have done enough for the large-scale farmer. It is time we concentrated on the ordinary man.

Mr. Karungaru: Question!

Mr. S. Lugonzo: Let me give you, Mr. hon. Member, what I mean. Let me call a spade a spade. Mr. Deputy Speaker, Sir, the small farmer with three or five acres; why does not the Minister for Lands and Settlement (and here is his Assistant) set a date when all the little farms—three or five acres—will be registered and title-deeds given in six months' time and then ask the Minister for Finance and Economic Planning to order the banks to give these small farmers loans to be able to begin keeping grade cattle, buying fertilizers and getting hybrid maize and then we will improve their lives? Why do you not do this? Mr. Deputy Speaker, Sir, why does the Minister for Lands and Settlement not accelerate the giving of title-deeds to these people?

The Assistant Minister for Lands and Settlement (Mr. G. G. Kariuki): It is not a football match.

Mr. S. Lugonzo: Well, the Assistant Minister says it is not a football match. This is the excuse he is giving in order to keep these small-scale farmers backward for ever. If you gave me your Ministry, I assure you that I would get all these small-scale farmers title-deeds at the end of this year.

However, Mr. Deputy Speaker, Sir, I think that if the Ministry of Lands and Settlement can take this job seriously—to give title-deeds to all small-scale farmers—this would improve their situation because the banks are always giving the excuse that, "You have not got a title-deed for your land. We cannot give you a loan". Furthermore, I think that even if they get title-deeds, we shall need the Minister for Finance and Economic Planning and also the Minister for Commerce and Industry to instruct them; to tell them in black and white, and even to compel them to give loans to these small-scale farmers as they do to the large-scale farmers, for example, the hon. Ngureti, the former President of Nyeri region or whatever they called it. They are the people enjoying loans while the small man is suffering. I think that the Minister for Co-operatives and Social Services should also join the Minister for Lands and Settlement and the Minister for Finance and Economic Planning by getting these small farmers into co-operative societies. If they form co-operative societies, then these co-operative societies can get loans with less risk because they will organize all the farmers under the co-operative societies so that they buy the inputs for them—the hybrid maize, fertilizers—and instruct them or help them on how to plant and then they will sell their produce to their own markets.

Therefore, Mr. Deputy Speaker, Sir, these three Ministries should co-operate and improve the lives of the small-scale farmers. It is no use concentrating on the large-scale farmers for the country as a whole because the country as a whole has improved; we have increased the productivity. However, the ordinary man is left out. The same with the Minister for Commerce and Industry. We have small-scale traders. Mr. Deputy Speaker, Sir, here is the Minister. Why do you not get the small-scale traders, for example, like those in my markets of Khayega, Shinyalu and Malinya to co-operate and then show them where to get their textiles from; to import them directly from India for their small co-operatives? Give them loans and then they will be able to sell them at a lower price and they will also be able to make a lot of money because they will eliminate these big men who exploit them—the middle men? We wonder what you Ministers are doing. Why do you not initiate this kind of co-operative movement and then improve the small traders rather than concentrating on large-scale traders most of whom are non-citizens of this country and, for example, the Indians who are still in Kisumu, Nakuru, Nairobi and everywhere? There are still some people who are exploiting the citizens of this country instead of the small-scale trader who should be doing this thing.

Again, I think, Mr. Deputy Speaker, Sir, in this Development Plan, we should do something about it in order to make it fair. We should decentralize it. We should have the planning of the North-Eastern Province under the Chairmanship, say, the hon. Assistant Minister for Housing, Mr. Khalif, who is here. He will be very, very efficient and full of initiative because he will be planning for his own province. I do not think a provincial commissioner who comes from, say, Kalenjin area, who is now at Garissa, would have been very strong, very, very firm in good planning for his area and especially when the Minister for Finance and Economic Planning says, "Well, there is no money"; he will just go back and tell the people, "There is no money". However, I think that if we decentralize the planning and make a council of the people of the

[Mr. S. Lugonzo]
province, they would make a plan that would develop their area much faster than when we entrust our planning responsibility in the hands of a man who is trying his best but, he cannot plan as fast as the indigenous man. So, I think we should decentralize some of these planning bodies and I know we have a body right now which is just a make-belief sort of a body: I call it. It is not a body that I can say has enough power for planning for the provinces. We should have a more powerful body at the provincial level to be concerned with planning in a province. I am sure that if the people do not get enough development, they will blame their own people; the people of that province. If the question of finance comes in, then they would have a bigger body at the central office here with the Minister for Finance and Economic Planning as the chairman to distribute the development funds to these councils in accordance with the needs of each province, giving preference to provinces which are underdeveloped and less preference to provinces which are very highly developed.

Mr. Deputy Speaker, Sir, I think this includes decentralization of bodies or boards, for example, the Industrial and Commercial Development Corporation and this has already been said here before. However, I think we need to re-emphasize it and repeat it. If we had bodies at the provincial level which would distribute loans and institute secondary schools and which is this time going to be done by the district education boards, if we have the boards like the district education boards for all functions of all the departments, I think this would be a much fairer way of planning the development of our nation.

Now, like all my other colleagues, Mr. Deputy Speaker, Sir, I think I would like to say here that the *coup* planners were undemocratic and as I believe in democratic principles, therefore, we should denounce them.

With these few words, Mr. Deputy Speaker, Sir, I support the Minister for Finance and Economic Planning very strongly.

Mr. Koigi: Thank you, Mr. Deputy Speaker, for giving me a chance to contribute to the Budget Debate.

Mr. Deputy Speaker, Sir, I would like to tell you that when the Ndegwa Report was brought to the notice of the public, it spread a very bad feeling in this country. I have a list of a number of magistrates who want to resign from the public service because of the Ministry's planning. They are thinking of resigning. Mr. Deputy Speaker, Sir, will you protect me from interruptions? What I am trying to drive home is that the Ndegwa Report which comes under the Ministry of Finance and Economic Planning—so we expect the Ministry of Finance and Economic Planning to deal with matters concerning finance. What we find in this report is that there is a great discrepancy of wages. Mr. Deputy Speaker, Sir, may I take this opportunity to lay the letter from the magistrates on the Table.

Before I lay the letter on the Table I beg to say that we have some civil servants here telling us that they are badly treated. Mr. Deputy Speaker, Sir, I am the spokesman of my constituency, the Civil Service and the Republic of Kenya as a whole.

The civil servants say that instead of the Ndegwa Commission giving the civil servants an increment in salary they got a reduction of salary. When you study this letter you will see what these civil servants have said and you will also see their complaints and why they are thinking of resigning. I am telling the Attorney-General to consider, sympathetically, this letter which has been addressed to the Registrar of the High Court of Kenya. I have talked to these civil servants and I know that they are soon resigning from the Civil Service. Government policy is to employ more African magistrates.

(Mr. Koigi laid the letter on the Table)

Mr. Deputy Speaker, Sir, let us come to the staff of the National Assembly. You will find that the Accounting Officer does not hinder the progress of the other officers but you will find some great differences in their salary. The accounting officer gets the same money like accounting officers in other Ministries. The figure is over £3,200 per year. His deputy gets just above £1,400. You can see the gap between the deputy and the head. If you come to the lower ranks of officers you will see that the figures are very bad. Mr. Deputy Speaker, Sir—I am asking the Ministry and Government to realize that there is bitterness in matters concerning salaries of the lower ranks in the Civil Service and they should be improved. If Government wants to improve the development of this country and if Government wants to make people feel that they belong to this country and that the Government is theirs, then, Government must look after their welfare. When we look after their welfare by raising their salaries, they will give this country good service.

Mr. Deputy Speaker, Sir, if I come back to the question which was raised here this afternoon—Quetion No. 482—when I did not have time to argue on with the Assistant Minister who replied to this question—I take this opportunity to give him a sufficient argument.

[Mr. Koigi]

The question reads as follows:

"Could the Minister consider setting up a commission of inquiry to investigate the ways and means of reducing the land prices so that many Africans may be able to buy farms?"

I want to tell the Assistant Minister that all the big plantations are not yet bought by Africans and we cannot buy them. If some of them have been bought, then the number purchased by the Africans is not over 10 plantations. When we call for the setting up of a commission of inquiry to inquire into why the Commissioner of Lands is still a white man, when we apply for small plots on which we can build houses in Nairobi—even hon. Members of Parliament cannot get the plots. We are calling for a commission of inquiry to scrutinize the whole land issue. We, here, told the Attorney-General in precise terms that we want the law concerning land transactions to be changed and we still adhere to this call that the law must be changed. Unless and until a fair deal is given on matters concerning land, we shall always complain.

Mr. Deputy Speaker, Sir, there are pieces of land owned by non-Africans in this country. These pieces of land range from 100,000 acres to any number that you would like to mention. The commission of inquiry will tell Government what to do with such lands. I can see the Assistant Minister for Lands and Settlement nodding his head in protest. The public will nod their heads protesting against you and they will complain and they will not stop complaining—not me—you should watch the public. Mr. Deputy Speaker, I would like to tell the Minister for Lands and Settlement that a fair deal has not been done on matters concerning land. That is why we are calling for a commission of inquiry to scrutinize not only, the settlement board which is chaired by the district commissioner—— If you make the district commissioner the chairman of a board that will decide for these people that buy land, he will get his brother first as others would do, and that is what we do not want. The small bits of land are divided by the chairman and we know what the chairman has done.

I will tell you what they do. Mr. Deputy Speaker, Sir, I would like to say that I have always repeated in this House that unless I see in the Recurrent Expenditure an amount of money which Government will use in my constituency, I will always be unsatisfied. When you say, Nyeri Municipality and so on, then you tell us you have given us an amount of £725 to be spent for a year. But the question is: is the Minister not able to break down the constituencies and allocate money accordingly? You find no irrigation schemes in our areas, and some areas are very dry.

Mr. Deputy Speaker, I now come to the schools. In this country the time is ripe when we would like to know what the Government is doing in planning of colleges. As far as I know we have only one, Kenyatta College and the country has been shown by the contribution which has been made in Murang'a, over Sh. 1 million, that the country wants more colleges in the country, and we would like the Government to plan these colleges.

Now I come to security. Some of the Members here were saying that we should remove the Preservation of Public Security Act, 1960. I told the Government that Act has come to stay, it has to stay. I would go further and tell the Government to tighten measures on security matters to protect its subjects. I would like to add that I thank His Excellency, Mzee Jomo Kenyatta and the Government for their performance on security matters.

What I would question again, Mr. Deputy Speaker, is this. The National Housing Board is going to spend, according to the blue book, £725,000. My question is: for Kibera, for Nairobi, for Mombasa? But how much money are they going to spend in the rural areas, especially my constituency?

Hon. Members: Nothing.

Mr. Koigi: Nothing.

Sir, this Parliament is composed of the people, the representatives of the people. We have been sent here to provide better shelters, to provide food as the Government has done recently when the need arose. Yet what I would like to tell the House is that all these Boards are out to support tycoons and not our poor citizens. Any money given is only given for the purpose of the rich people. All right, you can tell me they are highly taxed, I agree. I am happy. Some of us who drink and smoke are paying more in order to earn the Government some revenue. That is what we should do.

I would like also to point out that we should start irrigation schemes in our constituencies. Water is very, important. The Assistant Minister from the Ministry of Finance should see that every constituency has so much money voted for water development purposes. We know you give us a total sum and we know that is going to be spent in the country, but why do you not analyse this

[Mr. Koigi]
total? Why not say, Koigi's constituency will get £700 for a year for water. Cherono's constituency will get £500 because he has more water and he is an Assistant Minister.

Mr. Deputy Speaker, I am told here by the Assistant Minister that these are details. We told the Ministry of Finance, in this House, during the time of the last Budget Debate, that we want a detailed account of what is to be given out, we do not want it as he has provided in this blue book. We want more details because when you give a general total, then you only give to the Assistant Minister here, the Member for Kirinyaga, and you do not give for the whole country. What we want is equitable distribution of the finances. If that is done nobody will murmur; when that is not done we go on questioning. You tell us that you are out and out for development, land development. What have you given to my constituency? What have you given to Kanja's constituency? I asked a question here and you told me you are developing that area but no money has been provided, or very little money indeed. There are several schemes; if I remember correctly there are 11 schemes in this country. What have you done in these 11 schemes?

My time is up. I beg to support the Motion, Mr. Deputy Speaker.

The Assistant Minister for Housing (Mr. Khalif): Mr. Deputy Speaker, Sir, I would like to join my friends in congratulating the Minister for Finance for the excellent Budget which he has presented.

Without wasting time I would like to continue to say that the people of North-Eastern Province have full loyalty for Mzee Jomo Kenyatta as a person, as President of Kenya, as Head of State, as Commander in Chief of the Kenya Armed Forces. I would like to tell those who are unexperienced that it is not easy to topple a Government, least of all, the Kenya Government.

Sir, some Members are asking whether I tried? Well, one thing I would readily like to admit is that I was a——

An hon. Member: Shifta.

The Assistant Minister for Housing (Mr. Khalif): They called me an adviser to the now defunct shifta movement.

However, Sir, it is a well-known fact that even though the shifta movement tried its best with the aid of arms and advisers like me hailing from Mogadishu, the movement did not succeed. It is only appropriate that those who have had experience should know that it is virtually impossible to topple the lawful Government of Kenya. We must, in unity, condemn all attempts to try and cause confusion in Kenya. It is not only the question of toppling the Government, Sir, that we must condemn. I must say, Sir, and I guess I am now speaking with the full authority of my people in North-Eastern Province, that even to try and create confusion in Kenya does amount to being a traitor. And, Sir, the only rightful thing, the only deserving thing that should be done with traitors is to hang them, hang them in public.

Sir, I am being asked why I was not hanged when I was the general adviser to the shifta movement. I would like to ask the Members the same question. I was not tried, anyway.

Now, Sir, it has been decided recently by the Government to stop exportation of cattle from Kenya. It is known that the Livestock Marketing Division which is a department within the Ministry of Agriculture, used from time immemorial to buy livestock from North-Eastern Province. I went yesterday to see the head of this department, a Mr. Hood in connexion with some 50,000 cattle that we have in the North-Eastern Province and he said that the Livestock Marketing Division is not prepared to buy. I was given to understand by this head of the department that the Livestock Marketing Division has 30,000 cattle on its hands and it is not in a position to buy more cattle. I was further given to understand that exportation of cattle has been prohibited. Now, we ask, a natural question. Why prohibit exportation of livestock when the Livestock Marketing Division cannot come to North-Eastern Province where the livelihood of people exclusively depends on livestock and we have more than 50,000 head of cattle on our hands? I think there is something fishy about the whole set-up and I would request my colleagues in the Government to try and do something for these people because we do not farm in the North-Eastern Province, we depend exclusively for our livelihood on livestock. Therefore, it is a pity that when we have more than 50,000 cattle at hand, the Livestock Marketing Division cannot buy the cattle.

The other point which I would like to dwell on is in regard to secondary schools. It will be recalled that recently we led a delegation comprising of Members from northern Kenya to His Excellency the President. It will also be recalled, Sir, that as a result of our delegation to Mzee, His Excellency the President was kind enough to declare that two secondary schools in the North-Eastern Province, namely the Garissa Secondary School and the Mandera Secondary

[The Assistant Minister for Housing]
School—both Harambee secondary schools—be taken over by the Government. Now, Sir, it is unfortunate, and I must state categorically so, that the Minister for Education has refused to take over these schools notwithstanding Mzee having said, in his capacity as Head of State, that these secondary schools will be taken over by the Government this year. We have documentary evidence to this effect. I have written to the President in this connexion because I think there could not be a more unfortunate thing. I request, Sir, that the Minister for Education do comply, as he should, with directives of the President. It is belittling, it is a shame on the part of the Minister to have said, no, to a directive made in public by the President.

Another point, Sir, which I would like to dwell on with some seriousness is in regard to Isiolo.

Mr. Koigi: On a point of order, Mr. Deputy Speaker, would the Assistant Minister substantiate how he knows that the Minister for Education has refused an order issued by the President of this country?

The Assistant Minister for Housing (Mr. Khalif): The President said, for the information of the Member, that these two secondary schools would be taken over this year by the Government and the Minister for Education has written to state that only one stream in Garissa Secondary School will be taken over next year. No mention was made about the other secondary school and upon inquiry we were told flatly that——

Mr. Koigi: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Dr. Waiyaki): No, he is still going on. Carry on Mr. Khalif.

The Assistant Minister for Housing (Mr. Khalif): Upon inquiry, Sir, we were told very plainly that the Ministry was not prepared to take over Mandera Secondary School. That, Mr. Deputy Speaker—for the information of the new hon. Member—is enough substantiation.

To go ahead, Sir, I would like to say something about Isiolo. Sir, perhaps some Members will also regard this as a serious allegation. But notwithstanding what their sentiments will be, I would like to say that through the Office of the Minister for Lands and Settlement and particularly through the Minister himself who, for the information of those who do not know, comes from Meru, Isiolo's leasehold area which hitherto was predominantly a Somali area of settlement is being taken over by the Meru people. Sir, I am being asked whether this is being done by force. I think back-door tactics are even worse than taking over the land by force. Back-door tactics are being used by the Minister to settle his own kith and kin; his own Meru people in Isiolo.

Mr. Deputy Speaker, Sir, I would like to sound a very strong warning that the Somalis will never accept an inch of their area to be taken over by anybody—including the Kikuyu for that matter.

Sir, I see that my time is getting finished and I would like to say that we need—— If there is a tribe which should be settled—and this is in reply to Mr. Kanja's remarks—I think the Kikuyu are more deserving than any other tribe. Even then we do not allow the Kikuyu to come up there.

To go ahead, Sir, I would like to say that we need more Somalis to be recruited in the Government. It is an open fact, Sir, that in the higher scale category of civil servants, we do not have any Somali. For instance, we do not have any Somali Ambassadors and being part and parcel of Kenya, it is high time the Government did something to accommodate the Somalis in all spheres of life including the Civil Service.

Now, Sir, speaking about women's welfare—and I know that the gracious lady is here—I would like to say that I have nothing against mini skirts. As a matter of fact we should encourage this. I also have nothing against wigs. However, I say, no Ambi. Sir, it is high time we prohibited the use of Ambi as being uncultural.

An hon. Member: What about hot pants?

The Assistant Minister for Housing (Mr. Khalif): Hot pants are all right. Anything that will make man to admire a woman more should be encouraged except Ambi. Sir, we find that——

Mrs. Onyango: On a point of order, Sir, is the Assistant Minister in order to say that he does not like ladies in mini skirts while ladies do not like people with four eyes?

The Deputy Speaker (Dr. Waiyaki): He likes them in mini skirts.

The Assistant Minister for Housing (Mr. Khalif): I wish that was a point of order. In any case, Mr. Deputy Speaker, Sir, I was saying that I disagree entirely with Ambi because I think black is beautiful. The effect of Ambi is to change the colour from black to white and I think it is beautiful to be natural. It is in this sense that I totally disagree with Ambi.

[The Assistant Minister for Housing]

Sir, my last point—I see that my time is getting finished—is in regard to backward areas. Sir, I have gone through the "blue book" very carefully—as the hon. Member for Nyeri refers to it—and I find that as opposed to last year, very little has been set aside for places like North-Eastern Province; Marsabit, Isiolo and the areas in the Coast Province which are backward. I would only like to stress the fact that the Colonial Government neglected these areas and we are duty bound to consider them. It is upon the Kenya Government to cater for these areas economically.

With these few remarks I beg to support.

Mr. D. M. Kioko: Thank you very much, Mr. Deputy Speaker, Sir. I will not take a lot of time on this, Sir; I will just say a few things.

One, Sir, is that we in the urban areas are not very much pleased with the way the Ministry of Local Government is handling its affairs for the local affairs in the municipalities. We see that a lot of money has been allocated for county councils—for example Mombasa where I come from—or which has been approved for implementation of certain things or building more schools and nurseries and all these things but you find that when these figures are brought to the Ministry of Local Government's Headquarters, the Ministry sits down on the papers and nothing is done. For instance, Sir, if I may quote my own constituency, the Municipal Council of Mombasa has brought its Estimates for so many schools to be extended but you find that the Ministry here does not approve them. It sits on them and you find that the schools are congested. Some schools have no classes for boys and you find that some pupils learn in the afternoon session only because they have no classes while the council, which has the money and is supposed to bring only figures to the Ministry for approval has done so but some people have sat on them here. I think this is serious and the Minister should take note that when figures are brought from any council they should be considered because the councillors prepare them basing them on the local problems. This, I hope, will be corrected.

Mr. Deputy Speaker, Sir, I have come across figures in our new Estimates which are in the Budget. Surprisingly, at the moment while we are supposed to promote the African businessmen who are able to do business by giving them development money to build big hotels and all that, this money still goes to the Asians. I think this is serious, Mr. Deputy Speaker, Sir. When we say that we are supposed to promote the indigenous African men who are able to do this business, we still find that development money is still being allocated to Asians to build these hotels so that they can, at a later date, sell them to the Africans because there will be no room for building new hotels. Sir, I think something must be wrong somewhere and the Minister or whoever is allocating or giving these development funds should consider the Africans who are always putting in their applications to get money so as to develop their business; either to build hotels or any of these things. It is wrong, at this stage of our independence to see Africans still not getting this development money while it is given to the Asians. I would not like to see such a thing happen, Mr. Deputy Speaker. I think the Minister or whoever is concerned should correct it. They should collect and change their attitudes to promote the local people. They are able, I know, Sir, to do this kind of job.

Another thing, Mr. Deputy Speaker, Sir, while appreciating the way the Budget was presented indicating where we will get the KSh. 5 million to pay the salaries of our civil servants, I think there is one more thing which the Minister should bring up during the next Budget. Mr. Deputy Speaker, Sir, we should have a capital gains tax in this country. We have exploiters in this country who are professionals in the business of buying and selling houses. Mr. Deputy Speaker, Sir, you will find that someone buys a house today for KSh. 20,000 because he has the money and he sells the same house tomorrow for KSh. 40,000. This money, Sir, is never taxed! We should have capital gains tax in this country. These people do not have a special qualification in buying and selling of houses but because of their money, they buy a house today and sell it tomorrow at a higher price. This tax must be brought forward. We have other people, Sir, who are not estate agents. They buy, say, three or four acres. They hire a valuer who surveys it. Mr. Deputy Speaker, Sir, within six months they subdivide the piece of land and sell the plots at three times the price they originally paid for. This money, Sir, is not taxed. The tax in question should be introduced in this country so that these exploiters can be caught by their necks. They are earning more than is necessary.

In the past, Sir, we have always had uniformity in budgets in East Africa as a whole. However, Sir, this year the budgets were not uniform. Mr. Deputy Speaker, Sir, the budgets were not uniform for reasons not known to me at the moment and yet Kenya has its employees in the East African Community's departments especially the Income Tax and Customs and Excise departments who are now burdened by changes that are

[Mr. D. M. Kioko]

going to affect them only in Kenya. These changes do not apply to other parts of East Africa. I would like the Minister to ensure that these people who have been given an abrupt change should be given their fair share. Their salaries, for instance, should be the same as those of our civil servants in Kenya because the money they raise comes to Kenya. Mr. Deputy Speaker, Sir, even if some money is let out of Kenya, Sir, I believe the percentage is very small and I think these people should be regarded as civil servants of this country, from now on, because they are working hard to enable our country to get more money. There is no reason why we should not pay them the same salaries as our civil servants. I think, Mr. Deputy Speaker, Sir, the question of being in the Community is not very welcome at the moment.

The other thing, Mr. Deputy Speaker, Sir, is with regard to a certain percentage of money we give to the central pool in the East African Community. To my dismay, Sir, certain other countries in the Community are confiscating property in their countries and yet it is property which generates income that is taken to the central pool in the Community. Now, when the property is confiscated the money does not come and this minimizes the money which is realized by the Community. After money from taxes is realized here in Kenya we contribute fairly our required share. The Minister should see to it that he raises it with his counterparts in the two other States. There is no need for some countries paying money to the Community from their citizens' properties tax while other countries do not because they have acquired the property and now it belongs to the Government! In this way, Sir, the taxes go directly to the national Government and not to the central pool of the Community. This is one thing, Mr. Deputy Speaker, Sir, the Minister should see that it does not harm our country.

This Budget, Sir, did not really hit the low-income group and I must congratulate the Minister in this respect because our poor people are not affected. I feel they are happy. However, there is one thing, Sir, which disturbs them. This is the question of price control. Since we do not have a sales tax or other taxes, I think many items in this country must have a controlled price. We know that one who earns more will pay more without feeling it but, Sir, since we do not have a sales tax today, beans cost KSh. 2/50 a kilogram. Now, a low-income group man buys the same beans for KSh. 2/50 while my friend hon. Balala—a Minister—will buy it at the same price. So, Sir, you find that the same man who is earning very little money suffers because we do not control our goods.

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

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

The control prices should be fixed on most of the commodities we have in our country. Some people buy goods like crops when fresh and keep them in their stores and after six months and when we have a serious drought like the one we have just had, prices are trebled simply because someone had a lot of money and bought a lot of goods. He buys them when they are fresh and cheap and keeps them, knowing very well that the following year there might be a drought in order to treble the price of the commodity. I think the control of prices should be introduced in our country.

Since I do not have much quarrel with this Budget, Mr. Speaker, Sir, I beg to support the Motion.

Mr. Marita: Mr. Speaker, Sir I would like to join my colleagues and say something on the Financial Statement, which was given by the Minister for Finance and Economic Planning a few days ago.

Mr. Speaker, Sir, I would like to thank the Minister—Government as a whole—for the steps taken to acquire shares in commercial banks in Kenya. Last year, Sir, I raised this question; we wanted the Government to take over all commercial banks in Kenya. Now, the Government has taken steps in that direction and has taken shares in commercial banks. This is what we wanted to see the Government do. The Government, Sir, will get money from this move which will, of course, improve the economy of this country. I think the steps which the Government has taken in buying shares in these commercial banks is good and it should go further in taking more shares in other private sectors which get a lot of money from this country. In this way, we can get a little money to boost the economy of this country, Mr. Speaker, Sir.

Mr. Speaker, Sir, I would also like to ask the Government to ensure that they take steps to help our people who are now landless. There is no point of us, people in the National Assembly, speaking about landless people in the country when we see tracts of land in this country which are unutilized.

An hon. Member: Where?

Mr. Marita: I think you know where they are and, perhaps, that is the reason why you are asking where.

[Mr. Marita]

Mr. Speaker, Sir, if the Government is going to take steps to take over this land which is not being used, they should have in mind the fact that Kisii is one of the districts which are thickly populated. As a result, Kisii people are now suffering because they do not have any land which they make use of in order to improve the economy of the country. We all know that Kisii people are hard working. If you go to Kisii District, you can see how the Kisii people have used their land. Therefore, if they get land, the Kisii people can make use of it. After all, they can get money from this land which would be used to improve other services in this country.

The other point which I would like to make is the question of health services. People of this country were asked to build dispensaries on a self-help basis and they have done this. They have shown their efforts. It is, therefore, high time Government came and took over these dispensaries so that the *wananchi* in this country can really believe that their Government is helping them. However, Mr. Speaker, if the Government is not going to take such steps, I do not think they will be encouraging people to work in the spirit of Harambee.

Mr. Speaker, Sir, if I may touch on this point, last year, the Minister for Health and the Assistant Minister for Health came to Kisii and told the people of Kisii that Nyamira Health Centre was going to be upgraded to hospital status during this Financial Year. I am very happy when I see the Minister—— The Minister for Health was here but I do not know where he has gone.

Mr. Speaker, Sir, looking at the Estimates, I can see nothing of what we were promised. There is no money which is given to this Hospital. There is nothing put aside for this place to indicate that the Hospital was going to be reconstructed. If Government Ministers come to a place and promise people that the Government is going to do something to that area and then later you find that there is no sign shown to the effect that the Government is going to do something—— Mr. Speaker, this point is very serious because the people of Kisii are now asking a very big query on this promise. The Government must do something about this. I do not know what was wrong with the Ministry of Finance in preparing the Budget so as not to give money to this place so that the Hospital is reconstructed.

I know, Mr. Speaker, Kisii is one of the areas which gives the Government a lot of money. When we think of the coffee, the tea and the pyrethrum which we produce to get money, I think the Government is getting a lot of money from Kisii District. However, when I look in this green book which we were given here, and then I see nothing like money is given to Kisii District, in return for their contributions, I put a very strong question to the Ministry of Finance: what is wrong with it? Mr. Speaker, we ask the Government to consider this before the Kisii people come with a very great voice to the Government. This is just a sign to show the Minister for Finance what might happen.

The other point is the question of Harambee schools. The country as a whole has a lot of Harambee schools. We have been told by the Ministry of Education that it is to take over only thirty schools every year. These are very few. I think Government should consider this point so that more than 30 schools are taken over by Government and, if possible, all Harambee secondary schools should be taken over by the Government. Yes, I agree that secondary schools in Kitui should also be taken over by Government.

Mr. Speaker, Sir, the other thing, I would like to draw the attention of Government to is the question of roads particularly in the settlement schemes where we have poor roads. As a result, Mr. Speaker, Sir, farmers in the settlement schemes find it very difficult to transport their produce to the market. Mr. Speaker, Sir, I think there is something wrong with the Ministry. I understand that the Minister for Lands and Settlement is the one who is controlling the construction of these roads. I think it is time these roads were improved, and this can only happen if the responsibility was moved to the Ministry of Works. In my experience, I have witnessed that roads which were taken over by the Central Government, the Ministry of Works has done something to improve these roads. This effort is appreciated. Therefore, Mr. Speaker, Sir, I would like to ask the Minister for Lands and Settlement to hand over these roads to the Ministry of Works so that we can expect some improvement on those roads.

Mr. Speaker, Sir, I understand that there is a road which is being constructed from Kisii to a place called Ting'a. Mr. Speaker, Sir, I would like the Minister for Works to consider constructing this road from Kisii to Ekonge and then to Chemose so that it can serve the people of both Kericho and Kisii districts. Mr. Speaker, Sir, the other road I would like the Minister to take a keen interest in is the road which starts from Sondu, to Jubilat near Sotik because the people around that area want this road to be improved so that it can serve the farmers who grow tea in that area.

Mr. Speaker, Sir, I would like also to ask the Minister for——

Mr. Ayah: On a point of order, Mr. Speaker, Sir, I would like to draw your attention that there is no quorum in the House.

The Speaker (Mr. Mati): No, we do not have a quorum now.

Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Mati): We have a quorum now. You may continue, Mr. Marita.

Mr. Marita: Mr. Speaker, Sir, I am sorry that my speech was interrupted by lack of a quorum because the Ministers were not in the House as they always do not stay in this House; they like going out.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Shikuku): On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to say that his speech was interrupted because there were no Ministers in the House since we know that there is a lack of quorum because the number of hon. Members, that is, Ministers, Assistant Ministers, and Back-benchers do not form a quorum?

The Speaker (Mr. Mati): Mr. Marita, will you continue!

Mr. Marita: Mr. Speaker, Sir, the Assistant Minister has also contributed to the interruption of my speech. Mr. Speaker, Sir, I wanted to say something about the security of the country. I am very happy to see the Assistant Minister for Home Affairs present in the House listening to my speech. Mr. Speaker, Sir, people who stay on the borders of Kisii, Masai, Kipsigis have frequent troubles because of the stock-thefts which take place there. I think, Mr. Speaker, it is now time that our people were protected. The Minister for Home Affairs must take some positive measures to see that the people in this area are protected. We always pay money to Government to see that we are protected, but we have a lot of border clashes without receiving any help from the Ministry of Home Affairs, Mr. Speaker. We would like to ask the Minister for Home Affairs to see that he establishes police stations around that area in order to make the place safe for those people who stay there.

Mr. Speaker, Sir, I do not want to continue speaking much longer because I notice my time is almost finished. What I would like to emphasize is that the Minister for Home Affairs should take some steps to see that we have police stations where we have these border clashes.

The duty of a good Government is to protect her people. It is not good seeing the people around that area losing their lives always while the Ministry of Home Affairs is keeping quiet in Nairobi and somewhere else without helping them.

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

Mr. Marwa: Thank you very much, Mr. Speaker, for giving me this chance to air my views on this debate on the Budget. Mr. Speaker, Sir, I would start by thanking the Minister, who presented a very good Budget this year, but I would also ask him to note the few things which I am going to point out to him.

I would like to start with the administration. I remember this year we have passed some Motions dealing with the formation of new districts. Sir, it is shameful for this House, or this hon. Assembly, to meet here and Members bring some suggestions that the districts should be divided, but the Ministry of Finance and Economic Planning does not supply the money for that purpose. We want closer administration for quick development of the rural areas, especially the backward areas.

Mr. Speaker, Sir, for example, I remember last year we passed a Motion here to make Moyale a district. Mr. Speaker, this has never been done, and I do not think it has been included in the Estimates of this year. This is very serious. This House is not meant to be used as a club for discussion, but it is an honourable House that passes certain decisions, which should be implemented immediately. Therefore, Mr. Speaker, I am asking the Ministry of Finance to see to it that whatever we pass in this House is implemented. If they are not serious about it they should reject any proposals completely and not support them. However, if Government feels that they are going to support a proposal, they should take steps to see that everything passed in this House is implemented immediately.

Mr. Speaker, I would like the backward areas to be given district status. This includes my area. We have found out that when things are being divided, especially from Nairobi here, they are only divided according to districts and the backward areas are never considered. As the question was being asked this morning, the people in Nairobi tend to believe that—and the Ministers have never gone right into these remote areas and they do not know the conditions of our people there. When they hear of South Nyanza they think that it is a small district like those from which they come. Actually, from one end to the other it is about 200 miles apart. Therefore, Mr. Speaker, Sir, it is preferable that

[Mr. Marwa]
bigger districts are divided into smaller districts. Mr. Speaker, Sir, I think I should be protected from the Ministers who are saying they have been there. Mr. Speaker, I am giving my own views and they should wait for their time to come and give their views and, at the same time, tell me what they have done in that area. Therefore, Mr. Speaker, I am saying that I am not blaming all the Ministers. However, what I am saying is that there are some of them who have never gone out of their constituencies and this is true. Mr. Speaker, this includes the Minister for Administration who has never gone out of Central Province where his home is.

An hon. Member: He was recently in Rift Valley Province.

Mr. Marwa: Mr. Speaker, a certain hon. Member is saying that the Minister in question has been to the Rift Valley Province, but I believe he went there to follow the President or someone else. He has never gone there in his capacity as a Minister. This is true and, therefore, we want him to go out to other provinces to see for himself how people here are being administered. However, Mr. Speaker, I must remind the Minister that I am asking him to visit my own district in Kuria. My place is very far from Homa Bay and therefore, I would like my place to be regarded as a district by itself. This is my reason for asking this.

The other thing I would like to point out is about agriculture in this country. Mr. Speaker, we all know that we in rural areas produce all the food crops required by our people in big towns and centres. Therefore, Mr. Speaker, I would like the Ministry of Agriculture to see to it that they extend proper management of farms so that we can produce more. For example, in my area, Mr. Speaker, we can grow a lot of maize, but what we lack are big machines like tractors to help the people produce more. Since this area which has a good rainfall is a vast agricultural land, we could make use of the Soil Conservation Unit tractors for utilization of better farming methods in this area. This Unit, Mr. Speaker, could be utilized in this area much better than it is at the moment. Therefore, Mr. Speaker, Sir, I urge the Ministry of Agriculture to extend these facilities to those areas where there are chances of viable farming. The people in these areas are willing to work on their farms and if they are given assistance by Government, they can produce more maize to help our people who are now suffering here in Nairobi queueing for maize flour.

Mr. Speaker, I would like to point out that we do not have a veterinary officer in my area to look after our cattle. We keep a lot of animals and these animals are dying because there is no veterinary officer to treat them when they get sick. Mr. Speaker, when we come to the Budget we are told that a lump sum of money has been voted for. However, this money is centralized in one area only, when the backward and remote areas are not given any share at all. This is why the hon. Mr. Koigi, when he was speaking, said that we would like to see money voted specifically for a certain constituency. This, Mr. Speaker, I support fully because even if I am given one shilling for my area, I would be in a position to know that this year, I have been given a shilling, rather than having nothing and being told that the money for a certain Vote has been allocated. Therefore, Mr. Speaker, I would like the Minister to note this very carefully.

The other thing I would like to touch on is about education. As several hon. Members have said, we have put up several projects on Harambee basis, especially secondary schools. Mr. Speaker, Sir, we would like the Ministry to take over some of the Harambee secondary schools which have been there for over five years. I am saying this, Sir, because our people are poor and they are not able to raise fees to the tune of Sh. 1,000 a year. Therefore, Mr. Speaker, I would like Government to take over the running of these Harambee secondary schools so that the poor people in the rural areas are relieved of this burden.

Mr. Speaker, Sir, we all know that without teachers, we in the backward and once neglected areas by the Colonial Government, are not going to make any progress at all. Therefore, if Government is interested in the development of the whole country, we do not want to hear mere words that the remote areas, like Marsabit and the rest, are going to be given priority and then nothing happens after that. What we want, Mr. Speaker, is action. If our boys and girls do not qualify, it is because they do not have teachers and if they fail, they should be taken to teacher training colleges. Therefore, Mr. Speaker, I appeal to Government to consider my area by putting up teacher training colleges, because I feel my people should be trained as teachers too.

The other thing I would like to touch on in the Ministry of Education, Mr. Speaker, Sir, is about teachers' houses. Since Government took over primary education from the county councils, they should also have taken over the responsibility of providing teachers with houses and, at the same time, putting up more classrooms and even providing desks for the children. I am saying this,

[Mr. Marwa]
Mr. Speaker, Sir, because in some of the poor areas you find children sitting under the trees on stones when they are having classes. Therefore, Mr. Speaker, they should be given desks and their teachers should be given better houses.

I would now like to talk about the Ministry of Health, Mr. Speaker, Sir. I remember I said here last year that there is a problem of meat inspection in my area and this is because there are no Health Inspectors there. I want my area to be provided with Health Inspectors because my people are being troubled by the police. The police say that the meat is not being inspected. It is not the fault of the people who slaughter animals at the market that the meat is not inspected but it is the fault of the Government because they have not provided these people with meat inspectors in those markets. Therefore, Mr. Speaker, Sir, the Ministry of Health should give us Health Inspectors to inspect the meat. I do not want my people to die because of eating bad meat. Therefore, this is a very serious point because I raised it here last year and I would like the Ministry of Health to look into it. This year they must employ a few people to be inspecting meat in my area.

I have also, Mr. Speaker, mentioned that we have only one health centre at Kehancha with only one ward. It is very shameful on the part of the Government to see that up to now that small room is being occupied by sick women, children and men. It is high time, Mr. Speaker, that the Government should provide more rooms at this health centre so that men, women and children could be separated. We should, at least be provided with these rooms because it is a shame, not to me, not to my people but to the Government of Kenya. The Government should look into this problem so that my people can feel happy. Therefore, Mr. Speaker, Sir, I am asking the Minister for Health to look into this. I remember last year, when I was speaking on this matter, Mr. Speaker, the Ministry of Health referred me to Migori. I am not a representative for Migori and I should not speak for the people of Migori, I speak for the people of Kuria who elected me to this House. Therefore, Mr. Speaker, I am appealing to the Minister for Health to see to it Kehancha Health Centre is extended and more rooms are provided as wards.

Mr. Speaker, Sir, I would also like to mention something on rural area industrial development. In my own area, Government has said that they are going to give us what they call: "Special Rural Development" but this has only been in words. This has only been theory. People have been talking about this for years. We have never seen anything of this kind. Now it is almost a year and a half since they said this. We do not see any implementation of this theory. We are always being told that money is being voted for this and that they are going to get the rural development going. They have always been giving us papers. We want actions, we want to see things on the ground. If they are providing roads, we should see roads and other services which they say they are going to give us.

I would also like to say that we should put up some small industries in the rural areas so that employment can be given to the people in the rural areas and there would be no need for these people to come to Nairobi where there are big factories. We can put up such small factories in the rural areas such as processing factories for fruits and some other things. Therefore, I am appealing to the Ministry of Finance and Economic Planning to see to it that they provide these small industries in the rural areas.

Mr. Speaker, Sir, I would also like to comment on communication. Last year, it was said that Migori was going to get a full post office and telephone services. Isebania and Kehancha should also be given post offices. Up to this time, Mr. Speaker, Sir, I have only seen people coming there to inspect the place. Mr. Speaker, Sir, up to this time I see people coming there to inspect houses. This seems as though somebody is just pretending in the Ministry of Power and Communications. If they knew that they were not coming to work on that project there was no need telling us that they were going to give us houses and provide us with this. If they knew that they were not going to provide us with telephone services at the post office we did not force them—— They knew that they were going to do it and, they ought to have done it without any delay. However, to pretend that they were going to do and yet it is now a full year, this is very wrong, Mr. Speaker.

Sir, I therefore, ask and urge the Ministry concerned to see that they provide us with telephone services to the post offices as they had promised; that is, to give full telephone services and post offices at Isebania, Kehancha and Migori.

Mr. Speaker, Sir, I would also like to touch on the Ministry of Information. I have been very much discouraged and disappointed too. This is because it was said this year that Homa Bay had been given an information officer to look into matters of South Nyanza. However, as far as I am concerned, it is now a year since this man—the information officer—was sent to South Nyanza. He

[Mr. Marwa]
is only sitting in Homa Bay where he is reporting some nonsensical things including having affairs with women and some other things which have no importance at all to the people. Why does he not go to the rural areas and report about us? We, as hon. Members, are not being given coverage at all. Why is this so? Even when I have a public meeting and it happens that the district commissioner attends it, it is only the district commissioner who is given coverage as though he was the one who convened the meeting. Sir, he only mentions that the Member for the area was there. I am not willing to be mentioned that I was just there as if I was following the district commissioner. I am not his askari. Therefore, Mr. Speaker, Members of Parliament should be given proper coverage. We should be identified as hon. Members.

Mr. Speaker, Sir, I would like to mention a few things on the side of commerce, although my time is running short——

The Speaker (Mr. Mati): Your time is over.

Mr. Komen: Thank you very much Mr. Speaker, for giving me this time to join my colleagues in supporting the Minister for Finance and Economic Planning for his able speech he made on the Budget day. Sir, I have a few observations to make.

First, Sir, I would like to congratulate him for having reduced the fee for artificial insemination. We farmers are actually congratulating him for his wise decision to reduce the fee from Sh. 10 to Sh. 1. We thank Government for this new system and hope that next year it will wash out the idea of charging for artificial insemination completely. Secondly, Sir, we congratulate him for the introduction of a new system of paying tax. Farmers have been having problems about paying taxes because we have so many farmers who actually do not know how to keep their accounts or places where the accountants could be found in order to have their accounts balanced.

Sir, after having thanked the Minister for Finance and Economic Planning, I would like to say that when I went through the speech, I found that the main reason for increasing the licence fees of lorries was just because these vehicles were benefiting from diesel fuel. However, Sir, there is a question here: since farmers have lorries which are actually for assistance in farming and yet they are going again to be forced to buy such licences at the same prices as the other transporters, I do not know whether, Sir, there could be a way where farmers could be exempted from this so that they could buy this licence at a different price. I do not think there are farmers at Moyale and so I do not think it is to any avail to try and waste my time. The position is quite clear because farmers do not require any other licence apart from the "C" licence. So, I think the best system is to keep a record of all farmers and when they want licences, they should be exempted from road licensing because it would be meaningless to claim that the system which was introduced was meant to benefit farmers—because I do not think the farmers have benefited.

I do not want to start any argument but I would like to inform the Minister for Lands and Settlement that I am confused whether it is his Ministry or the Administration which was involved in the case which I am going to make. Recently, His Excellency the President visited my constituency in Nakuru and he gave some landless people about 900 acres at Mau Narok. The Government always preaches that the people who are in a particular farm will be given priority. However, it was surprising to find that some people who were allocated plots were imported from other places to come and occupy this farm and thus rendering the people who were residing on that farm, homeless.

An hon. Member: They are Kenyans!

Mr. Komen: I accept they are Kenyans because the people who are on that particular farm are drawn from all tribes. I am not trying to speak of discrimination but what is worrying me is where these people, who have been displaced, will go. These people would like to be employed but I do not know where they are going to work.

An hon. Member: Remove some of the landowners.

Mr. Komen: I think the hon. Member should come out and give us land in his constituency so that those people may enjoy the fruits of this country.

An hon. Member: You are welcome.

Mr. Komen: Do not talk silently.

Mr. Speaker, Sir, my argument was that when Government takes over farms, it should first consider those people who are already residing on these farms. The so-called administrators—the low placed—are creating problems for me and for other Members. These people come to my house during the night or early in the morning and they tell me, "You are our Member of Parliament and we would like to know where we shall be placed". They continue to add, "Why were our names not registered?" I do not know even when these names were registered.

[Mr. Komen]

Although I am not opposed to the system of allocation, I would like the people to be satisfied instead of troubling us and causing a lot of misunderstanding in our respective constituencies. I do not think we will accept this state of affairs. Perhaps, the administrators who are concerned do these things with the purpose of frustrating Members so that they may feel big. I am not sure of this but what I am sure of is that we shall continue to be representatives and, for my part, I will handle those people who want to give me a headache.

I would like to talk on taxation. I would like to state that it is a good idea for the Government to set a procedure whereby married and working couples or a married couple in business should be taxed separately.

An hon. Member: What are they doing now?

Mr. Komen: I know that they are taxed but I would like to urge the Government to tax a married couple separately. We always say that women have a part to play in this country and they have freedom of speech and are free to be elected into this Parliament—we have at present two gracious ladies in this House—and we, therefore, consider that it is time that the Government thought of taxing a married couple separately. After all, Mr. Speaker, Sir, she is alone and I am also alone, so I do not see the reason why they should say that we should compile our salaries together.

Mr. Speaker, Sir, I would like to say something about taxation. I thought the Minister for Finance and Economic Planning was going to introduce a system whereby we could have capital gains tax. Mr. Speaker, Sir, you will find that Asians, Europeans and all the other people who own property are making a lot of money in the country. I say that a capital gains tax should be introduced because these people buy a business today for say Sh. 10,000 and the following day they sell the same business for Sh. 20,000. These Asians are somehow lucky because they have money, Mr. Speaker, Sir. After they have sold the business to the tune of Sh. 20,000, they buy another property worth that amount and the following day they sell the same business for Sh. 40,000. As such, Mr. Speaker, Sir, their work is to go around the streets of big towns to know which plots are being sold so that they can build up capital on them. Since these people are making a lot of money, they should be properly taxed, Mr. Speaker. I think a system should be introduced at the moment so that we can curb these transactions whereby these people gain through means which are not quite justifiable.

Mr. Speaker, Sir, I would now like to turn to the question of my Dorobo tribesmen. Mr. Speaker, Sir, every year I speak about Dorobo tribesmen in this House and I do not know what Government is thinking about these people. They are made by Government to remain in the forest which is not good, Mr. Speaker, Sir. Government made a very wise policy when it declared that some parts of the forest where these people live were to become settlement schemes. I thought that since these people live in this forest they could be given the first priority in these settlement schemes but this did not happen. The land which was declared for settlement is just near the forest where these people live and I do not know why they were not accorded the first priority. I do not know who is doing all these things, Mr. Speaker, Sir. There is somebody who is trying to put some covering on his eyes so that he does not see the Dorobo people who live in the forest. But, despite all this, we are still existing and we should have our rights. We have been forgotten for many years now, Mr. Speaker, Sir. Even animals are better looked after because they have the Minister for Tourism and Wildlife to look after them. But, the Dorobo people are not considered by the Minister for Natural Resources nor by the Minister for Tourism and Wildlife, or by the Administration, Mr. Speaker. I do not know what is happening, Mr. Speaker, Sir. I think sooner or later we may declare a chairman of the forest to look into our affairs, Mr. Speaker, so that we can have some form of independence in the forest.

Before I conclude my speech, Mr. Speaker, Sir, I would like to mention something about the banks in this country. I know Mr. Speaker, Sir, that there is a Bill which is seeking the amalgamation of the Standard Bank and Barclays Bank in this country. I would like to make one thing clear in this respect Mr. Speaker, Sir. Mr. Speaker, Sir, I know that we all have equal rights in Kenya. When we speak of equitable distribution of wealth in the country, I think we mean that any tribe can venture into any institution or in any field in Kenya. I am not trying to be tribalistic but I cannot hide what is seen by people. I would like to point out this in this House so that when things are done caution should be exercised. The Ministers concerned should be a bit enlightened so that they may not go a bit too far. When I say all this, Mr. Speaker, Sir, I mean that even the Kikuyu people have their share in these matters. The Governor of the Central Bank of Kenya is a Kikuyu, the Minister for Finance and Economic Planning is a Kikuyu, the Chairman of the National Bank of Kenya is a Kikuyu, the Chairman of the Commercial Bank of Kenya is a

[Mr. Komen]
Kikuyu, the Chairman of the Industrial and Commercial Development Corporation, which is a body dealing with money in another form, is also a Kikuyu, and——

Mr. Kanja: On a point of order, Mr. Speaker, Sir, can the hon. Member speaking substantiate these gentlemen who work for the Government are representing the Kikuyu and not the entire Republic?

Mr. Komen: No. I was just only trying to drive my point home and I think I had better continue, Mr. Speaker, Sir.

However, Mr. Speaker, Sir, I said that it is fair and I am not complaining to sack anybody from there. They can continue and I have said that they are good people; they work for the country. I am not trying to dispute that but, what I wanted to say is that when you get another Chairman of this new bank, could you please give it to another tribe? I do not mind if it is a Kalenjin or anybody else but, give it to anybody else, whether a Luo, Luhya, a coastal man or from anywhere else, that will be good. We want friendship. I think in every tribe, we have qualified men, all learned like anybody else. We are many and if you look at the percentage it is two million and all are taxable—— Are they sleeping in the bags? Does it mean that our women are different from yours?

An hon. Member: You do not know how to look for money and that is the simple reason.

Mr. Komen: I think we are born equal, we sleep an equal sleep and we say that they are not even good administrators. They can be good businessmen but, not good administrators. They can handle money. When they are employed in the Police Force you will find that tomorrow they have taken a gun to go and rob somewhere. So, I would encourage them to go into business and farming and give us such administration which we can run properly.

So with these few remarks I beg to support.

Mr. Ogingo: Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to join my friends in expressing my sentiments over the Financial Statement which was excellently delivered by the Minister for Finance and Economic Planning last week.

Before I make general remarks, Mr. Speaker, Sir, I would like to thank the Minister for the amount of work he has done in trying to show definitely that he is interested in the development of the country as a whole. I have seen, through the Estimates, Sir, that the Minister has set aside a sum of money that will go towards the implementation of Migori Special Rural Development Programme.

Mr. Speaker, Sir, this is one of the most important projects that the country would like to see started and implemented immediately. I would like to appeal to the Government agencies that are going to be associated with this development to ensure that the staff get involved in the operation as soon as possible. Mr. Speaker, Sir, there is no point in the Ministry of Finance and Economic Planning setting aside money and the relevant agencies involved taking a relaxed attitude, thus delaying in carrying out the part supposed to be done by them.

Mr. Speaker, Sir, when the team does start operating, I would like to ask Government to ensure that the labour force that is going to be engaged in working on his programme, is drawn from the local area instead of importing it from other areas. Mr. Speaker, Sir, I would like also to thank the Government for setting aside a sum of money which is going to help in the development of the Lambwe Game Reserve and also the Lambwe forest valley. For a long time, Sir, the people of South Nyanza have asked the Government to come forward and help in the development of this area. At the moment, Mr. Speaker, Sir, this is one of the areas where there are many victims of sleeping sickness. I do believe that if Government releases this money those agencies of the Government responsible for eradicating the tsetse fly will start working on this project as soon as they possibly can and get rid of this menace.

Mr. Speaker, Sir, having dealt with that I would like to touch on one important aspect of this country's development and that is tourism. In his introductory statement to the Economic Survey, the Minister for Finance and Economic Planning laid a lot of emphasis on tourism development in this country. I want to say that the impact that the tourist industry has created in this country tends to be lop-sided. I wish to call upon Government and the relevant Ministry to ensure that equitable distribution of tourist activities are carried out throughout the country. I noticed in the Economic Survey of 1971 that hotel facilities in this country do not give a fair view of the distribution throughout the country. I wish to say that western Kenya is badly represented in this industry. I feel strongly, Mr. Speaker, Sir, that for a long time we have asked Government to ensure that it introduces a tourist circuit in western Kenya and very little seems to be forthcoming in this direction.

[Mr. Ogingo]

Mr. Speaker, Sir, I am to note that in this current Budget there is provision for establishing a new Kisumu Hotel. The new Kisumu Hotel will not be complete in itself, Mr. Speaker, without a chain of hotels and lodges in the whole of western Kenya. We need a chain of hotels in South Nyanza and north of Kisumu so that this new Kisumu Hotel can be fully utilized in the interests of the people from western Kenya.

Mr. Speaker, Sir, there is one other thing that I would like to comment on very briefly. This is the question of the milling industry. This is one thing that figures out in the Financial Statement. Mr. Speaker, Sir, it is high time that Government came out and nationalized the milling industry. For a long time we have been expecting Government to take over the milling industry because this is one of the most important industries in the country and we expect Government to control it. One of the reasons why I consider the milling industry responsible for the shortage of maize is the fact that it is in the hands of non-Kenyans. I believe that if this industry was in the hands of Kenya Government the shortage of maize that has been there would not have been as critical as it is today. I do know that some of the milling industries have had the opportunity of milling the maize meal and also distributing maize. Therefore, I have a suspicion that some of the maize has gone out of the country through racketeering.

Mr. Speaker, Sir, the other thing that I would like to touch on is the sugar industry. In the Minister's introductory statement to the Economic Survey the Minister for Finance and Economic Planning clearly said that the present production of sugar—and for a long time—the production of sugar for the country's consumption will not be enough. Last year, Mr. Speaker, you will remember that a Motion to the effect that there be established a white sugar factory in South Nyanza was adopted by the House. I will want to know, when the Minister for Finance and Economic Planning will be replying what Government has done on this and whether or not in the foreseeable future Government is going to establish a white sugar factory in South Nyanza. There is no doubt, Mr. Speaker, that this is the only factory we consider will help the whole of the district. We know, for sure, that Government does not deny that there is a tremendous potential for white sugar development in that area—assured by the fact that the present capacity of factories in this country will not be able to produce enough sugar to meet local demand, let alone the export aspect of it.

Mr. Speaker, Sir, the other thing that I will like to point out briefly is the power development. I remember, one time, last year when the Minister for Power and Communications paid a visit to South Nyanza. We have Gogo Falls at Macalder. This is a very important potential for electricity supply. This is something that Government can generate electricity for the good of this country. You know, Mr. Speaker, that although it may take some time, we will have some industries in South Nyanza and we have a potential for electricity supply in the district. Why should Government adopt delaying tactics in taking over this important power system that is lying there? We know that there could be generated enough electricity to cater for the whole of South Nyanza if not the whole of western Kenya.

ADJOURNMENT

The Speaker (Mr. Mati): You will continue tomorrow Mr. Ogingo. It is time for the interruption of business. The House is, therefore, adjourned until tomorrow Thursday, 24th June, at 2.30 p.m.

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

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OFFICIAL REPORT

Second Parliament—Second Session—(Contd.) **VOLUME XXIII—Part I**

Tuesday, 4th May 1971 to Wednesday, 23rd June 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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