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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

10th COUNCIL INAUGURATED
JUNE, 1952

VOLUME LIX

1954

THIRD SESSION — SECOND SITTING
16th February, 1954, to 11th March, 1954

List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR

Vice-President and Speaker:

HON. W. K. HORNE

Ex-Officio Members:

CHIEF SECRETARY (HON. H. S. POTTER, C.M.G.).
MEMBER FOR LEGAL AFFAIRS (HON. J. WHYATT, Q.C.).
MEMBER FOR FINANCE AND DEVELOPMENT (HON. E. A. VASBY, C.M.G.).
MEMBER FOR AFRICAN AFFAIRS (HON. E. H. WINDLEY, C.M.G.).
MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (MAJOR THE
HON. F. W. CAVENDISH-BENTINCK, C.M.G., M.C.).
MEMBER FOR EDUCATION AND LABOUR (HON. C. H. HARTWELL).
MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT (HON. SIR
CHARLES MORTIMER, C.B.E.).
MEMBER FOR COMMERCE AND INDUSTRY (HON. A. HOPE-JONES).

Nominated Members:

HON. T. F. ANDERSON, O.B.E., M.D. (Director of Medical Services).
HON. D. L. BLUNT, C.M.G.
HON. T. C. COLCHESTER (Secretary for Health, Lands and Local
Government).
HON. C. H. G. COVENTRY.
HON. M. H. COWIE.
HON. G. M. EDYE.
HON. E. N. GRIFFITH-JONES, Q.C. (Solicitor General).
HON. S. D. KARVE, O.B.E., M.B.B.S.
HON. CHIEF U. MUKIMA.
HON. I. OKWIRY, M.B.E.
HON. B. J. PETRIE (Secretary to the Treasury).
HON. SIR EDOO PIRSHAI, O.B.E.
HON. J. L. RIDDOCH, O.B.E.
HON. G. M. RODDAN (Director of Agriculture).
HON. SHEIKH MBRARAK ALI HINAWY, O.B.E.
HON. R. W. TAYLOR, C.M.G. (Director of Public Works).
HON. G. A. TYSON, C.M.G.
HON. W. J. D. WADLEY (Director of Education).

European Elected Members:

HON. M. BLUNDELL, M.B.E., Rift Valley.
GROUP CAPTAIN THE HON. L. R. BRIGGS, Mount Kenya.
HON. S. V. COOKE, Coast.
HON. W. E. CROSSKILL, Mau.
LT.-COL. THE HON. S. G. GHERSIE, O.B.E., Nairobi North.
LT.-COL. THE HON. E. S. GROGAN, D.S.O., Nairobi West.
HON. N. F. HARRIS, Nairobi South.
HON. W. B. HAVELOCK, Kiambu.
HON. R. C. J. LETCHER, Trans Nzoia.
HON. L. R. MACONOCHE-WELWOOD, Uasin Gishu.
HON. LADY SHAW, Ukamba.
HON. MRS. A. R. SHAW, Nyanza.
HON. H. SLADE, Aberdare.
HON. C. G. USHER, M.C., Mombasa.

Asian Elected Members:

Non-Muslim:

Muslim:

Central Area:

East:

HON. CHANAN SINGH.

HON. S. G. HASSAN, M.B.E.

HON. M. K. MALDE (Acting).

Eastern Area:

West:

HON. A. B. PATEL, C.M.G.

HON. VASIER I. E. NATHOO.

Western Area:

HON. J. S. PATEL.

Arab Elected Member:

HON. SHEIKH MAJFOOD S. MACKAWI

Representative Members:

African:

Arab:

HON. W. W. W. AWOLL

HON. SHERIFF ABDULLA SALIM.

HON. M. GIKONYO.

HON. J. JEREMIAL

HON. E. W. MATHU.

HON. B. A. OHANOA.

HON. J. M. O. TAMENO.

Clerk of the Council:

Assistant Clerk of the Council:

A. W. PURVIS.

H. THOMAS.

Reporters:

MRS. P. HUBBARD.

MISS E. M. VAIL.

MISS S. E. FARDELL.

MISS S. WESTCOTT.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

TENTH COUNCIL

THIRD SESSION—SECOND SITTING

Tuesday, 16th February, 1954

The Council met at fifty-six minutes past Ten o'clock.

[His Excellency the Governor
in the Chair]

PROCLAMATION

The Clerk read the Proclamation calling the Council to meet in the Council Chamber of Parliament Buildings.

PRAYERS

The Chaplain (the Rt. Rev. the Bishop of Mombasa):—

GOD be merciful unto us, and bless us; and shew us the light of His countenance, and be merciful unto us;

That Thy way may be known upon earth: Thy saving health among all nations.

Let the people praise Thee, O God: yea, let all the people praise Thee.

O let the nations rejoice and be glad; for Thou shalt judge the folk righteously, and govern the nations upon earth.

Let the people praise Thee, O God: yea, let all the people praise Thee.

Then shall the earth bring forth her increase: and God, even our own God, shall give us His blessing.

God shall bless us: and all the ends of the world shall fear Him.

ETERNAL GOD, who rulerst in the kingdom of men: Grant, we most humbly beseech Thee, honour and safety to our Sovereign Lady, Queen

ELIZABETH; peace throughout the Commonwealth of her peoples; promotion to true religion; encouragement to learning and godly living; a patient service to the concord of the world; and, by all these, glory to Thy holy name; for His sake to whom Thou hast given all power in heaven and earth, our Lord and Saviour Jesus Christ.

Amen.

ALMIGHTY GOD, by whom alone Kings reign, and Princes decree justice; and from Whom alone cometh all counsel, wisdom, and understanding; We, Thine unworthy servants, here gathered together in Thy Name, do most humbly beseech Thee to send down Thy heavenly wisdom from above, to direct and guide us in all our consultations. And grant that, we, having Thy fear always before our eyes, and laying aside all private interests, prejudices, and partial affections, the result of all our counsels may be to the glory of Thy blessed Name, the maintenance of true Religion and Justice, the safety, honour, and happiness of the Queen, the public wealth, peace, and tranquility of this Colony and Protectorate, and the uniting and knitting together of the hearts of all persons and estates within the same, in true Love and Charity one towards another, through Jesus Christ our Lord.

Amen.

O GOD, the Judge of all the earth, who has been our refuge and strength from one generation to another, we humbly ask Thy blessing.

We praise Thee for the powers of mind and skill of hand that have gone to the building of this place and for the beauty which adorns it.

[The Chaplain]

We thank Thee for the goodly inheritance bequeathed to us by those who in times past have served Thee in the Legislature of this Colony and Protectorate, and we pray that entering into their labour we may be found worthy guardians of the honour of this Council.

Guide and control our deliberations, making us so mindful of our trust that truth and righteousness, justice and liberty may ever flourish and abound, and the peoples of this land may find perfect freedom in Thy service. And grant that, as we seek to know Thy will, we may have patience to fulfil it, to Thy glory and the good of all mankind, O Lord our Strength and our Redeemer.

Amen.

NOW unto the King eternal, immortal, invisible, the only wise God, be honour and glory, for ever and ever.

Amen.

OPENING OF THE NEW PARLIAMENT BUILDINGS

HIS EXCELLENCY THE GOVERNOR: Mr. Speaker, hon. Members, we are met here to-day on an occasion which will rightly take its place in the history of the Colony and Protectorate of Kenya as a landmark of great significance. For the first time in nearly 50 years the Legislative Council of Kenya meets in its own Chamber, housed in a fine building and equipped with all the needs of a modern Legislature. All this has been provided by the people of Kenya. They welcome our friends who come from afar to witness this ceremony and they feel that this building is a sign of the permanence of civilisation in Kenya.

It is also a sign of something else—it is a sign of the British connexion. The men and women who, since the days of the great Elizabethan explorers, left the shores of Britain to settle in new countries brought with them many of the practices and ideas of the British. Through their courage and through their enterprise these ideas developed into institutions in the new lands and so spread round the world.

First and foremost of these ideas is that of Parliamentary Government closely linked with the rule of law. The story of the Mother of Parliaments goes right back into the Middle Ages. Its

position as the supreme authority in the land dates from 1688 when there occurred what a great British Historian has described as the most sensible revolution in history. Parliament is the basic, it is the essential, British institution. Belief in it is so strong and so widespread in Britain that it is seldom expressed. But that belief is held by men and women of all parties. The struggle of Parliament to gain this position took place several centuries ago. Perhaps for this very reason Parliament in Britain seems to have survived the dangers which threaten Parliamentary institutions to-day. They are, I think, twin dangers.

One is the deceptive attraction of a single party system. But there can be no true Parliamentary system unless there are two parties and an essential part of that system is the settlement of policy as a result of controversy and debate. The single party system leads inevitably to a Dictatorship.

The other danger is the increase in party strife into something so bitter that in moments of crisis, when the nation itself and therefore the institution of Parliament is threatened, the two parties cannot unite and together defend both the country and Parliament.

In Britain the second of these dangers has been avoided by a wartime coalition in each of the two world wars of this country. We never seem to have been in great danger from the first. Perhaps this is partly because our Members of Parliament are trusted by their constituents and are representatives and not mere delegates. Perhaps it is also because Parliament, while always jealous of its rights, has also always shown restraint in the field in which it exercises those rights. Hence a Judiciary and a Public Service removed from Party controversy. Hence also, at any rate at times, a degree of continuity in such matters as foreign policy.

This strong and well-founded Parliamentary system, united with similar ideas from other and friendly nations such as Holland, has spread across the seas. To-day we have with us representatives of the Mother of Parliament. We also have those of the Union of South Africa where Parliament has developed from a

[H.E. the Governor]

dual tradition of representative institutions, from the Volksraad of the two Republics and from the Parliaments of the Cape Province and Natal. We have also representatives from the Central African Assembly from the new Federal State whose future is a bright sign of hope for all those who believe that the stresses and strains of Africa to-day can be eased by imagination and by hard work.

We have representatives from the two Rhodesias and from Tanganyika and from Uganda whose people of all races are so close to ours. I would particularly take this occasion to welcome His Highness the Sultan of Zanzibar whom we in Kenya hold in the very highest esteem and whose friendship we value greatly.

I hope that men of all races who fashion the destiny of this land in the future will find in this Chamber and from this ceremony to-day an inspiration to guide them in the services of their country.

Mr. Speaker, I now have much pleasure in asking you to take the Chair and to proceed with the business of this Council.

[His Excellency the Governor and Mr. Speaker changed places and Mr. Speaker took the Chair.]

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Speaker, I beg to move:—

BE IT RESOLVED that under Standing Order No. 168 the Standing Orders should be suspended to the extent necessary to enable the Motions set out in the Orders of the Day to be moved without notice.

Question proposed.

Mr. HAVELOCK (Kiambu) seconded.

The question was put and carried.

MOTION

ADDRESS OF THANKS

THE CHIEF SECRETARY: Your Excellency, we, Members of the Legislative Council of Kenya, in Council assembled, beg leave to express to Your Excellency our appreciation of your having come here in person to attend the first meeting in this our new Chamber. We thank

you, Sir, for your words of encouragement in your Communication from the Chair. In all humility we trust that with God's help our deliberations in this new Chamber may contribute to securing the peace, well-being and happiness not only of our own people but also of peoples of the Commonwealth. We respectfully ask Your Excellency to assure Her Majesty of the undivided loyalty of this Council to the person of Her Majesty and to the Throne, the symbol of the unity of the peoples of the British Commonwealth of Nations.

Mr. Speaker, Sir, this occasion will live long in the memories of Members of this Council.

The Legislative Council of Kenya first came into being some 48 years ago, and so its life has been short compared with the lives of many of the Legislatures of the sovereign countries and the dependencies which make up the family of the British Commonwealth of Nations. During that life certain changes in the constitution of the Council, certain developments in its procedure have taken place designed to bring it progressively more into accord with that model of British Parliamentary and legislative institutions, the "Mother of Parliaments", the House of Commons, in the United Kingdom.

This occasion marks a further stage in evolution—for the Legislative Council of Kenya now, for the first time, possesses its own Chamber. Hitherto the Council has met in premises used from time to time for other purposes and not at its sole disposal.

We thank Your Excellency for summoning us to meet in this new Chamber which has been provided for our own use, and we thank the peoples of Kenya for providing it and trust that its provision will facilitate the services due to them by all of us.

The new Chamber and its appurtenances are adorned with gifts from generous donors to whom I wish, on behalf of all hon. Members, to express appreciation for this concrete sign of interest and sense of co-operation; we are indebted to neighbouring Governments, the Nairobi City Council and Municipal Bodies in Kenya, the Kenya Branch of the Commonwealth Parliamentary Association, the East African

[The Chief Secretary]

Railways and Harbours Administration, and to the hon. Member for Agriculture and Natural Resources, the "Father" of this Council, to whom our thanks are also due for his large part in the making of arrangements for this occasion. (Applause.)

I should like to pay tribute also to the architects, Mr. Thornley Dyer and Mr. Connell, to the engineers and craftsmen, to the masons and carpenters, to all those whose work has resulted in the construction of this building.

May this Chamber, Sir, be a symbol of our faith in the future of Kenya, and an inspiration to us and our successors, and to all the peoples of Kenya, towards constructive work for the achievement of the objects of that faith.

We, Sir, and our predecessors before us in this Legislative Council of Kenya, have had our differences of opinion, and I know that we and our successors will continue to have such differences: let us pray that such differences will not be to the detriment of human relationships which are so important to the peace, well-being and happiness of all the peoples of Kenya.

But, Sir, I am very happy to believe and to know that on this occasion the full and united support of all Members of this Council will be given to the feelings expressed in the Address which I have the high honour and privilege to move. (Applause.)

MR. BLUNDELL (Rift Valley): Your Excellency, Mr. Speaker, as the hon. Mover has said—this is indeed a great occasion. Some may well say that in the midst of the troubles which now beset our country, the construction of this building and ceremony at which we are now present are ill-timed and inconvenient. I do not believe that for one moment. This Chamber and this building demonstrates our determination that the future of this country will be resolved by discussion, argument and the peaceful acceptance of decisions rather than by violence and disruption. (Hear, hear.)

The hon. Members opposite, many the representatives of an honoured and proud service, without whose help we would not have been able to develop our country, show how far away we still are from the truly democratic process

of parliamentary government. Indeed we may have to pass through years of experience and experiment until we are well past the decades of the present century before we achieve that process. The hon. Members on this side of the Council, drawn from every quarter of our widely varying society, demonstrate our intention to achieve a reasoned solution to the problem of government. This building and our presence here to-day, set the seal upon our intention. We, too, Mr. Speaker, will wish to join in the thanks which the hon. Mover has given to all those in every way and in every capacity who have fashioned this new home of ours. We would also wish to remind the Council of the vision and imagination of Sir Philip Mitchell who was primarily responsible for the conception of this building and to give to him our thanks to-day as well. (Applause.)

My colleagues and I, Sir, are citizens of this country; we believe in it; we have never wavered from it and we have a deep affection for it. This noble Chamber shows well our feelings. I beg to second. (Applause.)

MR. A. B. PATEL (Eastern Electoral Area). Your Excellency, Mr. Speaker, on behalf of the Asian Members of this Council it is my proud and pleasant privilege to support the adoption of the Address moved by the hon. the Chief Secretary and to associate with all that has been said by him and the hon. Member for Rift Valley.

This day will prove an important landmark in the development of this Council. Let us all hope that the opening of these Parliamentary Buildings will also be by the Grace of God an opening of a new chapter for the progress of this land of ours. I am sure, Mr. Speaker, that the use of these buildings by the Council will help in promoting closer contact and consequent better understanding between members of different racial groups. Let us hope that these new environments will help in creating the mental climate necessary for common ideals and common objectives for the future of this country.

Mr. Speaker, whatever the differences the Asian Members have had in the past and may have in future with the system of the Government and the method of Administration of this country and also

[Mr. A. B. Patel]

in the approach to various problems with other racial groups, the allegiance and loyalty of the entire Asian Community to the Person of Her Majesty The Queen and The Throne have always been and shall ever remain firm and unshaken.

Mr. Speaker, I beg to support.

MR. E. W. MATHU (African Representative Member): Your Excellency, Mr. Speaker, I beg to support wholeheartedly the words uttered by my hon. friend, the Mover of this Motion, and in doing so I would like to state on behalf of my African colleagues on this side of the Council that this Chamber in this Parliament Building and the members occupying it are a visible symbol of the loyalty we have for our Most Gracious Majesty Queen Elizabeth II and her own Government in the United Kingdom and their representatives in Kenya, and also for the faith we have for the British Commonwealth of Nations.

This Chamber is a Commonwealth workshop in which human opinions will be hammered peacefully for the benefit of the peoples in Kenya and the Commonwealth.

I am most privileged indeed to speak in support of this Motion on behalf of my colleagues here. I am glad to say also on behalf of nearly six million Africans in Kenya—that I know that they support the sentiments I express, as they also do of those of the hon. Mover.

Your Excellency, Mr. Speaker, I think our prayer should always be: "May the Almighty God bless the words expressed here to-day and may He also bless this Chamber of ours in which the expression of humane words will be uttered in the service of our people and Commonwealth through Your Excellency and our most Gracious Majesty Queen Elizabeth II."

Your Excellency, Mr. Speaker, I beg to support. (Applause.)

The question was put and carried *in nomine contradicente*.

MOTION

PRESENTATION OF ADDRESS TO H.E.
THE GOVERNOR

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to move:—

BE IT RESOLVED that the said Address be presented to His Excellency the Governor by the whole Council.

MR. HAVELOCK seconded.

Question proposed.

The question was put and carried *in nomine contradicente*.

[The Chief Secretary handed the Address to Mr. Speaker who presented it to His Excellency the Governor.]

PRESENTATION OF COPY OF ERSKINE MAY

THE RIGHT HONOURABLE GEORGE ISAACS, M.P.: Mr. Speaker, Sir, my colleagues and I have come from the House of Lords and the House of Commons at Westminster, from the Mother of Parliaments, to be with you on the occasion of the opening of your new Parliament Buildings. We bring warm fraternal greetings from both our Houses.

Our Parliament at Westminster has a long history, going back nearly seven hundred years. Following the Coronation of Her Majesty, Queen Elizabeth, met representatives of many Parliaments from our Commonwealth of Nations in Westminster Hall in the actual place where the first of all Parliaments met in the year 1260.

During the generations since then, our legislature has created a system of law-making that has become the guide for many democratic assemblies—a system that has been recorded in a text book for those associations of free peoples who follow the pattern of our Parliament. The book is known as *Erskine May*.

Sir, we bring with us and beg your acceptance of this copy of *Erskine May* in the confidence that it will prove useful to you and remind you of our mutual association in the British Commonwealth of Nations.

Mr. Speaker, it is our fervent hope that in this, your new home, you will be inspired with wisdom in making your laws, humanity in the care of those in need, strength to stand for what you believe is right, that you will associate your country with other nations who believe in human rights and be found marching in step with those who seek peace, happiness and prosperity. May

[**Mr. Hon. G. Isaacs**]

your efforts and achievements merit the approbation of those you serve and be gratifying to your consciences.

We pray the blessing of Almighty God be with you.

THE SPEAKER: On behalf of the Legislative Council and on my own behalf, I tender to you gentlemen our sincere and cordial thanks for this handsome book, the gift of the United Kingdom Branch of the Commonwealth Parliamentary Association.

We will hold it ever in remembrance of those who came to Nairobi to make the presentation.

MOTION

WELCOME TO H.H. THE SULTAN OF ZANZIBAR AND DISTINGUISHED GUESTS

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Your Excellency, Mr. Speaker, Your Highness, in so far as is possible under a differing environment and against a background which lacks that so desirable association of historic tradition, which has just been referred to by the Right Honourable Mr. George Isaacs, our proceedings to-day have been adapted and modelled on the ceremonies attendant on the opening of the new Chamber of the House of Commons in Westminster Palace in 1950.

On that historic occasion a prominent part was taken by the Father of the House, who was also Chairman of the Select Committee on the rebuilding of the House, the then Member for Horsham, the noble Lord, Earl Winterton.

It so happens that in this Assembly I qualify for the same dual capacity, a circumstance which, following the United Kingdom procedure, has conferred upon me the very great privilege of moving this Resolution on behalf of all hon. Members of this Council. For once, in my now somewhat lengthy experience, I find myself the advocate of a completely non-controversial Resolution.

Mr. Speaker, ours is still a young pioneer country, developing at a great pace. We have, I suggest, but to review our brief history to be convinced that we have grounds for some measure of pride in past achievement and every reason to look to our future with confidence. But all that progresses with speed, more especially through the uncharted

and unpredictable elements encountered in this continent must at times run into trouble. We, at the moment, are passing through a difficult phase, and I suggest, Sir, that the welcome presence of strangers at this, the opening ceremony of our new Chamber, serves as a timely reminder that other countries, especially other countries in Africa, whose Parliaments or Legislatures are represented here to-day, have also passed through similar temporary periods of tribulation, from which they emerged annealed and strengthened by the experience.

It is often easier to retain a sense of proportion when viewing events from afar. Many of our guests have, of their own volition, come from long distances. They would not have undertaken these journeys had they not wished to establish that they and their peoples not only viewed our temporary troubles with sympathy and understanding but fully shared our faith in our future.

It is very heartening indeed to all Members of this Legislature, many of whom are, at the moment, being subjected to some strain, to receive such encouragement from neighbouring and other Legislatures.

Mr. Speaker, I beg to move:—

BE IT RESOLVED that this House respectfully welcomes the presence of His Highness the Sultan of Zanzibar, also that of the representatives of the Mother of Parliaments and of neighbouring and other countries of the British Commonwealth, who have come here to join in the ceremonies on the occasion of the opening of this new Chamber, and assures them that their presence on this day will be a source of inspiration in the years to come.

SHERIFF ABDULLAH SALIM (Arab Elected Member): With the greatest possible pleasure, I beg to second the Motion.

Question proposed.

The question was put and carried *in unison*.

ADJOURNMENT

THE SPEAKER: The Council will now stand adjourned until 10 a.m. on Wednesday, 17th February, 1954.

Council rose at thirty-five minutes past Eleven o'clock.

Wednesday, 17th February, 1954

The Council met at Ten o'clock.

[**Mr. Deputy Speaker in the Chair**]

PRAYERS

ADMINISTRATION OF OATH

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

Mr. M. K. Malde.

Mbaraka Ali Hinawy, O.B.E.

Mr. T. C. Colchester.

COMMUNICATION FROM THE CHAIR

LETTER FROM THE COLONIAL OFFICE

THE DEPUTY SPEAKER: Hon. Members, before we proceed with the ordinary business on the Order Paper, I have a communication to make from the Secretary of State. A letter dated 11th January, 1954, from the Colonial Office.

"I have the honour to acknowledge the receipt of the dispatch of the 18th December conveying an expression of appreciation from the Legislative Council in connexion with the financial assistance afforded to Kenya by Her Majesty's Government. I should be grateful if you will convey to the Legislative Council my appreciation of their message.

Signed on behalf of the Secretary of State,

Henry Hopkinson."

PAPERS LAID

The following papers were laid on the Table:—

East Africa High Commission Annual Report, 1952.

East Africa High Commission Filariasis Research Annual Report, 1952.

Report of the Kenya Police Commission, 1953.

East African Railways and Harbours Draft Estimates of Revenue and Expenditure, 1954 and 1953 (Revised).

East African Railways and Harbours Estimates of Revenue and Expenditure, 1954 and 1953 (Revised).

(**BY THE CHIEF SECRETARY**)

THE CHIEF SECRETARY: In connexion with the Report of the Kenya Police Commission, 1953, by way of information, I would like to explain that it is the intention that a White Paper will be laid in due course setting out the Government's views on the Report.

The Dangerous Petroleum Tax (Refunds) Rules, 1953.

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya, No. 1 of 1954.

Development Supplementary Estimates of Expenditure, No. 1 of 1954.

Road Authority Annual Report, 1952.

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya, No. 11 of 1953.

(**BY THE MEMBER FOR FINANCE AND DEVELOPMENT**)

The Increase of Rent (Restriction) Ordinance, 1949. (Sessional Paper No. 42 of 1954.)

(**BY THE MEMBER FOR FINANCE AND DEVELOPMENT for the Member for Commerce and Industry**)

Sumburu Abattoir—Accounts, 1952. Department of Agriculture Annual Report, 1951.

Review of Kenya Fisheries, 1952.

Game Department Annual Report, 1952.

(**BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES**)

The Education (Licensing of Teachers) Rules, 1953.

The Education (Licensing of Teachers) (Amendment) Rules, 1953.

(**BY THE MEMBER FOR EDUCATION AND LABOUR**)

Medical Department Annual Report, 1952.

(**BY THE DIRECTOR OF MEDICAL SERVICES for the Member for Health, Lands and Local Government**)

Community Development Organization Annual Report, 1952.

(**BY THE MEMBER FOR AFRICAN AFFAIRS**)

ORAL NOTICES OF MOTION

EXEMPTION FROM INCREASE OF RENT

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED that dwelling-houses whereof the erection is commenced after 28th February, 1954, should be exempted from the provisions of the Increase of Rent (Restriction) Ordinance, 1949.

I give this Notice of Motion on behalf of my hon. friend the Member for Commerce and Industry.

RESOLUTION

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

His Excellency the Governor, having been advised by the East African Industrial Council that, in accordance with section 5 (2) of the East African Industrial Licensing Ordinance, 1953, the following items be added to the First Schedule to the Ordinance, with effect from the 1st April, 1954, this Council, being mindful of the desirability of balanced industrial development; HEREBY RESOLVES that the First Schedule be amended accordingly—

1. (a) Glassware of all types, whether plain or moulded, excluding sheet or window glass;

(b) sheet or window glass.

2. Metal window frames, metal doors, metal door frames, manufactured as single or composite units, and any metal fittings for such window frames, doors or door frames.

I also give Notice of this Motion on behalf of my hon. friend, the Member for Commerce and Industry.

URGENT NECESSITY OF ENDING THE EMERGENCY

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

This Council impresses upon Government the urgent necessity of ending the Emergency as soon as possible and pledges its full support

for the necessary measures required to achieve this objective.

APPOINTMENT OF MEMBERS ON EMERGENCY COMMITTEES

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

That in the opinion of this Council Government should take immediate steps to appoint—

(a) African and Asian Unofficial Members on the Colony Emergency Committee; and

(b) non-Europeans on the various District Emergency Committees.

A STATEMENT OF MANPOWER REQUIREMENTS FOR THE EMERGENCY

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

As it is essential, for agricultural and commercial interests and those responsible for the economy of the country to plan their programmes in advance, this Council requests Government to issue a statement immediately setting out the estimated manpower requirements for Emergency purposes over the next twelve months, to state their views on a fixed maximum term of service for all conscripted persons and to state their proposals for recruiting the manpower required.

RETENTION OF THE KENYA POLICE RESERVE AIR WING

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

In view of the Commander-in-Chief's repeated statements, supported by the leader of the recent Parliamentary Delegation, to the effect that residents of the Colony should make the maximum effort to end the Emergency; BE IT RESOLVED that in order to use qualified pilots with extensive local and operational experience, the Kenya Police Reserve Air Wing be retained as a self-administering unit within the Police organization and not disbanded or transferred for administrative purposes to a quasi-R.A.F. formation.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 31

MR. BLUNDELL asked the Member for Health, Lands and Local Government: When will the report of the Committee which was set up to examine the needs of Somalis be presented?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT (*on behalf of the Member*): The report is in process of drafting and the Chairman of the Committee hopes to be in a position to present it to Council in April.

MR. BLUNDELL: Arising out of that question, will the hon. Member tell me how long the report has been in process of drafting?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: It has been in the process of drafting for a few weeks.

MR. COOKE (Coast): Is Government aware that the redressing of grievances—real or imaginary—is one of the non-redressing of grievances—is one of the causes of the present unrest? Why has there been an eighteen months' delay in this particular instance?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The subject matter of this report in Government's view has no connexion with the present unrest.

MR. COOKE: Will the hon. gentleman inform us what caused this eighteen months' delay?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The necessity of obtaining information from a wide range of interests.

MR. BLUNDELL: Will the hon. Member tell us how many times the Committee has gone into that?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I regret I do not have that information to-day.

MR. COOKE: The supposed necessity of finding out Government's policy in this matter was given as a reason for the delay.

MR. BLUNDELL: In view of the fact that hon. Members are anxious on this matter will the hon. Member do his best to expedite the drafting of the report.

MR. MATHU: Arising out of the supplementary answer, Sir, will the hon. Member tell us—having said that information from wide interests was to be sought—how many people have given evidence to that Committee?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: In answer to the hon. Member for Rift Valley's question—Yes.

In answer to Mr. Mathu's question this information can be obtained.

MR. BLUNDELL: Will the hon. Member tell us when the Committee last met?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I regret I cannot.

MR. BLUNDELL: Will the hon. Member acquaint himself with the facts and place the information before the Council?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I will do my best to do so.

MR. COOKE: In view of the unsatisfactory replies which we have received, I beg to move the question on the adjournment.

THE DEPUTY SPEAKER: Do I understand that the hon. Member is giving notice that at 12.30 he will raise the matter on the adjournment?

MR. COOKE: I understand that we are adjourning to-day at 11 o'clock for a special meeting. I thought that you might allow it to-morrow or the day after.

THE DEPUTY SPEAKER: Yes.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On a point of order, surely the practice is that when Members go into details, as Members are doing, they give the Government or the Minister concerned due warning in order that he may arrive at that particular sitting of Council armed with the necessary information. Otherwise it is a complete waste of time of the House.

THE DEPUTY SPEAKER: A suitable time can be arranged if Mr. Cooke desires to raise this on the adjournment.

MR. BLUNDELL: On a point of order, it is a fact, however, that generally speaking the secretaries of hon. Members opposite do provide them with a whole

[Mr. Blundell]

series of supplementary answers to questions that may be asked so that they will be forewarned.

MR. COOKE: The point of supplementary questions is to catch the other man on the wrong foot!

THE MEMBER FOR FINANCE AND DEVELOPMENT: Surely the matter of supplementary questions is the value of questions generally to elicit information and if the Member concerned is not given due notice that such detailed information is needed he certainly cannot have it with him. I would like to point out, Sir, my point was raised not on the question of supplementary questions but on the Motion on the adjournment. Unless we are given due notice, the debate will again merely be a waste of time.

QUESTION No. 32

MR. C. G. USHER (Mombasa) asked the Member for Health, Lands and Local Government whether Government will give an undertaking that any land acquired for the Mombasa oil refinery project and not taken up by the company will be offered to the present owners?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT (on behalf of the Member): The Government has already agreed with the Anglo-Saxon Petroleum Company that any land acquired for it which is not taken up will be offered back to the present owner.

QUESTION No. 35

MR. A. B. PATEL asked the Member for Health, Lands and Local Government if he is aware that the Mombasa Municipal Board has unanimously resolved asking that its status be raised to that of the municipal council? If the reply is in the affirmative, will he state the action he has taken so far to meet the wishes of the Mombasa Municipal Board?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT (on behalf of the Member): Yes, Sir. Since my reply to the hon. Member for Mombasa's similar question on 10th December a formal application has been received from the Municipal Board. The action taken on the Board's request is that which

is statutorily required by section 12 (1) of the Municipalities Ordinance, namely the appointment of the Commissioner for Local Government to inquire and report through the Standing Committee for Local Government on the advisability of such a step.

MR. A. B. PATEL: Arising out of that answer, Sir, is the report being prepared for presentation to the Member?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The Commissioner for Local Government has been appointed to conduct an inquiry and has, in fact, already made certain informal inquiries at Mombasa during a recent visit there. There will be a formal inquiry after notice within the next month or so.

BILLS

FIRST READINGS

The Law Society of Kenya (Amendment) Bill—(The Member for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The Estate Duty (Amendment) Bill—(The Member for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The Wheat Industry (Amendment) Bill—(The Member for Agriculture and Natural Resources)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The Customs and Excise Duties (Provisional Collection) (Amendment) Bill—(The Member for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The African Teachers Service Bill—(The Director of Education)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

ADJOURNMENT

THE DEPUTY SPEAKER: Hon. Members, that concludes the business on the Order Paper for to-day. Council will stand adjourned until 9.30 to-morrow morning.

Council rose at twenty-five minutes past Ten o'clock a.m.

Thursday, 18th February, 1954

The Council met at thirty-five minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

APPROVAL OF BANK LOAN

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED that this Council approves that the Kenya Government guarantee a Bank Loan of £10,000 to Capricorn Film Productions, Limited, to be used specifically in the production of one initial film.

INTRODUCTION OF SYSTEM OF SUMMARY JUSTICE

MR. SLADE (Aberdare): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

That Government be requested to introduce forthwith a System of Summary Justice for disposal of all offences against the Emergency Regulations: whereby local Tribunals composed of responsible lay persons are empowered to dispose of all such offences, with greatly simplified rules of evidence and procedure and whereby death sentences require administrative confirmation, but there is no right of appeal.

MOTION

URGENT NECESSITY OF ENDING THE EMERGENCY

MR. BLUNDELL (Rift Valley): Mr. Deputy Speaker, Sir, I beg to move the following Motion:

This Council impresses upon Government the urgent necessity of ending the Emergency as soon as possible and pledges its full support for the necessary measures required to achieve this objective.

Mr. Deputy Speaker, if the situation in the country and the attacks upon the enemy in our midst were going well, there would be no necessity to move this Motion; indeed, the mere fact that this Motion has to be moved is in itself a criticism of the energies which hon. Members opposite have put into the

direction of affairs against the enemy (Hear, hear.) Thus the views I shall express are not only my own personal views; unquestionably they will be the views of the great majority of the public of all races, because the public of all races are deeply concerned in this matter and deeply affected in the matter. I do sometimes wonder whether the executive side of the hon. Members opposite fully understand how much the public are being inconvenienced at the present time by the happenings in our midst. For instance, many wives have had to give up altogether a home or family lives as their husbands are away either in the Kenya Regiment or on full-time duty in the Kenya Police Reserve or on other duties. Night after night in the town of Nairobi, the public of Nairobi, the public, again of all races, are inconvenienced by having to go out on home guard duty and that undoubtedly applies to hon. Members opposite who take their share in these things. Above all, the ordinary African—not only of the Kikuyu tribe—everywhere in this Colony is extremely inconvenienced by the mass of Emergency Regulations which prevents his movement which he does not fully understand and sometimes leave him in bewilderment. So in effect it can be seen that there is no single element of the population who is not deeply disturbed by our inability to get on and finish the Emergency.

I hope, Sir, that hon. Members in speaking to this Motion will not regard it as a major opportunity of flagellating hon. Members opposite without at least, in that flagellation, suggesting some alternative form of whip. In other words, I hope they will be constructive in what they put forward rather than merely destructive.

The first thing I think we require is more urgency in dealing with the Emergency. I do not believe that a great many Members and Government Members in high places are sufficiently Emergency-minded. It is a difficult thing to pin-point and unquestionably it is an attitude of mind and we have to realize that we have got a very dangerous enemy in our midst. If we do not eliminate him, he will eliminate us, and that should be conditioning the minds of everybody dealing with this problem and the problems which arise out of it.

[Mr. Blundell]

I propose to give one or two instances of this lack of urgency although I think it is a mistake to deal too much in detail. In the Rift Valley Province we have to do something like 4,500 people who have been screened. We have in transit camps, for one reason or another 7,000. To my certain knowledge I know a particular estate where we have constantly tried to remove the women of convicted *Mau Mau* leaders but we are unable to do so because the onward movement from the transit camps is so slow. In other words we need greater urgency on the construction of other camps and work projects for these displaced people. That is a problem which has been going on for month after month and the general attitude appears to be that nothing can be done, but it is essential that it should be done because the transit camps are full and unless people can get rid of those suspected of murder, arson and destruction of their property there will be an increasing and mounting desire by everybody to remove all the Kikuyu in up-country districts.

Again, Sir, another of the factors is that it is vital to be able to control and to know the identity and the movements of individual Kikuyu and there is no question about it but that our documentation has fallen down and this was a matter raised many months ago and I believe that it is an urgent matter because control of the person is one of the first items in controlling the movement in our midst.

I think hon. Members would like to hear what steps are to be taken in the greater control of individual people by identity and movement.

Four weeks ago, I flew down on a Sunday on an urgent call from Nakuru to Nairobi and during the course of my flight we were spoken to from the ground by a woman from Gilgil who told us there was a gang in a certain place. I asked the pilot why it was necessary to have a Kenya Police Reserve woman at Gilgil speaking over the blower to us about a gang which was over on the other side from Nakuru and he told me that on Sundays the normal intercom service on the air did not work because it was Sunday. Now, Mr. Deputy Speaker, I am giving these instances to show that the public consider that there

is not enough urgency in these matters and these are not matters that hon. Members on this side of the Council can do anything about because the hon. Members on this side of the Council are not executives.

Lastly, Sir, to my knowledge, recently an hon. Member in Government service in a high position interfered with security operations in Nairobi because he had a meeting the next day with various important personages from overseas and he considered the security operations of the police might damage the political side of this meeting overseas. Now, Mr. Deputy Speaker, I do assure hon. Members opposite that if we are not single-minded and determined to remove the enemy, if we are going to allow political considerations from overseas or persons who may be visiting the country to influence what I would call the actual operations of security requirements, then we shall never, never deal with the problem in our midst. (Hear, hear.)

In other words, Sir, the hon. Members opposite, the leaders of Government, must impress on their people the need for conviction in dealing with the enemy. As I have said he is an enemy that unless he is dealt with, will deal with us.

Again, to illustrate exactly what I mean by lack of conviction and understanding of the problem recently, although there are Emergency Regulations which allow the return of no Kikuyu, except under special exceptional circumstances, into the Rift Valley Province, the Public Works Department were going to return to the Rift Valley Province a number of trainees who have been training in Nairobi. Now, Mr. Deputy Speaker, I do suggest that the mere fact that it was considered that trainees could be returned without proper regulation passes or consultation with the Rift Valley itself, shows that the officer who contemplated it had no real conception that there was an Emergency on.

The second point I wish to deal with in the question of the Emergency is conviction. Again the public are extremely disturbed. They doubt seriously whether Government has the real conviction to pursue this matter because of the remarks and attitude which certain hon. Members have taken in the Emergency and I want to deal specifically

[Mr. Blundell]

with one case because I think it is correct to do so. I told the hon. Member in advance that I will mention this matter. I think it is wise to record that the hon. Member for Legal Affairs has, at any rate, in our community, lost the confidence of the public. That stems from a series of events—it stems from this in particular. In the early stages of the Emergency, in order to convince people that we had vital matters on our hands, we asked quite clearly that the matter should be called a rebellion, and the hon. Member in his reply tried to convince us that it was not a rebellion and gave us a demonstration that you really could not call it that—that it was difficult for instance to know how many stones made a heap—in other words, how many individual acts of defiance against Government caused a rebellion. Now, I would like to put to him a question; since that time we have found numerous firearms made by the enemy—pipes, string, wire, wood, pins—turned into weapons of war. What I would like to ask the hon. Member is, if my colleagues on this side of the House created arms factories, and they would be very much more efficient than the arms factories of the *Mau Mau*, how many would we have to create, how many weapons would have to be produced, how many people would we have to kill before the hon. Member hesitated to call us rebels—(hear, hear)—and it is precisely because of that attitude and inability to call a spade a spade that the public are losing confidence in the Government and that we on this side of the Council wish to impress on Members opposite the necessity for dealing with the Emergency.

Now, Mr. Deputy Speaker, I see the hon. Member for Education and Labour was smiling when he listened to me. Well, I am not surprised, he has spent most of his long service dealing with situations like this and losing them. Oh, I can imagine the hon. Member smiles.

Now, Mr. Deputy Speaker, if I may go on to the hon. Member for Legal Affairs. I do suggest we should take steps to call this operation in our midst either rebellion or war or ask the Military Authorities to deem the areas in which operations are taking place as operational areas, so that people realize

it is something more than a slight disturbance or disquiet going on. Nothing would convince people of this country more of Government's intention than if they were to call what we have by its name, which is war.

Now, Sir, the next thing that disturbs the public about the hon. Member for Legal Affairs is certain cases which have been taken against the security forces and I would like to make it clear here, that I, at any rate, will not support calculated brutality to people in the charge of those forces. I believe nothing is more damaging or stupid or negative, but I am indeed disturbed whether all these cases were correctly taken, and in particular I believe many were unfair to our young officers, and that the excessive publicity centred round them for reasons to which I shall return later—I would like to quote the case at Thika where a man who I believe was one Mr. Burgess, was placed before the court and the magistrate himself expressed wonder at the case having been brought. Now the reason I mention it is this. There is no question that these cases have upset the morale of the security forces. I am not going to argue now whether the cases were correctly taken or not—that is not the problem, or the idea behind this Motion. I raise these matters because undoubtedly the cases have caused a deterioration in the morale of the security forces, and I would like to see the Government announce quite boldly that any member of the security forces who has acted correctly and in good faith will have full support. That is most important to return them to their former degree of keenness. I shall return later, Sir, to this matter because it is very important and very disturbing.

The next matter which has seriously disturbed the public in the hon. Member opposite is this. Rightly or wrongly Government caused to be published a communiqué in which it was announced that it was important that justice should be seen to be done as well as done. Now no one, Mr. Deputy Speaker, would deny that—no one. But if there is one certain thing in this Emergency it is this—that no one yet has seen a great display of justice done, and it is this sort of thing that bewilders the public.

[Mr. Blundell]

Now, Sir, having said this to show why I am moving this Motion, I want to pass on to those things which I think need doing or to which improvements could be effected by a change of methods. First of all, Sir, I do not believe it is necessary to comment on the military position. We are having daily very resounding successes against the gangs and I believe the life of a gangster in the forests or reserves is by no means pleasant. In general I believe our military forces are rapidly getting on top of the enemy in the field.

I believe there is, however, a need for a much greater co-ordination between the army and the police, and especially in the roles in which the police are used, and I believe that hon. Members opposite should consider that, especially the relationship of the police to the Commander-in-Chief.

Again, Sir, from operations in the field, I should like to return to certain matters referring to the anti-Mau Mau leaders in the reserve. Recently hon. Members on this side of the Council had the privilege of meeting these men at an inter-racial conference and I would like to take this opportunity of saying how much we have all admired the stand and the bravery and the courage that those men have taken. (Hear, hear.) Those are the men, obviously—men of character, distinction, integrity and straightforwardness of outlook—those are men on which undoubtedly we can rebuild the Kikuyu tribe when this Emergency is over. Now, Sir, we would like to know what scheme hon. Members opposite have to give those men a future. What scheme have they got for a closer co-operation with Government after the Emergency is over in the reconstruction of their own tribe, because it is essential that we build on those men and no other men, and I think this is a suitable opportunity to record that it would be disastrous to return, as is being publicly in some places, many Kikuyu to Kikuyuland, because to do so would put pressure on very brave men which might well end in their elimination. Now, Sir, that would be the grossest betrayal of those men. I want to record to the Council that these resistance leaders are in danger—not a couple of hours of the day—but 24 hours day and night. They

are the men that we have got to see are supported by every means at our disposal. I saw recently, in the House of Commons there was a suggestion of an inquiry into their conduct. I think, Sir, that we, on this side of the Council, would like to give them an assurance that we will do the very utmost to see the work they are carrying on is not hindered in this way. These men are men whose wives are being murdered, whose families are being dismembered, whose children are being burned, whose houses are being destroyed, and there is no future whatsoever unless they win, and I believe it is the grossest insult to them from overseas to suggest there should be an inquiry into the way they have defended themselves, when they are daily, hourly, every minute of the day, in danger of death. Now, Sir, I think I would like to record that I cannot help but wonder whether that suggestion did not emanate from a man who, having already accepted the order of the monkey skin, might possibly have taken an oath, for all I know, in his anxiety to hinder the efforts of the loyalists to re-establish their tribe.

The next point I wish to deal with, Sir, is the police. I would like to give a word of warning here. I believe it is essential that we should not destroy by unwise criticism the morale of the police force, because, in the final analysis, the only thing between us and the complete collapse of the fabric of law and order is the police. But, Sir, all is not well with the police. I wish to draw the attention of hon. Members opposite to the urgent necessity for setting what is wrong, right. We have taken into the police force an immense number of recruits. We have taken in also an immense number of recruits from overseas who will take some time to learn the ways of the country and the ways of the men under their command. In other words we have a police force which it would not be wrong to call bottom-heavy, to coin a word, and the urgent thing that we need in this police force is experience and direction and wisdom at the higher level, at the Senior Superintendent level and divisional level and I would urge hon. Members opposite to find that experience and incorporate it into the force.

Finally, I have discussed this matter with all hon. Members on this side of the Council and the leaders of all groups and

[Mr. Blundell]

I think it would be expressing the united opinion on this side when I say the police force needs a more vital direction from the top.

I should before leaving them, like to say that I believe we have been very slow indeed in initiating the recommendations in the Police Report on their conditions and their pay. I think one of the most urgent things we should get on with is those conditions in the police force and I would like hon. Members opposite to tell me why there has been that delay. The report came out some time ago and hon. Members on this side of the Council would have agreed to any Emergency suggestion to deal with the pay side of the report only and I think we should like to know why there has been a delay.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On a point of explanation, the hon. Member for Rift Valley knows that proposals are going to be laid to implement that particular part of the Kenya Police Commission Report. The matter could not be dealt with before Legislative Council had authorized the expenditure: the report has only just been laid and the hon. Member knows that Supplementary Estimates are following.

MR. BLUNDELL: Mr. Deputy Speaker, I do suggest that there are no proposals before Council to-day on pay and conditions, as far as I know, and I did tell the hon. Member that if it was necessary to have special measures to deal with the subject we would be willing to accept them, and I think there has been an unwise delay between the receiving of the report and announcing the better conditions and pay.

Now, Sir, from the police I should like to go to the Kenya Police Reserve. I think it would be well to record how bitter many of them feel at the great outburst of publicity which has fallen upon them because one or two individuals were not up to the very great standard which the others have set, and I think it would be wise to record also that had it not been for the Kenya Police Reserve, police would have been used up on many duties, leaving us very short-handed indeed for the detection, prevention and active movement against crime. In other words I think that when many Members criticize the Kenya Police Reserve when

these terrible publicity cases fall upon them, we should do well to remember that if it had not been for the Kenya Police Reserve of all races, our police force could not have undertaken the tasks which it has been asked to do. I should like, Sir, to suggest that we do not do the morale of our security forces the best possible service by a constant reiteration when the Kenya Police Reserve are guilty of failure in one or two individual cases, and indeed, Sir, the very Press which indulges in this publicity because it is their function to sell news are, of course, people equally well served by the Kenya Police Reserve daily in the support of law and order which the Kenya Police Reserve gives. (Hear, hear.)

Now, I want particularly to turn to those cases which have occurred arising out of acts in the screening teams. I wish to reiterate that I believe no one can adopt any attitude but this—that calculated brutality must be dealt with. What disturbs me is the type of people who are being used in the screening teams. I wonder whether all hon. Members realize the strain of this work. Recently I have studied in considerable detail the work of these screening teams. The work is one of constant and terrible strain, and the best results can only be secured from these screening teams by men of very peculiar and particular qualities—men who have the capacity for extracting from the Africans what they want, and also men who have sympathy with and understanding of the fear and emotions which the Mau Mau movement has lodged in the minds of many otherwise perfectly ordinary Kikuyu, who are now dominated by the mumbo-jumbo of the movement.

What worries me is this: are we right to have young men of 17 and 18—

THE MEMBER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, on a point of order I would refer you to Standing Order No. 72, which reads: "No Member shall refer to any particular matter in respect of which a judicial decision is pending".

The hon. Member has just made reference to a person of 17 years of age being in charge of a screening team. Anyone who has read the reports of certain criminal proceedings taking place in Nairobi during the last few days must necessarily associate that remark with

[The Member for Legal Affairs] that case. Therefore I submit he is infringing this Standing Order.

MR. HAVELOCK: On a point of order, Sir, I contend that the hon. Member did not refer to any particular case. There are other cases which have already been dealt with, and other cases which are being brought forward. There are young men in charge of screening teams all over the country.

MR. MACONICHI-WELWOOD (Uasin Gishu): I would submit that, when referring to the age of screening teams, the age of the screener is not *sub judice*.

THE DEPUTY SPEAKER: I regard the hon. Member's remark as in purely general terms. My mind, when he mentioned the age of 17, however, immediately went to the case that is now before the court. So long as the hon. Member confines his remarks to purely general matters that can have no specific reference to the case that is before the court, I think he would be in order, but care must be taken not to refer to cases specifically that are before the court.

MR. BURNELL: Sir, I accept, naturally, your ruling and, if I put the age up from 18 to 19, the hon. Member's point of order falls to arise; but perhaps it would please the hon. Member more if I said this: the question I wish to ask is are we right to place in charge of these screening teams men of very young years, and often under 20 years of age. Put in that form there could be no—I think the hon. Member will have no legal quibbles.

I want in particular, Sir, to give an instance of the sort of thing that is happening in the screening teams—especially in regard to those in command of them. In one of the camps in my area, where screening is possibly the second most successful in the Colony, and where most valuable information has come out, and where it has been proved that some methods are entirely unnecessary, the man who was in charge of it suffered from a dreadful and vile disease called "mumps" and, as a result, was given sick leave and is no longer in the camp. He, incidentally, passed that disease on to myself. But his place was taken by a young man of 22, who has no experience of this country, has not been in the country a year as far as I know, cannot speak the language and I believe is not

really suitable for the task which he has to undertake.

What hon. Members on this side of the Council want to ask is this: is it right that young men should be subjected to the strain they are going to be subjected to in these screening camps at that age without proper training, without a knowledge of the country or without being able really to speak to the people concerned? I want to emphasize strongly how intricate the work of the screening teams is, how difficult it is and how many Africans in the screening teams have been appalled, Europeans as well, day after day, screening men, having to hear confessions of the most bestial and bestial crimes—most horrible and dastardly murders—over long periods of time. Unless they are men of exceptional character there comes a deterioration in their outlook.

I think we are right to ask what steps are being taken to protect our young people from this situation where deterioration sets in to such a degree that the worst happens as in some of the cases around which publicity has centred.

Again, Sir, there is much wrong with these screening teams. I know of two cases where the leaders of the *Mau Mau* movement—very bad leaders and wanted by the security forces—owing to lack of liaison in various departments, entered the screening teams and finally became important screeners. In one case a complaint was lodged which led to his capture, and in another case he left the screening team and rejoined the gang in the forests. It does make one think there is a very serious lack of urgency, conviction and understanding of the work of the screening teams when these things can happen, and I want to suggest that hon. Members opposite should use one of the most experienced officers in this—I could give hon. Members a suitable name—should use him for opening a training centre for young people who go into these screening centres.

In other words, Sir, I suggest that, if we are going to go on with screening, it is necessary for us to set up centres where Africans and Europeans can be trained properly in the methods, and can be suitably selected.

Now, Sir, the question I want to ask hon. Members opposite is this: allowing

[Mr. Burnell:]

For what I have presented, which is the fact as far as I can see that any young officer—possibly a man for whom no particular job can be found—can be directed by higher authority for this intricate work of screening, where he is subjected at a youthful age, before he has really learned a great deal of self-discipline, to defiance, filth, bestial records and intolerable strain: I want to know from hon. Members opposite what has been done to prevent these men being placed in this situation. That answer we want because the public feel extremely bitter at the way in which young men have been treated. Do hon. Members opposite feel that men under twenty, with very little background, still possibly their outlook—their minds developing—do they feel that they have properly prevented—protected—these boys from contamination of the bestiality which inevitably surrounds them when the details of screening come out? (Applause.)

Now, Sir, from that I wish to go to security. We are all of us too lax in security. I am perfectly happy to incorporate all Members of Council and all members of the country. I urge hon. Members opposite to put a real drive into security. There is too much talk and too much release of information in odd ways which people do not understand—which brings me on to the whole question of censorship. There is a suggestion abroad that we should have Press censorship. I am very much against it. I believe nothing could do more harm to this country—both here and overseas—than the institution of Press censorship. Immediately it would allow rumour to run riot and suspicion to spread everywhere. It would be disastrous. Yet I sometimes wonder whether the Press understand how they have given breaches of security, especially in regard to the safety of individual people—and Africans in particular. (Hear, hear.) I would like to record this. Since the Emergency began I have had obviously very frequent contact with the Press. I have never known any responsible pressman—the average journalist is a man who respects his profession, and is proud of his standing in that profession—I have never known one break a confidence which is given to him. I think we can assume that the

Press have a very high standard of integrity. What often happens is that, in presenting news, they do not realize that they may be making breaches of security.

I should like to suggest as a constructive measure this: the Press, I know, if this was properly presented to them, would be only too anxious to help: I should like to suggest to the hon. Member responsible for the liaison of Government with the Press that he set up an Editors' Committee to discuss the whole matter, with a view to finding out some method in which it could be brought to individual pressmen what particular lines were dangerous to public security. I believe if this was done we should find the Press only too willing to co-operate.

From that, Sir, I should like to go on to the question of Nairobi. Nairobi is the key of the *Mau Mau* problem. If we can once establish law and order in Nairobi we shall have beaten the enemy. I only want to suggest—there are hon. Nairobi Members here more qualified to speak—that four steps should be taken—rigid enforcement of the curfew, improvement of the beat system by the police, control of the population and an understanding that the problem of Nairobi is a police one—it is nothing more than that. Until we have reorganized the police, and have got in the police that vital direction to which I referred earlier, it will be a problem which will be increasingly hard to deal with.

The population of Nairobi is only too anxious to help. Many of them come to us to offer their services. I believe if hon. Members in the next three months want to call on the services of 500 Europeans, and the same number of well-educated Asians and the same number of well-educated Africans, I believe they could form for three months from those men on a voluntary basis—entirely on a roster basis—patrols on the beat system which could release the ordinary police for the job of actually dealing with crime, rather than wasting their time in moving round constantly. I think we are short of police in Nairobi. In order, to improve the situation it is necessary for us (a) to get the Military well in command of the areas outside Nairobi, and (b) to have our regular police get on, to picking up assassins and thugs dominating Nairobi. Hon. Members would find a very rapid response from the public without undue

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regard to status or pay to assist the police in the beat system in the African locations.

Many Europeans have come to me and offered their services. I am certain hon. Members on my left would find, if approached, keen Africans and Asians to support the Europeans in their patrolling.

Now, Sir, I only want to end by saying this: it is obviously necessary—we respect it—that we should not have breaches of security in this debate, and so hon. Members opposite, when replying, may in some degree feel slightly hampered. I think it would be as well to record that, Sir, it is obvious that we shall have many more instances—further events will fall upon us, especially in Nairobi—and there will be a strain for a period still ahead of us, and nothing on earth at the moment can reduce that strain. What we are concerned with is that actions of the Government should give us tangible hope that those strains, incidents—events—will be reduced materially in the next few months. There are signs, if we now gather ourselves together and put in a knock-out blow, that the movement can be eliminated. There are signs in the reserves that the ordinary man is wavering and is fed up with what is happening, and the plea I want to make is that if hon. Members want us to do things they should call upon the public who are willing to support them, if they can see where they are going, why they are going there and how long in all probability they have got to go. All Members on this side of the Council will do their utmost to help the Government to rally the public opinion. (Applause.)

MR. HAVELOCK: Mr. Deputy Speaker, in seconding this Motion I should first like to congratulate our security forces on what appears to be a very successful action yesterday. (Hear, hear.) I should also like to say in that particular regard I only hope that the public will be told what the follow-up of that action which has stimulated their interest considerably—what the result will be. It is so often we find reports of this sort in the paper, and nothing further seems to develop. An anti-climax does very much more damage than if nothing had been reported at all.

That, Sir, brings me to Information Services, as such. I am not going to

waste much time on it, but I feel more strongly about this matter than the hon. Mover seems to have done. I feel, as regards the reports that do appear—have appeared—in the Press of people who have given information although possibly their names do not appear, are not given, the actual circumstances are so described in detail so that they can be pin-pointed. I am quite certain that lives have been lost because of that sort of public declaration, and more lives will be lost if it continues. I feel so strongly I am prepared to advocate censorship of the Press if this does not stop. I am not prepared to see innocent people killed because reports appear in the daily newspapers.

I agree with the hon. Member for Rift Valley that it would be a very drastic and undesirable step to take to censor the Press, and I hope we can avoid it, but I believe if it goes on as it does to-day we shall have to take drastic action. I do support the suggestion that a committee of editors should be formed to try to work things out for themselves. If it fails, I am prepared to go the whole hog in order to prevent innocent people from being killed.

Now, Sir, I should like to refer briefly to this action that took place at Thika yesterday. I should like to mention specially in this regard No. 156 Battery which took a very active part, as regards overseas troops in this country—No. 156 Battery—could not have done better work. It is a most extraordinary thing, but they have been able to get away from their artillery-mindedness and get on with their work as infantrymen do, and do a first-class, excellent job.

This does bring up another matter in this particular action. A very considerable amount of Government property was destroyed. I have not yet got all the details, but it has been reported that the houses of—I think it was an agricultural officer—was destroyed, and other Government property of that sort. This, I think, should make this Council think.

Are we prepared and can we afford to allow this gang to go smashing up all Government property, bases of social services, which we are supplying to Africans in those areas? If this sort of thing continues, the stage possibly has been reached where we shall have to tell Kikuyu that we cannot afford to do this

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any longer and that we are not going to risk lives of Government officers who are there to help them, or the property of the Government. Everyone must be on a completely war footing and those services withdrawn until the rebellion has been smashed.

I would not like to do that because I believe very sincerely with the Member for Rift Valley and the people who met together of all races that the only basis of tackling this Emergency is to give every possible support to the loyal elements of all communities, especially loyal Kikuyus. I have had personal experience of alarms and excursions on my own farm and the loyal Kikuyu from the Home Guard post half a mile away have been on the spot offering their help within a quarter of an hour. I am not going to let those people down unless I can possibly help it. It is the basis of this campaign; it is what we have been advocating in this Council for months, that there has not been enough done in this regard, and only now, I believe, is the Government really considering an all-out effort to help people, help protect their families and give them the right leadership and advice and support to continue this battle and really beat these beastly rebels.

Now before I leave this point I would like to revert to how I started. If this goes on, if Government property is going to be damaged in this way, we must think of withdrawing all services from the Kikuyu reserves. I am sure that the chiefs, the headmen will realize the reason for it if we tell them they will get their reward when the rebels have been beaten. The principle of reward has already been mentioned by the hon. Member for Rift Valley. On these loyal people we must build the future. We must always keep in mind that they are the people who should benefit from the future indeed. I support that. (Inaudible comment from Mr. Mathu.)

Perhaps the hon. African Representative Member, Mr. Mathu, will be able to express his point of view at a later stage in this debate.

On this particular matter of the meeting of different races, there were a number of matters discussed and a number of Motions passed which within the next 24 hours I hope to have

in the hands of Government. There was one aspect I think should be mentioned here. There is now no doubt that the leaders of the resistance movement in the reserves and elsewhere are considerably concerned about the supply of arms and ammunition to the *Mau Mau* and they say, "Where do they come from? Where is the ammunition coming from?" The arms, I think, are more or less traceable, not all of them, but some of them, and in this regard we must mention—the public must have it hammered into them that the great proportion of losses of arms are the public's losses, not those of the security forces. But it is the ammunition that I am particularly worried about, that the leaders of the resistance groups are worried about. We have asked for information, but I am not satisfied with what information has come. I am told that in an action in the Ruiru area with a gang, empty cartridge cases of a 1953 date were picked up. Where do they come from? I do not consider enough energy and drive has been put into this particular aspect. We must find out and stop this supply of ammunition to the terrorists.

Now, Sir, with regard to summary justice I will not discuss that at any length because the hon. Member for Aberdare has given notice of a Motion on that matter. I will confine myself to general statements about lack of speed in dealing with known *Mau Mau* criminals. The details of that will be discussed, no doubt, at a later debate, but it seems to me one of the greatest weaknesses in the operation of this rebellion, or fight against this rebellion, that we have had up to date.

It is obvious that it cannot be understood why it takes three to four months for a very clear case—when someone is captured in an ambush—for him to be handed. No one, especially the African leaders, can understand the reason for the very particular and regrettable delay. Now, Sir, the hon. Member for Rift Valley mentioned shortly this matter of co-ordination. Now, I have for some considerable time advocated that there should be some system in the districts of an Area Commander. It seems a very great weakness that in most districts that if something blows up no one knows who is in command. It is supposed to be a senior soldier—he may well be,

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and often is, away. It may be a policeman who is supposed to be in charge. It is not really laid down what should happen in every area. You should have an Area Commander. I do not mind who he is as long as he has the right qualifications. He would have to have military rank and under him all the forces in the area. Any troops transferred to him should report to him and he would be responsible for dealing with any action that may blow up. Without something of that sort, we are going on from chaos to chaos as we have done in the past—considerable numbers of lives lost, confusion of command and lack of knowledge of the actual forces in the area; and that, Sir, is something which really must be taken up now, immediately. It all comes back again to this lack of urgency. Nothing very new is going to be said in this debate to-day. All suggestions coming up to-day have been made before in public committees and councils of different sorts. What has happened? No action has been taken on them all because there is an attitude of mind that we must explore every detail of the difficulties of putting such ideas into action. That is why we, on this side of the Council, feel so frustrated. We know there are difficulties—but difficulties are made to be overcome, orders must be given, people must overcome such difficulties.

Now, Sir, I would like to touch very quickly on a matter of manpower. The re-registration of manpower has been announced. It has been announced that many people who are going to be released from the Kenya Police Reserves will now have their release notices withdrawn. I am sure I am speaking for all members of the European group anyway—we support this re-registration of manpower and the probable resultant call-up. We support the cancellation of releases because we know that we must have the right men with a knowledge of the country and of the inhabitants to be able to overcome the enemy, but we support it on this condition, that there is no wastage of this very, very valuable material. There has been a wastage in the past. People with experience which could have been adopted in the field have been put in offices and so on. This must not go on. We have only a very limited supply

of the right type of manpower in this country in order to wage war. We must use them as leaders, interpreters and guides, the people who know the country and know the African. It is a very limited number—they must not be wasted. If we see or hear of further wastage of manpower, our own manpower, we will take most drastic measures, the most drastic efforts, to see that these men are put into the right places. It is a matter which is very near to the hearts of the public, especially the European public of this country. They are prepared to put their whole heart, all their efforts, great financial and personal sacrifices into this battle, but not if they are just going to be left to rot in useless areas where they know anybody could do that job. We realize, of course, that this sorting out of manpower is always a difficult one and has always been a bone of contention in any war and any circumstances of this sort, but it is more urgent in this country than in others because of the great limitation of the right type of people available in the country.

Now, Sir, I want to stress once again that, as far as I am concerned, and I am sure as far as the European group is concerned, the main basis, the main strategy of this attack, of this war we are waging against the rebels, is to give every possible support to the loyal elements of all tribes; especially the Kikuyu, who have been let down in many, many cases, who have not been given sufficient leadership, who have not been given sufficient arms, who have not been given sufficient training, who have not been given sufficient protection, especially for the women and children when they are going into the forests or outside the boma. There are a hundred-and-one details we could touch on in discussing this, but it is not worthwhile in Council. They are the sort of things that should be thrashed out in committees. There are a hundred-and-one things we should do. I only want to end on this note, that it is the doubt of the ability of Government to give these rebels a really good knock that is so worrying us to-day. If we do not show all races, all tribes in the country that the British Government, represented by the hon. Members opposite, cannot deal with this handful, really a comparative handful, of barbarians and savages, what is the future, not only

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for this country, but also for the British Commonwealth, and also of the British in Africa? This is where we have got to show determination, and that was at the back of the mind of the Member for Rift Valley when he moved this Motion—we want decisiveness, we want leadership, we want drive to show the whole world that we have the ability to knock out these despicable savages who are holding this country to ransom.

Sir, I beg to second.

Question proposed.

THE MEMBER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir. The Council, I think, will think it strange that the hon. Member for Rift Valley, the Mover of this Motion, a Motion which in its terms emphasizes, and rightly emphasizes, the urgency of the matter which is put before the Council, should nevertheless have had to go back a matter of nine months or more in order to find material with which to criticize me, as the Member for Legal Affairs, and a Member of the Government. I would have thought, Mr. Deputy Speaker, that if my shortcomings were so prolific, as the hon. Member opposite would have the Council believe, if I were so dilatory and diffident, so guilty of lassitude in the conduct of our affairs, he would have found more recent evidence of it. Instead, he has to turn back the pages of HANSARD for nine months, or a little more, in order to find something which I said on that occasion in entirely different circumstances on the subject of rebellion.

MR. HAVELOCK: Letting you down lightly!

THE MEMBER FOR LEGAL AFFAIRS: He then goes back nine months, and then tears what I said right out of its context and omits to mention the fundamental and important facts and circumstances that existed in May of last year, when I made those observations on the subject of the rebellion. At that time, the fact was that there had been not one single attack on the Military Forces of the Crown, not even an ambush of the Military Forces of the Crown. The circumstances were entirely different. The hon. Member is reduced to finding an argument on matters of that kind in order to launch his attack upon me—I would be grateful if the hon. Members

would not keep up a running commentary—I have only been speaking three or four minutes—I think the Council would have been more interested to listen to the hon. Member for the Rift Valley, if he had applied his mind to more practical aspects of this question of declaring a rebellion, whether it should be declared, and if so, what would be the consequences to the Government and to the conduct of the Emergency if it is declared. Those are important questions of policy, most important questions of policy which affect the whole Government, and therefore the collective responsibility of the Government, and not just one member of the Government. They are important questions of policy affecting the Emergency and the Emergency Committee is charged, as I understand it, with the responsibility of deciding questions of policy. Should not these matters be the collective responsibility of the members of the Emergency Committee? (Hear, hear.) It may well be that these practical questions I have formulated in this Council to-day following upon the hon. Member's speech, have already been formulated in the Emergency Committee. Maybe they have. I would not be knowing, Sir. I do not share the secrets of the Emergency Committee. In that matter, I am like the rest of the world.

Rebellion is, of course, but another name for a state of war within the Kingdom. Although the Government of the day may declare that a state of war amounting to a rebellion exists, any citizen in this country could challenge such a declaration in the courts. That is what happened in Southern Ireland in 1921. I think the hon. Member for the Coast has probably got a very vivid recollection of that. (Laughter.) (Shame.) When it was challenged in the courts, it was the Commander-in-Chief of the Military Forces in Ireland who had to give evidence to the court, explaining to the court the nature of the disorders and the activities of the enemy, the weapons they used, the organization they had and so forth, in order to satisfy the court that there was in fact a state of war amounting to a rebellion. The name of that Commander-in-Chief of the Military Forces on that occasion was Sir Neville McCreedy. He had serving under him a brilliant young subaltern; his name was Erskine.

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It is clear from that case, and to anyone who has studied this matter, that the question whether or not there is a state of war amounting to rebellion, is primarily, if not finally, a matter for the military experts to advise upon, which was precisely what I said when I made my speech on this subject last May.

It is primarily a matter for military advisers of the Government, not the legal advisers of the Government. Therefore if the hon. Member for Rift Valley desired to level criticism at the Government let him choose the right target. Is that not fair, Sir?

Of course, there is the further question as to the legal consequences if a rebellion is declared; that certainly is a matter for a lawyer. That, being a matter for a lawyer, is certainly one which I am prepared to deal with on the floor of the Council or in the Emergency Committee, if they invite me to go there to discuss it. (Laughter.) The answer to that question, Sir, will vary according to whether there is in existence in the territory concerned a legal enactment, then dealing with a rebellion. If there is no such legal enactment the executive and military authorities are thrown back on the common law. Here in Kenya we have a legal enactment which deals precisely and specifically with this particular matter of rebellion.

In the Emergency Order in Council, 1939, section 6 reads as follows: "The Governor may make such Regulations as appear to him to be necessary or expedient for... the suppression of... rebellion". Therefore, it is as clear as anything could be that the Government already has all the legal powers that it could need for the suppression of a rebellion, so that to declare a rebellion would not add to those legal powers by one iota. That is stating the legal position in its simplest form. If any hon. Member would like a more detailed legal dissertation—the hon. Members of the Emergency Committee for example—then I suggest they should attend at the Attorney General's Chamber.

MR. BLUNDELL: I would like to make this point. The point is not whether there should be declared a rebellion or not but the point I was making is this. A man has to defend his action and conviction by saying how many stones make a heap? He is not a suitable man in our opinion.

THE MEMBER FOR LEGAL AFFAIRS:

This is not a point of explanation.

MR. BLUNDELL: I asked the hon. Member if he would give way; if he would listen he would be better off—I asked the hon. Member to give way on a point I was making. He has lost the confidence of many of the hon. Members on this side of the Council and of the public. (Cries of No, no!) When I tried to argue on a rebellion he stated that in order to find out what a rebellion was—how many stones in a heap, we believe that a man who can argue—

THE DEPUTY SPEAKER: The hon. Member is not explaining or correcting a wrong interpretation, but is merely repeating a statement he made during the course of his speech. I do not think he has added anything to it.

THE MEMBER FOR LEGAL AFFAIRS: I have already made the point that the hon. Member for Rift Valley tore from its context what I said about that matter. He only seems to repeat that operation now. Sir, that was the first point upon which the hon. Member for Rift Valley attacked me, namely this question of rebellion. The Council can judge for themselves whether I have dealt with it adequately.

Let us take the second point on which he attacked me; his complaint about the prosecution of members of the security forces. Yes, Sir, prosecution of the security forces. I regret to say that there is quite insufficient understanding in this Council and outside of the duties of an Attorney General, in connexion with criminal prosecutions. It is worthwhile to restate those duties. (Hear, hear.)

An Attorney General, in discharging his duty, is discharging a quasi-judicial function. It is a function for which he cannot shift the responsibility on to any of his colleagues. In initiating prosecutions he walks alone. In policy matters, of course, it is quite different, for in such cases there is collective responsibility. But where there is a question of initiating a criminal prosecution, then I, or those working under my direction, peruse the evidence available, consider whether it goes beyond mere suspicion, and whether it is sufficient to put a man upon his trial. If it is, then a prosecution follows and it is left to the Judge to decide whether the accused is guilty or

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innocent. (Hear, hear.) In discharging this duty, the Attorney General should not be subjected to any pressure from any source, or from any community. He should not be influenced by any political considerations, by any partisan consideration, or by racial or by any other extraneous consideration. No Attorney General worthy of his office could possibly allow such considerations to affect his judgment, even if pursuing that course should involve him in personal unpopularity.

One thing I can say without fear of contradiction. No one can point a finger at me or at any one acting under my direction and say, "In the discharge of his duties he has shown favour"; still less can it be said "he has shown fear". As the holder of the office of Attorney General I shall continue to do whatever I can to strengthen its influence in the promotion of justice, and to maintain the traditional independence and integrity of that office. (Hear, hear.) That, Sir, is the answer to any complaint of prosecution of the security forces.

The hon. Member for Rift Valley complained that prosecutions were affecting the morale of the security forces. He never mentioned that all the prosecutions brought against the security forces, some by military authorities, some by civil authorities, have been in respect of allegations of ill-treatment of persons not engaged on active fighting, but when they were in custody, helpless, in the hands of their captors. He mentioned that in one particular case the magistrate had questioned whether the case should have been brought. He did not mention, however, that in the same judgment the magistrate found as a fact that there had been torture by the accused of the person in his custody. I did not wish to bring up this subject; the hon. Member brought it up. He asked for an assurance that the members of the security forces would not be pursued improperly when actively engaged in their duties but given full support.

MR. BLUNDELL: Correctly engaged.

THE MEMBER FOR LEGAL AFFAIRS: Correctly engaged—I am obliged. I can give the assurance in the name of the Commander-in-Chief who is in complete charge of the military and police forces,

when they are engaged on active service. I quote his words: "It is well known in the army and in the security forces that the Commander-in-Chief will not tolerate ill-treatment of prisoners. Secondly, it is also well known in the army and in the security forces, that the Commander-in-Chief will give, and has always given, a 100 per cent support to those under his command who are carrying out their duties under the common law". In this matter of the prosecution of members of the security forces, I have had the closest relations with the Commander-in-Chief and his military and legal advisers; those relations have been most cordial and smooth in their working, and I would like to take this opportunity of paying tribute to the great support that I have always received from the Commander-in-Chief in this matter. This relationship, this arrangement between myself and the Commander-in-Chief and his legal advisers, has worked so well that it has been aptly called the *concordat*.

In a statement issued to the Press towards the end of December, after a speech had been made by the hon. Member for Nairobi South, accusing me and the Special Branch—though goodness knows why, he referred to the Special Branch—he accused me of "harrying and hounding" the security forces. A few days after he had made that statement, Sir, a strange thing happened in this country. Members of the public opened their newspapers one morning to find headlines—"Government Answers its Critics". The critics were silent for a week or more until the hon. Member for Uasin Gishu wrote to the *East African Standard* and then he merely said: "Everything that the Government has said about it is quite true only we do not like them saying it and we do not like the way they say it". (Laughter.) "After all, you are an official and an official should know better than to answer back!" They forget, Sir, the fundamental fact, that we officials on this side of the Council serve all races. How else could we belong to a Government that claims to be a just Government for all men in this Colony?

There is another matter that I would like to deal with before I sit down. I can assure the Council that there is no one more anxious than the Government and

[The Member for Legal Affairs] myself to speed up the administration of criminal justice, so long as we preserve the basic principles of British justice. Much has been achieved, Sir, in that direction in the last few months, despite those difficulties of manpower to which reference has been made by the hon. Member for Kiambu, but not very much credit has been given to Government or to those responsible for those achievements. It is partly our fault because we do not go around speaking about it and blowing our own trumpets. Let me tell hon. Members that since the Emergency assize courts began to sit, statistics have been kept. They were first kept in August of last year, at my suggestion, showing week by week, how many terrorist cases had been handled by the Criminal Investigation Department—that being the first stage of their journey, how many by the Legal Department, and how many passed to the Judiciary for trial. I asked for those statistics to be kept in order to trace the movement of cases and ascertain where delays might occur in the handling of them, because there had been many ill-informed complaints that the delays were due to the Legal Department. I have, by means of those statistics, entirely disproved any allegation that the Legal Department were responsible for delays. I have killed that libel, as the hon. Member for Rift Valley knows full well.

The statistics show that the average time taken for handling and preparing a case in the Legal Department, including the drawing up and sifting the information is 24 hours. (Hear, hear.) Furthermore, Sir, at the end of each week a balance is struck by all those responsible, whether they be in the Criminal Investigation Department or the Legal Department or the Judiciary, to show whether there are any cases hanging over from one week to the next or, as the modern colloquial expression has it, whether there is any back-log from one week to the next.

In the 28 weeks since those statistics have been kept, never once has there been a back-log in the Legal Department of a single case—(hear, hear)—even though that has involved sometimes working very late hours, on some occasions up to midnight. But never once a back-log. So far from criticizing the

Legal Department, the hon. Members of this Council and outside should be proud that they have Government servants, like the Solicitor General, the Deputy Public Prosecutor, the Crown Counsel and all the Asian staff who will work, because there is an Emergency, with that high degree of efficiency and effort to produce a record of a kind which any fair-minded man must recognize is a record which anyone would envy.

Let me give some more figures to impress them of the amount of work done in the matter of speeding up justice. In the 28 weeks which have elapsed, since statistics were kept, 675 cases, nearly all capital cases, have been tried, of which 346 have been convicted. In 28 weeks, Sir, that is seven times the number of capital cases handled in the whole of the United Kingdom with their vast resources of manpower in investigation and in the courts. That is not taking into account the cataclysm of Lari for which we tried a further 300 capital cases. The number of courts that are regularly sitting on the assize cases is eight throughout the troubled areas. They are handling between 20 and 40 capital cases a week. That is a very remarkable achievement.

There is, I regret to say, so far as the courts are concerned, a back-log attributable to the shortage of manpower and difficulties of that kind. There were 191 persons awaiting trial in the Emergency assize courts at the beginning of the year; the statistics of the 13th February—the last date for which I have the figures—showed that they had been reduced to 154. Of the appeals, 170 have been summarily dismissed during this period, which means that when the 14 days allowed for lodging an appeal expire, the case is perused by the appellate judge and dealt with without oral hearing, and dealt with in a matter of one or two days at the most. Sixty-four of those appeals were submitted for oral hearing, the reason being, in most cases, that the trial judge who tried and convicted them was satisfied that there was a proper case for appeal. Out of the 64 appeals, 11 appeals have been allowed, giving a proportion of one in five, which is a powerful argument for retaining the right of appeal.

The hon. Member for Kiambu referred to some case where it took three or four

[The Member for Legal Affairs] months for a captured terrorist to be tried; and other cases where long delays have occurred. What I cannot understand, Mr. Deputy Speaker, Sir, is why the hon. Members opposite do not look for the good things achieved; why they always look for the bad things. Why do they not point to a case where a man was arrested at 1.30 p.m. in Nairobi, caught redhanded with a gun, and was charged at 6 o'clock that evening; the following morning an information was laid before the judge and the accused was sentenced to death within 26 hours of arrest.

MR. BLUNDELL: One swallow does not make a summer!

THE MEMBER FOR LEGAL AFFAIRS: There was another case two days later in November where precisely the same sort of situation occurred and that case was disposed of within 24 hours. Why do not hon. Members be fair about these things and give credit where credit is due, especially when an exceptionally good piece of work has been done? It is only possible to achieve those things because members of my Department work sometimes literally until midnight in order to achieve it. The investigations in those cases, admittedly, was the minimum that could be needed because they were caught redhanded and it was also possible in those cases to arrange for a judge to try them immediately. Those exceptional cases cannot, of course, arise every day, nor do I put them forward as being typical. I do put them forward so that the Council may know that there is another side to the story, and because if you have to wait for the hon. Member for Kiambu to tell it to you, you will never hear it! (Cries of "Shame!") (Laughter.) But I do submit this, that any fair-minded person, on those figures which I have given to the Council, must admit that the Criminal Investigation Department, the Legal Department, the Registrar of the Supreme Court and the Judiciary have performed prodigious feats.

Such delays as there are—there are some which I regret very much—are primarily due to manpower difficulties. These are difficulties which plague every branch of the Administration, and every activity in connexion with the prosecution of the Emergency, and, of course, the Legal Department, and the process

of justice are no exception. Of course, if there were more Criminal Investigation officers investigation would be quicker; if there were more judges, then cases could be disposed of more quickly. But so far as the Legal Department is concerned—24 hours, can anyone beat that?

MR. HAVELOCK (?): Who wants to? Who is disputing that?

THE MEMBER FOR LEGAL AFFAIRS: You cannot dispute it! Twenty-four hours! I would say to those who criticize and blame the Government for lack of drive and efficiency to come and see for themselves. The hon. Member for Nairobi North is accustomed to examining the efficiency of Government Departments; I would not challenge him, I would invite him here and now, because he is a fair-minded person, to come and see for himself and give his opinion as to whether or not any banking house or business house in this city can rival or beat the achievement of the Legal Department in the speedy despatch of business.

MR. HAVELOCK: Who is criticizing the Legal Department?

THE MEMBER FOR LEGAL AFFAIRS: In spite of all the achievements, Mr. Deputy Speaker, Sir, the Government, in speeding up justice, still I would not claim for one moment that—

MR. HAVELOCK: Aha!

THE MEMBER FOR LEGAL AFFAIRS: —that Government is satisfied that everything possible has been done to eliminate delays, particularly delays attributable to shortages of manpower. So far as can be done those delays will be eliminated and the processes of justice will thereby be speeded up, but I would say this to the Council, Sir. However much justice may be speeded up, nevertheless, there will be no violation of the basic principles of British justice.

Hon. Members of this Council and outside often say that Government is not clear in stating its policy. Let me say it now in the presence of my colleagues on the front bench, who share collective responsibility with me: I hope other hon. Members of Executive Council sitting on the opposite benches—who also share collective responsibility with Government—will, in the course of this debate, subscribe to this policy, which is firm.

[The Member for Legal Affairs] clear and unshakable, namely that we will maintain the basic principles of British justice. The reason why we take this stand is that the Government believe that only this can the Government win and maintain the confidence and the respect of all races and all tribes within the Colony.

Sir, this policy was well expressed some years ago by Lord Chief Justice Cockburn in a case arising out of an insurrection in one of the West Indies colonies. In memorable and eloquent words he emphasized the wisdom and prudence of the policy which I have just enunciated. Harken to the words, Sir:—

“There are considerations more important even than shortening the temporary duration of an insurrection. Among them are the eternal and immutable principles of justice, principles which can never be violated without lasting detriment to the true interests and well being of a civilized community.”

Sir, I commend those words to all Members in this Council and outside who look with hope and faith to the future of this Colony. (Hear, hear.) (Applause.)

MR. BLUNDELL: Sir, on a point of order—I did not wish to interrupt the hon. Member because I had expressed certain dissatisfaction of the hon. Member and I thought he ought to be able to run the full gamut of his emotions—but I want to draw attention to Standing Order No. 35 which says, “No Motion shall anticipate an Order of the Day or another Motion of which notice has been given”. In speaking to my Motion I did not raise the full question of justice and I did not interrupt the hon. Member for Kiambu at the time—as I did not wish to interrupt the hon. Member for Legal Affairs—but I believe we are quite out of order in speaking to justice because notice has been given this morning and it was for that reason that I did not mention justice at all.

MR. A. B. PATEL: On a point of order, Mr. Deputy Speaker, if the hon. Member for Rift Valley stated that the public of the Colony had no confidence in the hon. Member for Legal Affairs then he is certainly entitled to refer to the work done in his Department, under him—

MR. BLUNDELL: On that point of order, I did not interrupt the hon. Member for Legal Affairs for those particular reasons, because I had expressed my views upon him. But the point I want to make is that if we are going to debate in this Motion the whole of the substance matter which will come more in the Motion of which notice has been given, we shall be indulging in repetition.

THE SOLICITOR GENERAL: May I invite the hon. Member for Rift Valley, therefore, if he pursues this line, to amend his Motion which is in purely general terms and allows him to range over the whole field of the Emergency? Let him amend his Motion, make it specific, and we will then speak to that Motion. (Hear, hear.)

MR. MATHU: Speaking on a point of order, is it not a fact that the second, the hon. Member for Kiambu, did he not refer to summary justice—he referred to the inter-racial conference. Is the hon. Member for Legal Affairs not entitled even if on no other grounds to comment on that?

MR. BLUNDELL: Mr. Deputy Speaker, Sir, I did not interrupt on this point of order—I am concerned because if we are going to do this right through the debate, then I can see that we are infringing on Standing Order No. 35. That is the only point I am raising.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On a point of order, what is the hon. Member's point of order? The hon. Member's point of order is that the hon. Member for Legal Affairs referred to something which the hon. Member for Rift Valley did not mention in his speech. The fact remains that the hon. Member for Legal Affairs spoke to the Motion before the Council, which is the only thing that counts.

THE DEPUTY SPEAKER: In my view the Motion was put in very wide terms, the speeches in support of it have been in wide terms. I think the hon. Member for Legal Affairs was perfectly justified in responding to the attack made on him personally to prove that he was not so bad as he was painted. (Laughter.)

MR. HARRIS (Nairobi South): Having heard your ruling, Sir, will you rule now that the hon. Member for Aberdare in moving the Motion of which he gave notice this morning, will be entitled to

[Mr. Harris] bring in points raised by the hon. Member for Legal Affairs in this debate?

THE DEPUTY SPEAKER: I will consider the point made by the hon. Member for Nairobi South during the interval now due to take place! (Laughter.) Council will suspend business until twenty minutes past Eleven.

Council rose at five minutes past Eleven o'clock.

THE DEPUTY SPEAKER: Honourable Members, before the debate is resumed, I would like to refer to the point raised by the Hon. Member for Nairobi North, the hon. Member for Rift Valley. There are two rules in our Standing Rules and Orders that might be regarded as having some bearing upon the subject matter. No. 69.

“No Member shall anticipate the discussion of any subject which appears on the Order Paper:—

Provided that in determining whether the discussion is out of order on the ground of anticipation regard shall be had by Mr. Speaker or the Chairman to the probability of the matter anticipated being brought before the Council within a reasonable time.”

The Motion of the hon. Member for Aberdare has not yet appeared on the Order Paper. Notice of the Motion has been given. The terms of the Motion were not in the hands of the Speaker although they were in the hands of the Clerk.

Another Order which might have a bearing upon it, is No. 35.

“No Motion shall anticipate an Order of the Day or another Motion of which Notice has been given.”

I have considered the subject in relation to the Motion of which Notice has been given by the hon. Member for Aberdare and, as I read that Motion, it is to the effect that in dealing with cases under the Emergency, the ordinary processes of administration of justice in accordance with existing law, shall be suspended and a new type—a summary type—of administration of justice shall be brought into force. It seems to me that the speeches in the debate so far, both from the Unofficial side and the speech of the Member for Legal Affairs, have dealt entirely—in so far as they

touched on this subject at all—with the administration of the existing form of justice, and I think that under the terms of the Motion as worded, which was very wide in its terms, there was nothing really out of order in making those references. I would ask hon. Members in continuing the debate to refrain from impinging upon the subject matter of the debate that is likely to take place on the Motion of the hon. Member for Aberdare.

THE CHIEF SECRETARY: Mr. Deputy Speaker, I feel that the background of the Motion of the hon. Member for Rift Valley, is that no progress has been made with the Emergency, and Sir, I am aware that there is a feeling to that effect abroad amongst the public. I feel, Sir, that I should refer briefly and in general terms to certain developments which have taken place over the recent period. Now, Sir, the policy of driving gangs out of the forests into the reserves where they, the individuals, are more easily identifiable and the gangs can more easily be traced, that policy has been pursued and has to a great extent succeeded. A number of factors contributed to this—the policy of attrition, denial of supplies, the effect of heavy bombing and the general discomforts of forest life. Large numbers of terrorists, as a result, have been seeking asylum in the reserves. They have had to abandon their policy of mass terrorism to a certain extent—to a considerable extent—and they are of course, now, more dependent on the goodwill or the help of Kikuyu in the reserves than they were before. But as a result of that, Sir, there is the other factor, that in place of the mass terrorism they have adopted the practice to a greater extent than before, the selective practice of the elimination of individuals—loyalists of various kinds. There are, it is true, still some major gangs in the forests and the hunting down of these continues relentlessly, but it must be remembered that in the forests it is very easy to hide, but very difficult to seek out these people.

Now the effect of the heavy bombing has been shown in two ways; first, in the actual casualties, but also by the effect on the morale of the terrorists there. There have been, as hon. Members are aware, certain important captures. The most important of these was the individual who styled himself “General China”. There has been the elimination

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of a number of other *Mau Mau* leaders. The effect of the capture of "General China" has been shown particularly in the Mathira division of Nyeri and also in the Ndia and Gichugu divisions of Embu district where he was operating in particular until he was put out of circulation. There his forces have been thoroughly harassed and decimated, although the word "decimated" must be taken in general terms because we are not able to pin it down to strict calculations. There is, Sir, good reason to believe that ammunition is in short supply in that area.

It has been necessary to take certain action to dissuade the local population from assisting the terrorists in different areas, and, at the same time, efforts have been made of a positive kind to encourage the loyal areas, and I should, Sir, like to take this opportunity of paying a tribute to those loyalist leaders who made a declaration recently—a brave declaration—calling upon the Kikuyu to realize the folly of continuing with terrorism.

There has been a considerable improvement in the strength and the resistance to *Mau Mau* in certain areas, particularly in parts of the Fort Hall district, and the Kikuyu Guard in this area is proving itself a very valuable rallying point for the whole of the resistance movement. Nairobi, as hon. Members are aware, is still full of trouble, but considerable basic progress has been made as a result of the closer administration which has been introduced, and the number of murders has decreased, as a result, in the locations. Now, Sir, this progress is not spectacular and therefore it is probably not fully appreciated by everyone, but, Sir, progress has been made.

Now, Sir, as I said, progress has been made, but that does not mean that Government is satisfied with the position. It has not been satisfied with the position and it will not be satisfied with the position until we reach the end of these troubles. But, Sir, far more has been done than is implied in the Motion and there has been for long, on the part of Government, a very full appreciation of the urgency of ending the Emergency as soon as possible, and I deny completely any allegation that that is not the position.

There were certain points raised by hon. Members which may be dealt with in further detail at a later stage by my hon. friends, but there are two or three of them which I should like to refer.

The hon. Member for Rift Valley Province referred to the matter of camps. Very considerable work has already been done in that direction and it should be borne in mind that a considerable amount of capacity, building capacity and otherwise, has had to be put into prison camps. At the same time, certain arrangements have recently been made for the purpose of speeding up the erection of other camps.

As the hon. Member for Rift Valley Province very well said, security reasons prevent us from going into detailed matters or even making a general reference to certain matters and it is necessary that that should be borne in mind.

Now, Sir, the hon. Member for Rift Valley Province referred to the need for greater co-ordination of the police and the military forces and referred particularly to the position of the Commander-in-Chief. The position, Sir, that that Commander-in-Chief is in complete command of the operational side of the police, and arising from that he naturally concerns himself with a number of other aspects which impinge on the operational side. A reference was made to co-ordination at the lower levels. Well, Sir, the solution suggested by the hon. Member for Kiambu to my mind, and I speak as a layman because I have the misfortune not to have had strictly operational experience in the armed forces as such, I do not think that his suggestion would meet the case. The Commander-in-Chief has continually in mind the necessity of the full co-ordination of the security forces of all kinds at all levels.

A further matter connected with the police, Sir, I fully endorse the point made by the hon. Member for Rift Valley Province regarding the necessity for keeping up the morale of the police force, and I fully appreciate his point—which I have made myself before—of the position arising from the immense new recruitment, both from the local population and from overseas, and also the lack of more experienced officers in number. Those officers whom we have had have

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done a very, very fine job of work and I can well appreciate the difficulties under which they have laboured with the enormous amount of new material. Unfortunately, we have not as yet been successful in the introduction of all the additional officers for whom we have been trying, but a number have arrived and I hope we shall see more shortly. But, Sir, I must make it clear that the point of the introduction of a greater number of experienced officers is no reflection on those who have been doing a very fine job of work for a very long time. (Hear, hear.)

Now, Sir, the hon. Member raised the important point about the matter of police pay which resulted in an exchange of comments. The position is, Sir, that proposals will be laid before the Legislative Council at this meeting dealing with the matter of pay of the police force.

Mr. BLUNDELL: Mr. Deputy Speaker, will the hon. Member give us an assurance that we will be able to debate and pass those when we have seen them. In other words, the hon. Member said "laid". I think opportunity must be given to see if Council will approve.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I can give a full assurance that the opportunity will be given to Council to approve those proposals and I very much trust that it will go further than that and extend to the phrase used by the hon. Member, that the Council will approve them.

Reference has been made, Sir, to the Kenya Police Reserve, and I fully endorse the comments of the hon. Member for Rift Valley Province in regard to the services they have rendered and in helping out the regular police. It is a fact, Sir, that without the inculcation of the Kenya Police Reserve into the functions of the police, that position would have been difficult, if not impossible. I entirely endorse his remarks on that.

The hon. Member for Rift Valley Province referred to screening teams. In general, Sir, it will be appreciated from his remarks, and also from observations that hon. Members have probably made on their own, that this form of activity which we term screening is a new thing to most people. It had to be expanded, and expanded very quickly, and while

there may have been—may well have been—unfortunate postings or troubles of other kinds, I would ask that Members should bear in mind the good work that has been done as opposed to the odd unfortunate incidents which are reported from time to time, but it is a fact, Sir, that as in other spheres good work generally goes unnoticed, whereas the popular attention is riveted on the unfortunate incidents. On his point regarding training, Sir, it may be that my hon. friend the Member for African Affairs will have something to say, but it is a fact that we have increasingly attempted to choose the right individuals for the job, and the matter of training, I entirely agree, is a most excellent thing if it can be managed.

The question of laxness in security raised by the hon. Member for Rift Valley Province—I could not agree with him more. Kenya was always a wonderful country for rumour and it has not lost its capability for that. We talk about the bush telegraph, or perhaps these days we should talk about bush wireless, but for years the bush telegraph in Africa has been a byword and, Sir, I have no doubt that it is used by all races. Careless talk does untold harm and it is a fact that a rumoured story grows and grows as it is passed on. I, Sir, am frequently accused of keeping my mouth too tightly shut but, in the light of my life, I have come to the conclusion that it is better to say too little than too much, and if one says too much it leads to so much more. (Laughter.) I share the worries about items which appear in the Press which endanger individuals and which may even give ideas to the wrong people. Efforts have been made to cope with that and I note the suggestion for further efforts.

Now, Sir, at first glance the terms of the Motion of the hon. Member for Rift Valley Province may have appeared quite harmless, even though some people may have read into them the implication that the Government did not realize the necessity of ending the Emergency as soon as possible. That implication, Sir, was made very much more clearly in the speech of the hon. Mover when moving his Motion. Apart from that implication, Sir, I think that we are all agreed as to the necessity of ending the Emergency as soon as possible. I am quite sure we are. I have said before that the Government

[The Chief Secretary] is not satisfied with the position and will not be satisfied with the position until there is a return to proper conditions but, Sir, the Government recognizes the urgent necessity of this as well as anyone, and better than some. It is easy to say new measures should be taken. A number of people have told me that, and a number of people, when asked what measures, start scratching their heads, and fail to find an answer. Some measures appear attractive at first sight, but we are not concerned only with the present, Sir; we are concerned with the long-term future. Such measures must not carry with them disadvantages which would make the last state worse or as bad as the first, and I cannot agree with the suggestion that disadvantages should not be examined. It is necessary that the measures make for the lasting peace and confidence and trust of the people who belong to this country, and that includes a number of people. It is necessary, in particular, that the confidence and trust of the Africans should be retained in the Government and in the British people. (Hear, hear.)

Now, Sir, in view of that implication, to which I referred, the implication that the Government does not appreciate the urgent necessity of ending the Emergency as soon as possible, I beg leave to move an amendment to the Motion which, apart from that implication, will not be out of accord, I do think, with the feelings of the hon. Mover.

Mr. Deputy Speaker, Sir, I beg to move that the Motion be amended by the deletion of all the words following the words "this Council" and by the substitution of the following words therefor: "recognizing the urgent necessity of ending the Emergency as soon as possible and of re-establishing an atmosphere of peace in which the Colony's rate of development and progress can be maintained and increased, pledges its full support for the necessary measures to achieve those objectives".

THE DIRECTOR OF MEDICAL SERVICES: I beg to second that Motion.

Question proposed.

THE DEPUTY SPEAKER: In the course of the debate which will now follow, I think it is appropriate that the procedure indicated in part 12 of the new edition

of the Standing Orders referring to amendments should be followed. I will read a few lines to indicate what the Speaker had in mind when this was drafted as an indication of the procedure followed in the House of Commons:—

"The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question. The latter purpose may be effected by moving to omit all the words of the question after the first word 'that' and to substitute in their place words of a different import. In that case the debate that follows is not restricted to the amendment, but includes the purpose both of the amendment and the Motion, both matters being under the consideration of the House as alternative proposition."

It would be almost impossible to confine the debate strictly to the words of the amendment, and therefore the debate which will now be resumed can take the wider aspect of both Motion and amendment.

MR. COOKE: On a point of order, could the hon. gentleman tell us or speak in support of his amendment, because to me it seems neither to add to nor take from the original Motion. I cannot see any purpose of this amendment. Does the hon. gentleman propose to tell us why he has proposed this amendment?

THE DEPUTY SPEAKER: The hon. Member has concluded his speech. The amending Motion has been moved and seconded and the question is now before Council.

MR. SLADE: Mr. Deputy Speaker, I have to oppose the amendment because the measure of criticism in the original Motion which this amendment seeks to remove, should, in my humble opinion, remain for the consideration of this Council. It is my belief that the ending of this Emergency depends not so much on troops and armaments as on the existence of a determined, vigorous, relentless Government, supported by equally determined and confident people. (Hear, hear.) Mr. Deputy Speaker, the people are there. They are determined. They are not so confident. The public, speaking for those whom I represent, will accept anything—

[Mr. Slade] anything in the way of casualties, anything in the way of hardships, anything in the way of demands upon their time, their property or their lives, provided only that they feel they are serving a Government in whom they can have confidence to lead them where they must go. Mr. Deputy Speaker, that confidence is now sadly lacking. It was ten months ago, I think, that I told this Council how I and many of those whom I represent had already lost confidence in the Government's handling of this Emergency. In the ten months that have passed since then they have, I fear, done nothing to restore that confidence.

I am not proposing in this debate to advocate again measures that we have advocated on many previous occasions, rather I would examine the attitude and atmosphere which, to my mind, is such that at present further recommendations for any measures are in vain. Those of us who have ever served in the Army—I am afraid my service was only short—will agree that in dealing with any difficult situation or with any operation, the first thing you must do is to appreciate the situation; after which you make a plan and carry it out with determination. Now, in appreciating the situation to-day, I cannot share the optimism of the hon. Member. I do not want to go into details as to how serious the situation is, because I think it might give too much ammunition to the enemy, but I can tell this Council that, at any rate in my constituency, the situation is in many respects worse than it was three months ago, and very much worse than it was a year ago and I do not believe there is a single administrative officer who would disagree with me. Why is that? It is because of an inability or refusal on the part of our Government to appreciate the situation and we have the clearest possible example before us in this Council to-day. If one had to sum up the situation to-day in a nutshell, it is a state of rebellion, rebellion, stark and staring us in the face. A rebellion of the whole Kikuyu tribe of whom some 95 per cent have taken an oath to bind themselves to the rebels, who are busy trying to induce other tribes to do the same. That is a fact which I challenge any Members on the other side still to deny. But yet to-day when the hon. Mover of the original

Motion complained of Government's failure to recognize the state of rebellion, the only answer we get from the hon. Member for Legal Affairs is justification of his not doing it. Having taken it upon himself some nine or ten months ago in this Council to tell us why the situation did not amount to a rebellion and why it would be unwise, on account of insurance policies and so on, to recognize it as a rebellion, he now gives us to understand that it is not really his responsibility at all. It is somebody else's to decide whether or not it is a rebellion; it is a matter of policy for the Emergency Committee; it is not a question of law. Apparently it is not even a matter of policy for the Emergency Committee, it is a matter upon which the military advisers speak and give evidence in courts. Whose responsibility is it to recognize that fact which is staring us in the face? Why have we all to dodge it, and wish it from one to the other? That is the attitude, the atmosphere which we so bitterly deplore.

If we were only to recognize the fact, it might change our attitude to a great many things. Without recognizing it we shall not win. If we face the fact that there is this rebellion—though it has no legal consequences whatsoever—it has great political consequences. It has the consequence of getting us in the right frame of mind. It has the consequence of justifying to the outside world our doing what we have got to do without further hypocrisy; and last but not least it will restore a bit of confidence to those members of the public who wonder how much longer they must sweat and strain under a Government which hides its head in the sand. They might, with a clear recognition of this state of rebellion, find a new attitude towards our security forces, and less enthusiasm to dismiss some of our most valuable officers because they have done what many enthusiastic soldiers do in time of war—and this is war. We might get the cases of the kind we heard mentioned dealt with as they are dealt with in war—as a matter of disciplinary action and not as a matter for the exercise of the hon. Member for Legal Affairs's or the Attorney General's conscience. We might get a clear distinction between roughness by the men determined to defeat their enemies acting in the course of their

[Mr. Slade] duty and the very few cases of sadism that have occurred. In cases of sadism—let us have the publicity and the delight of trial by a civil court. But breaches of discipline let us deal with as breaches of discipline by the authorities concerned. Let us not be so ready to accept the instigation of our enemy and to dismiss those of our officers who harass them most. That is what they do, they concentrate—mark you, they concentrate—their efforts of calumny on the production of legal machinery against those members of the security forces they fear most and nine times out of ten they succeed. They have had their way in getting those officers not only hauled up and tried publicly but also dismissed from the force afterwards so that they could never trouble them again. Recognition of rebellion might possibly produce a definite change of attitude to those things.

Recognition of rebellion might produce another attitude towards the question of the administration of justice which I will deal with in another Motion. It might produce another attitude to the Kikuyu tribe as a whole. Let there be no mistake, Mr. Deputy Speaker, of all the Africans I have known, I have known the Kikuyus best. I like them best, I have had very good friends among them and I only wish I had them still. I recognize as clearly as anybody the courage of those who have remained firm and what we owe to them. Indeed we owe it to them and I think they would be the first to agree to ruthless demonstration to the Kikuyu tribe as a whole that they are rebels and that they cannot gain by continuing as rebels in the way that they have during the last 12 months.

Mr. Deputy Speaker, the situation is very, very serious. It is getting more serious every day through the waning confidence of the public in its present leaders. The feeling is growing day by day that our leaders are less anxious to end the Emergency than to appease the critics abroad. Let me tell Members of the Government that those critics will never be appeased but what does matter is that you should carry with you once more the confidence of a public who, given that confidence, would supply all the strength you would ever need. But we need, in the light of what we have seen over the 12 months, new leaders, a

new appreciation and, following upon that, drastic action in accordance with a true appreciation of where we stand.

MR. MATHU: Mr. Deputy Speaker, Sir, I rise to support the amendment that has been moved by the hon. Chief Secretary. The reason why I do that, Sir, is because in the amendment is stated in clear terms something that is not in the original Motion—that the Government recognizes not only that we have to end the Emergency but we have also to carry on our constructive work as a Government to develop the country. That, I think, is a point that attracts me and a point that I do feel is important in supporting this amendment.

Having said that, Sir, I would like to place on record my congratulations on the speech made by my hon. friend the Member for Legal Affairs. There is nothing in that speech, Sir, that did not ring with me the truth and nothing but the truth. I think it is right and proper that I should, on behalf of my colleagues—I know they appreciate this—place this recognition on record.

Now, Sir, we have heard in this Council time and time again attacks on those who shoulder the responsibility of the Government of this country. We have heard from the previous speaker, Sir, that they want new leaders. Who are these new leaders to be? What guarantee have we that they are going to be super-human because these are human beings on the other side of Council and they have, I think, under very difficult circumstances, endeavoured to meet the point of view of Members on this side of Council and to carry out the suggestions they have made and therefore, Sir, I would like rather to be with a devil that I know than to look round groping in the dark for a devil I do not know. Therefore, Sir, I would say in all sincerity that the way to carry out and to defeat the enemy is not every time to say we have no confidence in Government. From the African point of view—when it comes to the Official Europeans—they know they are brothers, they know they are kith and kin of the Members opposite. Who should, I deem, as an African, or say that what they say is not true and if you create an impression in the African people of this land that that is the Government as seen by the European Unofficials of this

[Mr. Mathu] Council, I do say that is a great disservice that we are doing to the country. Therefore, Sir, I should like to dissociate myself and my African colleagues in this Council with the remarks that have been made that there is no confidence of the public, in the Government—that public does not include the African public.

The point I want to emphasize in this debate, Sir, is the part that the loyalists among the Kikuyu, the Embu and the Meru and other tribes of this land have to play in the execution of the battle we have against the terrorists. The first thing I should like to say is what I consider and which I know we should do to encourage the loyalists in the fight against the terrorists. The first point in this is what has already been referred to by previous speakers, that the loyalists who are in the actual fight, the Kikuyu Guard and so on should be very sufficiently armed. They must be properly armed. A panga or a spear or a club is not an instrument that will defeat the terrorists. They must be armed sufficiently with modern weapons. I suggest that is a point, Sir, that we still have a long way to achieve, but I do think if we have to end the Emergency quickly that is the first essential, because they cannot fight these terrorists in any other way and the terrorists, in some way as I am going to comment later on, seem to acquire these arms in terrific numbers and where they get them from is a point I am going to comment on later. That is, I think, the first point.

The second thing is that we must make sure that the homes of these Kikuyu Guards, and their families when they are out on operational work, are secure and they are safe from molestation of the terrorists. That again is common sense; it is the proper thing to do if a man is in the field fighting, he feels that he can fight with a determination when he is almost certain that his wife, children and the members of his family are safe back at home. I think we still have a long way to go to make that sure. If we do not do that then the Emergency is not coming to an end quickly.

The third thing that I think the loyalists want to know and to see happening is development, ordinary develop-

ment, in their own areas while they are fighting. That is, as I have already underlined, the main reason why I am supporting this amendment.

Now, when, as it has been alleged by some previous speakers, we contemplate withdrawing services from the Kikuyu, Embu and Meru because, as a previous speaker said, they are all against law and order and at the same time to say that some are loyalists—what are the loyalists going to do, what is their objective if they know there is no educational development, no agricultural development, no medical services—the loyalist is not going to fight because all the things he wants—in fact he is going to say, "What am I fighting for? Am I fighting for something which is on paper, that in future something will come for the loyalists?" He loses heart and therefore I say if we are to end the Emergency we have got to get away from the idea that if we do something good, something exceptional, in the Kikuyu land we are appeasing the Kikuyu tribe. We are not appeasing the Kikuyu tribe—we are doing the proper thing to end the Emergency quickly. These men want to be supported by a feeling their good is not only started but is going to come for the future life of themselves and their families. That, I think, is the weakness in the whole arrangement. We know that certain money has been put for development elsewhere—Publicity is going on against the Kikuyu. The Kikuyu loyalist is a loyalist; how can he support a Government that denies him the privileges he is fighting for? That, I think, requires a revision of the attitude of Government in this Council on the matter. A loyalist is a Kikuyu; we hear in speeches that this battle is going to be ended by the Kikuyu. How can the Kikuyu end that battle if they have no water for their cattle, no agricultural development on the land, no proper education for the children—how can that happen? We have publicity now for development elsewhere. I say that that is the wrong way of doing it. I think we should encourage the Kikuyu to fight his battle by doing positive construction work in Kikuyuland.

I will now go on to a very important subject. I feel, Sir, to end this Emergency there is the question of weapons. At the Inter-racial Conference, which was referred to, the other day, practically

[Mr. Mathu] most of the time was spent on the discussion as to how we can control the weapons not getting into the hands of terrorists. Practically most of a morning was spent on that matter and it is a matter to which I attach tremendous importance. We cannot end this Emergency as long as there are weapons falling into the wrong hands. It is important. Now, I was mainly the initiator of an Emergency regulation which was passed some time in April last year in the following terms, it is regulation 8A:—

"Any persons who deliver possession of any firearms, ammunition or explosives to any other person in the Colony or suffers or permits any other person in the Colony to obtain from him possession of any firearm, ammunition or explosive, whether by way of sale, hire, gift, loan or otherwise in circumstances which raise a reasonable presumption that he knew that that other person intended or was about to use such firearm, ammunition or explosive, for a purpose prejudicial to public order shall be guilty of an offence and shall, on conviction, be sentenced to death."

I should like to ask the hon. Member for Legal Affairs whether, in implementing that regulation, we have brought any of those criminals referred to there to the gallotline. As far as I know there is nobody who has been brought to the gallotline as a result of infringing that regulation. Now why is that? Every day we hear that gunmen shoot a man here or there—they are all full of firearms. Where are the firearms coming from? It is true that some are being made by these gangsters but they must be in a very small proportion in comparison with the firearms in circulation in the country today. Now is the Government machine which is responsible for this side of the Emergency so incapable of tracing the origin of these firearms—at least they should bring somebody to the court.

I do say, Sir, that to criticize the Government is one thing, and to say no confidence is another. (Hear, hear.) As far as I understand the English language there is a tremendous difference. I am criticizing constructively. My criticism is that as long as firearms continue to be in circulation, and definitely they are coming from somewhere in this country or anywhere you like, as long as that

state of affairs continues we can talk here until our faces are blue, red or white, or what you will, and the Emergency is going to continue. I want to impress on this Council that everything should be done—in fact, I would say to the expense of almost everything else and see that these terrorists have no firearms and no ammunition and once we get that out of the way we can end the Emergency. Somebody is benefiting out of it; somebody does not want the Emergency to finish quickly because the money will not get into their pockets. If that is the position, the sooner we stop talking about the Emergency and go and leave everything to go to rot, the better. I could not speak with any stronger language on this matter. I do feel that the illegal sales exist here in this country and somebody knows that they exist in this country, but somebody has not had the courage and the determination to implement this regulation.

All we know is that every Kikuyu with one round of ammunition goes, but the man who sold the ammunition still lives and he has the money while the clamour is to get the Kikuyu to the gallotline every time and the other who supplied the firearms and the ammunition still lives in the country and this is important, Sir. You can blame the Government, you can blame anybody; until you get that out of the way the Emergency continues. I suggest to hon. Members opposite that they should attune their minds to that matter more strictly and closely than any other matter that we have to deal with in the Emergency.

Now the other point I want to raise, Sir, is in conjunction with the screening of people. I shall not dwell on this one but say that unless the people responsible do the screening in the proper manner without assaulting and without any form of brutality, there again is a contribution to the prolongation of the Emergency. That is, I think, a very important point which should be looked at to see that these things do not happen.

The question of Nairobi, Sir, has been raised by previous speakers. My own view about Nairobi is that it is a bad place and I think it is a source of most of our problems during the Emergency. But if we apply the same principles that you have applied to the Kikuyu areas to

[Mr. Mathu] Nairobi we shall not succeed. Nairobi has to be dealt with as a whole. Selecting Kikuyus and Embus and Merus—to say they are the only people committing crimes and forgetting other tribes and other communities who live in Nairobi is a mistake, and I suggest that in cases where Emergency Regulations have to be applied in the way of collective punishment—closing down of shops when an incident takes place in a particular area in Nairobi—all the area should suffer. I could not understand—nobody can make me understand—why, when you have a Kikuyu shop next to an Arab shop, another Kikuyu shop, and an incident takes place in that street, all the shops are closed except the Arab because he is not a Kikuyu. You cannot tell me that a Kikuyu will be the only person who sees a gunman shooting in the daylight and not giving forth information. That non-Kikuyu in that street has as good a chance to see and to hear and why is he not punished? That is why we are failing in Nairobi because the other fellow tells you you have no responsibility for the crime, you are not going to be made to answer for it—only the Kikuyu, Embu and Meru tribe is put into this matter.

My suggestion, Sir, is that if an incident takes place the inhabitants—I think that was the word used in regulation 4b of 1952 Emergency Regulations—the inhabitants of that area whether they own shops or not should suffer. The wage earners should forfeit their wages for a period of time, when the shops in his area are going to be closed. Unless you put the whole responsibility on all the people in Nairobi, the Emergency in Nairobi will continue for ever. Everybody in Nairobi should be affected.

My hon. friend the Chief Secretary did say that closer administration has improved the situation in the African locations. It has, but there is still a long way to go. We want still greater administration. We forget the Europeans and the Asians, where they can hide in the daytime when they are operating in the African locations. I do say there are very important measures to be taken in the Asian and European areas to check up on crime in those areas. I am not satisfied that most of the trouble does not come from the European and Asian quarters.

They have been made to feel that they are immune from any attack of law in the sense of Emergency operations and that kind of thing, and the Kikuyu gangsters and other African gangsters know that. They are quite happy out at the back here—no police are going to be there—sharpening weapons for the attack in the evening. It is a very important matter which I think the European and Asian community should appreciate and I think it is very important.

Finally, Sir, my hon. friend was very kind to refer to that declaration that was made the other day by some Kikuyu anti-Mau Mau leaders and I know how much they will appreciate the kind words that he has said.

Now, with that, I should like to suggest this, Sir, for the consideration of other races. I would like to see 24 Europeans from all walks of life, 24 Asians drawn from all walks of life, 24 Arabs drawn from all walks of life making similar declarations and having their photographs, as ours have been, printed in a booklet which is being circulated in thousands in the country. It is a target. Let the leaders, 24 from all walks of life, do exactly the same thing—have photographs printed, they will know their names and addresses—for their guns. I think it is a very important matter and I do put that to the various communities to consider as a most important factor for the psychological warfare which you have to wage against the terrorists in this land.

Mr. Deputy Speaker, I support the amendment. (Applause.)

Mr. CROSSKILL (Mau): Mr. Deputy Speaker, Sir, I rise to support the original Motion for the reason that I wish to impress on the Government certain measures which they have not yet taken and which I believe they should take. The hon. Mr. Mathu has spent several minutes also impressing on the Government the necessity for taking very serious measures but for some reason he has seen fit to support the amendment. Never before have there been operations in which it has been so difficult to assess whether we are having success or the reverse. We hear on one side that we have the Mau Mau reeling under the striking blows of the security forces; on the other side we hear they are

[Mr. Crosskill] stronger than ever. I think the truth will lie probably somewhere in the middle between those two but in any case we have certainly not finished with the rebellion and there are certain measures which we must take which have not yet been taken. I believe that the civil administration have failed the forces in one very important fact and that is that they have not prevented by any measures the continual recrudescence of *Mau Mau* throughout the country. I think I am right in saying that as many wars have been lost by fifth-column activities as by the failure of military forces. As many struggles are lost by the failure of morale and civil administration as by the armed forces. I feel undoubtedly the armed forces now are having great success. But we have been prevented from feeling the full benefit of that success by the lack of civil government preventing this continued recrudescence of *Mau Mau* fifth-column activities throughout the country.

I think since the beginning of the Emergency we have felt that the screening and the removal of leaders whether in locations, cities or towns in the country, should have decapitated *Mau Mau*; that we should then be able to leave the country to civil administration. But it has now been proved beyond any reasonable doubt that that is not so. The cell system has been so well organized that whenever a head is removed the body lives and sends out another head. I feel the country is now covered with malignant sores which even when excised by surgery will not disappear. I think steps should be taken now to restrict the movement of many more thousands of Kikuyu than has ever been thought of up to the present time.

These cells which are being regenerated are providing refuge and food and reinforcements for Kikuyu against whom our forces are fighting. I believe the Government are aware of this and are taking certain steps, but I would ask them to start thinking rather in tens of thousands of persons rather than in thousands. I believe that the Emergency Committee is aware of this and I agree with the hon. Chief Secretary that they have a full appreciation of the position. I believe that they may have made certain decisions but I believe those decisions

are not being executively carried out with the expedition necessary. I therefore blame the hon. Members opposite for the responsibility of the execution in the chain of command which is below them. How can we restrict the movements of this very considerable number?

I believe the Government have shown great vision in making plans and projects for resettlement. We have read recently about a big scheme of irrigation from the Thika River; we hear there is another big project south of Embu and there are projects in the Witu Kipini area and the Lambwe Valley in the Nyanza Province but I feel that these projects are not being pushed forward with sufficient operational drive.

There are very great difficulties in moving masses of people from one place to another; transport, finance, personnel, medical services and so forth of which none of us are ignorant—particularly those who have had any experience of military movements—but we have not heard any complaint that personnel are required. We have not heard of any demands by the Government for sappers and miners to come here and assist in the construction of camps. We have not heard of any requisitioning of transport for the purpose of moving population from one part of the country to another. We have not heard of any appeal to neighbouring countries for medical services, therefore one must presume that the Government has all it requires in those respects. They may be short of building materials but I am quite certain that there are adequate supplies of timber in the country—in fact the export market is slumping. I believe these projects should be pushed forward with much greater expedition.

The natural consequence of the intensification of the operations in the operational area is that many hard-core *Mau Mau* will be driven up-country and go into cells which exist there. Recently we have seen an example of this in the Mau Summit area. I have no reason to believe that this will be the last; I think this is a natural consequence of the success which General Erskine is having, and that points still further to the possibility of a very considerable increase of evacuation of Kikuyu.

[Mr. Crosskill]

A suggestion was made, which might be adopted by the Government, at the Inter-racial Conference two days ago by some of the chiefs. They suggested we should form villages. They agreed that wherever there was a Kikuyu settlement there would be intimidation and they recommended that there should be no untended Kikuyu settlement in the country. They said that we should form villages and that those villages should be administered and given courage by headmen. That suggestion, I think, is worth consideration and might possibly be adopted in one area west of this country where they suggested that they would build their own camp. Perhaps that could be a village. I do strongly urge the Government that whether we have camps for resettlement schemes or whether prison camps, that they be hastened forward and the matter treated as an operational necessity and not as if they have camps for holiday purposes next August.

MRS. SHAW (Nyanza): Mr. Deputy Speaker, Sir, I beg to oppose the amendment for reasons stated by the hon. Member for Aberdare. In speaking I agree with the previous speaker where he says it is indeed difficult for any civilian to assess our position but I think the widespread feeling in the country is that the situation is not going well—indeed, the situation is worse than it was three months ago. The Commander-in-Chief seems to be content with the operations against the gangsters in the forest. That may well be so, but operations in the reserves, or the situation in the reserve does not seem to be so happy, for only yesterday a gang of 200 must have marched through the reserve in the Fort Hall area without let or hindrance to attack and destroy Government property.

I am only going to turn to one particular aspect which, as the Member for Nyanza, is my concern: that is the danger to other tribes. In Nyanza we have 2,500,000 people—Africans—other than Kikuyu living there. For some time now the administrative officers in the field in Nyanza have been very disturbed by the danger of infiltration of *Mau Mau* along our common boundaries with the Rift Valley Province. The rumour of *Mau Mau* activities within Nyanza has

been current for many months, but it has been difficult to get concrete evidence of this rumour for most of these happenings take place in the tracts of densely forested areas where it is impossible to patrol effectively. However, after much vigilance on the part of the Kenya Police Reserve, screening teams and the settlers living in those areas, evidence of this spread has been found—evidence which is beyond doubt and which gave rise yesterday to the District Commissioner, Kericho, stating in the Press publicly that things are very much worse in the Lumbwa area than had been suspected. As a result of this information, I saw the Provincial Commissioner, Nyanza, on the 27th of January and put that evidence before him. He was so convinced of the gravity of the situation that he asked at my request, and agreed that it should be done immediately, that the Kericho administrative area be made a special area. I know the Provincial Commissioner took the request to the Chief Native Commissioner and I know that the hon. Chief Native Commissioner agreed to that request, but I learnt this morning that nothing has happened and no request has been made for the drafting of that order to the Legal Department.

MR. BLUNDELL: That is your fault!

MRS. SHAW: Now this is just a case which could be mentioned a hundred-fold and that is happening all over the Colony to-day. Not only has nothing been done to confine this spreading sore, but the Postmaster General has just sent up two Kikuyu telephone operators and one of these operators has been stationed in the very centre of the suspected area in the Songhor Post Office. The administrative officers as well as the settlers are very disturbed about the spread of this disease and we have been asked to cut out this festering sore by the removal of the Kikuyu in this province. Altogether there are some 6,000 or 7,000. It is our opinion that the 2,500,000 Africans of other tribes who live in Nyanza are being endangered for the sake of the comparatively small number of Kikuyu. Steps are being taken to remove those Kikuyu believed to be the most badly affected within the province. Who are to say who they are? Several months ago I stated publicly that

[Mrs. Shaw] it was unlikely that the Kikuyus, who were born and lived in Nyanza and had no connexion with the Kikuyu Reserve, would be contaminated, but I was entirely wrong and we now find that as a result of the evidence of the latest screening team some 3 per cent only are unaffected.

ADJOURNMENT

MR. DEPUTY SPEAKER: Order, order. It is now time for the adjournment. Council will stand adjourned until 9.30 to-morrow morning.

Council rose at forty-five minutes past Twelve o'clock.

Friday, 19th February, 1954
The Council met at thirty-five minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS MOTION

URGENT NECESSITY OF ENDING THE EMERGENCY

Debate resumed.

THE DEPUTY SPEAKER: The Motion in the name of the Member for Rift Valley was under debate; this was followed by an amendment by the Chief Secretary. That is at the moment the subject of debate together with the original Motion. At the time of the Adjournment, the hon. Member for Nyanza was speaking—she has priority in resumption.

MRS. SHAW: Mr. Deputy Speaker, to continue: the administrative officers in Nyanza are carrying heavy responsibility in the task of guarding against the spread to other tribes. This means constant vigilance and as soon as any evidence comes to light, they act. But often their prompt and decisive action is nullified by the vacillation of the Government administrative machine in Nairobi whose actions have so often been described in this Council as too little and too late. *Mau Mau* with all its barbaric and bestial trappings is the most virulent and infectious disease. A disease which, when it attacks the mind, takes years to eradicate. We know that it has affected practically all the Kikuyu tribe, for it has now been found that 95 per cent of them have taken some form of the oath. We have watched it spread to the allied tribes of Meru and Embu and even the Wakamba have been affected. Pockets of infection have been found as far afield as Tanganyika and Uganda, for I heard recently that in a Uganda mission there they were praying for the success of their *Mau Mau* brethren.

This is a spreading sore and the only way to check the spread is to cut it right out. This course is advocated not only by settlers and administrative officers in my Province but by the loyal chiefs of the Inter-Racial Conference who warned us that so long as the Europeans and Asians continue to employ Kikuyus as house servants and labour, so long would the Emergency be with us.

[Mrs. Shaw]

We fully realize the difficulties and that some innocent people may suffer with the guilty but the Kikuyus have played with fire and if you play with fire, you are liable to be burned.

If 60,000—and I believe that is the figure—could be moved from some parts of Kenya, surely the removal from Nyanza of 6,000 or 7,000 Kikuyu could be carried out when there is so much at stake. For in Nyanza you have in parts a great density of African population; a people thirsting for education with a rapidly awakening political consciousness. There are great numbers of schools, both Government and mission, and many of these schools are entirely run, and run extremely well, by African teachers. The inspectors, too, who pay their periodic visits, in most cases, Africans—or many of them at least—are African university men and therein, Mr. Deputy Speaker, lies your danger. For we know what happened before with the Independent Schools. I have just done a tour of North Nyanza and met and have spoken with many of these African teachers—a fine body of men doing excellent work but, as often in the Education Department, imbued with very advanced ideas and many of them with African nationalism and before the Lari massacre, some of these teachers openly supported the objects of *Mau Mau*. I say before the Lari massacre for the Nyanza tribes shrank in horror from the brutality with which the Kikuyu murdered their own kith and kin. But the danger is still there and if more drastic measures are not taken to end this Emergency and end it quickly, every tribe in Kenya will be—through fear or in the hope of gain—brought within the jurisdiction of the *Mau Mau* and they will have gone beyond the powers of law and order and good government.

Mr. Deputy Speaker, I beg to oppose the amendment and to support the original Resolution.

LT.-COL. GHESSIE (Nairobi North): Mr. Deputy Speaker, Sir, in opposing the amendment proposed by the hon. Chief Secretary, I do so with the sincere conviction that the opinion is held by most loyal citizens in this Colony that the Government lack any real sense of urgency in putting into effect the measures so necessary to bring this Emergency to a successful and early

conclusion. Now, Sir, quite apart from the delay it takes in arriving at decisions, there was always an undue delay in putting those decisions into effect. I think for many months now, it has been an accepted fact that Nairobi, for instance, is full of gangsters and hard-core *Mau Mau*. What in fact has happened, other than certain screening operations which, as far as the actual ringleaders are concerned, have been completely abortive? Loyal Africans here today are subject to the rule of the Gestapo.

Now, Sir, a few days ago in Tanganyika a measure was introduced at the Legislative Council to deal with the detention of Kikuyu and, Sir, when that Bill was introduced it received a Certificate of Urgency signed by the Governor. I suggest that both in Tanganyika and Uganda the Governments there have realized the urgency in dealing with their problems with regard to Kikuyu. How much more so in this Colony should a question of urgency be accepted? Having regard to the fact that this Emergency has gone on for nearly sixteen months and, if anything, the position has deteriorated, surely it must be obvious to the Government. It is only a pity, Sir, that certain senior officers were not present at the Inter-Racial Conference which took place recently in Memorial Hall. They would have heard loyal Africans criticizing the Government for their delaying tactics, and suggesting that the Emergency had dragged on due to the Government's ineffectiveness. They think that the Government did not appreciate the urgency of the matter, that they did not understand the African mind or the manner in which to really solve the problem of *Mau Mau*. Certain chiefs there quoted instances of *Mau Mau* gangsters who had been captured and brought to justice, but the delay in the execution of justice had practically nullified the importance of that capture. Others said that if only *Mau Mau* adherents could be brought to African courts, *Mau Mau* would soon collapse. Others pointed out the necessity, and emphasized the necessity, of cleaning up Nairobi and confirmed that the Headquarters of *Mau Mau* existed here; in fact they offered to send their own screening teams to assist the Government. One African—I think he came from Nyeri—said most definitely that

[Lt.-Col. Gherisie]

during his visit he had seen certain rebels from his particular area who had operated in those areas recently and were now at large here, but who were afraid to go back because they were too well known. Sir, it should be remembered that most of these Africans—very loyal and gallant folk—are from the affected areas and are marked men as far as *Mau Mau* is concerned, but they had the courage to express these opinions quite recently here in Nairobi.

Now, Sir, I do believe that certain senior officers of Government are inclined to resent criticism even though it may be constructive. We have many instances of where people serving with the security forces have been relieved of their posts because they have put forward views which have been interpreted by the powers that be as being of a critical nature. Only yesterday, Sir, in yesterday's paper was an instance of an ex-Kenya Police Reserve Provincial Commandant who—according to him—had been relieved of his post under those circumstances and he went on to say that he had found it far more difficult to combat the inefficiency and lack of cooperation than he had *Mau Mau*.

THE MEMBER FOR EDUCATION AND LABOUR: According to him?

LT.-COL. GHERSIE: I did say according to him.

Now, Sir, I do believe there is a good deal of wasted effort on the part of some of the security forces but I would not go into detail at the present moment—perhaps with the exception of one instance which, if it were not serious, might be even considered humorous. Now, Sir, a few weeks ago, a robbery took place in the office of a certain European in Nairobi. It took place during the lunch hour and a rather aged Asian was in charge of that office, when assaulted and knocked to the ground, his spectacles fell off and were broken. In due course the police arrived and the Asian was placed in a car and toured round Nairobi with the object of identifying the gangsters and he went round and round Nairobi despite his continual protest that, having had his glasses broken, he could not possibly see anyone. (Laughter.) Now, Sir, in an attempt

to be constructive, hon. Members will recall that a few weeks ago two African nurses were abducted and sentenced to death by a *Mau Mau* court, and they were very lucky to escape with their lives.

Now, Sir, surely anyone who illegally sentences any person to death to-day should be liable to a death sentence themselves. I would ask Government if they have considered amending legislation whereby any member of a *Mau Mau* court shall be liable to the death penalty and in that connexion having regard to the sabotage that has taken place recently on the permanent way of the railways. The advisability of bringing in the death penalty for anyone who has committed sabotage.

THE SOLICITOR GENERAL: That has already been done.

LT.-COL. GHERSIE: Now, Sir, the hon. Chief Secretary, during the course of his speech made reference to the fact that he thought the security forces were getting on top of the position in the forest areas and I think he also added that large numbers of the enemy were, however, vacating those areas for the reserves and elsewhere. Now, Sir, the question I would like to ask him is, is he satisfied or in a position to satisfy himself that the General Officer Commanding has, in fact, sufficient troops at his disposal to cope with the position because I am of the opinion that these forces should be augmented with a levy force which should be recruited from tribes who normally join the King's African Rifles and the police.

I made a similar statement nearly 12 months ago and I visualized a levy force of something like 10,000 and 15,000 although now I submit in view of the deterioration of the position that number would have to be infinitely greater. When one considers that eight or ten months ago a Deputy Governor was appointed presumably to assist with the Emergency, an overall commander in the shape of General Erskine was also appointed, quite rightly so, and additional Imperial troops were sent to our assistance. On examining the position, has it improved? On the contrary, it has deteriorated. It is for that reason I would insist that we should have more drastic action, when decisions are made each

[Lt.-Col. Gherisie]

and everyone must be carried out with extreme urgency. It is for that reason that I oppose this amendment.

Before I resume my seat, may I refer to the remark of the hon. Member for Legal Affairs: I appreciate his invitation to examine his branch but I gave up the examination of Government departments some years ago and, in fact, I think some of my reports were not very favourably received by the Government at that time. However, there is one Colonel Asher who is carrying out that particular function and I am sure he is more competent and he certainly has more time than I have at the moment, and I believe that he is at the moment investigating the Police Departments and I think he has been engaged for these specific purposes.

I oppose the Motion.

GROUP CAPTAIN BRIGGS (Mt. Kenya): Mr. Deputy Speaker, Sir, I rise to oppose the amendment and support the substantive Motion.

Now, Sir, it did seem to me yesterday, listening to the speeches of the hon. Members opposite and especially the Member for Legal Affairs, that they had their guns directed more at the innocent heads of the hon. Members at this side of the Council than in the direction of *Mau Mau*. It seemed to me that they were more concerned in defending their past actions than with stating what their future intentions were in dealing with the Emergency. It did seem to me that what the country might have expected from them—and what the country still hopes for—would be a clarion call to finish the Emergency and for everyone in the country to pull together and get it done—(Hear, hear)—but no such appeal has yet been made; perhaps it may yet come. What is wanted, I think, is a full recognition that this is a state of war, and that it should not be treated as a state of half-war as the case is to-day, in my belief.

I agree with the remarks of the hon. Chief Secretary that there has been some improvement in certain directions, for instance, in the reserve I think there is very little doubt that the position has shown some improvement, but not everywhere. I can assure you that so far as my own area is concerned instances of one sort or another are of daily

occurrence and there is virtually very little improvement since the position which existed a few months ago. There is only one bright spot and that is in the direction of the denial of food, but I would add that success has been achieved at the expense of very great sacrifices on the part of the farmers concerned. That is, I think, a point which is not generally understood in this House or understood in the country.

Now on that particular point I would like to go into a little more detail. The restrictions imposed on farmers at the moment in the Mt. Kenya constituency and the settled area, involves a destruction of crops and orders not to grow crops within a belt of two to three miles round the forest fringe. It involves the concentration of labour into villages on the farms—in one village in almost all cases, either near the owner's house or the manager's house, so that they are under proper supervision and in reach of assistance should they be subject to attacks from *Mau Mau*. It also involves the night *boma*-ing of cattle.

Now, I would like to add a little bit to that. I need not say much in the destruction of crops, obviously that must suffer loss to the farmers concerned. On the question of the concentration of labour, there is no doubt that it has been a success. It has been a success because the labourers themselves feel that they are being looked after and they have protection and, in fact, on many farms they have added to the defensive constructions round their villages in their own time. There is no doubt that it has done a lot to their morale and has prevented them getting into contact with *Mau Mau*.

Now, with regard to the night *boma*-ing of the cattle on many farms that has meant an entire change in the form of farming and, in fact, taking all these restrictions together, that has virtually meant the end of ordinary farming. It must be understood that can only be done at great expense to the farmer and it has involved in much greater expenses, not only that he loses a part of his milk production, in the case of a dairy herd—and the majority of farms in my area are dairy farms—he also witnesses the gradual ruin of his farm owing to the fact that a large number of cattle are concentrated at night in *bomas* near his house. That has been a very big factor

[Group Capt. Briggs] in preventing theft of stock. It must be appreciated that that has involved very great loss to the farmer and very great damage to his farm.

I can assure you, Mr. Deputy Speaker, Sir, that the morale of the people in my area is very high. They are perfectly prepared to face up to these sacrifices as far as they are able—there is no question of that—if they believe if that is doing good, but is it fair that they should be asked to do this when they see a very much less ruthless attitude taken up in other directions?

Now as an instance I would like to quote the question of villagization in the reserves. Now, I believe, I am right in saying that it is a historical fact that since Roman times, if not before, that it has always been found necessary to adopt the village system in order to exercise the proper control and carry out proper administration in many countries, particularly in dealing with unruly peoples. I believe that is a fact.

The position to-day as I understand it is that in certain places the idea is being put about that if the Kikuyu like to form themselves into villages for protection then they can do so and should be encouraged to do so. I believe that before the Emergency can be ended it will be necessary to compulsorily move them into villages instead of having them scattered all around the reserves where they cannot be controlled or efficiently administered. I feel very strongly on that point. I cannot see why if it is practicable to concentrate all the European farms into villages, it is not equally easy to issue the necessary instructions on the same lines, giving a time limit to the Kikuyu living in their reserves. I believe it would immensely ease the burden on the security forces in providing protection and I believe it would boost the morale of the people there themselves. I know very well the Kikuyu does not like being concentrated, they like their *ambars* scattered around the countryside but exactly the same thing applies on the European farms and it has been done and they are happy to-day and their morale is considerably better than before this measure was adopted.

Now, Sir, there is one other matter I should like to refer to, and that is the

control of Kikuyu labour by Government and the High Commission. As I have already said, there is a very rigid control exercised over Kikuyu labour employed on European farms but, at the same time, the Kikuyu employed in Government and High Commission offices, as far as I can see, are subject to very little control, and it seems to me that after office hours they are free to do as they like.

On European farms in my area they go into the villages after seven o'clock at night and remain there until the following morning. It does seem to me—apart from not knowing what activities the Kikuyu are preparing to get up to during the night hours after they have left their offices—there is also the security aspect. I feel that the many leakages of information that have taken place may be due to that, and I would urge hon. Members opposite to give some consideration to taking proper measures to deal with the Kikuyu who come under their control and under the control of the High Commission.

I should like to quote one case to point out what I have said. About a fortnight ago—I would not like to be exact in the date, but it was about that time ago—two members of the Forest Department left Nyeri in a Land Rover with Sh. 20,000, a Sten gun and ammunition to go and pay the forest squatters. They were ambushed on the way, their Sten gun was taken and the Sh. 20,000. I am not going to say any more on that particular aspect of the case because I understand that an inquiry is taking place as to the actual incident, but I would suggest that that does imply that there was some leakage in information from the employees of the Forest Department which enabled the ambush to be laid, with that very unfortunate result.

My hon. friend, the Member for Kiambu, yesterday referred to the question of the censorship of the Press. I support what he said. I believe it is not only the question of the disclosure of information likely to lead to the identification of those who have given information in regard to *Mau Mau*, but I think it is also the question of the suppression of matter likely to destroy the morale of the security forces, and

[Group Capt. Briggs] the publication of matter likely to encourage the *Mau Mau*. Now, whether that can be done by means of voluntary censorship on the part of the Press I do not know. That would obviously be the preferable course if effective but, if not, and if nothing is done, I feel there is no other course but to press for the imposition of Press censorship, which has been done in every major war.

Now, with regard to the general conduct of the fight against *Mau Mau* I do not want to say a great deal and, indeed, my hon. friend, the Member for Nairobi North, has already covered several of the points I would have raised, but I do think we are employing very much less, both in the form of forces and equipment, than is being employed in Malaya. There may be very good military reasons for that. I do not know, but it seems to me we must consider the adoption of every possible means to bring the Emergency to an end, and I think that such novelties as paratroops used in Malaya—I believe there are technical difficulties here owing to altitude, but I believe that can be overcome by using large parachutes. It is a question of using more air forces. I believe I am right in saying in Malaya there are more than three times the number of aircraft operating, and also a squadron of naval helicopters who have proved invaluable not only from the point of view of the removal of casualties, but of taking out patrols and dropping them in the forests. I believe a technique has been effected in Malaya whereby they can be dropped in the forests without risk of excessive casualties. I believe that every form of novelty in the way of warfare must be employed if we are going to bring the Emergency to an end.

Mr. Deputy Speaker, I beg to support the substantive Motion and to oppose the Amendment.

Mr. NATHOO (West Electoral Area): Mr. Deputy Speaker, I rise to support the Amendment and oppose the Motion for the reason which we have stated several times during the last many months whenever debates of this nature have taken place in the Council. It is, Sir, I maintain a disastrous thing for immigrant communities to express time and time again sentiments which are

tantamount to a vote of censorship on the Government, as the African communities—at least the undesirable element thereof—will use these very arguments to further their own case with their own people.

Now, Sir, several things have been mentioned during the course of this debate, which were put forward to show that Government has not realized the urgency of this Emergency. I want to make it quite clear, Sir, that the Asian community also is not satisfied with the way things have been managed—(Laughter)—but we are not prepared to associate ourselves with any vote of censure moved on the Government for the reasons I have already stated. I will give an instance, Sir, that during the course of the last many months several murders have been committed in Nairobi, and quite a few of them have been Asians and, Sir, I have to stand here and say in public that it is a matter of the greatest possible regret that in not one case of the 23 Asians murdered in this country has there been a single arrest made. I ask you, Sir, that shows not, as I say, a lack of urgency on the part of the Government, but a lack of efficiency in tracking down these murderers.

Mr. HAVELOCK: No censure?

Mr. NATHOO: No censure at all.

Now, Sir, in a statement just made here by the hon. and gracious Member for Nyanza—I certainly listen with very great interest to whatever she has got to say because every time she gets up to speak she advances arguments very acceptable to all level-thinking people—but she made a statement here regarding the Kikuyu servants being employed by private people. She stated that at the conference held a few days ago it was argued by the loyalist Africans who were present there that Kikuyu servants should not be employed. I was present at most of the meeting, but I do not remember having heard these arguments coming from the Africans themselves.

I want to ask you one thing that, on the one hand, we are trying to get the loyalists to come and rally round for whatever we are doing, but on the other hand we are saying that all Kikuyus, whether loyalist or otherwise, should not be employed by private people. I cannot see the logic of that argument. I should

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like to hear some hon. Member, either from this side or the other, saying why this is considered necessary.

Now, Sir, mention has been made also about the evacuation of people from the settled areas, and putting them into villages. I have heard from time to time arguments that the Government has made a mistake in doing this, but from what information I have had, Sir, I understand that this very measure was advocated by the Unofficial side, and with great pressure it was put on the Government when some of the high officials within the Government were opposed to this measure. Is it then right that the blame for whatever happened due to this arrangement should be levied at the doors of the Government rather than that the country should take as a whole the blame for the responsibility of this measure?

Now, Sir, another thing which worries me greatly is the fact that from certain sections of the community great pressure is being put upon several Official Members when these Official Members are acting with the full knowledge of their conscience in the best interests of their country, refusing to take certain action which is advocated by the Unofficial side. I think I heard it mentioned not only in this country but in countries overseas where I had occasion to go within the course of the last few weeks, that the time is fast coming when the personnel in the high offices of the Government are rapidly losing faith that there is any future for them in the Civil Service in this country, for unless they fall into line with whatever is said by one section of the community they will either have to go or come down in disgrace and do what they are told, even if they do not believe in it. I think if that situation arises it will be the greatest possible disaster for this country, both within and without. I do beg people when they criticize the Government—let them do so by all means, levying the joint responsibility on the Government, rather than picking out people and going for them, in quite a lot of times, in quite an unfair manner.

Sir, I do not stand here to hold a brief for the hon. Members opposite because I am quite convinced that they are capable of doing it themselves, but I am

looking at it from the country's point of view. I think we must realize that whatever is happening in this country is the fault—or perhaps result—of whatever is being done by the Government, with the advice at least of one section of the community. I should like to say that the Emergency is being conducted with the advice of the Emergency Committee, on which one of the Unofficials is sitting. Also on the Operations Committee one of the Unofficials is represented.

Now, Sir, all these things that we are discussing here in public—we are trying to lay the fault on one officer or another—I would like to ask—and I was very surprised to see that a Member in the position of the Member for Legal Affairs is not represented at the Committee, and then, Sir, the entire blame for one incident—of not having declared a rebellion—is levied at his door. This advice should have been given by the Emergency Committee to the Commander-in-Chief, and then if the Commander-in-Chief did not agree to it, in all fairness, the Unofficials sitting on this Committee should have resigned—(Hear, hear)—so that we could say that what is being done by the Government is being done against the advice of the Unofficials, and therefore the Unofficials could refuse to share any blame levied at their door. We cannot have it both ways. We cannot hunt with the hounds and run with the hare. We must make up our minds in this country that at all levels—the Emergency Committee down to the District Emergency Committee—the European community is closely associated with whatever is happening and, Sir, if there is a feeling that the Government is not doing what they are telling them to do, their obvious course should be to inform His Excellency the Governor and the Secretary of State for the Colonies that unless this is done, the European community will refuse to have any say in connexion with the measures taken by the Government, but, on the other hand, if their full advice—from what we know—for we know very little of what is happening in the Emergency Committee—if their full advice is taken, and from what we see, all measures advocated by people on this side in that respect—I should like to quote the hon. Member for Nairobi South when he made a public statement in the Press that by continued pressure

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they were able to get the Government to agree to certain measures—if these measures have been taken, even under pressure, the Unofficial community must take the blame for whatever is happening in this country.

I should like to say a word about the Press censorship which is being advocated. I, for one, would very strongly oppose any censorship for the reason that it will have a very disastrous effect upon whatever is happening in this country if we resort to this censorship. I was talking to one of the leading editors in this country at the moment and I was informed that several complaints have been made by the Unofficials that the names of people who are connected with the operations have been mentioned in the Press, and this is likely to lead to loss of innocent lives. Now, this editor told me that the military people themselves are anxious that these names should be published. That shows there is a lack of co-ordination between the Military, the Information Office and the Press, and I think, Sir, that is one of our chief difficulties—that, in spite of all our efforts, we have not been able to achieve some co-ordination in matters which are affecting us very gravely, and I should like to draw the attention of the Government to that—they should try and find ways and means whereby this sort of thing—perhaps it is a little incident which occurs, but which is likely to shatter the confidence of the people can be avoided.

Now, Sir, another point was made by the hon. Mr. Crosskill—he is representing the Mau area—he said that at the conference which took place a few days ago, the Africans also advocated villages in all areas. As far as I know, what was advocated was villages in settled areas—and if what I say is wrong, I would like to be corrected when somebody else gets up to speak.

Now, Sir, there is very little more I have got to say except once again to beg people that so long as we treat different communities as the Indian problem, the African commodity and the Arab nonentity in this country, no possible solution can be achieved for our difficulties. The sooner we realize that whether we are Africans, Europeans or Asians we live in this country, are part

and parcel of this country, whatever happens, we have to stay here, and realizing the fact, have to get on with the job by getting all of us together, the sooner it will be the better for us, the sooner we will end the Emergency. Until such time as one community, against the other communities thinks its interests are quite different and that the other communities should not be taken into confidence with regard to the prosecution of the Emergency, I am afraid this Emergency will go on and on and on to the lasting disaster of this country.

Sir, I beg to support the amendment. (Applause.)

MR. OHANGA (African Representative): First of all I should like to record my thanks to the Member for Rift Valley for having brought this Motion to the Council in such wide terms as he did which has afforded the Council an opportunity of discussing nearly every aspect of the Emergency at this time.

After perusing carefully the wording of this Motion and the amendment that followed, it appears to me that there is really very, very little difference as far as the objects contained are concerned, and one of the things at the moment which it is difficult for me to decide is which of the two Motions which have been moved I should support. I am inclined to support the amendment, solely on the ground that it does not specifically lay blame on anybody or any one single side of the Council, because I appreciate the fact that the prosecution of measures that should end the Emergency is a joint duty of the country and particularly of anyone who calls himself a leader at this particular time, and while I support this amendment, I should like to say that of all that I have listened to in the speeches that have been made before, the one speech that impressed me more than any one of them has done was that one of the Member for Kiambu, for this one reason; that he said that nothing new has been said or is being said at the present debate that has not been said before. Listening carefully to everybody, I have not heard any new propositions or any new suggestions which would really materially help us to end the Emergency. Most of the remarks advanced against the Government are repetitions of facts that have been

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levelled against them before. The sense of urgency is nothing new on the floor of this Council. Again and again, Government has been accused of lack of sense of urgency in the matter of ending the Emergency, and it seemed to me, Mr. Deputy Speaker, that that one particular portion of the hon. Member for Kiambu's speech struck me as being the really true expression of the position as I see it myself.

A few weeks ago we had in the country some distinguished visitors from Great Britain in the form of a Parliamentary Delegation. After they had been studying the situation rather carefully from place to place and listening to very many people everywhere, they had certain very clear ideas in their minds, and from what I read in the Press, one of the senior people among them said this—that the people in Kenya are carrying on as if it were "business as usual". Again, Mr. Deputy Speaker, nothing could have been truer, and more particularly in Nairobi. Although the Emergency is worrying everybody all round, I believe there is a certain section of this country where people would like to take it as "business as usual" and deal with the Emergency together with business. In other words, there are very very few people, it appears to me, who are prepared to make any real sacrifice so far as their individual business and ways of life and work in the country are concerned. You have, even now, certain employers who do not want you to interfere with their labour in any form. Up-country, you have certain people who say—we do not want people brought in who are Kikuyu, and so on. As far as I can see it is "business as usual" and the Emergency goes on. And yet we come here and spend hours debating the sense of urgency or lack of it in one person or another. Why, in Nairobi, I think it is quite true to say that "business as usual" is the thing. It has been said to-day and has been said before that the Government or somebody is wrong in regarding the Emergency as an Emergency and not a rebellion, and it has been said so often that I should like this morning to inquire what actual difference there would be if the Government to-day were to declare this was no longer an Emergency but a rebellion. What new forces would we

have available to us? What new powers and facilities would be available for the speedier ending of the Emergency which we do not have to-day? I should like somebody, either on this side or the Government side, who knows what the actual differences are, to give me this information. I am inclined to feel from the facts available to me that the Government and everybody concerned with the Emergency are doing their utmost best in the highest spirits to end the Emergency. Yet it goes on for reasons which may be at the moment beyond us, and if by declaring the whole situation a rebellion, what are those measures which would then be employed which cannot be employed now to bring the state of Emergency to an end? I would like to hear that in terms of manpower, in terms of size of bombs, size of forces or size of tanks or whatever it may be that we required that cannot be employed now because it is not a rebellion as such. What we wish is to see the Emergency completely brought to an end as soon as possible but, according to certain authorities, we do not recognize it as a rebellion, therefore the situation goes on.

I have already said that it seemed to me that, in many quarters, a large number of people would like to carry on with "business as usual". In this debate, similar things have been said in criticism of the Government's way of handling the Emergency. It has been stated that a number of those people who are entrusted with the screening of the suspected *Mau Mau* characters amongst us are below the required age, or lack the necessary experience. As a remedy, suggestions have come from both sides of the Council that we should try to find training centres for these immature persons in order that they may gain learning and experience. When suggestions of that kind come forward, Mr. Deputy Speaker, it appears to me that we shall very soon be asked to vote money to put up schools for the training of people who should assist us in bringing the Emergency to an end. In other words, in our hearts of hearts, we are accepting the Emergency as a thing of the day and we are prepared to go on with it as long as we may, because when you start building schools, recruiting teachers, recruiting pupils, training them, qualifying

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them, sending them out into the field, it is quite a time. I do not myself see the reason for putting anybody immature into a screening team at the moment. It seemed to me that anybody, be he African or European, who is put there to assist, ought to have available to him assistance from mature, knowledgeable African teams who are available everywhere in the Colony.

I am quite sure that some of the blame which is now being laid on the Government is that for not having listened to the opinion of the ordinary citizen of the country would be truer if it were emerging from the African section. So far, I believe—to be forthright—the Elected Members have had it quite free, right and left. They have had no restriction at all on their proposals and advice. They have advised the Government from the beginning to the end. As far as I know, none of their advice has not been implemented and they have no reason to blame anybody, but if I did or any member of the African community did, we would be quite right. So far, none of the advice we have brought forward as measures which would help or assist in a more rapid execution of the Emergency has been put into practice.

African leaders and African teams are not free from suspicion at times. While they are endeavouring to give assistance in a rapid execution of the Emergency, very often their efforts or their assistance are hampered by the little trust they have from the people to whom that assistance is being given, and it seems to me, Mr. Deputy Speaker, that screening teams, if they were left in the hands of senior African chiefs or senior African leaders who were known to be loyal beyond doubt, they would do a great deal to reveal the secrets or the unknowns of the *Mau Mau* terrorists which now exist all over the country. It is not necessary to entrust a young man from overseas to try and screen and get an answer which cannot be understood or appreciated or properly assessed by anybody who is not familiar with the ways and minds of the Africans, the work and the way that the country has been in the past.

Now, Mr. Deputy Speaker, after making those observations, I should like to go on now to comment on other

remarks that have been made here. The hon. and gracious Lady the Member for Nyanza, in a speech which I thought was very good, said certain things about the constituency which I happen to share with her, what should happen about *Mau Mau* suspects and Kikuyu people there. From the beginning, I have never supported the idea of removing any section of the people, including the Kikuyu, from areas where they were on the day of the Declaration of the Emergency up to now. I said the greatest mistake somebody in this country made was to try and shift people about wholesale from place to place. That process, though in a minor form, continues now. I can see that pressure is being put on the Government to try and remove certain people from Nyanza and other parts of the Colony, where to that would seem to be nobody's concern. I would like to say that a suggestion of that kind, according to my own mind, is irresponsible on somebody's part by reason of not being sure of these people, by reason of a feeling that anything can happen at any time, they advocate their removal, but what is going to happen at the other end where these people are going? Very often when these people have been removed from several settled areas into the Kikuyu reserves, one big thing has been done; that is we have accelerated the rate of *Mau Mau* recruitment and at the same time added very much to the time that *Mau Mau* will be with us, in that these people who go there are not only frustrated but embittered by the action that removed them from their places of work and when they are brought into the Kikuyu reserves, they find they have nowhere to earn their living. Perhaps Nairobi is not easy for them to come into, perhaps in the reserves their places have been closed up and the Homeguard do not readily accept them. They are completely frustrated and embittered and they have no alternative but to join them in the forest so when we make it possible for those *Mau Mau* leaders in the forest to recruit so perpetually without any limit, why should we wonder at the length of time that the Emergency is taking in Kenya? We ourselves are adding to it by giving them fresh people. It would be quite in order if somebody knew of a place that was good enough for human habitation, which would restrict the movement of

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these suspicious people, so that they could maintain themselves without being a danger to anybody around. But to allow them to be at large and a danger to other people is irresponsible on somebody's part. I am sure the State of Emergency in the Colony would have been shortened a great deal had we been wise enough at the beginning to see that whatever groups were present at those places in those days that whatever screening took place there, they were kept there—I think the forest would have been quite clear by this time. To that extent I am not in a position to support what the hon. and gracious lady the Member for Nyanza said about the removal of the Kikuyu from Nyanza, though I realise that the security of that part of the Colony there, those people there—but I do not share in their removal, although I realise it would perhaps mean some freedom and security to us.

We have heard a complaint from the Member for Mau that they should be asked by Government to restrict their labour, and also the amount of land they cultivate close to the forest. I would like to say that that should be a sacrifice they should be asked to make if it is considered that such restrictions will be speeding the ending of the Emergency. I would be whole-heartedly in support of any restriction of that kind in order to make sure that it did not spread or make it possible for these people to go on.

To end with I would like to comment on one thing that was said by the hon. Chief Secretary about persuading the local inhabitants not to assist the terrorists, give them food and so on. Mr. Deputy Speaker, I thought that the time had advanced too far to make a thing of this kind necessary. After 16, or something of that kind, months of the Emergency it should not be necessary at all now to be still persuading anybody not to assist the terrorists. In my opinion it shows a sense of failure. It means that we have not completely got the people to our side and we are still in a state of suspense. There is fear and distrust all the time. We are not sure whether those people are assisting us or the terrorists. I would like to be quite clear by now to know who is on the terrorists' side and who is on the security side. The job of

persuading people to be on this side or another is a thing that should have taken place at the beginning, but not so late in the day. Surely if that is what we are doing now this is an added interest to the enemy that they are winning. If they make us do things which we should have done at the beginning, at the time we consider is close to the end of the Emergency, we give to them quite a sense of victory and so on, which I would not like to give them at all because I know that with all the facilities we have *Mau Mau* and terrorism has no future at all in this country, and the day when we will be free again from all regulations is the time we would like to see here and see soon, but not to do things which actually go to show that we are still prepared to do things to carry on for another four years or so. If a sense of urgency means that the citizens of this country should be asked to suspend business as such so that one and all could bring the Emergency to an end then I can see something in the words said now.

In actual fact the other day when we were at Government House I thought that was in the minds of the elders and the more senior chiefs. They were all very much concerned at the lag in the time, how things have been dragging on for so long and were frustrated and tired of losing men, friends, children and so on. Yet if things continued—he said at the meeting, and repeated it elsewhere, that there must come a day when every loyal Kikuyu of every district within the Kikuyu reserve, all loyal people who have eyes and strength of arm should go out to the forest as such and work from morning till dusk until it was cleared. Perhaps those people with experience of military experience and so on—you can see in the mind of that man—the determination to finish the thing. That, I think, shows what the Africans themselves feel. They do not want it to be a job of the Government or anybody else alone. They want to come in themselves. They should be given complete trust to be able to assist in every way to help end the Emergency. It has not been given.

Mr. Deputy Speaker, I beg to support the amendment.

THE MEMBER FOR AFRICAN AFFAIRS:
Mr. Deputy Speaker, Sir, I feel that the hon. Members opposite must surely by now know that the Kenya Government

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welcomes and acts on constructive suggestions and constructive criticisms, but I must confess that I have seldom listened to such a farrago of unsatisfactory and ill-considered criticism which has been made by the hon. Members opposite in speaking to this Motion. (Hear, hear.) From this, I would gladly except the reasonable and sensible speeches made by the hon. Mr. Nathoo and the hon. Mr. Mathu, and indeed the support given to the amendment by the hon. Mr. Ohanga.

It seems to me that the main concern of the hon. Members opposite has been, in speaking to the Motion, to belittle the reputation of the Kenya Government, seemingly for the doubtful benefit of their constituents. (Hear, hear.) I know well, Sir, only too well, that there is a very serious concern among people living under great strain in dangerous areas of this country and under such conditions there must be and there will be considerable grumbling, criticism, complaints and fears for the future, and inevitably some of this will be justified and mistakes will be made and rectified.

Nevertheless, Sir, I feel that if the hon. Members opposite wish sincerely to show that true leadership may not be inconsistent with political representation, they would have accepted the amendment to this Motion and by so doing have demonstrated to their constituents, in particular to irresponsible elements among them, that they at least, that is the hon. Members opposite, believe in an all-out effort to defeat *Mau Mau* and co-operate with the security forces and the Kenya Government to this end. (Hear, hear.) But apparently, Sir, this does not seem to be so. At this critical stage of the Emergency, and many of the hon. Members opposite are aware that it is a crucial and serious stage, calling for all our combined efforts, many of the hon. Members opposite seem to brew and concoct criticism designed to undermine the Kenya Government, not only among their constituents, but among loyal Kikuyus and the African population in general—(Hear, hear)—or at least to those of them who may read our debates. What good could they think this can do? I fail to see and I say again, Sir, it is a matter that concerns not only their intelligence, but their consciences.

It has been maintained by hon. Members opposite that there is a deterioration in the present situation. I cannot agree, but I will agree that an improvement has not been so rapid as we expected, as we hoped and as is certainly necessary and desirable for the future of this country. I fully agree that the implications of the continuation of the Emergency and the operations of *Mau Mau* at their present level is a very serious one indeed. I trust that the hon. Members opposite will realize that the Kenya Government and the security forces are bending their whole energies to this one end.

The hon. Member for Rift Valley referred by implication and the rhetorical twist at which he is so adept—

MR. BLUNDELL: No, no!

THE MEMBER FOR AFRICAN AFFAIRS:
That Government was not mindful of the interest of the loyal Kikuyu leaders. They, I believe, would resent this implication as I do. (Hear, hear.) These Kikuyu loyalists are well aware of the great importance we attach to their advice and active support against *Mau Mau*, and indeed on their future leadership. The future of the Kikuyu largely depends on them, whether it be that they are chiefs or Government servants or ministers of religion or members of the District or Locational Councils—the future of the Kikuyu people, as I say, Sir, will depend very largely on the staunch and courageous loyalists who have stood up to and fought *Mau Mau*, and they will receive and they have received the full support of Government both now and in the future.

The hon. Member for Nairobi North made mention of the recent meeting of Kikuyu loyalists and leaders which was organized in Nairobi at which they met hon. Members opposite and various members from various communities of Kenya who were invited to the meeting, and he rather inferred that these Kikuyu loyalists there had given advice which was some sort of monopoly organized at that meeting by the hon. Members opposite and of which Government was inferred to be unaware. But I would also remind him—remind hon. Members of this Council—that only a week previously His Excellency the Governor and myself had had a long discussion with those same African leaders, and discussed the various problems affecting them, of which

[The Member for African Affairs] we were well aware and have given them full consideration. I wish to make this point, Sir, so that there should be no question of any monopoly by hon. Members opposite of consideration of these Kikuyu leaders.

The hon. Member for Nairobi North also queried as to whether there were adequate forces in this country to deal with this situation. In fact, I think, he went as far as to say he thought they were inadequate, but I would, Sir, remind him that the Commander-in-Chief has stated himself that in his opinion the forces are adequate. I feel he should be in a better position to judge than my hon. friend, the Member for Nairobi North.

I did, Sir, welcome the tribute paid by the hon. and gracious lady representing Nyanza, to Administrative Officers in Nyanza, because I was indeed about to chide her, which I trust she will forgive me for doing, for what I regarded as her indiscretion and indeed the inaccuracies of her efforts to drag in the alleged support of Administrative Officers in Nyanza for her attack on the Kenya Government. The gracious lady mentioned the Provincial Commissioner by name, suggesting that he felt his representations to the Kenya Government, she averred also to the Chief Native Commissioner, had either been ignored or delayed by procrastination.

MR. BLUNDELL: They all feel that!

THE MEMBER FOR AFRICAN AFFAIRS: The inaccuracy of this allegation, Sir, may be judged by the facts which seem to be that the gracious lady was referring to a secret letter from the Provincial Commissioner addressed to the Chief Secretary which was received in the Secretariat three days ago, and which referred to a variety of matters other than those which the hon. and gracious lady may have in mind. In these matters, many of them will require reference to the Emergency Committee. Action has, to my certain knowledge, been taken on these matters and I wish to correct her on the impression she has given.

Mrs. SHAW: Will the hon. Member give way? I am very glad to hear the hon. Member say that I did not give the impression, which I did not mean to give,

that the Administrative Officers in my province have done everything within their power to act quickly and ask for the necessary measures. I must correct any impression that any of the slowness which resulted was in any way their fault, but I was misinformed by the Legal Department. (Cries of ah, ah!)

THE MEMBER FOR AFRICAN AFFAIRS: I am glad to hear the hon. lady's explanation but I am not sure I should welcome it on behalf of my hon. friend, the Member for Legal Affairs.

At any rate, Sir, I did wish to make this point because I feel my friend, the Provincial Commissioner, would be wrathful if he felt that his name was being brought into joining in criticism of the Government which he has the honour to serve.

I also wish to make a point on that, Sir. It is another example of the danger of indiscriminate attempts to pick up any old stick with which to beat the Government in these times of grave trouble. (Hear, hear.) I believe the country expects a more serious and a sensible approach to the difficulties we are all striving to overcome.

The hon. and gracious lady very rightly referred to the widespread and serious effects of *Mau Mau* in far-flung places in Tanganyika and in Uganda and on the perimeter of Kenya, in the Nyanza area. This indeed, Sir, I would not wish in any way to minimize. We are fully aware of the implications and of the seriousness and the urgent need to take action immediately on any foci of *Mau Mau* that arises. I also feel, Sir, that we must continue to observe the principle that we have tried to follow of not being indiscriminate in our actions on the Kikuyu. We will, Sir, and we are picking up and detaining any foci of *Mau Mau* which arises anywhere. One of our difficulties, as hon. Members will be aware, has been accommodation in detention camps, and very often we have had to keep some of the *Mau Mau* adherents detained in Nyanza until accommodation has been found elsewhere, but I would assure her that every effort is being made to do this and I trust the operation of removing these foci of *Mau Mau* out of the Nyanza Province will be speeded up.

[The Member for African Affairs]

I trust that the hon. Member for Kiambu will forgive me if I detect certain inconsistencies in his exhortation to support and encourage the loyal Kikuyu coupled with his proposal of the withdrawal of Government services from the Kikuyu districts. That is something, Sir, that I could not possibly support. I think that the hon. Members will be aware that our policy is to encourage the good locations by every means in our power, and to impose such sanctions on the bad locations as are feasible or reasonable. It has in fact also transpired that in the really bad operational areas, the really bad locations, Government services have been destroyed or driven virtually to a standstill by *Mau Mau*. Agricultural scouts have had to be withdrawn, dispensaries closed, schools beaten up, all the various forms of services have been brought to a standstill by the *Mau Mau* and the onus of this is placed by the Kikuyu on the *Mau Mau* and not on the Government, which is a situation, Sir, I trust that hon. Members will agree is more desirable than what was suggested by the hon. Member for Kiambu.

The hon. Mr. Mathu laid particular emphasis, Sir, on the Kikuyu Guard and the need to maintain them and to increase them, and to increase the support given to them. This, Sir, is something which I have, and the Kenya Government certainly has every sympathy, but I would like other hon. Members to appreciate that this has been a growing and developing situation. The Kikuyu Guard were originally formed to give protection in so far as it was possible to their own families, to their own villages and up to *atura* level—sub-location level, and even a location was considered too large for Home Guards to operate successfully as a group. It has, with a developing situation, altered. The security needs have changed and the violent and determined attacks on Home Guards have changed. We have had to put them into fortified forts for their protection and to concentrate their families around them. We have had to arm them. We have had to increase European supervision and the guidance and leadership that has been afforded to them. They have been given clothes and it has been necessary to increase the scale of armaments in certain areas. We have had to

assist them with remission of school fees. We have in fact given them every encouragement. Certain leaders have been paid. The thing is growing month by month with the developing situation and even recently hon. Members will have seen in the *East African Standard* that we are now developing and training Kikuyu Guard Combat Units. These units will be fully armed. They will be used as operational troops, very far removed from the original conception of Home Guards in the Kikuyu districts. I would like, Sir, to make it clear that the Kenya Government certainly, in this respect, has responded to the needs of the situation and carefully followed and adopted the competent and realistic advice of Colonel Morecombe, Director of the Kikuyu Guard, to whom I am very glad to pay this tribute, Sir. (Hear, hear.)

THE DEPUTY SPEAKER: It is time for the usual suspension of business. Council will stand adjourned until fifteen minutes past Eleven o'clock.

Council adjourned at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

Mrs. SHAW: Mr. Deputy Speaker, Sir, I want to exonerate the Legal Department from all blame for the mistake to which I referred before the break. I have ascertained that it was not their fault. I have discussed the whole thing with the hon. Member for African Affairs and he has given me his promise that he will try and find out where the administrative machinery did go wrong and what caused the lapse of time in this case, because it is a most serious matter and he has given me that assurance.

THE MEMBER FOR LEGAL AFFAIRS: I am most grateful to the hon. and gracious lady for the most ample and generous withdrawal.

THE DEPUTY SPEAKER: I would like to take this opportunity of remarking that hon. Members should be more careful of their facts before they make statements in this Council, which are broadcast throughout the whole country and the withdrawal does not necessarily get the same publicity as the original statement.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Deputy Speaker, Sir, the hon. and

[The Member for African Affairs] gracious lady from Nyanza also in her speech drew attention to her fears concerning the poor supervision of education in the out-schools in the Nyanza Province, and I would like to assure her, Sir, that I have certainly taken note of this, and I am sure the Member for Education and Labour will have done so and will give it full thought and attention. I really mean that because no one could have seen more closely the ghastly development of political subversion through Kikuyu Independent Schools Association schools than I did and if there is any indication of this in Nyanza I would assure you, Sir, that the Kenya Government is forewarned and will, indeed, take action.

The hon. Member for Mount Kenya, Sir, talked about villagization among the Kikuyu. He rather recommended a general order for villagization and I would, Sir, like to ask him to give this matter further thought and closer study and consideration. It is a very serious recommendation to make and I really would shudder if I could visualize an order going out of this nature, saying that in a month's time or two months' time every Kikuyu must be villagized, it would, indeed—

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, on a point of explanation, I would like to explain that I did not think the entire reserve should be done in a fortnight or something like that; what I had in mind was location by location—naturally the subverative locations first.

THE MEMBER FOR AFRICAN AFFAIRS: Further discretion in this matter was really the point that I was going to make but I do agree with him that we must encourage suitable villagization where necessary. I think one must discriminate at this stage between villagization, as a penal measure, which has been adopted in the Mathara division in Nyeri and has been operated with noticeable success and also, as a security measure, villagization round Home Guards in the danger areas. It has also been made quite clear to the Provincial Administration in Kikuyu districts that where the Kikuyu will voluntarily offer themselves to go into villages under encouragement, we will encourage such measures by the provision of water supplies and the like

and, indeed, help them with amenities. It is our intention to encourage this as a voluntary measure but not at this stage, as a blanket measure of universal application.

One more point I would like to mention, Sir, the hon. Mr. Mathu rather inferred that Government should expand the scope of operational and district Emergency Committees and by not doing so we are portraying a lack of confidence in various members presumably of various communities. (Hear, hear.) But I would like to make this quite clear, Sir, and I would like him to understand this point because I think it is very important that in running this Emergency at the district and provincial level we must concentrate on strong bodies of men to achieve real efficiency and effectiveness and if we are to expand that type of operational organization on an inter-racial basis simply for the purposes of expansion, we are going to lose much of that effectiveness and increase the scope of talk and it is not talk that is going to win this battle. It is not a question of the lack of confidence, it is a matter of keeping the committees small to be effective for the local operational commander, the local administration, the soldiers, the police and the intelligence men and so on. People who have the responsibility of the day-to-day handling of this matter and I trust hon. Members will appreciate that Government has made every effort, in consultation at all levels in Nairobi and elsewhere, and it is the intention that this should go on.

I will not detain the Council any longer because I feel that in times such as these I would wish to commend to hon. Members on both sides of Council the desirability of reducing the war of words to a minimum so that they can concentrate more energy on the battle against Mau Mau.

Mr. Tyson (Nominated Member): Mr. Deputy Speaker, Sir, in the course of the debate reference has been made by several hon. Members opposite to what they seem to think would be the advantages of declaring a state of Rebellion. I think the hon. Member for Aberdare urged the need for calling a spade a spade and for a period of years I have found that that attitude does not always pay. I think we must, therefore,

[Mr. Tyson] ask ourselves would there be any advantage in what is called declaring a state of Rebellion?

The hon. Member for Legal Affairs has already told us that to declare a state of Rebellion would not add to the powers which the Government already possess. Now if that is the case, are there any other advantages which can be derived from such a declaration? The Member for Aberdare also emphasized the point that a military commander when first faced with a problem endeavoured to obtain a correct appreciation of the position. Presumably upon that he bases his line of action. I do suggest, Sir, that not only is an appreciation of the position necessary but an appreciation of the consequences of any action which he proposes to take.

Now I can hardly believe that hon. Members opposite would wish to take an action which would add to the difficulties of the commercial community particularly by taking any such action as has been suggested. There must be very few people in this country, either commercial or domestic persons, who are not interested in fire insurance. The effect of a declaration of a state of rebellion in this country will go a very long way to destroying the value of all insurance policies. There is a standard clause in every policy issued by the leading insurance companies which make it perfectly clear that "the insurance does not cover loss or damage which originates . . ." so on and so on "where a state of rebellion or martial law exists". I suggest, therefore, Sir, that it is quite evident that no advantage could be gained by that declaration.

There is one other point I would like to refer to, Sir. The hon. Mr. Mathu reminded us that Nairobi was what has been called a festering sore and that if we could destroy or cut it out—whatever the surgical method is used for such a disease—in Nairobi it would go a long way towards cleaning up the position throughout the country. I do feel that hon. Members, particularly the hon. Members for the Nairobi areas, should endeavour to co-operate a little more closely with the commercial community than they have been doing in the past. We have heard on several occasions about the need for not only administering justice

but that that justice should be seen to be done and I do suggest, Sir, that under the present legal position this should equally apply to co-operation. I believe much more could be done in Nairobi particularly by closer assistance of the commercial community with the Members representing Nairobi area because I believe we may find as a result of that co-operation in the question of manpower that it may be found that not more manpower is needed but that better use must be made of the manpower which is already serving.

MR. MACONOCHE - WELWOOD: Mr. Deputy Speaker, I rise to support the original Motion and to oppose the amendment, and the reason I wish to oppose the amendment is briefly this. It is the question of who is the executive in dealing with the Emergency, this Council or the Government? It has been suggested earlier on in this debate by the hon. Member for Legal Affairs that the responsibility lies with the Emergency Committee and he has rather stated that the hon. Member for the Rift Valley was not in order in moving this Motion in this Council because he was a member of that Committee. I would point out to the hon. Member that the hon. Member for Rift Valley is one member of the Emergency Committee and it is most unlikely that everything he suggests will be approved, agreed and carried out by that Committee. (Laughter.) Therefore, I am not quite sure what the hon. Member for Legal Affairs meant when he implied that the hon. Member for Rift Valley should, if he sits on that Committee, not attack any of the actions of Government.

There are two courses open to European leaders in this country. One of them, an easier one, is to go into open opposition of Government, which would be easy in many senses. It would rather appeal to their constituents, it would appeal to the public and it would put them in a position of perennial criticism without attempting to do anything themselves. I submit that would be wrong and to hear from an hon. Member on the other side of Council suggesting that because they have co-operated with Government, because they have tried to help Government to the best of their ability to finish this Emergency, that for that reason they are not entitled to criticize it on the many measures Govern-

[Mr. Maconochie-Welwood] ment has not carried out. If we accept the amendment, it assumes that this Council is jointly responsible, with Government; for anything which is not done and that I cannot accept. I do not wish to go into long criticism of Government in detail but there are certain things which are obvious to anybody as to the cause of the failure of Government to give the thing which the country needs most at the moment, which is leadership. It is not their fault, they are hardly in a position to give that leadership by nature of their position—most of them are civil servants ultimately responsible more to another country than this one and it is that lack of quality of leadership from Government which has, to my mind, been disastrous in this Emergency. The leadership of the Europeans in particular has been unfortunate. The Press hand out almost every statement issued by Government which has been for the most part, I should say, unfortunate, perforce they do not know the psychology of the people with whom they are dealing.

The importance of the European and his morale hon. Members opposite will agree is vital to the Emergency. It is no accident that the greatest burden of the Emergency must perforce fall upon the Europeans, both official and unofficial, and the morale of that community is a matter of most urgent necessity.

The hon. Member for Legal Affairs for some reason found it necessary to mention a letter written by myself to the Press in reply to a statement made, I understand, by him in the Press regarding the trial of security forces. He said that I agreed with him. I did to the extent that I said that everything in the statement that he made about the Legal Department was true and I also added that it was trite and inapt. (Laughter.) He went on to say that I had objected at the end of the letter, not so much to the fact of anything he said, but to the fact that an official should dare reply. I think those were his words. Every hon. Member opposite knows that it has never been my practice to muzzle officials anywhere or to attack officials as such. What I did say was this: I took no exception to what he said about the Legal Department but I deplored the ineptitude of his approach to the public and it is really his approach to the public which has brought the

storm of criticism on his head. The European public who are overwhelmingly the public who read Press handouts and the public which, as I have already said, is most vitally important to the hon. Member and hon. Members opposite at this time.

MR. A. B. PATEL: Question!

MR. MACONOCHE-WELWOOD: I would only say in answer to the remark of "question" from the hon. Member, Mr. Patel, that hon. Members opposite will not be able to deny that the shortage of bodies referred to invariably when matters referring to the Emergency arise, is European bodies, not African or Asian bodies—there are plenty of them—but the shortage is European bodies and that is what makes European morale of vital importance. In that statement the hon. Member for Legal Affairs said, if I remember rightly, that it was important for justice to be seen to be done, and he was referring specifically to the Press reports of the trials of certain members of the security forces of most unfortunate incidents of brutality.

Now, Mr. Deputy Speaker, I would say to that that it is important that justice should be seen to be done but it is very important that the justice is seen to be done should not only be the justice seen to be done to a very few cases of the security forces but that justice as a whole should be seen to be done.

There has been the great question of Press censorship brought up here. I believe that when you are fighting a war which is amounting gradually to a more and more total war, the Press censorship of certain things is vitally important and amongst those things I would instance that publication of specific trials at great length of a few instances of brutality by men who are greatly tried by the handling of the Emergency which is the screening. I would quote this curious habit of the British people of always picking out the worst of something which is done by their own side and making much of it and giving publicity to it to their own disadvantage and belittling very often the horrors of the others. I would quote in that connexion a man whom the hon. Member for Legal Affairs respects as much as I do—the late Lord Birkenhead, who in a debate in the House of Lords, where much play

[Mr. Maconochie-Welwood] had been made in the instances of brutality in the Irish rebellion, made this remark: "If a foreigner could be introduced into this Chamber he would have pictured to himself the evil and murderous triumph of an unscrupulous and uncivilized power and he would have said 'this is the end of the greatness and civilization of the British Empire'—and this is the point and it is so typical of the British people and it applies to the people in the House of Commons to-day—"I have not heard one voice raised to correct a perspective which is as usual as it is untrue, and which has done the greatest injustice to a body of men, who, take them all in all, are as brave servants of the Crown as can be found in the disciplined forces of the Empire and men to whom we are under an immense debt of obligation for what they have done."

Now, Mr. Deputy Speaker, that is what I took exception to in the statement of the Member for Legal Affairs which does show that justice must be seen to be done and Press reports must publicize that as much as possible. Those members of the screening teams, selected I do not know how, far too young to do the job, are put in positions of immense strain and are dealing with Kikuyu who have for the most part taken oaths of sickening depravity; they have to screen them and find out their foul bestiality of those oaths—no publicity is given to them. Publicity is given to the odd acts of brutality by these young men, greatly tried, and who should never be allowed to do that type of work. (Hear, hear.) It is one of the most serious features of this Emergency, to my mind, apart from the gangs and thuggery that we are dealing with; with a people, the Kikuyu, who have turned back not only from civilization but from the decencies of their own tribe; not in a small group as a stannist of the eighteenth century did but in large numbers. Even the early oaths of those people, the first and second oaths, are filthy in a sexual sense and the later oaths are depraved beyond words and I think that it is fully time that people took cognizance of that and realized that the later oaths of these people entail fornication of animals live and dead and the drinking of potions inconceivable to any decent person and then have these

trials of young men who have broken down under the strain of those circumstances.

There are a few points that I would like to deal with, of definite criticism of Government and I do not think they are unfair. The chief criticism I would make is this that decisions are taken for certain things to be done and they are not carried out with any speed at all and the reason for that, I think, is a simple one which could be rectified. It is no use making criticisms unless you suggest means of rectifying and the reason why those decisions, having been taken, are not implemented, is that there is an atmosphere certainly in the country to some extent, but more in Government that other things of normal life must go on, whereas we should be in a position to-day to say that everything is subordinate to the Emergency and when it is necessary, as it has been necessary for some months, to build camps for the reception of Kikuyu from the Rift Valley that should take precedence over everything that the Public Works Department should construct, work on schools anything, the Mombasa water supply—if you like but the first priority is to get those things done and that has not happened. The same thing applies to the things like villagization; I agree with the hon. Member for African Affairs that the villagization in the reserves is not possible in the next few weeks, but it is possible to get it in train and get it going at once because without that villagization you will never deal with *Mau Mau* in the Kikuyu reserves and unless you deal with the Kikuyu reserve you are beating the air because that is where the worst of the Emergency must perforce arise.

MR. MATHU: In Nairobi.

MR. MACONOCHE-WELWOOD: I am aware of Nairobi but if it is expelled from Nairobi to the reserve, it will return to Nairobi, unless you administrate the reserve closely which is required. You will never get that unless you take that drastic step—and here I would not agree with the hon. Member for African Affairs when he said that it is better for the people to see that we have had to close services because of *Mau Mau* than because Government has decided to close them because the location is bad. At least I think that is what he said. To my

[Mr. Maconochie-Welwood] mind that it is a negation of Government itself because that is an acceptance that *Mau Mau* can coerce Government into closing things rather than the Government to close them as a measure of reprisal.

THE MEMBER FOR AFRICAN AFFAIRS: On a point of explanation, I think what I said was that *Mau Mau* had destroyed these services, not closed them.

MR. MACONOCHE-WELWOOD: That does not alter my main point. The hon. Member did say that it was better that way than that Government should close them as a sanction. As I understand it, he said most clearly that they should be closed in that way rather than Government should do it and I do not believe that until the mass of the Kikuyu people realize that they are being hit at you will get anywhere: I have the greatest regard, like everyone else, for the Home Guard and the loyal Kikuyu but it is clear that their numbers are all too few to settle the matter and what I am suggesting is that pressure should be brought on the others by sanctions to persuade them that *Mau Mau* is an evil thing and if it persists they themselves will go on suffering. It is an unfortunate fact that instead of a rebellion we now have a civil war. Unfortunately, it is an uneven war; it is a war in which the minority of the Kikuyu tribe are fighting with Government and therefore it makes it possible, because it is a minority, to impose sanctions and at the same time to see that those few who are fighting with Government do not suffer too much from them. For a time has come when something must be done and something must be done urgently to prove to the Kikuyu that this business does not pay.

There is one other thing that I would say to the Member for Legal Affairs. He made a great point of British justice and British law. I have the greatest respect for both but it is not British justice that is impeding the Emergency, it is British law. The two things are not synonymous. The British law has grown out of laws more draconic and far more fitted to the situation with the gradual growth of the British people into civilization and it is this British law that is holding up the appearance of justice being done. That justice may be done in the end is possible. The hon. Mr. Mathu in his speech

said that the Africans were thoroughly satisfied, if I remember rightly, with Government and what they were doing in the Emergency; they did not appear so satisfied through the loyal chiefs a few days ago on this subject. There was not one of them who did not say that in peace time they approved of British law and justice but the time had come now in which that justice has to be speeded up and speeded up at once and, as I see it, there is no conceivable way of doing that other than having special courts working properly as military courts which would cut out the whole long and ponderous business of civil law in dealing with people who are behaving as complete savages.

THE DEPUTY SPEAKER: The hon. Member is anticipating a debate of which notice has already been given.

MR. MACONOCHE-WELWOOD: I am sorry, Mr. Deputy Speaker.

The hon. Mr. Nathoo said that Government had always taken advice from the Europeans in the Emergency. Well, it has taken some advice and ignored other advice but I would say this to him that most of the things which have been done with the advice of Europeans in this country have been essential to the progress of the Emergency and they are, after all, the people who, by education and knowledge of this country, are most fitted to give that advice. There is no possibility of any person outside this country being able to give as good advice as the Europeans in it and much disaster comes from endless delegations and deputations from the United Kingdom who see about a tenth of the story and go back and report and make suggestions which do not fit any race in this country, either the Europeans, Asiatics or Africans. Therefore, I submit that unless Government accepts more guidance or leadership from the Europeans in this country this Emergency will drag on endlessly and there will be no end to it. (Applause.)

THE SOLICITOR GENERAL: Mr. Deputy Speaker, much has been said in this debate, as it is very frequently in this Council, by the European Elected Members of public opinion.

Now, the impression has been caused in my mind, and, I believe, in the minds of a great many other people that when

[The Solicitor General] to bang their hat on a particular and particularly vociferous section of public opinion that goes in for extremes and excesses and is represented by certain sections of the European community. I should like to suggest to the European Elected Members that they have a very heavy responsibility in regard to European public opinion. (Hear, hear.) I should like to ask them to search their hearts and consciences and consider whether they have given European public opinion, particularly the vociferous and irresponsible section of European public opinion, that degree of leadership which we have a right to expect from them. I should like to ask them to consider whether they have not too frequently merely hung on to the coattails of public opinion instead of leading it. I suggest to them also that there is considerable evidence in this country today of a large and growing body of responsible, moderate public opinion among Europeans, among their own people whom they represent, and remember that they represent me and my kind in the Government service in our private capacities and that we constitute a not inconsiderable fraction of their constituents, the people they represent. I think there is evidence of a considerable body which supports the direction of the Emergency by the Government and which rejects the extreme measures and excesses which are not always rejected by the vociferous section of public opinion which influences so many of the actions of the European Elected Members.

I also would like, Mr. Deputy Speaker, to quote here certain passages which occurred, which were printed, in a *Times* leader of November 4th—a leader on what was called in its heading "A Memorable Speech". It was a speech by the Prime Minister made at St. Albans that was being commented on and I think you will all recognise that Sir Winston Churchill is a great patriot and parliamentary. *The Times*, having first of all made reference to his authority in Parliament, said this: "He used that authority yesterday to plead for the setting of a limit to the intrusion of the party spirit into the scrutiny of national problems". He went on, "The

Prime Minister dwelt for some time on his decision not to seek an early election. His argument, which may in time find its way into constitutional text books, was an appeal to Members to remember that they live in a parliamentary and not a mandatory democracy. The task of Members, once they have been returned to the House, is to act according to their own lights and provide a period of stable government, and not always to be referring to the electors". In the latter part of the leader occurred this sentence, "Sir Winston Churchill has always been fascinated by the conception of the House of Commons as a Council of State. The idea was not far from his mind yesterday".

In his speech, as reported in *The Times*, he said this, "Continuing, he said that he had fought in more elections than anyone in the House or anyone alive. On the whole they were great fun, but there ought to be interludes of tolerance and hard work and study of social problems. It did not follow the parties should get further apart by staying longer together. He was not suggesting that the goal was a coalition, that would be carrying goodwill too far, but their duties varied and were sometimes conflicting. Hon. Members had to help their respective parties but they had also to make sure they helped the country, and there could be no doubt where their duties lay between these two."

Now I feel, as many feel with me, that confidence in the Government in connexion with the Emergency could be greatly stimulated by a greater sense of unity on both sides of this Council. Criticism, as my hon. friend the Member for African Affairs said, has a very useful function, particularly if it is constructive, but constant and unrelenting attack on Government from our hon. friends opposite cannot, in my submission, induce that degree of confidence and unity which I consider to be so essential for the prosecution of the Emergency.

Now, the hon. Member for the Rift Valley quoted European public opinion as being opposed to and having lost confidence, he said, in my hon. friend, the Member for Legal Affairs. Now the hon. Member can well defend himself, but I should like to take this opportunity

[The Solicitor General]

of paying a tribute to his great and uncompromising stand on principle and his courage in adhering to the principle in the face of provocation and personal prejudice the like of which I have never before encountered. (Hear, hear.)

The hon. Member for Rift Valley and other speakers on the other side of the Council have made certain very welcome pronouncements. He said that brutality on the part of the security forces could not be tolerated and must be dealt with, I welcome that pronouncement, both those pronouncements, because those sentiments have not always been apparent from the other side of the Council. It is, in my submission, absolutely essential that while, as my hon. friend the Member for Uasin Gishu pointed out, we must maintain and seek and ensure that the public maintains a true sense of perspective in these matters, it is essential that brutality on the part of the forces—however few or isolated the instance that occur—should be dealt with.

MR. BLUNDELL: On the understanding that hon. Members on this side of Council are accused of advocating brutality, would he make a statement of the chapter and the verse?

THE SOLICITOR GENERAL: Yes, the hon. Member for Nairobi South's statement was at a meeting of the Electors' Union recently, which was published in the newspapers, that if the Attorney General and Special Branch were to refrain from hounding and harrying the security forces, the better it would be.

MR. BLUNDELL: On a point of order, I would say that if the hon. Member says that any Member from this side of Council has advocated brutality, the hon. Member must withdraw.

THE SOLICITOR GENERAL: I have nothing to withdraw. The hon. Member for Nairobi South made that statement.

MR. BLUNDELL: Not in this Council.

THE DEPUTY SPEAKER: I do not think the hon. Member suggested that the statement was made in this Council.

THE SOLICITOR GENERAL: That is correct, Sir. The statement was made outside the Council, but that makes no difference.

MR. BLUNDELL: No hon. Member has made that statement outside the Council.

THE SOLICITOR GENERAL: He was reported in the Press as saying so, and although he went to some considerable pains subsequently to explain that he did not mean what he said, he never denied saying it.

MR. HARRIS: On a point of order, it still not condoning brutality to say that the hon. Member for Legal Affairs and the Special Branch should not harry and hound the security forces who are attempting to do their duty.

THE SOLICITOR GENERAL: The innuendo was clearly there and it took the hon. Member considerable space in the newspapers at any rate to explain that he did not mean what everybody understood him to mean. (Laughter.)

To continue on that particular point, the reason I greatly welcome this open and expressed assurance is that without confidence, particularly on the part of the African, in the security forces, without some approach to that feeling for the police which exists in the United Kingdom on the part of the public, we shall make very little progress because in the final analysis the police and the security forces will depend—and do depend—on the co-operation and sources of information which come from the African man in the street.

Now on the question of morale, which has been raised, the morale of the security forces, as a result of these prosecutions—I have this to say. No member of any branch of the security forces has anything to fear in so far as he acts in good faith and reasonably on operations.

MR. BLUNDELL: You have not been very good at putting that over to them!

THE SOLICITOR GENERAL: I have been told that I have not been very good at putting that over to them but the Commander-in-Chief has issued two directives which could not have been interpreted in any other way. We do not need, surely, to issue constant directives on a point like that. I do give this assurance—that when a case is submitted to the Legal Department—and I know I speak in this for the Commander-in-Chief, he has already proclaimed publicly his identity with this view—the action

[The Solicitor General]

taken by a member of the security forces in circumstances of active operations when they have to make quick decisions, those actions are not judged and will not be judged hypercritically in the sombre quiet and tranquility of an office. It is recognized that members of the security forces have very often extremely difficult decisions to make on the spur of the moment, and provided in those circumstances they act in good faith, honestly and reasonably, then they will not be penalized. But that does not mean to say that any member of the security forces who is guilty of brutality against a person in custody will not be prosecuted and dealt with with the full rigour of the law. I think that if members of the security forces whose morale is said to be adversely affected by these prosecutions would think back over the number of cases which have occurred, they will not find a single one in which any member of the security forces has been prosecuted for action taken on the spur of the moment in the course of operations. In every case that has been brought to the courts whether civil or military, the subject matter has been maltreatment of persons in custody.

MR. BLUNDELL: Mr. Deputy Speaker, the statement of the hon. Member—I wonder if that statement is entirely true? I do not think it is, with all due respect. In the case of Sergeant Jeremy Allen—

THE SOLICITOR GENERAL: I am much obliged to our hon. friend for raising that point because I think I can dispel this misconception about the case of Sergeant Jeremy Allen—Sergeant Allen was never prosecuted in a civil or military court. There was an inquest, as a result of which the magistrate found evidence of a *prima facie* case and then it was dealt with under the Army Act—military procedure, when a summary of evidence was taken as a result of which no proceedings were instituted. I do remind my hon. friend that even in Sergeant Allen's case, the persons involved—the persons shot—shall we say, were in custody though according to the defence put up they were trying to escape. But that is the point I make—that the case was concerned with people in custody.

Now, Sir, my hon. and learned friend from the Aberdare made certain state-

ments regarding what he considered to be the effects and advantages from declaring the present state of the country to be a rebellion. I do not propose to deal with this in great detail because he did concede the point made by the hon. Member for Legal Affairs, that the declaration of a state of rebellion would have no legal effect but he made a somewhat cryptic statement to the effect that if there were a declaration of rebellion we should be able to do what we all knew we should do and we should be able to justify our actions to the outside world. It is difficult to digest that statement when no particularization was given, but he did refer in the context of malpractices, of brutalities among the security forces, to roughness. I do not know whether he had in mind that if we declared a state of rebellion, the security forces would have a licence to deal with prisoners, persons in custody, roughly, neither am I entirely certain in my mind what he means by "roughly". It seemed to me he was trying to suggest that in some of the cases which had been brought, the facts could be described as mere roughness rather than brutality. Now there is a limit beyond which even the elasticity of euphemism will not stretch. He also suggested that these breaches of discipline could be dealt with by disciplinary action as, he suggested, the army deals with such matters in time of war. I would like to remind the hon. Member that the army, the military authorities, whether in time of war or peace, take a no less serious view on principle of such breaches of discipline against persons in custody than we do now, that I am advocating now. By way of illustration I would quote one case which occurred in the last war, of a brigadier who was court martialled and cashiered because he struck once with a stick a captured enemy pilot who had baled out. Moreover, serious offences under the Military Code are dealt with by courts martial and those courts are open courts and it is a fundamental principle of the Military Code that they be maintained as open courts.

Secondly, on the point of discipline, the disciplinary code applicable to the police and the Kenya Police Reserve is a very different one from that applicable, under the Army Act and Queen's Regulations, to the army, to persons under

[The Solicitor General] military law. Under the police disciplinary code, except for the most minor breaches of discipline such as can adequately and appropriately be dealt with by reprimand and the like, the disciplinary sanction is by way of punishment by the court of a magistrate—by the court of a magistrate exercising its criminal jurisdiction under the Police Ordinance. Thus, the more serious breaches of discipline in the police and Kenya Police Reserves are punishable by magistrates and the magistrate's jurisdiction in regard to breaches of discipline, as one would imagine, is fairly limited. It is limited to a maximum of six months' imprisonment. That clearly connotes—that serious incidents of maltreatment, of brutality, cannot be regarded purely as breaches of discipline, neither can one expect the individual who suffers on those occasions to relinquish his right to redress in his own courts, the civil courts, for an offence committed against him under the penal laws of this country.

While I agree that we must keep this whole question of malpractices or indiscipline among the security forces in its proper perspective and not put greater emphasis on one side than on another, we must also remember that the persons who suffer on these occasions have their rights and, if they wish to prosecute those rights, they must be allowed to do so.

Mr. Deputy Speaker, I have little to add but I do urge on all Members of this Council that in this battle against *Mau Mau* we are all in the same boat; we are all striving for the same objective and if we can seek and find the means for greater co-operation and greater unity in this struggle, then this struggle can be brought very much more quickly to a successful conclusion than if we continue to pull, as I fear we have done in the past too much to great an extent, in opposite directions.

Dr. HASSAN (Muslim Eastern Area): Mr. Deputy Speaker, Sir, I rise to support the amendment. No doubt we all know that we have the privilege in this Council to criticize and advise the Members opposite, but in a constructive way with an idea to help and advise the hon. Members on the opposite benches to carry on their task which the Emergency has placed on them. No doubt our sug-

gestions and criticisms may not be acted upon for some very good reasons, but yet these suggestions will be properly scrutinized and if they are not considered desirable, they may not be acted upon and myself and other hon. Asian Members do not like to get annoyed because our suggestions which we thought would assist them have not been acted upon, and I consider and I think all Members on this side will agree with me that we do not believe in criticizing and attacking Members on the other side of this Council.

This State of Emergency is causing bitterness and inconvenience to every community in this country, Africans, Europeans and Asians. So far as the Asians are concerned, I can say that they are suffering from this State of Emergency more than other communities, in loss of life, loss of trade and loss in the social amenities by the State of Emergency is very acutely felt and I do not believe that it is the only one community that is suffering and that does not mean that we Asians, because we are suffering, that we have the right to go to the Government and say you are not doing anything. I think everything from their side is being done and our community is satisfied.

I have a few suggestions to make. I believe they have been considered by the responsible committees and the Members of the Government side and I would like to put it before them for further consideration to be given.

It has been reported on several occasions that a certain thug, gangster, has murdered a fellow and then got away on a bicycle. We have dealt with taxis and lorries, but this means of quickly getting away from the scene of a crime is a matter which needs very serious consideration by the authorities. It will cause inconvenience to some of the loyal people but none the less I would suggest that it would cause us no further inconvenience if the use of bicycles was prohibited altogether, at least, if not for all communities, for the Africans, because it is members of that community who are always reported to have achieved quick get-aways from murders on bicycles.

The second thing, Sir, is the question of arms and ammunition. We attended the other day the Inter-racial Conference and the loyalist Africans were

[Dr. Hassan] very perturbed about the supply of arms and ammunition to the *Mau Mau*. I do not believe there is a particular source of supply to them but we know they are getting their supplies from somewhere. We have traced some of those arms and ammunition flowing into their hands from the security forces; we have also discovered that they have got their arms and ammunition by attacks on police stations and other places. We also know that attacks and robberies taking place in this town on arms sellers, get them quite a big supply of these arms and ammunition.

But one thing that gave me the greatest shock of my life was the statement by a loyalist—and there was not one but several of them—who said that the Asians were supplying arms and ammunition to the *Mau Mau* adherents. Asians are making guns for them. Asians are giving them food, clothing and so on. This was based upon statements that they had received from captured *Mau Mau* adherents from the forests. Now these matters were fully investigated by the Government and as far as I know not a single case was traced and found to be correct. This impression in the minds of the Africans that the Asians were supplying them gave me a bit of a shock, and I would request that the authorities, as they are fully aware of the investigations made and the reports brought to them by *Mau Mau* adherents, they should give full publicity to clearing up the misunderstanding in the minds of the Africans. The Asians are fighting this *Mau Mau* along with the other communities and were not guilty of crimes, which according to the law mean hanging.

Another point, Sir, is the question of a great deal of dissatisfaction in the ranks of the police, particularly the Kenya Police Reserve. We have got a lot of young people who have been conscripted, and some have volunteered to work as Kenya Police Reserve in the country. They have sacrificed their time and their future for national service in this country. We do not deny that all the work they are called upon to do—that they have failed to do so; they are doing it very well and reports indicate that wherever they are put to work, they have never refused the work, so far. But in certain places which they are sent up to

man—in lots of one or two or three—there are no shelters for the night and they have small salaries given to them—50 per cent of it is being spent on a servant and on renting a shelter for themselves. No doubt, when they are sacrificing for national service—when they are working night and day, they ought to be helped, assisted, so that they put their whole heart and soul into it, so that they have nothing to worry themselves about, just to maintain themselves. Possibly some of them are married, some of them having old mothers and fathers to keep.

I hope that the new Police Report which is going to be placed before this Council will be passed to help and assist those young people so that they are not suffering any hardships.

The hon. Member for African Affairs said that the Emergency District and Provincial Councils and Committees are manned by efficient and qualified people to carry out the State of Emergency. I quite believe him, but, Sir, that efficiency and qualification should not be sought from the members of one community. The Asians are in this country as well; their views must be sought at every stage and every committee. I am positive some good, useful information could be obtained concerning their own community by that method. I find lots of people affected by the State of Emergency; with their friends and their relatives coming with all sorts of stories to me—naturally it was the work of the District and Provincial Committee to know all about it, and had there been an Asian there, he could have kept in touch with them and informed them all about the Asian view. I would draw the attention of Government to the fact that it would do no harm to have an Asian in these District and Provincial Committees.

Mr. HARRIS (Nairobi South): On a point of order, Sir, is this not an anticipation of the Motion, notice of which has been given already by the hon. Mr. Mathu?

THE DEPUTY SPEAKER: It is getting near it.

Dr. HASSAN: One suggestion which I have always brought out in this Council in my previous speeches is, Sir, that in addition to all of us joining together to help and trying to end this Emergency quickly, we must see that the number of

[Dr. Hassan]

loyalists in the reserves is increased by all possible means; a number, which after 16 months, only represents about one per cent of the community.

THE DEPUTY SPEAKER: Order, order. It is now time for suspension of business. The hon. Member for the Coast has given an intimation that he desires to raise a matter upon adjournment.

ADJOURNMENT MOTION

SOMALI—COMMITTEE, INVESTIGATION INTO GRIEVANCES OF

MR. COOKE (Coast): Mr. Deputy Speaker, I beg to move that this Council do now adjourn.

I put this Motion to-day to call attention to the very unsatisfactory position with regard to what is called the Somali Committee.

It will be remembered that on the 15th January last year, my hon. friend, the Leader, the hon. Member for Rift Valley, brought a Motion in this Council which was seconded by me, asking that a Committee should be appointed to inquire into the grievances of the Somali community, with particular reference to the Somalis that lived at Gilgil and Naivasha. That Motion, Sir, was unanimously accepted and I may perhaps remark that it had good backing in the fact that it was moved by my distinguished friend, the Member for Rift Valley, and yet, in spite of that, Sir, weeks elapsed before any Committee was assembled. I may have to deal a little bit in retrospect in order to bring the proper point of view before this Council. I had, myself, personally, to see the hon. Chief Secretary and later on His Excellency the Governor, before the Committee actually got together and was appointed, and it was not until the 24th April, I think I am correct in saying that, the Committee held its first sitting. That, Sir, was three months after it had been resolved unanimously by this Council that it should be appointed, I think, Sir, and I say so with all respect, that it was treating this Council with a certain amount of contempt that such a long period should have elapsed in this matter, which is a matter of great importance and urgency.

Now the Somali has got a reputation in this country of being a troublesome

and rather vexatious person and rather as the Irish have—and there is for that reason a rather unsympathetic outlook towards him. He came to this country originally before a great many Europeans came and he helped very largely in the building up of the cattle industry in this country. He came as a tradesman bringing cattle, horses and other stock from Abyssinia. Many of these Somalis in the old days settled in Naivasha and indeed were encouraged to settle in Gilgil and there they kept a certain amount of stock which kept themselves alive, and they did a certain amount of cattle trading which of course was very much interfered with by the establishment of the Meat Commission.

I just mention these points because they are a background to this whole matter.

Well, Sir, meetings were held and you, Sir, if I may say so, were the distinguished Chairman of this Committee and I am sure you have from the very start taken a very great and sympathetic view of the Somali position, but nevertheless you, like so many other Members of this Council, are grossly overloaded with Committees and I suppose it was very difficult to have many meetings of this particular Committee. However, it was first assembled in Nairobi on the 24th April and since then there have been three or four meetings, but there has not been a meeting of the Committee for the last several months. Now, Sir, my view of the functions of a committee of this Council is that it sits in a *quasi* judicial capacity to hear facts, to sift evidence and to give its verdict or, whatever you might like to call it, on the facts alone, irrespective of what the policy of this Government might be. I have a suspicion that a certain amount of this delay was caused by the fact that we had to ascertain from the Government what their policy was. I myself, Sir, as I said just now, do not think the policy of the Government should in anyway impinge upon the deliberations of any committee of this Council. It has in the past, I know, impinged—and I have on more than one occasion protested against it—to such an extent that after a committee has been *functus officio* it has on one or two occasions changed its findings or recommendations on the urgent representation of the Government. I think that,

[Mr. Cooke] personally, is entirely wrong and I just mention these facts because if the deliberations of this Committee were held up by any feelings that the findings might be distasteful to the Government, I would say that that is a wrong attitude that I or any other Member of the Committee should condone.

However, the Somalis now are naturally feeling a little bit anxious as to their future and it is, I think, on urgent matter to award the loyalty of these people and I think that a good deal of present unrest in this country is due to the fact that we have not in the past anticipated the grievances—or even alleged grievances—and we have allowed them to simmer in the minds of a dissident and aggrieved people. The Somali has a good reputation for law and order. His crime record is extremely good and for that reason, Sir, I do urge that this matter should be proceeded with, with all expedition. I am not anticipating what our recommendation may be as you know, Sir, the Committee has now been summoned in about a week's time, but I do urge that this Committee—and indeed I brought this matter up to-day so as to bring to the attention of this Council the tendency in this country to appoint a committee and then to do nothing—should sit and make its findings known as soon as possible so that the grievances of these people may be redressed.

Sir, I beg to move.

MR. BLUNDELL: Mr. Deputy Speaker, Sir, it is with some diffidence as a European Elected Member I rise to slightly criticize the hon. Members opposite after the homilies we have received recently, but I imagine on this occasion my hon. friend on the left will not raise very great objections.

I rise to support what the hon. Member for the Coast has said, Sir. I do urge hon. Members to produce a report quickly and I would like to record this: that when the Committee was set up the Member for Health, Lands and Local Government had the courtesy to ask me to sit on it as I was the originator of the original Motion. I refused because I felt I was too busy and could not give the time to the Committee and I mention that because I feel that the Committee should have proceeded more quickly with its work and I merely want to emphasize

how important I think it is and that the hon. Member should produce his report.

MR. NATHOO: The Somalis had approached us, but since a person of the calibre of the hon. Member for Rift Valley had taken up the matter we let the matter rest in his hands. Even then, I think there has been so much time-lag between the Committee and its findings and I do urge the Government to expedite the matter because the Somalis are really getting worried.

DR. HASSAN: I would like to support the hon. Member for the Coast. A great deal of spade work was done by this community for their welfare. I had the Muslim Welfare Society interested and they were prepared to spend quite a bit of money for a school for them but everything is waiting for the findings of this Committee. I would like to join the ranks of those who ask for the Committee's deliberations to be speeded up so that this community should have at least the means for the education of their children so that they can be good assets of this country.

MR. MATHU: I would like to support what the hon. Member for the Coast has said and to draw attention, particularly of the hon. Member for Agriculture, to a particular grievance of the Somalis residing in Isiolo which had been brought before Council in the form of a question in July last year and my hon. friend did promise to go into it and see about public auctions for cattle and livestock for the Somalis in Isiolo. This matter was brought up to me only this week by people in Isiolo and they are feeling very disturbed about the situation and the fact that nothing has been done about the trading facilities, shop licences, or even any social provisions for their children in that area. That is typical of many other Somali settlements in Kenya—Naivasha, Gilgil and quite a number of other places. I do think that this Committee should get out proposals and recommendations they would like to make because we do not want to have small communities like the Somalis becoming embittered as they appear to be at the present moment.

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Deputy Speaker, Sir, I am very grateful to the hon. Member for the Coast for confining

[The Secretary for Health, Lands and Local Government] his speech to-day to the subject of the actions of the Somali Committee. It was perhaps the inadequacy of the replies which I gave to a Question here two days ago which gave rise to to-day's debate and I would like, if I may to ask your indulgence, Sir, to make what lie in the nature of a personal statement. Thank you, Sir.

The particular Question, Sir, was directed by the hon. Member for Rift Valley to the hon. Member for Health, Lands and Local Government. Now, Sir, the hon. Member for Rift Valley has had a long and close association with the affairs of State in this Colony and I know, Sir, would realize that the problem of the Somalis has a very tenuous connexion with subjects salubrious and insalubrious—in the Health, Lands and Local Government portfolio. I think, Sir, it must be inferred that he directed his inquiry to the Member for Health, Lands and Local Government because he is Chairman of the Committee in whose problem he was interested. Now, Sir, the Member for Health, Lands and Local Government has a more than usually diversified personality; he may not wear a wig, but on a variety of occasions he wears quite a variety of hats. Now, the hat that he wears on this Committee, unfortunately, is not that of the Member for Health, Lands and Local Government and I must confess that the first I know of the existence of the problem of the Somalis was the appearance of this Question on the Order Paper, just before the Question was put. I hope, Sir, that this will be accepted as an explanation of the inadequacy of the reply. I hasten to add, Sir, that that is in no way an attempt to deny the right of the hon. Members of this Council to ask a question on any matter of public policy in which they are interested and to which they are entitled to expect a reply. Nor is it, Sir, an attempt on this side of the Council to shift responsibility from one Member to another. I offer it as an explanation. Before leaving the question, Sir, I would like to add some salt to the otherwise insipidly humble pie I am eating; and that is to ask that on a suitable occasion it might be possible to oblige as ruling; Sir, as to how far Members on this side of the Council are

answerable for detailed questions as to the conduct of committees which are not committees of this Council. I am thinking in particular of the questions put to me two days ago as to how often the Somali Committee had sat, and how many witnesses it has had before it. Those are, I submit, Sir, questions which are not normally within the special cognizance of Members, and I hope on some occasion we may give a ruling as to whether they must be answered.

Now, Sir, to turn directly to the questions raised by the hon. Member for the Coast and by other Members. It is true, Sir, that the Committee was appointed as a result of a Resolution that this Council passed January twelve months. The Committee itself was appointed towards the end of March and the delay of five or six weeks was due to trying to secure a committee of persons sufficiently informed as was justified by the inquiry. There have in fact, Sir, been five meetings of the Committee and the last meeting, Sir, was held on 24th October. It is true, Sir, that there has been a delay of three or four months since the Committee last met, but I would listen to say that has not on any account been from the necessity of trying to impose on the Committee the views of the Government. The inquiry which was being conducted at that time, was the elucidation of information, Sir, not the elucidation or attempt to impose Government policy. I trust hon. Members will be assured that there has been no attempt to dictate Government policy to the rest of the Committee or an attempt to influence the course of its recommendations. Sir, I think it is also relevant to mention that the Chairman of this Committee has been greatly preoccupied with dual duties and that the collection of information in these days is subject to precisely those strains which were emphasized in an earlier debate. We have been told earlier to-day that first things should come first and the conduct of the Emergency should have prior claim on the attention of public officers and on anybody who is concerned with the welfare of this Colony. The public services as a whole feel the impact of the Emergency and that must have its effect on the work of the Committee.

[The Secretary for Health, Lands and Local Government] I hope, Sir, that this explanation, personal and official, will be acceptable to hon. Members.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Deputy Speaker, Sir, I think that I must take some of the blame for the delay in the Report of this Committee being received. I admit frankly, Sir, that certain questions were addressed to me which I took a very long time to answer. All I can say is, due to the fact that, as I think hon. Members are aware, the last two or three months I also have had to do a great deal of extra and unusual work in connexion with the Emergency and preparation of plans for submission overseas.

I fully realize the importance of removing grievances in this comparatively small community. All I can say is that I also had to try and remove the grievances of and also try and provide remedial measures to deal with a very much larger community.

The question I was asked to reply to, the inquiries I was asked to make, have now been dealt with, Sir, and although I am not on this Committee, I have no doubt that Government will do its best to accelerate the report.

THE DEPUTY SPEAKER: No other Member wishing to speak, I will ask the hon. Member to reply.

MR. COOKE: I have nothing to say, Sir, except to thank the Government for their courteous acceptance of my Motion. I am satisfied now that we shall get on with the Committee.

ADJOURNMENT

THE DEPUTY SPEAKER: The Council will now stand adjourned until 10 o'clock next Tuesday morning.

Council rose at forty-five minutes past Twelve o'clock.

Tuesday, 23rd February, 1954

The Council met at Ten o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS PAPERS LAID

The following paper was laid on the Table:—

Transport and Road Haulage Wages Council Establishment (Amendment) Order, 1954.

(BY THE MEMBER FOR EDUCATION AND LABOUR)

ORAL NOTICES OF MOTIONS
SUPPLEMENTARY ESTIMATES No. 11 OF 1953

(Governor's Consent Signified)

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that a sum not exceeding £74,307 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 11 of 1953.

SUPPLEMENTARY ESTIMATES No. 1 OF 1954

(Governor's Consent Signified)

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that a sum not exceeding £1,561,724 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1954.

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 1 OF 1954

(Governor's Consent Signified)

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that a sum not exceeding £658,577 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 1 of 1954.

WAITING OFF OF THE LOSS OF REVENUE ON CEDAR FENCE POSTS

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that this Council approves of the writing off of the loss of revenue amounting to approximately 27,047 resulting from the collection of royalty on cedar fence posts used agriculturally, from the 1st July, 1951 to 30th April, 1952, at Cents 25 per cubic foot (the rate in force prior to the 1st June, 1951) instead of Cents 50 per cubic foot (the statutory rate as from the 1st June, 1951, as fixed by Government Notice No. 627 of the 31st May, 1951).

ORAL ANSWERS TO QUESTIONS

QUESTION No. 47

MR. CHANAN SINGH (Member for Central Area) asked the Member for Commerce and Industry—

(i) if he is aware of the serious concern that is felt in many quarters about the ending of control on business premises on the 31st December, 1954; and

(ii) if so, whether the Government is prepared to consider amending the law introduced last year?

THE MEMBER FOR FINANCE AND DEVELOPMENT (on behalf of the hon. Member for Commerce and Industry): The Government is aware of the concern expressed in certain quarters about the removal of rent control from business premises next December. The hon. Member will be aware that this date was fixed in an Ordinance to amend the Increase of Rent (Restriction) Ordinance of 1949, passed by this Council last year, and so far the Government has seen no reason to recommend to this Council a further amendment of the date. The matter is, however, being kept under review. The Board of Commerce and Industry is being asked to review the position in the near future and submit its recommendations. Those recommendations will then be considered by my hon. friend, the Member for Commerce and Industry.

MR. J. S. PATEL (Western Electoral Area): Mr. Deputy Speaker, arising out of that answer, would the hon. Member

try and get evidence from stations such as Kisumu, Eldoret and Nakuru through local bodies so that we can be convinced of the fact that the present legislation which has been introduced is going to affect quite a number of people?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Sir, there is no doubt in my mind that my hon. friend who is unfortunately absent through illness will take the steps suggested by the hon. Member in order that a full assessment of the position can be made before the final step is irrevocably taken.

MR. NATIHO: Would the hon. Member assure us that this matter will be brought up in sufficient time to give the tenants and landlords to come to some agreement as there is an impression in the minds of people that the exemption is to be lifted at the end of the year definitely.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Sir, my hon. friend the Member for Commerce and Industry has asked that the Board of Commerce and Industry shall review this at the latest at about the middle of this year and in the meantime is discussing it with Asian commercial representatives. I have no doubt that when those discussions have been concluded he will take early steps to place the position before Council. I would, however, state that prior to these consultations and considerations, there can be no justification at this stage for the belief expressed by the hon. Member.

MOTION

SUSPENSION OF BUSINESS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, with your permission, I beg to move that to-day's business shall not be interrupted under Standing Order 10 at 12.30 p.m. but shall be suspended at 12.45 p.m. and resumed at 4 p.m. and that the time for the interruption of business under Standing Order 10 shall be postponed until 6.30 p.m.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

The question was put and carried.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that under

[The Chief Secretary] Standing Order 168, Standing Order 91 be suspended to the extent necessary to enable the Kenya Regiment (Territorial Force) (Amendment) Bill to be read the First Time to-day.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

The question was put and carried.

BILLS

FIRST READING

The Excise Tariff Bill—(The Secretary to the Treasury)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The Compulsory Military Training (Amendment) Bill—(Mr. Cowie)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Kenya Regiment (Territorial Force) (Amendment) Bill—(Mr. Cowie)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

MOTION

URGENT NECESSITY OF ENDING THE EMERGENCY

(Debate Resumed)

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, the objective of the original Motion and also of the amendment is the same, but it is quite clear that their implications differ. There is an implication, of no confidence in the Government, as far as the original Motion is concerned—one could legitimately ask whether it is the right to do so and whether it is necessary to do so in order to end the Emergency speedily.

Now, Sir, it is well known that there is no alternative to this Government, at any rate at present, or at any rate until all three major communities living in this country could reach an agreement to form a Government acceptable to all. (Hear, hear.) During the period when there are no prospects of such an agreement it is not wise to destroy the influence of this Government on the African community by continuously running it down, because after all the present Government is the executive authority dealing with the Emergency and it will

help nobody continuously to run down the Government and destroy its influence with the African community. I would say, Sir, that there is neither wisdom in doing so nor is it expedient.

At the same time, Mr. Deputy Speaker, cannot one ask a question to the Unofficial community in this country, also—that more arms, according to statistics, are stolen from them than from other sources, which makes the Emergency more difficult, and is it not wise that the Unofficial community also should express a vote of no confidence in themselves for allowing the arms to be stolen from them continuously? (Hear, hear.) Cannot one also point out to the country the recent successes achieved by the security forces against the terrorists? (Hear, hear.) It is not wise only to point out to the country, like the dismal Johnnies, the drawbacks of the Government. Sir, this does not mean that as far as the Asian community is concerned, as my hon. friend, the Member for West Area pointed out, we were fully satisfied with everything done by the Government. When my hon. friend Mr. Nathoo mentioned that, some of the hon. Members on my right were amused, but I may say that we have complaints to make against the Government. We have had always complaints to make against the Government. (Laughter.) We have complaints to make against the Unofficial European community in regard to their attitude to us many times, but that does not mean we should go on expressing a vote of no confidence in each other every day.

Now, Sir, I would refer to one point in regard to the statement which was made by the hon. Member for Rift Valley, stating that the public had no confidence in the Member for Legal Affairs. Sir, that is the statement with which the Asian community does not agree.

MR. BLUNDELL: Mr. Deputy Speaker, I did make it quite clear that I was speaking for the European community, I would like to make that clear.

MR. A. B. PATEL: I accept. I would like to congratulate the hon. Member for Legal Affairs for giving a very able and convincing reply. (Hear, hear.) I have often wondered, Mr. Deputy Speaker, why the Government benches often accept allegations for which they have a

(Mr. A. B. Patel)
 good trophy, and thereby give a wrong impression to the country outside. Sir, to me personally, the attitude of the hon. Member for Legal Affairs appeared to be absolutely correct and I have not heard anything in this Council contrary to that. In fact, some of us were disturbed that an undue pressure should be brought on civil servants to do things which they do not believe to be correct. I would go further and say that in regard to matters which are dealt with by the hon. Member for Legal Affairs how wrong it would be to rely merely on public opinion. I would like to illustrate my point by giving one instance. When the Supreme Court of this country allowed the appeals of Tomo Kenyatta and six others on the ground that the Magistrate had no jurisdiction, I, as a lawyer, had felt that the Supreme Court had held that view erroneously and that the Attorney General's Department was not at fault in that respect. However, when the judgment was given by the Supreme Court in Appeal which was later on reversed by the Court of Appeal and which reversal was upheld by the Privy Council, when the Supreme Court had thus erroneously allowed the appeal, some of the members of the European community led by an European advocate of this City went to the house of the hon. Member for Legal Affairs at 2 a.m. to express their resentment against him for which he was not at fault at all—(Hear, hear.)—and they left a chit at his house asking that he should resign. Now, if that is the public opinion on which we have to rely for passing judgment on the work of the hon. Member for Legal Affairs and his department, I am afraid we will be doing great wrong to this country and to the principles of justice. (Hear, hear.)

When discussing the question of the Emergency, I feel inclined to say one thing, Sir, which I had intended to say a long time back. I think in dealing with the Emergency we have been influenced a great deal by one principle which has been advocated time and time again, namely—policy of no appeasement—and we have therefore not allowed the liberal voices in this country to speak more loudly than they should. Yes, I agree that there should be no appeasement of those who have resorted to violence. They should be dealt with ruthlessly. At

the same time, in order to inspire the African community to remain with the Government and with the forces of law and order, it is necessary to study the legitimate grievances and aspirations of the African community and to meet them where it is necessary. (Hear, hear.) It is not enough to say merely—no appeasement—and do nothing. The psychological factor is very important in dealing with an emergency of this nature and I think it is time that attention should be given to the liberal opinion of this country, as has been done so far to those who have said all the time—no appeasement. Sir, it is time that an examination should be made of the legitimate grievances and aspirations of the African community in order not only to keep the loyal Africans with us but to increase their ranks and also it is time that we allowed the hon. African Members to play a greater part in psychological warfare. (Hear, hear.)

With these few observations, Mr. Deputy Speaker, I feel inclined to support the amendment which has been moved. (Applause.)

Mr. COOKE: Mr. Deputy Speaker, before I came into the House today, it was my intention, strange as it may seem, to support the amendment, but having heard the speech by Mr. Patel I feel if I supported the amendment I would be conveying confidence in the people on the other side of the House. Well, Sir, I cannot feel that confidence, although I regard the difference between the amendment and the Motion as a distinction without a difference. I believe they both mean the same thing, but with the interpretation put on it by my hon. friend, Mr. Patel, if I supported the amendment, members of the non-European community would say I have full confidence in the Government. That, Sir, of course, I have not, and I think it is a pity that Mr. Patel, to a certain extent, confused the issue when he said that no matter how we agitated on this side of the House we could not get rid of the Government. That is perfectly true, but we believe that by bringing forceful representation we can perhaps get rid of particular officers on the other side of the House. That, at any rate, is my opinion, whether it is a right one or not I do not know.

Now, Sir, I was rather disappointed with both the Mover and the seconder of the Motion. I was glad they brought

(Mr. Cooke)
 a Motion but I think that if they brought any Motion at all it should have been couched in much more forthright language. Indeed, it seemed to me, if I may quote the poet, they "roared with a monstrous little voice" and they did not really bring that indictment against Government which I was expecting. It may be they had qualms of conscience and they felt it might have a boomerang effect if they indulged in any major criticism! Because my hon. friend and the hon. seconder have been intimately connected with the Government machine for the past year and they must, I think, take the responsibility for a great many Government measures during that period, one has been on the Emergency Committee and the other on the Operations Committee. Therefore I do not think they can absolve themselves from responsibility in the matter.

There are a few points that I wish to bring this morning which have been touched upon by various Members. The first, Sir, is the question of detainees. I am not quite certain if that has been touched upon but I should like to mention it for a moment. I have just returned from seeing certain Mau Mau camps and one detainees' camp and I would like to pay my tribute to the extremely good way these camps were run. I will not mention in what part of the country they were. With regard to the detainees I got the impression, an impression shared—indeed it was given to me—by the Superintendent of this detainees' camp and by the local District Commissioner, that a number of these detainees are innocent people. Now I know that they were arrested during a panic time and I do think—I talked to my friend the Member for Native Affairs about this—I do think that a Commission should go into the past history of these people because I think, Sir, it would be doing a very great wrong if we detained people any longer who were absolutely innocent, and I think that there are a few who are, and therefore I think their cases should be reviewed. At any rate, those detainees—and there are quite a few of them—who are co-operating now should, I think, be released on a basis by which they report, say, once a

month, to the District Commissioner, otherwise I think they will be so browned off, as the saying is, that they may perhaps cease their co-operation. But that, I know is a high policy measure, but I would ask Government to give it their earnest consideration.

I would oppose any kind of Press censorship—I think it would be fatal in this country, but I would say this—I think the slant sometimes put by the Press on certain matters is a wrong one, and I think that some of the Press captions are open to a good deal of criticism. For instance, I think I raised it in this Council before the caption of a certain paper that gave the idea that the Americans had confessed to germ warfare, but when you read the text you found it was no such thing. I think the Press should be warned to be much more careful about the "slant" they put on matters and about their captions. There is one matter I must refer to, and that is the tendency of certain organs of the Press to print extracts, sometimes in *extenso*, from American books—from foreign books and foreign papers—very derogatory of this country. Now, if those articles were not published in *extenso*, very few people would ever read them. There was an article in a Nakuru paper last week, in which the writer asked for a ban on the *New Statesman*. That may be a just request, or it may not—I do not hold any views on that matter. But then they went on to quote in *extenso* the very article on which they ask for a ban! Well, Sir, it is possible that 99 per cent of the people who read that article would never have read it if it had not been printed in Kenya. I think that amounts to cashing in on sensationalism; I think it does a lot of harm in this country. But so far as Press censorship is concerned I very strongly oppose it. (Hear, hear.)

With regard to the military position, I know it is said one should not criticize it, but I am a critic of the position and always have been, because I think the military have not got "dug in" at all on the real things. I think they have been too kind to the hard-core. I do not think we have dealt enough with the hard-core in the forest. I hear something about "relentless pursuit" by my hon. friend, the Chief Secretary. Anything more *unrelentless* than the pursuit

[Mr. Cooke].—In the forest over the last few months I could not possibly imagine! Time after time we are informed by the hand-outs that we have captured deserted dug-outs, but we seem to kill or capture very few. And when we do capture anybody it is usually people with home-made rifles. How often are the people captured or killed armed with weapons of precision? Very seldom indeed. We are all, of course, very much impressed by the operations going on at the moment, but we should like to know first, before we pass judgment, how many of the people dealt with are really hard-core terrorists. No doubt it is a good thing to liquidate them whether they are hard-core or not, but it would be a source of great encouragement to most of us if we did hear they were the hard-core people.

This particular action has shown how completely feeble these "corner" boys are when faced by determined soldiers. I believe there was only one casualty on our side—one man killed—while we have killed well over a hundred. I think that supports what some of us have been saying for the past year or so—that if we had gone really relentlessly in pursuit of these thugs we would have finished the Emergency months and months ago.

I was glad to hear my hon. friend, the Leader, utter—what was to me, certainly for the first time—the strong condemnation of the frightfulness that has been taking place. I was a little bit perturbed at the time at what seemed to me to be some sort of condonation by certain people in this country of that frightfulness. I think it was a mistake to have asked that question last December about the Arusha incident. It did convey the impression that some of us had sympathy with what was happening. I should like to make it plain that, as far as I am concerned, I regard with the utmost horror and I condemn any kind of torture or frightfulness against people in custody. As my hon. friend, the Solicitor General, pointed out with great force the other day—there is no objection—that is not the word—no one will protest against strong measures being taken against the enemy in action, but when people are in custody we must preserve the traditions that have been handed down to us for many generations.

I was certainly amazed, when the question of responsibility for appointing screeners came up, that my hon. friend, the Chief Secretary, used the expression "unfortunate postings" in respect of these particular people who were in charge of these screenings.

Well, Sir, I would myself describe it in much harsher terms. I would say it was criminal stupidity on the part of the senior police officers to put these young men, and other men, in charge of screening teams. I would like an assurance from the gentlemen on the other side of Council before this debate ends that those senior officers will be suitably punished for, however guilty were these people who committed these tortures, I think it equally guilty, if not more so, for a senior officer to give the opportunity for those tortures to take place. And I would say this, Sir, that Mr. Lyttelton, at the very moment that one or two of these incidents were happening, was giving an assurance in the House of Commons that the greatest care would be taken and was being taken in the appointment of screening teams. Who was responsible for telling that untruth—I am using a very mild expression—to Mr. Lyttelton? They knew it was not in accordance with what was actually happening, and it does sometimes make us wonder how much the Colonial Office is told and how much it is not told.

With regard to ammunition—we know, of course, that ammunition has been disappearing. There is a suggestion that police *askaris* sell ammunition, and I want to ask this question. It is a definite question and I think it is susceptible to a plain answer. Is it a fact that last week, or within the last ten days, two or three boxes of ammunition were stolen, burgled, from a bonded warehouse in Nairobi? Is that true or is that not true? If it is true, what action has been taken to punish the people responsible? I have heard it—I am prepared to give the hon. Chief Secretary my authority for making that statement. I think it is an allegation that should be investigated.

I deplore, Mr. Deputy Speaker—I have been in the past a critic of my hon. friend, the Member for Legal Affairs; but I was his critic when he was the Member for Law and Order. I still in retrospect remain his critic! He was then,

[Mr. Cooke].—As it were, Home Secretary, because I do not think—and I am sure my hon. friend will forgive me for saying so—I do not think that the job was his *milieu*. I think it very unfair after nine months have elapsed to indict my hon. friend who is now in another position—that of the hon. Member for Legal Affairs—and I think myself that in the carrying out of that office he has preserved the best traditions of the English Bar—(Hear, hear)—and I have no hesitation whatever in saying that anyone on this side of Council, even unconsciously—I am sure they would not consciously—who gives the impression that we want in any way to interfere with that tradition, would be doing a great disservice to Kenya Colony. I gladly pay that tribute. I think we are very lucky in having in this country a man who will not give way to claptrap oratory, or threats from whatever side they may come.

My hon. friend, the Chief Secretary— we have very often crossed swords in this Council—should permit himself—to use the expression—to be "kicked upstairs". I am sorry to say so, but when my hon. friend spoke the other day I could not help passing it through my mind that he was a living example of appeasement and thinking that everything was all right. We want a good deal more thrust in this country, and we must have it if we are going to finish this war. I could not imagine my hon. friend, as Home Secretary, doing what Mr. Churchill did in Sydney Street 30 or 40 years ago—

MR. BLUNDELL: And was much criticized!

MR. COOKE: How right you are! And was much criticized! By the time the Chief Secretary would have arrived in such a contingency the Sydney Street thugs would have been a good distance away. We want something more like Churchill's action in this country at the moment. There is a very nice quiet governorship going in Northern Rhodesia now, and I do not see why my hon. friend should not transfer. I hope it does not affect many years' friendship with my hon. friend to make these remarks.

MR. DEPUTY SPEAKER, I want to refer to Nairobi. I think it is the hub of the whole

disturbance. When my hon. friend, the Member for Nairobi North, and I went round the reserves last June, it was impressed upon us by all District Officers and Chiefs that Nairobi was the plague spot. We came back and my hon. friend and I reported this opinion to Government—that was nearly nine months ago, but it is only now there seems to be any realization of the fact that Nairobi is the plague spot. I entirely agree with the hon. Mr. Mathu that Nairobi should be treated as a separate entity. A few weeks ago the Nairobi Location was surrounded by barbed wire entanglements. How many Members are aware of the fact that any time during the day anyone can enter those barbed wire entanglements. It is open to anyone to go into the Location and it seems to me to very largely defeat the purpose of that wire. I know as a fact that people go in and out every day. There is no guard at the gates. That is one of the cardinal errors that we are making.

I would like to see Nairobi under a Town Governor or Town Major—and treated as an entity. I would like to see a curfew in Nairobi—whatever hour it might start, again is a matter of opinion. I would like to see the same action taken in Nairobi as is taken in the African areas. I would like to see at every 100 or 200 yards posts established and manned by Europeans, so as to give confidence to Africans—

MR. NATHOO: Only Europeans to man these posts?

MR. COOKE: The hon. Member laughs, but I would like to see these posts manned by Indians, too, if they would respond. I think they should. I would be glad to associate Indians and Africans with my suggestion if they would respond. I think they should be made use of—I have always been a sponsor of taking Indians and Africans into our confidence—but, after all, the Asians have not responded so very well to the manpower demand at the present moment. I would include the Africans and Indians in this suggestion. I think the Europeans should be conscripted for this purpose. It would mean, say, every man between 20 and 30 doing roughly two or three hours' duty a week. I think what is lacking most in Nairobi is confidence of the ordinary African in Government and

(Mr. Cooke)—in Government's protection. I am not one of those who think the Kikuyu are all rebels and corrupt. I think most of the Kikuyu are on the side of law and order but they are too frightened, too frustrated, to come out on Government's side. Therefore I suggest something like the set-up in the reserves for Nairobi. These posts should be certainly within sight and sound of one another.

It is only—and this has been said ad nauseam—by winning the confidence of the African that we can win this campaign. I think we have not done enough to that extent to restore that confidence. There are people who take the easy view that the whole Emergency would be changed by certain constitutional changes—that suggestion has been put forward by certain people on this side of Council. If I thought that would help the Emergency I would be in favour of it, but I cannot see how, by transferring two or three bodies from this side to the other side, it would help the Emergency at all. I refer in that respect to Europeans as well. I am against any additional European membership on the other side of Council. Had as Government Members may be, I do not see how the position can be improved in any way by transferring anybody from our side. (Laughter.) I have studied both sides very carefully in my long period of residence in this country and I do not think that the transfer of the hon. Member for Kilambu and the hon. Member for Nairobi South, for instance, to the posts held by my hon. friend the Deputy Chief Secretary and the Member for Health and Local Government would improve the position in any way—quite the reverse!

A MEMBER: How about yourself?

THE CHIEF SECRETARY: What about dictatorship?

Mr. COOKE: Maybe. That might come some day—ons never knows. It sometimes happens. So I would be opposed to any constitutional changes. It would simply be a matter of colour, not necessarily related to merit or ability.

I think the position to-day in many ways is as bad as it could be. If small things can be compared with the great I think it is rather like the position in England in 1940 when we were very close

to losing the battle. There was no leadership in those days in England, nor do we have any leadership to-day—either white or black. We seem to be drifting into the position while we are wimpering the physical battle—there was no doubt about that from the very start—we are in great danger of losing the spiritual battle—losing the confidence not only of the Kikuyu tribe but of other tribes in this country. I think the other tribes are probably saying that the conduct of operations has been so inapt and inefficient that the sooner they get on the side of the winners the better—whoever the winners may be. For that reason I take up the position I have taken from the start. I moved very strongly a Motion in Council last October, and I support this Motion—and strongly support it—because I think it is only by bringing to bear all our guns—both from the physical and spiritual side—that we shall end this State of Emergency.

Sir, I oppose the amendment.

COLONEL COWIE: May I say that as long as hon. Members in certain sections on the opposite side of Council wish to write into this Motion a vote of no confidence in the Government, they cannot expect any Member on this side of Council to support it.

May we analyse for a moment the actual wording of the original Motion? That is—“... pledges its full support of any measures for... etc. . .”

Mr. BLUNDELL: The hon. Member is not imputing to me that I moved a vote of no confidence in Government? I clearly stated that it was a strong measure of criticism, but nothing more. I cannot get rid of hon. Members opposite—it is no good my having no confidence in them!

COLONEL COWIE: May I say there were certain voices raised on the other side of Council which implied a measure or vote of no confidence in the Government? It is that to which I refer. (Hear, hear.)

But may I say this: if this Council really wishes to impress on Government the urgency of doing something in this Emergency, the best way to do it would be that all further speeches on this Motion should be limited to one minute. I believe that, unless somebody has

(Colonel Cowie)—something new to say that has not already been said, we would gain a much better sense of urgency.

I therefore beg to support the Amendment!

Mr. HARRIS (Nairobi South): Mr. Deputy Speaker, Sir, I am afraid I cannot take the advice of the last speaker! I have been waiting three days to hear the voice of leadership come from the other side of the Council. So far I have been thoroughly disappointed. The leadership must come from that side of the Council. Leadership from this side, from the Opposition, is impossible and that goes, Sir, for those representatives on this side of the Council that have tried to advise the Government in the Emergency. They have no executive authority and responsibility for executive action must rest with the other side of the Council.

I would like to say here that at one stage in the debate I thought we were going to see leadership. I congratulate the hon. Member for African Affairs, first of all, for what might be termed his maiden speech as a substantive Member of Executive Council and, secondly, that it was the only speech that I have heard from that side which sounded like the speech of a leader.

He gave us some red meat and the rest of the Government have given us milk and water. He said some very hard things about the European Elected Members; he said some hard things about the European community. That, Sir, the Europeans can take, providing they know that in doing so, they are going to add their weight to the speedy termination of the Emergency.

What they will not take, Sir, are the speeches of self-justification and the platitudes that we have heard from the Government front benches in this debate. . . .

THE MEMBER FOR FINANCE AND DEVELOPMENT: And from the other side!

Mr. HARRIS: The hon. Solicitor General started his speech very well indeed—I thought that perhaps here was another embryo leader. Unfortunately, he got sidetracked by a red herring in the form—(Laughter)—the hon. Member for the Coast is entitled as probably one of

the most erudite Members, to laugh at mixed metaphors but I have heard so many from the other side of Council it does not worry me.

Like the hon. Mr. Ohanga, I, too, am in a quandary to know whether I should support the Amendment or the original Motion—they both look as if they mean exactly the same thing. If we delete all the unnecessary verbiage, which, I am afraid, must be expected from the Government front bench, in the Amendment, we find that it is a fact that the Amendment and the Motion have one thing in common and that they have one variation.

The variation, Sir, is that the Amendment takes the responsibility of the Emergency off the shoulders of Government and places it on the whole Council. As this side of the Council—I repeat—has no executive authority, I am unable to accept that shifting of responsibility, from the other side of the Council.

The thing in common in both the Amendment and the original Motion is asking the Council to pledge support to any measures considered necessary for ending the Emergency. I do not think there is any doubt about that one; Sir, it does seem to me that one of the most unnecessary measures for ending the Emergency—here I agree with the hon. Nominated Member, Colonel Cowie—the sooner we stop quarrelling and arguing and worrying about the terminology then so much sooner shall we defeat *Man Uta* but, of course, there was implied by Colonel Cowie's remarks the idea that what happens in this Council will have an effect on the Emergency!

Having said that, I feel I must, too, descend to the level of the debate so far, with the exceptions I have already mentioned.

The Solicitor General accused the European Elected Members of paying too much attention to what he considered irresponsible public opinion. I might say here and now that many of my colleagues on this side of Council have spent a great deal of time in the last few months trying to modify that public opinion in order to bring it into the common field of getting on with the Emergency, instead of dividing the people of the country. (Hear, hear.) That restlessness, Sir, does not rest

(Mr. Harris) entirely with that rather extreme opinion. I have evidence of it occurring with the solid folk of this country who are getting very worried about the inactivity of Government in dealing with the Emergency. And, Sir, the hon. Solicitor General flaunted that on this side we have constituents like himself. I am honoured he is one of my constituents, and if he would care to go to the Civil Service Club or the Railway Club or even the Nairobi Club, where civil servants gather, you will find that the idea that civil servants are indifferent to the state of affairs in this country, is a complete myth. (Hear, hear.) I am very glad, Sir, the Government benches agree with me; 65 per cent of my constituents are civil servants. The real trouble, Sir, with public opinion is that I believe, with possibly one exception, there is no one on the other side of the Council who has the slightest conception of what to do with public opinion, what it is or what it means. The Solicitor General, Sir, quoted the Prime Minister across this Council. He should have known better, because the Prime Minister of Britain, unlike hon. Members opposite, is one of the few people in public life who really understands public psychology, and it has to be remembered that in Britain's darkest hour—and this is Kenya's darkest hour—Mr. Churchill, as he was then, made his famous speech which ended, "We shall fight them on the beaches; we shall fight them on the landing grounds; we shall fight in the fields and in the streets; we shall fight in the hills; we shall never surrender." Now that, Sir, rallied Britain in those dark days. We have been waiting for something from the other side to rally this country and what have we had, Sir? We have had the Commander-in-Chief's uninspired utterances last week on manpower. I can almost hear the Government spokesman whispering, "We will fight them with Regulations; we will fight them with paper."

Now, Sir, the hon. Solicitor General raised the old hare of my "harrying and hounding" speech. I want to nail this one once and for all and to quote what I said, "If the Attorney General and Special Branch spent less time in harrying and hounding members of the

forces of law and order who are trying to do their duty, and more time in chasing those of all races who are encouraging the rebels the better for everyone." Now, Sir, if the Solicitor General would turn his legal mind to the exact meaning of that expression of mine he would see that I was not condoning sadism. Where there is sadism it must be stamped out; what I was saying was that I believed the emphasis was wrong. Hon. Members on my left twice in this debate have mentioned the number of Asians who have been murdered by *Mau Mau*, and without any convictions for the murders. Now, Sir, I believe that the whole time that this state of affairs exists it would be very much better to turn everyone in this country—who has experience of criminal investigation and special investigation in the forces, on finding those murderers and not worrying about who stole the peas or was it the spring-onions, on a farm in Mweiga.

THE SOLICITOR GENERAL: Does the hon. Member suggest that the Attorney General should go round hunting murderers?

MR. HARRIS: I think, Sir, perhaps it might be a very good idea if he did. (Laughter.) But I repeat, Sir, that what we want to do, and I want to get myself quite clear on this, is to rout out crime wherever it is. (Hear, hear.) Let us concentrate first of all on bestial crimes which are being committed by *Mau Mau* to-day. Now, Sir, the hon. Attorney General gave us a very great and classical dissertation on the benefits of British law. I yield to no one my admiration of British justice. But I believe, like most of my kind, the law is the servant of man, and not man the servant of the law. In any case, Sir, as far as I am aware, the hon. Attorney General went to great pains to defend something which had never been criticized on this side of the Council, namely, the principle of British justice. But, Sir, the Attorney General, is also the legal adviser to the Governor. In 1952 the Legislative Council, sat for many a long hour passing special Emergency Ordinances recommended by the hon. Attorney General. Speaking on that occasion he stated that those measures, distasteful as many of them were, were designed to close the gaps left open

(Mr. Harris) by the Statute Book, as it then existed. Is he satisfied, Sir, that all those gaps have been closed? Is he in fact satisfied that the death sentence can be passed on all oath administrators when caught, when he knows that underneath the existing Criminal Code the evidence of accomplices is not acceptable to a court? Does he really believe that an oath administrator will wait before commencing his nefarious task until a couple of independent witnesses are present? Does he know that under the law as it stands to-day, conviction for a threat to do murder only stands if it is in writing? Does he know that some African servants gave information recently at Limuru that they had been ordered, under threat by an African, to murder a European and that the police on that occasion stated that unless the threat was committed in writing no action could be taken? Does he realize that in the exceptional circumstances in Kenya to-day there are many loopholes in the law which are making adherents of *Mau Mau* laugh at our British law? What Kenya needs is more justice and less law.

Now, Sir, the Member for the Central Muslim Area made a great point, as did the hon. African Representative Member, Mr. Ohanga, that the European Elected Members were attacking the Government. Other hon. Members can speak for themselves? As far as I am concerned, Sir, I will never attack the Government as a whole. Whether we like it or not, those gentlemen over there are the representatives of the best thing that has ever been brought to Africa—British administration. There are many individual members—some individual members—in that Government who are completely incapable of glaring their thoughts and actions to an Emergency, and it is essential, in order to clear the Emergency out of the way, that those men should go.

THE DEPUTY SPEAKER: Order, order. It is now time for the customary break. Council will now stand adjourned for fifteen minutes.

ADJOURNMENT

Council adjourned at five minutes past Eleven o'clock and resumed at twenty minutes past Eleven o'clock.

Mr. Deputy Speaker, Sir, I only have one last remark to make and that is on the speech made by the hon. Mr. Tyson who decided to use this Motion as an opportunity for stating that the hon. Member for Nairobi North, the hon. Colonel Ghesie and myself keep in touch with commerce and industry insufficiently, with particular reference to manpower. I am not quite sure, Sir, what this had to do with the sense of urgency which is necessary, but it might be of interest to hon. Members to know that in the early stages of this debate I was making notes on the back of a letter from the Nairobi Chamber of Commerce which is apposite to this debate. It deals with the Emergency and says "I attach for your recent reference extracts from the Management Committee from which you will see that you agreed to include the members' objections to the growing tendency of the Government to entice staff away from commerce, when you move your Motion on manpower."

The hon. Member, Sir, is a member of the Board of Commerce and Industry, as I am. He is a past president of the Nairobi Chamber of Commerce, as I am. We are both hon. members of the Management Committee or of the Nairobi Chamber of Commerce. I have been for many years, an officer of the Association of Chambers of Commerce in East Africa. I attend, Sir, all the meetings of those bodies which my duties in this Chamber enable me to do. I feel, Sir, however, that I should suggest that this suggestion of indifference on the part of either the hon. Member for Nairobi North and myself, is unfair.

Finally, Sir, I end where I started. The present war, rebellion or unfortunate incident—according to the way one looks at it—is the affair of the whole Council, and the sooner this debate is terminated and we can all get on with the job of beating the *Mau Mau* instead of squabbling amongst ourselves, the better. (Hear, hear.)

MR. CHANAN SINGH (Central Electoral Area): Mr. Deputy Speaker, Sir, like some of the Members who have already spoken—I do not see any substantial difference between the original Motion and the amended Motion. The Amendment does, however, to some extent, improve the Motion, and for that reason it has my support.

[Mr. Chanan Singh.]

Now, Sir, it is a pity that some Members of this Council find Motions like this an occasion to attack individual Members of the Government. This time it is especially deplorable that they have picked on an officer who, in my view, has done his best to carry out the duty entrusted to him by the Crown. The preservation of the fundamental principles of the administration of justice is a very important task and, in my view, the hon. and learned Member for Legal Affairs has accomplished that task impartially and with very great courage. (Hear, hear.) I think, Sir, it is most improper to attack a person whose duty it is to preserve the principles of justice, and to try to make him act in a way which would be acceptable to a certain section of the population, is very wrong. Well, Sir, attempts have been made to prevent the principles of justice in the past, and I am sure we shall hear more of them later on.

It has been suggested by some Members that perhaps there are known and regular sources of supply of firearms to the *Mau Mau* gangsters. These innocuo, to my view, do not serve any purpose at all. If any Member knows where the arms come from, it is better for him to go to the police and place the information at the disposal of the Government. I am sure there is not a person in this Colony who knows where exactly the *Mau Mau* gangsters get their firearms. Some of them we know are stolen and the police and the security forces have done their best to get those stolen firearms back.

References have also been made during this debate to the Inter-Racial Conference that was held some days ago. It was announced that the conference was held behind closed doors. Nevertheless, some of the Members who attended the conference have used certain pieces of information which suited their particular theories during this debate and in the Press. Here again I think, Sir, that either the proceedings of the conference should be released for publication as a whole, or the habit of picking out the portions that suit a particular person should be abandoned.

References have also been made to the Asian call-up and its effects. In the local Press and the Press overseas,

recently, doubts have been thrown on to the efficacy of the call-up arrangements and also on the willingness of people to be called up. Here again, Sir, there is a fact which has conveniently been forgotten by people. The call-up was asked for by the Asian community. It was not imposed on the Asian community.

The Press reports seem to suggest that the call-up is something which has been imposed on the Asian community against its own wishes. That certainly is not so. In fact one Press report goes on to suggest that Dr. Hassan, the Director of Manpower, has not done his job as well as he should have. (Shame.) I am sure, Sir, there is no foundation for a belief like that. We are all working under difficult conditions. It is for the first time that the Asians have been allowed to join combatant units. The Asian community, as has been said in this House over and over again during the last twenty or twenty-five years, has not been given the advantage of military training. We have always asked for facilities for military training. It is only during this Emergency that the request of the Asian community to be allowed to help in the ending of the Emergency has been granted. I think, Sir, it is unfair and, in any case, it is too soon to blame the Asian community for any shortcomings that there may have been in the call-up arrangements. Personally, I do not believe that the call-up has not worked as well as it was expected to.

Now, Sir, there is another matter to which I wish to refer, and that is: the question of security and protection of Asian trading centres. We have referred to this matter before. I wish to impress upon the Government the need to give better thought to this matter. There is a small trading centre within the limits of this City; I refer to Kariokor. In that place four Asian murders have taken place. I think better security measures are necessary for places like Kariokor.

There is one last matter, Sir, to which I wish to refer. At the beginning of the Emergency, His Excellency the Governor spoke of two-pronged attacks on the *Mau Mau*. One prong of the attack was of course the military force. The second prong was the economic and social measures to do justice to the African

[Mr. Chanan Singh.]

A high-powered committee was set up to look after the second prong, but we have not heard any more about the activities of that committee. I believe, Sir, there should be a third prong and that is the political attack on the *Mau Mau*. I think that prong needs attention now. This is the time to enlist the help of all sections of the community and if all sections of the community can be equally associated with the administration of the Colony, we shall be able to bring the Emergency to an end quicker.

Mr. RIDDOCH (Nominated Member): Mr. Deputy Speaker, Sir, having listened to this very long debate, it is my view that much of what has been said was a sheer waste of time. Machinery already existed for the ventilation and submission to Government of many of the criticisms and suggestions which have been put forward by Members on the opposite side of the Council. Just over a year ago, Sir, at the request of the Elected Members, an Emergency Council was set up. It was to consist of members—representative members—of the elected groups so as to enable them to meet the Government at the highest level to hear a report and appreciation of the situation as it existed from time to time, and to make criticisms and to make suggestions. Well, Sir, I was a member of that Council for a certain period and I must say that I was very distressed at the very poor attendance by Elected Members at many of the meetings of that Council.

Mr. BLUNDELL: Was not the hon. Member one of the most dilatory in his attendance; in fact he finally resigned? (Laughter.)

Mr. RIDDOCH: That is not exactly true. I am not an Elected Member and when I was appointed to the Council, it was understood that I would not be expected to be a regular attendant.

Mr. BLUNDELL: A figure-head!

Mr. RIDDOCH: If I may continue, Sir, I may say that at one meeting at which I was present, there was not one Elected Member present and at the next meeting, at which I was also present, there was only one Elected Member present. Now, Sir, that to my mind demonstrates surely a great lack of a sense of urgency on the part of those members—Elected Members—who were appointed to that Council.

(Hear, hear.) After the inauguration of the Emergency Council, and again at the request of Members opposite and in order to associate them most intimately with conduct of the Emergency and the formulation of policy, an Emergency Committee was set up, of which the Member for Rift Valley is, I think, the only Unofficial Member. As a member of that Committee, Sir, and as long as there is a Committee and he is a member, he must be associated—he must be considered to be associated—and in agreement with all Government policy in connexion with this Emergency. If, Sir, he disagrees profoundly with matters of policy and the conduct of affairs, then, Sir, I submit that it is his clear duty to resign and give reasons for his resignation, but so long as he is a member of that Committee, then, in my view, Sir, all the Elected Members must be associated with the policy of the Emergency and share the responsibility.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, a number of hon. Members have said that this debate has gone on rather a long time. I think that is very correct, Sir, and I would dearly love to be able to follow the advice of my hon. friend Mr. Cowie and confine my speech to one minute, but alas, Sir, if I do that I am pretty certain that the hon. Member for Nairobi South will, in the next debate, again say the Government has not answered its critics. Therefore, Sir, I feel it is an occasion when one must take some time to cover some of the points that have been made in this debate.

The hon. Member for Nairobi South, Sir, said with plaintive plea that he wanted to listen to the voice of leadership from this side. Sir, let us be perfectly clear. The hon. Member means not the voice of leadership, but the voice of agreement; that is their interpretation of leadership. The hon. Member, if I agree with him, says "That is the voice of a leader", but if I disagree with him, says, "That is not the voice of a leader, that is the voice of appeasement". (Hear, hear.) The hon. Member also made a plaintive remark about my hon. friend the Member for Legal Affairs spending some considerable time in self-justification. I ask the hon. Member for Nairobi South to read his own speech to-morrow, and see what he spent most of his time

[The Member for Finance and Development] doing—(Laughter)—defending himself for once against the attacks that had actually been made from this side of the Council for once in reply to the attacks that he and his colleagues had made upon us. Sir, he made platitudinous remarks about squabbling between ourselves. May I ask the hon. Member to look at his speech and tell me if he contributed anything towards an atmosphere of peace and co-operation. The squabbling, I would remind hon. Members, has not come from this side of the Council. This side of the Council values the co-operation of the hon. Members opposite and seeks it and desires it. This side of the Council was not responsible for the moving of this unhappy and ill-timed Motion. My hon. friend said, and I think perhaps that is the best comment that I can make—both upon his speech and upon this Motion, upon this amendment and this debate—the hon. Member said, and how truly he said it, "I will end where I started". That, Sir, I think is the best summing up both of his speech and, as far as I can see, of this debate and this Motion.

My hon. friend, the Member for the Coast, raised one or two points on which I think he should have an answer. He raised the question of detainees and the fact that some of them in his opinion were perhaps wrongly detained, and perhaps their cases should be reviewed. I can assure the hon. Member that there is an Advisory Committee which does hear appeals and that all cases are being reviewed, though there are so many that it is obviously taking time to go through the machine.

Another point that the hon. Member asked about was the question of screening teams and what I think my hon. friend's—the Chief Secretary—reply referred to as unfortunate postings. I have the authority of my friend to say that the Kenya Police Reserve officer who was responsible for that posting is being dismissed. I hope, when this action is taken, the Governor does not have to face pressure for reinstatements from the hon. Members who have been so vociferous in their demand that this wrong should be put right. I cannot, of course, agree with my hon. friend, the Member for the Coast, in his remarks

about my hon. friend the Chief Secretary. If my hon. friend the Chief Secretary will forgive me, and I think he would agree with me, it is perhaps that he finds the atmosphere of self-defence, which is so often imposed upon him in this Council, a distasteful one and it restricts him in his expression of opinions because so often he is made the focal point of the attack, instead of hon. Members realizing what hon. Members of this side of the Council certainly do realize—that we accept the principle of collective responsibility. (Hear, hear.) I would say now, after some association of many months with my hon. friend, the Chief Secretary, that he works long hours, he never hesitates to make a decision, but there is something in the system under which he works that compels him at times to seek consultation and to ascertain the opinion of people who are not members of Government. He many times does not take the quick and swift action that he would, because he wishes to find out the opinions of hon. Members opposite. Perhaps he is wrong; who is to say? But we have been trying to work under the principle of co-operation in the belief that only through co-operation can this Emergency be brought, not only to a successful conclusion in the physical atmosphere, but as my hon. friend, the Member for the Coast, said, in the spiritual atmosphere, because unless that is solved we may well be faced with this trouble again in a few years' time.

Sir, I support the amendment; I support it because I believe that it recognizes that others—not only Members of the Government—play a part in the shaping of the policy in the Emergency. I believe also that it covers and recognizes the need for constructive measures; the need to plan for the future beyond the immediate trouble. I deny, Sir, completely that there is any lack of a sense of urgency on the Government side. I know the hon. Member for Nairobi North told a very nice, humorous story about somebody who lost his glasses and was taken round the town, and I know it raised a laugh—it is very humorous—but it is also a ridiculous example. I might just as well say that if the assistant in a laundry sent the clothes to the wrong customer, that shows the firm is inefficient, it cannot clean well and it

[The Member for Finance and Development] should sack the General Manager and the Board of Directors, because that carries it to a final conclusion—that is the final conclusion of the hon. Member's ridiculous example.

MR. HAVELOCK: How many stones make a heap?

THE MEMBER FOR FINANCE AND DEVELOPMENT: A great many stones make a heap. If hon. Members will turn their attention to the big things instead of niggling, the heap will be a building and not, as some hon. Members would seem to prefer it, a collection of stones.

The hon. Member for Rift Valley and I would like to say here, Sir, that contrary to some current thoughts, we—he and I—do not, and I hope the hon. Member for Rift Valley is also noting this one, have very deep conflicts, but, as is natural with people of reasonable intelligence and deep, sincere convictions, of course at times we clash, but those clashes are usually worked out across a table and solved, because I believe the hon. Member for Rift Valley—the same as, I believe, myself—has the future happiness of this country at stake. (Hear, hear.) But he spoke, Sir, about people and their wives and how anxious they were to end the Emergency. Well, Sir, 65 per cent of the voters for the hon. Member for Nairobi South are civil servants, and one-third of the European population are civil servants. They are indeed the people who are carrying out the executive side of the policy and are anxious to end the Emergency.

MR. DEPUTY SPEAKER, Sir, this is not a question always of a sense of urgency. It is not a question of "Government does not want to do this or to do that or will not get on with the job". It is a question of Government does not always do what everybody wants. Now it cannot do what everybody wants because the Government has to assess the practicability and the desirability of every measure. It has to have regard not only to the short-term effect, but to the long-term effect.

Sir, the hon. Member for Uasin Gishu—and I give this as a typical example of the ill-informed criticism that goes on—spoke about the Public Works Department—the need perhaps not to do hospitals and schools in order to get on

with Emergency work. Sir, right from the very start of this Emergency the Public Works Department was issued with an instruction that Emergency work was to take priority over all types of work, even when this means stopping the development programme, and it has, in fact, done that. The term covers work for the military authorities, new administration centres, work for police, all types of security work, camps included—prison camps. But of these, the military work has top priority and must be done even before any other work. Perhaps the hon. Member does not realize fully that the Public Works Department undertakes the whole of the engineering work of the armed forces, and to all intents and purposes replaces the numerous Sapper units which would otherwise be required, and the only exception to this is a certain amount of road work in the operational area which is now undertaken by the Sapper Regiment which has recently arrived.

Now, Sir, I, as the Member for Development, and my hon. friend, the Director of Public Works, do not know of a single case where Emergency work required of the Department has been held up or delayed beyond the time when it was required. Camps, as camps are authorized and according to their priority they are done. That is the fact. The fact remains that military work must take priority, and camps must come second. But the armed forces of the country must be served first of all, and surely the hon. Member is not arguing with that priority.

It is, of course, more than probable that with the increased demand for work that is coming on, that the quiet areas such as Nyanza and the Coast will have to be put on to a skeleton basis, and it will indeed be schools, hospitals and residential quarters which will not be built. I would like to say, for the information of hon. Members, that although the 1953 accounts are not yet complete, it looks as if the expenditure of the works in 1953 was about £1,300,000 more than in the previous year, and that despite the fact that something like 10 per cent of the Department was non-effective because it had been taken into the armed and security forces. I suggest that that does not show anything of a lack of a sense of urgency in the department's work and that rather indeed ought this achievement

[The Member for Finance and Development]

to be regarded as praiseworthy even by the hon. Members opposite, because it is a first-class achievement in a position of very great difficulty. (Applause.)

I was, of course, amazed by the hon. Member for Uasin Gishu's strange theory about policy responsibilities. What, Sir, is the position of a member of any of those committees if he is not satisfied? It is exactly the same position as mine, Sir; if the policy decided on has been a matter for agriculture, I am not the Executive Officer or the Executive Minister for Agriculture but I have the right, at the next meeting, to say—has this thing been done and if not, why has it not been done. I can ask that inside and can press the Minister responsible for doing that job, but on the floor of this Council I accept the collective responsibility, that what is the fault of one is the fault of all, just as I take the credit that what is the good of one is the good of all. (Hear, hear.)

Now, we on this side of the Council value the co-operation and association of hon. Members opposite, that is why we do try to drive home again and again this principle of collective responsibility. It is because we believe the co-operation of hon. Members opposite is essential to the welfare of this country that we maintain this principle, even though it is sometimes inconvenient and restrictive to both sides of the Council.

Sir, I support the hon. Member for Kilambu in his request that the Kikuyu guards should be fully armed, that they should have extra guns. I have always supported that request. I have always urged that the Kikuyu Home Guard, from the very beginning, should be armed to the limit. I would remind hon. Members that that has not always been the opinion of some of the hon. Members opposite, and I have little doubt that when we do it we shall find that somewhat strange phrase which has appeared so often in newspaper columns—that "after pressure" the Government has accepted this particular measure. (Laughter.) That "after pressure" is a phrase that is so often a distortion of fact, because Government has taken its decision after consideration and consultation and acted as soon as possible, and

the tragedy—the tragedy of this phrase—"after pressure" which is so often repeated, is that it sows in the minds of the non-European races in this country suspicions of Government decisions which have really been taken on the merit of the case. (Hear, hear.) It is indeed a bad thing to use a phrase of that kind, even to go so far as to say that "threats of resignation" have indeed brought about the acceptance of policy. Do they wonder that the Government sometimes feels inclined to hit back perhaps a little harder because it is fully aware of the fact that statements of that kind make my hon. friends in the lower part of the benches opposite suspicious about the decisions we have taken, when many times we have taken them purely on the facts after full consideration of the long-term and the short-term effect.

The hon. Member for Mount Kenya, who I think is also on his Provincial Emergency Committee, spoke about the Mweiga farming difficulties. Sir, I have very great sympathy with that position and he knows it. I cannot accept that the Government—that is the taxpayer—has liability to compensate for loss of profits or even for losses caused through necessary Emergency measures. The financial burden of the acceptance of that principle would break the country. Nevertheless, I have appointed a Committee with the agreement of His Excellency and Executive Council under a Treasury officer to investigate cases in the Mweiga/Ngobil hard-pressed area on the basis that it shall not wait for claims to be made, but shall go out and investigate, with the assistance of the local Production Sub-committee, the position of the farmers in that area; that it shall remember its basis of assistance is two-pronged—twofold—one, the relief of hardship and two, the necessity to keep the farming economy going; the need to assist the farmers of this country to stand firm, to defeat the *Mau Mau* attempt against the European farming community which is so essential to our development and our future—(Hear, hear)—and that is something which the Government has no intention of letting happen whatever the burden and whatever the task. (Applause.)

The hon. Member for Rift Valley, Sir, spoke about the Police Commission and asked for an assurance that this matter would be dealt with. Sir, he had no need

[The Member for Finance and Development]

to ask for that assurance. The reason why I deal with this is because it might have left an impression in the minds of the police force that there is any delay or neglect in dealing with their interests. The hon. Member knows if he looks at the position. The report was received by the Government towards the end of January. The report had to be printed and was ready for distribution by the end of January. Now the earliest point at which the report could be laid on the Table of this Council so that Members may study it was the morning of 18th February, and the report was so laid. The hon. Member knows that we had already had conversations and were bringing, and will be bringing, before this Council, special Motions to deal with only the salaries and scales section of the Police Commission Report in order that that shall be implemented at the earliest possible moment, and not wait for what would be a full and, in some respects no doubt, a controversial debate on the other aspects of the Police Commission's Report.

I wish the police force to know that the Government is not delaying, that indeed it is taking the earliest possible action under the constitutional procedure of this country to see that any recommendations which this Council will accept with regard to salaries and scales of salaries can be put into operation at the earliest possible moment.

Now, Sir, some hon. Members have dealt with the question of Press censorship. Now I, like the hon. Member for the Rift Valley, dislike the idea intensely. It is correct to say, Sir, there is, of course, no Government newspaper in Kenya. There is no newspaper which regards it as a primary part of its policy to state the Government case. Hon. Members, of course, will be well aware of the position in the United Kingdom where, if the Conservative Government is in power, then the *Daily Telegraph* can be relied upon to contradict everything that the *Daily Herald* says, and if the Labour Party is in power the *Daily Herald* can be relied upon to contradict almost everything the *Daily Telegraph* says; but in this country the Government has no Press which regards it as part of its policy to defend or even to explain the Govern-

ment position. I would ask hon. Members to look at some of the papers in this country, and amongst them I include some European papers, to see their attitude in reporting for instance, debates in this Council, and to see their attitude in general comment and see where the emphasis is and where the bias lies, and I think that the hon. Members opposite will come to the conclusion that the most they can say is—well, it has not got a Government bias. I wonder, Sir, if some of the people who do newspaper work and journalistic work in this country realise the harm that they are doing to the journalistic profession and to the Colony by this attitude of niggling, smart Afely parochialism instead of taking the broad and general Colony view, instead of placing honestly and fearlessly before their readers these debates and their general feelings about Government policy. (Hear, hear.)

I would ask hon. Members to take the correspondence columns—to see the letters that are published with sweeping, ill-founded assertions, without fact or information, and I would ask my hon. friends, the European Elected Members to agree with me that this often does great harm with the non-European communities—(Hear, hear.)—who interpret those ill-founded, sweeping assurances as what they are never in any reality, and that is—the opinion of the majority of the European community, and they do us great harm with other races. I believe there is great harm done to the country through this ill-balanced criticism of Government and its failure to recognize that every man who writes in a paper in this country has a sense of responsibility or must have a sense of responsibility towards the Colony as a whole. If we fail to create a nation in this country of ours—God knows we must create that nation—if we fail these gentlemen will have played as great a part in the failure as anyone else that I know. Yet, when I have said all that, I would still come down solidly against Press censorship, because we have some pressmen in this country who do realize their responsibility and we, as legislators, must balance the bad things against the overwhelming advantage and value of the free expression of reasoned, critical comment, which is all the more important when we have the

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irremovable type of Government which my hon. friends and I represent.

I would deny again any insinuation of lack of determination and urgency by the authorities. Now, Sir, let us be realistic; let us look at the report. Let us look at the Prison Report. At the present moment we have, on February 15th, we have 12,785 *Mau Mau* convicts and 1,635 *Mau Mau* detained persons under Emergency Regulations. Quite a sizeable prison population for one particular group. Look at the *Mau Mau* casualty lists—the known casualty lists—even before the resounding success of the last eight days when 197 were killed in eight days. Look at the executions. From October to the end of February 206 people executed for *Mau Mau* offences. There are 26 appeals dismissed awaiting result of petition to Executive Council and 68 more convicted awaiting the result of the appeals to the East African Court of Appeal. I suggest to hon. Members that that does not show any lack of determination; that does not show a lack of sense of urgency; that is indeed a terrible list of achievement.

Sir, as I move to the end of this speech, I would say that I think those defeatists who talk about the situation deteriorating are wrong, terribly wrong, and the tragedy about them being so wrong is that they hearten an enemy who is already hard pressed, for when *Mau Mau* propaganda goes out one of the things they can always say is that there are some hon. gentlemen in this country saying that Government is being defeated in this action. I say that the people of this country are not being defeated by *Mau Mau* but are moving steadily towards the appointed end of victory. The enemy is being hard pressed. At the present moment we are going through a period of intensification which was indeed prophesied as a result of that pressure, forcing them to join battle under unfavourable conditions—desperate men resorting to measures of desperation. Before that pressure we should not have got them in a gang where we could have killed 37 and 100. It is a natural result of desperate men and what is important—and I believe my hon. friends, the African Members will agree with me here—is that at long last the

many waverers are beginning to move to our side and if we can but convince them in the true atmosphere of physical and psychological warfare that we are winning—as win we shall—then even more will begin to take the right side of the fence. Of course, there will be incidents going against us—these will occur under these conditions—indeed in this phase of desperation we run the risk of those incidents more than ever before—but those incidents are growing fewer and fewer and our successes are now more frequent, and what is more important, they are greater in effect.

Sir, the security forces are pressing harder, and will press harder still upon the bad men. That must be accompanied with ever-increasing measures to assist the good. A policy of firmness with moderation—that is bound to succeed—that is reflected in the amendment.

Now, Sir, I beg hon. Members to turn their minds away from this debate, to cease this trade of flutulent platitudes and let us get back to the immediate and daily job—how can we hit them harder. Where can we hit them harder? When can we hit them harder? What steps are we going to take to see that never again in our lifetime will this fair country of ours face troubles of this kind—never again.

I beg to support the amendment.

THE DEPUTY SPEAKER: Hon. Members, I have no authority from the Chair to shorten this debate, but I feel convinced that the great majority of hon. Members will share my view that, subject to the hon. Mover's right to reply, everything that can profitably be said on the Motion before the Council has already been said. I would like to put the question of the amendment which I propose to do unless any hon. Member rises to object.

I will put the question of the amendment. The amendment is that the substantive Motion be amended by the deletion of all words following "This Council" by the substitution of the following words: "therefore, recognizing the urgent necessity of ending the Emergency as soon as possible and of re-establishing an atmosphere of peace in which the rate of development and progress can be maintained and increased, pledges its full support for the necessary measures to achieve those objectives".

[The Deputy Speaker]

I will put the question in the form prescribed by our Standing Orders—that is that the words proposed to be deleted stand part of the Motion. Now in order to avoid the misunderstandings that so frequently occur I would remind hon. Members again that those who support the original substantive Motion will say "aye" and those who support the amendment will say "no".

The question was put and negatived.

THE DEPUTY SPEAKER: I will now put the further question that the words "recognizing the urgent necessity of ending the Emergency as soon as possible and of re-establishing an atmosphere of peace in which the rate of development and progress can be maintained and increased, pledges its full support for the necessary measures to achieve those objectives", stand part of the Motion.

The question was put and carried.

THE DEPUTY SPEAKER: The debate on the Motion, as amended, will now be resumed and if no other hon. Member—

MR. USHER: On a point of order, Mr. Deputy Speaker, Sir, Members who have made their speeches will no doubt approve of the decision that you made just now—that no other speeches should be made. But I want to raise this question, Sir; if that is the case, I take it that Members who have not made speeches, who have further points to make, will not be precluded from carrying on the debate in the Press?

THE DEPUTY SPEAKER: I have no doubt that no one will feel himself debarred from carrying on the debate in the Press, if he so wishes.

MR. HAVELOCK: Mr. Deputy Speaker, Sir, on a point of order, surely no debate can be carried on outside the Council?

THE MEMBER FOR FINANCE AND DEVELOPMENT: I support the hon. Member for Kiambu in that.

THE DEPUTY SPEAKER: I recognize the force of that.

MR. USHER: In that case, Sir, I would like to be allowed to make about one-sixth of my speech. (Laughter.)

There was one part of the hon. Member for Legal Affairs's speech which I would like to controvert—the hon.

Member made a great point of speaking of British law and British justice and he got the inevitable cheers which he sought. He also quoted the words of Lord Cockburn—who is much respected by us all—and all I can say about that is that I should not agree with what Lord Cockburn said. But I should like to read a passage from the work of a different sort of person.

"There are two sets of relations which have still to be regulated by the primitive and pathological principle of repression and main force. The first of these concerns that unfortunate body of criminal and vicious persons whose social propensities are constantly straining and endangering the bonds of the social union. They exist in the midst of the most highly civilized communities with all the predatory or violent habits of barbarous tribes. There are the active and unconquered remnant of the natural state and it is as unscientific as the experience of some unwise philanthropy has shown it to be ineffective to deal with them as if they occupied the same moral and social level as the best of their generation. We are justified in employing towards them, wherever their offences endanger order, the same methods of coercion which originally made society possible. No tenable theory about free will and necessity, no theory of praise and blame, that will bear positive examination is to lay us under any obligations to spare either the comfort or the life of a man who indulges in certain anti-social kinds of conduct."

I may be told that those are not the words of an eminent lawyer—quite right. I shall be further told, I suppose, that they are the words of some hide-bound Tory statesman—wrong.

These are the words of the incarnation of Liberalism in the nineteenth century—Honest John, later known as Lord Morley. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will ask the hon. Mover to reply.

MR. BLUNDELL: Before I really get down to the substance of my reply, I think it would be right for Members of this Council to convey their congratulations to the security forces for the very successful operation over the week-end. (Applause.) (Hear, hear.)

[Mr. Blundell]

In order not to encumber the flow of my reply later, with smaller matters, with reference to my speech, as reported in the week-end Press—in the remark I made to the hon. Member for Education and Labour—I would like to say that I made that remark—in effect, that he had spent most of his service dealing with situations like this and losing them—I made that remark because of a remark the hon. Member made to me earlier on in the Emergency. I would beg leave of Council to withdraw that remark, because in terms of the hon. Member's service, it was not a very fair remark and it only sprang into my mind as I thought he appeared to be laughing at me.

Now, Sir, the first issue I want to deal with is the amendment and the original Motion. I did not support the amendment for this simple reason, that it seemed to me that the amendment completely denied one vital factor in the Motion—which was that the executive side of the prosecution of the Emergency must be the responsibility of the Government and the Government alone. They may call upon us for co-operation, for help, but the execution is theirs, and theirs only.

I placed second in my Motion our support for all measures that they deemed necessary. It is removing from the Government the responsibility, to move that amendment—it places the whole matter upon the Council and that is why I oppose the amendment. The responsibility for governing and the responsibility for law and order is the responsibility of hon. Members opposite and no one else's.

Secondly, Mr. Deputy Speaker, I wish to deal with the whole question of the Emergency Committee, and my position on it. Hon. Members must not confuse Cabinet responsibility with an advisory body set up under an irremovable constitution, by which the Opposition can be muzzled if it has not the force of character to raise matters with which it is dissatisfied. That must not be confused. During the time I have been on the Emergency Committee I do not remember any one matter prosecuted in a racial manner, or in a manner designed to advance the interests of any particular

section or group—only for the furtherance of the Emergency.

Now, I have been for some time concerned with the efficiency of that Committee. I think in view of the criticisms made of me, it is only right that I should inform the Council that I intimated to His Excellency my deep concern with the way in which the Committee operated. I suggested to him certain changes or I would certainly have to consider my own position on it. I subsequently fell ill and then I heard that the Secretary of State was coming and I think, quite properly, I decided I would not prosecute the matter further until the Secretary of State was here and the matter could be placed before him. I think that that disposes of much of the criticisms made of myself in moving this Motion.

The last point but one that I want to make is this: it is essential that the people of this country should see the thrust and counter-thrust of debate—the argument and counter-argument. And even if this debate has been a waste of time for three days, I know of two very good things—to which I will refer later—which have come out of it. And in my opinion, for that alone, it has been worth it.

No Government can remain in the full confidence of the people unless there is an opportunity for it to present its case as hon. Members opposite have done to-day. Unless it is subject to right and proper criticism any system of coalition—and this is a poor form of coalition—any form of coalition which muzzles opposition must result in poorer government and that principle was established in the 1914-1918 War and also in the 1939-45 War, when the British Government under a Parliamentary system of free people joined together for the elimination of the enemy, nevertheless had the most intensive pressure groups within that Parliamentary system, which kept them on their toes.

Now, if the hon. Members want to deny Council the right to voice criticism, to present the views of the people they represent, then I want to warn hon. Members opposite that ultimately the Government itself will sink into further disrepute—

THE MEMBER FOR FINANCE AND DEVELOPMENT: I just wanted to make perfectly certain when the hon. Member spoke of the difference between Cabinet responsibility and the Emergency Committee responsibility, I think the hon. Member will agree with me that under our present constitution, both Committees—that is the Emergency Committee and the Executive Council—are advisory to the only final executive in the country.

MR. BLUNDELL: That is the point I wish to make: the hon. Member for Finance made great play with Cabinet responsibility, but in effect, if we wish to move towards a system of Cabinet responsibility, it would, in our embryo stage, mean this—the Unofficial Members of Executive Council would sit with hon. Members on the other side. We do not do that and it is inherent in our system that those hon. Members who sit on this side of Council have the extraordinary and anomalous position of being able to put their views behind the scenes yet disagree in public.

Another matter—I wish to deal only shortly—with the hon. Member for Legal Affairs. I specifically did not criticize his office. I specifically did not criticize the way in which he carried out his duties. I mentioned no delays in the preparing of cases, I mentioned none of those things, and in particular, Mr. Deputy Speaker, I used these words: "I am not going to argue now whether the cases are correctly taken or not"—I am not. I asked the hon. Member two questions and two questions only. One was—how many arms factories had to be constructed by the enemy in order to shoot hon. Members opposite, before the enemy was declared an enemy, before it was declared a rebellion or a war? The hon. Member was unable to answer it. The further question was—would he give me an assurance that officers who correctly and properly carried out their duties in the pursuit of the enemy—that that factor would be considered. He did not answer—the hon. Solicitor General did for him.

Now the point I wish to make is this: I believe, as far as the hon. Member is concerned—if he will forgive my voicing my opinion—that he is an able lawyer, and he is a man who does run his office efficiently, but I do not believe for one

moment that he has the balance that is necessary for the tensions of to-day.

The hon. Chief Secretary, Sir, again I asked him one question and one question only and he failed to answer it. The question I asked him was this—if the people in this country were not going to be immeasurably embittered by the turn of events that had happened, then it was necessary for them to be assured that their young men employed in operations—especially in the screening teams—would be properly protected. I asked him (a) to see that they were properly selected and (b) to see that a small training centre was set up where they could be taught the difficulties and intricacies of this job. He did not give me an answer. Indeed he said he would see if it could be done. That is not good enough. If our young men—under 20—are going to undertake these duties with all the consequent risk of deterioration, the answer should be "must" and not "can". In that respect, I am thoroughly dissatisfied.

The hon. Muslim Member for Central Area—(for Western Area)—the hon. Mr. Nathoo—(laughter)—I defected in him—I am a friend of the hon. Member—but I detected in him a curious degree of pusillanimity. First he said he was not going to criticize the Government and supported the amendment, and the next minute he was asking hon. Members opposite why no murderers had been found for the 32 Asians murdered by *Mau Mau* during the Emergency. I would like to ask a straightforward question—which does he think the corpses of those Asians would support—the amendment or the Motion? I have no doubt that they would have supported the Motion. I will say no more about that except to deal with the hon. African Representative Member, Mr. Mathu. Again, Sir, he did the same; he said that he had full confidence in the Government, but having said that he launched out into a tirade of criticism. Again I would like to present him with the same question: What does he think Chief Nderi, Chief Ohenga and all the loyalists at the conference would support—the amendment or the Motion? I have no doubt in my own mind that they would support the Motion. (Applause.)

Now, Sir, the hon. Member for African Affairs, who, I regret to say,

[Mr. Blundell] obviously anticipating the whirlwind, has already departed. I thought his speech was a magnificent speech of sound and fury, signifying nothing. It is not sufficient, Sir, to say there has been a whirlwind of criticism from this side of Council and yet not answer the criticism. He was asked two specific questions— one was a question dealing with screeners. What we wish to know is what steps the hon. Members opposite are going to take so that the screening teams are properly trained and that proper persons are directed towards them; that is just as much a function—in regard to Africans—of the hon. Member as it is of the Chief Secretary. Secondly we asked him to give this Council some indication of Government's view in regard to Africans who so loyally support it in the Kikuyu country during the Emergency. He did no such thing. That may have been an unfair question to ask him but I would urge hon. Members to put their minds to that. It is absolutely wrong that those men should suffer—as I said—for 24 hours a day, for months on end, supporting the Government, if we are not afterwards going to open for them some system in which those honourable men can take a very full part in the direction of affairs of their own province and country. Unless that is done they will inevitably ask why did I support Government? "Why did I?" Sir, "Why were so many of our families, our houses and children destroyed in that support?" That is one of the factors which the hon. Member, Mr. A. B. Patel mentioned in the matter of psychological war, that is, to clear the position of the loyalist immediately the Emergency is over. They should have tangible scope for closer co-operation with Government in the actual direction of affairs in their own country.

The hon. Solicitor General—let me say I would like to congratulate him on his speech—I thought it was a first class effort. In this Council I have dealt already with the question of coalition. He cannot have it all the time in a Constitution such as ours; he cannot have a true blue coalition. He has got to accept the right of hon. Members on this side of Council to voice criticism and for the public to hear arguments and counter-arguments.

I should like, Sir, to make three points with the hon. Member. The first is this. I believe his attack on hon. Members on this side of Council for not leading public opinion was most unfair. I should like to give chapter and verse of this. There is no Member under greater pressure in this Emergency than the hon. Member for Mt. Kenya; he has lived in an area which is truly a battlefield—almost complete warfare—and I do not believe that any hon. Member opposite has ever been subjected to the pressure of public meetings and pressure of ill-considered public criticism as has the hon. Member for Mt. Kenya. I believe we have there a first class example of how to control public opinion in most difficult circumstances. I would remind hon. Members that the hon. Member for Mt. Kenya has on several occasions had very good cause to be bitter. He was one of the original members who suggested the use of Harvards.

The hon. Member for Mount Kenya had also advocated the use of Lincoln's land before they were brought out and his advocacy was not accepted in any way at that time. I think it is quite wrong to accuse him of not having controlled or led public opinion. The same applies to all hon. Members on this side of Council over the return of the Kikuyu to the Kikuyu country. We have been under great pressure for a mass return of Kikuyu. We have resisted it. We have worked extremely closely with the Administration on that matter. The only thanks we get is to be told that we are hanging on to the tail of public opinion.

I want to deal with one point in which the hon. Member is in error. He very properly answered quite clearly the position of any officer of the security forces in certain circumstances. I believe that that is one good thing that came out of the debate. He did not make it clear, through his replies to the Sergeant Allan case, what is the position of the man who has an African *Mau Mau* in custody and that man attempts to escape in Special or Prohibited Areas.

THE SOLICITOR GENERAL: The position regarding terrorists who attempt to escape from custody is that they may be shot if that is necessary to prevent their escape. As has been said in the course of this debate, the Commander-in-Chief has made it quite clear to all forces under his

[The Solicitor General] command, whether military or police that he will give then 100 per cent support so long as they have carried out their duties in accordance with the law. That is also the attitude of the Government.

MR. BLUNDELL: It is worth three days of misery in order to achieve that statement.

I would like to refer to the speech of the hon. Member for Finance and Development. I think the hon. Member in his speech could have made many bitter attacks on hon. Members on this side of the Council and I would like to congratulate him on the spirit in which he spoke which undoubtedly brought the Council together and I think his speech was constructive and helpful. But everything must not be attributed to hon. Members this side, when they express dissatisfaction, to the pressure of a single group: The hon. Member lectured us at the beginning of his speech on possible pressure over the dismissal of a Kenya Police Reserve officer and the danger of using such pressure. Latterly, he lectured—as far as I could see—a large part of the community on mistaking reasonable decisions of Government taken after due assessment of all the problems as being made after pressure from the evil gentlemen on this side of the Council. Now, Mr. Deputy Speaker, I would like to get one thing clear. Will the hon. Chief Secretary get up now and tell me who was responsible for the posting of that young officer to a screening team? Was it indeed the Kenya Police Reserve officer who was responsible, and who has been dismissed? If that officer was responsible, then no voice will be raised in opposition on this side of the Council. I would like to have an assurance that the posting of officers to screening teams is not indeed the responsibility of the Administration, because in my areas, it is indeed the sole responsibility of the Administration and no one else.

THE CHIEF SECRETARY: I am indeed grateful for this opportunity to explain and I agree with the hon. Member that in certain cases the screening teams are the responsibility of the Administration. In certain cases they are the responsibility of the police. And may I take this opportunity of making an explanation on the particular incident to which the hon.

Mover referred—that is, in the police screening team. I have just had further information which was not in accord with the information I had earlier, which I gave to my hon. friend, the Member for Finance. Certain circumstances, I understand, have come to light which I shall wish to investigate, that lead me to believe that the final decision has not been taken in this case. I feel it is only fair that I should make this clear to hon. Members and I shall investigate it personally and find out exactly what the position is.

MR. BLUNDELL: Mr. Deputy Speaker, I thank the hon. Member for explaining and would ask him, when he has thoroughly investigated the matter, to make a statement before this Council. I think it is most important we should not give the Kenya Police Reserve the idea that they are the dogs' bodies who take the can for everything that goes wrong. It was for that particular reason I asked the hon. Member to make certain where the responsibility lies.

If we have wasted three days, nevertheless the second very good thing that has come out of the debate is the unequivocal forthright statement of the hon. Member for Finance that it is the intention of Government not to allow in any way the *Mau Mau* movement to destroy the farming community, especially in the Nyeri, Naro Moro areas—that is a straightforward statement for which I thank him.

I want to deal with one small point which he raised. The hon. Member said that the Police Report had only arrived in this country at the end of January. I have it in mind that an advance report came, dealing with the terms and conditions of pay either very early in January or at the end of December. I would ask the hon. Member whether I am correct.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Not so far as I am aware, I can say that the first intimation I had, as Member for Finance, was a copy received at the end of January.

MR. BLUNDELL: Thank you. I should like to ask the hon. Chief Secretary whether he did not get an advance copy dealing with certain aspects of pay and salaries of the Police Report about early January or late December.

THE CHIEF SECRETARY: Yes, early January and there were a number of corrections which had to follow which were not received until very much later.

MR. BLUNDELL: It was for that particular reason that I charged the hon. Member with delay in the Police Report as I was under the impression that an earlier advance version had arrived in late December or in early January upon which I thought it was most important we should immediately proceed over police pay and salaries. If I was wrong in that, then I withdraw that charge.

MR. DEPUTY SPEAKER, there are many points which I might answer but I think hon. Members would probably like to have the debate brought to a close. In moving the Motion, now amended, I would say this: we have heard so much about the phase of decision. Then we have persons telling us about the phase of execution. I would like to say this to hon. Members opposite—we shall never achieve execution or decision on apparatus such as a bicycle in an atomic age. What we want, I do believe it truly and sincerely, we do want more urgency and more decision. I would accept what the hon. Member has said a hundred times if I was convinced that it was Government's intention. He said that Government were determined to hit the enemy where it could and when it could on every occasion. I can give him the assurance that the moment the Government gives us an obvious example of that obvious intention, it will have the full 100 per cent support of hon. Members this side of the Council. (Applause.)

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: Council will now suspend business until four o'clock this afternoon.

Council rose at forty-five minutes past Twelve o'clock.

Tuesday, 23rd February, 1954

(Evening Sitting)

Council resumed.

BILLS

THE LAW SOCIETY OF KENYA (AMENDMENT) BILL

Order for Second Reading read.

THE MEMBER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, I beg to move that a Bill entitled The Law Society of Kenya (Amendment) Bill be now read a Second Time.

This, Sir, is a short, one-clause Bill to provide that the accounts of the Law Society of Kenya shall be made up only once a year instead of twice a year as they are required to be made up under the existing law.

There is a further provision of a minor character, placing a statutory obligation on the Law Society to hold their annual meetings within a limited period after a certain date stated in the amending Bill.

The matter is so simple that I feel that even a lawyer would be hard put to it to make it appear complicated. The only doubt I have, Sir, is whether it really is necessary to place such an exemplary body as the Law Society of Kenya under a statutory obligation to keep their accounts and to hold annual meetings. However, that body, being a very conservative body and consisting of members with a very conservative outlook, naturally prefers to follow this orthodox path laid down in this Bill.

—Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

THE ESTATE DUTY (AMENDMENT) BILL

Order for Second Reading read.

THE MEMBER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I beg to move that a Bill entitled The Estate Duty (Amendment) Bill be now read a Second Time.

This subject, Sir, was last before the Council in October last year when Council unanimously approved a Motion

[The Member for Legal Affairs] that legislation be introduced in order to provide the necessary statutory machinery to give effect to certain agreements entered into between Great Britain, on behalf of herself and her dependants and other sovereign Governments in relation to relief from double estate duty. Sir, this is the legislation following upon the passing of that Resolution last October.

I think it is unnecessary for me to embark on any discussion of the complexities of the Estate Duty Law. It will suffice, I think, to explain that the purpose of this Bill is to give effect to an arrangement such as this. If a person dies in Kenya possessed of assets in South Africa which attract estate duty in South Africa and also in Kenya, then, when the executors come to pay their estate duty to the Estate Duty Commissioner in this Colony, credit will be given for any duty which they may have had to pay to the corresponding authorities in South Africa. Conversely, if anyone dies domiciled in South Africa with assets in Kenya which attract estate duty here and in South Africa, a credit will be given to his executors when they pay the duty due under the Estate Duty Law in South Africa.

That, Sir, although not completely exhaustive of the purposes of the agreement that has been entered into between Great Britain and South Africa or of the legislation which will be brought into operation by this Bill, in order to give effect to the agreement, nevertheless, I think it is sufficiently accurate and adequate for the purposes of the Council.

The Council will appreciate that the Bill is concerned, for the most part, with those who are about to die or those who are interested in those who are about to die and that perhaps explains why, when the subject was last put before the Council, this Council approved of the Resolution unanimously. On this occasion, I think I will leave it to my hon. friend, the Member for Mombasa, with his fund of classical scholarship, to cite the appropriate quotation from Suetonius and salute the Government for introducing this Bill.

THE SOLICITOR GENERAL seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

THE WHEAT INDUSTRY (AMENDMENT) BILL

Order for Second Reading read.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, in the absence of my hon. friend, the Member for Agriculture, I beg to move that the Wheat Industry (Amendment) Bill be read a Second Time.

This, I think, Sir, is a perfectly simple Bill because it lays down a certain formula with regard to the termination of the allocation of wheat and, as is shown in 2 (5) (a), it says, "In determining the quantity of wheat to be allocated in respect of roller-mills having a roller contact surface exceeding 350 inches regard shall be had to a prescribed formula, without prejudice to the Member's right, on the advice of the Wheat Board, to consider other factors".

It lays down in paragraph two of the sub-section that "Wheat shall be allocated by the Member at his discretion, having regard to the advice of the Wheat Board, the type of machinery installed, and the past performance of each such mill".

I think it is correct to say that the mills which will be affected by the proposed amendment mill, at present, 14 or 14 per cent of the Colony's wheat crops. I think this is a desirable amendment to enable the Member to have the discretion necessary.

Sir, I beg to move.

THE SECRETARY TO THE TREASURY seconded.

Question proposed.

MR. NATHOO: Mr. Deputy Speaker, Sir, I wish to make a few points. I brought this matter to the notice of the hon. Member for Agriculture a few days ago and I was assured that whilst the Bill is moved for Second Reading, he would give me some sort of an assurance and the statements I have asked for, I, therefore, beg to move that the debate be adjourned until such time as the Member for Agriculture is present.

MR. CHAMAN SINGH seconded.

Question proposed.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, while accepting the amendment for the Government, I merely suggest, in Parliamentary form, that this debate be adjourned until to-morrow.

MR. NATHOO: I accept that.

The question was put and carried.

THE AFRICAN TEACHERS SERVICE BILL.
Order for Second Reading read.

THE DIRECTOR OF EDUCATION: Mr. Deputy Speaker, Sir, I beg to move that the African Teachers Service Bill be now read a Second Time.

This Bill, Sir, is a very short one, the main purposes of which are merely set forth in paragraph 3 of the Memorandum of Objects and Reasons and it will, I think, be not controversial inasmuch as it seeks no more than to implement certain recommendations made in the report on African Education in Kenya, better known as the Beecher Report which have already received the approval of this Council.

In its terms of reference the Beecher Committee was asked to examine and report on the extent to which salary scales for African teachers should be co-ordinated to examine in particular the practicability of setting up a unified service for African teachers.

The Committee devoted a whole chapter of its report to this subject and made a large number of recommendations most of which were concerned with matters of detail which would properly be dealt with under section 6 of the Bill.

Its three main recommendations were made with a view to bringing into existence the conditions necessary for the establishment of a unified teachers service. These recommendations were, first of all, that the teaching service should be a unified service to which all teachers in approved schools should belong. That is covered in sections 2 and 3 and I should like to give notice now, Sir, that, under section 2, I propose at the Committee stage to move an amendment for the reason that, included among the teachers in African education, are some who, from time to time, are seconded for administrative and supervisory duties and it is particularly desired that those teachers should be able to

take advantage of any benefits provided by a unified service.

The second recommendation was that, in order that this service might be administered in a way which reflects the interests of all concerned—the teachers, the managers, the local authorities and the Government—a board should be set up to advise Government on the management of the unified teaching service.

The third recommendation was that the board should be advisory as to the maintenance of professional standards, terms and conditions of service, professional qualifications, the administration of a pension fund, the issue and suspension of licences and certificates and any matters referred to it by the Member for Education.

The second recommendation is covered in sections 4 and 5, and the third recommendation is covered in section 6.

I should like to mention, Sir, that these recommendations were accepted by the Government in White Paper No. 1 of 1950, and that the report, as a whole, with certain modifications, was adopted by Legislative Council in August of that year.

A Board, known as the African Teaching Service Board, was set up by General Notice early last year, and that Board has already proved to be of very great value. It is only an *ad hoc* body, but it has already advised on a number of details in connexion with this proposed teaching service. That Board has asked that statutory provision should be made as shown in this Bill.

I think there is no need for me to say any more now, Sir, other than to emphasize that the main object underlying the Bill is the creation of a happy and contented African Teaching Service without which African education cannot properly develop.

Sir, I beg to move.

Question proposed.

MR. MATHU (African Representative Member): I support this recommendation of the Second Reading of the Bill. I have a few comments to make.

Now the first thing is that I am not happy about the proposed constitution of the African Teachers Service Board at all. As it is proposed in clause 5, there

[Mr. Mathu] will be two African teachers on that Board, and when one looks into (b), (c) and (d) in that provision, and the Secretary of that Board, it is very likely that all the other members will be non-Africans. Now I do not want to bring in any racial matters in this Bill, but I do want to suggest that my experience of the last ten years, when in working on Committees and Boards, I have found it absolutely essential that people like the teachers, should feel psychologically that they are sufficiently capable to influence the working of a Board such as this which is intended to work for the welfare of those teachers. I do not think, Sir, that two out of eight members of the Board is sufficient and adequate representation of the profession which this Board is supposed to work for and to support—(Hear, hear.)—and I am, therefore, Sir, in the Committee stage, going to suggest that it will be a fair proposition that four of the eight members of the Board should be African teachers. I think that this is an absolutely essential matter to this Board, and what it is going to deal with and provided for in clause 6 are matters which will only affect the teachers themselves: their own terms and conditions of service, their professional qualifications, standards of conduct and discipline. The registration, suspension and removal of members of the Service, the establishment, management and control of pension, provident fund or superannuation schemes, the procedure to be adopted by the Board, and then, of course, there are other matters for which this Bill intends to provide. I do suggest, Sir, that the members with whom the Board is going to work should be very well represented on that Board, and in fact they should be able to fight for the cause of the teachers themselves. The African teachers should make sure that their profession is not endangered by an overwhelming representation of those people who are not personally affected by the provisions of the Bill. As I say, Sir, I want to give notice now that I shall move in the Committee stage that four of the members of the Board should be African teachers. The hon. Member, the Director of Education, can distribute the other four as he pleases. As I see it, it should be two managers of schools, one member of the Local Government and one mem-

ber representing the Government of the Colony. But, however, as I say, I am interested personally as to the African teachers who are to serve on it.

I would like, Sir, before I leave here to draw the Council's attention to this very important factor. When you are serving on Committees of this kind—when you appoint an African on a Committee one forgets that that African can fall sick when meetings are held and there will be no representation. It is also possible when there are only two on a Board of eight, representing the whole Colony from Mombasa to Kisumu, and from the border of Tanganyika to Ethiopia—that two is a very small representation—and a very small number, and in fact if both fall ill they will not be able to attend the meetings. I, therefore, put it to my hon. friend to look to this matter very sympathetically and to see whether he could agree with us on that score. It is a matter to which I attach tremendous importance, Sir, because I am personally a teacher by profession and I know that the African teachers will support the view that I express now.

The other point, Sir, which I would like to raise is a point which appears under clause 6 (4) where the regulations when made are to be laid on the Table of the Legislature. In sub-clause (4) it is provided that a member who moves a motion of revocation of the regulations shall thenceforth have deemed them to be revoked accordingly. Now I suggest, Sir, that the body of the regulations may not be such as to compel a member to move that they should all be revoked. It may only be some of the regulations, Sir, that you require to be revoked, and I, therefore, suggest that until I am proved incorrect that I shall move in the Committee stage that in line 48 and 49 the words "amended or" be inserted between the words "be" and "revoked" which appear in both of those two lines.

Now a further point I want to comment on is that following on sub-clause (4) it says that in line 52 "in reckoning such period of thirty days as aforesaid no account shall be taken of any time during which the Legislative Council is dissolved or prorogued, or during which any meeting of that Council is adjourned for more than four

[Mr. Mathu]—days". Now, Sir, I do not understand what this means at all, particularly the last bit. Does it mean, Sir, that if the regulations are ready to be laid to-morrow and the Council adjourns until, say, ten-days after to-morrow, and then no Motion has been moved, therefore my hon. friend, the Director of Education will implement those regulations because the Council has not been sitting at the time when it was adjourned for four days before a Motion was moved. Here it is only a question of clarification that I seek from my hon. friend, whether that is the case because I should hate it to be so. I should like to say that those regulations should not be implemented until 30 days are over, even when the Council is not sitting. They should wait without being put into operation until the next meeting of Council, so that any Member who wants to question them can question them. As I say, Sir, it is clarification I want more than requiring any amendment.

Now, finally, Sir, I should like to ask my hon. friend, the Director of Education whether he has taken the necessary steps to set up the African Teachers Association or Union as recommended by the Beecher Report. I think that should go hand in hand with the setting up of the African Teacher Board, a Teachers Organization, as I think we recommended in that Report, which should itself be consulted as to who is to serve on the Teachers Service Board, and that is when the Member for Education appointed those four Africans who I am suggesting should be on the Board, he should consult a Teachers Organization. Here I would like my hon. friend to give me an assurance that if he has not taken the steps already, that he is going quickly to take the necessary steps to get the teachers formed into an Organization, the Kenya African Teachers Union or Organization, or call it what you will, so that they can effectively put their case before the African Teachers Service Board.

Mr. Deputy Speaker, I beg to support.

MR. JEREMIAH (African Representative Member): Mr. Deputy Speaker, Sir, I stand to support the Bill. In doing so, Sir, I have not forgotten that only a few years ago when the Teachers Service

was not an appropriate service, the conditions of that service were less favourable than conditions generally obtained in the Civil Service. I, therefore, Sir, stand to ask for an assurance that when the Teachers Service is established as proposed in this Bill, there shall be at no time at all when that service shall be made to be less attractive than the Civil Service, because, Sir, by making the teaching service less attractive than the Civil Service, all our people who come from the schools would prefer to go into clerical jobs and other jobs and leave the teaching service, which, in my view, is very important. If we want to help we must have African teachers.

Another point, Sir, is that my hon. colleague, Mr. Mathu, mentioned that the Teachers Union should be established as soon as possible.

I, Sir, support that Bill.

MR. OHANGA (African Representative Member): Mr. Deputy Speaker, Sir, I have only one or two small points to raise after the speeches of my colleagues on the Second Reading of this Bill, which we support.

The first one is a question I would like an answer to by the hon. Director of Education, if he can.

In the second clause in the definition of an "African teacher" there has been included "licensed to teachers". Now, licensed to teachers, according to my experience, are people who are called upon to assist in African schools when the provision of qualified teachers is not possible, but when such qualified teachers are available these men will probably cease to be teachers. Now, that being so, is it necessary to cover them completely by this legislation which is specifically for teachers and the teaching profession. That is, I would just like to get a clarification on that point, Mr. Deputy Speaker.

Generally speaking this Bill has been received by African teachers in this country with a lot of mixed feelings. They are not quite sure whether it is going to worsen or to promote and assist their profession. At the moment the teachers fall roughly into four groups. First of all we have those who are employed in those voluntary agency

[Mr. Ohanga] schools known as Mission Schools, and they regard themselves as Mission employees.

Secondly, we have those who are employed in the Government Schools and naturally regard themselves as civil servants.

Thirdly, we have those who are teaching in what used to be the African District Council Schools and are now popularly known as D.E.B. schools who regard themselves more or less as employees of the D.E.B. or the African District Council as such, and then lastly, those people who are employed in the Independent Schools, such as obtain in certain areas of this Colony.

Now, all those four conditions together have been merged into one Teaching Service and, in my opinion, this is a most desirable move, but the position of teachers who are themselves concerned with the provisions of this Ordinance is a very uneasy one. Now, that refers to what has been said by my hon. friend, Mr. Jeremiah that they feel and it is explained also in the Memorandum of Objects and Reasons that it is not intended that this will worsen their present position. It should not worsen the position of those teachers who are in service now, whose terms of employment include pensions and so on. Well, now, whilst it sets out to safeguard the position of old teachers, it leaves it open to offer the teachers to be something probably worse than what is now offered to those teachers in the Civil Service, and if that is so we have no doubt at all that it is going to be unattractive and probably may act so far against those people who would probably have been teachers.

I should like to get the assurance that nothing will be done in this Ordinance which will deter potential teachers from becoming teachers by imposing terms that are less attractive.

Mr. Deputy Speaker, with those words I beg to support the Motion.

THE MEMBER FOR LEGAL AFFAIRS: The hon. Mr. Mathu asked for clarification of certain provisions of the Bill which provided that regulations, after being laid upon the Table of the Council, may

be revoked by Resolution of the Council, provided that the Resolution is passed within 30 days of the regulations being laid. In the clause which makes that provision, there is a qualification or rather, I should say, a provision which prescribes the method of calculating those 30 days. It is stated firstly, that if the Council is dissolved or prorogued, then the 30 days will not run during that period, for the very obvious and sensible reason that the Council, if it wished to do so in that hypothetical situation, could not move a Resolution revoking the regulations. That is the first qualification that is laid down in that clause.

Then there is a further qualification which deals with the situation where the Council is neither dissolved nor prorogued, but adjourned from one meeting to the next, or sometimes, as it is, adjourned from Friday until Tuesday of the following week. The question then arises as to what account, if any, shall be taken of those days whilst the Council is adjourned. It is provided in this clause that if the Council is adjourned for only four days, then those four days shall count against the 30 days. Thus, if the Council is adjourned on Friday and meets again the following Tuesday, those three intervening days will be deducted from the 30 days which are running against those who wish to move a Motion to revoke the regulations. If, on the other hand, the Council is adjourned for more than four days, as it will presumably be at the end of the present meeting until, let us assume, it reassembles in April, then those days during that adjournment will not be deducted from the 30 days. Consequently, if there were 20 days still outstanding when the Council was adjourned for more than four days, those 20 days would be available for anyone on the other side of the Council who wished to move a Resolution revoking the regulations when the Council met again at the end of the adjournment period.

That, I hope, sufficiently clarifies the position for my hon. friend Mr. Mathu and places it on the records of HANSARD which he was anxious should be done so that it may be there for the guidance of all Members of the Council at any future date should they so require.

[Mr. Mathu] "was not an appropriate service, the conditions of that service were less favourable than conditions" generally obtained in the Civil Service. I, therefore, Sir, stand to ask for an assurance that when the Teachers Service is established as proposed in this Bill, there shall be at no time at all when that service shall be made to be less attractive than the Civil Service, because, Sir, by making the teaching service less attractive than the Civil Service, all our people who come from the schools would prefer to go into clerical jobs and other jobs and leave the teaching service, which, in my view, is very important. If we want to help we must have African teachers.

Another point, Sir, is that my hon. colleague, Mr. Mathu, mentioned that the Teachers Union should be established as soon as possible.

I, Sir, support that Bill.

MR. OIANGA (African Representative Member): Mr. Deputy Speaker, Sir, I have only one or two small points to raise after the speeches of my colleagues on the Second Reading of this Bill, which we support.

The first one is a question I would like an answer to by the hon. Director of Education, if he can.

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Now, finally, Sir, I should like to ask my hon. friend, the Director of Education whether he has taken the necessary steps to set up the African Teachers Association or Union as recommended by the Beecher Report. I think that should go hand in hand with the setting up of the African Teachers Board, a Teachers Organization, as I think we recommended in that Report, which should itself be consulted as to who is to serve on the Teachers Service Board, and that is when the Member for Education appointed those four Africans who I am suggesting should be on the Board, he should consult a Teachers Organization. Here I would like my hon. friend to give me an assurance that if he has not taken the steps already, that he is going quickly to take the necessary steps to get the teachers formed into an Organization, the Kenya African Teachers Union or Organization, or call it what you will, so that they can effectively put their case before the African Teachers Service Board.

Mr. Deputy Speaker, I beg to support.

MR. JEREMIAH (African Representative Member): Mr. Deputy Speaker, Sir, I stand to support the Bill. In doing so, Sir, I have not forgotten that only a few years ago when the Teachers Service

THE DIRECTOR OF EDUCATION: Mr. Deputy Speaker, Sir, I should like to clear up a few points that have been raised, other than that which has already been dealt with by the Member for Legal Affairs.

The hon. Mr. Mathu expressed concern at the composition of the Board under section 5 because there is insufficient African representation, and I should like to assure him that I will give this matter careful thought. I think I should mention that, under (c)—5 (c), representatives of the Local Government authorities are very likely to be Africans, indeed almost certain to be. However, I will give that question further consideration.

On the question of Teachers' Associations, I should like to assure him that the matter is receiving active consideration.

The hon. Mr. Jeremiah asked for a guarantee that the terms of service for African teachers would not be less favourable than those enjoyed by the Civil Service. I am afraid I cannot give that positive guarantee now—that is a matter which will come up when the regulations under section 6 come before the Council; it is a matter to be considered at that stage.

The hon. Mr. Ohanga raised a query in connexion with licensed teachers and I think I should explain what precisely is meant by certificated and licensed teachers. A certificated teacher is a teacher who has undergone a course of training in Kenya and received a certificate by virtue of having completed it successfully. A licensed teacher is one who has a recognised qualification obtained outside Kenya and who, by virtue of possessing it, is given a licence to teach. There is a third class of teacher—I think the class of teacher Mr. Ohanga had in mind—an unqualified teacher. These teachers are given authority to teach. This authority is renewable annually for not more than five years. At the end of five years, if a teacher is satisfactory and shows signs of wishing to be a permanent member of the profession, he can then become a licensed teacher, but only after having completed five years' service with an authority to teach.

I think, Sir, that that covers all the points that have been raised.

The question was put and carried.

MOTION

Increase of Rent (Restriction) Ordinance, 1949—Exemptions

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, on behalf of my hon. friend, the Member for Commerce and Industry, I beg to move—

BE IT RESOLVED that dwelling-houses whereof the erection is commenced after 28th February, 1954, should be exempted from the provisions of the Increase of Rent (Restriction) Ordinance, 1949.

Now, Sir, I think that every Member of this Council must be aware of the still difficult position with regard to residential accommodation for all races and, in particular in this Motion, in so far as it refers to the Asian and the European communities, and it has, of course, become increasingly obvious, Sir, that we cannot attempt to fill this need by the provision of housing from public capital. The provision of public capital for housing is a measure almost entirely directed towards the provision of housing for the needs of the African population. It has therefore become essential for us to look round and find ways and means to encourage more building of residential accommodation.

The Government has considered various ways. When my hon. friend, the Member for Commerce and Industry, was moving a Motion on a Bill not so long ago, he gave an undertaking that they would go into the question of the decontrol of residential premises by zones in the belief that, if one could arrive at the position where there was a greater return to the investment of the landlord, then houses would automatically spring up at a faster rate. The Boards concerned have stated that they are not in favour of decontrol by zones. I mention that to show to hon. Members that the Government has investigated this matter as they promised, but the Boards are against this.

The Boards are also against the decontrol of residential accommodation generally and I believe that every hon. Member would agree that the Government should accept the advice of the Boards in that respect because, to attempt to decontrol houses at this stage, would certainly inflict a great deal of hardship, particularly upon our Asian population.

[The Member for Finance and Development]

Therefore, Sir, it came for us to consider what step would we take towards this desirable objective of getting more houses built. We decided, Sir, to follow the pattern of the Government's move in regard to business premises. Hon. Members will remember that in, I think it was 1949, all business premises, the erection of which was commenced after the 1st January of that year, should be freed from rent control. I think all hon. Members will agree that you have only to look round Nairobi and Mombasa in particular to see the enormous impetus this gave to the construction of commercial buildings. Now, Sir, having seen the pattern of success in that regard, one sought the advice of bodies like the Nairobi City Council and the Nairobi Chamber of Commerce, and both those bodies are, I think, on record as having been in favour of a move such as that which is now proposed. The maximum standard rent permissible for residential accommodation after the 1st January, 1953, is now 10 per cent of the market cost of construction plus 5 per cent of the market value of the land at the time the premises are completed, which indeed allows a normal investment return, on premises which were erected or completed after the 1st January, 1953. The steps which we are now proposing we trust will encourage private capital to go to the work of providing accommodation for our people and, in time, allow the supply at any rate to begin to match the demand allowing the element of competitive renting to be introduced once again.

Sir, I beg to move.

Question proposed.

MR. NATHOO: Mr. Deputy Speaker, Sir, I rise to support the Motion and congratulate the Government on taking a step in the right direction. I am supporting this because this sort of Motion is in the best interest of our country, but, Sir, the fact remains that the owners are reluctant to put up buildings as there are too many difficulties in putting up flats and other residential quarters because they do not want other complications regarding rent and assessment of land and other factors and I am sure, Sir, the measures which we are proposing to take which will result in larger numbers of houses being available

for the community in general thereby relieving what I consider is a great hardship in this country.

Sir, I beg to support.

MOTION

East African Industrial Licensing Ordinance, 1953

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I rise once again in the capacity of Member for Commerce and Industry. I must say, Sir, that I feel somewhat of a chameleon this afternoon.

Sir, I beg to move that, His Excellency the Governor, having been advised by the East African Industrial Council that, in accordance with section 5 (2) of the East African Industrial Licensing Ordinance, 1953, the following items be added to the First Schedule to the Ordinance, with effect from the 1st April, 1954, this Council, being mindful of the desirability of balanced industrial development, hereby resolves that the First Schedule be amended accordingly:—

1. (a) Glassware of all types, whether plain or moulded, excluding sheet or window glass;

(b) sheet or window glass.

2. Metal window frames, metal doors, metal door frames, manufactured as single or composite units, and any metal fittings for such window frames, doors or door frames.

Sir, I think I would underline right at the beginning of this that we are not discussing the principles of whether the Industrial Licensing Ordinance is a good thing or not. We are merely discussing the principles of whether these two particular groups should be added to the Ordinance. The East African Industrial Council has recommended that they should and the three Governments have agreed, in our case, of course, subject to the approval of Legislative Council, that they should be placed on the schedule from the 1st of April, 1954. I would like to point out, Sir, that any industry in operation on the effective date automatically gets a licence. After that date it must apply for a licence. Provision is made for objections to the granting of licences.

[The Member for Finance and Development]

With regard to glass, Sir, I think I am right in saying there are two manufacturers in Kenya. One manufactures white and green glass. We have hopes that one of them will specialize in sheet, window and plate glass which is not at present made in Kenya. The East African Industrial Council has expressed its belief that there is scope for probably several of these factories in the future, but for economic reasons in order to enable the industry in the beginning, there should be licensing control at present. With regard to metal windows, there is, I think, one company at the moment which is in process of erecting its works and putting in machinery, and there is also a new factory being erected in Nairobi which I think brings to us an investment of about £175,000—a very important industrial import to our commercial and economic life. That factory hopes to be in full production within 18 months. I think it is desirable that, under those circumstances, in order to enable those people to have some firm foundation during the opening phases of their operations, that they should have some defence of this particular kind. I am sure, Sir, the Council which agreed to the principles of the original Motion, will realize in these two additions the valuable step forward again in the principle of attracting new industry.

THE SECRETARY TO THE TREASURY seconded.**Question proposed.**

MR. NATHOO: Mr. Deputy Speaker, Sir, I rise to support the Motion but want to get an assurance from the hon. Member moving the Motion, whom I must congratulate on his versatility with which he leaps from one type of Motion to another. Sir, the assurance I want is that once these industries are firmly established and have had sufficient time to get going, when future applications come they will be examined in the light of what has happened and under no circumstances, the industries which have had sufficient time to get away, should be allowed to keep other people out even when they have proved themselves very inefficient. If that assurance is given, I am sure, Sir, that from all quarters, this Motion will receive every possible support.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I think I can say that whilst the Government is in agreement with the hon. Member and would support his point of view in any representations to the East African Industrial Council—he has made a mistake, the hon. Member—I think I must point out to him that, at that particular point, it would be indeed beyond the control of this Government and it would therefore not be right or honest for me to give that assurance. The greatest assurance I can give him is that we would indeed, as a Government, press the point of view that he has expressed. I think, Sir, that it would be wise for me in developing that to say that the Industrial Council itself is strongly inclined to favour competition. It does not believe that monopoly is a good thing and the Industrial Council's attitude is that the Ordinance and the addition of any trade to the Ordinance is for the interest of the trade as a whole and not for any firm in particular. I am sorry I cannot give the hon. Member any greater assurance than that, but I think he will accept that, in a case like that, particularly if it is brought to the notice of the Government, the Government will make the strongest representations to see that no industry is protected when inefficient and uncompetitive.

Question put and carried.

MOTION**Loan to Capricorn Film Productions, Limited**

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move—

BE IT RESOLVED that this Council approves that the Kenya Government guarantee a Bank Loan of £10,000 to Capricorn Film Productions Limited to be used specifically in the production of one initial film.

MR. DEPUTY SPEAKER, Sir, proposals have been made for the formation of a company in Nairobi to be called Capricorn Film Productions Limited for the production of films in East Africa. Linked with this proposal, was a suggestion for some form of financial assistance from the Government in the first instance. Now, Sir, the promoters of this proposed company are two

[The Chief Secretary]

gentlemen, one of whom has considerable experience in the film industry, the other of whom has considerable experience in related subjects and, between them, they have quite a lot of experience of East Africa.

In considering this proposal, Sir, one must have regard to the advantages to the community as a whole, as opposed to the interests purely and simply of the people who originated the proposal. Now, Sir, the advantages of this scheme are twofold. On the one hand, there is the prospect, and a very good prospect, of the establishment of a local film industry employing local people and making the nucleus, the beginning, of a national film industry for Kenya. Although we have had from time to time companies coming here making a film and going away again those companies have not belonged to us. They do not belong to Kenya and the benefits—the financial and other benefits which would accrue to the Colony from a company of its own are, I suggest, considerable.

The second advantage is that of publicity for Kenya—publicity, Sir, of the right kind. Now, Sir, I think that we have all felt for some time that we have perhaps not as much publicity of the right kind as we would like—not particularly in the film industry. I do not say necessarily that there has been a great deal of publicity in the film industry of the wrong kind, but it has been mentioned from time to time—inside and outside this Council—by a variety of people, that Kenya would benefit by more showing of its own films in other parts of the world.

Now, Sir, in considering this proposal one must consider the prospects of the scheme being successful. I may say that an immediate demand exists in the United Kingdom for second feature films based on Africa and they have, in the United Kingdom, a system of quota registration for which films made by such a company in Kenya would qualify. As I understand it, there is a requirement that a proportion of films shown in the United Kingdom in the various cinemas should be of United Kingdom or related origin and, for this purpose, films originating in Kenya would qualify for this quota.

The initial proposal, Sir, is to produce one film at an estimated cost of £10,000, and that, if taken up successfully, would provide the wherewithal for the further productions of the company without any further financial assistance of any kind from Government.

I am advised, Sir, that proceeds from such a film might normally be expected to be within the neighbourhood of £20,000 to £30,000, but, Sir, in the event of such a film not being taken up it is considered that the full cost of production should be recovered by cutting the film into documentary shorts. Because, Sir, the proposed nature of the film which the company have in prospect is such that it could be very suitably used for documentary shorts and there is a very ready sale for films of this kind—that is for documentary shorts.

It is, Sir, the Government's view that some form of financial assistance should be provided in view of the advantages to be gained. That is, of course, subject to satisfactory arrangements being made for the provision of control of any financial assistance. The matter has been fully considered, of course, by my hon. friend the Member for Finance and the proposal is that financial assistance should be granted by means of a guaranteed Bank Loan to the amount of £10,000, and this can be arranged through a local bank. An agreement, Sir, would be drawn up between the Kenya Government and the company, the main conditions of which would be first—that the Industrial Management Corporation should act as agent for the Government until the guarantee is liquidated, and this Corporation would nominate two directors to the Board of the company.

Secondly, the promoters would have no right of ownership to the film or to any of the proceeds until the guarantee had been liquidated, and apart from that the Kenya Government would retain 40 per cent from the proceeds of the sale and exhibition of the film in excess of the expenditure agreed by the Board.

Thirdly, the company would insure against non-completion of the film, and fourthly, the fourth main condition, would be the funds would be used exclusively for the production of a named film. A script of the proposed film has been considered. I am quite sure that hon. Members would not

[The Chief Secretary] wish me to recite the story, but I can give an assurance that it would be publicity of the right kind for Kenya.

MR. COOKE: Boosting of the Government?

THE CHIEF SECRETARY: Boosting of the Government of the right kind, Sir, and quite a change.

MR. DEPUTY SPEAKER, Sir, I beg to move.

THE MEMBER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

THE DEPUTY SPEAKER: Hon. Members it has been represented to me by a few Members on each side that a break at this time would be appreciated. Business will be suspended for fifteen minutes.

Council adjourned at five minutes past Five o'clock and resumed at twenty minutes past Five o'clock.

THE DEPUTY SPEAKER: It has been proposed and been resolved that this Council approve that the Kenya Government guarantee a loan of £10,000.

MR. TYSON (Nominated Member). I support the objects of this Resolution as outlined by the hon. Chief Secretary, but there is just one point I would like to ask; whether it would not have been possible to make an arrangement with one of the established film companies to do what is proposed here, but without involving Government in any bank loan as is now proposed?

MR. COOKE: It is the first time in my experience that money has been loaned to a non-established firm. So far as I know, these gentlemen may come from Patagonia—we do not know anything about them, or their names. While the idea is a good one I think most people would like to have a few more details.

MR. COWIE: Mr. Deputy Speaker, Sir, I would like to support this Motion, not because I am a shareholder in Capricorn Film Productions Limited, but because I would like to get onto an old "hobby-horse" of mine which I have ridden through this Council before, and that is the power of the films.

There are one or two aspects to which I would like to draw the attention of all the Members of this Council. The first one is the potential value and power of the film in spreading right information on this country, especially through Great Britain, Europe and America, concerning our present difficulties. I believe that if this company or something like them could produce short documentary films in colour, possibly every fortnight or even every month, which could be distributed through the hundreds of little cinemas in Britain or Europe, it would change the attitude of many people who display their ignorance.

I believe that these films must have three qualifications. The first, they must be authentic; second, they must to some extent be dramatic, and third they must have a moral point.

In dealing with the first, I think if Government is sponsoring the production of films to the extent of guaranteeing a loan, it surely must be feasible for any film to be produced under the "short" system, to have some kind of hallmark. That would mean that they should be authentic. In as far as drama is concerned, it is not difficult to include in short films some aspect of our difficulties which are not necessarily sordid or gory but which are sufficiently provocative to make people remember them.

The third thing is, Sir, I think there is nothing to hide in showing what is being done in this country, especially for the Africans, and the extent to which the Emergency is being prosecuted for the protection of Africans. If those points could be put over, I think we could reach many millions of people and in that way I believe it would have a marked effect on the attitude of ignorant people overseas.

The second aspect, Sir, is on the question of the old story of tourist traffic. In America, as one knows, there are numerous travelogues as short films generally to be seen in most cinemas which advertise the attractions of different countries and the scenic value which is difficult to portray in the written word. If shorts could be made in the way of a travelogue type and sent across the world I believe that they would have a very marked effect on the knowledge

[Mr. Cowie] people have or do not have of the attractions of East Africa. This, I think, could be done without much difficulty as I have already discussed this project on many occasions with various promoters and distributors of films, including many large groups of firms in Great Britain. I do not think that it would be at all difficult to get their services and assistance to distribute short films, specially to the many cinemas of Great Britain.

There is another aspect, if some films could be made in black and white they would lay open the field for television and the message, which one wants to tell, in films, becomes active and alive, and could be brought into their very drawing-rooms and homes and they could sit and see something of what happened in Kenya quite recently. I think that is the most valuable propaganda for spreading the right information which we could use.

I do in all sincerity commend those aspects to all Members of the Council Sir.

I beg to support.

LT.-COL. GHERSIE: There are just two points I would like clarified. The hon. Member stated that Government would receive 40 per cent of the proceeds of any film produced; there must be expenses incurred in the production of a film. Did he therefore mean 40 per cent of the proceeds or 40 per cent of the profits?

The second point, Sir, is that one assumes, of course, the company embarking on this project has the necessary equipment. If that is not so, they must, of course, purchase from the loan of £10,000. Is it agreed, Sir, with the company that the equipment will be secured through Government in relation to the loan?

THE MEMBER FOR FINANCE AND DEVELOPMENT: In reply to the points raised by the hon. Member for Nairobi North, the fact is so far as the 40 per cent is concerned, it is 40 per cent of the proceeds of the sale and exhibition of the film in excess of any expenditure on the film—that is 40 per cent of the profits.

In so far as the equipment is concerned I think it is right to state that the majority of the equipment will be bought

from the capital for which we are proposing to guarantee by loan. The Industrial Management Corporation has been directed by the Member for Commerce and Industry and myself as agent for Government in this matter and the whole of the share capital will be held by the Industrial Management Corporation until the guarantee is completely liquidated. Therefore as the whole of the share capital is held by the Industrial Management Corporation and no one can have any lien on the property, except the shareholder, I think that hon. Members can rest assured that the agreement has been made fairly tight. We realize there is a risk in this. My hon. friend the Chief Secretary will explain the general reasons which motivate the Government to act in this regard, but I would say that there is, of my own experience of the film business, a reasonable chance of a profit accruing to us from this operation; it is balanced against a risk.

THE DEPUTY SPEAKER: As no other hon. Member rises to speak I would ask the hon. Member to reply.

THE CHIEF SECRETARY: The first question asked; would it not be possible to make an arrangement with an established film company without any necessity of financial assistance?

I fear, Sir, I cannot have stressed enough the importance of the first advantage to which I have referred. That is we should have our own local company building up a local industry. In the case of an "established company"—it would be a company with its headquarters elsewhere, whereas, the idea is that the headquarters of this company would be here in Kenya and that it should be a Kenya industry.

Now, with that, Sir, I think follows the answer to certain points made by my hon. friend Colonel Cowie. It is much more likely, Sir, that we can turn out a succession of the short films that he has in mind if we have got our own local company on the spot, run and owned by local people and employing local people for taking the parts when something other than scenery is required.

I can assure my hon. friend from the Coast, that the gentlemen concerned are not Patagonians. I am unable to say that I can guarantee that they are not Irishmen, but even so Irishmen have a plac

[The Chief Secretary] in this country. I would not know whether they belong to the "Sports Club" in London.

In that case it is thought that perhaps I am making a mystery out of this, Sir, I would say that the gentlemen concerned are Mr. Alistair Scobie who has already made a film, which we understand has done very well in the United Kingdom, or has taken part in the making of such a film. And the other is Mr. Humphrey Downes. They are both residents in East Africa, Sir.

My hon. friend, the Member for Finance, has already dealt with the financial points and apart from the fact that he happens to be a racehorse owner I think hon. Members will share my faith in his prospect of the advantage, quite apart from the risk.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, on this particular Motion on the Order Paper, I have a point of order to raise. As the notice of the Resolution of this Council, essential to it being placed on the Order Paper before we could enter into Committee of Supply, was only given this morning, I suggest—sad as it is to myself, I would have liked to complete to-day as Member for Finance and, like the Member for Nairobi North, ended where I started—I think, Sir, this may be regarded as being out of order.

MR. HARRIS: Member for Nairobi South!

THE DEPUTY SPEAKER: As the requisite notice under the Standing Orders had not been given, it is, of course, out of order to proceed with Order No. 17, unless the Council is agreeable to the suspension of Standing Orders for the purpose of getting on with this business.

MR. BLUNDELL: Mr. Deputy Speaker, although hon. Members on this side of Council do not like it, we would move the suspension rather than the delay hon. Members who have important business to discuss.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On the other hand, Sir, there is other business on the Order Paper which could be proceeded with. I do not think the suspension of Standing Orders should be moved as a general rule—I may be regarded as the sufferer

in this case. I think they have a fundamental parliamentary use, and only in cases of great urgency should they be lightly disregarded. I think this matter could be debated quite as easily to-morrow on the Order Paper. I apologize to the Council but I think that is the correct procedure.

MR. A. B. PATEL: I second the suspension of Standing Orders, moved by the hon. Member for Rift Valley.

THE DEPUTY SPEAKER: In spite of protests by the hon. Member for Finance, a Motion has been proposed and seconded, and I will now put the question that the Standing Orders be suspended in order that Order No. 17 on the Order Paper may be taken, although the requisite notice has not been given.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

THE SOLICITOR GENERAL: Mr. Chairman, on a point of order, is it competent for any Member other than an *ex officio* Member to move the suspension of Standing Orders? I refer to Standing Order No. 168, paragraph (c). (Applause.) (Laughter.)

THE CHAIRMAN: I thank the hon. Member for drawing my attention to that, but I suppose now we go out where we came in. (Laughter.)

MR. COOKE: Could we propose that the Motion be suspended?

THE MEMBER FOR FINANCE AND DEVELOPMENT: I was just wondering if you were "Mr. Chairman" or "Mr. Deputy Speaker", as I was about to address you.

MR. BLUNDELL: Mr. Chairman, I should like to suggest that the point of order raised by the hon. Solicitor General is at least examined before it is accepted. I should like to say that we have our learned gentlemen on this side of Council on the business now.

MR. HARRIS: On a point of order, Sir, has any Member of the Council got the right to overrule the Chair? You ruled it as Chairman.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, has anyone got the right to overrule Standing Orders?

THE CHAIRMAN: Standing Order No. 168 (c) reads as follows: "No Member of the Council, other than an *ex officio* Member, shall move the suspension of any Standing Order or other Order of the Council, either wholly or in part, except for the purpose of allowing some Bill, clause or other matter in charge of such Member, to proceed or be dealt with, without compliance, wholly or in part, as the case may be, with such Standing Order or other Order."

[If any hon. Member can tell me what all that means—(Laughter)—

MR. BLUNDELL: It obviously means that any hon. Member on this side of Council can move the suspension of Standing Orders.

THE CHAIRMAN: May I have a legal interpretation of that clause?

THE SOLICITOR GENERAL: I suggest, Mr. Chairman, that the purport of that paragraph of Standing Order No. 168 is that only a Member other than an *ex officio* Member, who is in charge of a certain matter is entitled to move the suspension of Standing Orders.

THE CHAIRMAN: That is, some back-bench Member on the Government side in charge of a particular matter, who may not be a front-bench Member, or it may be on this side.

THE SOLICITOR GENERAL: Or possibly an Unofficial Member who proposes a Motion.

THE CHAIRMAN: Yes. I think that is correct, and therefore the Deputy Speaker resumes his Chair, with apologies to hon. Members for not having been sufficiently familiar with the Orders to have spotted that at an earlier stage.

MR. BLUNDELL: I imagine, Mr. Chairman, the hon. Member for the Coast will

now be in favour of constitutional changes. (Laughter.)

Council resumed.

[Mr. Deputy Speaker in the Chair]

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, may I move the suspension of Standing Orders in order that Order No. 17 on the day's list be proceeded with? (Applause.)

THE SOLICITOR GENERAL seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

SUPPLEMENTARY ESTIMATES OF EXPENDITURE NO. 11 OF 1953

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, in accordance with the usual procedure, I propose to move the Financial Resolution in two sections:

Section I—BE IT RESOLVED that a sum not exceeding £74,307 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 11 of 1953—Part II.

Question proposed.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, perhaps I might point out that this Part deals with reimbursement to the Civil Contingencies Fund.

Serial No. 1 agreed to.

Serial No. 2.

MR. SLADE: Serial No. 2, I see, involves £3,000 for famine relief subsidy. In the Memorandum it is stated that these funds are necessary for relief works in the Machakos district.

All I am asking is the assurance that these funds have been spent in such a way that no one has received relief without making some contribution of his own to have earned that relief either by work or some other way.

THE MEMBER FOR AFRICAN AFFAIRS: I can assure the hon. Member on that point. This money has been spent largely on works carried out in sundry locations by people working to earn money to pay for food; except in a very few cases where it was deemed necessary to assist really old people.

Serial No. 3 agreed to.

Serial No. 4.

LT.-COL. GHERSIE: Serial No. 4 covers several items of repairs to Government vehicles which were involved in accidents—Sh. 3,438/54. Under the circumstances, it is presumed that the Government driver is at fault. Is there any effort made by Government to recover these amounts and is any disciplinary action taken?

THE MEMBER FOR FINANCE AND DEVELOPMENT: The answer is "yes". I can give the hon. Member details if he wishes of any cases in particular, but in every case where disciplinary action has been thought desirable or proved possible, it has been taken. In not all cases was the Government driver at fault.

MR. NATHOO: Arising out of a report which appeared in the Press a few days ago, where there was flagrant carelessness and a breach of rules regarding police vehicles there was an order against the police in a certain case. Will the hon. Member for Finance give us an assurance that, before bringing up these cases of this sort of composition, that every case in question is investigated and sufficient action taken against the people before the public money is spent.

LT.-COL. GHERSIE: May I speak before the hon. Member gets up again? The hon. Member said that not in every case was the Government driver at fault. Why, therefore, are we paying for repairs to vehicles other than Government vehicles?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Because, Sir, there are cases where, although the Government driver is not at fault, it is impossible to recover from an individual. That is, where the Government driver is not at fault, and the money is not recovered. Where the Government driver is at fault, if it is possible, the money is recovered

or disciplinary action is taken, even to the extent of dismissal.

LT.-COL. GHERSIE: The hon. Member is missing my point. You do not recover, surely? There is nothing to recover—this is the repair of vehicles other than Government vehicles and, if other people cannot pay, there is no reason why Government should.

THE MEMBER FOR FINANCE AND DEVELOPMENT: The hon. Member is right in this particular case. I see that all these are indeed repairs and in this particular case all the drivers must have been at fault and have had disciplinary action taken against them or have been fined or dismissed.

Now, in so far as my hon. friend, the Member for Muslim Western Area is concerned, I can give an assurance that a great deal of investigation goes on into these cases before any payment is made at all and, in the case that he mentions, I shall certainly see that an investigation is gone into to see how far the driver concerned is (a) at fault for negligence, and (b) what disciplinary action is taken.

DR. HASSAN AGAIN, Sir, in view of these accidents, may I ask whether the Government has seriously considered insuring these vehicles because I find that this amount Sh. 168,000 spent on the servicing of vehicles other than Government vehicles is probably a considerable sum more than must have been spent in repairing Government vehicles. Taking that cost into consideration, is it desirable to insure Government vehicles?

THE MEMBER FOR FINANCE AND DEVELOPMENT: The answer is "No". The cost of insuring Government vehicles would greatly outweigh anything we have to pay for the cost of carrying our own risk.

MR. COOKE: Surely not.

Serial Nos. 5 to 7 agreed to.

THE DEPUTY SPEAKER: That concludes Part II.

The question was put and carried.

Supplementary Estimates of Expenditure No. 11 of 1953

THE MEMBER FOR FINANCE AND DEVELOPMENT: Section 2: BE IT RESOLVED that a sum not exceeding £2,487 be granted to the Governor, on

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account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 11 of 1953—Part III.

Question proposed.

MR. MATHU: May I ask my hon. friend to tell us whether we shall see the results of the deliberations on the Cambridge Conference on African Education in the way of a White Paper—to say whether they accepted the report of this conference and its cost at Cambridge, or what? It is a very small sum of money—£37—nothing to worry about but it is worth knowing what Government is going to do about that.

THE DIRECTOR OF EDUCATION: Sir, a report has already been published and I shall see that the hon. Member gets a copy of it.

MR. MATHU: It is not a copy I want. Has Government reacted to the recommendations made on that? I have got a copy of the report already, incidentally.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I would respectfully suggest that we cannot raise the principle of the report on the question of the current expenditure of the conference.

The question was put and carried.

Supplementary Estimates of Expenditure No. 1 of 1954—Part I

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £1,561,724 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1954.

Question proposed.

Serial Nos. 1 and 2 agreed to.

Serial No. 3

MR. CROSSKILL: I should like to know whether any of these officers are destined to be posted to the Rehabilitation Camp at Athi River and, if so, whether the success at this station warrants to addition of these officers.

THE MEMBER FOR AFRICAN AFFAIRS: I think I can say, Sir, that these officers are not required for camps at Athi River which is likely to be reduced in scale but are mainly required for camps else-

where notably in the Lamu area and in other places. Whether that answer the hon. Member's question or not?

MR. CROSSKILL: I would like to ask, Mr. Chairman, if the rehabilitation scheme at Athi River has not proved successful, whether similar steps warrant being taken at Lamu and other places or whether there are new schemes on new lines.

THE MEMBER FOR AFRICAN AFFAIRS: The process of rehabilitation is being worked out. It is rather difficult to be dogmatic about it but a great deal has been learnt at Athi—how and how not to do things. It is difficult to give a complete review but it is briefly to try and divide the sheep from the goats as far as we can and to do what we can to rehabilitate those who we think are redeemable in the various centres that will be set up. Lamu is being tackled now, and many of those at Athi River are likely to be moved to other camps.

MR. COOKE: Having visited the camp at Lamu—I think the lines on which they are proceeding are very sensible and they are doing extremely well.

MR. HAVELOCK: That must be all right then! (Laughter.)

Serial Nos. 4, 5 and 6 agreed to.

Serial No. 7

LT.-COL. GHERSIE: Serial No. 7 (b) deals with the loss suffered by Government as a result of the dismissal of a Government servant. Does Government satisfy itself when advances are made as, in this case, that items such as a frigidaire or a motor car, are necessary and that the individual can repay the amount in a reasonable time without financial embarrassment.

THE MEMBER FOR FINANCE AND DEVELOPMENT: The answer is, Sir, that Government does endeavour to recover all the risks and points made by the hon. Member for Nairobi North. The case he is referring to, Sir, is unfortunately a sordid case. I would rather not go into detail on the floor of the Council, but I can assure him, however, that it was only when all else failed that we had to take this particular step, and the person in question had to be repatriated at Government expense.

Lt.-COL. GHERSIE: I appreciate that reply, but would he reply to the general principle that care is taken when allowing advances for a car or a frididaire and that the individual's salary is such that he can repay within a reasonable time without financial embarrassment?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Yes, it does. I thought I had made it quite clear that Government was justified in such an assumption. It was the character of the man that went wrong.

Serial No. 8

MR. BLUNDELL: I move that the sum of £25,000 be deleted. Mr. Chairman, I raise this because there is here a very big matter of principle on which I would like the Member for Finance's views. In effect, is the transfer from revenue of £25,000 to the Building Fund for the building of houses for civil servants right. I am not concerned with the following aspect, but in order to clear that out of the way let me state that I believe it is a thing we should do to encourage building of houses by civil servants. The principle I raise is this: that, in effect, by transferring £25,000 from revenue to this fund we are, indeed, infringing upon our capital planning structure. The hon. Member if he did not make this transfer and, provided he was diligent in looking after the use of money, at the end of the year, would have a spare £25,000, and would be able, with the leave of the Council, to transfer it to the capital balances which come under the purview of the Planning Committee. So that, by passing this Resolution to-day of £25,000 to add to the building fund of civil servants we are cutting across the priorities which the hon. Member has set up in the Planning Committee of Executive Council. I raise that solely as a principle and not as a particular item but I wish to warn the Council that it is very easy through the mechanism of Supplementary Estimates or ordinary budgetary procedure to completely cut across the basis of planning. In this particular case, if this £25,000 is not transferred from revenue to a particular building fund, and if it is approved solely as capital monies available to the Planning Committee, it might well be that in assessing priorities, the Planning Committee would say, "We have voted money for housing and that this money is more vitally needed now

for other purposes." In effect, by passing these Supplementary Estimates, we are doing two things, (a) we are cutting across priorities set up by the Planning Committee and (b) we are adding to the allocation which we have made to building in that Committee.

I should like to hear the hon. Member's views because this is a matter we must constantly watch. If we do not watch it, then, in effect, we shall nullify much of the work of the Planning Committee.

Question proposed.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I must, of course, oppose the deletion. Having opposed the deletion let me get down to the question of principle which the hon. Member has raised. I think the hon. Member must look back to the history of this particular case, the principles of which have been accepted by this Council for some—many—years and has from time to time been accepted by the addition of sums voted in estimates and supplementary estimates. This is, I think, the first time that protest has been raised against this method.

Of course, the hon. Member is quite right—this is indeed adding to capital expenditure—of that there can be no doubt. Nevertheless, I would say any wise Government would put a certain proportion of its revenue into capital work if it felt that that was a good and essential procedure. It must, of course, be confined to only very small amounts. In this particular case, what, indeed, are we doing? Having admitted, as the hon. Member said, that we have taken £25,000, if we succeeded in voting it, from the revenue available, and put it, indeed, to capital, we have managed to provide houses which are not a direct charge upon the Government. In other words, we have, instead of having to house so many more of our civil servants, we have provided them with a system and they in their turn have put capital to it to build houses. The amount that the scheme will have in capital if this £25,000 is voted, will be now up to £250,000.

The hon. Member for Rift Valley is quite right in what he says, and I have indeed been watching this for some considerable time. I have been a little

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worried about the principle myself, but I came to the conclusion that this was a very wise and desirable scheme and that therefore we should put this request before the Legislative Council. Unless his scheme is to be stopped—and I must express my personal opinion that it would be a pity if it were stopped—unless the scheme is to be stopped then further funds will be necessary, because, of course, the Government servants who are desirous of making this country their home and desirous of living here, naturally believe this particular channel to be a means of establishing themselves as assets of the country. I think that is a very desirable factor. Of course, it can be argued that this should go to the Planning Committee and the capital be allocated but I have, on several occasions, taken the point of view that these small items, if possible to carry in our recurrent budget, then we carry it there because I am aware of the tightness of the capital available as against our capital requirements. Of course, this Committee, this Council, can from time to time attack either the principle or the amount available.

Having admitted that there can be a great deal of discussion on the principle, perhaps it might be informative to the Committee if I pointed out to them the good that has been done by this method over the past few years.

The European list is: houses completed, 60; houses under construction, 5; approved but houses not yet started, 3; loans provisionally approved, 2; loans recommended by the Board but not yet approved, 2.

The Asian list is: houses completed, 14; houses under construction, 6; approved but not yet started, 9; loans provisionally approved, 10; recommended by the Board, not yet approved, 7.

Now, Sir, admitting that the hon. Member has something to say on the principle, I must oppose the deletion at this stage, because if the deletion is carried, I must go back to the four of the Europeans and seven of the Asians and say I deeply regret that the money is not available for you to continue build-

ing. Now, had the principle been raised before, I should have been forewarned, but as the principle has not been raised before, I have rather been under the assumption that this Committee, and this Council, had accepted this as a method of operation. Having been given the warning by the hon. Member for Rift Valley that he does not like this way of doing it, then I think probably the best thing to do, Sir, is to reconsider the matter in future and immediately place before the Planning Committee a request for this money, which must of course amount during the next three years—which will be the period we are discussing—to something like £100,000 to £150,000 being required, and ask the Planning Committee, therefore, to consider this as one of the schemes to which I suggest priority must largely be given.

MR. BLUNDELL: I moved the deletion in order to hang a small debate on the principle of this matter. I agree with every word that the hon. Member said about this scheme, but it is a very dangerous principle upon which we are embarked and I would draw the hon. Member's attention to the fact that I did raise the point of £ for £ grants for European hospitals and Asian schools which do exactly the same thing; they carry away what would be capital monies, before the Planning Committee has had any opportunity of saying whether the money should be used in that capacity or not. Now, Sir, I will not press my Motion; with the leave of the Council I would like to withdraw it. It seems to me that there are two things we can do. One is, of course, to delete the sum of money here now, transfer the money to capital, if it is available in the revenue account, at a due date which will build our capital balances up and reallocate from the Planning Committee. I believe that would be the correct procedure. On the other hand, I do not wish to load our capital funds with a whole lot of demands which might be carried from revenue and if the hon. Member is going to place all these amounts to the Planning Committee, then it follows *ipso facto* he must place at the Planning Committee's disposal the surplus revenue which he was allocating under supplementary estimates to those items.

[Mr. Blundell]

Now, Sir, with these words, I will withdraw the Motion, but I would ask the hon. Member with his Treasury brains to examine the whole of this matter very carefully because I think it is a very dangerous principle if we do not watch it.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I thank the hon. Member for withdrawing it. I think we can discuss this matter together and endeavour to arrive, as we often do, at a compromise and solution, but I would like to say that (a) the fact that this is voted, or deleted, does not mean that there will be a surplus in the accounts, in any way and that money is available, and (b) I hope that he will also consider the advisability in special instances of this kind of departing perhaps from the ordinary orthodox principles.

MR. BLUNDILL: I had not intended to speak again, but I must give the House a great word of warning arising out of the hon. Member's remarks. By passing these moneys in supplementary estimates, it gives the hon. Member justification, if necessary, for increased taxation, whereas under the capital structure, which I was suggesting, he is governed by his ability to find the finance to service the loan and his capacity to float the loan on the capital market. So I think the hon. Members on this side of the Council in agreeing to this, are embarking on a very slippery slope.

MR. COOKE: Is it not actually a revolving fund and loans go back to capital?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Of course, the thing keeps on growing, so does the return.

MR. JEREMIAH: Would the hon. Member tell us whether the moneys are restricted to Europeans and Asians because amongst a number of houses none is built by Africans. I do not know whether Africans are entitled or not to any loans.

THE MEMBER FOR FINANCE AND DEVELOPMENT: The answer to that is quite easy. No Africans have applied as yet, but I can give the hon. Member an assurance that if an African applies and he can meet the conditions of this, I would be willing—very willing—and I think my record in African housing

would show, that I would very gladly advance money to Africans for this particular purpose.

Serial No. 9 agreed to.

Serial No. 10

MR. MACONOCHE-WELWOOD: I merely want to ask a question Mr. Chairman. Would the hon. Member for Finance explain how the differential is arrived at between the normal cost of maintaining troops to the British Government and the cost here? As to whether it is entirely a wrangle between the Member for Finance, the Treasury at home and the D.O.C. or whether there is an unfortunate individual acting as an arbiter between them?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Sir, the answer to this particular question is that discussions take place frequently. I think that is the position and we usually arrive at what might be called a reasonable compromise.

Now, Sir, I was rising to make a statement on the position of the Emergency fund under this particular head, because I think this is the opportunity when I can apprise hon. Members of the Committee of the situation.

Up to the end of 1953, Sir, some three and three-quarter million pounds—and I admit I am reading these notes very carefully because of the figures involved—had been voted to the Emergency Expenditure Fund. Actual expenditure at 31st December, 1953, showed an over-expenditure of about £850,000. Now, this over-expenditure was attributable to heavy expenditure authorized in November and December of last year when the authorization—that is the last two months of the year—exceeded £1,000,000. Actual expenditure at the end of 1953 was within the authorized expenditure of about four and three-quarter million pounds. £2,000,000 was included in the estimates for the first half of this year as a contribution to the Emergency Expenditure Fund. In addition there is this £1,500,000 which is now being included in the supplementary estimate to meet the army's claim for the extra cost incurred in the period from October, 1952, to 31st December, 1953. Hon. Members will, I think, remember that once before I warned them that the

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military claims were extremely late and tardy in coming in. As at the 10th of February this year, authorizations to incur expenditure in the first quarter of 1954 totalled £1,407,664 of which £1,053,385 was recurrent and £354,279 non-recurrent.

Now, Sir, the present monthly rate of expenditure from the Emergency Fund is therefore about £350,000 recurrent and £118,000 non-recurrent—a total at the present rate of £468,000 per month expenditure and this figure does not include the Military Emergency expenditure—or the Air Force expenditure—which is assessed by the Command Secretariat and military side at about £175,000 per month. What the Air Force monthly bill is, I cannot say because we have just received the first demand for the cost of the Harvards and, of course, we have the Lincoln bombers in addition. It is a heavy bill and will be leading to some discussions between the Air Force and ourselves before we can accept it.

The overall rate of expenditure, therefore, on the Emergency has now reached a figure of about £643,000 per month, or about seven and three-quarter million pounds for a full year. The rate of attack has been stepped up; the number of men required for increasing that rate of attack has been stepped up and a large proportion of it is now in the field, but we have even greater demands for action—and action means manpower. Before us. Assuming that the rate of expenditure, excluding military expenditure, continues at £468,000 per month, and my own belief is, it will rise very heavily—taking into account the 1953 over-expenditure of about three-quarters of a million pounds, a further £1,500,000 at least will have to be asked for from this Committee for the period of the first six months of this year.

With regard to military expenditure, it is quite likely, judging by present indications, that we shall face a demand for the six months from January to June, 1954, from the military of at least £1,250,000. With all the other developments that are in train, with all the action that is being pressed for, with all the men having to be provided, and which are to be provided, with all the construction of camps, with the cost of

prisoners and all the other developments, it is unlikely that other expenditure will be much under £1,000,000. It means, therefore, that it is quite possible that during the present financial period—that is the period from January to June, 1954—I may even have to ask for as much as £3,000,000 to £3,750,000 to be voted. Now, hon. Members will realize that this is a very heavy and a very serious burden. They might wish to know the principal spending departments and I would like to place some of the figures on record.

During 1953 the total expenditure of the Administration was £510,000; I am rounding the figures off. The African Information Service was about £17,000. The Forest Department was £29,000. The Judicial Department was £53,000. The Kenya Regiment was £363,000. The Police was £2,395,000. The Prisons, £433,000. The Public Works Department, largely non-recurrent, £238,000.

I turn now to the authorized expenditure for the first quarter of 1954. I remind hon. Members that I am talking now about three months, whereas the figures I have been quoting have been for a whole year.

As against the year's total of £510,000, Administrative expenditure for the first quarter is £167,000. The African Information Services, as against a total expenditure of £17,000, in 1953, have already asked for, and received, authorization for nearly £24,000 for the first quarter of 1954. So the figures go on. The Works Camps which was an African Land Development Unit in 1953, they had a somewhat negligible total of £2,280; the first quarter of 1954, they total £68,000. The Forest Department at the first quarter of 1954 has asked for £29,000, whereas in 1953, its whole expenditure for the year from the Emergency Fund was £29,000. The Judicial Department, as against 1953, £15,000. The Kenya Regiment, £104,000 for the first quarter. The Police, £650,000 for the first quarter. The Prisons, £194,000 for the first quarter, as against a total of £433,000 last year. The Public Works Department kept about the same average as last year; perhaps a slightly higher average with about £77,000.

Now, Sir, I place those figures before hon. Members because I think that this Committee should be kept informed. I

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do hope, Sir, that the things I have mentioned are not going to lead to a debate on the Emergency because I feel we have covered that one somewhat adequately, or inadequately, according to the point of view, during the past few days, but, Sir, I think the position—the financial position—put out here is something of which the hon. Members of this Committee, and the citizens of this country should be fully informed and aware.

MR. BLUNDELL: Mr. Chairman, in regard to the cost of Emergency expenditure generally, I have a point of principle which I would like to raise. The hon. Member, Sir, since he took over the office of Member for Finance, has done this country a very great service in instituting a firm system of Treasury control. Our Treasury control is essential and something we were lacking in the past, but Treasury control, when it is closely applied to expenditure, and is too tightly controlled, can be dangerous and, at one time there were certain difficulties over expenditure of moneys for military forces which the hon. Member felt he had not the proper opportunity of examining. He has got over those difficulties, I think I am right in saying, by accepting that the Command Secretary, as it were, is an extension of himself in expenditure on military services. There is, Mr. Chairman, to-day, a certain amount of delay in executing Emergency matters because of the necessity to get Treasury sanction for what I should call the civil side of the Security Forces. The point I want to raise to the hon. Member is this. Would it not be possible for him to second from the officers serving in his Department the equivalent of a Command Secretary to the Police and the general civil administration expenses? That would mean that he would have an extension of himself within the actual seat of expenditure and some delays which are now occurring might be avoided.

MR. COOKE: All the arguments that the hon. Member is developing surely make for that sense of urgency which has been advocated in the debate.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I hoped that it would not lead to a debate on the Emergency and I had also hoped that the word urgency would not be uttered! I should have

thought these figures, reflecting as they do manpower, action and gunfire, and control showed that a somewhat large sense of urgency has been developed by the Government.

On the point raised by the hon. Mr. Blundell. I regret that I cannot agree with him that the Treasury has attempted to interfere unduly. There was a difficulty between the Military side and the Kenya Government, in so far as the Kenya expenditure was concerned, but during my visit to London in November last I had discussions with the War Department and the Treasury there and the Under Secretary for War, Mr. Gardner, has been out here recently and we had discussions and a system has been set up which we believe is working reasonably well. But, at the same time, as long as the duties imposed on me of watching the financial side remain, I must at any rate endeavour to establish some reasonable control and standards. There is the tendency as there always is in wars for the financial people to be placed in the position of "either this or else, . . ." and it has been found necessary, even in the Great War for a certain amount of financial control and investigation of measures, many of which I must remind hon. Members of this Committee are likely to turn into permanent expenditure. It is important that the Treasury should endeavour to make certain that there is no wasteful expenditure undertaken.

I invented, if I may say so, this Emergency Expenditure Fund and the principle was to be that I accepted personal responsibility for the expenditure to this Committee. I invented that in an endeavour to prevent delays. We have in fact two finance officers in the Treasury who to-day do practically nothing else but Emergency work plus the fact that a number of other officers have been delegated certain points of what I would call Emergency work—such as compensation, etc. Those give practically the whole of their time to military and police expenditure. I am trying to institute a system whereby the police have a finance officer of their own. That indeed is the answer but the difficulty is in finding someone who has got the financial training because owing to the old system and the lack of financial officers which we found at the beginning we are very short of these first-class

[The Member for Finance and Development]

financial men. However, I have asked that a finance officer should if possible be found and instituted down in the police branch—a man who has been trained in Treasury work because what is really essential is that a department should have a finance officer who knowing finance will investigate inside the department so that when proposals come to the Treasury they will not have to ask, as we have often to ask, for details of estimates or even the estimates because of this tendency to ask for a thing without any reflection as to the eventual cost.

THE DEPUTY SPEAKER: It is now time for the Council to rise—I will ask someone to move the usual Motion.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report progress and ask leave to sit again.

Question proposed.

The question was put and carried.
Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I have to report that the Committee of Supply has considered Supplementary Estimates No. 11 of 1953, Parts II and III and has considered, in parts, the Supplementary Estimates of Expenditure No. 1 of 1954 and has approved the same without amendment.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: Council will now stand adjourned until 9.30 to-morrow morning.

Council rose at thirty-five minutes past six o'clock p.m.

Wednesday, 24th February, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table:—

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya No. 2 of 1954.

(BY THE MEMBER FOR FINANCE AND DEVELOPMENT)

Report of the Committee on African Wages (Parts I, II and III).

(BY THE MEMBER FOR EDUCATION AND LABOUR)

ORAL NOTICES OF MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 2 OF 1954

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that a sum not exceeding £103,276 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 2 of 1954.

With your permission, Sir, I would like to draw the attention of hon. Members to the fact that the Supplementary Estimates which I have just laid will deal with the implementation of the scales and salaries of the police as reported in the Kenya Police Commission Report.

PROPOSED ADDITION TO HIGH COMMISSION SERVICES

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

This Council recommends to the Government of Kenya that it should consult with the neighbouring territories of Uganda, Tanganyika and Zanzibar with a view to adding to the schedule of the Order in Council of services under the authority of the

[Mr. Blundell]

High Commission, the following subjects:—

Bankruptcy
Company Law
Registration of Business Names
Inventions and Trade Marks.

BITUMINIZED ROADS IN AFRICAN AREAS

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

That in the opinion of this Council the Road Authority and other authorities concerned should progressively take action to establish all-weather (including bituminized) roads in African areas.

COMMUNICATION FROM THE CHAIR

EVENING SITTINGS OF COUNCIL

THE DEPUTY SPEAKER: Hon. Members, before we proceed to the next Order of the Day, I wish to make an announcement—that the Sessional Committee has decided that there shall be no sitting of the Council on Thursday evening, possibly a sitting on Friday and possibly a sitting on Tuesday evening from 4.00 to 6.30.

QUESTIONS

Question No. 36

MR. A. B. PATEL asked the Member for Agriculture and Natural Resources: If he will make a statement as to the present position of the proposed scheme of Mombasa water supply from Mzima Springs? Will he also please state if the scheme will yet be completed within the time and the costs originally estimated? If the scheme is likely to cost more than originally intended, will he please state the reasons for such increase?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Work on the project for supplying Mombasa with water from Mzima Springs is continuing satisfactorily. The manufacture of prestressed concrete pipes at Voi is proceeding according to plan. The pipes are being laid and the construction of roads of access to the alignment of the pipeline is progressing. A contract has been let for the construction of the

terminal reservoir at Mazeras and tenders will shortly be invited for the revised intake works above the visible springs at Mzima.

There is at present no reason to suppose that the revision of the original proposals for taking water from Mzima Springs or the rate of progress of works connected with the remainder of the project will delay the completion of the project as a whole by the originally estimated date.

With regard to the second part of the question it is not yet possible to state with any degree of accuracy whether the cost of the scheme as a whole will be within or will exceed the original estimate. It is known that while savings have been effected against original estimates in respect of certain sections of the scheme, other items have exceeded estimates owing to the increased cost of material since the original estimates were made and other factors.

MR. BLUNDELL: Arising out of that answer, will the hon. Member state what steps have been taken to secure the best technical advice for the carrying out of this scheme?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member is aware that the Director of Public Works is the technical adviser of Government, and in addition we have the advantage of consulting engineer's advice on the head-works.

MR. USHER: Mr. Deputy Speaker, arising out of the original answer, Sir, will the hon. Member say what is the cause of the delay over the estimate, and when we shall be informed whether the cost is likely to exceed the original estimate?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I do not think it possible, with projects of this size, to give you any accurate figures for quite a time yet. There are savings on some of the estimates and there will be increased expenditure on some of the estimates. One of the contracts is not yet let, and the big tanks—the contract at Mazeras—has only just been let.

MR. COOKE: Will the hon. Member state whether it is a fact that the insistence of trustees that the water should be taken above the pool, will save the Mombasa

[Mr. Cooke]

Municipality a considerable amount of money.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Sir, I am not prepared to say that at all. If the hon. Member is considering the possibility of there having to be a filtration plant, then maybe one might in due course claim that, but at the moment I cannot claim that at all.

QUESTION No. 37

MR. A. B. PATEL asked the Member for Agriculture and Natural Resources if he would make a statement as to the present position in regard to the Indian Agricultural School at Morogoro, and also state if the Kenya and Tanganyika Governments have come to any arrangement regarding starting of a new Agricultural School in accordance with the report which was submitted last year by a Committee appointed in that respect.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The present position with regard to the Indian School of Agriculture is that the school at Morogoro was closed at the end of 1953. The Government of Tanganyika has been informed that this Government accepts the recommendations of the Committee, on which Kenya was represented, appointed by the Government of Tanganyika to consider the future of the Indian School of Agriculture, with a reservation that it is considered preferable that the future school should be under the direction of the Director of Agriculture, Tanganyika, rather than the Director of Education and that in view of this Government's interest in the scheme, the Director of Agriculture, Kenya, should be consulted when the proposed new school is being planned.

The Government of Tanganyika has proposed, and this Government has agreed that the Government of Kenya should not make a capital contribution to the new school, but that vacancies should be made available for Indian students from Kenya. A number of possible sites for the new school which would appear to conform to the recommendations of the Committee are being examined by the Government of Tanganyika. Until the actual location of the new school has been decided it is not

possible to state when the school is likely to open.

MR. NATHOO: Mr. Deputy Speaker, Sir, arising out of the answer, would the hon. Member give us an assurance that the matter will be kept under constant review and the Tanganyika Government will be reminded from time to time so that they do not fall asleep over the matter.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I can give the hon. Member an assurance that, in fact, we are in constant correspondence with the Government of Tanganyika in this matter.

MR. MATHU: Mr. Deputy Speaker, arising out of the original reply, could the hon. Member tell us what happened to the students—the Indian students—who were attending at Morogoro when the school closed down at the end of last year? What are they doing now?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I shall have to have notice of that question. I will try to give the hon. Member a reply in due course.

QUESTION No. 40

MR. H. SLADE asked the Chief Secretary: How many Africans have suffered forfeiture of land pursuant to the Forfeiture of Lands Ordinance, 1953?

THE MEMBER FOR AFRICAN AFFAIRS (on behalf of the Chief Secretary): No land has yet been forfeited under this Ordinance as this Bill has been reserved for the signification of Her Majesty's pleasure, and this is still awaited.

QUESTION No. 61

MR. M. BLUNDELL asked the Chief Secretary: Is a fact as stated by Canon Collins of St. Paul's Cathedral that the Government of Kenya is guilty of many grave injustices in dealing with the Mau Mau rebellion.

THE CHIEF SECRETARY: No, Sir. It is not a fact.

MR. BLUNDELL: Mr. Deputy Speaker, in view of the reply will the hon. Member request the Christian Council of Kenya, who evinced such interest in this matter, to take the question up with the Archbishop of Canterbury?

THE CHIEF SECRETARY:—Mr. Deputy Speaker, Sir, I am prepared to consider that, but I am not prepared to give a categorical reply. Perhaps I should explain my reasons: I have not seen the precise words used by Canon Collins but what I have seen—an abbreviated report in the Press—did not contain the precise words included in the hon. Member's question. I presume that he has access to a more complete record of what was said. A further point, Sir, is that the matter was purely and simply a question of personal opinion, and it is an unfortunate fact that a number of people are apt to give them—personal opinions—which are not, in themselves, facts; but, as I said, Sir, I will consider the hon. Member's question.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, arising out of the answer given, are we going to take notice of all opinions expressed by various prominent people of the world about us?

THE CHIEF SECRETARY: No, Sir.

MR. COOKE: Mr. Deputy Speaker, Sir, are we not in a sufficiently strong moral position in this country to disregard utterances such as that?

THE CHIEF SECRETARY: That is the view of a considerable number of people, and I regret that it is one on which there is not apparent unanimity—even on the other side of the Council.

MR. MATIU: Arising out of that reply, is it for the good of this country to be complacent to such people as this who accuse this Government of being guilty of many grave injustices?

THE CHIEF SECRETARY: Mr. Deputy Speaker, emphatically no.

MR. BLUNDELL: Arising out of that answer, is it the intention of Government to be completely supine against all attacks?

THE CHIEF SECRETARY: No, Sir. (Laughter)

THE WHEAT INDUSTRY (AMENDMENT) BILL
(*Debate on Second Reading resumed*)

THE DEPUTY SPEAKER: The Motion for the Second Reading of this Bill was proposed and was before the Council yesterday, when the debate was adjourned until to-day.

Debate will be resumed.

MR. NATHOO: Mr. Deputy Speaker, Sir, speaking to the Bill, Sir, I would like to know from the hon. Member for Agriculture whether the discretion which is sought in this respect is likely to affect the quota of the bigger mills, in spite of the fact that such an inference is given in the Objects and Reasons. The other assurance, Sir, I want from him, is the fact that when exercising this discretion the Member will not be too much influenced by what may be considered interested parties, and that all applications of such small mills will be treated according to their merit, and will not act inequitably in their interest.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Deputy Speaker, Sir, I have an apology to make to you, Sir, and to the Council for not having been in my place when this Order was called yesterday, my excuse being that I had to attend another meeting to which the Provincial Commissioners from up-country had been summoned. In view of that fact that I was not here, Sir, when the Bill was introduced, I would like to say one or two things about the reasons for the introduction of this amending measure.

Section 13 (5) of the Wheat Industry Ordinance provides, "In determining the amount or quantity of wheat to be allocated in respect of any mill, regard shall be had to the capacity of the mill, which capacity shall be calculated by reference to a formula which has been prescribed". In the case of large, modern flour mills, no difficulty has been found in designing a formula. In accordance with the practice common in other countries the formula is based on the total roller contact surface of the mill in relation to working hours and the conversion ratio of wheat into flour. This proposed formula has been accepted by the big Kenya mills as being practicable and, in the case of bigger mills, no difficulty whatever arises. But, Sir, in connexion with the small mills, some of which are not strictly speaking flour mills at all, since the machinery installed is, in many cases, designed to convert maize into maize meal, and indeed to pulverize other products, it has not been found possible to devise a practical formula. We have taken the advice, Sir, of even Messrs. Henry and Simon who are one of the biggest flour mill manufacturers in the

[The Member for Agriculture and Natural Resources] world and they have confirmed that it is not practical and it has not been found practical anywhere to design a formula which can be applied to small mills with less than 350 in. of roller contact surface. There are at present only six such small mills licensed in Kenya which mill only about 14 per cent of the total quantity of the wheat which is converted into flour.

Now, Sir, in view of that background, the Wheat Board has recommended that section 13 (5) of the Ordinance should be amended to provide—(a) that in determining the quantity of the wheat to be allocated to mills having a roller contact surface exceeding 350 in., regard should be had to the prescribed formula without prejudicing the Member's right on the advice of the Wheat Board to consider other factors; (b) that in respect of all mills other than those referred to in this category, wheat should be allocated by the Member at his discretion having regard to the advice of the Wheat Board and the past performance of the mills concerned.

Now, Sir, it is rather urgent to get this procedure legalized and that is the objective of introducing this amending Order. Before I answer the points raised by the hon. Mr. Nathoo I would like to allude to the wording of paragraph 2 of the amending Ordinance. In the amending Ordinance it is stated in section 2, that the amendment to sub-section (5) of section 13 of the principal Ordinance, should read, "In determining the quantity of wheat to be allocated in respect of roller mills having a roller contact service exceeding 350 in., regard should be had to the capacity of the mill, which capacity shall be calculated by reference to a formula which has been prescribed".

Sir, I would like to give notice that when this Bill reaches the Committee stage I propose to move that instead of reading, "In determining the quantity of wheat to be allocated in respect of roller mills", that the word "roller" should come out of that and that we should pass this amending Ordinance reading, "In determining the quantity of wheat to be allocated in respect of mills having a roller contact . . .". My reason for that, Sir, is that there is no definition of "roller mill" in the main

Ordinance. There is a definition of "mill", and I have consulted various people and I think possibly it would be wiser not to put in a new word which has no definition in the existing Ordinance more especially as some of the mills we may have to deal with are not purely roller mills.

Now, Sir, to turn to the questions which have been asked this morning, I would first of all say that I can give an assurance that there will be no discretionary power exercised against existing mills. I can give an assurance, in the case of existing mills, that there will be no cut in existing allocations of wheat based on the proportion of wheat which is made available to each on account of this discretionary power. As the hon. Member knows, it depends a great deal on the amount of wheat available plus other factors, as to what each mill gets. Equally, of course, I cannot give any undertaking that future allocations will be increased with regard to existing mills.

The other point I think the hon. Member asked for was that in considering the claims of these very small mills, that regard should be had to the justification of the claims submitted without having too much regard, or any regard at all, to vested interests. I think that is practically what the hon. Member asked. (Inaudible interjection.) All I can say, Sir, is that if anybody who happens to occupy the position I occupy now was influenced by such interests, then the sooner he is removed the better. Naturally I give that assurance.

I beg to move.

THE MEMBER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

THE EXCISE TARIFF BILL

Order for Second Reading read.

THE SECRETARY TO THE TREASURY: Mr. Deputy Speaker, Sir, I beg to move that the Excise Tariff Bill be read a Second Time.

Excise duties are levied and collected under the Excise Duties Ordinance and the Beer Ordinance and those Ordinances also provide for the management of the collection of the duties. The management of collection is a function

[The Secretary to the Treasury] of the East Africa High Commission, whereas the levying of duties is a function of the Kenya Government and it is now proposed to regularize the position by introducing legislation which will make it clear that the High Commission does control the management and the Kenya Government does control the levying of the duties.

An Excise Management Act has been passed in another place and will come into operation at a time to be determined.

This Bill before the Council, Sir, enacts those items of existing legislation which provide for the levying of excise duties and will complement the Management Act giving complete cover to the legislation for excise duties. The Bill does not enact any new duties and it is largely formal. There are one or two sections in the Bill which might be regarded as relating to management. For example, there is the definition of sugar, but it appears that the Management Act of the High Commission thinks of sugar in terms of brewing whereas we think of sugar as being itself an excisable article.

Mr. Deputy Speaker, I beg to move

THE MEMBER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

THE CUSTOMS AND EXCISE DUTIES (PROVISIONAL COLLECTION) (AMENDMENT) BILL

Order for Second Reading read.

THE SECRETARY TO THE TREASURY: Mr. Deputy Speaker, I beg to move that the Customs and Excise Duties (Provisional Collection) (Amendment) Bill be read a Second Time.

As the Provisional Collection Ordinance refers to the Excise Duties Ordinance and the Beer Ordinance, if the previous Bill is passed, such a reference will be inexact. This Bill now deletes that reference and introduces reference to the new Excise Tariff Ordinance when it is passed.

Sir, I beg to move.

THE MEMBER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

THE COMPULSORY MILITARY TRAINING (AMENDMENT) BILL

Order for Second Reading read.

MR. COWIE (Nominated Member): Mr. Deputy Speaker, Sir I beg to move that the Compulsory Military Training (Amendment) Bill be read a Second Time.

There is nothing actually, Sir, in this Bill which is of a major matter of principle. Most of the amendments are those which have become necessary through the administration of this Ordinance. It is merely an attempt to record certain amendments which are obviously necessary.

Going through rather quickly from the beginning—the main feature is in matters of definition. There, to adjust a small difficulty which has arisen in the granting of leave to members undergoing training who are medically unfit, this now places that power in the hands of the Commanding Officer, subject to a limit of two months which can be extended by a Board set up for the purpose.

Then, Sir, there has been an attempt to define the various reserves of which, if a person is a member, they can be exempted from military training for a certain period. It was not very clear before in the old Schedule and Definition. This now, I think, makes it absolutely clear exactly what reserves men can belong to and claim exemption from military training.

After section 3, Sir, I propose to move, in the Committee stage, an amendment which is another attempt to put right a certain difficulty. That is, when men are given enlistment notice, a period of anything up to six months might expire before they are actually enlisted. During that period there have been cases when employees have been dismissed by the employer. The amendment seeks to prevent that happening.

Lastly, Sir, there is an attempt, in section 9, to grant exemption to those men who come out from the United Kingdom on a special contract or for a special purpose, who have already been

[Mr. Cowie]

granted some kind of exemption or postponement of military training in the United Kingdom. It is quite logical that if a man obtained exemption in the United Kingdom he should not again be called up for military training the moment he arrives here. That exemption would only continue so long as the man in question continues to do the work for which he was granted exemption in the United Kingdom.

I think, Sir, there are very few difficulties or matters of principle in this Bill and I beg to move that it be read a Second Time.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

THE KENYA REGIMENT (TERRITORIAL FORCE) (AMENDMENT) BILL

Order for Second Reading read.

MR. COWIE: Mr. Deputy Speaker, Sir, I beg to move that the Kenya Regiment (Territorial Force) (Amendment) Bill be read a Second Time.

There are two main features in this Bill. The first one is that it has been decided to revive the powers to set up a special reserve of the Kenya Regiment. Those powers were contained in the original Kenya Regiment Ordinance, but they were removed some time in 1949 because at that time it was felt that most of these needs could be served by men belonging to existing reserves. There was the Army Emergency Officers Reserve and various other Territorial Reserves and it was, therefore, considered at the time that there was no need to have the Kenya Regiment Special Reserve.

It was, however, found later that, as these reserves referred mostly to officers, was no easy opening for other ranks to belong to a reserve. Also, there was no easy way of having good records of the men who wished to volunteer for special duties.

Therefore, the main provision here is to revive the powers granted to the Governor to set up a Special Reserve.

The next feature, Sir, is a matter of definition and to confirm Emergency Regulations. Certain of these alterations have already had to be made under Emergency powers and I would emphasize that this Bill is not so much connected with the Emergency as with the future and long-term plan of the Kenya Regiment.

There is one small mistake, I think, in the printing which may confuse Members and that is the amendment under paragraph 7 referring to section 22. The original section 22, printed on the left hand side of the Bill, is, in fact, the section as amended by Emergency Regulations. It is not the section as it originally appeared in the Kenya Regiment Ordinance. So it may seem unnecessary that this should be amended as both sections appear to be worded exactly the same. It is, in fact, an amendment of the original Kenya Regiment Ordinance.

Another feature is that it has been found necessary to define the powers granted to the Governor and granted to the Member in making regulations. This follows the pattern of many other Bills that have been before this Council recently and, in the first place, defines the position of the Member then separates the actual powers of making regulations between both authorities.

Apart from that, Sir, there is nothing in this Bill which I regard as a matter of principle which has not already been partly considered under Emergency Provisions and it is not an amendment which should provoke a general discussion on the Kenya Regiment, but merely a debate on the amendment which is now before the Council.

I beg to move the Second Reading.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

LT.-COL. GHERSIB: Does it mean that in the new Amendment the word "Reserve" has been left out now? In the old section 22 it obviously meant men of the Kenya Regiment and Reserve, but in the new Amendment the word "Reserve" has been left out. Do they not qualify?

Mr. COWIE: In replying to the hon. Member for Nairobi North, if he turns to the definition of "Regiment", he will find it includes "Reserve". In that case, there is no necessity to put "Kenya Regiment" and "Reserve", since it has the same meaning as in the Emergency Regulations.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, O.B.E., in the Chair]

SUPPLEMENTARY ESTIMATES OF EXPENDITURE OF THE COLONY AND PROTECTORATE OF KENYA No. 1 OF 1954

Debate resumed.

THE CHAIRMAN: Hon. Members, in the Committee of Supply yesterday the Committee was considering the Supplementary Estimates of Expenditure No. 1 of 1954, and we have reached Serial No. 10: Contribution to Emergency Fund, £1,500,000. The debate was proceeding on that item.

I would ask hon. Members to remember that we are discussing financial provisions only, and I trust hon. Members will not endeavour to embark on a general Emergency debate.

MR. HAVELOCK: I should like to ask a question on the point you have just raised. Naturally hon. Members, in view of the fact that we have had a debate on the Emergency will voluntarily desist from debating the matter again but they cannot be prevented from doing so according to the Standing Orders of this Council?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I should like to deal with that one. Surely, if it is desired to have a full-dress debate upon an introduction of a financial Motion, we have agreed, and our Standing Orders and Rules make provision, that I should be advised that hon. Members will so

do, then I will move that Mr. Speaker do now leave the Chair in order to give full-dress opportunity, as distinct from financial opportunity, for discussion.

THE CHAIRMAN: Any further comments on Item No. 10? We will pass on to the next Serial Number.

Serial No. 11 agreed to.

Serial No. 12

MR. CROSSKILL: Whilst making no objection to this assistance in any way, I am wondering whether it would not be a more suitable method, unless there is some statutory obligation to make a grant, that this should be in the form of a loan? I should like the comments of the hon. Member.

THE MEMBER FOR FINANCE AND DEVELOPMENT: This is, of course, Sir, now actually under the Member for Commerce and Industry. In his absence I should like to reply.

This was a decision which was of course communicated to hon. Members of this Council during the debate on the Second Reading of the African District Councils Amendment Bill—that this assistance was going to be given. African District Councils are indeed putting in pound for pound. They are putting it in on a grant basis—not a loan—in order that a revolving fund will be created. Assistance to the individual trader will be on a loan basis. They will pay 4½ per cent, or whatever ruling rate of interest the joint Board administering this assistance considers right; but it was thought proper that that interest should—as in the case of, for instance, the Education Loans Fund—be used (a) to meet bad debts and the cost of administration, and (b) to provide them with more money to re-lend, though that process of assistance would be a continually growing one.

MR. CROSSKILL: I feel the same assistance would be given if the money were on loan. In this case the country's revenue is diverted completely and for ever to this purpose. The same purpose would be served if it were on loan. I consider that as preferable.

THE MEMBER FOR FINANCE AND DEVELOPMENT: The hon. Member must be consistent. Would he ask that that principle should be carried out with regard to the European Rehabilitation

[The Member for Finance and Development]

Loan Fund, because there we have placed £200,000 a year on a revolving fund basis. I think the hon. Member must be consistent. After all, this is a very small measure of assistance.

MR. HAVELOCK: The hon. Member, Sir, is really in support of this principle, but possibly he might feel it would be a good thing to have a target, as there is for the Rehabilitation Loan Fund.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I agree there should be a target but the point is that the amount at the present moment is so small it is not worth placing any restriction on it. After all, this is new and experimental machinery. We are placing £15,000 at the disposal of three African District Councils, and they operate on a joint Board with other nominated members, to see if a system of assistance by loan to African traders will be of general benefit (a) to African traders and (b) to the country as a whole.

Of course I agree—I am sure the hon. Member for Kiambu is in complete sympathy with this. He has expressed an opinion on this, and supported it, on many occasions. I really think we must be consistent in the way we endeavour to assist the various funds.

MR. NATHOO: Arising out of the reply of the hon. Member, I know he is sympathetic towards this assistance, which I think is going to have a very good and beneficial effect on the African community. Will he give me an assurance that from time to time the fund will be reviewed, and that, if the results are satisfactory, further assistance will be granted to this African trading community?

THE MEMBER FOR FINANCE AND DEVELOPMENT: I shall undoubtedly give that assurance, subject to the usual reservation that it will rest with the authority of this Legislative Council. The utmost assurance I can give is that if the results of the operation of the scheme are good, then further requests are extremely likely to be placed before this Legislative Council, particularly as the African District Councils themselves grow more and more conscious of the assistance they can give to their people.

MR. MATHU: I recollect that when the debate was on the Second Reading of the African District Councils Amendment Bill some hon. Members wanted to get an assurance from Government that this scheme would not be an element in a welfare society. That actually was the point that we got from the Government—that they are going to pay interest of 4½ per cent at the present moment, and I very strongly suggest that what it should be—they should not just get it out of the plate—they should pay interest on it.

What I do not understand is why doubts should be created by some hon. Members of a scheme such as this, which is entirely directed to benefit the economy of the country as a whole. As the hon. Member for Finance has mentioned, there are other schemes also which benefit some of the sections of our communities. We have, as you know, the Education Loans Fund, of which the hon. Member for Rift Valley is Chairman. The same principle there applies, and I do therefore support very strongly the proposal by the hon. Member for Finance that this scheme should go ahead in the way indicated in the memorandum.

MR. HAVELOCK: I am sure there are no doubts being expressed as regards the principle of this assistance. I really think the hon. Member for Mauji trying to clear his own mind as to the exact machinery to be employed. I want to put it on record that in my view the expenditure of money in this manner on individual African traders or farmers is the best possible way we can help the Africans (Hear; hear.)

MR. TYSON: I should like an assurance from the hon. Member for Finance and Development that these three schemes that are being referred to are merely a preliminary. There can be no question that further schemes are going to come forward. As far as Nairobi is concerned, at the moment, under the Board of Commerce and Industry, there is a small committee of Nairobi business men trying to work out a scheme to assist Africans in trade in Nairobi.

I should like to make it quite clear that applications will come forward very soon as far as Nairobi is concerned.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am very pleased indeed to give that assurance, and I think I can

[The Member for Finance and Development]

claim some fair responsibility for the initiation of and the putting it into practice. Of course I will meet it with every possible attitude of sympathy, but hon. Members opposite are in the majority and, as long as they are in the majority, any assurance I give on finance must be covered by the fact that it is subject to the authority of this Legislative Council.

Serial No. 13 agreed to.

Serial No. 14

Mrs. SHAW: This East African Medical Survey. Mr. Chairman, in 1952, when I became a Member of this Council, the Unofficial Members were very concerned about the ever-rising cost of Government service particularly in such Votes as the Medical Education Vote. One aspect which caused us concern was the extra commitments with which the East African Governments—the Governments of the East African Territories—were faced from time to time under the Colonial Development and Welfare Services.

Great Britain appears to have a habit of starting a service—possibly a very valuable service—carrying it out for three years, then stepping out, leaving the Colonies to continue to carry on and finance that service. I suggest that the Colonies to-day have an even greater need for economy and, after the appalling figures we heard yesterday, I question as to whether any service which is not an essential service should be carried on.

I should like to know, therefore, in view of the doubts expressed by other Governments, and the Kenya Government in the memorandum as to the essentiality of this service, what work the East African Medical Survey has been engaged on and whether the work has been completed, and, if so, whether the object has been achieved and if so it could not now be discontinued.

THE DIRECTOR OF MEDICAL SERVICES: Mr. Chairman, in reply to the hon. and gracious lady, I would say that this research scheme, which was started some years ago, is a long-term research measure. When this scheme was initiated it was, I think, accepted by all the Governments concerned that the problems of medical research, when applied

to an individual country, should be the responsibility of that particular country, but that there were basic research schemes which should be the responsibility of the three Territories jointly.

Now, this Medical Survey Unit has been carrying out such basic research work in the three Territories. It has been carrying out research into the basic health conditions of the African. Now, that is information which is vitally necessary if we are to base our future medical policy on a sound foundation. The unit started work in Tanganyika and, during the last year or two, has carried on its operations in this country. It carried out a survey in the Kisii Highlands and, at the present time, is operating at the Coast. I have not yet received a report of the work done in Kisii, but I have not the slightest doubt that this work is of basic importance, and it is most important in the interests of the health of the African population of this country that it should be continued. I therefore would ask the support of the Council for this measure.

THE CHAIRMAN: That brings us to the end of Part I.

Question proposed.

The question was put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,980 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1954—Part II. That is the part dealing with reimbursements to the Civil Contingencies Fund.

Question proposed.

Serial No. 15 agreed to.

Serial No. 16

Mr. HARRIS: Would the hon. Member for Finance and Development tell me as the Member responsible for Public Works, whether we may expect very soon a report of the Consulting Engineers to be tabled in the Council on the whole question of silo storage and whether, if the Nakuru investigations have been completed, as the Consulting Engineers have been paid out of the Civil Contingencies Fund, perhaps we might have an interim report as to the findings of the Consulting Engineers.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Sir, I think the hon. Member is under some misunderstanding. The mere fact that this memorandum appears as one which was dealt with by the Standing Finance Committee does not mean that it is the responsibility of the Member for Finance and Development. Silo storage is the responsibility of my hon. friend, the Member for Agriculture and Natural Resources who, I have no doubt, will answer this question of the hon. Member.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I understand that the hon. Member wants some report from the Consulting Engineers?

Mr. HARRIS: I did not make myself quite clear. What I want to know is how we are getting on with the whole question of silo storage. Surely Council could have a report tabled showing what are the existing recommendations of these Consulting Engineers, who cost us the sum of £25,000?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I have no objection to Council eventually having the Consulting Engineers' report—it already exists. There was a considerable acreage of land reserved in Nakuru for silo storage and in order not to keep all that land from other uses, we have had a further examination made.

I will table a report within a reasonable period of time on the whole question. Silo storage is not just a question on its own, there are other forms of storage—rail, and storage and bulk storage at various crucial points.

Mr. CROSSKILL: Is three months a reasonable period of time?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: This would be a reasonable period of time to give Council some information. Under existing financial straits it is necessary that we have a definite plan for silos—which involve vast sums of money.

Mr. COWIE: Could I ask about the word "New" in column 8—does it refer to the "survey" or "control" or "Birds"? If it refers to "Birds", on behalf of my constituents I have some sympathy with the old birds. I wonder if the hon. Member could tell us something of what is

happening on this question as it is vital to a number of people.

THE SECRETARY TO THE TREASURY: The word "New" refers to the item which is not in the original Estimates for 1954—first half. Therefore we have indicated the introduction of a new item by the word "New".

Mr. BLUNDELL: On a point of order, I would suggest to the Council that if we are going to embark on all sorts of matters arising out of the financial estimates, the work of the Council will be delayed. The proper way, I submit, is for a Member to move a deflector by a token amount for the reason that he is not satisfied with that particular item or the functions for which it is asked. On that we can then debate, otherwise this may well develop into a range over the whole field of Government policy which is quite wrong in my submission.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I should like to support the hon. Member for Rift Valley. It is obvious, and provision is made in the Standing Orders that that should be done. That, I think, you will find is the practice, that Motion to delete is the method of introduction. I do suggest that the Member for Rift Valley is very right—but one does not want on this side to be accused of throttling discussion.

Mr. HAVLOCK: Standing Orders state that questions can be asked on an item and therefore moving a reduction is not necessary.

THE CHAIRMAN: Standing Order No. 136 (c) does say, "Every Motion to reduce the amount of a Vote, Head or Sub-Head of the Annual Estimates shall relate to a single item in such Vote, Head or Sub-Head and shall be moved in the order in which such item appears in the Estimates, but any Member may seek information with respect to any item without moving a reduction thereof". But, as the hon. Member for Rift Valley has said, the correct method, apart from merely asking a question and not trying to initiate a debate on policy involved, is to move a reduction, and I trust that hon. Members will assist the Chairman in trying to follow that practice which, I think, is the correct parliamentary practice.

The question was put and carried.

SUPPLEMENTARY ESTIMATES OF
EXPENDITURE NO. 1 OF 1954

Part III

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move:—

BE IT RESOLVED that a sum not exceeding £13,265 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1954—Part III.

Question proposed.

Serial Nos. 18 and 19 agreed to.

Serial No. 20

MR. HAVELock: I beg to move that Item No. 20 be deleted.

I have brought this matter up before on many occasions. In nearly every Supplementary Estimate there is a very considerable item for loss of cash and stamps, and when I have brought the matter up before, assurances have been given from the other side that the whole system will be tightened up and anybody who is responsible for such losses will suffer thereby and everything possible will be done to see that it does not recur.

Well, the amount as now shown, £11,108, is a very considerable amount and it seems to me the steps could not have been taken if we have to continue with the writing off of this sort of sum of money. Therefore, I would like to hear an expression of opinion from the other side of the Council as to what steps they are definitely taking.

Question proposed.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I must draw the hon. Member's attention to the fact that this is Part III, which is dealing with re-votes. This was an agreed matter on which there should be no challenge on the "re-vote" side—I think that is correct, Sir. I am quite prepared to give the hon. Member information. On the point I raised before—it is not that the hon. Member is not entitled to ask questions to get information but not to start a discussion by expressing an opinion. On this particular one I am prepared to give the hon. Member as much information as possible. I will certainly go into this matter but I must say that I think, considering the large

amount of cash and stamps that is involved in the manipulation of Government and public revenue and expenditure, that our losses are by no means heavy. I agree that we have one or two very heavy individual cases. I have gone into this from time to time and just the same, as used to happen in one's old business days, there comes a time and a point at which it is more expensive to institute the final check than it is to take the risk of occasional defalcation. That is something to be borne very much in mind in one's assessment of this problem. It is one which is continually under review. I can give the hon. Member an assurance that it will continue to be reviewed and that where possible in cases of loss of cash and stamps disciplinary action is and will be taken. I must say that although £11,108 may seem a very large sum included in this estimate, the hon. Member should place it against the complete background of the total of the Government's expenditure and revenue and the amount of cash which has to pass through the hands of even, what you would call, low grade staff.

MR. NATHOO: Is it not wrong for this kind of item to be non-recurrent? Every year we have this vote. Would the hon. Member consider putting it under another name not so false? It does occur all the time.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Would the hon. Member agree to it being put under Recurrent? That would admit he expects it to happen from time to time! The hon. Member hopes that he will be able to present one year without it occurring; I must admit it is a vain hope under present conditions. However, Sir, I will deal seriously with that point. The point is that the individual items are "non-recurrent" and not the block vote which is represented here.

MR. HAVELock: Would the hon. Member supply the figure of the total loss that happened in, say last year so that we can get the full picture.

THE MEMBER FOR FINANCE AND DEVELOPMENT: With great pleasure.

MR. HAVELock: In which case, I ask leave to withdraw the Motion.

THE CHAIRMAN: Leave is granted. The question was put and carried.

DEVELOPMENT SUPPLEMENTARY
ESTIMATES OF EXPENDITURE NO. 1
OF 1954

Part I

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move:—

BE IT RESOLVED that a sum not exceeding £258,594 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 1 of 1954—Part I.

Question proposed.

Serial Nos. 1 to 29 agreed to.

Serial No. 30

LT.-COL. GHERSIE: I do not want it to be thought I am initiating a policy debate, neither do I propose to move the deletion of an item, but, I should like to ask—would it not be more economical and probably more beneficial for a geological survey to be carried out on an interterritorial basis? What I have in mind is if an indication or discovery of a deposit in any particular type of formation—if it were discovered some few miles from the boundary of an adjoining Territory, it could be followed up to the advantage of that Territory and, I suggest, at far less cost.

THE MEMBER FOR FINANCE AND DEVELOPMENT: In the absence of my hon. friend the Member for Commerce and Industry I would like to say there is probably something in what the hon. Member says, but then we would have to go through many negotiations with the other two Governments before we could move along the lines of a geological survey for our own country. The Member is also aware that in this expenditure on a geological survey we receive assistance from the Colonial Development and Welfare Vote. Indeed, during 1954, the proportion will be Kenya one-third, Colonial Development and Welfare Vote two-thirds, so that it is easier for us to negotiate on our own behalf and get this geological survey in being and keep it going on a Territorial basis rather than be involved in complicated discussions.

LT.-COL. GHERSIE: I do not accept that it would be so complicated at all and

I think that from the practical point of view it would be the obvious thing to do.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I cannot agree that it would not be complicated. There would have to be negotiations with the other Governments and compromises before a decision is reached. If the hon. Member wants to see geological surveys delayed by that I cannot help it; I can only say—not representing the Member for Commerce and Industry but as Member for Development—I would say the important thing is to get on with the geological survey.

MR. MATHU: My hon. friend took the words out of my mouth. This subject has been raised elsewhere and I do not think Colonel Gherisie's proposal would receive the support of my colleagues at the present moment. I think we should get on with what the hon. Member for Rift Valley said, where we can get agreement, but that one will not get agreement at the moment. I do not think it is for the good of the country to delay matters; I think we should get on with the business now.

Question proposed.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY
ESTIMATES OF EXPENDITURE NO. 1
OF 1954

Part II

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move:—

BE IT RESOLVED that a sum not exceeding £113,318 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1954—Part II.

Question proposed.

Serial No. 31

MR. HAVELock: My question is the general one—the heading on all these items—"Expenditure not chargeable against the Colonial Development and Welfare". Will the hon. Member for Finance and Development make it clear if that also means that this cannot be charged against the £5,000,000 which is

[Mr. Havelock]

being given to us from the Colonial Development and Welfare for special development in African areas?

THE MEMBER FOR FINANCE AND DEVELOPMENT: In answer to the hon. Member for Kiambu, I would say I do not think this is blocked from being considered against the £5,000,000. When the Estimates are submitted to Her Majesty's Government, with regard to the £5,000,000 it is more than likely that some of these items will be included in the £1,000,000 proposed for this year.

Question proposed.

Serial Nos. 32 to 43 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 1 of 1954

Part III

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move—

BE IT RESOLVED that a sum not exceeding £286,665 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 1 of 1954 Part III

Question proposed.

Serial Nos. 44 to 48 agreed to.

The question was put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report to the Council its agreement with the Resolution on the Order Paper.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: I beg to report that a Committee of Supply has considered Supplementary Estimates of Expenditure No. 1 of 1954, and the Development Supplementary Estimates of Expenditure No. 1 of 1954, and has approved the same without amendment.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Council doth agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

THE LAW SOCIETY OF KENYA (AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Title and enacting words agreed to.

Bill to be reported.

THE ESTATE DUTY (AMENDMENT) BILL

Clauses 1 and 2 agreed to.

Title and enacting words agreed to.

Bill to be reported.

THE AFRICAN TEACHERS SERVICE BILL

Clause 1 agreed to.

Clause 2

THE DIRECTOR OF EDUCATION: Mr. Chairman, I said yesterday in the Second Reading that I would move an amendment in order to include under the definition "African teacher" those teachers who from time to time are engaged in administrative and supervisory duties. Therefore I beg to move that the following words should be added immediately following the final word "Ordinance", under the definition "African teacher"—"or in any other education post approved by the Member by notice in the Gazette for the purpose of this definition."

Question proposed.

The question was put and carried.

THE CHAIRMAN: There is one other small amendment—a printer's error—appearing in definition of "Board", in the second line. The word "Governor" appears which should read "Member". I will have that correction made.

Clause 2, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5

THE DIRECTOR OF EDUCATION: Mr. Mathu raised the question of African representation on the Board and in order to meet the point he made, I would like to propose the following amendment: that sub-clause (1) of clause 5 of the Bill be deleted and the following sub-clause substituted therefor: "The Board shall consist of a Chairman and ten members of whom—

- four shall represent African teachers;
- two shall represent the managers of schools employing African teachers;
- two shall represent Local Government authorities;
- two shall represent the Government of the Colony, and one of whom shall be appointed as Secretary to the Board.

Question proposed.

MR. MATHU: I should like to thank the hon. Director of Education for improving this clause 5, sub-clause (1), in the form of this amendment and I would like to support it.

MR. TYSON: Is it proposed to amend sub-clause (2) in regard to the quorum?

THE DIRECTOR OF EDUCATION: No, Sir, it is considered that a quorum of five would be quite satisfactory.

Clause 5, as amended, agreed to.

Clause 6

MR. MATHU: Clause 5 (4)—I beg to move that it be amended by the insertion of the words "amended or" between the words "be" and "revoked" in lines 48 and 49 of the clause.

My intention, Sir, is that if this amendment is accepted, to make it possible for hon. Members who might find it so necessary to move amendments to the Regulations laid on the Table of Council, if they do not think all the Regulations should be revoked. At present, as worded in 6 (4) it means that hon. Members only move a Motion for the revocation of the Regulations. I would suggest that it might be necessary to move a Motion for the amendment of the Regulations.

Question proposed.

THE SOLICITOR GENERAL: With respect to the hon. Member, this is quite contrary to accepted practice. The Regula-

tions which are laid, which will be laid under this clause, are subordinate legislation and whilst this Council is given the right and the function of approving or revoking them, if they so wish, to introduce piecemeal amendments in this Council of possibly complicated Regulations which may require considerable scrutiny and cross-referencing that would be undesirable.

The practice, in such cases—and if I may interpolate here: this is the form adopted very frequently in United Kingdom legislation and coincides with parliamentary practice in the United Kingdom—the practice is for hon. Members—if they do not approve the Regulations—to give notice that they will move their revocation and to intimate their objections thereto and then the objections will be taken into consideration and the Government will decide whether to present the Regulations in amended form or to press for their acceptance in their original form.

I do therefore ask that we should adhere to this practice—which is a common one—and which would not lead us into the difficulties which the amendment proposed by the hon. Mr. Mathu would do.

MR. MATHU: I thank the hon. Member for his explanation—I think many of us did not know that—I think it is very good to place it on record. I beg leave of you, Sir, and of the Committee to withdraw my Motion.

THE CHAIRMAN: I think the Committee is in agreement that the Motion be withdrawn.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE SOLICITOR GENERAL: I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: I have to report that a Committee of the whole Council has considered clause by clause the Law Society of Kenya (Amendment) Bill and has approved the same without amendment.

**THE LAW SOCIETY OF KENYA
(AMENDMENT) BILL**

THE SOLICITOR GENERAL: I beg to move that the Law Society of Kenya (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: I beg to report that a Committee of the whole Council has considered clause by clause the Estate Duty (Amendment) Bill and has approved the same without amendment.

THE ESTATE DUTY (AMENDMENT) BILL

THE SOLICITOR GENERAL: I beg to move that the Estate Duty (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: I beg to report that a Committee of the whole Council has considered clause by clause the African Teachers Service Bill and has approved the same with amendment.

THE AFRICAN TEACHERS SERVICE BILL

THE DIRECTOR OF EDUCATION: I beg to move that the African Teachers Service Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

ADJOURNMENT

THE DEPUTY SPEAKER: It is now time for the customary break. Business will be suspended until twenty minutes past Eleven.

Council adjourned at five minutes past Eleven o'clock and resumed at twenty minutes past Eleven o'clock.

**COMMITTEE OF WAYS AND
MEANS**

Committee of Ways and Means—
Order for Committee read. Mr. Deputy
Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, O.B.E., in the
Chair]

MOTION

LOSS OF REVENUE ON ROYALTIES

THE MEMBER FOR AGRICULTURE AND
NATURAL RESOURCES: Mr. Chairman, I
beg to move the following Resolution:—

BE IT RESOLVED that this Council approves of the writing off of the loss of revenue amounting to approximately £7,047 resulting from the collection of royalty on cedar fence posts used agriculturally, from the 1st July, 1951, to 30th April, 1952, at Cents 25 per cubic foot (the rate in force prior to the 1st June, 1951) instead of Cents 50 per cubic foot (the statutory rate as from the 1st June, 1951, as fixed by Government Notice No. 627 of the 31st May, 1951).

Mr. Chairman, prior to the publication of Government Notice No. 453 of 29th April, 1952, section 2 of the Schedule to the Forest Rules read as follows—

"Posts. Posts of such species and cut in such places as may be specified by the Conservator of Forests used for fencing on agriculture holdings will be sold at half the normal rates."

The purpose of this provision for reduced royalty rate to the rates specified in the first section of that Schedule for the various timbers from which fence posts were made, was to encourage the fencing of agriculture holdings throughout the Colony. However, Sir, with effect from the 1st June, 1951, all timber royalties were doubled, and the royalties due on fence posts rose from Cents 25 to Cents 50 per cubic foot as a normal rate of royalty on cedar had been increased from Cents 30 to Sh. 1 per cubic foot.

Sir, as a result of this, representations were made by the farming community and I issued instructions which were put into effect from 1st July, 1951, to revert to a charge of only Cents 25 per cubic foot on cedar converted to fence posts in order to continue the encouragement of

[The Member for Agriculture and
Natural Resources]

fencing generally. At the same time, with a view to obviating abuse, to which the existing procedure was liable, the possibility was explored of instituting a system whereby full royalties would be paid on all timber converted into fence posts and a refund of 75 per cent of that royalty would be made, in respect of all posts used for agriculture purposes. This system was introduced with effect from 1st May, 1952, on which date Section 2—Posts—was deleted from the Forest General Rules by the Forests (General) (Amendment No. 3) Rules, 1952.

But, Sir, during the period from 1st July, 1951, to 30th April, 1952, royalty on fence posts was charged at only Cents 25 per cubic foot, whereas throughout that period the legal rate of royalty was, in fact, Cents 50 per cubic foot. The Chief Conservator of Forests has calculated that the loss of revenue resulting from this undercharging on royalty, on my instructions, was about £7,047 and that is the reason, Sir, why we want the authority of the Council to write off that loss.

Question proposed.

THE CHAIRMAN: If no other Member wishes to speak, I will put the question.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I have to report that the Committee of Ways and Means has considered the Motion on the Order Paper, under Order No. 12, and has approved the Resolution without amendment.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

MOTION

**NON-EUROPEAN MEMBERSHIP OF
EMERGENCY COMMITTEES**

MR. MATHIU: Mr. Deputy Speaker, Sir, I beg to move:—

That in the opinion of this Council Government should take immediate steps to appoint (a) African and Asian Unofficial Members on the Colony Emergency Committee and (b) Non-Europeans on the various District Emergency Committees.

Mr. Deputy Speaker, Sir, the main reason why I have moved this Motion is, I think, that we have heard quite a lot about the need for urgency in the prosecution of the Emergency, and I do think, Sir, that there is even a greater need for unity of the communities here living in Kenya, in order to prosecute the Emergency to its successful conclusion.

Now, the Unofficial Members of this Council, particularly the European Unofficial Members, towards the end of 1952 and early in 1953, proposed that there should be closer association of the Unofficials with the prosecution of the Emergency, and to this end various Emergency Committees were suggested and formed and then eventually were accepted and formed, and by February or April or May last year there was set up the Operational Committee, the Emergency Committee, the Emergency Council, the Provincial Emergency Councils and the District Emergency Committees.

Now, of those Committees, all races were associated with them—the Emergency Councils—and I think mainly the Africans and Europeans, too, served on the Provincial Emergency Councils. As far as the Emergency Committee and the Emergency Committees were concerned—the non-Europeans were left out and the situation now is what it was about a year ago. This applies also to the Operational Committee.

Now, when these proposals were being discussed the African Members of this Council made very strong representations to the Government that it was very essential that they should be associated with the discussions of these Committees. They felt that would give a greater feeling of unity and co-operation

[Mr. Mathu] and it would indeed create the necessary confidence among the African community during these troubled times of ours in Kenya. Now this suggestion was not taken, and when the Secretary of State for the Colonies, Mr. Lyttelton, paid a visit here in May of last year, the African Members did press very hard to him that he would accept the suggestion we had made to the Government earlier—that the Africans should be very closely associated with the work of the Operational Committee, the Emergency Committee and the District Emergency Committees. Now that suggestion, Sir, was not considered, too, and the position is what it was in May or June last year.

Since then, Sir, it has appeared to us that it is very necessary that the non-Europeans of this country should be given the necessary confidence by being appointed on the Emergency Committee and the District Emergency Committees. I do think, Sir, that the other communities have had a go at this in these discussions in these Committees for nearly a year, and I do think, Sir, that they cannot blame the Unofficials—non-Europeans—that they have failed to assist them in the deliberations that go on in these Committees, and therefore, directly or indirectly, these communities cannot be blamed for failure to contribute to the shaping of policy which would enable the end of the Emergency to come quickly.

One of the reasons that was given by Mr. Lyttelton, the Colonial Secretary, in the House of Commons during those days why non-Europeans should not serve on these very high-level Committees which deal with the Emergency, was that there were no suitable non-Europeans who can serve on these Committees. Now, Sir, that is not the situation that the non-European community of this country can accept. What, after all, goes on in a Committee? A Committee makes suggestions as to measures that should be taken to end the Emergency quickly, and if you, Sir, tell me that the non-Europeans in this country cannot make suggestions for measures to be taken which will enable us to end the Emergency quickly, I should say, Sir, that you would be incorrect. We would like, Sir, to suggest that this Government

should now, having had it among themselves with the European Unofficials for about 12 months, appoint Africans and Asians on the Emergency Committee and also on the District Emergency Committees.

As far as the Emergency Committee, Sir, is concerned, we are suggesting that non-European Unofficial Members of the Legislative Council should be appointed and we are not suggesting any more than one Member from each group, because we appreciate then that in a Committee of such nature you do not want too many persons on it, and in a previous debate recently, Sir, it was made clear that the Unofficial Member of this Council who sits on the Emergency Committee finds that he cannot, in many cases, influence decisions, because he is overpowered by the majority of the Government Members on that Committee, and I do think that the answer to that is that his position should be reinforced by extra Members from the non-Europeans on this side of Council in order that we see we work together to bring the trouble of this country to a quicker end.

As far as the District Emergency Committees are concerned—why we use the word non-Europeans, Sir, is we do think in those Committees the local people—who necessarily are not Members of the Legislature—should be asked to serve on it because they would know the local conditions, the local problems which they want to deal with and could suggest measures to higher authorities which would enable the bringing of the Emergency to a quicker conclusion. Now that, Sir, is what we have in mind, and there again we are not suggesting that many people should be brought into those Committees. What we ask is that again where you have the three major communities in these particular areas, that one from each community should serve on it. In the majority of cases there would only be two extra bodies on the District Emergency Committees and I do not think that that would overburden the work of the Committee by an addition of two Members.

Now in the districts, Sir, there are Operational Committees. Those we have left alone—the Operational Committee on the Colony level, there again we have an hon. Member of this Council sitting.

[Mr. Mathu]

But we do feel, Sir, that on those two lots of committees—the District Emergency Committees and the Emergency Committee itself—that there should be non-Europeans appointed without further delay to help the other people who are working on it to make proposals for measures which would help to get out of the way the trouble that is in our country at the present moment.

Now, if you like, Sir, I would like to say that the keynote of my Motion is this. It is a request that further attempts or steps be taken to bring the communities of this country into greater unity in the prosecution of the Emergency. It is not the sense of urgency that I am talking about now—it is the sense of unity—and I do not think that hon. Members would say that that is not a very proper thing to do when we have to work together in this manner.

Now, Sir, I should like to place on record some of the reasons why I do think that it is vital that the non-Europeans should be associated with the Government and the other Unofficials of this Council on the Emergency Committee as well as on the District Emergency Committees. As far as the African side of the problem is concerned, in the security forces the Africans are in the overwhelming majority—in the police, in the military and in the other organizations that have been set up to fight against the *Mau Mau*. They are, in the overwhelming majority and the confidence of those members of the security forces is absolutely vital for a quick restoration of law and order, and I suggest, Sir, that when that point of view is looked at it is important that there should be Africans on the Emergency Committee, and a similar thing can be said of the other non-Europeans. Not only that, Sir—if you look at the casualties—as we have heard some time in this Council and recently of the battles going on in Fort Hall—thousands of Kikuyu are dying in the fight against *Mau Mau*. They are killed by the *Mau Mau* themselves and, of course, they also die from the weapons of the security forces. But I do think, Sir, that it is important that they should feel, when dying for a cause—fighting against this barbarism—that they have, at the very top, men of their own kind

to propose and to support measures that Government would take.

Now, further, the loss of business and jobs because of the action of *Mau Mau*, is very great among the loyal elements of the Kikuyu people, and there again I think it is important that this loss should be recognized by having members of their own people on the very top.

Now, Sir, the impression which the Africans have on this question of excluding non-Europeans on the Emergency Committee and on the District Emergency Committees is a very frightening one, and I should like to report to this Council what the Africans say.

I want to hasten to say that I do not agree completely with what they say, but I do think that this Council should know what the Africans say about this. The Africans say this, "Now why are the non-Europeans not included in this Committee. We hear publicly that the Government wants to end the Emergency quickly, and that everybody wants to end the Emergency quickly, but is that true? We do not think so", the Africans argue, "They exclude the non-Europeans because they are discussing privately, secretly in these Committees how best to prolong the Emergency". How best to prolong the Emergency, Sir. Now that is a very serious allegation which, as I say, is the sinister motive which has been attributed to these Committees and I do think that the hon. Members should know about them. They even go further and say, "Why, there are members of other communities with full employment; there are some people now getting jobs because of the Emergency and the Government wants them to continue in these jobs. Of course other business is as usual, and the Emergency has brought a lot of new business; more troops in the country and more mouths to feed; more vehicles to feed and so on and so forth, and therefore it is an opportunity for making money". That is their allegation.

A final allegation, which again I say I do not agree with, but I think it is best that the Government should know about it, is that, "Of course there are opportunities for promotions and decorations and therefore the longer the trouble goes on the longer people will have those opportunities".

[Mr. Mathu]

Now I should like, Sir, to refer to what happened in Nairobi recently when there was this Inter-Racial Conference. I want to quote very properly exactly what the Kikuyu loyalists said there because unfortunately some of the hon. Members on this side of the Council have misquoted, more than once during the previous debates, what actually took place there, and I shall confine myself to those statements which are related to my Motion. The Africans there said very plainly that they feel the Kikuyu loyalists should be associated with the work of the Emergency Committees. That is on record—on the official record of that conference—and I do suggest, Sir, that if we are going to use that Inter-Racial Conference for some purposes, then this is a purpose for which we can use it. The Kikuyu loyalists said most clearly, that they are out to help in bringing unity, co-operation and confidence among the security forces and the civil population of this land. If that is to take place, then I suggest, Sir, that this is a point when the Government should see if they can therefore suggest something and not say, "It is only Mr. Mathu bringing in anything that will have a bearing on racial prestige". (Laughter.) It is not.

My hon. friend, the Member for Finance, who is not here, said not very long ago that when proposals such as the one I am making now are placed before the Government they have to find out their practicability and their desirability. I do want to put to the hon. Members that there is no question or difficulty about this proposition, which I am putting forward, being practicable. The men are here and they are willing to help the Government and this country to end the Emergency quickly. Now can we rule out that it is not absolutely desirable that that should happen? In a modern society, which we are going to build, it is absolutely desirable that all communities should be associated with the committees that are responsible for shaping the policy—and particularly the policy which is connected with the Emergency.

My hon. friend the Member for Finance also recently said that the Government welcomes the co-operation of the Unofficial Members of this side. Now we are offering, Mr. Deputy Speaker, to the Government this

co-operation in the Emergency Committee and in the District Emergency Committees: Now it is up to the Government to refuse that co-operation or to accept it.

My hon. friend the Solicitor General also, not very long ago, said that he also believes that it is very important that there should be this co-operation between the Government and the Unofficial Members. Here again I say to him, here is an opportunity of accepting the co-operation which the non-European community of this land is offering to the Government.

My hon. friend the Member for Nairobi South also, not very long ago, said that they had to discuss matters amongst themselves and modify some of the approaches of their European Elected Members in order to unite the country. I offer him this as an opportunity of demonstrating this belief of uniting the country, because the country is a multi-racial country and all communities must work together for the good of this country and it is an opportunity here of bringing unity amongst all the people of this land.

I submit, Sir, that the co-operation which I am offering here, and which I am stressing, is the keynote of my Motion. A feeling of a sense of unity—a sense of co-operation—is the magic force for bringing this trouble of *Mau Mau* to an end. I do think, Sir, that if we all whole-heartedly work together, it is not impossible to come to victory more quickly, but I do suggest, Sir, that the refusal to co-operate from any angle in this country from all races, is an indication that this *Mau Mau* will continue to trouble this country, to disrupt the economy of this country and disrupt the harmonious relationships which must be one of the most important solutions to our problems. I therefore suggest, Sir, that this Motion is a great opportunity for the Government to demonstrate which way we are moving. Are we moving towards the direction of non-co-operation of the communities, or are we working for unity? I suggest that the Government should give a lead in this matter. (Hear, hear.) They must give a lead that they mean to unite the communities of this country, but if they set an example of separation—an example of exclusion—of any community in major

[Mr. Mathu]

matters of this kind, I think the Government is giving the country a very bad lead and I am giving this opportunity to the Government to demonstrate that they mean an all-racial society is here, and here to stay, and all communities living here will live here in peace and prosperity for the good of this country. (Hear, hear.) (Applause.)

MR. NATHOO: Mr. Deputy Speaker, Sir, in rising to second this Motion, I would like to say, Sir, that in the original instance when this Emergency Committee was appointed, we were informed that it was necessary that the Committee should be confined to a very small personnel so that the work would be easily done and, at that stage, Sir, with all confidence, we agreed to the appointment of the hon. Member for Rift Valley to represent the Unofficial community.

Now, Sir, in rising to second this Motion, I want to make it quite clear that we are not showing any lack of confidence in the ability and the sincerity of the hon. Member for Rift Valley when he represents the Unofficials on that Committee, but, Sir, in this country we feel that the time has now come when the assistance and the advice of all the communities should be sought at the highest level both in the Emergency Committee and in the District Emergency Committees. It was unfortunate that soon after the appointment of the hon. Member for Rift Valley on the Emergency Committee, arising out of a debate in the House of Commons, the Secretary of State for the Colonies, Mr. Lyttelton made a statement that no suitable candidates could be found out of the non-European communities. Sir, on seeing him to get the clarification about the word "suitable" he said that it was an unfortunate word. Sir, we non-Europeans in this country feel that quite often so many unfortunate things are said without giving proper thought to what people say, and that is one of the reasons why there is so much dissension and disruption between the various groups in this country. (Hear, hear.)

Now, Sir, what I say is that in the original instance, we were also given to understand that it was a Committee—this Emergency Committee—of operations and that unless Members had some

experience they could not contribute much towards the deliberations of that Committee. Knowing that the hon. Member for Rift Valley had taken an active part in operations during the last war, people have thought that that was the reason. Now I am amazed to hear from him, Sir, that this Emergency Committee is only an advisory committee and that no responsibility or any executive action can be taken by Members who are serving on that Committee.

MR. BLUNDELL: I did not make that point. The point I made was that out of the whole Committee the only poor fellow who is advisory is myself. The others are the executives.

MR. NATHOO: Well, Sir, I am glad of the explanation that the hon. Member for Rift Valley has given. We are equally capable of giving advice in that Committee whether we are Asians or Africans because we are part and parcel of this country and I would like to know the reasons, from the other side, why some of us are not capable of giving some advice on that Committee.

From time to time references are made about the Emergency Council and we are informed that we could easily tender our advice in this Council and which could be taken note of in the Emergency Committee.

Sir, it is common knowledge that the Emergency Council has got into such disrepute, as far as action or its efficacy is concerned, that most of the Unofficial Members do not attend, and that in the discussions which took place elsewhere some of us voted that it would be in the best interests of the country if the Council was abolished. Well, the majority voted that it should be continued and perhaps the Unofficial Members give a little more attendance on that body, but, Sir, I want to make it quite clear here that my own personal opinion is that the Emergency Council is just a show window to show the outside world that all communities are included in deliberations about the Emergency, but except for reporting matters nothing is done in that Council and all decisions are taken in the Emergency Committee some of which only come to our knowledge when we read them in the newspaper the following day.

[Mr. Nathoo]

I, Sir, do not wish to take up the time of the Council by going over the arguments which have been put forward by my hon. friend, Mr. Mathu, in moving this Motion, but I do commend to the Council, and in particular to the Government, that the time has now come to seek every co-operation and assistance from the other groups and to demonstrate to the other people in the world that there is unity in our purpose of defeating the *Mau Mau*.

Sir, I beg to second this Motion.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I think perhaps it would be as well if I gave some details regarding the original constitution of the various bodies—the various bodies in the "Emergency machine", which include those on which emphasis has already been placed, as well as those which have been mentioned to some extent, but on which not much emphasis has been placed.

Mr. Deputy Speaker, Sir, these Emergency Committees—and I am now speaking of Emergency Committees at all levels—accrued from small beginnings. I should refer particularly, in the first instance, to the District and Provincial Emergency Committees. The nucleus of those, although they were not described as such at the time, were the senior administrative officers—that is the District Commissioners or the Provincial Commissioners, as the case may be—the local army commander, the local police commander.

Now, Sir, it was, I think, about a year ago—my memory for dates is not very good but I think it was about a year ago—that the organization existing at that time was reviewed and put on a formal basis, and at that time it was decided that, in spite of the desirability of keeping such bodies small, additions should be made to a very limited extent. It was therefore decided to add one member of the unofficial community and, in doing that, the necessity of keeping the body small was very much in mind. It was not done on a racial basis—let me make that quite clear straightaway. It may have appeared to be like that, but it was the result of choosing one person who was most fitted, by qualifica-

tions, experience or other qualities, to assist on such committees.

Now, Sir, at the same time, arrangements were made for setting up certain other bodies. I started, perhaps—as I said—at the lower level. I referred to Provincial and District Emergency Committees, but before going on to the other side of things, it perhaps would be as well if I referred to the Colony Emergency Committee which was set up to advise His Excellency the Governor. Now, the constitution of that Committee again was kept very small and it has, in fact, remained small. Hon. Members are, I think, aware that there are certain *ex officio* Members of Government who are not on that Emergency Committee. It consists of: His Excellency the Governor, the Commander-in-Chief or his representative, the Chief Secretary, the Member for Finance and Development, the Chief Native Commissioner, the Member for Agriculture and Natural Resources and—as has already been mentioned—last but not least, Mr. Blundell. He was referred to as the hon. Member for Rift Valley, which, indeed, he is, but he is on the Emergency Committee as Mr. Blundell.

Now concurrently with the setting up of those Emergency Committees, there were set up the Colony Emergency Council and Provincial Emergency Councils, and arrangements were made at the district level for consultation. There the arrangements were less formal. There was nothing to stop District Emergency Councils being set up, but, in fact, in most districts, less formal consultations were found desirable.

Now, the whole intention, Sir, of these Emergency Councils was to give, to provide a wider forum for the raising of suggestions, the considering of suggestions and consultations, than was practicable in the Committees which were essentially "working parties" and for that reason kept as small as possible. I cannot over-emphasize the question of size. I think we all know, Sir, as Members of this Council, from our increasingly busy time on the service of committees, that the bigger the committee is, the longer it takes to get through the business.

Now, Sir, I am afraid that I do not share the hon. Member's gloomy views

[The Chief Secretary]

there should be, that it should be abundantly proved that any change will be for the better and I am not prepared to say that from the working point of view—the strictly working point of view—a change would be for the better. At the same time I am not prepared to say that no change will ever be made. I appreciate the point made about inculcating confidence into the other communities if they have their representatives on all bodies, but—as I have already said—they are represented on certain parallel bodies to these committees. I appreciate that point, Sir, but from a strictly working point of view, I cannot agree that action should immediately and forthwith be taken on the lines described in the Motion. It would, Sir, be precipitate action and would be tantamount to committing, even bulldozing, the appointing authority into certain lines which may not, in the event, prove to be the best. But, as I have said, Sir, a review has already been initiated and there is no doubt that hon. Members will be kept in touch with any definite developments. I may say that this review was initiated before this debate took place, but at the same time, the various points made in the debate will, of course, be taken into account.

I cannot say what the future action will be, and in those circumstances I should prefer that, after everyone has had his say, or everyone who wishes to have his say, the hon. Member might not press the matter to the putting of the Question. (Interjections: "Why?") But I can quite appreciate that he may not feel like that. It is quite evident that, apart from his own feelings, his supporters do not like that idea.

I was asked "why", Sir. The reason—I will be perfectly honest—is that I think that a difference of opinion recorded in Council at this stage would not be a good thing. I speak from the point of view of the closer association of all the communities in this Territory, in which, Sir, I am firmly a believer and it is because I am a firm believer in that that I find myself unable to go all the way with extremists on either side and I am apt to keep to the middle of the road.

Now, Sir, I fully appreciate the points made by the hon. Member and, indeed, I think by the hon. seconder, but primarily by the hon. Member, on the question of the desire for association of all races, all communities in these matters. But, Sir, at the same time—as I have said—there was provision made for this wider association and the committees, as such, were designedly kept to the smallest practicable basis. I should mention, also, that there is, of course, power for the committees to co-opt and power to invite people to attend and I know that advantage has been taken of that power by certain of these bodies and they have derived benefits from that action.

Now, Sir, having said that and given the reasons—which may, or may not, satisfy hon. Members—the reasons for the present constitution, I would like to say that the fact that certain machinery was introduced at one time, does not necessarily mean that that machinery will remain precisely the same for all time. I may say, Sir, that a review of the machine and the details of it has already been initiated, but I am unable to say what the outcome of that review will be, nor am I able to say precisely what stage has been reached. But, Sir, in the light of that, I regret that the Government cannot accept this Motion as it stands. It is necessary, when considering whether any change of the existing machinery should take place and, if so, what change

The reason why I would prefer that this issue should not be pressed to a difference of opinion is that, as I say, I

[The Chief Secretary] regret that the Government would have to oppose this Motion, if the question is put, for the reasons which I have already given, Sir.

MR. COOKE: Mr. Deputy Speaker, if I had my way, I would sack the lot! I think it is a most amazing thing, Sir, that—out of the 40,000 Europeans in this country—the four or five Europeans that have been mentioned are considered the only four or five people who can run this Emergency. But that may be rather beside the point at the moment.

I cannot see in what logical way Government can make full use, for instance, of the resistance movement—the Kikuyus—and expect them to do most of the fighting, as apparently that is the expectation to-day, yet they will not put on the Emergency Committee an African representative. I am not concerned with the Asian representatives, I am arguing the point of the Africans at the moment and to me it seems the very height of folly not to associate Africans on this Committee. If Government feels—and I believe that this is the real reason, I am going to be perfectly frank—that Africans would break the confidences imparted in this Committee, then they should get up and say so. If they do not feel that, let them say so, too. It need not necessarily be a Member of this Council who should be on the Committee. I would prefer to see on all these committees and Executive Council itself, not Members of this Council, but the best people in Kenya irrespective of whether they are Legislative Councillors or not. I would suggest for consideration that an African Member should be appointed to the Committee who is not necessarily a Member of this Council. I would support the Motion with great pleasure.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, in regard to the remarks of the hon. Member for the Coast, I would like to say this—and I am a Member of the Central Province Emergency Committee and I am also a Member of the Central Province Emergency Council.

Now, quite a number of suggestions have been put forward to Emergency Councils on which there are African and Asian representations but, in general, the suggestions that have been made have not produced anything fresh or of which the

Emergency Committee was not fully aware.

Personally, I do not believe that increasing the size of Emergency Committees will help to advance the Emergency in any way. Furthermore, if they were to be increased, the only way they could be usefully increased, to my mind, is by perhaps the addition of a member of the fighting Kikuyu. Unfortunately the people doing the hardest fighting against the *Mau Mau* amongst the Kikuyu tribe to-day, on the whole, do not speak English and many do not speak Swahili. Therefore, their membership, on the Emergency Committee would not tend to make it run smoothly or efficiently, because there would be the necessity for interpretation the whole time. They have already—as I say—got their means of expression to the Emergency Council.

The hon. Mover in speaking to this Motion referred to the fact that the European community had been dealing with the Emergency for over a year but had not yet terminated it—or words to that effect. That may be so, but the fact remains that at the Inter-Racial Conference which took place a week ago last Monday, at which I was present, I got the impression that a vast number of the Kikuyu guard leaders who were there were very much in favour of European leadership. They said it was our duty to lead and that we were the best people to lead. That was my very definite understanding of it. Furthermore, I did not get the impression myself at that meeting that they had very great sympathy with the views expressed by the Mover of this Motion. I may be wrong, it is purely a personal impression, but that was my impression.

There is one last point I would like to make, Mr. Deputy Speaker. I feel that the Council should be reminded and the hon. Mover should be reminded that at the time when the hon. Member for Rift Valley, or round about that time, was moving a Motion in this Council calling attention to the menace of *Mau Mau* and calling for immediate action, the hon. Mr. Mathu at just about that time made a statement to the Press in London to the effect that there was no such thing as *Mau Mau* and if there were, it had been invented by the white settlers in Kenya for political purposes. Now either the

[Group Captain Briggs]

hon. Member was not in touch with the people he represented and knew nothing about *Mau Mau*, or he was in touch and did know but failed in his duty as a Member of this Council and Executive Council to report the fact to the Government.

I beg to oppose the Motion.

MR. BLUNDELL: Mr. Deputy Speaker, Sir, I find the changing complexion of this Council is very extraordinary business. One never knows what combination of colour is going to come out of the kaleidoscope. Yesterday I had the impression that hon. Members on my left would not join with me in expressing strong criticism of the urgency which Government is placing into the Emergency. I took it, therefore, that they were virtually satisfied with the operations and decisions of the Emergency Committee. But it seems to-day that that is not so.

Now, Sir, I made it clear that I personally think that the Emergency Committees need re-examination. I do not believe that the system as originally set up over the course of a year is now working satisfactorily. I think, in assessing what we need, in remaking or reconstituting them, we must be guided by certain fundamental things. The first is, they must be small. In my view—and I have represented this constantly—the Emergency Committee is too big; they must be small. Secondly, they should be non-racial. Thirdly, they must be decisive, and lastly, they must have due regard to the people on them for capacity both in experience and knowledge and in security. These Committees in some areas are directly responsible for operations which deal with many lives. I should say that one of the fundamental things with which one must be satisfied is the security angle of those Committees.

Now, if we re-examine the set-up in those lights, I believe we might well come to a solution of the problem. The Secretary of State is arriving here and I shall certainly be putting to him my views upon the composition of the Emergency Committee. It is open to any hon. Member to do that and therefore I think this Motion is not well timed and I shall support the hon. Members opposite in opposing it. But I do want to say this, Sir; I believe that the com-

position of the Emergency Committees really needs to alter according to the areas in which they are working and I would add to the points that I have made, considering their composition, the quality of confidence. It is essential that people in the areas should feel that they are behind and are supporting and working with the decisions of the Committee. If that is followed out, there must be certain areas in which I believe the composition of the Committees would be varied. If all these things are considered, then, Sir, I believe we could move towards a reconstitution of the Committees which could meet some of the points raised, bearing in mind that they must be small, decisive, secure and must be non-racial and must be fitted to the areas in which they are working. If those things are taken into consideration, it seems to me that the composition really will be altered according to the areas. I believe those sort of views should be put to the Secretary of State. Unless we can bring everybody behind the Emergency—if people feel shut out by barriers and bars we shall not secure the maximum co-operation behind the efforts of Government. (Applause.)

MR. HARRIS: Mr. Deputy Speaker, I can only speak in this debate on the (b) part of the Motion. That is part one dealing with District Emergency Committees. I think I should say that the Nairobi Emergency Committee has always been conscious that other races have something to contribute to their deliberations—and the hon. Mover mentioned the fact that I had said that I would modify our views in order to get unity in the country. I have modified my views. When the Asian community in Nairobi were literally under fire recently, the Emergency Committee invited Mr. Madan to attend its meeting and give it the benefit of his advice. As a result of representations made to me, I got the officer in charge of Nairobi to invite the hon. Mr. Mathu, the hon. Mr. Gikonyo, City Councillor Kauru Ngure and the hon. Mr. Ohanga to attend a meeting of the Nairobi District Emergency Committee in order to give their views and make suggestions as to improving matters in the Nairobi locations.

I would say here in parentheses that, in fact, there is a Nairobi Location

[Mr. Harris]
African Committee which meets every Monday morning at 8.30. There the District Officer in charge of the locations meets all the chiefs and headmen under his control and discusses possible measures and when these measures need to come to higher authorities, they come from the District Commissioner on Wednesday to the Nairobi District Emergency Committee. That is in parenthesis.

Arising out of the meeting which the hon. Mover of the Motion and his friends attended, I made the suggestion that forthwith the hon. Mr. Mathu, as leader of the African Members, the hon. Mr. Gikonyo, as representing the Nairobi Africans, and City Councillor Kauru Ngure should form themselves into an official African Emergency Committee for Nairobi, and that they should hold official meetings once a fortnight and should forward the minutes to the Nairobi District Emergency Committee and, if necessary, we would be very glad to see representatives of that committee attend in order to speak to their recommendations. Now, Sir, that offer was made some six weeks ago. The hon. Mr. Mathu said that he thought it would be a good idea but he would have to consult his colleagues before giving a reply to the officer in charge of Nairobi. I checked up last Saturday and so far that offer has not been taken up. Had the offer been taken up, I would have been more sympathetic to the Motion moved to-day because I would have felt that that would have shown their genuine desire to assist in Emergency deliberations in Nairobi. I would like to keep, and the hon. Chief Secretary seems to want to keep, a mind open on this matter because, if I were to see a genuine desire to assist with the Emergency without the political kudos of saying "I am a member of such and such a committee", I would, in fact, support his Motion. At the moment I think the time is wrong and I would not support it.

MR. TAMENO (African Representative Member): Mr. Deputy Speaker, Sir, while supporting this Motion, I rather found, myself, that I could not understand the reasons why the hon. Member for Rift Valley opposed this Motion, because in the end he gave some five

reasons why there should be some changes in some Emergency Committees.

On the other hand, Sir, the hon. Member for Mount Kenya, I think, misinterpreted the Inter-Racial Conference held in Nairobi. I think that the Kikuyu loyalists did not, in actual fact, imply that they must maintain European leadership. Their point was that they must also be represented in every case where they have any deliberations. He also said, Sir, that at the moment in the affected areas there are no loyal headmen or chiefs who can speak English. I doubt that very much. If he had looked around amongst the African loyalists who were at that conference, he would have found quite a number who can speak very good English. I was surprised, Sir, to find that the European members of that conference, who are settlers in the affected areas, understood the points of the Members on my right. The loyalists at that conference felt that the Government has not had enough faith—which they deserve—in them. They felt that the Government should take them more into confidence, and in that case have some of them in these Emergency Committees.

One last point I have got to make, is that the fact of this Inter-Racial Conference has not been recognized. I would have liked the hon. Member for African Affairs to have been present at that conference, but unfortunately he was not. The fact that has been overlooked was the fact that it was the loyalists themselves who asked for an Inter-Racial Conference. The fact that they did this is because they have felt themselves excluded from all matters concerning the Emergency, the formulation of regulations and many other things, and that is a very important point that this Council should realize—that it was the Kikuyu loyalists themselves who demanded to have an inter-racial conference because they are not represented in any of these committees. They said specifically themselves that they would like very much to be represented.

Sir, I beg to support.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, I rise to support the Motion moved by the hon. Mr. Mathu. It is very unfortunate and sad that Govern-

[Mr. A. B. Patel]
ment and some of the European Elected Members have found it necessary to oppose this. It is a very reasonable request. Sir, when these Committees were formed, we were told that it was necessary to keep their number very small and if there was a question of appointing only one Unofficial Member on the Colony Emergency Committee, we felt we could not have been represented by a better person than the hon. Member for Rift Valley. But our request at present is that other Members should be included on these Committees. Having seen this Committee functioning for the last one year or ten months, we feel it is not necessary now to have only one Unofficial Member on this Committee. So when I heard the hon. Chief Secretary, I felt that if he had been pleading a defence before a jury, he would have lost very badly. He did not advance any valid reason why Asian and African Members should not be included on this Committee.

When I was a Member of the Emergency Council, I had noticed that the hon. Mr. Mathu on that Council had made, time and again, very useful suggestions, and to suggest that no Asian or African Member can be useful on this Committee is, to say the least, a very unreasonable frame of mind and attitude.

Mr. Deputy Speaker, when the hon. Member for Mount Kenya claimed the leadership for the European community, does it mean that Asians and Africans are to be excluded from all activities of this Colony, because our leaders will do everything necessary? Then we should not be represented in this Council, municipality, or anywhere else, because our leaders will look after our affairs and there is no need for us to tender any advice which we could, from our angle, do. It is, to say the least, Mr. Deputy Speaker, a very unreasonable attitude which has been adopted.

Now, Sir, when the hon. Member for Nairobi South stated that some of the Asian and African Members were invited to attend the Nairobi District Emergency Committee, it showed that they could give advice under certain circumstances. They felt it was necessary to invite them to attend the meeting, and he did not tell us that when these Asian and African

Members attended the Nairobi Emergency Committee the axis of the earth moved away from its regular course. Mr. Deputy Speaker, I wish to make one point very clear here. The hon. Member for Nairobi South wishes to be a self-appointed examiner of the sincerity and genuineness and the capacity of Asian and African Members.

Sir, I reject the claim of the European unofficial community to set themselves up as examiners every time. We are a part of the population of this country and we have every right to be represented on the various Government bodies which are created in the country and we are not going to stand the nonsense every time of being treated as pupils and being examined every time.

Sir, one of the Members—I think it was the hon. Member for Nairobi South—said that he had sympathy for this Motion. We do not desire any sympathy. We wish to claim the right to be represented because we are residents of this country. If the representation is to be given to us as a matter of sympathy, I reject it; I do not desire to be represented anywhere as a matter of sympathy.

Mr. Deputy Speaker, I feel very sore this morning that a very reasonable request of this nature should be opposed. It shows that there is no real and genuine desire for partnership, co-operation and unity in this country, if a Motion of this nature could not be accepted. It simply means that though we are told time and again that we must go forward in co-operation, in unity and in partnership, I can understand the claim made by the European unofficial community of being the leaders by virtue of their experience and administrative capacity and so on, but if that leadership simply means that they are the only people to have representatives on the various committees and elsewhere, then I am afraid they will be leaders of themselves and not of other people. They will not create any confidence in the minds of Asians and Africans and there will be no scope or opportunity for any co-operation between the Unofficials—Europeans and others. I am afraid the hope of co-operation will be practically nil. Mr. Deputy Speaker, I feel very strongly that a Motion of this nature could not be accepted by the Government. (Hear, hear.) But I could

[Mr. A. B. Patel] see that the hon. Chief Secretary, in a very hesitant mood, desired to review the situation after this Motion is defeated.

THE CHIEF SECRETARY: What I said was that the matter has already started to receive attention.

MR. A. B. PATEL: I am very glad that it has started to receive attention and, if I may borrow from the dictionary of the European Unofficial Members for a time, broadly the action of the Government will be too late, and has been dilatory in this respect. They knew that a notice of this Motion was given some days back and the Government ought to have come to a conclusion one way or another before this debate took place.

Mr. Deputy Speaker, Sir, I most strongly support this Motion. (Applause.)

MR. MALDE (Central Electoral Area): Mr. Deputy Speaker, Sir, I rise to support the Motion moved by my hon. friend Mr. Mathu.

When I am supporting this Motion, at the same time I am surprised how there is any opposition, for a very simple and reasonable Motion, coming from the opposite side. I, at this stage, would like very particularly to request the Members who have the slightest idea of opposing this Motion to look to the feeling of the Motion. I think the feeling of the Motion is quite clear—that we, on this side, are trying to help the Government in co-operating together in order to help get to the end of the Emergency soon.

During the debate, my hon. friend for Nairobi South, Mr. Harris, said that in the Nairobi District Emergency Committee he had invited certain Members, and the views they expressed were very useful. I am sorry that my friend is not here at the moment but I should like to state that as the President of the Indian Chamber of Commerce I was invited by my hon. friend to sit side by side with the European Chamber of Commerce. The problem connected with commerce and industry—it was also suggested and decided that a joint committee of the commercial community—that is of European and Asians—be formed to look after the commercial industry's interests.

Well, Sir, if the Asian Members are capable of serving side by side with the

Europeans in questions of commerce and industry, which are connected with the Emergency, I do not see why an objection should be given—that the Members should not be appointed, or not taken, in the Emergency and District Emergency Committees. I think there are many common problems which are affecting all the races of this country, and such common problems can only be discussed and decided and advised where there are committees where all the races are represented, and therefore I would, Sir, request the hon. Members that they should sympathetically consider the question of proper and adequate representation on all the committees—either District Committees or Provincial Committees.

I think, if we take the example of affected areas, there are other communities also affected day by day by this Emergency. They must have some say in this District Committee, and give some suggestions by which we can overcome the question of the Emergency.

Sir, I do not want to take much time of the Council, but I would certainly request all the hon. Members to support the Motion. (Applause.)

ADJOURNMENT

THE DEPUTY SPEAKER: The Council will stand adjourned until 9.30 a.m. to-morrow.

The Council rose at forty-five minutes past Twelve o'clock.

Thursday, 25th February, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICE OF MOTION

AFRICAN PUBLIC MEETINGS IN NAIROBI

MR. AWORI (African Representative Member): Mr. Deputy Speaker, I beg to give notice of the following Motion:—

That in the opinion of this Council responsible African leaders should be given immediate facilities to hold public meetings in Nairobi in order to influence African public in favour of law and order.

MOTION

ESTIMATE OF MANPOWER REQUIREMENTS

MR. HARRIS: Mr. Deputy Speaker, Sir, I beg to move:—

That as it is essential, for agricultural and commercial interests and those responsible for the economy of the Country to plan their programmes in advance, this Council requests Government to issue a statement immediately setting out the estimated manpower requirements for Emergency purposes over the next twelve months, to state their views on a fixed maximum term of service for all conscripted persons and to state their proposals for recruiting the manpower required.

Now, Sir, in moving this Motion I refer particularly to the new Registration of Manpower which has recently been authorized. I do not intend to dwell on some of the difficulties of the past, but rather to see whether now is not a good opportunity to plan our manpower resources for the future.

I think, Sir, that the Mau Mau rebellion has probably reached a stage where planning should be possible, and I would tell the Government that the Europeans anyway—and I am particularly thinking of Europeans in this debate because they are the subjects of the new Registration of Manpower—the Europeans will make any sacrifice which is necessary, providing they know that the call-up is organized—that it is being used in accordance with the general plan

—and, Sir, that it is fair. It has been suggested that it is impossible in the middle of a war, to estimate requirements over the ensuing twelve months. But, Sir, since the Emergency started we have received an addition to our normal top-ranking planning establishment—a Deputy Governor and two Generals—and I would have thought, Sir, that they should, by this time, have had some real plan for defeating *Mau Mau* once and for all. If they have that plan, they must have a very good idea of the manpower required to execute that plan.

It can be said, Sir, that the plan may have to be modified as circumstances change, but so, Sir, has every plan in time of war, and I would not have thought it improbable that any General, executing a war, would have made *ad hoc* arrangements for recruitment of manpower in accordance with the moods of the enemy.

I would commend to the Government that when the Manpower Registration is complete that all persons subject to that registration should be classified in categories, and that Government should announce the order of call-up of those categories and, as far as possible, indicate what the chances are of each category being called up and giving an indication of when that call-up is likely to happen. The trouble at present, Sir, is that any person subject to call-up does not know whether he is going to be one of the lucky ones who manage to put up a sufficient case to get out of call-up, or whether he has got to down tools at 21 days' notice, put on a uniform and leave his business or his work to take after itself.

I believe, Sir, that if we could get some general system of indicating to the people when they are likely to be called up, and if they are likely to be called up, then they can make other arrangements. At present the trouble is that recruitment in England is very, very difficult and and there is now a scramble going on for the men who are available for commercial or industrial or agricultural work. When one starts a scramble of this nature, Sir, it is always the person with the deepest pocket who wins in the end, and the shame of it is, Sir, that the deepest pocket at the present time is the public pocket. There are many cases

[Mr. Harris] which have been brought for the notice of hon. Members on this side—and I could quote two specifically—where considerable increases of emoluments have been offered to persons in ordinary commercial employment to transfer from that employment to Government departments. Now, Sir, when that happens people begin to lose faith in the planning of Government in respect of manpower.

In the Motion, Sir, reference is made to the possibility of a fixed term of service to all persons called up. I think it is essential, Sir—as a member of the Release Advisory Committee I know it is essential—that some of these men, particularly the young men who have interrupted their educational career, should do their service and know quite definitely when they are likely to be able to resume that interrupted career. I would plead with Government, Sir, to try and fix a fixed term of service after which every man knows that he will be released.

There is one other factor, Sir, which I think should be mentioned. At the present time men of the Kenya Regiment are almost the only people who are being denied the ordinary privilege of overseas leave. (Hear, hear.) There is the extraordinary situation where many persons are asking—many firms and Government departments are asking—for the release of men from the Kenya Regiment to enable people, who have never contributed more than pen-pushing to the Emergency, to go on overseas leave. Quite rightly, Sir, that is having a very serious effect on the morale of those men in the Kenya Regiment who have forgone overseas leave because they are in the Regiment. (Hear, hear.)

I believe, Sir, that if we could adopt the system I suggested earlier—of categorization of A, B, C and D, it would be possible to form a pool of men who would be available to fill up the gaps created by overseas leave of men in the Regiment and in other services of the forces of law and order, and if, Sir, we can do anything to build the morale of the Regiment up to the absolute limit—right to the top—then I believe that we would increase not only their morale, but the morale of the whole country, who would feel that the

Government had a plan—made a statement on what they intended to do—and showed they intended to stick to it.

In those circumstances, Sir, I beg to move. (Applause.)

MR. MACNOCHIE-WELWOOD: Mr. Deputy Speaker, Sir, I beg to second.

Question proposed.

MR. SLADE: Mr. Deputy Speaker, Sir, in supporting this Motion, there is only one particular point I have to make. That is that the estimates of manpower requirements contemplated by this Motion should cover not only manpower for operational purposes, but also reserves of manpower—technically qualified or otherwise—for essential services. I do not think it is necessary, or wise, to elaborate the necessity for providing for a reserve of that kind. I leave it to the imagination of Council.

MR. COOKE: Mr. Deputy Speaker, Sir, this Motion really, I think Sir, amounts to an indictment of my hon. friend, the Director of Manpower. I must confess that I derive a certain amount of satisfaction because the hon. gentleman from his impregnable position as a Nominated Member on the other side of the Council, so frequently indulges in sniping at Members on this side of the Council. In fact, he is not the only one. It is about time we hit back against the Nominated Members. Certainly, from my point, they would find I think that, as Mr. Dick Swiveller said on a famous occasion, "There is a large and extensive assortment of weapons kept" on this side of the House.

What I criticize about the manpower position is this, Sir, I go round a lot, both at the Coast and here, and I see a large number of young men, usually in the same places—I have seen them for the last eighteen months—who, so far as I know, have not been called up, and I think it is very unfair that a number of young men have done their full service or have done 18 months ever since the Emergency started, whereas these young men are still indulging in cricket, tennis and other festivities. Now, it may be, Sir, that these men are absolutely essential in the jobs which they are performing to-day and my criticism in their respect may be entirely unfair, but what we want to know, and have

[Mr. Cooke] assurance from the Director of Manpower, is that consideration will be given to calling up those people who have not so far been called up. I am thinking more now of persons between the ages of 20 and 30. Let them do say 6 months' duty and relieve those Kenya boys who have been bearing the heat and burden of the day ever since the Emergency started. If I may say so, my own opinion is that my hon. friend, the Director of Manpower, has been a little bit weak in that respect. I think that he has taken too much notice of so-called and alleged hardships and has permitted people to remain outside the military forces who have no good or valid reason for being outside them. Therefore, I ask him to give particular consideration to that point—that he will call up those who have not been called up so far, that he will be very strict indeed on the interpretation of essential work, and that he will put other people in the place of those others in the Kenya Regiment who have been, as I say, on duty continuously for the last year or eighteen months.

Sir, I beg to support the motion.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, Sir, the Government has, of course, every sympathy with the farming and commercial communities. On the whole there is no doubt that the call-up of European manpower has inflicted great inconvenience, loss, and—in some cases—undoubtedly real, genuine hardship. But, Sir, I regret that, after very careful consideration and careful discussion with the Commander-in-Chief I find it impossible to accept the present Motion for the reason, Sir, that it would not be safe to attempt to make an estimate of requirements of manpower for so long a period as 12 months ahead.

It is impossible, in present circumstances, to foresee what the developments in the Emergency may be during that period and, of course, the manpower requirements must depend on those developments.

Now, Sir, was suggested—I think by the hon. mover—that *ad hoc* decisions in a matter like this are bad, and that the call-up ought not to depend upon the requirements of that particular moment, but Sir, it has been the policy

the original call-up took place about a year ago, firstly to provide the security forces with the manpower that they required; secondly, consistent with that, to inflict as little hardship, inconvenience and damage on the economy of the country, both from the farming and industrial business economy, as possible; and thirdly, so far as possible, to avoid hardship in individual cases. Now, that has meant, Sir, that at every stage we have tried to call up only as many men as we know are required at that stage; and therefore the call-up has had to be adjusted in a very sensitive way to the essential demands of the security forces. For that reason, Sir—for the reasons I have given—I regret that it would not be right or proper for me to accept the proposal that we should attempt to predict the numbers required during the next twelve months. But that does not mean, Sir, that we are not attempting to plan future manpower requirements more or less on the lines indicated by the hon. Mover.

As Members know, it has recently been announced that there is to be a new Colony-wide registration of European manpower within the age group of 18 to 45. An attempt will be made, when that registration is completed, to put the product of that registration into categories, as the Member suggested, according to their suitability for the security forces, their essentiality in their civil employment, and their domestic circumstances. We hope that it will then be possible to inform people of the group in which they fall; but, Sir, I must make it plain that it is impossible to give any firm promise on this point until we see the result of the new registration. The Director of Manpower, who was responsible for this suggestion in the first place, will elaborate what I have said on that point.

The hon. Member referred to what he described as a scramble for men who are not called up. He referred to a number of cases which he said have occurred in which people have left commercial employment and gone to Government employment at higher rates of pay. Well, without knowing the details of those cases, it is impossible for me to express any opinion about the rights and wrongs of them, but it is a fact that movements from one employment to another are

[The Member for Education and Labour] taking place all the time, and very often they take place in the other direction—that is to say, someone leaves Government employment and goes to private employment because he finds it more attractive. I do not think it can fairly be assumed, merely from what the hon. Member has said, that the Government or any Government department has behaved in any way improperly in this matter.

The hon. Member referred to the fact that many members of the Kenya Regiment have served continuously from the original call-up, and suggested that it is time that some relief was given to those people where possible. Now that, Sir, is one of the objects of the new registration. We hope—and I must again emphasize that this is only a hope, it is not a promise because I cannot be certain about it until we have the result of the registration—but we hope that it will be possible, when we have the result of the registration, to release some of the people who have served a long time with the Kenya Regiment or the Kenya Police Reserve, either on a permanent or on a long-leave basis, and replace them by new call-ups through the new registration. But, Sir, in order that I may not be misunderstood, I must make it plain again that that is not a promise, it is a hope and it depends on the result of the new registration. If we find it possible to do that, it would, of course, meet the hon. Member's point about putting a fixed period to the time which a man should serve with the security forces.

The hon. Member also referred to the fact that at the present time it is not possible for members of the Kenya Regiment to be granted overseas leave. That is quite true and it is a matter that I very much regret. That is another of the reasons which lead us to the new registration because we hope that, as a result of that registration, it will be possible to introduce leave—of course on a selective basis and a small number at a time—for men of the Kenya Regiment.

The hon. Member also said that cases have actually occurred in which either a firm or, I think he said, a Government department has applied—but I am astonished that a Government depart-

ment should make such an application for the release of men from the Kenya Regiment in order to permit somebody else to go on long leave. I ought to make it plain that it is an agreed policy that releases for that purpose should not be allowed, and releases, have not of course been allowed in those circumstances.

MR. HARRIS: I did say applications had been made, I did not say that they had been allowed.

THE MEMBER FOR EDUCATION AND LABOUR: The hon. Member for Aberdare suggested that in dealing with this problem of manpower we should have in mind essential services other than the security forces. We have such requirements in mind, Sir.

The hon. Member for the Coast, Sir, criticized—I think gratuitously and unfairly—the Director of European Manpower because he thought he had not been tough enough. Now, Sir, I must make it plain that the original call-up was on a selective basis. It was based on the numbers required by the security forces; there was a target, and the procedure followed was that the Manpower Committees advised the Director of Manpower which people, within the age group, they thought could best be called up, could best be spared from their civil employment; and the Director of Manpower of course took that factor into account, and their suitability for the security forces, in issuing call-up notices. Finally, of course, there was the opportunity for any persons who received call-up notices to appeal to the exemption tribunal. There have been cases in which either a private individual or bodies have expressed the opinion that persons who have not been called up ought to have been called up. I am personally aware that in such cases the Director of Manpower and his advisory committee have endeavoured to obtain full particulars of those people, in order that they may consider whether a call-up notice should be issued. My understanding of it is that many people like—I hope he will forgive me for saying it—the Member for the Coast, make these criticisms in general terms without giving chapter and verse for what they are saying. I can assure him, however, that when this new registration has taken place, the matter will be

[The Member for Education and Labour] dealt with on a rigorous basis; in compiling the new categories for call-up it will be done in a very strict way.

Before I sit down I would like to make this final point. It has been the policy of Government, from the outset, to associate the unofficial community in a very intimate way with the manpower arrangements. At the highest policy level the unofficial community has a voice—and it is not necessary for me to say that it is usually a very loud voice—in formulating policy.

Secondly, Sir, the Director of Manpower himself, who is the person concerned with the execution of the policy, has been drawn from the unofficial community; and I should like again now, Sir, to say how much Government—and I personally—appreciate the excellent work he has done in this very difficult and invidious post.

Finally, we have an Advisory Committee to advise Colonel Cowie on both releases and new call-ups. It is composed mainly of members of the unofficial community. Therefore, Sir, I think it is true to say that the Government has taken great pains to associate the unofficial community with this matter at all stages and at all levels.

Finally, Sir, for the reasons that I have given, I am afraid Government cannot accept the Motion as it is worded and must therefore vote against it.

MR. COOKE: On a point of explanation, Sir, naturally one does not give the names of individuals—Mr. Jones or Mr. Smith—nor do I think the hon. gentleman would desire it. I merely wanted to mention it generally. But I shall be very glad to give the hon. Member the names personally, if he would like them.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, Sir, I do not of course suggest that the hon. Member should give these names on the Floor of the Council. I do suggest that he could have given them to the Director of Manpower before; but if he gives them to me now, I shall see that appropriate action is taken.

MR. COVENTRY (Nominated Member): Mr. Deputy Speaker, Sir, I must protest most vigorously against Mr. Cooke's

remarks—(Cries of "Order")—I beg your pardon, the remarks of the hon. Member for the Coast in regard to manpower in Mombasa. He is obviously talking without knowledge, and I would appeal to the other side—to the hon. Member for Mombasa, who is a member of the Manpower Committee at the Coast, to confirm what I say—that very close scrutiny was given to every single man of the European community within the age limits. A very careful selection was made. One-third of the total of each firm having personnel available in that group was taken. It was done with the co-operation of the firms to avoid taking one whole department from one firm. We did a very careful survey of this manpower, and now we have accusations levied against us by the hon. Member for the Coast, who has no knowledge at all of this matter. He accused this side of Council of—the Nominated Members—of shooting at them from their impregnable position. He has every right to accuse us when we go wrong, but I do object to these remarks from that side of Council being made without a full knowledge of the position. (Applause.)

MR. COOKE rose—(Cries of "Order").

THE DEPUTY SPEAKER: Do you want to interrupt?

MR. COOKE: Yes, Sir, I said—on my repeated visits to Nairobi and the Coast that, from the impression I got from people, I met—many of whom come from up-country—the people expressed dissatisfaction with the position. I did not intend to criticize the manpower position at Mombasa, neither did I mention it.

MR. A. B. PATEL (Eastern Electoral Area): Mr. Deputy Speaker, Sir, I have listened to the debate very carefully on this Motion, and it appears to me that the intention of the Motion is to discuss only European manpower. Sir, to an outsider it would give a false impression if the Motion is allowed to stand as it is. Therefore I move an amendment in the fifth line that between the words "estimated" and "manpower" the word "European" should be added; and also in the last line that between the words "the" and "manpower" the word "European" should be added. It will give the correct impression to the outsider and will be in accord with the debate which has taken place.

[Mr. A. B. Patel]

Mr. Deputy Speaker, I beg to move the amendment.

MR. NATHOO seconded.

Question proposed.

MRS. SHAW (Nyanza): Mr. Deputy Speaker, Sir, while supporting the Motion and the amendment—

THE DEPUTY SPEAKER: Will you confine your remarks to the amendment only at this stage, please?

MRS. SHAW: I am sorry, I agree with a great deal of what was said by the hon. Member for the Coast, but I should like at the same time to pay a tribute to the hon. Director of Manpower whose job is a most unenviable one.

THE DEPUTY SPEAKER: I must again call the hon. Member's attention to my remark. The only point under discussion now is whether the word "European" should be inserted in the Motion before the word "manpower".

MR. COWIE: In speaking to the amendment, I think it would make the resolution much clearer, and therefore it would be acceptable as an amendment. (Hear, hear.)

MR. HARRIS: I would be quite happy to accept the amendment.

THE DEPUTY SPEAKER: The hon. Member will have the opportunity of accepting it by voting in favour of it when the question is put. (Laughter.)

The question was put and carried.

THE DEPUTY SPEAKER: The substantive Motion, as amended, is now again under debate. The hon. Member will now be in order in speaking to the Motion!

MRS. SHAW: As I am now in order, I should like to make one point, but before I do so I should like to pay a tribute to the hon. Director of Manpower, who has a most unenviable job.

Actually, the one point I wish to make is that I think sometimes the call-up has been uneven through no fault of the Director of Manpower, but because a certain class of young man has—because of the law as it stands—fallen between two stalls, or not come within the net. I hope that this new registration will cover that point.

The class of young man to whom I refer is the young man who goes home to university, or, for some training in England, has his military service deferred for that reason and does not come within the military service call-up in the United Kingdom. He then returns to this Colony, having avoided military service in the United Kingdom because he is domiciled in Kenya, and therefore does not come under their call-up, and, if he returns to Kenya after the age of twenty-three, he is not liable for call-up here under the Compulsory Military Service Training. That young man, up to date, has not come within the net, and I think it is largely because of persons of that category that the call-up—certainly in many of the farming areas—has appeared to be so very uneven. For we do see quite a few young men—Kenya-born young men—about in certain areas—on farms—who have not been called up for that reason.

MR. USHER: Mr. Deputy Speaker, Sir, I should like to express my agreement with what was said by the hon. Nominated Member, Mr. Coventry, and I also did not understand what was said by the hon. Member for the Coast. Particularly, I could not understand what is his objection to young men enjoying cricket or tennis. They spend their day in their office and their nights on Home Guard, so why on earth they should not play cricket or tennis in the meantime I do not know.

All I do admit is that there is a certain amount of lukewarmness—not only amongst the young men—in this Colony. The lukewarmness derives merely from this: they hear so much from people who come on leave from up-country—from the Kenya Police Reserve and so on—who say there is a lack of direction and planning, and they do not feel their services would be very much appreciated or properly directed.

LT.-COL. GHERSIE: Mr. Deputy Speaker, there is one point I should like to make. In order to ensure equity of sacrifice in this call-up, both among civil servants and the commercial alike, I do feel that during the Emergency all leave should be stopped for civil servants, except under exceptional circumstances. That rule was brought into force, but now I understand the position has been reversed. I do suggest that during the

[Lt.-Col. Gherisie]

present phase of this Emergency that the original decision should be brought back into operation. I do request that this leave should be stopped—purely during the Emergency.

MR. COWIE: Mr. Deputy Speaker, I accept, to some extent, the indictment of the hon. Member for the Coast—not because I agree, naturally, with everything he said, but because I agree with part of it. I think it is possible that certain young men have escaped the net—as he called it. Why I think it profitable to have criticism of that nature is because I believe that it builds up the case for this general registration which has now been ordered.

There is a further reason why there should be a general and proper review of what is available in the form of European manpower in this country. May I go back for a moment to the earlier part of last year when requirements were demanded for a target—as was mentioned by the hon. Member for Education and Labour. When that target was achieved, it was then not reasonably clear what further calls would be made, and the machinery set up for selecting men for the call-up being designed for a target, was not designed for a long period. In this regard I do want to make it perfectly clear in paying my tribute to the Manpower Committees—there are District Committees, and sub-Committees, throughout Kenya, and they have all done a magnificent job of work. Most of them are formed of men who are very busy doing other things, and yet they have to come in and wrestle with these problems, because in small districts everyone knows everybody else's business, and they have to take the criticism which they themselves get for interfering with somebody's farming arrangements—or whatever it might be.

There is this about the Committees—that there has not been any common standard. It has not been possible for each Committee to select men for call-up precisely on the same basis. That is obviously clear because in a place like a town especially in Nairobi, where it is rather full of people, you obviously cannot apply the same yardstick as you can in a small farming district, where you know so much more about each man,

the individual case, and his civilian occupation. I therefore think it has happened that, if you compare an actual call-up in one district with another, there will be a certain disparity. I believe it is absolutely inevitable, and the only way to put that right is to have a common standard, which I hope to achieve as a result of this general registration or review.

Turning now to the points raised by the hon. and gracious lady, the Member for Nyanza, I think it is possible that certain men have come back to this country over the age of twenty-three and have escaped call-up, but the records and information available to me are insufficient to deal with those cases. The information I require is not only the ordinary registration particulars. I also need to know what a man has done already, his family particulars, the nature of his civilian occupation and a variety of other factors before I can really fairly say I have a clear decision on the call-up. That information is not available in the present state of affairs.

You may remember that a registration was ordered earlier last year in the district of Nairobi only. There was no general registration anywhere else. The intention now is to have a registration throughout Kenya affecting more or less all men at the same time, and for it to continue as a register rather than a registration. In other words, changes, newcomers and everything else will have to be reported and recorded, so that information can be kept up to date.

Actual registration is, itself, a nuisance and I do apologize to all those who have difficulty in getting in to fill in a form; there is nothing more annoying than to have to fill in a lengthy form, but I assure them there is no other way of getting that information. I hope it can be achieved over a short period of within a week, that is to say Monday to Saturday, but I cannot be quite certain yet when it will be. It seems likely to me that it will be possibly the second or third week in March.

When that information is available, it will then—by the good service of the East African Statistical Department—be put into their machines and brought out into all kinds of different groups. That, I think, answers to some extent the point

[Mr. Cowie] raised by the hon. Member—that information will be placed into categories. Then I think it will be reasonably possible to indicate that men in a certain category are more likely to be called up than men in another category—that is the kind of information the hon. Member required.

I also think it will be possible, as a result of this general review to provide the continuing demands for men in the security forces and demands for men not in uniform—there are other demands as well. There is a continuing demand, not only to replace wastage, but because there are slight changes in actual Emergency duties. Members of this Council may wonder why the intake from the training course every six months has not provided me with those reserves necessary to effect a changeover. Let me say, after careful examination, that the intake from the training course each six months is not sufficient to cover normal wastage, releases on leave, releases for other reasons. That is why it has been so difficult to grant more than a few of the applications which have been received from the Manpower Committee for release or leave from the Regiment.

The next point is to effect a gradual changeover of men who have done a reasonable or fair share of time in the security forces. I think it will be more possible to arrange some kind of roster by which those who have done a certain period can be compared to those who have not.

Returning to the point raised by the hon. Member for the Coast, I think he has the kind of assurance he required—that when we have the result of this review we must realize it will also include men serving in the forces—now serving. That is to say, there can therefore be a fairly reasonable comparison between service rendered by those already in and service rendered, if any, by those not in.

As a result of that one could then lead on to a gradual changeover.

It also may make it more possible to consider this question of maximum time limit on full-time service, also to grant leave to members of the Kenya Regiment, which I personally believe is more than ever necessary. I cannot see why men who have been doing such a

first class, sterling job of work, often in extremely hard conditions, should be the one group of men not allowed overseas vacation leave.

The last point, Sir, as a result of this review I hope it will be possible to continue the information so that there is a virtual reserve or pool of names which are available for any future purpose during the Emergency. It does not mean that anyone in those groups will automatically be called up, but it will give me information, and should an additional number be required, either for short periods or for longer periods, I know where to get those names.

Finally, Sir, if I may return to the Manpower Committees, I do think they have done a first class job of work. I hope this registration may relieve them of some of the difficulties they have had, and at the same time give them the opportunity I know they require of putting in further names and asking for men to be released where it is absolutely essential in their civil occupations.

I, therefore, oppose the Motion.

THE DEPUTY SPEAKER: If no other Member wishes to address Council further I will call upon the hon. Member to reply.

MR. HARRIS: I cannot agree with the hon. Member for the Coast that there is anything of an indictment in my original Motion or in the way I spoke to it.

On the question of young men seen about, who have not been called up, I suspect quite a number of those young men have in fact been called up and released either on leave or indefinitely, because it has been considered they are in essential work; more often in agriculture than commerce. I do know the Committees have tried to give every possible preference to agricultural leave in order to allow planting and reaping to be carried on.

Now, Sir, I am very grateful to the hon. Member for Defence—in fact with his three hopes he gave me almost all the three things I want. He hopes to be able to categorize; he hopes to be able to give leave in the Regiment and he hopes that a fixed term of service may be possible.

I would like to make a point, Sir, on the question of the enticement from one

[Mr. Harris] employment to another; of course, in a time such as the present the ordinary stresses and strains of competition do not arise as they do in normal times. The hon. Member did suggest that I had been vague. I will give him here one definite example of a tractor mechanic earning £8 a week, who came out here and got used to the country and got £720 a year all in, and has recently been offered by the Agricultural Department something over £1,200 a year—when one takes in home leave and bonus at the end of the contract. That is the kind of thing I meant.

The hon. Member also said that Unofficials had been very closely associated with manpower. I appreciate that, Sir, and I hope everybody appreciates it, because I think it means we have got a little bit more order than if it had been left entirely to Government.

Now, Sir, I have tried to consider whether I should withdraw this Motion. I have decided at any rate that there is nothing to cover the planning of the future in the portfolio of the hon. Member for Labour. I cannot really see, after what he has said, that it has much to do with the hon. Member for Defence. What it does seem to me is that you cannot plan manpower until you can plan your offensive against the enemy. I would suggest, Sir, as the hon. Member for Education, he might consider educating the planners into getting on with making a plan to end the Emergency. Having said that I do not intend to press.

THE DEPUTY SPEAKER: Does the hon. Member ask the permission of Council to withdraw his Motion?

MR. HARRIS: I: I may.

THE DEPUTY SPEAKER: No hon. Member rises to object, the Motion is withdrawn.

MOTION

EMERGENCY—NEED TO CONTINUE EMPLOYMENT OF QUALIFIED PILOTS

MR. HARRIS: Mr. Deputy Speaker, I beg to move:—

In view of the Commander-in-Chief's repeated statements, supported by the leader of the recent Parliamentary Delegation, to the effect that

residents of the Colony should make the maximum effort to end the Emergency.

BE IT RESOLVED that in order to use qualified pilots with extensive local and operational experience, the Kenya Police Reserve Air Wing be retained as a self-administering unit within the Police organization and not disbanded or transferred for administrative purposes to a quasi-Royal Air Force formation.

In speaking to this Motion, Sir, I would like to say that on the Order Paper it is headed "Emergency—need to continue employment of qualified pilots". It is, of course, a need to continue employment of locally experienced pilots which is a very different point. On that, Sir, I would say that in the present flying personnel of the Kenya Police Reserve Air Wing there are some seven gentlemen who have received the Distinguished Flying Cross for flying duties during the war. Their Commanding Officer, I think, who goes under the title of District Commandant, received the Distinguished Service Order for flying duties during the war and he was also Officer Commanding, Communication Flight at Eastleigh in 1943. In that present Air Wing, Sir, you have a wealth of not only operational experience, but local experience, which it would be a tragedy for this country to lose in the Emergency. My information is, Sir, that it is quite likely that in the event of the administration of the Air Wing being changed, those officers who have mostly volunteered would not be willing to transfer to any other type of formation. They have built up an organization which has a very high morale, which is very friendly and very alert. It is a local unit which they have built up and they feel they could not, quite rightly, continue to serve with locally inexperienced officers in command or under the ordinary Royal Air Force type of administration. I wonder, Sir, why the suggestion that they might be transferred to some other formation has been made. It cannot be on the question of cost. My information is that the Piper-Pacers being flown by the Kenya Police Reserve Air Wing to-day are costing, including such things as depreciation, insurance and every other possible over-head, something like Sh. 1 per mile or £5 per hour flying

[Mr. Harris] time. Now, Sir, I, for my sins, know something about Royal Air Force administration. I do not believe it possible for the ordinary service form of administration to administer aircraft at anything like the rate of Sh. 1 an hour. What I believe is that you might get direct charges on a particular aeroplane at Sh. 1 a mile, but that in fact there would be other charges which would come in on a different bill form, which would amount to considerably more than a net Sh. 1 an hour. I do not think, Sir, that the suggestion can be made on operational grounds. Already the Commander-in-Chief, through the Officer in Command of the Royal Air Force Station at Eastleigh, has operational control of the Kenya Police Reserve Air Wing. Therefore, Sir, it does not seem that it can be for operational purposes.

These aircraft at present are licensed as civil aircraft. If they are transferred to the Royal Air Force the extraordinary anomaly arises that unless the Royal Air Force maintains personnel who hold civil licences for repair and maintenance—which is unlikely—they will not be allowed to touch these aircraft and they will therefore have to go to the present repair organization which is a civilian one. Alternatively, Sir, of course the aircraft could be taken over by the Royal Air Force and licensed as service machines, but then that would mean the Royal Air Force would have to have special spares kept in stock or else they would have to use the spares already in stock with the civilian supplier of these aircraft, and I doubt whether the agent would be willing to consider a system whereby he is deprived of the maintenance and repair of these aircraft and is merely used as a shop window for supplying spares. Therefore, Sir, it seems that there would be little advantage even in the question of repair and maintenance because I think the Royal Air Force would find that the easiest way of carrying on the repair and maintenance would be to retain the present system of civilian firms doing it. Therefore, Sir, neither in the question of the experience of the personnel, nor finance, nor operational grounds, nor on the grounds of ease and cheapness of repair and maintenance does there seem to be any advantage in the change from the formation under which the

Kenya Police Air Wing operates. I would ask therefore, Sir, the Council to approve the principle contained in this Motion, that the Kenya Police Reserve Air Wing be retained as a self-administering unit within the Police organization.

I beg to move.

GROUP CAPTAIN BRIGGS seconded.

Question proposed.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, Sir, in the first place I should like to associate myself, on behalf of the Government, with what the hon. Mover has said about the quality of the men now in the Kenya Police Reserve Air Wing, and the excellent service which they have rendered during the Emergency. (Hear, hear.) The Governor and the Commander-in-Chief, with whom, of course, I have discussed this Motion, have asked me particularly to associate them with that sentiment.

Now, Sir, I regret that it is not possible for the Government to accept this Motion, for the reason that the Commander-in-Chief has advised the Governor that there would be great advantages, from the operational point of view, in converting the Kenya Police Reserve Air Wing into a separate Kenya unit for internal security purposes, coming under the Royal Air Force for purposes of command, operations and administration. On that matter the Governor would feel obliged, in the last resort, to accept the professional advice of the Commander-in-Chief. But, Sir, no final decision has yet been made on this matter, although discussions have taken place regarding it; and I have been authorized by the Commander-in-Chief and the Governor to say that in making the final decision, they will take into account anything which is said in this debate. I must make it clear, however, that in the last resort the Governor will feel obliged to accept the professional advice of the Commander-in-Chief and his Service advisers in this matter.

I would like to make it plain that the proposal—and as I have said, it is still a proposal at this stage, although it has been discussed at length—is that this shall be a separate Kenya unit for internal security purposes, on a similar basis in general to the Kenya Regiment. The Commander-in-Chief and the Gov-

[The Member for Education and Labour]

error hope very much that the personnel now in the Kenya Police Reserve Air Wing will agree to transfer to this new Kenya unit. I must say that I share that hope, and I shall certainly make every endeavour myself to see that that does happen, because I believe that this can be a unit of which the Colony can be proud, just as it is justly proud of the Kenya Regiment; and that these people can continue to give the excellent service under the Royal Air Force which they are at present giving under the Police.

There is one other point which I must make clear. The proposal to which I have referred is for the period of the Emergency and the whole matter will have to be reconsidered at the end of the Emergency. I must also make the further point, Sir, that everything which is said in this debate will be fully considered by the Governor and his professional advisers in arriving at a final decision in the matter.

May I suggest, Sir, to the hon. Mover that in view of that assurance he might possibly consider withdrawing this Motion? I feel that it would be very unfortunate if this new unit should start off with a Motion like this in the Legislative Council. I do appeal to him therefore to consider the possibility of withdrawing this Motion.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I have listened with great interest to what the hon. Member for Defence has had to say on this question of breaking up the Kenya Police Reserve Air Wing. Now I have seen a good deal and heard a great deal of the work of the Kenya Police Reserve Air Wing—I happen to live quite close to where they are at the moment stationed—and I can think of nothing that would be more unfortunate than to break that unit up. I can assure you, Sir, that if this move does take place, it will do so with the resistance and opposition of 100 per cent of the members. They all believe that they have built up something which works—and works efficiently—and has done a magnificent job, and that they have established something which you cannot value in pounds, shillings and pence and that is *esprit de corps*—*esprit de corps* of a very high order. I contend, Sir, that if this change takes place, it

will lead virtually to the destruction of the Kenya Police Reserve Air Wing and although something in the way of a substitute may be built up, it will be nothing like so effective and you will not get the same work done.

There is one other point, Sir. The hon. Member for Defence referred to the fact that this was a matter—rightly so—for the Commander-in-Chief, but I would point out that if there is an increased cost as a result of this change, it is this country that will have to bear that cost, and therefore I do submit, Sir, that the opinion of this Council should carry a very great deal of weight in making a decision on this matter.

Furthermore, I must give warning here and now that if the change does take place in six months' time, after a reasonable period of working, I shall ask for figures—cost per flying hour as between the Kenya Police Reserve Air Wing and in its new form whatever form that may take.

I have heard certain rumours as to the type of establishment that is going to be set up with the new unit, and all I can say is that it appears to me a somewhat clumsy establishment and overloaded, and I do not see how it could possibly produce as an efficient and economical unit as is operating to-day.

Now, there is another snag that is bound to crop up. At the present time in the Kenya Police Reserve Air Wing, you have all sorts of people flying aircraft; you have retired Wing-Commanders; you have civilian air pilots and so on and so forth—of various ranks and various ages, but all with a great deal of experience, and a great deal of experience of the type of work they are called upon to do, and which, although I have a great respect for the Royal Air Force—having spent a good many years of my life in that service—I do not believe can be so effectively performed by the Royal Air Force. Well, now, if in the course of the formation of the new unit, these members are going to be given varying ranks, you will not get the same—even supposing the present members stay on, which I very much doubt—co-operation which exists to-day, and you will not get the same spirit. Therefore I do ask the Government to give the

[Group Captain Briggs] most serious consideration to this proposed change in view of what the hon. Mover has said and what I have said.

Mr. MACONOCHE-WELWOOD: Mr. Deputy Speaker, Sir, I have only one point I should like to make in supporting this Motion which is this: If this is done, it would appear to me—and perhaps the hon. Member for Finance will contradict me if I am wrong—that if we make this transfer, it will mean that the Treasury here will lose again a measure of control over our local force. So long as this was the Kenya Police Reserve Air Wing, it was commanded by the Commander-in-Chief ultimately, but nevertheless the cost of that force was a direct Treasury matter and everything went direct to the Treasury, but with the position as it would be—with the Commander-in-Chief being responsible to the War Office and also of course to the Royal Air Force—we would lose a still greater measure of control over the finances of this force if we hand it over to the Royal Air Force. (Hear, hear.)

THE DEPUTY SPEAKER: If no other Member wishes to speak, I will ask the hon. Mover to reply.

MR. HARRIS: The hon. Member for Defence, Sir, made the point that the Commander-in-Chief had recommended this matter to His Excellency on operational grounds. He said it would be for operational convenience if this unit—under the Kenya Police Reserve—came under the Royal Air Force. Sir, the Commander-in-Chief already has operational control of the Kenya Police Reserve Air Wing. The only duties that they do unauthorized, *en bloc*, are, in fact, passenger flights for senior officers, most of whom come under the direct command of the Commander-in-Chief and, presumably, have his permission before making the trip. It is a very weak argument that this change is required for operational reasons when, in fact, the Commander-in-Chief has operational control through the Air Officer Commanding, Eastleigh.

Now, Sir, for some nine years—this arises out of the remarks made by the Deputy Chief Secretary—many of us in this country have wanted to see an auxiliary air unit. The Air Ministry have refused this consistently right the way

through. Now, I suspect that here the opportunity is not being taken of granting to Kenya its own air unit, as the hon. Member for Defence seems to suggest, but putting what, in fact, is the existing Kenya air unit under the Air Ministry and Royal Air Force for administration. Had they been more sympathetic to the applications of ours for this auxiliary Air Flight, or Squadron in the last nine years, we might have been more sympathetic and they might have had a keen force at their command to-day. I do agree with the hon. Member for Mount Kenya that if this change takes place, it is going to be one other step taken by this Government to destroy the enthusiasm that some units in this country have when they wish to get on with the job.

I am sorry, Sir, I cannot withdraw.

The question was put and negatived.

MOTION

EMERGENCY—SUMMARY JUSTICE

MR. SLADE: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

That Government be requested to introduce forthwith a system of Summary Justice for disposal of all offences against the Emergency Regulations: whereby local tribunals composed of responsible lay persons are empowered to dispose of all such offences, with greatly simplified rules of evidence and procedure and whereby death sentences require administrative confirmation, but there is no right of appeal.

In moving this Motion, I am fully aware of the difficulties which accompany it. In the first place, I am speaking to a Government which has not yet even recognized the fact that this country is in a state of rebellion. In the second place, I very much doubt whether the many Africans, who feel as we do in this matter, are represented by any African Members in this Council.

I may have to trouble the Council by saying to-day what they have heard me say on more than one occasion before. I make no apology for that because this issue is, to my mind, so vital that I shall go on saying it until the necessary measures come to pass.

[Mr. Slade.]

I think, Sir, in considering a Motion of this kind, which I know goes deep in matters of principle, we have first got to think on the lines of jurisprudence. We have got to visualize, if we can, what is the meaning and purpose of justice. If I might make an attempt at that, I would say that some of the essentials of justice, anyhow, are first: that justice should be suited to the people to whom it is to be administered and to the times in which it is to be administered. Secondly, that it must be so designed as to establish confidence in Government and in the law. Thirdly, that justice must not only be done, but must be seen to be done. That is a saying familiar to all of us, but it is very often applied in another direction. It is very often, more often, used to ensure that when people are convicted, everyone can see that they are justly convicted. It cuts the other way, too: that when people are acquitted, it is important that the mass of the public should feel sure that they are rightly acquitted. It is a case of justice being seen to be done both ways.

The last point is one which I have heard made in this Council before, but it cannot be said too often. That law is the servant and not the mistress of society. Anyone who has read Mr. Dicey's work on constitution, on law and public opinion, will find that principle accepted wherever he reads.

Mr. Deputy Speaker, if we recognize those essentials as some of the essentials of justice wherever it may be administered, we will also recognize, I think, that even in the years before the Emergency began, we have been very foolish in our attempt to administer justice among the comparatively primitive people of Africa. Indeed, now added to the other difficulties which face me in this Motion, is the difficulty of a long legacy of mistakes dating right back almost to the time when the administration of British government began in this Colony. We have never attempted, as I see it, since the earliest days, to suit our justice to the people and times and that was a ghastly error and one very hard to right. But to-day it is not only a question of suiting our justice to comparatively primitive people, it is also a question of suiting our justice to a state of rebellion and I do ask Members of this Council

to think clearly and deeply, to keep in mind that this is a question of rebellion among primitive people, not a question of England at peace after a thousand years of civilization.

Now this system of justice of which we are so rightly proud, is the product, and the very gradual product I would remind hon. Members, of civilization in a country which has had many centuries of internal peace. We have only to think as far back as the Tudor times to realize how our law and our system of justice grew up with the times. I might remind you of one example. Henry VIII found it necessary to hang a butcher of Windsor from the Round Tower without a trial of any kind. Now that was a drastic action, but who is to say it was not a necessary action in his times? The point is this, that the greatness of our law and of our justice lies in its adaptability and it lies in the fact that it has been able to run with the times—neither ahead of them, nor behind them, but with them. That adaptability must work both ways. Just as we can develop it into finer and finer shape as civilization justifies, so must we bring it back again to something more rough and ready when there is not the civilization to justify it.

I would ask the Council now to consider certain principles which I submit concern the administration of justice in relation to any emergency—not merely the Emergency in this Colony, but any emergency. These are the points that I would make. First, that we have the principle in ordinary times of peace—and a very fine principle—that it is better that ten guilty men should escape than one innocent man should be punished. That is a principle of which we are all proud. But I put it quite firmly to this Council that in times of emergency, it is quite the reverse of that principle that should be applied. In times of emergency it is better that ten innocent people should be punished, than one guilty man should escape; and I say that if you do not apply that kind of rule when an emergency is upon you, you will suffer the loss of tenfold or a hundredfold more lives of innocent people, not through the process of justice but through the process of an emergency that you cannot control. Indeed we have seen that happen in this Colony over the last fifteen months. If you try to count the number of people

[Mr. Slade] who have been killed not by the process of law, but by the failure of the law to control the situation, you will find it is far many more than those who would have ever suffered unjustly at the hand of law, if summary justice had been introduced at the time.

Another aspect of law in the Emergency and, indeed, at any time, is that it depends on a law-abiding populace. The reason why we have been able to establish such a fine system of justice in England, with such intricate rules of evidence and such truly fine precautions for the protection of the accused, is that we have been able to rely on an essentially law-abiding population. We have been able to assume that the majority, the great majority of those called upon to give evidence in the court will tell the truth for the sake of justice. We have been able to assume that the average citizen would help the forces of law and order to bring any malefactor to justice. But, Mr. Deputy Speaker, that is not the position here. I do not think it ever has been the position here to the extent that it is in England—certainly not now.

Now if you consider the population among whom justice has to be administered here, I am afraid you will find a very different thing. We all know that of the Africans—where the trouble is greatest—it is perhaps five per cent who want to help in the administration of justice to end this Emergency. Please consider again the mentality of the African who is subject to our law. I have learned and I think most of us have learned, Mr. Deputy Speaker, during this Emergency what a very little we know about the mind of the African. But we do know, by experience, some things. We do know that he likes to see things for himself. We know that he likes things to happen swiftly if they are to happen at all. We know that he likes and respects strength and firmness of decision and purpose—just as schoolboys like the schoolmaster when they know where they are with him. We do know that they have a special gift of knowing, among themselves, who is guilty and who is innocent, and they cannot understand when the people that they know, with absolute certainty, are guilty and they know that many Europeans are equally aware of the guilt of the man, yet have to go through

a solemn complicated procedure and, are then acquitted and put back among them.

THE DEPUTY SPEAKER: It is now time for the customary break. Council will reassemble at 11.15 a.m.

Council adjourned at five minutes past Eleven o'clock and resumed at twenty minutes past Eleven o'clock.

THE DEPUTY SPEAKER: The debate will continue. Mr. Slade will resume.

MR. SLADE: Mr. Deputy Speaker, Sir, I was speaking of what little we have learnt by experience of the mind of the African as related to the administration of justice, and in that respect I have only one further point to make. It is that personal contact and a kind of parochialism mean a great deal to the African. The African likes to deal with men whom he knows, and to be taught and handled by men whom he knows in the ordinary walk of life, and he likes things—as far as my experience goes—to be related to the area in which he lives, and that is an important point with reference to this question of administration of justice, particularly in the Emergency.

It would make a great difference to the Africans, whose confidence we wish to restore, if justice was administered—as in the old days, according to their tribal customs—by people whom they know, by persons who live in their neighbourhood—if it was administered closely in their own neighbourhood—and that is why, by this Motion, I am advocating that the administration of justice with regard to Emergency offences—offences against the Emergency Regulations—and that is all to which this Motion relates—should be by lay persons, and as locally as possible—and among lay persons I include, if they are found suitable, Africans for these tribunals.

It is my proposal that these tribunals should be roughly parallel to the Field General Court Martial which is used by the army on active service, or the Military Court that is used by the army in occupation of enemy territory or otherwise under Martial Law. It is a court not of one trained lawyer but of three untrained but responsible people. Their duty is not to attempt to administer justice according to the finer rules—

[Mr. Slade] which they do not know—but to administer substantial justice in as simple and speedy a form as possible.

For that purpose we have to face, Mr. Deputy Speaker, the necessity of cutting out some of our more intricate rules of evidence. I will only give one or two examples of what I mean. We have heard in this Council more than once, how prosecutions under the Emergency Regulations fail because the only evidence available is the evidence of accomplices. Now the rule that requires corroboration of the evidence of accomplices is not even a rule of law. It is a rule of practice. But it is a very rigid rule of practice, and in ordinary times, in civilized, law-abiding communities, a very right rule of practice. But if you want to apply that rule among a population of which 95 per cent are actively or tacitly against you, where are you?

In any area where you try to apply the law, the probability is that nine out of ten people are, to a greater or lesser extent, accomplices, and your hope of finding an independent witness to corroborate anything is indeed small.

I will give you one other example, and that is the admissibility of confessions. There are many intricate rules of our ordinary law as to what confessions may be brought in evidence and what must be excluded. Again, I say, in ordinary times, in civilized societies, those are very right rules. But they are rules that cannot work at the present time among the people with whom we are concerned, without the results which I referred to earlier this morning—the result of the people seeing men whom they know guilty, men whom they know have confessed to being guilty, still acquitted and still back to make trouble among them and to kill and harry those who informed against them.

Now, Mr. Deputy Speaker, I must make my position quite clear here. I am not advocating the destruction of justice; I am advocating the preservation of justice. What we must have is substantial justice, free from technicalities. Now I have—in my time—fought against expressions of that kind, and as a lawyer I have argued with laymen that many things that they call technicalities are of the very essence of justice—they form

part of the substance of justice—and that is so to a great extent, but always related to the times and the people with whom you are concerned. And this is a fact—that there is such a thing as a distinction between substantial justice and technicalities. I say that as a lawyer and I quote the authority for it from one of our own Ordinances.

Might I refer to the African Courts Ordinance, 1951. You will find there, in section 46, these words—in a condensed form—what I have left out, I think; has no bearing on my argument—“No proceedings in an African Court shall be valid, varied or declared void on appeal, etc. . . . by reason of defect in procedure or want of form, but”—this is the passage on which I rely—“but all matters shall be decided according to substantial justice without regard to technicalities”.

That is what we are asking for here and now, with reference to this Emergency, and if that can be laid down for courts composed entirely of Africans, cannot it be laid down also for tribunals composed of responsible men drawn from all races?

By substantial justice, I mean the principles to which we all adhere—I mean the principle that a man is innocent until he is proved guilty. I mean the principle that you cannot convict a man without giving him a chance to speak and call evidence in his defence. I mean the principle that you do not convict a man on mere rumour. Again, that you “watch out” for false evidence based on malice or *fallna*. Those are the principles of substantial justice by which I stand. But I do not accept that specialized rules of evidence are an essential part of substantial justice, or that the accused must always, in all circumstances, have the right of qualified lawyers to defend him. In that connexion I need only remind this Council how justice used to be administered in this Colony in the early days, when the District Commissioner was also Magistrate and also Counsel for the Defence, and I defy anyone to say that justice was not properly administered in those days.

Nor do I admit that the right of appeal is an essential part of justice. It is a nice thing to have if you can afford to have it, but, Mr. Deputy Speaker, we cannot afford to have it in these times in

[Mr. Slade] relation to these cases. What we can and should have is confirmation by the same administrative authorities that constitute the Courts—such as we had, or used to have, for a period of a hundred years or more in the Army.

It might be asked, Mr. Deputy Speaker, why I advocate so strongly lay tribunals—why I am so anxious to exclude trained lawyers. Well, Sir, one of the reasons I have already given, and that is the need for men known to the local population. There is another reason, and an obvious one, and that is the question of expense. I know that we are now piling up vast expenses in the Judiciary by having to bring out more and more judges to cope with the Emergency Assizes. That is a comparatively minor point—not one of principle. There is another point which I regard as one of principle, and that is that it is a very hard thing to call upon a trained lawyer to administer a summary form of justice. The better trained he is and the more conscientious he is—the harder will he find it to adapt himself to the kind of procedure I advocate, where he is asked to think back to what I call substantial justice—what this Ordinance calls substantial justice—and forget half the rules on which he was brought up. I think if you were to ask judges of standing, they would agree with me. You might find them—I think you would find some of them—saying with me that the times demand summary justice, but saying in the same breath—"Do not try to use us for that purpose". It is a layman's job and an administrative job—not a lawyer's job.

Mr. Deputy Speaker, Sir, what I am advocating today is nothing very new. You will find precedents for the same kind of thing in military procedure—as I pointed out—in the Field General Court Martial as I knew it; in the administration of occupied enemy territory—and I can remember, Mr. Deputy Speaker, myself drawing up the first set of rules for Military Courts in the occupation of Somaliland, when they were on a very rough and ready basis, and I am not ashamed of them—they worked justice all right; there is the precedent that I gave before of administration by District Commissioners in the pioneer days of these African territories; and there is the precedent of our African Courts them-

selves. There is the precedent, if you will take it, of how some of our neighbours in Africa, and other places, have dealt with their rebellions—the French in Madagascar, the Portuguese in East Africa, the Belgians in the Congo—by cutting away trimmings at the right time and showing strength in the enforcement of substantial justice quickly enough. All those countries have avoided much of the suffering which we, for the last fifteen months, have had to endure.

In another debate the hon. Member for Legal Affairs quoted a saying of Lord Cockburn—a very fine, portentous, sonorous dictum—to the effect that it is better to let an emergency—in this case it was an insurrection—continue for rather longer, than to cut away at all from rules of law. I am sorry that I have not got the exact wording right, but I think that was the sense of it.

Now, Mr. Deputy Speaker, it is very easy for distinguished Law Lords sitting in the peace and dignity of London, perhaps never having been in a pioneer country, to make statements of that kind, when they have not got to deal with the Emergency, or live in it, or live in the country afterwards, and, Mr. Deputy Speaker, I just do not agree with that. I would point out that in making statements of that kind, Law Lords—in my respectful submission—abuse their position. They are there to administer the law, not to say what laws should be made, and when they step out from the position which they have achieved through their own distinction, they rank no higher than any other man in what they say.

It is difficult, Mr. Deputy Speaker, to bring home what I see so clearly—what some of my colleagues see so clearly—to people who have not actually experienced the same as us during the last year, if they could all have spent the last twelve months on a farm with African labour, of whom you have been very fond and who appeared to rely on you completely—in some cases for many, many years past down to the second and third generations even in some cases—and see them, during the past fifteen months, literally slipping from you, I am sure you would feel as I do, because I have known for certain that all they needed was confidence in the strength of Government to pull out from among

[Mr. Slade] them the men who were troubling them and terrifying them, and pull them out in such a way that they would be certain they never saw them again—in fact they would be certain they were dead. That was all that was needed. It is almost too late now.

This battle against our enemy, Mr. Deputy Speaker, falls into two clear parts, as I see it. One is the war against the gangs, and it is a war in which our security forces are, I think, doing increasingly well. The other part is the greater part. It is what has already been described in this Council as the war for the minds of the Africans—a war to stop the spread of poison to the great mass of Africans in the towns, on the farms and in the reserves—to eradicate it—and, Mr. Deputy Speaker, we are not doing so. We shall not do well until we face the facts that I have pointed out, and see that the very best thing we can do for the African who is now on the other side, or is being pulled to the other side, or is trying to stand—as so many Africans do—with one foot in one camp and one foot in the other—the one thing they need is to see the men that they know are the mischief-makers picked up quickly, tried and punished on the spot by men in whom they have learned to have confidence.

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

Mr. USTER (Mombasa): Mr. Deputy Speaker, Sir, I beg to second this Motion. I am somewhat intimidated in doing so by the presence of learned members, both on the floor of Council and in the gallery—senior members of the Bar—and other members who have distinguished themselves in the tribunals of this country; but perhaps it is fitting that a layman should undertake this task because he sees things, perhaps, from a different point of view, and particularly it may be that a person like myself, who has been associated in some less formal manner of administering justice—perhaps such people as we can contribute usefully to the argument.

I think I ought to start by telling a story that is quite often told by an ex-Chief Native Commissioner of this country in regard to law, because it has a great point, and I think all the

Administration Officers know it quite well. He was, at the time, in Turkana and, before him, had appeared two gentlemen who had been involved in a test match with a neighbouring tribe, had done a certain amount of murder in the course of it and had been before him and had virtually pleaded guilty. However, he took the evidence and the two tribesmen were sent down to Nairobi for trial. A few months later he happened to see one of them in Turkana and was somewhat surprised, and said "What happened to you?" "Well, *bwana*," he said, "we went down to Nairobi and we said we had done it, or we thought we said we had done it, and an old gentleman said we had not, and here we are."

That, of course, is the sort of thing that is apt to happen and it is, of course, important that in normal times that should be possible.

Now, I want to speak a little of Courts other than the Supreme Court, and the administration of justice in them in so far as I have been associated with them.

Particularly I want to speak of the Sessions Courts that were established in enemy occupied territories. I was interested to hear just now—I heard it for the first time—that the hon. Mover designed rules for those Courts, and if I may strike a personal note, I may say that I was President of the first Sessions Court in Somalia. In that Court was Mr. Deverell—he was also a Member of this Council—and now is Colonial Secretary of Jamaica. We developed, having power of life and death almost, a very great sense of responsibility. However, proceedings, I may say, were sent up to the Legal Adviser—really to the Military Governor—but the Legal Adviser said whether he considered the sentences, if they were death sentences, should be confirmed or not. The Legal Adviser was the Speaker of this Council, Sir, and I know very well he appreciated the work of the Courts, and felt that they were in no way in derogation of the principles of British justice. I think I would like to say straightaway that nothing my hon. friend, the Mover, and myself said is in derogation of the principles of British justice.

My hon. friend spoke of the African Courts. Now it is sometimes thought that perhaps the African Courts have a very limited jurisdiction. Limited it is, but not

(Mr. Usher) very limited. The only sentences they cannot pass are sentences of death and imprisonment for life. Otherwise, as you see, they have very wide powers—that is in criminal jurisdiction—and comparatively greater powers in civil jurisdiction and they do administer, on the whole, what we consider to be substantial justice. There is a very interesting thing about those Courts; that is no advocates are allowed in them. Advocates are not allowed in them. Advocates may appear by permission in the Court of Review, but not in African Courts themselves. I, myself, was on a Select Committee dealing with the latest amendments to the legislation which sets these Courts up. One of the important things we had to do was to cut down the number of appeals because the appeal business was being overdone and, of course, it is part of our case that an appeal, in itself, is not an essential of British justice. They do have an appeal; they have this Court of Review.

Now as to evidence, they do not work, of course, upon the Law of Evidence as we understand it, and the evidence has not to be recorded or recorded in full. The substance of evidence can be put down in substance—which is a very great saving of time in that procedure. The evidence may be peculiar on occasions. One of our Attorney Generals was a little worried as to whether, in fact, African Courts did administer substantial justice. He was invited by an ex-Provincial Commissioner to see one. He did. He went up-country—it was a beautiful setting, a nice sunny day, a very suitable arena, some shady trees under which the tribunal sat. One or two people came and give evidence, the old men nodded their heads, but did not say very much, then a third man came along and gave his evidence. All of a sudden one of the court was galvanized into life. A question was put to him and the witness answered. As soon as he answered there came from all around the arena a deep drawn "Oh". Well, everyone knew that he had told, what in schoolboy language we call, a "whopper". The Provincial Commissioner turned to the Attorney General and said, "What do you think of that? Is that substantial justice?" He said, "Yes, I think so, vox populi". I am not suggesting a

People's Court or anything like that. I am merely saying that in this case it does bear out what my hon. friend said, that schoolboys know. And the people on the spot know; they know very well.

Now, Sir, reference is made also to the ordinary subordinate, what you might call the District Commissioners' Courts of the Colony. It is perfectly true that the great majority of cases there are undefended. It is also true—I think and every administrative officer will bear me out—that again this sense of responsibility is developed very highly and that the presiding officer does feel that he is the Counsel for Defence. In fact he is apt to overweight it, in my experience.

I should like to end, Sir, by saying that I feel it is time that the normal methods of administration of justice were superseded, because it is not so much the effect upon the defendant that is in question, but the effect upon a large number of people of his tribe—and of other tribes. It may so often happen that great delay causes the law of the country to come into disrepute. I am not saying it should come into disrepute. I am only saying that it may very well be the effect upon the people concerned. I was reading a book of memoirs a little time ago. I am not going to quote the name. I cannot remember who the judge was in question, but I can remember what was said about him. It was to this effect—that he exhibited in a marked degree those qualities which have for so long distinguished the English Bench. Then, naming this particular judge, he said: "He was slow, he was courteous, he was wrong". I do not think, Sir, that kind of court which the hon. Mover proposes to set up is likely to be wrong. It will administer justice, just as justice is administered in outlying parts of civilization, or where civilization is just starting. I am sure hon. Members, most of them will remember a play of Bernard Shaw's, *The Showing-up of Blanco Posnett*. If so, they will remember how Blanco Posnett was discussing matters quite improperly in the courtroom with the judge and jury, all and sundry, before the trial took place, and they were talking about justice and he intervened with this remark—"What is justice?" The reply was a very apt one—"Hanging horse-thieves is justice".

Sir, I beg to second. (Applause.)

Question proposed.

THE MEMBER FOR LERAL AFFAIRS: I rise to oppose this Motion, Sir, on behalf of the Government, but before I develop my argument, I would like to say that we, on this side of the Council, appreciate the closely reasoned arguments and the moderate manner in which the hon. Member for the Aberdare put this Motion before the Council. (Hear, hear.) I think that we appreciate it all the more when we realize the circumstances in which he personally has been living for the past twelve months.

But the essence of this Motion must not be lost sight of in a number of generalities and vague phrases. The essence of this Motion is to establish Laymen's Courts with the power of life and death over the citizens of this Colony. I think I should be right in saying that one of the conspicuous qualities of the hon. Member for Aberdare is that he calls a spade a spade. Whether that, in all circumstances, is a laudable quality, some people doubt. In fact, the other day, my hon. friend, Mr. Tyson, who is not without some knowledge of men and affairs, thought that there were circumstances where it might not be a very admirable quality. But one thing is abundantly clear: it is not a virtue to call something a spade which is not a spade and to call these summary courts, composed of laymen, courts of justice, or even to compare them with courts of justice, or courts of law, as we brought up under the British system, and the British way of life, understand them, is an egregious misuse of the English language.

Why is it necessary, if these are genuine courts of justice, in which a recognizable system of law is to be administered, why is it necessary to keep out of them every one and everything connected with the law? If people are to be put to death by the decision of ad hoc courts, composed of laymen, from which every person trained in the impartial administration of criminal justice is excluded, then I say—without fear of contradiction—that justice, as we know it, under the British system of justice, has nothing to do with that system at all.

No one, so far, supporting this Motion, has really endeavoured to refute or contravert that proposition. Rather

they have stated: "Let us have something like the African system of justice, because the Africans would really prefer the African system of justice to this British system of justice." I would not be so presumptuous as to put myself forward as a spokesman on behalf of the Africans in a matter of this kind. There are Africans in this Council, both on the opposite side of Council and on the Government side of Council, who are well qualified to speak about African psychology and the African point of view, in matters of this kind. My hon. friend, Mr. Okwirry, will, in the course of this debate, tell the Council what his views are, speaking as an experienced and representative African on this particular problem.

I pass now to consider this system of justice—as it is so called—in relation to the precedents to which the hon. Member for Aberdare referred. He referred to some precedents like field general courts martial, the administration of justice in the pioneer days, and there was some other precedent which escapes my memory at the moment. If he wanted precedents, he could have found precedents a-plenty by taking us on an imaginary journey behind the Iron Curtain. Many more examples of this system of justice that he is advocating could be found in the history of those totalitarian governments which, I am glad to say, no longer survive. In those countries, Sir, they called laymen's courts "People's Courts"—the Volksgerichte of the Hitler régime. "People's Courts"—what are laymen's courts, if they are not people's courts? Yes, Sir, let us call a spade a spade. Let us call them People's Courts.

What are the characteristics of a People's Court? It is within our living memory what those characteristics were. Certainly, they were speedy; certainly, they were efficient, in the sense that they achieved speedy execution. Many of us still remember those grim records of Auschwitz, when the People's Court sat in the morning to do their office work—I could scarcely call it "court work"—and in the afternoon, after lunch, despatched those whose cases they had dealt with in the morning? Of course, they are efficient and speedy in that sense.

[The Member for Legal Affairs]

But the real mischief and vice of people's courts is this: that they become instruments of policy of the Executive. They no longer retain the essential characteristic of a judiciary—for they cease to be independent and impartial. Therefore, if this Motion was accepted by this Council, even though it might have the effect of speeding up the disposal of terrorists' cases, nevertheless, it would substitute for an independent and impartial judiciary, a body of laymen who would inevitably be subject to the influence of the Executive and would, ultimately, be brought under the control of the Executive, and like the Executive would be subjected to political pressure. I put forward that argument, not as a purely hypothetical argument, but based upon historical precedents of which there existed, during the régime of the totalitarian states many examples, and which exist in hundreds, maybe thousands, behind the Iron Curtain to-day. It is the hallmark of any totalitarian state, to appoint laymen, not judges, to administer the law. It is not the British way and will never be the British way.

In 1940, when invasion seemed imminent in England, legislation was enacted to enable special courts to be established. That legislation provided that the presiding officer should, of necessity, be a member of the Bar of many years' standing and thus the essential principle that a trained lawyer, trained in independence and impartiality, should administer justice was maintained even in that desperate hour.

At that time, as the hon. Member for Nairobi South reminded us the other day when he quoted that imperishable peroration of the Prime Minister, the people of England were prepared to fight to the last. Yes, Sir, they were prepared also to cling to the last to the basic principles of their judicial system. Because they did that, Sir, there is to-day no country under the British flag where such things as laymen's courts—people's courts—with power of life and death over the citizens of that territory, are tolerated.

The hon. Member for Aberdare said quite rightly that the situation changes when you get an Emergency. No Emergency could have been more desperate

than the one England found herself in in 1940. But I would like to cite to him the well-known dictum of one of the greatest jurists of this century who said in 1941: "In this country, amid the clash of arms the laws are not silent. They may be changed but they speak the same language in war as in peace". So also do they in this Emergency.

The hon. Member for Aberdare spoke at some length about the qualities of the laymen who would sit on these courts and urged that because they possess such qualities they were qualified to preside over this new system of administering justice. No one denies that there may be many responsible people in all communities who are well-meaning and well-intentioned, but, Sir, good intentions are not enough in order to preside over a judicial tribunal. Good intentions are rarely enough for any purpose. Has it not been said, and truly said that, "The path to hell is paved with good intentions". A judge must have more than good intentions; he must be more than well-meaning; he must be trained to be impartial and, by his training, to eschew partisanship, political considerations and, above all, in the present circumstances, emotional considerations. It is not easy to do. It takes even a trained lawyer many years of experience in order to acquire that detached attitude of mind which is the first and indispensable essential of any judicial officer.

The hon. Member for Aberdare also proposed, though not in any great detail, that the rules of evidence should be simplified. But, Sir, however much the rules of evidence may be simplified, you still require a trained person to apply them. It is never possible, in my submission, to simplify them to such an extent that you can make them foolproof for an amateur. Take this one simple case; evidence of a bad character. Are you going to allow this layman's tribunal to hear about a man's bad character before he decides a case? Perhaps you are. But, Sir, there is a rule of evidence that excludes such evidence at the present time because even a trained judge finds it hard to be impartial in adjudicating on a case unless he excludes from his consideration evidence of bad character before he determines the guilt or otherwise of the accused. Once you agree that evidence of a bad character must be

[The Member for Legal Affairs]

excluded, then immediately you enter the field of complicated rules of evidence because if the accused attacks the character of one of the prosecution's witnesses, then that may let in evidence of bad character against the accused. I will not go into details, but I merely throw out those remarks to show that it takes a trained person and not an amateur to apply even an elementary rule of that kind.

The hon. Mover of the Motion said quite rightly—and I was relieved to hear him say it—"You must not convict on a mere rumour or gossip; you must not send a man to the gallows merely because so and so is quite sure he knows that he is guilty". Well, Sir, once you exclude rumour and gossip, you bring in the hearsay evidence rule, a very difficult rule to apply. There are a lot of exceptions to it. Sometimes the statement made may be hearsay in one context and not hearsay in another context. Where are all these amateurs going to find the right answers to this rule of evidence, the simple elementary rule, that hearsay evidence must be excluded—hearsay?

Confessions he mentioned, too, Sir. As far as I could follow his argument, a confession is a confession no matter how it is obtained—it is still a confession; and therefore let it go in. Or perhaps, Sir, he really wishes to qualify it and say, "Well, of course if a man confesses because he is forced to confess, then we might reconsider the matter". But how many amateurs would be able to tell me the difference between retracted confessions and repudiated confessions and so forth?

Sir, it is not enough to say of a confession, "Oh, yes, it is a confession". You must know that it is a voluntary confession and not induced or promoted by wrong considerations. I would ask the Council to think again what I said about the Iron Curtain countries. Is it not one of the most outstanding characteristics of their most efficient summary trials that everyone always confesses everything that the prosecution charges them with? Trial after trial we have read about where the accused have confessed without qualification to the most heinous crimes against the state; the whole world has speculated, "How do they get the confessions? Is it

all done by kindness?" No one, so far as I know, has yet found the right answer. But this I can and do say, that to admit confessions without the safeguards that exist under our existing laws is the hallmark of a police state.

The suggestion which the hon. Member for Aberdare has put forward, in all sincerity I have no doubt, that you can so simplify these rules that the amateur, the merest amateur could understand them and apply them correctly, is quite illusory. But, Sir, there is an even greater illusion that he is labouring under, a fundamental misconception in the whole of this argument. It is expressed in the Motion before the Council, where it is stated that there shall be no right of appeal; that the decisions of the tribunals should be final. Sir, there could be no greater error than for him to seek the support of the Council to this Motion on the ground that there should be no right of appeal. Every subject of the Queen has a right to petition Her Majesty in the Judicial Committee of the Privy Council and neither this Government nor the Governor under Emergency Regulations, nor the Kenya Legislative Council can take away that right.

Another illusion under which he is labouring, Sir, is that if you have these laymen's courts, they will be free from restraints as to the procedure they would follow, as to the law of evidence they would apply and so forth. That again, Sir, is a great error. Because of this right of appeal to the Privy Council, the Council may be certain that their Lordships in the Judicial Committee of the Privy Council would wish to be satisfied that the essential requirements for the proper administration of justice have been complied with. It would not be a question of looking at the local law to see if *carrie blanche* had been given to laymen to send persons to the scaffold if they honestly thought they were guilty of a capital offence. If, for example, someone was sentenced to death, on let us say, the uncorroborated evidence of a single accomplice, or upon hearsay evidence—or as a result of a forced confession, or as a result of a complete disregard of forms of legal process, then, Sir, there is no doubt at all in my view that the Privy Council would regard such a proceeding as an interference with the elementary

[The Member for Legal Affairs]

rights of an accused person and would allow such an appeal.

There is a well-known dictum of the Privy Council in this matter, which is, "if justice in its foundations is subverted . . . as it certainly would be if any of those things happened . . . then it is a matter of general Imperial concern that by way of appeal to the King, it may then be restored to its rightful position in that part of the Empire". So it is quite clear that the Judicial Committee of the Privy Council take the view that, if justice is diverted from her course in any part of the Empire, then that is a matter about which a citizen of the Queen may petition Her Majesty in the Judicial Committee of the Privy Council in order to have the matter set right and in order to prevent its repetition in the future. One thing, Sir, this Council may be quite sure of, in my submission, is that if People's Courts were to be established in this country, then there would be a spate of appeals to the Privy Council and more often than not, they would be allowed.

So, Sir, we must all conclude that the whole of this business that we are debating this morning, is one great illusion. Further debate cannot further the proposals in the Motion, nor can it bring any profit to this Council or to the country to continue the debate so long as you have that right of appeal to the Privy Council.

I am not vain enough, Sir, to think that I could have persuaded my hon. friend the Member for Aberdare by my arguments to "take a different view, or even that I might have persuaded my hon. friend the Member for Mombasa to change his ideas. All I can say, Sir, if I may quote the words which Cromwell used on a memorable occasion, "I beseech you, in the bowels of Christ, to think it possible you may be mistaken".

GROUP CAPT. BRIGGS: Mr. Deputy Speaker, Sir, as a layman I very much hesitate to join issue with the hon. Member for Legal Affairs in this matter. I feel I must draw attention to the fact that courts martial, which are generally accepted as one of the fairest forms of trial in the world, are, in fact, laymen's

I have myself been President of courts martial, we were all laymen, we knew

very little about Royal Air Force law but we did our best to carry out the conditions of it. Nevertheless, we were laymen, endeavouring to interpret the law as it stood. I believe, as I have already said, that, in fact, that the results achieved were good. Generally speaking, verdicts brought in by courts martial have been good verdicts.

Mr. Deputy Speaker, I beg to support.

MR. HAVELOCK: Mr. Deputy Speaker, I would like to make my position clear in this debate. I am not going to enter into the technicalities of laymen's courts or others, in fact, I have been listening with interest to the arguments of hon. and learned Members of this Council and, no doubt, other Members will make more. All I want to hear now, Sir, is that, with regard to those persons who are known to have been consorting with the terrorists, and those persons who are known to have been in possession of firearms—in fact, those who we all know are really part of the war against us, those people must have their trial quickly and their sentences carried out immediately and, if possible, near the spot where they were captured.

I am not going to advocate that there should be very considerable cutting down of procedure on other cases where there may be some doubt as to whether the person concerned is guilty or not—I believe he should have a very fair chance to establish his case. Here I would like, although it has been referred to *ad nauseam*, to refer to this Inter-Racial Conference, held the other day. There it was made so obvious that the loyalist leaders expected to see the people they are so definitely convinced are terrorists, as members of gangs, it was obvious that they must be convicted and punished immediately. It is an essential part of the war against *Mau Mau* that such a system should be devised, at the same time retaining the principles of British justice.

MR. OKWIRRY (African Nominated Member): Mr. Deputy Speaker, Sir, I rise to oppose, very strongly, the Motion which is before the Council.

I thought that the hon. Mover was going to withdraw his Motion because he has had the answer from the report

[Mr. Okwirry]

which was submitted by the Members of the Parliament.

It seems to me, Sir, that some of the European leaders opposite do not know exactly the mind of the African and it was very wrong for the Mover to say that none of the African Members here know their own people. That is very wrong.

MR. SLADE: Will the hon. Member give way?

Mr. Deputy Speaker, I did not say that none of the Africans in this Council knew the minds of their own people. What I did say was that there are very many Africans who think as I do on this issue and they are not, I believe, represented by any Africans in this Council. (Hear, hear.)

MR. OKWIRRY: We are here to represent them. (Laughter.) It seems to me, Sir, that the Inter-Racial Conference which was held in Nairobi has caused a lot of misunderstanding. I think the interpreter who was employed in that Conference did not properly bring home what was meant by the loyal chiefs. I was in the room myself.

I had a chance, Sir, of going round during the last week-end and speaking to very many notable Africans, including the loyal chiefs in the Kikuyu reserve. But not even a single one, Sir, supported summary justice. I, therefore, at this juncture, Sir, would like to make it quite clear to the hon. Mover and also to the Council that none of the Africans—I know the hon. African Members opposite will support me in this—not a single African could support any departure from the principles of British rule of justice. (Hear, hear.) (Applause.)

I therefore, Sir, very strongly oppose the Motion on behalf of the Africans.

MR. MATHU (African Representative Member): Mr. Deputy Speaker, Sir, I will be very brief in my speech in opposing this Motion. I shall be very brief indeed, Sir, but I should like to place on record that, as the previous speaker did say, the African people—even the people that the hon. Mover pretends hold a different view—none of them have advocated anything but the present system of justice which the British people are administering in this country. Of that I am absolutely certain,

and I challenge the hon. Mover to bring the Africans he is representing to this Council or to a conference with me and my colleagues and test the case in a language that they understand. I should—like my hon. friend—like now to come to the Conference these people are distorting. Chief Njiri has been mentioned and, as my hon. friend, Mr. Okwirry mentioned, it was unfortunate that in that Conference we did not get a competent interpreter who understood the Kikuyu language well. (Cries of Oh!)

I do think that some hon. Members here got the wrong impression completely of what the Africans said there. Chief Njiri and Chief Muhoya, who spoke in that Conference on this matter, said this—and there is no argument about this—"We would like to see the speeding up of the process of justice so that people could get their penalties quickly." There is no argument about that; but they did not say that they should be allowed to give the powers of the life and death of people to laymen's courts. It is perfectly true that they did not say that—that is true. I challenge any hon. Member to call Chief Muhoya into this Council to say that what I am saying is wrong.

Now, Sir, you can accuse the hon. African Members on this side of Council that they do not know many matters, but no one can challenge that I do not know the Kikuyu language. I would like to place that point on record.

MR. HAVELOCK: Would the hon. Member give way—I am a bit worried about this as I was Chairman of this Inter-Racial Conference but it has been banded about in this Council and I would ask the hon. Mr. Mathu to confirm that the report which was issued to the Press in the Inter-Racial Conference was a correct one.

MR. MATHU: Mr. Deputy Speaker, Sir, the official record of that Conference to which the hon. Member for Klamu refers has been distorted. I want them to quote the correct record—not only that we have a record, but that he left out quite a number of things which we heard said in that Conference—they are not reported. If the hon. Member would like to quote that proper record which was submitted by the Chairman after the Conference, then I can discuss the matter, because they are recorded in a fair representation of what the Conference did say.

[Mr. Mathu]

It has left out quite a number of other things, but there is nothing in that record which says that the Kikuyu Chiefs wanted to have the power of life and death on those people who commit *Mau Mau* offences—there is nothing of that in that record.

The final point I want to make in opposition to this Motion is that my hon. friend the Mover has, not only on this occasion but no many others, a habit of making insinuations about the African Members of this Council. We were returned to this Council by electoral colleges which voted for us to come into this Council and I would like to challenge the hon. Mover of this Motion—I would resign from this Council and stand for election in the Kikuyu districts and see who is returned. Without that, Sir, it is useless to discredit the African Members in this Council when they are doing their utmost best to serve our people and to serve this Colony. (Hear, hear.)

Mr. Deputy Speaker, I strongly oppose this Motion.

MR. CHANAN SINGH: Mr. Deputy Speaker, there seems among the people who attended the Inter-Racial Conference more disagreement than agreement. In any case, even if Chief Njeri and the other chiefs agree to support a Resolution like this, I could not be persuaded to support it. Even if all the chiefs in Kenya came together and asked the Kenya Government to change the system of law, they would not have my support.

Now, Sir, the speakers who have supported the Motion have referred to the state of affairs in Somaliland, I remember reading the Annual Report of Somaliland two or three years ago. There the same man was judge who was the Attorney General. The same person was magistrate who was the Crown Counsel. Perhaps in the early days of administration there was no alternative but I am sure no one contends that is the right thing to do. Even in Somaliland I believe changes have been made in the judicial system—changes which go to show the difference between administration in general and the administration of justice.

Now, Sir, reference has been made to the view expressed by the Parliamentary Delegation. That is the most recent verdict of people who came here to listen

to all points of view and then they came to that conclusion. But even earlier than the Parliamentary Delegation, Sir, this question was considered by other bodies of competent men and received verdicts. I refer to the report of the Bushe Commission on the administration of justice in these Territories. Even then, this question of simplifying the procedure and evidence and also appointing at least administrative officers to administer justice was raised, but the Bushe Commission, consisting as it did of people with judicial training as well as persons with administrative experience, came to the conclusion that that sort of change could not be contemplated in a British Territory. I refer particularly to paragraph 51. That follows an argument by Sir Donald Cameron, who states it was necessary, in administering justice, that the officer presiding over the courts should know the rules of evidence and have experience of administration of justice. Then this is what the Commission said: "With these arguments we find ourselves in complete agreement. We regard it as a fundamental necessity, from the point of view of law and order, that there should be a strong and adequate judiciary which the people of the country understand and respect. It is of equal importance that judicial work should be performed by persons with adequate experience who are trained in the weighing of evidence and the requirements of legal proof".

Then, Sir, the Bushe Report also refers to a provision of law which requires native law and custom to be administered and which says: "Every court . . . shall decide all such cases according to substantial justice without undue regard to technicalities and procedure and without undue delays". This is not a reference to the African Courts Ordinance, but to Order in Council.

These are the comments of the Commission. I am reading paragraph 48. "The effect of this Article is that the Penal Code is the criminal law of each territory, so that native law and custom as has been frankly admitted by most witnesses, seldom has to be considered as a matter of substantive law in a criminal trial. It might be relevant on such an issue as motive or extenuation or as supporting or detracting from the credibility of evidence, but in such cases it should be a

[Mr. Chanan Singh]

matter for formal proof and not be assumed to be within the judicial knowledge of the court". In effect, the law administered in these Territories is the general Criminal Law.

Then, Sir, the Resolution before the Council refers to "all offences" under the Emergency Regulations. The Emergency Regulations are a comprehensive document. They contain numerous offences, but the hon. Mover of the Motion left no doubt in anyone's mind and stated that he envisaged the trial of all offences under those regulations by courts of laymen. If it was a question of deciding minor matters of dispute by courts of laymen—matters which are of no consequence to the country at large—there could be no objection to the suggestion; in fact, native courts do exist to try disputes and minor offences. But, Sir, "all offences"—the use of that expression makes the suggestion much too sweeping for anyone to support.

Then the hon. Mover also suggested the setting up of local tribunals. "Local"—that means tribunals consisting of people picked out from the locality. Now, that is another objectionable feature of this Motion, because it is one essential of the modern system of justice that the presiding magistrate or judge should have no personal knowledge of matters that he is trying.

The hon. Members for Aberdare is suggesting that we should ask people who have personal knowledge of the matters that they are going to try to be members of the court. That would be most objectionable.

MR. SLADE: I made no such suggestion, Mr. Deputy Speaker. My suggestion is that courts should be composed, where possible, of laymen with whom the people concerned were well acquainted—not laymen who had particular knowledge of the particular subject matter for trial—personal contact with each other and personal understanding of each other.

MR. CHANAN SINGH: In any case, Sir, the suggestion is that they should be local. If the reference is to locality, it naturally means that the people have knowledge of local happenings. They will have their own preconceived notions

about them and they cannot fail to be influenced by those preconceived notions.

Then, local prejudices will come in because they will be laymen who play their part in ordinary business of life; who come into contact with the accused persons, presumably as business men or farmers. I think that would be most objectionable; it would be bringing personal prejudice into the administration of justice.

Now, Sir, one would have thought that we should now be pressing for complete separation of judiciary from administration. It is time that this Council asked for that and at present this is not something that is impossible. Every district has three or four District Officers and they all administer justice as required. If one of them could be replaced by a regular magistrate, it would not cause any additional expense but it would separate the judiciary from the administration. An administrative officer is bound to have prejudices—is bound to have his own personal views—which should not be an essential part or a necessary part of justice.

The disabilities of laymen as judges have been pointed out by the hon. and learned Attorney General. There are other instances that can be given. Laymen might have been able, in the ancient days, to administer justice because, in those days we had no trained lawyers, and those were the days when the system of justice was springing up.

The rule regarding accomplices' evidence has been referred to. The rule of law, as the hon. Member for Aberdare pointed out, is that accomplices' evidence is not entirely inadmissible—it is left to the judge to decide whether or not he will act on the evidence; but the judge has to bear in mind that ordinary human beings have motives, especially those human beings who are in trouble, they have motives for telling certain types of stories in courts of law. Some of those people who were accomplices are anxious to save their own skins and it would be most undesirable to believe stories of accomplices unless there is some other evidence to support them. So that courts after centuries of experience have come to the conclusion that in law they can act on accomplices' evidence but that as a rule of prudence such evidence should be

(Mr. Chanan Singh) regarded as suspect. A layman would probably read the Evidence Act and would come to the conclusion that accomplices' evidence is quite good evidence and that he should accept it, because he would not know the result of centuries of experience of trained judges.

Take another case, Sir—there is a Rule of Evidence which says that the judge, if he wishes, can convict anyone of any crime on the evidence of one witness. But nevertheless, centuries of experience have evolved a rule which says that in cases of perjury, evidence of one witness should not be sufficient. There are good grounds for that. But a layman would not know—he would be guided by the words of law—he would not be competent to go behind the spirit of it. It is only trained and experienced lawyers who know what is the meaning of these laws which have emerged after centuries of judicial experience.

Take another illustration—admissibility of documents. A layman might look at a document and say: "It is quite relevant, it speaks of facts which relate to the case and I shall admit it". In fact, the document may not be genuine—it may not have come from proper authority. This sort of consideration cannot be expected from a layman. It is only the trained judges who know what documents to accept and what documents not to accept.

These, I submit, Sir, are not technicalities. These Rules are the substance of justice and that is the reason why we use them in spite of the word of law. They have been framed so that an accused might be given justice. They cannot be called technicalities.

Then, Sir, the state of affairs behind the Iron Curtain has been referred to. There the Communists try their victims by their own courts—by courts which are presided over by laymen. By accepting a resolution like this, we will be copying the Communists. My own view is, Sir, that even if we were to try Communists under our system of justice, I do not agree to the trial being presided over by laymen. After all, we care for our own system of justice—not for a system that is alien to our system.

Another example of laymen's courts are the courts which have been held during the sixteen or eighteen months by

Mau Mau. Is my hon. friend suggesting that we should copy the methods of *Mau Mau*?

There is another point, Sir, and that is this. Before the British Administration came to this country, the Africans were tried by laymen. Of necessity they were tried by laymen. Now, should not the existence of British Administration make any difference? Why is it necessary for us to refer to the days which we have all helped to forget?

MR. USHER: What about the African Courts?

MR. CHANAN SINGH: African Courts deal with minor offences and other matters which arise from native law and custom. I have quoted opinions of the Bushe Commission which examined laymen's courts and that was their conclusion.

MR. USHER: Nonsense.

MR. CHANAN SINGH: Then, Sir, if we are to accept the native law and custom—if we are to accept the conditions of pre-British days—why not accept everything—let the Africans appoint their own judges and appoint their own administration. Why have British Administration at all? If you have British Administration, then let us have British Administration with all its good accompaniments. I am sure the acceptance of this Motion that is before Council now would mean the abdication of British power.

Now, Sir, to come to the argument regarding the complications of evidence and procedure.

ADJOURNMENT

MR. DEPUTY SPEAKER: It is now time for Council to rise. Council will stand until 9.30 tomorrow morning.

Council rose at forty-five minutes past Twelve o'clock.

Friday, 26th February, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

WAGE REGULATIONS FOR AFRICAN EMPLOYEES

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, I beg to give notice of the following Motion:—

BE IT RESOLVED that pending consideration of the Report of the Committee on African Wages this Council doth approve the following recommendations relating to the regulation of the wages and other conditions of employment of African employees in the Colony: that immediate effect should be given to the following "interim" measures—

- (i) a flat increase of Sh. 10 on all existing minimum wage rates; and
- (ii) the prescribing of new housing allowances, based on the average economic rent for a bed space in local authority housing locations.

Mr. Deputy Speaker, Sir, I should say that if this Resolution is passed it is the intention of Government to move for the suspension of Standing Orders in order to enable the introduction of a Bill designed to give effect to this Resolution.

MEMBERSHIP OF EXECUTIVE AND LEGISLATIVE COUNCIL—NEED FOR INCREASE

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

This Council requests the Government to convey to the Rt. Hon. The Secretary of State for the Colonies that the time has come for—

- (i) enlarging Asian, African and Arab Unofficial Membership of this Council;
- (ii) enlarging Asian and African Membership of the Executive Council; and
- (iii) appointing an Arab Member on the Executive Council.

CONCLUSIONS OF PARLIAMENTARY DELEGATION—EARLY IMPLEMENTATION.

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

This Council welcomes the recommendations made and conclusions reached by the six Members of the Parliamentary Delegation who recently visited this country and asks the Government to take steps to implement these recommendations and conclusions at an early date.

WAR CABINET

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

This Council is unequivocally opposed to any change in the present system of the Government or to inclusion of any unofficial Members as Government Members unless such change or changes are brought about with the agreement of the representatives of three major communities namely, Europeans, Asians and Africans and this Council is strongly opposed to any formation of a War Cabinet as has been suggested in certain quarters.

ORAL ANSWERS TO QUESTIONS.

QUESTION No. 39

MR. SLADB asked the Member for African Affairs: Was Mr. Brian Hayward's resignation from the Administration entirely spontaneous, or forced upon him by Government?

If Government forced him to resign, how is that action reconciled with the statement made by the hon. Member for African Affairs to this Council in answer to Question No. 11 of 2nd December, 1953 (Point 8)?

THE MEMBER FOR AFRICAN AFFAIRS: My reply to Question No. 11 of the 2nd December, 1953 was made in the light of the information available at the time. Subsequently when the case file had been studied it became clear that Mr. Hayward's appointment as a temporary district officer would have to be terminated. In view, however, of his youth and inexperience he was given an opportunity of resigning, which he accepted.

MR. SLADE: Mr. Deputy Speaker, arising out of that answer, will the hon. Member tell us why was not the case file studied before the answer was given to Question No. 11 on the 2nd December, 1953?

THE MEMBER FOR AFRICAN AFFAIRS: There was some delay, Sir, in obtaining the full case file from Tanganyika and the question answered on the 2nd December was answered in the light of the information from the preliminary papers and reports, and at that time we had no reason to know that further information of the nature eventually disclosed would be available.

MR. HARRIS: Arising out of the first reply, will the hon. Member tell us whether justice was seen to be done on this occasion?

MR. MACONOCHE-WELWOOD: Arising out of that answer, when the reply was given in the House of Commons diametrically opposite to the reply given to me in this Chamber, had the case file been studied before the answer was given in the House of Commons?

THE MEMBER FOR AFRICAN AFFAIRS: I should have to have notice of that question as to whether the case file was studied in London or not, Sir.

MR. BLUNDELL: Arising out of the original answer to the question, will the hon. Member state what experience this officer had in the undertaking of his duties in a screening camp?

THE MEMBER FOR AFRICAN AFFAIRS: He had been working at Kiambu under the District Commissioner, Kiambu. His experience had been as a temporary district officer, Kikuyu guard, and he had been engaged on screening within the Kiambu district. I cannot remember accurately, Sir, the date of his appointment or how long he had been engaged on that work.

MR. BLUNDELL: Is it not a fact that this young officer only had a hurried three weeks' course at another screening camp before he was posted to these difficult duties?

THE MEMBER FOR AFRICAN AFFAIRS: No, Sir, he had been working for longer than that.

MR. MACONOCHE-WELWOOD: Arising out of these replies, will the hon. Member give an assurance that he will make a

statement to this Council how it came about that the question was answered in one form in this Council and in another form in the House of Commons?

MR. BLUNDELL: Answer, answer! Answer—it is easy enough!

THE MEMBER FOR AFRICAN AFFAIRS: I must have notice of that question, Sir.

MR. BLUNDELL: Mr. Deputy Speaker, I can see no reason why the hon. Member needs notice.

THE DEPUTY SPEAKER: The hon. Member himself sees reason and that, I think, is adequate reason.

THE MEMBER FOR AFRICAN AFFAIRS: I would like hon. Members to understand, in all fairness, that this case was considered by His Excellency the Governor; he himself personally studied all the papers, and I feel, before I commit myself to an answer of this nature, I must have notice.

MR. BLUNDELL: Arising out of the supplementary answer, will the hon. Member place a statement before this Council showing how Government intends to see in the future, that young officers are not posted to these duties without proper training?

MR. SLADE: Arising out of the previous answer, would the hon. Member please state whether the further information which caused the change of attitude was admitted by Mr. Hayward?

THE MEMBER FOR AFRICAN AFFAIRS: Yes, Sir.

MR. COOKE: Mr. Deputy Speaker, is it not unfortunate, Sir, that this question—I am not referring to the supplementary—will give the impression that this side of Council condones the crime for which this young man was found guilty? (Hear, hear.)

QUESTION No. 41

MR. SLADE asked the Chief Secretary:—Was Mr. F. B. Hvasv recently dismissed from the Kenya Police Reserve on the ground that he had been convicted of a criminal offence?

Is dismissal from the Kenya Police or Kenya Police Reserve an automatic result, by law or by administrative instruction, of conviction of any criminal offence?

THE CHIEF SECRETARY: Reserve Police Officer F. B. Hvasv was dismissed from the Kenya Police Reserve in consequence of his being convicted of a criminal offence.

Dismissal from the Kenya Police or Kenya Police Reserve is not automatic as a result of a criminal conviction, but it is governed by section 45 of the Police Ordinance which reads:—

"The Commissioner may reduce in rank or grade, or may dismiss from the Force, any subordinate officer who has been convicted of a criminal offence: Provided that the dismissal of such a subordinate officer above the rank of Assistant Inspector, under the provisions of this section, shall be subject to the approval of the Member."

MR. SLADE: Arising out of that answer, Mr. Deputy Speaker, why was it considered that this was a proper case for dismissal of this officer?

THE CHIEF SECRETARY: The discretion was exercised by the Commissioner of Police, in whom it is vested by law.

MR. SLADE: Arising out of that answer, Mr. Deputy Speaker, was regard had to the fact that this was one of the most valuable officers in the Kenya Police Reserve and he had to his credit, among other things the destruction of no less than 28 terrorists in the forest by small patrols under his command?

THE CHIEF SECRETARY: I have no doubt, Sir, that all the circumstances were taken into account by the Commissioner of Police. (Hear, hear.)

QUESTION No. 45

SHIBIKI MAHFOOD S. MACKAWI (Arab Elected Member) asked the Chief Secretary to state:—

(i) Whether it is a fact that there are no more vacancies in the Police Department for Asian recruits in the regular force?

(ii) If the answer is in the negative is the Government aware that Arab youths who have applied for recruitment in the regular force have been refused admission due to the lack of vacancies?

THE CHIEF SECRETARY: (i) The answer to the first part of the question is in the negative.

(ii) Sixty vacancies in the establishment of Asian regular Police were surrendered against the Asian call-up for the Kenya Police Reserve, and these vacancies will not be filled until after the release of those called up, who will then be eligible to compete for such vacancies. There is still a small number of Asian regular vacancies, but only exceptionally well-qualified entrants are being taken into these posts at present. Young men who are less well qualified are eligible for service in the Kenya Police Reserve, and will be able to compete for the regular vacancies at the conclusion of the Kenya Police Reserve service.

MR. COOKE: Mr. Deputy Speaker, Sir, would the hon. gentleman give an assurance about these young Arab men—that full consideration will be given to their appointment?

THE CHIEF SECRETARY: Yes, Sir, I have much pleasure in giving that assurance.

QUESTION No. 49

MR. LETCHER (Trans Nzola) asked the Chief Secretary to state: Will Government give an assurance that it is satisfied that the quantity and quality of ammunition stored at the Gilgil Depot is recorded in detail by the authorities concerned, and that all records are up to date?

Does Government consider the present security measures for protecting this ammunition are adequate?

THE MEMBER FOR EDUCATION AND LABOUR (replying on behalf of the Chief Secretary): Government is satisfied that the quantity and quality of the ammunition stored in the Command Ammunition Depot at Gilgil are properly recorded and checked regularly.

Government considers that the present security measures for protecting the ammunition are adequate.

MR. LETCHER: Sir, arising out of that reply, does it apply to all depots in other parts of the country?

THE DEPUTY SPEAKER: That supplementary question goes beyond the original question and cannot be admitted as a supplementary. The question asked referred only to Gilgil.

QUESTION NO. 53

Mr. E. W. MATHU asked the Member for Agriculture and Natural Resources if he would inform Council how he proposes to spend in 1954 the £1,000,000 out of the £5,000,000 granted by Her Majesty's Government in the United Kingdom for the Development of African Agriculture?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: A comprehensive plan which forms the general framework within which it is proposed to apply the grant of £5,000,000 by Her Majesty's Government is still under discussion with Her Majesty's Government and until approval has been obtained it would be premature and ill-advised to reply to the hon. Member's question, which could not be answered orally anyway.

In any event it will not be possible to expend £1,000,000 during the remainder of 1954 out of the £5,000,000 granted by Her Majesty's Government for the development of African agriculture since the time is much too short to do so effectively so as to obtain full value; but estimates of expenditure out of this grant will be placed before this Council for the year July, 1954, to June, 1955, and application will be made for certain preparatory expenditure to be incurred in the present half year.

MR. COOKE: Mr. Deputy Speaker, Sir, in view of the reputation that the Coast has had for co-operation and peace in all matters, will my hon. friend give us an assurance that a large proportion of this £1,000,000 will be devoted to Coast agriculture.

MR. BLUNDILL: Before the hon. Member answers the question, may I draw the attention of the hon. Member to the moderate and liberal attitude of the area in which I reside—the Rift Valley. I ask also that a large proportion of this sum may be spent amongst the Africans of that area.

MR. NATHOO: Mr. Deputy Speaker, Sir, in view of the point raised, will the hon. Member give us an assurance that the matter will be treated on a Colony-wide basis, not in districts?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Deputy Speaker, Sir, the report covers a very

large number of pages and it will shortly, I hope, be available to hon. Members of this Council. They will then be able to see for themselves that the plan is extremely embracing.

MR. COOKE: Will the hon. Member tell us who is going to decide—is there going to be a committee to decide what the distribution of these funds will be, or is he going to have it all in his own hands?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, the general plan for the expenditure of this money is the result of suggestions received from various provincial teams and other bodies responsible for drawing up plans. The estimates will, year by year, come before this Council and I have no doubt that I, or whoever is responsible for them when the time comes, will have to answer in detail over the Floor of this Council.

QUESTION NO. 55

LT.-COL. S. G. GHERSIE asked the Member for Health, Lands and Local Government to state:—

Whether, in view of the Emergency and the consequential difficulty in carrying out building conditions on plots acquired from Government in certain areas more particularly affected by the Emergency, it is prepared to extend the period during which building conditions may be completed?

Further, will Government give an assurance that land or plots situated in the affected areas will not be confiscated by Government on the grounds of the non-fulfilment of building conditions?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT (on behalf of the Member): The Government is unable to agree to a general and unconditional waiving of the time limit for the fulfilment of development conditions in areas more particularly affected by the Emergency, but will give an assurance that applications for extension of time, where conditions created by the Emergency have rendered development difficult are always and will continue to be sympathetically considered.

As for the second part of the Question, it follows from the first part of the answer that the Government cannot

[The Secretary for Health, Lands and Local Government] undertake to abstain from the action prescribed by law where building conditions are not fulfilled, but will take a similarly sympathetic attitude to difficulties caused by the Emergency.

LT.-COL. GHERSIE: Mr. Deputy Speaker, arising out of that reply, is the hon. Member aware that in the past purchasers were inclined to rely on finance companies to assist them in the development conditions of these plots. But in view of the Emergency these finance companies are not now prepared to do so, particularly in the affected areas. Will Government take into account that aspect when reviewing each case? (Hear, hear.)

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I can assure the hon. Member at once, Sir, that it will be taken into account.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

THE WHEAT INDUSTRY (AMENDMENT) BILL

Clause 1 agreed to.

Clause 2

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, as I mentioned in the debate on the Second Reading of this Bill, I wish to move the following amendment to clause 2, sub-clause 5 (a) the second line thereof. I wish to move the deletion of the word "roller" which appears in a hyphenated word "roller-mills".

My reasons, Sir, I explained in the debate on the Second Reading.

Question proposed.

The question was put and carried.

Clause 2, as amended, agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE EXCISE TARIFF BILL

Clauses 1 to 7 agreed to.
First Schedule agreed to.
Second Schedule agreed to.
Title and enacting words agreed to.
The Bill, to be reported.

THE CUSTOMS AND EXCISE DUTIES (PROVISIONAL COLLECTION) (AMENDMENT) BILL

Clauses 1 and 2 agreed to.
Title and enacting words agreed to.
The Bill to be reported.

THE COMPULSORY MILITARY TRAINING (AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Clause 4.

MR. COWIE: Mr. Chairman, as predicted in the Second Reading, I wish to move an amendment after clause 3. The amendment is that clauses 4 and 5 of the Bill be re-numbered as clauses 5 and 6 respectively thereof and that the following new clause be inserted in the Bill immediately after clause 3 thereof; it will be numbered clause 4. . . .

THE CHAIRMAN: I did not know what you were going to propose. That should come at the end after we have dealt with all the clauses—under our Standing Orders.

MR. COWIE: I am sorry, Sir.

Clauses 4 and 5 agreed to.

THE CHAIRMAN: This is the time under our Standing Orders for you to propose a new clause.

MR. COWIE: May I say again, that clauses 4 and 5 be re-numbered as clauses 5 and 6 respectively thereof and that the following new clause be inserted in the Bill immediately after clause 3 thereof—

4. The principal Ordinance is amended by inserting therein immediately after section 24 thereof a new section as follows—

24A (1) No employer shall terminate the employment of any person after such person has been called up and before he enters upon his initial training, except with the prior consent of the Re-instatement Committee appointed under section 28 of this Ordinance for the area in which the

(Mr. Cowie)

employment is being undertaken, nor shall an employer in any other way penalize such person on account of such call up.

(2) Any employee whose employment has been terminated in contravention of this section or who considers that he has been penalized in any other way as aforesaid may make application in writing to the said Reinstatement Committee.

The reason for that amendment being proposed is that there have been cases where an employee having received an enlistment notice, but has not yet actually been enlisted, has been dismissed by his employer. Therefore it means that that particular person has no means of securing any other employment as it is obvious no one is going to employ him if he is under enlistment notice to go on compulsory training within a period of six months. Therefore there must be some protection for the employee, or the young fellow who is called up for training, as in the meantime the employer may take advantage of the position by dismissing him. He has of course his other right, of re-instatement, but that does not help him in the meantime until he has actually enlisted.

For that reason, I beg to move that this amendment be accepted.

THE DEPUTY SPEAKER: I do not know whether hon. Members have had this before them. It is perhaps rather difficult to grasp on first reading.

MR. USHIA: Mr. Deputy Speaker, Sir, I am asking a question which may be considered out of order. I would like, if possible, to get an answer from the hon. Member—do the Re-instatement Committees deal with cases of young men who, owing to call-up, have been unable to enter upon employment, if they are not actually in a contract of employment? I know of one or two such cases and I am not quite sure whether the Ordinance provides for them.

MR. COWIE: If I may say so, Sir, I think that that is a little outside the scope of this amendment, and it is all covered in the principal Ordinance. There are provisions there dealing essentially with the powers and duties of the Re-instatement Committees, and it would take a rather longer answer than I think

is justified for this particular amendment. There are provisions covering the very point raised by the hon. Member for Mombasa.

Question put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried.

Council resumed

[Mr. Deputy Speaker in the Chair.]

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I beg to report that a Committee of the whole Council has considered, clause by clause, the Wheat Industry (Amendment) Bill and has approved the same with amendment.

THE WHEAT INDUSTRY (AMENDMENT) BILL

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that the Wheat Industry (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I beg to report that a Committee of the whole Council has considered, clause by clause the Excise Tariff Bill and has approved the same without amendment.

THE EXCISE TARIFF BILL

THE SECRETARY TO THE TREASURY: I beg to move that the Excise Tariff Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I beg to report that a Committee of the whole Council has considered, clause by clause the Customs and Excise Duties (Provisional Collection) (Amendment) Bill and has approved the same without amendment.

THE CUSTOMS AND EXCISE DUTIES (PROVISIONAL COLLECTION) (AMENDMENT) BILL

THE SECRETARY TO THE TREASURY: I beg to move that the Customs and Excise Duties (Provisional Collection) (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I beg to report that a Committee of the whole Council has considered, clause by clause, the Compulsory Military Training (Amendment) Bill and has approved the same with amendment.

THE COMPULSORY MILITARY TRAINING (AMENDMENT) BILL

MR. COWIE: I beg to move that the Compulsory Military Training (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Hon. Members, I beg to report that a Committee of the whole Council has considered, clause by clause, the Kenya Regiment (Territorial Force) (Amendment) Bill and has approved the same without amendment.

THE KENYA REGIMENT (TERRITORIAL FORCE) (AMENDMENT) BILL

MR. COWIE: I beg to move that the Kenya Regiment (Territorial Force) (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

APPOINTMENT OF MEMBERS OF EMERGENCY COMMITTEES

Debate resumed

DR. HASSAN: Mr. Deputy Speaker, I rise to support this Motion. This Motion is a proof of the sincerity of the African

Members to offer their co-operation and assistance with a view to bringing this Emergency to a speedy end.

Sir, when this Committee was formed, we had a Member from the Elected Members to represent the views of all of us on that Committee. How far he represented our views we cannot say, because all the proceedings of the Committee were secret: but one thing of which we were informed on more than one occasion was that he, himself, found himself a lone fighter in the Committee, and that proves that he wants further assistance by the appointment of Members from this side of the Council to help him to have his opinion heard effectively.

As far as I am concerned, I would not mind two Members from the stronger element of this Council on my right to be appointed to help him; but I know, Sir, it will not be accepted by the Government because it is very easy for the Government to deal with individual Members who behave like perfect gentlemen, but collectively they make a very formidable group; and neither will it be accepted by this side of the Council because they feel that the stronger element of this Council—when they go on the Committee, they always put up a point of view which concerns their community.

MR. HAVELOCK: No!

DR. HASSAN: When they are collected together, they put up very forceful demands, such as demanding the dismissal of all who do not see eye to eye with them—(Applause and laughter)—or demanding the removal of the present Government and saying that "We want the leadership of this country".

MR. HARRIS: On a point of order, Sir, is the hon. Member suggesting that the hon. Member for Rift Valley, as the only Unofficial Member of the Emergency Committee, has made any of these suggestions that the hon. Member is now pointing out?

MR. A. B. PATEL: Mr. Deputy Speaker, what was the point of order raised by the hon. Member for Nairobi South?

THE DEPUTY SPEAKER: I do not know. I was waiting until I had heard what he said, but he is entirely out of order.

MR. HAVELOCK: The hon. Member for Nairobi South asked Dr. Hassan to give way.

THE DEPUTY SPEAKER: Yes, he did, but not for a very good reason. (Laughter.)

DR. HASSAN: What they want is to remove the Government and say—"We want the leadership of the country". They do not appreciate that the leadership—the true leadership—is only conferred by the people who want to be led. Had it been demanded by force, it is a dictatorship. (Hear, hear.)

HON. MEMBER: We do not believe it would be conferred.

DR. HASSAN: Sir, this Motion is with a view to allay all the fears of the Government and all the communities in the country. It suggests the appointment of two Members from this side of the Council with moderate views to put up their point of view regarding the Emergency as it affects the communities. There have been instances where people have been shot in this town in the middle of the street in the daytime by ruthless gunmen, and the only report we hear in the Press is that the police reached there too late and, as usual, they did not find anybody to give them any information.

THE DEPUTY SPEAKER: The hon. Member must please keep to the Motion. Do not let us launch out into another Emergency debate, please.

DR. HASSAN: I was just trying to suggest the advantages of this Motion.

What I want to put up to this Council is that incidents of this nature can be prevented by suggestions from the communities who are very badly affected by the Emergency in this town. It is representatives of those communities who can bring to the notice of the Emergency Committee what steps should be taken to prevent it and, because of the absence of those Members on the Committee, such problems have not been properly solved. What I suggest is, Sir, that the presence of these persons on that Committee—however small a contribution they will be able to make—it will help and assist the Emergency Committee to deal with the thing effectively.

Before resuming my seat, Sir, I again request the Government to give very

favourable consideration to this Motion because it is meant to bring about improvement in the working of the Committee by obtaining the opinion of representatives of all the communities concerned.

MR. J. S. PATEL (Western Electoral Area): I am indeed very surprised at the refusal of the Government to accept this absolutely harmless Motion. I say it is absolutely harmless because, as the hon. Member for Rift Valley said, he is only in an advisory capacity on that Committee.

I will give a concrete example, that all the councils—so-called Emergency councils—in the country, either provincial or district councils—they are absolutely useless as far as counsel goes. I will give a concrete example. In April last year I warned the Government of the absolute necessity of defending the Kijabe township. I had no acknowledgment of that warning. I went personally to inquire into the matter and was told that the matter was being looked into. I again brought the matter up in the Emergency Council in September and I was promised that efforts would be made to provide protection in Kijabe as soon as possible. I again brought up the matter in October and I was told that the police station is being moved to Kijabe township in the very near future. I again warned the Government in the month of December. They took no action and the place was raided actually at the end of December. In January I found, to my greatest amazement, that all that was discussed and passed in the Emergency Council was turned up topsy-turvy by the Emergency Committee. They decided it was not essential for police protection to be provided at Kijabe, and that the people must help themselves.

If there were any member of my community on that Committee, they would surely have had things passed and brought to the notice of the Committee, and action would have been secured.

I have heard in this Council so often beautiful phrases coming from men like the hon. Member for Nairobi South when he said: "Let us not have south quabbles. Let us assume the responsibility for this Emergency, and let us all be responsible for it": but when it comes to representation on any Council

[Mr. J. S. Patel].
or Committee he says "Europeans only". So long as the Europeans continue this policy of Europeans only for representation on Councils that do not really matter, forgetting the vast majority of Africans—forgetting the big majority of Africans—I warn the Government and my friends on my right, they can go on with instituting policies, they can go on with calling inter-racial conferences for the sake of propaganda round the world, but they will fail.

I would request the Government to consider again and appoint at least two Members from this side of Council to be present on the Emergency Committee, so that their advice may be given. We are not seeking executive powers. We only want to be there to see that the powers are really being exercised in the manner they ought to be exercised.

MR. MACONOCHE-WELWOOD: Mr. Deputy Speaker, Sir, this is one of the type of unfortunate Motions we so often get in this Council. It is a Motion not raised for the prosecution of the Emergency more efficiently, but it is raised purely for political reasons. There is nobody in this Council who does not know that it is necessary that committees, if they are going to have certain powers, should be small.

MR. MATHU: Why not with Africans?

MR. MACONOCHE-WELWOOD: I shall tell the hon. Mr. Mathu later on why not with Africans.

But the real object of this Motion, as I said, is political, and it is often said here that the justification for putting people on boards and committees should be merit and ability and, if that is so, and you are limited to a committee of four in most of these areas. I challenge any African here to suggest that it is at all likely that there will be an African of merit and ability who could stand head and shoulders above any European in the areas concerned.

Those are facts. They may not be politically palatable, but nevertheless, if we talk continually about merit and ability, at least we ought to give more than lip service to that theory.

MR. COOKE: What about the suggestion for constitutional reform? Is that merit and ability?

MR. MACONOCHE-WELWOOD: I have never discussed the matter myself.

The hon. Mr. Patel raised a question which concerned the Emergency Committee in the Rift Valley. He said that that Committee refused to defend the Asiatic community at Kijabe. Well, before he made his statement he might have inquired into certain of the facts of the Kijabe disaster. The fact is that the police are at the Mission, which is a very short distance from Kijabe. The Emergency Committee told the Indian community at Kijabe that it was impossible in this country to defend every small trading centre, because the police are totally insufficient to do it, and that protection could not be afforded to isolated farms and isolated trading centres, and that protection is not afforded.

What they did say was that in an Emergency such as this it must fall upon the community itself to endeavour to defend itself. That community in Kijabe did not—and has not so far as I know—endeavoured to do anything to organize itself into a Home Guard as the Kikuyu have done. They have sat back and said: "It is the job of Government to defend us." The Government, as I have said before can hardly defend every small trading centre. There were in Kijabe at the time of that raid armed Asians who had arms in their houses. They did not seek to defend themselves. Those are facts which the hon. Member should have taken the trouble to find out before he raised this question in this Council. They have been ignored now to form themselves into some sort of protection.

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, it is not me who is unaware of the circumstances. It is the hon. Member for Uasin Gishu who is unaware of the circumstances. I inquired into this matter as thoroughly as any human being can. The hon. Member for Uasin Gishu is not aware of the fact that there used to exist a police station in the township. It has been removed from the township to the Mission. If they were going to remove the police station from the township to the Mission they should have thought of the people living there. There are not only Asians—there are Africans living there. They removed the

[Mr. J. S. Patel]

police station at the cost of the insecurity of both Asians and Africans to protect a special community.

The hon. Member for Uasin Gishu is not aware of these facts. I am aware of these facts.

MR. MACONOCHE-WELWOOD: It is not a special community at the Mission. There are all races at the Mission. It was thought advisable to have the police station at the Mission rather than at a small—and if I may say so—dying trading centre. (Inaudible comment here.) (Laughter.) Very likely, unless they are prepared to protect themselves there, surely they will be dead.

The question of putting Africans on the Emergency Committee is complicated by another factor of which everybody here must be perfectly well aware, and it is—there are really two. One is that in the settled areas, where there are district Emergency committees, it is difficult to get an African who would be capable of giving assistance in the Emergency, because it would be unthinkable to put a Kikuyu on an Emergency Committee where a secret matter was being discussed.

MR. COOKE: What about Chief Njeri?

MR. MACONOCHE-WELWOOD: Chief Njeri is not in the settled areas—I am referring to the settled areas.

But in any case, if names are brought out in the Council I consider that it is a most unreasonable thing to suggest a particular name.

What I would say is this: it is quite impossible to be certain of the security of any Kikuyu at the present time—and that, I think, has been said by the Kikuyus themselves—and that alone makes it quite impossible to put an African on a security committee as, to be of the slightest possible use in the prosecution of the Emergency, he would have to have the fullest knowledge of the Kikuyu people, he would have to be in their confidence, and that, at this stage would be much too dangerous.

I am saying this deliberately, however many feelings it may hurt, because it is time that the naked truth of these facts is brought out, if we are going to have this sort of debate.

As regards placing Asiatics on these Emergency committees in any area, they have not been the community that have prosecuted the Emergency as much as the Europeans. They have produced out of 135,000 Asiatics, a combatant team of 75; the Europeans, out of 30,000 to 40,000, have many thousands prosecuting the Emergency. If you want a place and a justification for being in a place of authority in the Emergency, surely it is necessary to take a large part in the settling of the Emergency. You are beating the air, if you pretend that the Asiatic community at this stage has taken a large part in trying to settle the Emergency at the lower levels. What has happened is that they wish to embark on the general direction at the higher levels without taking part at the lower levels in the Emergency. Those again are unpleasant facts but, in this Council now, it seems that it is necessary sometimes to state unpleasant facts.

There is one last point I would make. Any individual who wishes to put up a suggestion can be and would be invited to attend those committees to make his suggestion. The idea that the other two communities are debarred from making suggestions is not true. At provincial Emergency committees, which I know best, there is a tendency for people to come in and give advice and then they stay in, but that is a practice that everybody tries to stop because the very thing happens that the Motion would bring about. You get a large committee and nothing is ever settled, but what more than this right to consultation would be useful to the country by other races, I cannot think.

I beg to oppose.

THE MEMBER FOR AFRICAN AFFAIRS: Mr Deputy Speaker, Sir, I welcome the exposition given by the hon. Member for Rift Valley on the functions and objectives of District and Provincial Emergency committees, because I think it is extremely important to focus our attention on these and not be led astray or side-tracked by political considerations or complexes of communal representation. There seems to be, Sir, an idea among certain hon. Members opposite that there is a talisman to end the Emergency in the mystic of representation. There also seems to be, Sir, a very

[The Member for African Affairs] hazy idea among many hon. Members opposite as to what goes on or what the intention behind these Emergency committees is and, indeed, what they are trying to achieve.

I have had some experience in starting the original Central Province Provincial Committee. I have seen since then the working of the Colony Emergency Committee. I have seen also a wide range of district Emergency committees. I agree, Sir, that there is a need for flexibility with the varying needs of different areas, possibly of the composition of these district Emergency committees, and this has been fully considered by Government, but I would, Sir, like to stress the operational function of these committees because I think that is what has been lost sight of in this debate by many Members.

Their operational function is to ensure the organization, the co-ordination and intensification of operations on the ground against *Mau Mau*, and I believe, to achieve this, and bearing in mind these objectives, that these committees must be largely in the hands of those responsible on the ground—the police officer, the military officer, the intelligence officer and the administration officer, and these are the people largely concerned with the actual handling of these things on the ground, Sir. I agree that the Colony Emergency Committee is further away from these considerations on the ground, but, nevertheless, there is a thread of the same consideration governing its composition.

I also fully agree with the hon. Member for Rift Valley, and also the hon. Member for Uasin Gishu who has had considerable experience of the workings of these Committees, of the danger of enlarging them and having too many people. This has been kept constantly in view and they know, as well as I do, that it needs a constant check to stop this increase in people coming in and staying in these committees. The more people coming in the more talk you have and the less effective these committees become.

The hon. Mover of the Motion referred to the confidence of the security forces being undermined by the absence of Africans on these committees. Well, Sir,

I would repudiate this suggestion because I do not, for one instant, think the security forces expect their operational and security background and plans to be directed by expanding committees prancing on moonbeams of political or communal representation. If this is to be inflicted on the hard-worked officers in the field who are devoted to their task in prosecuting the Emergency and the attack on *Mau-Mau*—they might well be forgiven, Sir, if they felt a certain frustration and if they wilted under the strain of committees with which they would be inflicted, committees, under these circumstances, which I think would be developing into "talking shops"—"talking shops" reduced in their effectiveness by long deliberations exhausting the members. This, Sir, is a sensation not unknown to many who serve in spheres more remote from the operational field.

I would like to correct the impression that the hon. Member for the Coast gave me—although he may not have intended it—when he said that we appear to be leaving most of the fighting to the Kikuyu guard. This, Sir, is certainly not the intention. The Kikuyu guard are ancillary to the security forces and are giving them an ever increasing degree of assistance; but there is no question but that the main brunt of the fighting is borne by the military and the police and I believe will continue to be with the ever increasing and able assistance from the Kikuyu guard when properly led and integrated into the operational scheme.

MR. COOKE: Thank you.

THE MEMBER FOR AFRICAN AFFAIRS: The police, Sir, and the army very largely—not entirely, but very largely, Sir—not that I in any way would wish to belittle the efforts of the Kikuyu guard, as I am sure hon. Members will appreciate.

The hon. Mover made one astonishing statement when he claimed that it is the view of Africans that Africans are excluded from these Emergency Committees because the members wish to have secrecy in their own interests, because the people are making a good thing out of the Emergency and therefore wish to prolong it—I think I have given the sense of what I understood him to say—what I see is recorded in the *East African Standard*. This, to me, is

[The Member for African Affairs] the most gross misrepresentation—it is a travesty of African opinion. (Hear, hear.) It made me wonder whether the propaganda of *Mau Mau*, the insidious seeds of *Mau Mau* propaganda had perhaps, like the unpredictable mushroom spores, sprung up in the wrong field and fruited in the hon. Mover's imagination. However this may be, I do deplore the fact that *Mau Mau* propaganda—*Mau Mau* propaganda in this ludicrous lie—should have found such fertile soil in the mind of the hon. Mover, a Member not only of this Council but of the Executive Council.

The hon. Mr. Tameno referred to the Inter—what I think is being described now as the Inter-Racial Conference, the meeting which appears to have given rise to a fair difference of opinion as to what actually happened. I must say I deplore this difference of opinion in a meeting such as this which loyal Kikuyu leaders asked for, that they could consult with European and Asian leaders of their respective communities. They asked for this meeting and I do think to use it in this way is quite deplorable and will indeed affect their confidence in future. I think, if I may say so, there is a danger, when you have a meeting of this kind, a danger in giving it the publicity that has been given to it. I think hon. Members should bear this in mind. They will recollect that, previous to this meeting, His Excellency the Governor, the Provincial Commissioner and myself had a similar meeting with these leaders, thrashing out the various points of view, which we were careful not to give publicity to as we had this particular point in mind.

The hon. Mr. Tameno did regret that I was not present at that second meeting. Well, Sir, I had been present at the first meeting and, if I recollect, he was not present at that one. (Laughter.)

Well, Sir, I have endeavoured to stress the operational background to district and provincial Emergency committees and I would not wish hon. Members to think that I or the Kenya Government are unsympathetic to the sentiments on which the hon. Mover played, such as unity of effort, co-operation and so on with which we are all indeed in full sympathy. Hon. Members are also well aware of the ways in which Government

attempts to achieve this and of the wide variety of opportunity for Members to express their views, to offer suggestions and practical advice to the many committees which are for this purpose. There is no intention of Government ignoring advice or of not seeking full advice from all members of the community who wish to offer it and giving it due consideration, but, Sir, I cannot agree that it would be in the public interest to embroil the functions of these Emergency Committees in a political or communal representation controversy which, I believe, is what this ill-timed Motion seeks to do. (Applause.)

SHEIKH MAHFOOD S. MACKAWI: Sir, I rise to support the Motion moved by the hon. Member for African Interests, my friend the hon. Mr. Mathu.

Sir, I believe that the Motion placed before the Council will be accepted by the Government in order to prove to the people overseas that all races in Kenya are working together in unity to end the Emergency in these difficult times.

Sir, I beg to support the Motion.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I rise on behalf of the Government quite definitely to oppose the Motion.

It is rather bewildering, Sir, when one sits through three days, I think it was, of a debate in which Government is accused of lack of drive, lack of forceful direction, and then almost immediately to have to listen to this debate, which seems to me to be taking place in a fog of misconception.

I would like, Sir, chiefly to confine the few remarks which I will make to the Central Emergency Committee, of which I happen to have been a Member for most of the time it has existed.

Now, Sir, I think Government has, from the very outset, been most anxious to obtain the advice of everybody concerned, and everybody who is capable of giving useful advice in connexion with the prosecution of the Emergency. They, therefore, Sir, designed a machine in order to give those who thought they were in a position to give such advice an opportunity of doing so, and they established, Sir, the Emergency Council. If that Council has not worked as it should

[The Member for Agriculture and Natural Resources] work, then I suggest, it is up to us to make it work. But, to suggest that it would be either wise or even sensible to pack what is in fact a very small executive body that is really meant to assist the Governor to take decisions on suggestions which have emanated from elsewhere, and to make that into a sort of, as has been said by the last speaker but one, "talking shop" or Inter-Racial Conference, far from helping us to prosecute the Emergency with forceful direction would be an act of folly.

I do not believe, Sir, that anybody can really believe that it would help to provide the Governor, instead of with a very small body of persons who he, himself, has selected, and all of whom, in one way or another, and I even include the hon. Member for Rift Valley in this, are in a position to assist him in an executive capacity, to substitute for that, an Inter-Racial Conference; that that could do any good at all.

Sir, I fully understand that in the present state of affairs here, when feelings are running very high on various racial matters, that hon. Members may be apt to seize every possible opportunity of expressing their views on race relationships. I deplore that they have done so on this particular issue, because there are plenty of others on which they have ample opportunity to express their views.

I had, Sir, meant to allude to one or two remarks that have been made by Speakers in this debate, more especially to the extraordinary suggestion that anybody believed that by having a small Emergency Committee which sat secretly, that responsible people, including Her Majesty's representative in this country, were really capable of trying to prolong the Emergency. That wicked suggestion has been adequately dealt with by my hon. friend, the Member for African Affairs.

Sir, somebody said that one had, in asking for this dubious improvement, to consider the practicability and desirability of it. I say, Sir, that in so far as the Colony's Central Emergency Committee is concerned, it is neither practicable nor desirable to enlarge it on a vast inter-racial basis.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, may I ask the hon. Member if they add one African Member only, no Asians or Arabs, will it make any difference in his attitude? It will not then turn the Committee into an Inter-Racial Conference.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It will not make the slightest difference to my attitude. What you are wishing to do is to add one Member because he is an African, and not one Member because he can help the Governor to deal with the Emergency in an executive manner, which is what actually this small Emergency Committee is meant to do. If you said: "Would you please add people to the Emergency Council?" Then, Sir, I would say: "Yes". That is the body we ought to try to make work on the lines which you suggest, which is on the lines that everybody, who has a suggestion to make, can make it. The truth of the matter is that people who are in executive command in various Governmental capacities during this Emergency, happen to be Europeans and, therefore, it is not unnatural that the Governor's Emergency Committee, in this stage of our development, consists, and rightly consists, of Europeans. It has even been queried, Sir, whether the question of security arose and the Government was challenged to say whether or not that consideration had been taken into account. All I can say is that anybody who would not take the question of security into account in dealing with the Emergency at very top-level must be, well, to put it kindly, politically minded.

Now, Sir, it is for that reason I believe Government has made, or tried to contrive, a machine that should work if we try to make it work. That machine does give every opportunity for all races and everybody to provide Government with suggestions and to advise Government. It is for that reason I oppose this Motion, because I am sure the Central Emergency Committee must be kept small, and very much on the lines on which it operates to-day.

MR. CHAMAN SINGH: Mr. Deputy Speaker, Sir, the last hon. Member has spoken only on the Colony Emergency Committee. He said so. That does mean that he has no objection to the other races sitting on Area Committees. There

(Mr. Chanan Singh) is another fact which ought to be placed before the Council. Every now and then the non-European races are left out from one committee or another, and when they protest they are told that they want things on racial lines. I think, Sir, that is the wrong approach. If European Members were excluded from this Committee, or from other committees and came forward with a complaint that they should be included. Would that be called raising racial issues? I am sure it would not. Here the Asians and Africans have been excluded from these important committees and are complaining to this Council about their exclusion, and the Government is adamant in justifying that exclusion. Is it we who complain who raise issues relating to race relations.

The hon. Member for Agriculture and Natural Resources also complained that we were asking for one member to be added to the Emergency Committee "because he is an African"—no, Sir, that is not so. What we are saying is that it is not right to exclude Africans and Asians simply because they are Africans and Asians. It is Government that is bringing in this racial issue and not we. Reasons of security and reasons of secrecy have been mentioned—and that is another fantastic suggestion. If I may say so, Sir, if Government comes along and says: "So-and-so is not reliable, we shall not have him", that would be understood, but to say that not one African out of five and a half millions or one Asian out of one hundred and fifty thousand is reliable, is not something that can be justified.

The fact is that the non-European Members of this Council have put forward this Motion in the best possible spirit, Sir. We are extending a hand of co-operation and friendship to the Government and the Government is rejecting that hand of friendship. Ever since the Emergency was declared we have supported Government in the stand on various matters that it has taken. The Government now seems to forget that it is we, the non-Europeans, that have always supported it. Just think what their employers in England would think of their efficiency and tactfulness, if they had been defeated six times during the last eighteen months! It is we who have

helped the Government in these difficult times during the Emergency.

It has also been suggested that the composition of these committees is determined by consideration of fitness, and not by any other consideration. Here again my reply is the same. It is not reasonable to say that not one African or Asian is fit to sit on any of these committees. We are not saying that all Africans or Asians are fit. We are asking Government to select those people who they consider are fit. If Government says not a single non-European is capable of sitting on these committees, then we do not believe them.

It has also been suggested, Sir, that there is need to keep these bodies small, but that is an understandable argument. If that is the only reason for excluding certain people from these committees, then that need can be met by having Europeans on Committees in certain areas and non-Europeans on committees in other areas. After all, there is not only one Emergency committee; there are so many Areas committees, but the fact that we are excluded from all these committees shows that it is not on consideration of fitness but for other reasons.

It is true that the Emergency Council is there and that all races are represented on it, and all the members of the Emergency Council can make suggestions, if they want to. That argument does not apply only to us, it applies to other groups also. One member, Sir, has suggested that the non-European people of this Colony have no experience and knowledge of these matters, and that they cannot make any worthwhile suggestions and contributions to the discussions in these committees. Here my only answer is that there is a Hindustani proverb which says that "everyone over-estimates one's own wisdom and other people's wealth".

The hon. Member for Nairobi South told us that whenever occasion arose non-European Members were invited to give their views. If he thinks that is enough, we are prepared, if the European Members of that Committee were replaced by non-Europeans, to give him the honour of being invited to give such assistance.

(Mr. Chanan Singh)

Now, Sir, the hon. Member for Uasin Gishu criticized the Asian community for not doing enough in the Emergency. The fact is, Sir, that during the last five or six months that the call-up has been in force, 700 Asians have been called up, and that is the first time we have been given the opportunity to join the services at our request. The European community has been receiving military training, and other opportunities of getting knowledge and experience of these matters for at least 25 years. If you compare their contributions, after their 25 years' experience, after 25 years of opportunity, with what we have done in five months, Sir, I think that there is nothing to be ashamed of in what the Asian community has done.

With these words, Sir, I strongly support the Motion.

THE DEPUTY SPEAKER: Hon. Members it is time for our customary break. Council will stand adjourned until fifteen minutes past Eleven o'clock.

ADJOURNMENT

Council adjourned at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

MR. COVENTRY (Nominated Member): Mr. Deputy Speaker, Sir, I have no intention of prolonging the debate but before the hon. Member for African Interests, the hon. Mr. Mathu, replies, there is one point I would like to make. That is, all hon. Members of this Council are here for the benefit of Kenya as a Colony and the Motion brought forward and which has been debated has rather resulted in a racial debate. Now, here we are not interested in race as far as the Emergency is concerned, we are interested in ending the Emergency. I would, therefore, ask the hon. Member for African Interests if he would seriously consider whether he is wise to proceed with this Motion. It is obviously aimed at non-confidence in so far as the Government have opposed the Motion as they feel it is not going to contribute towards the final ending of the Emergency.

I do feel that in this Council, since I have been here, we are rather inclined to forget the Colony as a whole and confine ourselves to what our con-

stituencies might think—European, Asian or African—whether they should do or follow the lines of what their constituents would like—

MR. COOKE: You have no constituents!

MR. COVENTRY: As the hon. Member for the Coast has said, I have no constituency and therefore I can speak with an open mind and I do feel this Council would be far stronger and do far more good if they could think merely of the Colony and not just for their own voters or electors.

There is one point which has not been made—

MR. COOKE: Mr. Deputy Speaker, is the hon. gentleman in order in making imputations that we are only thinking of our constituents? Is that not an imputation against the character of hon. Members of this Council?

THE DEPUTY SPEAKER: It is an imputation very often made by Members of all communities—sometimes subtly and sometimes more openly. (Laughter.)

MR. COVENTRY: There is one point, Mr. Deputy Speaker, which I voice and that is the mere fact of certain communities not having been included in this Central Emergency Committee does not necessarily mean they have been excluded. (Hear, hear.) But I do ask them not to look upon this matter from a racial point of view but merely to think, instead, for themselves, what is for the best, for the best good, for ending the Emergency as soon as we possibly can? (Applause.)

MR. JEREMIAH: Mr. Deputy Speaker, Sir, I only rise to express very deep regret that Government has found it fit to oppose this Motion. Sir, we learned from the hon. Member for African Affairs that this Motion is brought for the purpose of putting political interests. I think, Sir, that is a very serious distortion of fact. If I personally, Sir, was aware of the fact that this was intended for that, I would not have agreed to support it at all, but it is my sincere belief, Sir, that this Motion was brought in good faith and in the hope that by more co-operation on the Emergency committees, and district Emergency Committees we could perhaps be in a position to do better than we have done so far.

[Mr. Jeremiah]

Now, Sir, my deep regret about the Government opposing this Motion is, what will the Africans think about it when they find that our good intention has been rejected, because I think the repercussion is going to be very serious and I would request Government to reconsider their decision.

Having said that, I would also like, Sir, to request my hon. colleague, Mr. Mathu, not to aggravate what I myself consider to be a serious position, and to agree, if possible, with his seconder, to an amendment which I am going to suggest. That is that, "In the opinion of this Council, Government should take steps to appoint"—and so on—but omit the word "immediate". I think that Government itself has said that they are considering the matter.

Sir, I beg to support the Motion and I suggest the amendment that the word "immediate" be omitted.

THE DEPUTY SPEAKER: You are proposing that as an amendment?

MR. JEREMIAH: Yes, Sir.

SHIKHI MAHFOOD S. MACKAWI seconded.

Question proposed.

THE DEPUTY SPEAKER: The amendment is now open for consideration. I would ask hon. Members, in speaking to it, please to confine themselves strictly to the terms of the amending Motion.

MR. MATHU: I am agreeable to that amendment and my seconder supports this.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I regret that, for the reasons I have already given, it is not practicable to accept this Motion, even with the proposed amendment. If it were amended to the effect that we should continue to give sympathetic consideration to, or something of that kind, the position would be different, but I cannot commit His Excellency to a certain course of action, either immediate or long-term, in the course of the review which he is undertaking, Sir.

I have already said—and I think that perhaps certain hon. Members must have been absent when I said it—that the points made in this debate will be considered—that the question of the

machinery is under consideration. But I cannot, Sir, I regret, anticipate any change, or, if there is to be a change, anticipate what that change should be.

I very much regret, Sir, therefore—and it is with real regret—that I cannot accept the amendment.

MR. JEREMIAH: In view of that statement, I beg to withdraw the amendment and I leave the Motion as it is.

THE DEPUTY SPEAKER: If no hon. Member rises to object, the consent of the Council to withdraw will be given.

The debate on the main Motion is resumed.

LT.-COL. GROGAN (Nairobi West): Mr. Deputy Speaker, Sir, the outstanding deduction—as far as I can see—from this Motion is: how completely unrepresentative of the people he pretends to represent the hon. Mover must be, because one of the outstanding features and one of the most endearing features of the African people is that they have an acute sense of humour and how anybody can get up—having in the first instance proclaimed that there was no such thing as *Mau Mau*, as the hon. Mover did on several occasions some months ago—and then claim the right to participate in the measures to be taken to dispose of this phantom with no substance—*Mau Mau*—I really cannot understand.

The issue seems to me, a perfectly clear one—this was an organized rebellion and a challenge to British rule—(Hear, hear)—and it is quite proper that the challenge should be taken up, exclusively, by the British people and more especially, in view of the fact that the position has been now allowed to drift into a sort of Jekyll and Hyde civil war in the Kikuyu tribe and as nobody can say from moment to moment whether any member of that tribe is a Jekyll or a Hyde, it would be quite improper to have any of them participating in any way whatsoever in the handling of this tragic position.

On those grounds, Mr. Deputy Speaker, I oppose the Motion. (Applause.)

THE DEPUTY SPEAKER: The hon. Mr. Mathu will reply.

MR. MATHU: Mr. Deputy Speaker, I shall try to reply to some of the points

[Mr. Mathu]

raised by hon. Members in the course of this debate.

Now, the first comment I would like to make is on the speech of my hon. friend the Chief Secretary. First of all, I should like to say to him, Sir, and to the Government that I am not going to withdraw this Motion. I will take it to the bitter end because I think it is for the good of this country and whatever other hon. Members have said, there is nothing else that it can do but good.

It is a request that all communities should be rallied, by the Government, together—united as other countries together, to fight against *Mau Mau* and if anybody can say that that is an ill-intention, I cannot believe it. That is the reason—there is nothing else in this Motion except a request that all of us should feel that we are working together to fight against *Mau Mau*.

My hon. friend, Mr. Cowart, says we must think about the country as a whole—of the Colony as a whole. Now surely that is the very intention of my Motion—to take the Colony as a whole, but if he tells me that the Colony as a whole means only one community, he will agree with me it is Shakespeare's Hamlet with Hamlet's ghost.

Other hon. Members, in particular—to my surprise—my hon. friend the Chief Native Commissioner—the Member for African Affairs—said that this Motion had a political intention and he supported the previous Government speaker, the hon. Member for Agriculture and Natural Resources. Other hon. Members—my hon. friend the Member for Uasin Gishu—who is asleep now—(Laughter)—also said this. I would like, Sir, to say and to support my hon. friend the Member for Nairobi West that the Kikuyu has an element of humour. Even at this very dark hour, in my Motion, I can get the Council to laugh. There is no political motive in this Motion. Circumstances that have brought the creation of bodies to discuss matters in connexion with this Emergency may themselves be described as political circumstances, but those were not created by the non-European community who are on this Council.

My hon. friend the Chief Secretary's speech was most unconvincing. I think it

could be nothing else but unconvincing because I know how highly my hon. friend the Chief Secretary has the standard of integrity. He is a person who is not only very industrious as a Government official, but he is also a man of very high integrity and because he cannot get his conscience to support the words, because he believes that my Motion is correct—that is, my speech was correct—that is why his speech was most unconvincing, because he was not convinced himself that he could vote against the Motion. He could not, he could not—his high standard of integrity would not allow him to do that.

THE CHIEF SECRETARY: May I suggest that that amounts to an imputation, Sir, which I understand is against the Standing Orders of this Council? (Hear, hear.)

THE DEPUTY SPEAKER: I do not know if the hon. Member intended any imputation against the character of the hon. Chief Secretary or his integrity. I had just heard that the speaker expressed the highest opinion of the integrity of the hon. Chief Secretary.

MR. MATHU: Thank you, Mr. Deputy Speaker, because I think you have interpreted my words exactly as I wanted them to be interpreted about my hon. friend, the Chief Secretary.

Now my hon. friend also—and other supporters of his view—said that they wanted to keep these committees very small I agree. There is no suggestion in this Motion or even in my speech when moving it, that there should be a vast inter-racial conference—to use the words used by my hon. friend the Member for Agriculture and Natural Resources. It is only an extra two bodies, Sir—only two. The suggestion is only two, or even only one, of any of the communities here and if you can tell me that the addition of one person on Central Emergency Committee makes it a vast inter-racial conference, then I am very ignorant of the English language, because I think that would be a very tremendous exaggeration of the facts.

Now, Sir, I mention that because it seems to me the only reason that the supporters of Government in this Motion seem to have advanced—the committees should be kept very small. There has been no other reason at all. Now why should it be kept very small

[Mr. Mathu] with only one community? I cannot understand. It can be made small also by the inclusion of those who want to help with the prosecution of the Emergency.

My hon. friend, the Chief Secretary, did say—and I think this is one of the constructive points that have been raised by hon. Members opposite—that the machinery is under review and it is going to be reviewed. That, at any rate, I think, is one point which justifies the introduction of this Motion in this Council, Sir, because at any rate, after 12 months, he says now, that they are going to review the situation. Why they had not reviewed that situation before, I do not know.

The other point, the only other point, I want to deal with, as far as the points raised by the hon. Chief Secretary are concerned, that he, at any rate, does not seem to appreciate—and other people who support him—that the psychological effect in this war against *Mau Mau* of the people who are on the ground fighting, of knowing that they are represented on high-level policy making committees such as the Emergency Committee, is a tremendous one and it is, Sir, I think, a matter that hon. Members should know would help us greatly to finish the Emergency.

My hon. friend, the Member for the Coast, in support of our Motion, did say that he did not think that Members of this Council should serve on that committee—he would prefer other people outside. Now, he will appreciate that, from my point of view, I could not have had another precedent to go by, when two of the Unofficial Europeans are, one on the Emergency Committee and one, on the Operational Committee, that precedent is already there and I could not have had another precedent to go by. If I did not suggest that as far as the Emergency Committee is concerned, the non-European Members on this side of Council should serve on it—it is for that reason. Not because I do not think that other people outside this Council could help—I think they can—but I could not have any other precedent.

My hon. friend, the Member for Mount Kenya—I do not know why, it may be because he is very near Mount Kenya and it may be he is sometimes

tempted to go right to the very top and get a cold in his eyes—his speech was a very unconvincing one and I think, in fact, one of the most racial speeches that has ever been made in this Council to-day in the course of this Motion. My hon. friend first of all suggested that what I had expressed in moving this Motion would not be supported by the loyal Kikuyu. Now, Sir, that is very incorrect, because the loyalists would support exactly what I said and in fact in that very conference, the Inter-Racial Conference, suggested that Africans—the loyal Kikuyu—should serve on the Emergency Committee. My hon. friend, if he likes—I have got the official report here of that conference and I would like just to read that particular part—"They also suggested that loyalists should be allowed to sit on the Emergency Committees". Now, why do they not use that—those views which they think will help the cause?

My hon. friend also went so far as to say—my hon. friend, the Member for African Affairs—that *Mau Mau* propaganda had found fertile ground in me as a Member of this Council and of Executive Council. This is absolutely wrong. Do you mean to tell me that this is *Mau Mau* propaganda? The loyalists that my hon. friend, the Member for African Affairs, was good enough to collect throughout all the Kikuyu and Embu districts and in the Rift Valley, on their request, as he says—they have expressed here in clear language that they want that to happen, if he says that is *Mau Mau* propaganda in me, is that correct?

THE MEMBER FOR AFRICAN AFFAIRS: On a point of explanation—the point that I made was that I referred to what I understood the statement of the hon. Mover to be—to the effect that the members of these committees wish to remain in secret so that they could prolong the Emergency because it was giving people an opportunity to line their own pockets. It was roughly to that effect—not as he suggests, that the loyalists said what he says they did—which they may have done.

MR. MATHU: I entirely accept that explanation, but I was coming to that point. The major point of this debate here is on the Emergency Committee, and this has been requested by the

[Mr. Mathu] loyalists themselves, and I want to see that as my background in order to tear to pieces the remarks that he has put in this debate talking about *Mau Mau* propaganda.

If he reads my speech, which is in HANSARD, and if he recollects my speech, I did say I was reporting what Africans said and I dissociated myself from those remarks. Those are on record, Sir, and if he had appreciated that aspect of the matter he would not have attacked me in the very unfair manner in which he has done.

I was going on, Sir, to mention a few things which have been uttered by my hon. friend, the Member for Mount Kenya, and to say, Sir, that it is incorrect that the Kikuyu who are fighting now in the field and who are supporting the side of law and order speak very little English at all, or Swahili for that matter. Now, I could give him hundreds of names of Kikuyu in the field who speak English—Chiefs and all. Would he then—I am talking about the loyal Chiefs and the loyal Kikuyu Guard who speak English—would he then consider them fit to sit on the Emergency Committee? For they are there. They are there and they are dying—dying in this matter.

GROUP CAPTAIN BRIGGS: Will the hon. Member give way? I thank the hon. Member for giving way, but I think I should make it quite plain that what I said before was that they had a very easy form of representation for their views in the Emergency Council and if the Emergency Council was made proper use of, there is no benefit or advantage in increasing the size of the Emergency Committee. Those are my views.

MR. MATHU: That is exactly what we are disagreeing on and I think we should agree here to disagree, because it is exactly that that this Motion refuses to accept.

My hon. friend, the hon. Member, also said that I had said that there was no *Mau Mau* earlier in the Emergency and my hon. friend the hon. Member for Nairobi West says so. I do not see why that should be necessary. It may be very correctly said that at one time, when the hon. Member for Mount Kenya was

learning to fly, that he was a bit naughty to one of his teachers. Do I need to say, now that he has learned to fly and has been a Group Captain in the Air Force, that he should not fly? It is most unnecessary to refer to that. He knows very well, and other Members know.

GROUP CAPTAIN BRIGGS: Will the hon. Member give way? I thank you, Mr. Mathu, for giving way, but I would point out that I do not think his analogy is a very correct one. The reason I mentioned his previous statement in regard to the non existence of *Mau Mau* was to suggest that perhaps he was not entirely representative of the Kikuyu people, of whom such a large number—at that particular time—were *Mau Mau* adherents.

MR. COOKE: We all make mistakes.

MR. MATHU: I appreciate my hon. friend's point of view, but, as I say, that is not going to help us to end the Emergency quickly by referring to things that happened in the past and, in any case, he knows very well that I think he and his supporters were mainly responsible in advising the Government during those days that African Members of Legislative Council should not have any public meetings. How, then, can these people have any influence in affairs of that kind?

MR. BLUNDELL: Arising on a point of order—Members are responsible for what they state in this Council, and at the time to which the hon. Member for Mount Kenya was referring, no suggestions had come from hon. Members opposite dealing with Africans and public meetings whatsoever.

MR. MATHU: Anyway, to finish the points, Sir, I referred to which were raised by my hon. friend the hon. Member for Mount Kenya, I would like to invite him to this—that if he wants to test whether the African Members and myself represent our own people, the best course for us both to do is resign and stand as candidates in the Kikuyu districts and let the loyalists vote for us and see who is returned.

GROUP CAPTAIN BRIGGS: I thank the hon. Member once again for giving way in this courteous fashion. I would say this—that I should be very tempted to accept his challenge, but for the fact that a very large percentage of his constituents are

[Group Capt. Briggs] members of *Mau Mau* and I do not think somehow that I would gain their support. (Laughter.)

MR. MATHU: Mr. Deputy Speaker, Sir, I do request that if Members are going to interrupt my speech, at any rate they should listen to what I say first. I did say "loyalists"—that the loyalists only should vote. My hon. friend now talks of *Mau Mau*.

THE DEPUTY SPEAKER: The hon. Member gave way to an interruption, but he has no need to give way unless he wishes to.

MR. MATHU: I think I should give way, because of course people never say what they are going to say when they ask me to give way. (Laughter.)

Now I would like, Sir, to say that the best speech was made by my hon. friend the Member for the Rift Valley. (Hear, hear.) I think he was most reasonable and sensible, and if speeches had been made on the lines on which he made his speech, I think this Motion would have—at any rate I would have appreciated it—if not the full support of Council—at any rate for it to go on record, because I do think he was very constructive. He did say that as a member of the Emergency Committee before he fell ill he suggested to His Excellency that a review of the composition of that Committee should be made. Surely this Motion strengthens him in the question of that review. I just wanted to place on record my appreciation of the attitude he had in making—in fact I do not know why he opposed it because his speech did not suggest any opposition at all. I do not know why he joined with Government against it.

MR. BLUNDELL: Ill-timed, ill-timed.

MR. COOKE: Why not support the amendment?

MR. MATHU: In fact I think the Motion is not ill-timed. I think it is correctly timed. My hon. friend did mention that the Secretary of State was coming to this country and I do think that the Motion is very well-timed because then the Secretary of State will have seen the views of hon. Members of this Council, and for that reason—if for no other reason—it is very well-timed indeed. It is the psychological moment, Sir.

GROUP CAPTAIN BRIGGS: For political motives.

MR. MATHU: My hon. friend, the Member for Mount Kenya shouts "for political motives". As I have already explained, there are no political motives—none whatsoever.

My hon. friend the Member for Nairobi South, who again I think made a most damaging speech in this Council yesterday or the day before—I should like to say, Sir, that the fact that I myself and a few of my colleagues went to meet the Nairobi District Emergency Committee was entirely on our own initiative. We wanted to meet him because he is a Member of this Council and we also met my hon. friend, the Member for Kiambu, before we asked him to arrange a meeting because we felt that we were very dissatisfied; and without disclosing the matters that we put before that Committee—he would not say that they were very revolutionary—the proposals we put before the Nairobi District Emergency Committee were very revolutionary. The Committee had not gone as far as that.

If, then, we do this it means that we definitely wish and intend to help with the Emergency. His suggestion that there should be an advisory committee to the Nairobi Emergency Committee was discussed by my colleagues and was rejected. They knew they were going to move this Motion. They thought it is not a proper thing to have something to advise on some other thing; it is best to shorten matters—to be actually in the Committee—and as far as Nairobi is concerned, the Nairobi District Emergency Committee would be strengthened terribly if you had an African and an Asian sitting on it.

I should also like to reply to some of the points raised by my hon. friend, the Member for Uasin Gishu. Some I have already dealt with in reply to other Members. He says, of course, that the question of merit and ability should be recognized. Nobody objects to that but the trouble is that it seems as if merit and ability have been deposited only in one corner of the world and nowhere else. That I cannot believe to be correct at all. My hon. friend talks about—you cannot trust the Kikuyu—and then we know all the time we say the Kikuyu is the man who is going to finish the battle.

[Mr. Mathu]

Now, how is he going to finish the battle when you do not trust him at all? Why not appoint another African—not a Kikuyu? Why not appoint a Jaluco on the Emergency Committee? I shall not object. Nobody will. Why not appoint a Mkamba or a Kipsigis or a Nandi?

LT.-COL. GROGAN: Or Odede?

MR. MATHU: Now I did not mention any names and my hon. friend, the Member for Nairobi West did mention names. I talked about communities. If he has that particular suggestion to make he knows where to place that suggestion—not to me.

My hon. friend, the Member for African Affairs, emphasized the importance of the operational objectives of these committees. Now, I agree but, as I see it, in moving this Motion, the African is playing a very large part in the Emergency; by numbers—there is no community to beat him—those in the police, in the military and other organizations to fight against *Mau Mau*, and in the Kikuyu guard. Now, if the European community were to do the fighting themselves—the numbers would not allow it—and surely we should recognize that those people who are commanded by European officers—that they are human beings and they would like to see that their interests are safeguarded and their point of view is introduced in the Emergency Committee. Now, surely no person can suggest in the least that the African, by and large, is not playing a very vital part and without him, Mr. Deputy Speaker, Immigrant races cannot do it and that is a bare fact, and when you wave them aside like that and say their point of view is not going to be heard, I do think that we are holding the stick at the wrong end. That is the point of view I had said which my hon. friend, the Member for African Affairs, was challenging that the security forces, that is the Africans in the security forces; would have their confidence and morale raised if the Government accepted this Motion, and I challenge him to deny that that is a fact.

There is no political motive in this. There is no question just of community representation. My hon. friend, the Member for Agriculture and Natural Resources, I think made a very moderate

speech. I expected some fireworks from him in this but he did not—he made a very moderate speech, although we can read in his mind and face and hands that he meant that no other community should be on those committees—(Hear, hear)—except the community he represents. But, as I say, I was glad that he was very moderate in his view, except that I think he did over-exaggerate when he said our request is to make a vast inter-racial conference in the Emergency Committee. It is only two bodies. You do not make a vast inter-racial conference by only adding two to make six.

Of course, he, like other people, always hides in this very unconvincing thesis that the Committee must always be kept very small—very small. Well, nobody is going to believe that.

Well, I have already replied to points raised by my hon. friend Mr. Coventry, from Mombasa and I have already told him that his remarks I accept very much. You see, we have to look at the Colony as a whole, and in disregarding these non-Europeans, you are not looking at the Colony as a whole, and therefore I think his words were very helpful. (Laughter.)

Now I have not, Sir, commented on the speeches of my supporters because I think I have accepted every word they have said and I think this Council ought to have been impressed very much indeed.

I should like, Sir, before I sit down to comment on one aspect of one or two points raised by my hon. friend the Member for Nairobi West. The hon. Member for Nairobi West says that this war we are in now—the trouble we have now—must be directed and must be controlled by the British people. We are British people, by nationality, ourselves.

LT.-COL. GROGAN: Britons.

MR. MATHU: Or "Britons" he said. Britons cannot finish it without our assistance. I challenge my hon. friend the Member for Nairobi West to form an army of Britons in Kenya who can fight this by themselves. They cannot do it. It is the African who is doing it and he has done that in the 1914-1918 war and the 1919-1945 war—he has done that completely.

My hon. friend the Member for Mount Kenya reminded me of this because he was talking about European leadership—

[Mr. Mathu] British leadership. You must lead somebody. (Hear, hear.) Surely a leader must not only look in front and not turn his eyes to the back to see whether the followers are coming. He would be leading nothing. We are suggesting that the European leaders—(Hear, hear)—must look back and see whether the followers are close to them or not, and the way of doing that is to bring the people you lead into consultation in the Committee; and we are suggesting there is not British leadership without leading human beings. That is why we are suggesting they should be brought very close to their leaders. Without that, European leadership fails.

Mr. Deputy Speaker, Sir, I should like to suggest to the Government that I know that the non-Europeans who are in the Government benches support every word that I have said—that at any rate when they exercise their whip in voting they should ask the non-Europeans in the Government to give them a free choice in which way they vote—(Hear, hear)—because I think it is a very important matter because I think they are going to vote with tremendous pressure in their minds. They will be voting—not supporting the Government in this matter but because a whip will be exercised in this. I would like to see what Chief Mukima, Mr. Okwiry, Sir Eboor or Dr. Kharvo would say—that what we have requested, that what we have said is unfair and therefore they have to vote against us. However, I suggest that this is a matter that we can leave. If they could be given free votes, I think it would be a very useful thing and I repeat, Sir, that my Motion is a very fair, sincere request, which I know will help this country to be a united country, a united people—co-operating so that we can defeat those who want to destroy our economy and our way of life, and if anybody then can say that those sentiments which I suggest are desirable for unity and for co-operation of all the communities, are political motives, Sir, I do say I think they would be looking at the problem in the wrong way, and it is with that spirit I have moved this Motion. We should feel we are a community together to fight this trouble and we should become victorious together more quickly than otherwise we

should do by excluding certain communities from these Emergency Committees.

Mr. Deputy Speaker, Sir; I beg to move. (Applause.)

The question was put. (Cries of "divide".)

DIVISION PROCEDURE

THE DEPUTY SPEAKER: I think my opinion was sufficiently clear. If anyone wishes to dispute my judgment that the "noes" had it will they please rise.

MR. NATHOO: We should like a Division, Sir. If it is in accordance with Standing Orders, Sir, to ask for a Division, we want a Division. If we have not got our right we should be told we are not within our right.

THE DEPUTY SPEAKER: Very well, the Division Bell will now be rung for five minutes.

THE DEPUTY SPEAKER: Five minutes have now passed. We are working out now a new procedure to all of us by the use of the Division Lobbies. Various instructions have been laid down as to the procedure to be followed.

First of all, the Sergeant-at-Arms will lock the door and draw the Bar. Those in favour of the Motion will go into the Lobby on my right and those against into the Lobby on my left. As tellers to my right, I appoint Mr. A. B. Patel and Mr. Gikonyo. As tellers to my left, I appoint Mr. Colchester and Dr. Anderson. One teller will stand at the door of the Division Lobby on each side; he will call out the name of those entering the Lobby to the other teller who is stationed in the teller's box who marks the names on the Division lists provided for the purpose. The Division will now take place, I hope that is all quite clear.

DIVISION

The question of Mr. Mathu's Motion was put and on a division was negatived by 32 to 14 votes: (AYES: Messrs. Awori, Cooke, Gikonyo, Dr. Hassan, Messrs. Jeremiah, Malde, Sheikh Mashood Mackawi, Messrs. Mathu, Nathoo, A. B. Patel, J. S. Patel, Sheriff Abdulla Salim, Messrs. Chanan Singh, Tameno—14; NOES: Dr. Anderson, Messrs. Blundell, Blunt, Group Capt. Briggs, Major Cavendish-Bentnick, Messrs. Colchester, Coventry, Cowie,

Lt.-Col. Gherrie, Mr. Griffith-Jones, Lt.-Col. Grogan, Messrs. Harris, Hartwell, Havelock, Dr. Karve, Messrs. Letcher, Maconochie-Welwood, Chief Mukima, Messrs. Okwiry, Petrie, Sir Eboor Piribhai, Messrs. Potter, Roddan, Sheikh Mbarak Ali Hinawy, Lady Shaw, Messrs. Slade, Taylor, Tyson, Usher, Vasey, Whyatt, Windley—32; DID NOT VOTE: Sir Charles Mortimer—1; ABSENT: Messrs. Crosskill, Edye, Hope-Jones, Ohanga, Riddoch, Mrs. Shaw, Mr. Wadley—7; TOTAL, 54).

MOTION

ADDITIONS TO HIGH COMMISSION SERVICES

MR. BLUNDELL: Mr. Deputy Speaker, Sir, I beg to move:

That this Council recommends to the Government of Kenya that it should consult with the neighbouring territories of Uganda, Tanganyika and Zanzibar with a view to adding to the Schedule of the Order in Council of services under the authority of the High Commission, the following subjects: Bankruptcy, Company Law, Registration of Business Names, Inventions and Trade Marks.

Mr. Deputy Speaker, I would like to open with some famous last words. There is no political significance—none whatsoever—in this Motion. For some time commerce and industry have been anxious to have these subjects transferred to a common authority. The reasons, I think, Mr. Deputy Speaker, are obvious. Under the bankruptcy law we may have three laws in the three territories and persons can evade their obligations by various means. Again, the registration of business names has to be carried out in the three territories—inventions and trade marks as well. I would urge hon. Members opposite when dealing with this subject to make sure that unofficial opinion in the other territories does not feel in any way shut out of the Motion which I am moving. It may be difficult, but there are suspicions between the territories, and I would not like the unofficials in other territories to feel that we were moving this Motion for any political reasons at all.

The alternative, Sir, to transferring these subjects to the High Commission would be individual legislation in all

three territories. I would submit to the Council that that is cumbersome and, of course, individual legislation is open to individual amendment so having set off upon a path on which all the legislations are the same, over the course of the years, it may well become different.

Secondly, Mr. Deputy Speaker, we have the High Commission in existence and it is our general policy to see that the services, as far as possible, under the High Commission are efficient and that it should be supported.

It seems to us, Mr. Deputy Speaker, that the economic life of the country is indivisible; it flows over the territories; it flows over races and it flows over boundaries, and we would be wise to place all these subjects under one central authority, to wit, the High Commission and the Central Assembly.

I would just like to make one further point, Sir. We would not wish to allow this Motion to be considered as a precedent for the addition of many subjects to the High Commission. We make it clear that we think the first duty of the High Commission is to show the public of the three territories that the services it already operates, are operated efficiently and well.

Secondly, because of the suspicions which exist in all three territories and amongst all communities, I am speaking on behalf of all Members on this side of the Council if I were to say that we should not like, at this juncture, tangible assets, positive elements or territorial sovereignty to be infringed in the transfer of subjects. We consider that these four subjects are subjects which will immeasurably help the commercial community in carrying out whatever is essential to this country in its economic life. We also believe that in no way whatsoever can they be thought to be the giving away of tangible assets or positive elements of the life of the country and therefore the suggestion that they should be transferred to the High Commission and operated thereunder, is a wise and proper one.

Mr. Deputy Speaker, I beg to move.
MR. NATHOO: Mr. Deputy Speaker, I have great pleasure in rising to second the Motion and to say that this is a move in the right direction as the commercial community—the Asians,

[Mr. Nathoo] Europeans and, I think, now the Africans are coming in—will find there are a lot of snags if these matters are dealt with territorially. I know for a fact, Sir, in respect of registration and bankruptcy law, that a great deal of delay is caused by there being some slight difference between the laws in the three countries, and for quite a time substantial harm has accrued to the commercial community due to this delay. I think, Sir, that putting together these four departments will go a long way towards giving a sense of security to the commercial community that their affairs will be expeditiously dealt with.

Sir, I beg to second.

Question proposed.

MR. TYSON: Mr. Deputy Speaker, Sir, in supporting the Motion, I would like to place on record the appreciation of the commercial community to the views which have been expressed by the hon. Member for Rift Valley. This Motion implements a unanimous resolution which was passed by the Association of Chambers of Commerce of Eastern Africa in September last and I am quite sure that it will be very much appreciated by the commercial community, not only of this Territory, but of all three Territories.

I support the Motion.

MR. A. B. PATEL: In supporting the Motion, I am quite happy that Zanzibar will be included, but I wish only to point out that Zanzibar is not one of the High Commission Territories.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I have much pleasure in recording the support of the Government for this Motion and there are various reasons for my pleasure.

One is that it is a really constructive Motion and that is, of course, why it has the support of the Government.

A further reason, Sir, is that it is just about seven years ago when I was engaged in discussing in another place the placing of these matters under the then prospective High Commission. The High Commission had not come into being, but discussions were going on regarding the matters to come within their purview and in that enlightened place, in which I was, the representatives

of the people at that time supported the view that these matters should come within the purview of the High Commission. It is true, Sir, that these were only part and parcel of somewhat more comprehensive proposals, and that those original comprehensive proposals did not find wholehearted support throughout East Africa and it was as a result of the change in those comprehensive proposals that these matters still remained a territorial responsibility.

The point regarding the position of Zanzibar has already been made. I had been going to make that myself, but I am sure that the Government and the people of Zanzibar would like to be brought into this consultation because although Zanzibar Protectorate is not one of the Territories covered by the High Commission, we have a great deal in common and there is considerable co-operation between the High Commission and the Zanzibar Government.

There is a further reason why I am very glad to support this Motion, Sir, and that is because it supports—endorses—the action which has already been set in train by the Government. That is, Sir, that it had already been decided, before this Motion came up, to consult the Board of Commerce and Industry on this matter, and a Memorandum had in fact been prepared. I would propose that before the formal consultation with the neighbouring Territories takes place, the Board of Commerce and Industry should be invited to advise because there may be certain detailed aspects which, if considered in the first place, will facilitate the consultation with the other Territories.

I beg to support the Motion, Sir.

MR. BLUNDELL: Sir, I would only like to record that we are perfectly happy the Board of Commerce and Industry should be consulted, but, of course, I had no knowledge of those moves behind the scenes in the Government channels.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper for the day. Council will stand adjourned until 10 o'clock on Tuesday morning.

Council rose at thirty minutes past Twelve o'clock.

Tuesday, 2nd March, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

INSTRUMENT OF APPOINTMENT

The Clerk read the Instrument appointing Major the Hon. Ferdinand William Cavendish-Bentinck, C.M.G., M.C., Deputy Speaker, in the place of Sir Charles Mortimer, C.B.E.

PRAYERS

COMMUNICATIONS FROM THE CHAIR

APPOINTMENT OF HOUSE COMMITTEE

THE DEPUTY SPEAKER: Hon. Members, I have two communications to make. The first is that I have received from Mr. Speaker the following letter:—

"I will be glad if you would inform the Council at the earliest opportunity that I have appointed a House Committee to consist of—

Major the Hon. F. W. Cavendish-Bentinck,

The Hon. E. A. Vasey,

Dr. the Hon. T. F. Anderson,

The Hon. N. F. Harris,

The Hon. W. B. Havelock,

Dr. the Hon. S. D. Karve,

The Hon. C. B. Madan,

The Hon. I. E. Nathoo,

The Hon. M. Gikonyo,

to whom I have delegated the duties of the Administration of Parliament Buildings and the Chamber, excepting, of course, the exercise of those specific powers and duties which are vested in the Speaker under Standing Rules and Orders and under the provisions of the Legislative Council (Powers and Privileges) Ordinance, 1952."

CUSTODY OF ARMS

THE DEPUTY SPEAKER: Hon. Members, I also wish to inform you that arrangements have now been made for the safe custody of weapons in this building. I think it is probably making too great a claim under existing circumstances on the time of hon. Members to insist that they deposit their arms before they enter this Chamber, but I would express a wish that, in so far as it is possible, they

should do so. As far as the Public Galleries and the Distinguished Strangers' Galleries are concerned, persons will not be allowed into the Galleries until they have deposited their arms.

ORAL NOTICES OF MOTIONS

MEAT COMMISSION OVERDRAFT

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that the first paragraph of the Motion which was put and carried by this Council on Thursday, 10th December, 1953, be amended to read as follows:—

WHEREAS the Kenya Meat Commission has arranged, for the purpose of obtaining working capital, to borrow by way of overdraft from the Standard Bank of South Africa Limited, a sum not exceeding £100,000, repayable with interest at the Bank of England rate for the time being with a minimum of 3½ per cent per annum by annual instalments of £10,000 over a term of ten years ending on the 31st December, 1953, and has requested the Government, in addition to existing commitments undertaken by the Government to or in respect of the Commission, to guarantee to the said Bank repayment of such overdraft.

FUTURE ATTITUDE TOWARDS THE KIKUYU LOYALISTS

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

WHEREAS statements have been made that no Kikuyu can be trusted and

WHEREAS other statements have also been made that the fight against *Mau Mau* shall be finished by the Kikuyu themselves and

WHEREAS the Kikuyu in large numbers are fighting, dying, and losing their property including schools and churches in the battle on the side of law and order.

BE IT RESOLVED that this Council requests the Government to make a statement now in unequivocal terms its present and future attitude towards the Kikuyu loyalists. (Hear, hear.)

QUESTIONS

QUESTION No. 42

Mr. SLADE asked the Chief Secretary: By what number has the strength of the European Kenya Police Reserve serving whole-time or part-time in the Laikipia and Naivasha districts been reduced since the 30th November, 1953?

What effort, if any, has been made to meet the continual and urgent requests of Emergency Committees in these two districts for improvement of transport and communications for Police and K.P.R.?

THE CHIEF SECRETARY: The comparative strengths of the Laikipia and Naivasha Police personnel at 30th November, 1953, and 31st January, 1954, were as follows:—

	Full-time Personnel	Part-time K.P.R. Personnel	Total
(a) 30/11/53 Laikipia ..	27	227	254
31/1/54 Laikipia ..	21	217	238
	(Reduction of 16 men)		
(b) 30/11/53 Naivasha ..	45	182	227
31/1/54 Naivasha ..	29	205	234
	(Increase of seven men)		

The position with regard to transport and communications is as follows:—

(a) Transport

Financial sanction has been obtained for 12 additional vehicles for the Rift Valley Province, of which five vehicles have been allotted to Laikipia and six to Naivasha, a total of 11 vehicles. Of these, eight vehicles (Morris Pick-ups and Land Rovers) have already been delivered and the remaining three vehicles will follow shortly.

(b) Communications

Laikipia District Emergency Committee applied for 14 V.H.F. wireless sets, of which 10 sets have already been installed. In addition, there are four Walkie-Talkie sets and two Land Rovers with W.T. on charge to the Laikipia Police.

Naivasha District Emergency Committee asked for 20 V.H.F. sets, of which 18 sets have been installed. As in Laikipia there are four Walkie-Talkie sets

and two Land Rovers fitted with W.T. on the Naivasha Police strength, in addition to which there is the W.T. communication system of the General Service Unit based in this district.

Mr. SLADE: Mr. Deputy Speaker, arising out of that answer, is the hon. Member aware of the need for yet further transport for police posts, none of which—to the best of my belief—in the Naivasha district yet have any transport other than that provided by the officers themselves? I would make it clear that I am dealing with police posts—not police stations—in respect of which I acknowledge there is an improvement.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I am not aware of the precise position in respect of every police post, but I will have the matter investigated.

QUESTION No. 43

Mr. H. SLADE asked the Chief Secretary: Who conceived and ordered the recent "Operation Question" in Nairobi?

THE CHIEF SECRETARY: "Operation Question" was conceived by the staff of the Deputy Director of Operations, and executed on the orders of the Nairobi District Emergency Committee.

Mr. MATHU: Arising out of that reply has the result of that "Operation Question" been satisfactory?

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, the result was sufficiently satisfactory to justify the experiment.

QUESTION No. 44

Mr. SLADE asked the Member for Defence: Did the Commission which recently inquired into the conduct of troops from the United Kingdom inquire also into the conduct of members of the Kenya Regiment and other security forces?

If so, has that fact been made clear to the Press and public of the United Kingdom?

THE MEMBER FOR EDUCATION AND LABOUR AS MEMBER FOR DEFENCE: The court of inquiry took evidence from each infantry brigade and each combatant unit under the command of a Lieutenant-Colonel which had been engaged in

[The Member for Education and Labour as Member for Defence]

anti-Mau Mau operations since the 1st June, 1953. The inquiry therefore covered the conduct both of members of the Kenya Regiment attached to the British and K.A.R. battalions forming the Infantry Brigades, and of members serving in the Regiment as a combatant unit. The inquiry did not cover the conduct of members of the Kenya Police Force, including the Kenya Police Reserve and the Special Police; nor did it cover the conduct of members of the various home guards other than those men specifically placed under the command of units for a specific operation.

The findings of the court were the subject of a full statement by the Secretary of State for War in the House of Commons on the 26th January. The full findings were not published since the proceedings of a court of inquiry constitute a privileged document, but a summary was published in the official Parliamentary report. On the 28th January an Army spokesman at General Headquarters, East Africa, made it clear to the Press that the Kenya Regiment had been included in the investigations of the court of inquiry, and this fact was published in the United Kingdom Press on the 29th January.

Mr. HAVELock: Mr. Deputy Speaker, arising out of that answer, in view of statements made in Britain, will Government give the assurance that they will instruct the Kenya Press Officer in London to give further publicity to the reply of the hon. Member?

THE MEMBER FOR EDUCATION AND LABOUR: Yes, Sir.

QUESTION No. 48

Mr. CHANAN SINGH asked the hon. Chief Secretary to state—

(i) the numbers separately of Africans, Asians and Europeans murdered since the commencement of the Emergency;

(ii) the numbers of murders of each race in which prosecutions were launched; and

(iii) the numbers of cases in which convictions were recorded.

THE CHIEF SECRETARY:

(i) Since the commencement of the Emergency, 930 Africans, 21 Asians, and 22 Europeans have been murdered.

(ii) These 973 murders involved 492 different investigations by the Police, and 361 of these cases have so far been brought to court. Of these, 348 involved the murder of Africans, five of Asians and eight of Europeans.

(iii) There have so far been convictions in 183 of these 361 cases, 177 involving the murder of Africans and six of the murder of Europeans. Three cases involving the murder of Asians are now before the court, and two cases involving Europeans, as well as a number involving Africans.

Mr. MATHU: Arising out of that reply, Mr. Deputy Speaker, Sir, could the hon. Member inform the Council how many of the 930 Africans murdered were members of other than scheduled tribes—Kikuyu, Embu and Meru?

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I regret that I have not that information immediately available.

Mr. MATHU: Mr. Deputy Speaker, Sir, can the hon. Member make that information available at a later stage?

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, yes, Sir.

QUESTION No. 51

Mr. MATHU asked the Chief Secretary to state: If he is fully satisfied that the control of ordinary and subversive crime in the European and Asian residential areas of the City of Nairobi is adequate? If the answer is in the negative, will he state what he is going to do to improve the situation?

THE CHIEF SECRETARY: No, Sir, I am not entirely satisfied, since satisfaction can only be felt when all crime is permanently prevented. Nevertheless, under existing circumstances the position with regard to the control of crime in the European and Asian residential areas of the City of Nairobi is not unsatisfactory. The position is however under constant review and should it deteriorate active measures will be undertaken to combat any further outbreak of lawlessness in these and other areas of the city.

[The Chief Secretary]

Mr. NATHOO: Mr. Deputy Speaker, Sir, arising out of the question, may I ask the hon. gentleman to give us an assurance that until such time as everything is under control, the efforts of the police in this direction will not be relaxed.

Mr. HAVELOCK: Before the hon. Member replies, arising out of the original answer, would the hon. Member—the Government consider imposing the same organization in the residential areas of the Asian and Europeans in Nairobi as is now being imposed in the localities; by that I mean the chiefs and headmen and district officers?

THE CHIEF SECRETARY: In reply, Mr. Deputy Speaker, to the first supplementary question—the answer is yes.

In regard to the second question, Sir, the Government will certainly consider it, but I see a number of practical difficulties in the way.

QUESTION No. 54

LT.-COL. GHERSIE asked the Member for Agriculture and Natural Resources to state: Whether the amount of £206,409 referred to in the Maize Control Balance Sheets and Accounts as at 31st July, 1952, as "transferred to Price Stabilization Reserve, to be used for the purpose of stabilizing the future price of maize-meal to the consumer" has in fact been utilized for the purpose as stated and if so, in what manner.

THE DIRECTOR OF AGRICULTURE (on behalf of the Member for Agriculture and Natural Resources): Yes, Sir. The Maize Control Accounts for the 1952-53 season are not yet complete but it appears that the sum of £206,409 referred to will have to be utilized in the following manner:

- (i) The East African Cereals Pool terminated on 31st July, 1952, and the Pool's costs of First Railage and Storage which were formerly met by funds from the Colony's revenue, will be borne by the Control.
- (ii) Recovery of the Troup award of Sh. 4/70 per bag on 1951 planted maize.
- (iii) Difference in the price of maize imported from America.

All the above have the effect of stabilizing the price of maize-meal to the consumer.

Mr. COOKE: Mr. Deputy Speaker, does that answer mean the Government has at last accepted the principle of subsidization of maize?

THE DIRECTOR OF AGRICULTURE: No, Sir. (Laughter.)

LT.-COL. GHERSIE: Mr. Deputy Speaker, arising out of that answer, did I understand the Member to say that the accounts of 1952 are not yet complete because we have had the balance sheet tabled in this Council. (Laughter.)

THE DIRECTOR OF AGRICULTURE: I am sure, Sir, that they are complete, although the answer given here is that they are not complete. I am sorry about that.

LT.-COL. GHERSIE: The Balance Sheet and Accounts were Tabled in this Council at the last Session.

Mr. COOKE: Mr. Deputy Speaker, Sir, will the hon. Member answer my question about subsidization?

Mr. DEPUTY SPEAKER: The answer has been given—no.

NEW REGISTRATION OF MANPOWER

THE MEMBER FOR EDUCATION AND LABOUR: With your permission, Sir, I would like to make a statement of public importance.

On the 11th of last month the Commander-in-Chief announced that it was necessary on operational grounds to halt the run down of the European part of the Kenya Police Reserve which had begun in the latter part of December; and on the 16th February I stated in a Press communiqué that it was not intended, pending the new registration, to recall men who had already been released from the Reserve. The Police and Military Authorities have now made a further and more detailed survey of the manpower available and required for current operations; and the Government has most regretfully reached the conclusion that it will be necessary to recall some 250 men who have already been released from the Kenya Police Reserve. These men will receive recall notices very shortly.

At the time these people were released they were informed by the Director of Manpower that, if recalled, they would be allowed to appeal to the Exemptions Tribunal. This undertaking will be honoured,

[The Member for Education and Labour] although it may be necessary to set up a special tribunal for the purpose.

I need hardly say that the Government has reached this decision only after most careful consideration and with great regret, especially in view of the excellent service rendered by these men during past months, and the inconvenience, loss and sometimes hardship which they and their firms have suffered. But the Government is confident, especially in view of statements recently made by the Elected Members of the European community in this Council, that the men recalled will put up with this further hardship and inconvenience in an effort to shorten the Emergency.

Although the Government realizes that these men are not in the Kenya Police Reserve for the pay they get, they will, I am sure, be interested and, I hope, to some extent, consoled by the fact that if the proposals which are shortly to be considered for increase of pay by this Council are accepted, they will benefit from the increases in salary to be granted to the regular police.

Finally, Sir, I have recently had conversations with the Director of Asian Manpower and the Officer in Charge of the Kenya Police Reserve which will, I hope and believe, result in a substantial acceleration of the rate of provision of Asian recruits for the Reserve.

THE DEPUTY SPEAKER: I gather that Mr. Studdell wishes to make an additional statement. I do not want to allow statement by an Official Member to turn into a debate—but in view of the fact that this is a matter of considerable public importance, I will permit the hon. Member for Rift Valley and the hon. Member for Nairobi, South also to make statements.

Mr. BLUNDELL: Mr. Deputy Speaker, Sir, I wish to make it clear that it is the general wish of everyone in the country that the effort against Mau Mau should be intensified. I think it is logical that that intensification cannot take place without greater demands in manpower. It is arising out of that intensification, and the wish of the people of this country that Mau Mau should be eliminated, that the hon. Member has

cause to make the statement that he has just finished. This additional recall, Sir, cannot be achieved without a great deal of hardship and sacrifice by the officers concerned, most of whom were released for very special and personal reasons, and I would like, on behalf of my colleagues, and I am sure on behalf of all Members of the Council, to record our appreciation of that hardship and sacrifice in the past. (Hear, hear.) Thus, Sir, as we have said on numerous occasions, if the Government will come forward with plans for the elimination of this movement in our midst, they will have a one hundred per cent support from us, and, on behalf of my colleagues, I would like to say we are supporting the statement which the hon. Member has made.

As far as it is possible for me to do so, I have satisfied myself that this call-up is vitally necessary if we are to achieve the objective which we have in view, which is the elimination of the beastly movement in our midst. That means, Sir, that on behalf of my colleagues I support the statement and the Government may rest assured that we will do all in our power to assist them in the matter. (Applause.)

Mr. HARRIS: Mr. Deputy Speaker, Sir, may I just very shortly associate myself with the remarks which were made by the hon. Member for Rift Valley. As representing Nairobi, where most of these men will be called from, I feel that I should say that we do support the Government in this matter, especially as the statement made by the hon. Member for Defence includes the expression, "the police and military authorities have now made a further and more detailed survey of the manpower available and required for the current operations". I would like to repeat, Sir, again that if it is known that manpower is being planned and is being properly used, which I am sure will be the case with these men, then everybody in the country will support the Government in their endeavour to speed the end of the Emergency.

MOTION

SUSPENSION OF STANDING ORDERS

THE DEPUTY SPEAKER: I understand it is the desire of hon. Members that this Motion should not be proceeded with, therefore I do not intend to propose it to the Council.

BILL

FIRST READING

The Road Authority (Amendment) Bill.

(The Member for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

COMMITTEE OF SUPPLY
MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair.

The purpose of this Motion, Sir, is to enable me to give a little background and to enable other hon. Members to raise points which might more suitably be raised in the Council than in the Committee of Supply on the Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya, No. 2 of 1954.

Mr. Deputy Speaker, Sir, hon. Members are aware that in the middle of last year, a Commission was appointed to investigate various matters in connexion with the Kenya Police Force. That Commission consisted of Mr. S. J. Baker, as Chairman, and Mr. W. A. Muller as a Member, with an officer of the Colonial Office as Secretary.

Mr. Baker has had a very distinguished career in police forces in the United Kingdom and now holds the position of Receiver in the Metropolitan Police.

Mr. Muller has had a distinguished career in the Colonial Police Service in various parts of the world and holds the position of Inspector General of the Colonial Police.

The Commission's terms of reference were: "to review the organization and administration and expansion of the Kenya Police Force, together with the scope of its employment and its conditions of service during the period 1st July, 1945, to date; to make recommendations for the future organization and administration of the force and the reserves therefor (regard being had to the existing form of the Kenya Police Reserve), with subject references: (a) Recruitment; (b) Training; (c) Legislation

covering the establishment and employment of the force; (d) conditions of service; and, in respect of these, to have close regard to the investigations at present being carried out by the East African Salaries Commission".

That report, Sir, has been laid on the Table, and it has also been published. It is a voluminous report, and covers a great many aspects of the police force. It has not yet been practicable to examine in full all the detailed recommendations, but this is in the course of being done and, in due course, a paper will be tabled in this Council: but, Sir, there is one matter of urgency, and that is the matter which will come before the Committee of Supply—which is before the Council, the two particular items from the report in question are the salary structure and, related to that, the rank structure.

The Committee, Sir, produced an interim report which appears as Appendix III to the main report and, in that interim report, it was recommended (a) that police conditions, including pay, allowances and other emoluments, should be fixed independently of those of the Civil Service and prescribed by regulation under section 11 (1) (c) of the Police Ordinance; and (b) that the investigations into, or negotiations on police conditions should be conducted independently of those affecting the Civil Service.

Those recommendations, Sir, were accepted by the Government. A similar recommendation had, in fact, been made in 1947, but this was apparently overlaid by the publication of the Report of the East African Salaries Commission, known as the Holmes Commission. In the light of the acceptance by the Government of that interim report, Sir, the Police Commission addressed themselves to the matter of salaries and allowances and conditions of service generally. The matter of allowances is not yet before the Council, but, as I have said, the matter of salaries is. Now, in addressing themselves to this particular problem, the Police Commission were in very close consultation with the East African Salaries Commission. It may be suggested, Sir, that, in the light of the recommendations of the interim report, there was no need for the Police Commission to consult with the East African Salaries Commission,

[The Chief Secretary]

but that, Sir, is commented upon in the report itself. In brief, the Commission in the main report said that, while holding generally to this recommendation in the interim report, it was not practicable to divorce entirely consideration of police terms of service from those of the Civil Service generally, and that is the reason why they consulted closely with the East African Salaries Commission, and paid a tribute to the fact that the East African Salaries Commission have had the opportunity of making a very much more detailed and a closer study of the particular matter in question.

A further point was, Sir, that these recommendations of the Police Commission in respect of salaries are in the nature of interim recommendations, and it was therefore necessary to ensure that there would not be a complete difference of opinion between the two Commissions.

Now, Sir, there was a subsidiary reason for the immediate investigation of the salary conditions of the Kenya Police, particularly in the Inspectorate, and that was the recruitment of a number of Supernumerary Assistant Inspectors of Police during the last year; this recruitment being undertaken at salary scales in excess of those applicable to the Inspectors of the regular, permanent police force. That, Sir, was an emergency measure, and it was in order to ensure the rapid recruitment of really suitable people that it was necessary to offer higher terms. Moreover, contract terms are frequently higher in salary than those applicable to members of the permanent service, but, Sir, this particular point did accentuate the fact that a review of salaries of the Kenya Police should be undertaken forthwith.

Hon. Members who have spent a long time in this Council will be aware that there have been from time to time over the past few years reviews of the conditions of service of the Kenya Police, but I submit, Sir, that, although those reviews resulted in improvement, they have not met the full needs of the case. I have myself recollections of Inspectors of the Police—the non-gazetted ranks—going to other territories because their conditions there were better than conditions here. As I say, a number of those things have

been put right, but there still remains a considerable amount to be done, and that is the essence of the matter before the Council.

I submit, Sir, there is a very good case indeed for an immediate increase in salaries throughout the force, and the urgency of this I must stress. It is necessary that we get the best men for the job, and it is necessary that we should keep the best men that we have. It is also necessary that service in the Kenya Police should be recognized as a service of extreme importance to the country and, Sir, it is necessary that the conditions must be sufficient to attract the best men who would otherwise go into other employment—and here I refer to the best men of all communities.

Furthermore, Sir, as regards the gazetted ranks—the equivalent of commissioned ranks which are included in the Colonial Police Service—it is necessary that we should be in a position to compete with all the other territories on the basis of the pay offered because, Sir, I can assure hon. Members that, whilst this is a wonderful country and, I would say, could hold its own with any other territory in which the Colonial Police Force serve—whilst it is a wonderful country, conditions here for the police force are no less onerous than in any other country in which they serve, and they are considerably more onerous than in some, I venture to state.

The bill for these proposed increases, Sir, is heavy, but I submit that it is fully justified, and that we should meet it now in order to ensure that the morale of the police force is kept at the highest pitch.

I should pay a tribute to the existing members of the police force, many of whom have for long served at comparatively small rates of pay, and it is on the grounds of what they deserve, and what we must offer to attract the best of new recruits, that I commend these proposals to the Council.

I do not propose at this stage to go into details. I trust that all hon. Members have read and studied the report, and there is a note in the Supplementary Estimates showing the effect of these proposals. The particular portions of the report with which we are concerned to-day, Sir, are Chapter IV, paragraphs 53 to 66, dealing with the rank structure

[The Chief Secretary] (as I say, that is related to the matter of conditions of service), interim rates of pay, which are dealt with in Chapter VIII, paragraphs 230 to 250, and the matter of conversion dealt with in paragraphs 251 to 262.

Mr. Deputy Speaker, I think that I will have the agreement of all hon. Members that the future of this country and all its people rests very largely on the provision of security. The police are an integral part—the main part in the necessary measures to this end. Such policemen must have imagination, they must be a friend of the people and it is necessary that a change in the viewpoint of the people to some extent must be engendered by them. Therefore, as I say, Sir, it is necessary that we attract the best men to the police force.

Mr. Deputy Speaker, I beg to move. (Applause.)

MR. COOKER: Mr. Deputy Speaker, while supporting the Motion, we are really, in many respects, buying a pig in a poke, because while all of us want to accept the recommendations of the Police Commission, we have had no assurance from the other side of the Council that the general recommendations are going to be accepted by Government and we have always emphasized from this side of the Council that it is quality as well as quantity that is so necessary in the Police Force of this country. While we agree—at any rate, speaking for myself—while I agree with this Motion, I would like an assurance from Government that they will accept the general principles of the Police Commission Report with regard to the quality of the Force and with regard to promotions, etc.

There is one small point—the Commissioner of Police's salary. It is proposed that it should go up to two thousand two hundred pounds. Will this apply to the present Commissioner of Police who is about to retire? Personally, I think it should and I would like that considered.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Should or should not?

MR. COOKER: Should—I think it should apply to him before he retires.

I support the Motion.

THE DEPUTY SPEAKER: It has not been seconded.

MR. COOKER: I second it then.

MR. CHAMAN SINGH: Mr. Deputy Speaker, I support this Motion. The Police Commission Report is, I believe, the first official document in which the abolition of racial discrimination in rates of pay has been recommended. I wish to pay tribute to the members of the Commission who have shown foresight in examining the terms of service of this very essential part of the Kenya Government machinery and have made recommendations which will be fair all round. So far as the Asian community is concerned, Sir, we are especially gratified, because no unofficial members of the Asian community made representations to the Police Commission. Nevertheless, the Police Commission have shown extreme fairness in their recommendations.

I also wish to express the thanks of the Asian community to the Government of Kenya who have accepted the recommendations of the Police Commission.

There are two very important aspects of the scales of pay problem—one is the question of the rates of pay themselves and the second, the question of the method of recruitment and the method of promotion. The question of the scales of pay has, to my mind, been satisfactorily solved. The matter of method of recruitment and promotion will come before the Council later on, but I do wish to stress the point that the manner of how we select the policemen of the future deserves the very closest attention of the Government. (Hear, hear.) The method of recruitment should be as fair as the scales of pay.

There is one point that I wish to make on the question of conversion. The Commission has made recommendations with regard to the method of conversion. I do not know how exactly the conversion will take place in the case of senior members of the Asian ranks of police—the Chief Inspectors who are on the maximum of their present scale. Now, Sir, most of these officers have put in more than thirty years of service. I do not know whether Government will give any special consideration for their past service or whether they will convert

[Mr. Chanan Singh] according to the recommendations of the Commission.

Then there is the case of Assistant Superintendents. There are only two Asian Assistant Superintendents. They have spent a life-time in the police service. I think that special consideration should also be given to their cases because they may be about to retire very soon. If they convert on the minimum of the scale, the benefit to them from these recommendations of the Commission will not be very much.

In the end, I wish to emphasize the gratefulness of the Asian community for the recommendations of the Commission for the fair, prompt manner in which Government has accepted those recommendations.

MR. BLUNDELL: Mr. Deputy Speaker, I support the Motion which is before the Council.

I wish to make three points. The first is this—that this is really the culmination of something like seven years' requests by hon. Members on this side of the Council that the terms of the police pay and conditions should be reviewed. Those requests, Mr. Deputy Speaker, were first originated by the hon. Member for Finance when he had the felicity to sit on this side of the Council and I want to record that I believe that it is largely delays of this nature and the tremendous difficulty in getting the Government machine to accept what is necessary which has contributed, to a certain degree, to the situation in which we now find ourselves, and I am delighted that at last, arising out of the Emergency, has at least come this Commission into the affairs of the police.

The second point I wish to make, Sir, is this. In the memorandum, it clearly says that Government has accepted the recommendations of the Police Commission in respect of ranks and the interim scales of pay, etc. Now, Sir, I would like to have an assurance from the hon. Chief Secretary, when he replies, that unofficial members of this Council will be given the normal courtesy of consultation on this matter before Government accepts recommendations of this sort—that is perfectly normal. I think I am correct in saying that no consultation on this particular matter has taken place.

In fact, we are pleased to support these recommendations, but I do not want the situation in which we now find ourselves to be considered as a precedent for the acceptance of the whole of the report without reference to Members on this side of the Council.

The last point I wish to make is this. I think this is a suitable moment, arising out of this Motion, for the Council to send its thanks to the Commissioner of Police, Mr. O'Rourke, who, I understand from a Government announcement, will be leaving us, and I also understand that the decision has been conditioned by the Commissioner of Police's health. I think the hon. Members on this side of the Council would like to record their thanks to the Commissioner for the work he has done over the last very difficult seven months and ask the hon. Member opposite to convey those thanks to the Commissioner.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, there are one or two points I think I should deal with, Sir.

First of all, with regard to the question of the hon. Member for the Coast, and his question about the application of the new terms to the Commissioner of Police. They will, of course, apply to the existing Commissioner.

He raised the question of no general acceptance of the principles of the report. I have no doubt the hon. Chief Secretary will deal with that matter, but the main and important point we felt—and perhaps this is the reason why on this particular occasion we did not have time to consult hon. members opposite—the main and important point was to get on with the job of getting the police terms of service and scales of pay on a reasonable basis, and therefore this was a case when consultation at long length was not possible.

Now, Sir, one hon. Member raised the question of conversion. There are, as he pointed out, two Asian Superintendents who will have to be dealt with under this conversion. I think perhaps the hon. Member will be glad to hear that, as a result of representations made by this Government, the Secretary of State for the Colonies has agreed that those two Asian Superintendents should

[The Member for Finance and Development] be accepted into the Unified Service. (Applause.) That will mean, of course, that the conversion will be dealt with in the normal way and any representations that are made will indeed be considered.

The same thing—not the question of the Unified Service aspect—the same thing will apply to the question of the Chief Inspector—we shall certainly take into consideration, from the Treasury point of view, any representations that are made on his behalf.

I think that covers the main point that the hon. Member raised. It may be that when we come down to the Committee stage, he may wish to raise something more in detail.

There is one personal aspect I would like to say in closing, Sir—that is how very glad I am to have been the Member for Finance who has been able to see the coming into being of something that he started seven years ago, sitting on the benches as a back-bencher on the opposite—(inaudible comment)—no, Sir, a back-bencher at that particular time.

MR. BLUNDELL: You have taken a long time about it!

THE MEMBER FOR FINANCE AND DEVELOPMENT: I would like to say in answer to the hon. Member for Rift Valley that I have not taken a very long time about it—it has taken a very long time for me to get to the position where I could help make the decision.

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, there is one small point I wish to raise.

When the hon. Mover introduced the Motion he stated that Government wished to make the police service attractive. He also stated that comparisons had been made with the salaries applicable to other branches of Government service. Is he completely satisfied that the salary scale at the time of entry, in regard to a Cadet Inspector, and the scales that follow—Inspector, Grade Two, and Inspector, Grade One—are

really attractive in relation to other Government departments? I understand, for instance, in the Labour Department and the Customs, that a young officer will enter those departments at salaries considerably higher than the salaries stated here, and I would like an assurance from the hon. Member that he is satisfied with those lower-grade salaries.

THE CHIEF SECRETARY: In replying to the hon. Member for the Coast, who I am quite aware has a very high standard of quality, I give him the assurance that while the details—a number of details in the report—cannot be the subject of a categorical statement, I do give him the assurance that the general principles regarding quality and the matter of promotion and that sort of thing will undoubtedly be accepted.

In reply to the hon. Member for Rift Valley, I think his remarks about the delays on the part of Government in giving effect to certain things were completely unconnected with his request for an assurance that consultation should take place with Unofficial Members on the remaining matters arising out of the report. I certainly give him that assurance, Sir, and I would like to express my pleasure at being asked to convey to our present Commissioner of Police the thanks which he requested me to convey. I shall certainly do so.

On the point made by the hon. Member for Nairobi North, I am satisfied that at present the entry—the salary at the point of entry to the junior scales—will prove attractive in comparison with other services, due regard being had to the prospects of promotion, and it should be appreciated, Sir, that it is not everyone who will enter as a Cadet Inspector at the minimum.

The question was put and carried.

THE DEPUTY SPEAKER: Now is a suitable opportunity for the usual break of fifteen minutes.

Council adjourned at Eleven o'clock and reassembled at Eleven fifteen.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Major the Hon. F. W. Cavendish-Bentinck, C.M.G., M.C., in the Chair]

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 2 OF 1954

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:—

BE IT RESOLVED that a sum not exceeding £103,276 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 2 of 1954.

Question proposed.

Serial Nos. 1 to 12 agreed to.

THE CHAIRMAN: If no other Member wishes to speak I will put the question.

The question was put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee doth report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Hon. Members, I beg to report that the Committee of Supply has considered the Supplementary Estimates of Expenditure, No. 2 of 1954, and has approved the same without amendment.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

MOTION

INCREASE IN MINIMUM WAGES OF AFRICAN EMPLOYEES

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, Sir, I beg to move that:—

BE IT RESOLVED that pending consideration of the Report of the Committee on African Wages this Council

doth approve the following recommendations relating to the regulation of the wages and other conditions of employment of African employees in the Colony: that immediate effect should be given to the following "interim" measures—

- (i) a flat increase of Sh. 10 on all existing minimum wage rates; and
- (ii) the prescribing of new housing allowances, based on the average economic rent for a bed space in local authority housing locations.

Before dealing with the Motion, Sir, I wish to take this, the first public opportunity, of thanking the members of the Carpenter Committee on behalf of the Government for the report which they have recently presented. Those Members of the Council who have had time to read the report will, I am sure, agree that it is evidently based on much very close investigation and a great deal of careful thought. I should also like to congratulate the Committee on the moral courage which they have displayed in putting forward long-range proposals of a very bold and original kind which, I am quite sure, they must have realized, at the time they wrote the report, would give rise to a good deal of public controversy and criticism. I should also like to congratulate the one dissenter from certain of the long-range recommendations, on the very moderate and reasonable way in which he expressed his differences with the majority of the Committee. Finally, Sir, I must thank the Secretary of the Committee, Mr. Keeler, of the Labour Department for his work as Secretary; I am aware from conversations with a number of the members of the Committee of the very valuable assistance which he gave the Committee, both in assembling information, in sifting and considering the information and in compiling the report. I am sure that all the members of the Committee would wish me to pay that tribute to their Secretary. (Hear, hear.)

The Government realizes that all Members will require very much more time than has yet been available to examine and consider the recommendations of this Committee. Indeed, the Government itself requires more time to formulate its own policy in regard to the report. The Council is not therefore being asked to-day to consider, or

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express any opinion, about the report as a whole. The Government does, however, think it urgently necessary to implement the recommendations of the Committee which are the subject of this Motion, and I will deal with them one by one.

The first recommendation is that there shall be a flat increase of Sh. 10 on all existing minimum wage rates. As Members will recall, minimum wages have been prescribed in the nine major towns in the Colony—Eldoret, Kisumu, Kitale, Mombasa, Nairobi, Nakuru, Nanyuki, Nyeri and Thika. I think it is generally agreed, and it has certainly been the opinion of the Government for some time, that the present minimum wages in these places are too low, and that an increase is fully justified.

I do not propose to argue the case for an increase in detail because, as I have said, I believe that it is generally accepted that an increase is necessary and justified, and because the arguments for an increase are set out very fully and very carefully in Chapter 11 of the report of the Committee. I expect most Members of the Council have read, at any rate, that chapter; because, of course, they are or were aware of the connexion between the present Resolution and that particular chapter of the report.

If this Resolution is passed, the proposal is that the increase shall take effect from the 1st of April. The second recommendation, the adoption of which is now proposed, is that the house allowance shall in future be based on the average economic rent of a bed space in local authority housing locations. In Nairobi this will mean an increase from the present figure of Sh. 7 to Sh. 11. I cannot, at the moment, say what the increase will be in the other towns, but I think it may be less than the Sh. 4 in Nairobi in most cases; but, as I say, I do not yet know that, and I cannot be certain of it. I am at present in communication with the local authorities in other places with a view to fixing the new figure.

At the present time, the rents charged by local authorities for housing accommodation owned by them are less than the economic rents. They represent a subsidy, a part of which is paid by the

local authority and a part of which is borne by the Central Government. If this Resolution is passed, and the increased house allowances are introduced, the local authorities will no doubt increase their rents to the economic level. Indeed the City Council of Nairobi has already informed the Government of its intention to do so with effect from the 1st of May. Since rents are collected in advance, the worker will have to find the increased rent from his April pay packet; and my proposal, therefore, is that the increased house allowances shall be effective from the 1st of April, so that the worker will have the money in his April pay packet to pay the increased rent in respect of the following month. Members will therefore see that the worker who occupies housing, which is owned by the local authority, will be no better off as a result of the increase in house allowance, if it is indeed increased; that is, if this Resolution is passed.

I hope that the large number of workers who are unable to secure accommodation in local authority owned houses, and therefore occupy privately owned houses, will be better off. My information is that, at the present time, the rent which they have to pay is considerably in excess of the present statutory housing allowances.

Now, Sir, it is necessary to refer briefly to the method of implementing this Resolution if it is passed. At the present time, minimum wages are fixed by the Governor in Executive Council under the Wages and Conditions of Employment Ordinance on the advice of the Wages Advisory Board. Under that Ordinance, the Governor in Council can refer a recommendation back to the Wages Advisory Board, but cannot vary the recommendation. Neither can the Governor in Council, or indeed any other authority, fix a minimum wage except on a recommendation of the Wages Advisory Board. It therefore follows that, as the law stands at the moment, if this Resolution is passed, it cannot be put into effect except by reference to the Wages Advisory Board which might, or might not, agree with the Resolution of the Council. Now, in the view of the Government, it would be constitutionally improper, and would put the Wages Advisory Board in a most embarrassing, indeed in my opinion an

[The Member for Education and Labour]

impossible position, to refer the matter to the Wages Advisory Board after that very matter had formed the subject of a Resolution by this Council. Therefore it is my intention, if this Resolution is passed, to introduce a Bill—copies of which were distributed to Members I think on Saturday—which will make it possible for the Member for Labour to make what will be called a Special Wages Regulation Order, in accordance with the Resolution of the Legislative Council, and without reference to the Wages Advisory Board; and, of course, if this Resolution is passed, and if the amending Bill is passed, I shall make an Order under the amended Ordinance giving effect to the Resolution of the Council.

Now, Sir, I beg to Move.

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, while supporting the Motion, I wish to raise a measure of criticism on the question of principle. It arises out of what the hon. Member said a moment ago in relation to the Wages Advisory Board. Now, Sir, as hon. Members are aware the Wages Advisory Board was set up by the Government some time ago, and it has on its Board representation from the employees, representation from the employers and two independent Members in addition to the Chairman. That Board, Sir, spends a considerable amount of time reviewing the cost of living, in relation to the formula laid down for the minimum wage, and I submit, Sir, that it is quite wrong to ignore that Board in a measure of this nature. This important step has been brought before Council without any reference to that Board and I submit, Sir, that it is, to say the least, discourteous to Members of the Board.

MR. HARRIS: Mr. Deputy Speaker, Sir, I support this Motion, but in doing so, Sir, I would like to just add to something said by my friend, the Member for Nairobi North, on the question of the Wages Advisory Board. In fact, of course, the machinery has always been here to introduce the very measures which this Motion suggests should be introduced, but what has happened is

that the Carpenter Committee in their deliberations have, in fact, changed the formula on which the minimum wage is based. The new formula is more generous, more liberal. The component parts, to give an example, include now 15 pounds of potatoes a month—European type—as against the old formula where the African was not supposed to like European-type potatoes. But, Sir, I would like to make it quite clear to Members, that what this is doing is not in any way taking care of any change in the value of money which has been the sphere of the Wages Advisory Board in the past, but is a reconstitution of the formula based on more generous allowances of food and clothing than the Wages Advisory Board have taken consideration of in the past.

Now, Sir, I consulted, together with other Members, last night, the Management Committee of the Nairobi Chamber of Commerce, who have always had the question of African wages very much in the foreground, and that Committee, Sir, accepted both recommendations 1 and 2 in this Motion. I would like to make it quite clear, Sir, that that does not in any way imply, at this stage, acceptance of any other part of the Carpenter Report.

On title 2 in the Motion, Sir, that is describing the new housing allowances based on the economic rent for a bed space, the employers generally in Nairobi have always wanted to get to the stage where Africans paid economic rents and they therefore welcome this measure which, in fact, places the payment of rent on the right shoulders.

Now, Sir, there is one other point that I would make. That is, while agreeing to the interim award of Sh. 10 additional in the minimum wage, it must be realized, Sir, that because one pays an additional Sh. 10 per month, it does not necessarily follow that the standard of living is increased by the value of Sh. 10. In other words, to pay the money is one thing, but to make sure that it is spent in the way that the report recommends, namely, to improve the physique and health of the workers is another matter, and it has been suggested that before any other part of the report is implemented, it might be of advantage if the East African Statistical Department

[Mr. Harris] Government give very serious consideration to the restriction of numbers of workers in the towns, where this particular Motion applies so that firstly the accommodation aspect is easier and secondly there is some element of competition in the fact of there not being too many people for too few jobs. It also has many other aspects which I think would be of great advantage if we did so restrict the numbers rather than to lay down a minimum wage for anybody who wishes to come to the towns and cities. In that regard, Sir, I would like to make one particular point. I would ask the Government to use every possible power at their disposal, both through the Information Office and other powers, to impress upon the African population of this country, that that rise in minimum wages has nothing to do with the *Mau Mau*, and that it has nothing at all to do with the activities of the terrorists in this country. It should be explained that this particular rise is due to a Committee which was set up a considerable number of months ago and it is not the Government giving way to pressure. In every possible way, I believe the Government should make it clear because the psychological aspect in the African tribes and the thoughts they might have in their minds, might be very dangerous indeed to the policy of this country if this is not made clear.

I beg to support.

MR. HAVELock: Mr. Deputy Speaker, Sir, the hon. Mover started off with thanking the Committee for its work, and I think that we should do so as well, but I would rather like to await the proper debate before confirming my thanks. I also want to stress what the hon. Member for Nairobi South has said, that in accepting the suggestion by Government of this rise in the minimum wage, we are by no means accepting any other part of the Carpenter Committee Report—even, Sir, the formula on which this particular rise has been suggested may be based. Even that will surely be a matter for discussion by this Council when the full report is before us.

As regards the rise itself, I myself, Sir, dislike the principle of minimum wages, and I do recognize that in a country of this sort, where there is not the complicated machinery which is set up in a modern state for the protection of the workers in many ways, and, indeed, for putting up a safety net that Sir Winston Churchill discussed and advocated about a year ago for the workers, then the only other way we can do it is to have a Government-fixed minimum wage, but I still do not like the principle myself.

I would also like to suggest that the Government give very serious consideration to the restriction of numbers of workers in the towns, where this particular Motion applies so that firstly the accommodation aspect is easier and secondly there is some element of competition in the fact of there not being too many people for too few jobs. It also has many other aspects which I think would be of great advantage if we did so restrict the numbers rather than to lay down a minimum wage for anybody who wishes to come to the towns and cities. In that regard, Sir, I would like to make one particular point. I would ask the Government to use every possible power at their disposal, both through the Information Office and other powers, to impress upon the African population of this country, that that rise in minimum wages has nothing to do with the *Mau Mau*, and that it has nothing at all to do with the activities of the terrorists in this country. It should be explained that this particular rise is due to a Committee which was set up a considerable number of months ago and it is not the Government giving way to pressure. In every possible way, I believe the Government should make it clear because the psychological aspect in the African tribes and the thoughts they might have in their minds, might be very dangerous indeed to the policy of this country if this is not made clear.

Sir, I am satisfied on the lines that the hon. Member for Nairobi South has described; that the Sh. 10 is required to meet the cost of living and a slightly increased standard of living and therefore, Sir, I support the Motion.

MR. COOKE: Mr. Deputy Speaker, Sir, I am not quite certain that the suggestion of the hon. Member for Kiambu will have the effect he desires. If you over-emphasize the matter and draw attention to the *Mau Mau*, that might have the very opposite effect and they might say that Government is saying one thing, but that really is the reason. I would prefer that the rumour should be left alone entirely.

MR. HAVELock: A rumour.

MR. COOKE: That might be; it is already a rumour. Let it remain a rumour.

[Mr. Cooke]

There is one practical point I want to make in supporting the Motion. The hon. Member has told us that the house allowance in Nairobi will go up from Sh. 7 to Sh. 11 a month. Now what assurance—what has he done to ensure that the private owners of houses do not cash in on this matter, because if they do, it will be a vicious circle starting again.

Will it be possible, anyway, to regulate the rents, to fix them so they will not go above Sh. 11 per bed space? Otherwise it is as certain as the sun will rise tomorrow that the local sharks will cash in and the position will not be improved from the workers' point of view.

MR. MATHU: Mr. Deputy Speaker, Sir, I would just like shortly to support the Motion moved by the hon. Member for Labour on behalf of my colleagues and to say that I think the workers will welcome this increase. It will not meet all their needs, definitely, but to have a loaf, Sir, is better than no loaf at all.

I, personally, like the hon. Mover, support the suggestion that this Council should—through the Member—make these increases in wages and that the legislature should have, as it should, the overriding authority *vis-à-vis* the Wages Advisory Board. I think that is what it should be.

The hon. Member for Nairobi South, Sir, commented in great detail about how the Sh. 10 is going to be spent and was doubtful whether that Sh. 10 will be spent as the Carpenter Committee has recommended: namely to increase the standard of living of the worker and to improve the physique of the worker. Well, he answered his question, Sir, because he did say the wages are the business of the earner, but Sh. 10 to increase the physique—it would require the cost of foodstuffs to go down terrifically. At the moment, meat alone is Sh. 1/50—the cheapest type—and the worker, if he depends on meat alone, would require six pounds of meat per month—30 days. That would not increase somebody's physique very much. Six pounds is a very small amount of a food ingredient which is very important in increasing the physique of the worker. He would not be living on meat alone, there are other ingredients to be taken

into account. So that Sh. 10 is a very small amount in comparison with the cost of foodstuffs and other necessities of the worker in the areas to which this Motion refers.

But, as I say, Sir, to have half a loaf is better than no loaf and I think the workers will appreciate this.

Now, finally, Sir, the question of housing accommodation. I, like the Member for the Coast, would like to ask the Government to see whether it is possible to impress upon the landlords—be they local authorities or private landlords—that they do not cash in on this because, as my hon. friend says, we will be back where we started if the whole amount is consumed in rent—the worker will be no better off than he is at the moment.

MR. Deputy Speaker, I support the Motion.

MR. MACONOCHE-WELWOOD: Mr. Deputy Speaker, Sir, there is one question that I would like to ask the hon. Member which I am not clear about and that is, why was it not possible to put this matter somewhat earlier to the Wages Advisory Board and thereby doing it with the machinery which already exists for the purpose. I do not like this idea of taking a piece out of the Report and submitting it to the Council in the form of a Motion before the rest of the Report is considered.

The hon. Member did state it was necessary to do it urgently, but surely the Wages Advisory Board might have been consulted earlier and reviewed these wages.

I find—I may be suspicious of the matter—but it seems to me that what Government is endeavouring to do by this Motion and the Bill to be presented later, is to abrogate the powers of the Wages Advisory Board and to put those powers finally into the hands of this Council rather than in the machinery designed to deal with the matter.

I would like to be clear on this. I have no objection, should it be necessary, to have this rise in wages taking place and I have no doubt that Government has satisfied itself that it is necessary, but, in view of the way this Motion has been brought in the first place as an excerpt from the Report, and, in the second place by cutting out the existing machinery for

[Mr. Maconochie-Welwood] wages adjustment, I find it illogical to support the Motion at this stage.

MR. TYSON: Mr. Deputy Speaker, Sir, there is only one point I want to raise in supporting the Motion and that relates to the housing item, paragraph 2, where it says: "The rent shall be an average economic rent for a bed space in local authority locations".

As Members are no doubt aware, in Nairobi, for example, there is a considerable variation in the economic rent for the various types of housing and it does seem to me that it would be a good thing to make some condition in regard to item 2, that the average economic rent shall be a figure which is either approved by the Central Housing Board or by some other authority because there may be a risk, if it is left as it is, of disagreement as to what the average economic rent may be, in certain cases, and would rather defeat the object.

I put that forward as a suggestion for clarifying the method of arriving at the housing factor.

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Deputy Speaker, Sir, the hon. Member for the Coast and the hon. Representative of African Interests, Mr. Mathu, asked for some assurance that the increase in the minimum housing allowance should not be absorbed by any unreasonable rise in rents charged by private landlords. Private premises in African housing areas are subject to rent control and one does hope that it will be possible to ensure that these increases are not absorbed by landlords without justification such as improvement of standard.

It is, Sir, no easy task to administer the Rent Control Ordinance in the African areas. Tenants—I know by personal experience—are usually reluctant to come forward to make complaints. If, however, there is any evidence or any sign of abuse of the increase of rent allowances, Government will do the best it can in the circumstances.

Connected with that point was a request by the hon. Member representing African Interests, Mr. Mathu, that local authorities should not cash in—as he expressed it—on this increase of rent. Sir, the Resolution is a recommendation that the

average economic rent should be charged and the expression "cash in". Sir, is, I think, a little unfortunate. The Resolution will provide that an economic rent will be charged which does not involve the Local authority in a loss and there may be adjustments of rent, but it will not be a process of cashing in so much as for good reasons, moving away from the inclusion in the minimum wage structure of a subsidized rent.

Government, Sir, welcome the suggestion by the hon. Mr. Tyson that the process of fixing the average economic rent should be authoritatively decided and not be a great matter for negotiation. It should, Sir, be comparatively easy to agree on a formula and to decide what, in each case, the average economic rent is. As the hon. Member rightly points out, the term economic rent can mean the setting of different rents for different accommodation and I think that, in operation, it will be the aim of Government to fix the average economic rent as that overall return which does not involve the local authority in a loss. It will involve consolidating housing accounts and arriving at a figure which reflects the standard of accommodation, as opposed solely to the building costs. It can be done and I think the hon. Member's suggestion is a valuable one.

THE DEPUTY SPEAKER: If no other hon. Member wishes to speak, I will call upon the hon. Member to reply.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, Sir, in the first place, I should like to say that I am grateful to the various hon. Members on both sides of the Council who have spoken in support of this Motion. I will endeavour to deal with the few points which seem to me to require a reply.

The hon. Member for Nairobi South, and various other hon. Members on the other side, said that they thought that the Government had shown less than courtesy to the Wages Advisory Board in not bringing this matter before them, because, of course, the fixing of the minimum wages, as I said myself in my original speech, is within the terms of reference of that Board.

I think it must be remembered in this connexion that it was this Council itself which, on the Motion of the hon. Member for Rift Valley, appointed the

[The Member for Education and Labour]

Carpenter Committee with terms of reference which cover, to a large extent, the functions of the Wages Advisory Board. The Government's view is that it would be quite wrong if the Report of the Carpenter Committee, which was appointed by this Council, was thereafter to be referred to the Wages Advisory Board. As I said, it would put the Wages Advisory Board, in my mind, in an impossible position if, the legislature itself having passed a Resolution on a particular matter, the Wages Advisory Board was then asked to consider that same matter. Therefore, my view, and the Government's view, is that the course we have followed is the constitutionally correct course, and the only one which is really fair to the Wages Advisory Board itself. I should make it plain, Sir, that I have had discussion with the Chairman of the Wages Advisory Board on this matter; and that two Members of the Wages Advisory Board, Mr. Holden and Mr. Chansu Singh, were themselves members of the Carpenter Committee and have both subscribed to these particular recommendations; and finally, that I have already sent a copy of the Carpenter Committee Report to the Chairman of the Wages Advisory Board, saying that Government will welcome its views on the report. But, Sir, I must make it plain that when we come to debate the report as a whole, my view will be that the Council itself should record its own opinion on the report, taking no doubt into account any view which may have been expressed by the Wages Advisory Board. So, Sir, I certainly do not accept the suggestion of the hon. Member for Nairobi South—I beg your pardon, Nairobi North—that any discourtesy at all was shown to the Wages Advisory Board; it certainly was not intended.

The hon. Member for Nairobi South suggested that the recipients of this increase may perhaps not spend the extra money in the way in which the Carpenter Committee hoped that they might spend it; and he suggested that a survey might be made in order to discover how, in fact, this extra money is spent. Now, Sir, I would like to invite his attention to pages 31 and 32 of the report—if we look at those pages, we see that the East African Statistical Department did make

a survey in 1951, and there is a brief summary there of what they discovered and on page 32; in paragraph (c) they say this: Patterns of expenditure tended to be very similar among various tribal groups. In all cases, approximately 72 per cent of income was spent on food. Expenditure on clothing was surprisingly low, but nearly all Africans in the sample spent money (average Sh. 2 per month).

MR. HAVELOCK: Is it proper that the hon. Member should bring up a matter which is quite new and bring in the Carpenter Committee Report which is going to be debated later? He is now bringing up a matter on that report which needs an answer and we, on this side, cannot give it.

THE DEPUTY SPEAKER: I was endeavouring to give the hon. Member some latitude.

THE MEMBER FOR EDUCATION AND LABOUR: Well, I was endeavouring to answer a point made by the hon. Member for Nairobi South; and, of course, he has had an opportunity of looking at the report as much as I have. Perhaps I might read a further small portion from the report?

THE DEPUTY SPEAKER: I must draw attention to the fact that the basis of this Motion is pending consideration of the report to ask for certain things, and therefore, I do not think it would be right to allow too much latitude in alluding to the Report itself.

THE MEMBER FOR EDUCATION AND LABOUR: Very well, Sir, I will say that I am satisfied that a very large proportion of the wage an African receives is, in fact, spent on food.

The hon. Member for Kiambu said, I thought rather surprisingly, that he would prefer to reserve his thanks to the Committee until the report as a whole was considered. I think that is very ungracious. Even if he does not agree with the recommendations of the Committee, surely he must recognize that this report is the result of a very great deal of careful consideration and very careful thought and I think the Committee deserve the thanks of the Council whether the hon. Member for Kiambu happens to agree with their recommendations or not. (Hear, hear.)

[The Member for Education and Labour]

The hon. Member for Kiambu also suggested that we should consider restricting the number of Africans in urban areas in order, so far as I can make out, that too many of them should not get this increased wage. Well, Sir, I should like to draw his attention to the fact that of course it is open to an employer to restrict the number of people he employs, if he wishes to do so; and I have little doubt that if wages increase substantially—as I hope they will—then undoubtedly the employer will expect to get more work out of the same number of people than he does at the present time. (Hear, hear.) But that is up to the employer.

The hon. Member for Kiambu also suggested that Government should give publicity to the fact that the submission of this Resolution is not in any way due to pressure from the *Mau Mau*. Of course it is not due to any pressure from the *Mau Mau*, or anybody else. It is put forward because Government is convinced that the increase is necessary and is fully justified. Whether it would be desirable to give publicity of the kind that the hon. Member for Kiambu suggested is very debatable, but it is a thing I will discuss with my colleagues in the Government.

The hon. Member for Uasin Gishu also suggested that we were derogating from the powers of the Wages Advisory Board. Well, Sir, to some extent that is true, but I have explained the circumstances, which in the opinion of Government, necessitate that being done in this particular case.

I think that covers all the points to which I have to reply and I beg to move. (Applause.)

The question was put and carried.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move—

That under Standing Order 168, Standing Orders 91 be suspended to the extent necessary to enable the Regulation of Wages and Conditions of Employment (Amendment) Bill (Bill No. 17) to be read the First Time today.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

The question was put and carried.

BILLS

FIRST READING

Regulation of Wages and Conditions of Employment (Amendment) Bill

(The Member for Education and Labour)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

MOTION

BITUMENIZATION OF ROADS IN AFRICAN AREAS

MR. OHANGA: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

That in the opinion of this Council the Road Authority and other authorities concerned should progressively take action to establish all-weather (including bitumenized) roads in African areas.

It has in the past been said, Mr. Deputy Speaker, that civilization follows the roads. That saying is true generally, but I think it is much more true in regard to African areas as we find them to-day. When British administration first came to Africa, the first signs that anyone would see clearly were the long roads which went from village to village, from location to location, from district to district, and from province to province. As soon as that happened all along the sides of these roads villages were established, more permanent and larger villages were established by Africans who enjoyed following the roads. Much more important, not only did that encourage Africans to come and live nearer and along the sides of the roads, but it also brought with it all sorts of new ideas which to-day go to form what is known as European civilization in general, and the comparison is a most interesting one.

In Kenya to-day, you have certain provinces which are known as more highly developed provinces, and you have certain provinces or districts which are known as less developed provinces or districts, and it is quite in order to say that nearly all those provinces that are referred to as more highly developed have, in the first instance, had their roads

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established and that made traffic and other things go through easily and made more and more people pass over the areas where they lived, and in that way they acquired developments much more quickly than those areas through which no roads went at all.

But when the administration proper was established, it was the duty of the Chief, or whosoever was appointed to be the ruler or organizer of those areas, to make quite sure that people had roads and I well remember every morning if you happen to be anywhere near the Chief's home, he and his men would call out to the people to come forward and make roads. These roads were, in the main, made by the Africans voluntarily; no money was spent on them, but they came out in large numbers in order to make the roads that would assist in developing their ideas and developing their affairs until they improved their conditions of life altogether. At that time, Sir, if there was anything else that could be put beside the road, it must have been the trees.

The collection of taxes and soil erosion, which now takes so much time of the Administration in African areas, was not at that time a very important thing, but roads and trees were the thing of the day and people came out in large numbers to make sure that roads were made; wherever roads were made all along the side, you had trees planted to mark them, and also to give shade to the people who carried heavy loads on their heads and wanted shade as they went along. Now most of these roads were made to no plan. In actual fact they were only roads which had to satisfy local demands; they either went from village to village, or from location to location and there was nothing at all that would make them feel that it was something that somebody else shared. They came out and made these roads without grumble; they did not demand pay because they realized they were their own roads.

Now that, Mr. Deputy Speaker, is the situation that came to Africa with the advent of roads. They took to roads cheerfully and they regarded them as something absolutely necessary and they started making them themselves.

Then matters changed. About the year 1925, the idea of starting African Local Councils came and what were known as Local Native Councils or African Local Councils were started and when this was done it was the first thing that people brought to the Government—all money that was collected must be spent on schools and roads. Then at that time, it was thought necessary that the amount of time and labour which the African men and women had been spending on the roads should now be diverted to agricultural practices and other things, and the money which was collected in the form of local rates should go to the roads. That was the first time that money was spent on the roads and African men and women saved their time.

Now the African District Council money which started at that time has been the main revenue, if we could so call it, that was available for the making and the maintenance of the roads in African areas; and as local Councils were not themselves equal, either in size of the areas which they served or in the general development around them, it is obvious that the development of roads in African areas became somewhat irregular. You would find certain areas which had more money and whose gardens produced well in their own areas making good roads, but those that had less prospect of good agriculture and so on remained behind, and up to this time the development is still uneven. In all areas you do not find the same standard of road system as you would find in certain other areas.

Now, maintenance of roads by African District Councils went on for a long time and the Central Government funds were not called upon for the making of roads quite apart from the Public Works Department which at about the year 1938 or even before that was responsible for the main trunk roads which rather passed through than served the local interests, and the roads which were specifically local remained an African District Council responsibility for all that time. Now, the Public Works Department, when given authority on roads, devoted nearly all its interest to the main roads and main roads only. The Africans, although they were not called upon to come forward themselves to work on the roads, still spent a large

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amount of their sum on what were, strictly speaking, district roads and only served small areas. The Public Works Department and the Central Government generally came forward to assist in the developing and maintaining of roads in the African areas, but their assistance was insignificant until in the year 1946. We had this—what is now famously known as the Development Committee, which drafted a report, making specific recommendations and deciding priorities as to what should be done with the roads throughout the country.

Now, on the advice of what was then the Central Road and Traffic Board, the Development Committee decided these priorities. They called certain roads Class 1 roads and that in their report comprised only three roads. The Class 2—had some 14 roads—and Class 3 had some nine roads altogether. They recommended that a sum of money, about £320,000, should be spent on these roads and what I would like to bring forward now in regard to that was, that the priorities which were decided by this important body have not to-day been always adhered to. Other priorities have been selected and money has been spent on other roads—than those in class one. I do not mean to say that the roads have been completely neglected, I say, priorities have been reversed altogether, or, in one way or another dealt with, they do not follow exactly as that Committee decided them. I will come back to that later.

Soon after that time we had a Committee which had to deal mainly with the fiscal problems of the Colony. I refer to the Piewman Committee which put forward certain recommendations as to how the fiscal policy of the Colony should be rearranged, and although they did not very much like the idea of earmarking revenue or hypothecating it to certain services, they, in the end, allowed this one or recommended it highly that certain sums of money should be put aside and given to special authorities which would go in for the making of roads all over the Colony, regardless of where they were, who followed them and so on. Soon after the Piewman Committee, a Committee was appointed in the year 1947, on which I, and I think, a few other friends in this Council served. I can

remember when we first sat, we had very little data to go by regarding African areas. Of course, the European District Councils were much more highly developed; they had Local Authority Committees. The District Councils themselves were very much involved; their areas were fully marked out, as I may say they knew exactly what their needs and requirements were; there was no difficulty about dealing with them. But as regards African areas, we did not even have suggested miles or how much money should be spent on their roads; that was in 1947, not so long ago. Being the only African Member on that particular Committee, I thought I should call on African District Councils in the Colony to supply us with some ideas as to what they were doing. When we had the figures of sums of money being spent on roads, that were given to us, I could clearly see that much of the Central Government money was being spent in areas other than African District Council areas.

The Committee decided that an Interim Report should be published to give the country and the Government an idea of what we would finally recommend; and that an authority to deal with the roads should be immediately set up. That Interim Report was issued—when it was issued, my own reaction to it was that it could not at that time serve very much purpose in improving the conditions of roads in the African District Council areas and, I thought it my duty to defer from the main report and append a little minority note: That the difference between the sums of money recommended to be spent in the African District Council areas and those to be spent in the European District Council areas was so great that it should not be left to go on and that when this particular authority was in power, it might be the appropriate time to try and review the whole matter again.

The Road Authority, Mr. Deputy Speaker, has been formed and it is now in charge of the road system of the Colony; whether they are planned, maintained or made by any other agency, it can be said that the Road Authority is generally in charge.

At the same time it cannot function without making use of the services that existed before it. It has, as its agency,

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the Public Works Department, which is the main body which is responsible for the work and has been for a long time and is the Government section that deals with that. It still carries on that with respect to certain roads—European District Council—which have been the largest spenders of Government money and then the Municipalities, then the African District Councils then the Provincial Administration in certain places, particularly the Northern Frontier Province, and certain other Departments, like the Forestry Department, which actually spend public money in the making of roads or their maintenance and so on.

Now I do not, at the moment, propose to say very much about the Road Authority itself, because I am aware of a Bill which is coming before Council and has actually been read a First Time; but I should like to say this in general; that the Road Authority, as such, has done a great deal to put road matters right, they are rather better than they were before, in that while deciding priorities they have not always lost sight of what are known as the main trunk roads or trunk roads or main roads or inter-territorial roads, and do give them a fair proportion of priority in spending. But generally speaking it is still true that the ideas which made me fear our Interim Report so much at that time can still be seen all round.

In looking through the Road Authority report of the year 1952, one would be struck by the amount of money that has been spent by the different European District Councils, some of which, of course, are adjacent to African areas, and so on. In 1952, according to the Road Authority report of that year, the Colony as a whole spent £1,602,757, on roads. Now out of that sum, this much was spent by the African District Councils—£223,204. That was spent by the Africans out of that big sum for the whole Colony and it will be seen that this is just about one-eighth, perhaps, of the total, and when you look at the Colony as a whole it would be correct to say that most areas are served by African District Councils and when you are examining the matter carefully on merit you would see that most of the African areas have more bodies living in them and that the Afri-

can areas have big production problems to deal with like the carriage of maize to different Maize Control stores and so on, and therefore they deserve more consideration.

Now I am informed that a committee has lately been sitting to survey the system of roads in African areas and that reports of that particular committee are now available to the Road Authority. I believe it is under consideration and something good may come out of it. I have not had time to study it carefully but I am glad that it has been done because I know that most of this spending which is not strictly according to our wishes or which leaves so very much to be desired in the minds of so many, has come about because of a lack of definite plan in African areas of what their needs are, and now this report has put down what was lacking. I have no doubt that we are going to see some progress made very soon. But the money that was spent in the year 1952 does not show very much on the face of it.

Anybody who now goes through the African District Council areas—it does not matter what he is going about for, even if he is only taking an ordinary ride through the roads—he will be struck by the difference which now exists between the African District Council roads and those of the European District Councils. At the same time he will also notice that even the main roads, which are under the control of the Public Works Department, through trunk roads and such—where they go through the African areas they are less cared for than they are when they are elsewhere, and this particular difference is so visible that it need not be questioned at all. The money that was spent in that year looks quite a good amount but it leaves very little to be seen behind, and I think the reason for that is what this Council should, this morning, Mr. Deputy Speaker, be concerned with. It is no use spending so much money unless you know you are going to have results, and so far results cannot be seen in any way. I think the reason is that instead of trying to do something that was complete and of fairly good quality, we are going in for cheap work that would require doing again the day after. Every year main roads, secondary

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roads or what have you, have earth piled in the centre to-day and the following day you get traffic of all sorts roll through them until it is all gathered back to where it came from; the rains come and they shift some of it back, and the traffic comes to make much greater holes with their wheels into it, and the business of filling it up again requires so much manpower and so much money that it is all just left there. I can say that we can spend that amount of money with our present methods year after year and be able to see no results at all.

This morning, what I am asking for is that some of this money, and if possible more, if it could be found, should be spent on something which would remain for tomorrow—not that we should spend it to put earth on the road and again it be carried away by rain and traffic and then put it back again. We should progressively have hard surfacing, even of small bits of road, to make quite sure that the money spent remains and in future years probably improve on it.

I should like now to come to the main proposal that I am putting before Council with that background. Now, first of all, I should like to say something about priorities. I have said that priorities which were decided by the Development Committee, have been somewhat distorted when the Road Authority came into power. Now exactly how the Road Authority decides its priorities I do not know, but I should like to state that there are at least two principles which must be observed and not be deviated from under ordinary circumstances. First, the density of traffic that is using the roads. I do not think it is difficult to find out—even if you cannot sit there all day to count how many lorries and how many cars pass—you can see the marks of their wheels and after one week of rain how deep the gulleys are—and you would know how heavy and how many there were—(Hear, hear)—and decide on the actual traffic density and spend some money there and make sure the Colony is spending good money on good surfaces that will remain to-morrow.

The next one is agricultural or any other developments that would add to the wealth of the country. We ought to

make quite sure that that road which is being given priority is going to assist to raise the standard of life of the people in the Colony, by means of making agricultural development or any other development possible, and if money is spent with those two principles observed, Mr. Deputy Speaker, I am quite sure it will be well spent and we shall have no complaints. My opinion at the moment is that that is not being observed strictly and that there are other interests which seem to be weighing more favourably with the Authority than those principles.

Secondly, notorious bits—all along our main arteries of transport there are certain parts which we know to be bad and they will be bad unless they are given special treatment. I should like to put that as priority number two. Where our main trunk roads go through especially difficult areas, even if the ordinary development programme does not allow for treating of that road for something better at that time, it would be quite in order for the Authority to go out of its way in order to treat that particular little bit which may be holding up the whole of the traffic because it is impassable at certain times of the year.

The traffic should be slowing all through and any small areas which hold people back and make people go a long way in order to reach short destinations—I have in mind at the moment some certain places which happen to be flat or certain plains—and I should like to cite, if I may, the Kano Plains only fifteen miles from Kisumu. They lie on the main road from Nairobi and the amount of traffic is considerable, but the Kano Plains will regularly each year debar all this part of the country's traffic from passing through. This has been put before the Authority again and again to give it better treatment and the standard of treatment is not sufficient to stop that completely—we still have fears of these difficulties and they may come back again. I believe the hon. Members on both sides of the Council do know other places which should be given equal treatment so that you can have through traffic at all times. (Hear, hear.)

Now the third point is about general hard surfacing. In deciding the general hard surfacing, again we should follow the principles of density of traffic and I should like to suggest that even if we had

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just £1,000 only to spend—let us spend it well. After giving the road a good foundation the material ought to be laid on the road in such a way that it can never be removed again by either rain or traffic but it will remain there in order to serve for the future developments again when they come. Therefore, have progressive hard surfacing without minding mileage. If we did that I am quite sure although there would be complaints that the whole road was not being cared for properly, we could be satisfied in the end we would have something which was permanent and would serve without requiring so much money again to be put into it as capital or on recurrent maintenance.

Now the fourth one, under hard surfacing, is a word about bitumen. Now bituminization of roads is a very expensive affair, I gather from the experts, and I can see that from the amount of work done on certain roads in order to bitumenize the surface, it is very expensive. But I, as a fairly regular road user, know that when we are talking of a good road we need not necessarily mean only bituminized roads. In East Africa, Uganda has been famous for its good roads. The mileage of tarmac in Uganda for the last 20 years has been negligible and if their roads have a very good reputation it is not because they are tarmac but because they were well cared for. They had sufficient maintenance teams that would deal with every mile carefully and if the rain came and dented the road badly they would always make sure that the murrum or whatever it was would be returned back to its place immediately and the surface of the road remained even and was not spoilt either by traffic or rain. I should like to suggest that if the cost of bitumen seems to be so much, that alone should not deter this Council from requiring better roads for all the country from the Road Authority. With the present materials, murrum roads can be made to look almost permanent and be used all the time, whether there is rain or no rain, without requiring anything—just with murrum alone. I have seen this happen in many parts of the country and I believe it can happen. If anyone wants to question that he should only take a ride between Tororo and Mbale and Jinja, on which there is not a single bit of tarmac,

and it is excellent, whether there is rain or not.

My fifth point, last but not one, is African Authority or people in charge of roads. I am quite sure that the African District Councils themselves who are responsible for the maintenance of roads in their own areas do a good service, but I should like to say that those Councils and the Central Road Authority as such should work a little more closely together than they do now. One of the weaknesses is that you have about 24 African District Councils and when their allocations are being made by the Road Authority, either for repair or capital, they are all treated as one and they are given one vote which is entered in the estimates. How that is decided is a question of detail and none of the reports available to me show how it is done—I cannot tell you—but if these Councils were strengthened at Provincial level, so that you have a body, perhaps advisory to the Central Road Authority, that would take care of its roads provincially and be able to co-ordinate the plans of the various Councils under it, we might be able to see better results. I am very anxious that this should be looked into, Mr. Deputy Speaker, because I know that the Road Authority is too high-flung and its relation with the African District Councils seems to be so remote that I can never really see how they work together. Just in order to bridge the big gap that now lies between the Road Authority and the African District Councils, it might be perhaps better to consider the imposition of a Provincial advisory body solely for roads—all Council roads, be they European or African, or be they main trunk roads directly under the care of the Public Works Department—and with that body I am sure that much valuable work would be done and very much progress would be hoped for.

Mr. Deputy Speaker, I have spoken for some time and I have done so deliberately because I know that the question of roads is an important one. No development of any kind can be expected in this country without improved roads and I am quite sure that the time of this Council spent on talking about roads would pay ten-fold. (Hear, hear.)

I beg to move. (Applause.)

Wednesday, 3rd March, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER-LAID

The following paper was Laid on the Table:—

Annual Report for 1953 of the Government Chemist's Department.
(BY THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT)

ORAL ANSWERS TO QUESTIONS

QUESTION No. 46

MR. CHANAN SINGH asked the hon. Member for Legal Affairs to state the numbers separately of Europeans and Asians who arrived in Kenya on visitors' passes but were later granted temporary employment passes or entry permits in years 1951, 1952 and 1953?

THE CHIEF SECRETARY (on behalf of the Member for Legal Affairs): There are no special records kept of the numbers of Europeans and Asians who arrived in Kenya on Visitors' Passes but were later granted temporary employment passes or entry permits in the years 1951, 1952 and 1953. It would take at least a month of research work, involving the scrutiny of several thousand individual files, to obtain the figures asked for.

It can nevertheless be stated that the general position is that the number of Europeans who have obtained permanent immigrant status after entering the Colony on Visitors' Passes considerably exceeds the number of Asians in the same category. It is pointed out, however, that the authority responsible for granting permanent status to visitors is the Immigration Control Board and the Immigration Appeals Tribunal, not the Government.

LADY SHAW: Mr. Deputy Speaker, may I ask if the Government is not aware that a very large number of people coming in on Visitors' Passes are, in fact, permanent residents of this country?

THE MEMBER FOR LEGAL AFFAIRS: No, Sir, I am not aware that there are a large number of permanent residents

MR. COOKE: Mr. Deputy Speaker, I beg to second. Sir, this Motion has been coaxed in reasonable and moderate language and has been spoken to in reasonable and moderate language and I hope will be accepted by the Government. I have not very much to add to the cogent arguments put by my hon. friend, I just want to make two points. Number one—I do not think enough consideration has been put to the African roads in this country so far—(Hear, hear)—and—I think that very few people realize that most of the roads in the African areas were originally built by unpaid labour. Now, Sir, if that labour had been paid and the money had been funded, it probably would have amounted to several million pounds, so it is not very much now to ask that we should devote—that the Road Authority should devote more of its funds to the maintenance of African roads in the African areas.

With regard to bituminization, I have always been very much in favour of that. I think the wastage at the moment through non-bituminization is terrific. Both from the intangible point of view for the amount of money that one spends on repairs, springs, time, nerve strain and everything else—that we are losing a great deal by not tarmacing roads.

Now, in its last report the Road Authority referred to the money that has been wasted on annual repair and it says this, Sir, "Observations on some of the more heavily used roads revealed the considerable loss of surfacing material amounting, in some places, to as much as four inches in a year, the replacement of which is a heavy burden on the Road Fund." Now, by tarmacing the roads we would save a great deal of that annual upkeep—and we would immeasurably increase the comfort of the travelling public.

Sir, I beg to second the Motion.

Question proposed.

ADJOURNMENT

THE DEPUTY SPEAKER: It is now one minute to the customary time at which we adjourn. I therefore think it would probably be wiser if we adjourn now. I therefore adjourn Council until 9.30 to-morrow morning.

Council adjourned at forty-five minutes past Twelve o'clock.

[The Member for Legal Affairs]—coming into this country on Visitors Passes. If that is so it is because they do not state their status accurately when making their application on the necessary document at East Africa House or at the Immigration Department in this country. Anyone who is a permanent resident of this country can come in without applying for a Visitor's Pass.

MR. BLUNDELL: Arising out of that statement, Mr. Deputy Speaker, in order to give the hon. Member time to get his breath, is it possible for persons who were born outside the Colony to become permanent residents?

THE MEMBER FOR LEGAL AFFAIRS: In order to acquire a Certificate of Permanent Residence, it is necessary to comply with the statutory provisions of the Immigration Ordinance which stated broadly, but subject to certain qualifications which I need not go into at the moment, provide that the applicant must have been resident in this country for five years.

MR. BLUNDELL: Arising out of that answer, as a Certificate of Permanent Residence is renewable after ten years and therefore not truly permanent, may I ask the hon. Member to examine the matter with a view to making the clause truly applicable to permanent residence?

THE MEMBER FOR LEGAL AFFAIRS: We are getting a little wide of the mark and away from the question which was put by the hon. Member for Central Area. The supplementary question raises a very large matter—an amendment of the Immigration Ordinance—and I think it would not be convenient to enter into it now.

MR. A. B. PATEL: Arising out of the first answer which was given, may I ask a supplementary question to this effect? Is it not true that in the case of Europeans who enter this Colony as visitors with a view to finding scope for employment or settlement, a large majority of them are allowed permits under section 7 of the Immigration Ordinance, while in the case of Asians—in almost all cases such applications are rejected?

THE MEMBER FOR LEGAL AFFAIRS: Sir, the answer to that question is that a great many of the Visitors' Passes that

are granted to Europeans coming into this country are endorsed in accordance with the Immigration Regulations to the effect that the holder of the Pass is visiting Kenya with a view to ascertaining whether there are appropriate conditions for his settling here. If he, before the expiration of this Pass, comes to the conclusion that there are such conditions, then he applies to the Immigration Board and makes an application under section 7 as the hon. Member for the Eastern Area has stated. It is for the Immigration Board, which is a Statutory Board applying the provisions of the Immigration Ordinance, to say whether or not that person complies with the provisions of the Ordinance and therefore should be granted an entry permit to stay in the Colony. In the case of many of the Asians who visit this country on Visitors' Passes, the Passes are not so endorsed because they come simply and solely for the purpose of a holiday to visit relatives or friends, with no intention of seeking permanent settlement in this country but with the intention of returning to India when they have completed their holiday.

QUESTION No. 56

LT.-COL. GHERSIE asked the Member for Health, Lands and Local Government: Under both the Hospital Services European Ordinance (Cap. 126) and the Hospital Treatment Relief (European) Ordinance, 1951, which repealed the former Ordinances, an Authority was constituted which was required to publish in the Official Gazette before the 31st December in any year its budget for the next year, and to furnish the Governor, as soon as possible after the end of each year, with a report and audited accounts which should be laid before the Legislative Council. Will the Hon. Member therefore, please state in respect of each year since the Authority was first constituted when the budget and accounts were published in the Official Gazette, or laid before the Legislative Council?

If for any such year the action required by law has not been taken, will the honourable Member give reasons why such action has not been taken?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT (on behalf of the Member for Health, Lands and Local Government): A report upon the administration of the affairs of the European Hospital Authority and a copy of the audited accounts as required by section 16 (a) of the Hospital Services (European) Ordinance covering the period 1946 to 1948 was laid on the table on May 17th, 1949. No report or accounts have been laid for subsequent years. Copies of the annual estimates of the Authority as required by section 16 (b) of the same Ordinance and by a corresponding section in the Hospital Treatment Relief (European) Ordinance, 1951, have not been published in the Gazette except in respect of 1954, the estimates for which are to be found in Government Notice No. 2847 of December 23rd, 1953.

The Authority's reasons for not taking the action required by the provisions of the law referred to by the Honourable Member were that until recently no settlement had been reached as to the Government's liability for contributions under section 13 in both the Ordinances cited. The adjustment of expenditure and revenue as between the Government and the Hospital Fund Authority was agreed towards the end of last year as a consequence of which this Council authorized the necessary Supplementary Provision on December 10th last. This settlement will enable the Hospital Fund Authority to present its report and accounts for the period from January 1st, 1949, to December 31st, 1952, and so soon as audit has been completed it will be possible to table the Report and Accounts. The Authority and the Government regret the delay.

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, arising out of that answer, is the hon. Member aware that the failure to publish these accounts is creating dissatisfaction and suspicion in the public mind? They feel they are not receiving the full benefits to which they are entitled.

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Government has not had representations to that effect although I am prepared to believe that the public might like more information more quickly.

LT.-COL. GHERSIE: Arising out of that answer will the hon. Member give an undertaking that he will publish these accounts without further delay?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The accounts will be published as soon as it is possible to conform with the terms of the law which require that they should be audited accounts, when the auditor has completed his work, the accounts will indeed be published.

LT.-COL. GHERSIE: Arising out of that answer, I would point out that the last accounts were published in 1948. This is 1954. No auditor should be held responsible for the delay. (Hear, hear.)

MR. SLADE: Will the hon. Member give an undertaking to do all he can to encourage the auditors to proceed swiftly with their work?

THE SECRETARY FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Yes, Sir, and no blame was ever intended to be attached to the auditor. A financial settlement was not reached until the supplementary provision was made in December last. I will give an undertaking to give all help to the auditor.

QUESTION No. 58

MR. NATHOO asked the Chief Secretary:—

- (a) Has the attention of Government been drawn to a statement appearing in the Press that a meeting of the Unofficial European Members and Electors' Union was attended by two Members of the Government?
- (b) If the reply is in the affirmative, will the Government state whether a Member holding a portfolio should attend these meetings to discuss future constitutional matters?

THE CHIEF SECRETARY: The Government has no knowledge of any such statement or any such meeting.

QUESTION No. 63

MR. TAMENO asked the Member for Agriculture and Natural Resources: Why Asians and Africans holding a locally recognized Diploma in Veterinary Science (of or near M.R.C.V.S.

[Mr. Tameno]

standard) have not been included in the names of veterinary surgeons who are entitled to obtain and possess antibiotics and sulpha-drugs under the Emergency Regulations dated 20th October, 1953?

THE DIRECTOR OF AGRICULTURE (on behalf of the Member for Agriculture and Natural Resources): The list of duly authorized veterinary surgeons which appears as the fourth Schedule of Government Notice No. 1735 contains the names only of those persons qualified to be registered under the Veterinary Surgeons' Ordinance.

Asian and African veterinary surgeons employed by Government are covered by Part III of the Second Schedule of Government Notice No. 1735, and they are therefore not prohibited by the regulations from obtaining or possessing antibiotics and sulpha drugs.

The Veterinary Board has under review the names of such persons as may have claims to be licensed to practise as veterinary surgeons, and if the Board decides to grant such licences, the names of those persons will immediately be included in the list of duly authorized veterinary surgeons.

The Government does not accept the suggestion of the hon. Member that the Diploma in Veterinary Science issued by Makerere College is of or near the standard required for membership of the Royal College of Veterinary Surgeons.

MR. NATHOO: Mr. Deputy Speaker, Sir, arising out of that reply, how long would it take to get a College Veterinary Diploma which comes near the standard required for membership of the Royal College of Veterinary Surgeons?

THE DIRECTOR OF AGRICULTURE: The hon. Member is, I think, aware that proposals are under consideration now for improving that standard of training for veterinary surgeons at Makerere. How long it will take to implement that, and how long it will take to obtain Africans of a standard, who can accept and take benefit of that training—I am afraid I cannot say.

QUESTION No. 64

MR. OHANGA asked the Member for Education and Labour: How many Education Officer and Assistant Education Officer (African) posts were advertised by the Department last year, the number now filled and the professional qualifications of those chosen to fill them? When is it hoped the remainder, if any, will be filled?

THE DIRECTOR OF EDUCATION (on behalf of the Member for Education and Labour):

(a) Post of Education Officer (African)

In the present Estimates one post exists for an Education Officer (African). This post has not been advertised because all the people who might have the qualifications necessary for this post are well known to the Department and, after careful consideration of each individual, it has reluctantly been decided that there is no one at present available in Kenya who has the necessary qualities and experience to fill him for this post.

(b) Assistant Education Officer (African) Posts

There is provision in the present Estimates for 11 Assistant Education Officers. Three of these posts were filled substantively in 1953. Two were being held in 1953 by officers in an acting capacity, pending confirmation on the completion of a year's satisfactory service. The remaining six vacancies were advertised by General Notice No. 1848 of the 1st September, 1953.

These six vacancies were filled with effect from the 1st January, 1954, the confirmation of the officers concerned being subject to a year's satisfactory work. There are, therefore, no posts remaining to be filled.

Of the eleven officers now filling the Assistant Education Officer establishment, five have the T.1 Certificate and six the T.2 Certificate. Of the five who possess the T.1 Certificate, three have taken the course for the Professional Certificate of the Institute of Education of the University of London.

QUESTION No. 65

MR. OHANGA asked the Member for Education and Labour: How many

[Mr. Ohanga]

children in Government and Government (D.E.B.) aided Primary Schools reached Standard IV or V in 1952? Of that number how many qualified and were absorbed into the Intermediate Schools? How were the remainder disposed of?

THE MEMBER FOR EDUCATION AND LABOUR: There were 38,000 pupils in Standard IV in Aided Primary Schools in 1952. Of these 8,100 were accepted into the Intermediate course as a result of competitive examinations and entered Standard V in Intermediate Schools in 1953. The term "qualify" in respect of entry to Intermediate Schools is misleading as the selection tests are purely competitive.

The remaining children left school and I have no means of knowing what they are now doing. As the hon. Member is aware, the Government's policy in this matter is set out in paragraph 16 of the Statement of Policy for African Education made by Government in 1951: it is "to provide an eight-year course of Education for every child as the necessary money, buildings and teachers become available". This policy is being implemented as quickly as financial and other considerations permit. Meanwhile, in accordance with recommendation 10 of the Beecher Committee, the curriculum of the primary school is "so designed as to secure that those who do not pass on to further education are able to pass out into the active life of the community better fitted to take part in it as a result of the education which they have received".

STATEMENT ON EMERGENCY COMMUNICATIONS

THE DEPUTY SPEAKER: The hon. Member for Rift Valley would like to make a statement.

MR. BLUNDELL: Mr. Deputy Speaker, Sir, during the recent debate on Emergency matters, I made a statement to the effect that communications from the ground to the air in the Rift Valley Province on Sundays were not satisfactory. I made that statement in good faith from an experience I had in the air with the pilot concerned, but I have since satisfied myself, with the Kenya

Police Reserve Air Wing itself, that ground-air communications in the Rift Valley are satisfactory, and are satisfactory on Sundays. My statement was incorrect.

As I believe hon. Members in this Council should be certain of their information, I wish to inform the Council.

MOTION

KENYA MEAT COMMISSION—OVERDRAFT GUARANTEE

(Amendment of Previous Motion)

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move:

BE IT RESOLVED that the first paragraph of the Motion "Kenya Meat Commission — Overdraft Guarantee" which was put and carried by this Council on Thursday, 10th December, 1953, be amended to read as follows:—

WHEREAS the Kenya Meat Commission has arranged, for the purpose of obtaining working capital, to borrow by way of overdraft from the Standard Bank of South Africa Limited, a sum not exceeding £100,000, repayable with interest at the Bank of England rate for the time being with a minimum of 3½ per cent per annum by annual instalments of £10,000 over a term of ten years ending on the 31st December, 1963, and has requested the Government, in addition to existing commitments undertaken by the Government to or in respect of the Commission, to guarantee to the said Bank repayment of such overdraft.

Sir, hon. Members if they would turn to the HANSARD of Friday, 4th December, 1953, would notice that the only difference is that in the present Motion the words are "Repayable with interest at the Bank of England rate for the time being with the minimum of 3½ per cent per annum", whereas, in the original Motion, it was, "With interest at the rate of 3½ per cent per annum".

Now, Sir, I think I should explain to the Council how this position has arisen. In the first place, Sir, I think that a mistake was made in presenting to this Council in a Resolution of this kind the terms on which the loan was to be

[The Member for Finance and Development]

raised. It has been held always that the authority of this Council is the authority to raise the money. The negotiations of the terms is a matter for the Treasury to take advantage of the terms available at the time. That, Sir, has been held as a principle and I think, Sir, is a principle which should be maintained if the best terms are to be obtained. But, however, Sir, this was put into the Motion—the original Motion—as "repayable with interest at the rate of 3½ per cent per annum".

In the negotiations with the Bank, the Bank pointed out, and quite rightly, I think, Sir, that it was not prepared to tie itself for a period of ten years to a rate of 3½ per cent per annum because of the varying swings in bank rates which might occur in that particular period. The agreement was presented, therefore, to me to sign with the words "the Bank of England rate with a minimum of 3½ per cent per annum". I held, that in view of the terms that had been put before this Council on December 4th, I could not, and would not therefore, be prepared to sign the agreement unless the Council had had the chance of expressing its agreement with the altered terms. That is the reason why this Motion is before the Council in order that I should be able to sign the agreement in the full knowledge that the authority of this Council has been obtained. I would repeat that I think the principle must be accepted that it is the task of this Council, and the wish of this Council, and the privilege of this Council, to authorize the raising of loans and guarantees and it is the task and duty of the Treasury to arrange the terms and rates.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

THE ROAD AUTHORITY (AMENDMENT) BILL

Order for Second Reading read.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Road Authority (Amendment) Bill be now read a Second Time.

This Bill, Sir, covers a number of minor clauses and amendments but contains, I think, no vital new principle. However, Sir, I think it would probably be better if I should explain those amendments now, rather than take it clause by clause in the Committee stage.

The first amendment is an obvious one; it is consequential upon the change in the magnitude and responsibilities of some of our local authorities.

In clause 3 there are two alterations to the original (J), which read: "One of the members shall be an unofficial member of the Development and Reconstruction Authority to be appointed by the Governor in Council", has now been altered to read: "one shall be a nominee of the Member". That is on the principle that if the Member has to have a representative, the Member should be the person who shall nominate that representative in order to make sure that the representative is a person who will express his views.

The other amendment is to (e) which lifts from four to five the number of unofficial members to be appointed by the Governor in Council. Hon. Members will be well aware that for some time we have had requests that there should be African representation on the Road Authority. Now, this particular amendment does not tie us to any particular racial representation and I think it would be undesirable that that should be laid down as a basis. Nevertheless, the Road Authority itself has felt for some considerable time that the presence of an African who could advise them upon conditions in African areas, would be a very useful step indeed, and I have little doubt that if this amendment is made the Road Authority will request the Governor in Council to appoint an African representative.

Clause 4—this is a consequential amendment upon alterations in the Municipalities Act and various other Acts, as is also clause 6 consequential upon the altered and repealed Traffic Ordinances.

Clause 5 is again consequential on the change in the financial year of the Colony and brings the Road Authority into line with the new procedure and period.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

MR. COOKE: Mr. Deputy Speaker, Sir, I am going to move an amendment to the Committee and that is number (e) of section 3. For "five" read "six unofficial members". Now, I do this, Sir, not for any sectional reasons but I think it is desirable to widen the scope of representation of the Authority. This is a large country and it is essential, I think, to have people on the Board with knowledge of every part of the country. It is very difficult to do that at the moment with the limited number of members. It also would provide for absentee members; I am told at times there are absentee members. Naturally, dates do not always suit individual members and there is a saying that there is wisdom in numbers and for that reason, I am going to propose that "five" should read "six".

MR. NATHOO: Mr. Deputy Speaker, Sir, there is only one comment I have to make in rising to support this Motion, and that is with regard to section 3 (e) which states that five unofficial members shall be appointed by the Governor in Council.

Sir, in the past it has been found that quite often people have been appointed on these committees without, I suppose, advice being taken from certain quarters, and the result is that some of them have not attended very many meetings of these committees, and the community's interests have suffered.

I should like to get an assurance from the hon. Member who is replying that, when making appointments of this nature advice will be sought from all quarters.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I should like to deal first with the point raised by my hon. friend, the Muslim Member for West Electoral Area. I have very great pleasure in giving that assurance. I am sorry it has not been done before. I think he will agree that it need not necessarily be done on a communal basis, but probably on a regional basis as being a much wiser precaution.

As regards the point put by the hon. Member for the Coast, perhaps I can give him pre-warning that, greatly to his

disappointment, Government will be very pleased to accept the amendment he is moving. (Laughter.) (Applause.) There is one point I would like to make. If he is going to move an amendment in Committee to clause 3 (e), altering the number of members from five to six, perhaps he will make quite certain that the amendment covers the consequential alteration from "nine other members" to "ten other members".

The question was put and carried.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that under Standing Order No. 168, Standing Orders Nos. 93A and 94 be suspended to the extent necessary to enable the Regulation of Wages and Conditions of Employment (Amendment) Bill (Bill No. 17) to be taken through its remaining stages today.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

The question was put and carried.

REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT (AMENDMENT) BILL

Order for Second Reading read.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Deputy Speaker, Sir, I beg to move that the Regulation of Wages and Conditions of Employment (Amendment) Bill be read a second time.

I think very little explanation of the objects of this Bill is necessary, Sir, because, as hon. Members will recall, I referred to it yesterday in my speech on the Motion which was then passed.

The object of the new section 10A which is to be introduced by this Bill, is to enable the Member to make a Special Wages Regulation Order in accordance with a Resolution passed by this Council, without reference to the Wages Advisory Board. The necessity for that I have already explained, and it is also explained in the Statement of Objects and Reasons. At the Committee stage of the Bill I am going to move the insertion of a new sub-section (6) into the new section 10A, the effect of which will be that the section will continue in force only until the 31st December, 1954, and then expire;

[The Member for Education and Labour]

but of course Orders already made before that date under that section will remain alive, and be effective. The reason for that amendment is that the view has been expressed that this is an extraordinary provision, cutting across the Ordinance as originally drafted and passed, and therefore it ought to exist only for a limited time. That is the object of the amendment which I will move.

The other section of the Bill which requires explanation is section 10n, which makes it possible for a Wages Order to specify separately the basic wage and the house allowance. Ever since this legislation has existed it has been the practice for the Wages Advisory Board, in making its recommendations to the Governor in Council, to specify separately the basic wage and house allowance; and the Orders made from time to time have, in fact, specified separately the basic wage and house allowance. The object of this section is merely to regularize what has always been the practice, and make it quite certain that the proper procedure is being followed.

Before I sit down, Sir, I hope I may be permitted to refer to the article which appeared on the front page of the *East African Standard* of to-day, in which it says that the African pay rise has been agreed at an extra ten shillings a week on all minimum wage rates. In fact, the Resolution passed by the Council yesterday was for an increase of ten shillings on all statutory minimum wages; since they are fixed on a monthly basis, not on a weekly basis, the wage increase will be ten shillings a month, and not ten shillings a week. The *East African Standard* have already assured me that they will give full publicity to this correction.

Sir, I beg to move. (Applause.)

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Major the Hon. F. W. Cavendish-Bentlinck, C.M.G., M.C., in the Chair]

REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT (AMENDMENT) BILL

Clause 1

THE MEMBER FOR EDUCATION AND LABOUR: I beg to move that clause 1 be amended by inserting therein—as the date of commencement the 1st day of March, 1954.

Question proposed.

The question was put and carried.

Clause 1, as amended, agreed to.

Clauses 2 and 3 agreed to.

Clause 4

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that clause 4 be amended by adding to the proposed new section 10A set out therein an additional sub-section, to be numbered (6), as follows:—

(6) This section shall continue in force until the 31st day of December, 1954, and shall then expire:

Provided that upon the expiration of this section, sub-section (3) of section 13 of the Interpretation and General Clauses Ordinance (which relates to the effect of repeals) shall apply as if this section had been repealed.

Question proposed.

The question was put and carried.

Clause 4, as amended, agreed to.

Title and enacting words agreed to.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that the Committee doth report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

MAJOR CAVENDISH-BENTLINCK: I beg to report that a Committee of the whole Council has considered, clause by clause, the Regulation of Wages and Conditions of Employment (Amendment) Bill and has approved the same with amendment.

THE REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT (AMENDMENT) BILL

THE MEMBER FOR EDUCATION AND LABOUR: I beg to move that the Regulation of Wages and Conditions of Employment (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTION

BITUMINIZATION OF ROADS IN AFRICAN AREAS

Debate resumed.

Mrs. SHAW: Mr. Deputy Speaker, Sir, I rise to support the hon. African Representative Member, with one proviso and that is, that all main roads throughout the Colony should be bituminized before district roads in either European or African areas.

I do, however, support him in his plea for building roads in the African areas up to all-weather standards and suggest that a great deal more use could be made of the deposits of murrum lying contiguous to such roads.

I would also like to support him in what he says about money being wasted through lack of supervision. I have recently travelled many miles over some of these roads and although certain roads were in good condition, the condition of some was deplorable.

This criticism of lack of supervision applies equally to the Public Works Department, the African District Councils and in some cases the European District Councils. Here I would like to suggest that sometimes the fault lies in the apportioning of spheres of influence. Often you find a strip of Public Works Department road lost in the middle of an African District Council road, or a European District Council road.

I believe that a great deal could be done by the road authorities to tidy up this apportioning of spheres of influence as, indeed, has been done through the efforts of the Nyanza District Council in my own area. This not only saves time and money in the movement of machinery but it makes for a general simplification of work and supervision.

I beg to support.

THE DIRECTOR OF PUBLIC WORKS: Mr. Deputy Speaker, Sir, I would congratulate the hon. Mover of this Motion on putting up very well-reasoned arguments for the development of roads in the African areas. (Hear, hear.)

I was a little uncertain as to exactly what he meant by roads in African areas but it was evident from his speech that he included in this all roads geographically located in African areas, many of which included trunk roads not directly the responsibility of the African District Councils. Examples of such roads are the Dagoretti-Escarpment section of the Nakuru road; much of the Limuru A Route; most of the Nairobi-Mombasa road; the main road from Athi River to Tanganyika; the section from Koru onwards of the road to Kisumu; the Kisii-Kisumu road; the Kisumu-Kisii-Tanganyika road and then the new main road from Broderick Falls to Uganda. These are just a few of the roads which are included in the terms of the Motion. They are all, more or less all-weather roads and some of them are bituminized.

The hon. Mover, Sir, gave an interesting account of the early history of roads in the African areas. He mentioned amongst other things that the allocation of funds recommended by the original Development Committee—I think, in 1946—had not been adhered to by the Road Authority when it took up its duties, as being responsible for the roads in Kenya.

This, Sir, was inevitable because the suggested allocation, of funds, as done in 1946 was not realistic in terms of present-day costs. For example, if I remember rightly, the Committee recommended the bituminization of the main road to Tanganyika at the cost of £900 a mile. This is a physical impossibility and, naturally, the Road Authority had to recast the whole of the plan, as then recommended.

Furthermore, there have been developments of various sorts since that date which have had to be taken into consideration by the Road Authority, as for example, work in connection with the Bamburi Road and the Likoni Ferry at Mombasa—to take only two.

This Motion can, I think, best be considered from three angles. Firstly, what should be the policy for the allocation of

[The Director of Public Works]

funds to road works? Secondly, how does the capacity of the Road Authority agent concerned affect these allocations? Thirdly, how is this allocation working out in practice?

In my view, allocation of funds should be considered from the angle of the benefit of the community and the economy of the country as a whole—and I gather that that is also largely the view of the hon. Mover of this Motion. The hon. Mover instanced four criteria to assist in deciding this issue. The first of these was traffic density; in other words, build the roads where the traffic demands it. This, of course, Sir, is the prime consideration which decides the Road Authority's policy. But the Road Authority does not assess traffic density in quite the way suggested by the hon. Mover—it does not go out and study wheel marks and rutting of roads to decide whether this or that road should be improved or reconstructed. It does carry out actual traffic counts. I would refer the hon. Mover to pages 20 and 21 of the Road Authority Annual Report which quotes a few examples of the traffic counts.

The hon. Mover then went on and suggested that roads should be constructed in the areas of potential development to encourage such development. I would agree with this but which should come first, the road or the development? I would suggest that at least there must be some sign of "potential" development before the road is constructed.

It may interest the hon. Mover to know that the Road Authority has recommended, under the "American Foreign Operations Administration Scheme, that a road economist should visit Kenya to advise on such matters as these, and the requirements of road communications in relation to the economy of the country would be one of his terms of reference.

The hon. Mover also advocated special allocation of funds where important roads passed through difficult areas and he cited the Kano Plains. This, of course, Sir, is done. Special betterment funds to, I think, the amount of £35,000 to £40,000 were allotted to the Kano Plains area and the road there has been very much improved, indeed, I think the road itself, over long stretches,

has been raised by two or three feet and eight inches of hard surfacing have been provided. I think the hon. Member need not be so pessimistic as he appears to be, that this length of road will necessarily fail again as it did in the floods of 1951.

Lastly, the hon. Mover asked that hard surfacing should be provided, which is irremovable by rain or traffic. The hon. Mover here is asking for an impossibility, except by bituminization, which is expensive. Ultimately, of course, all the main, heavily trafficked roads will be bituminized but that will take some time. Gravel surfaces, however hard, are inevitably dispersed by traffic and more or less heavy loss annually occurs in surfacing materials.

To pass on to my second point, Sir, the Road Authority must take into account in its allocation of funds the capacity of the agent to whom those funds are entrusted. It is responsible to this Council for the expenditure of all moneys allotted to it. I think the hon. Mover would agree that the capacity of the African District Council is not yet quite up to the standard that is desirable, even for the secondary and minor roads for which it is responsible. The report of the African Areas Survey Team is eloquent on this question and has many constructive suggestions to make. It may interest the hon. Mover to know that the Road Authority has put up a very comprehensive scheme for the inauguration of a training organization for plant operation and road supervisors. It has also put up a very comprehensive scheme for the provision of light mechanical plant for all African District Councils. These are expensive schemes involving a capital expenditure of no less than £212,000 and a recurrent expenditure of the order of £185,000 over five years, and an application has been put in for American aid to assist in the finance. However, even if the full finance does not become available, it should be possible to partly implement these schemes.

Furthermore, a senior road superintendent has been appointed and two more have been included in the Estimates for 1954/55, for sole duty with the African District Councils, to advise on and assist in the organization of the road works.

In due course, I am certain that as trained and competent Africans become

[The Director of Public Works] available, the African District Councils' capacity will attain the standard and will measure up to the requirements of the Road Authority which it needs before placing large sums of money in the hands of its agents.

I would now turn, Sir, to my third point and that is to how these allocations of funds are working out in practice. I would take, for example, the Estimates of the Road Authority for the year 1954, and if the hon. Mover would turn to page 27 which deals with the estimated capital expenditure, he will see that the allocation of capital funds is as follows: To Municipalities, £61,430; to European District Councils, £28,000; to African District Councils, £16,000; to the Public Works Department for roads located in what we will call the European areas, £56,000; to the Public Works Department for roads located in African areas, £120,000. Now if this is summarized; in the first half of the year 1954 there is due to be spent £136,000 on capital road works in the African areas, £84,000 on capital road works in the so-called European areas and £61,000 on Municipalities.

Although, Sir, it would be quite wrong to allocate funds to roads on the basis of ownership of motor vehicles, it perhaps does bear pointing out that less than 5 per cent of the registered motor vehicles are owned by Africans.

As regards the future of the next two to three years anyway, the technical adviser of the Road Authority is at present at work on a tentative construction programme for the next two years; it can only be called tentative because it will soon have to be put to the tender mercies of the Planning Committee. However, Sir, that plan, as it goes at present, includes for the bituminization of 80 miles of trunk road of which half is in the African—what I might call the African section of the Nairobi-Mombasa road. The balance is on road and bridge work which is roughly divided reasonably evenly, between the African and European areas. But, Sir, I do want to make the point that when we are talking about road work and the allocation of funds for road work, we must forget the words African and European or Asian. (Hear, hear.)

There are just one or two more points I would like to make, Sir. The Mover of this Motion mentioned the setting up of a sort of Provincial Co-ordinating Committee between the African District Council and the Road Authority. I think, myself that such a committee would be quite unnecessary. The Presidents of the Councils are in close touch with the Road Authority. The Chairman of the Authority himself, his technical adviser, the construction and maintenance engineer of the Public Works Department and the road superintendents especially engaged on the work are constantly touring the African areas and are in constant consultation with the African District Councils. Liaison is close and will become closer, and I do think that the views of the African District Councils, especially now that it has been agreed to increase the membership of the Road Authority, will have full ventilation before the authorities.

Finally, Sir, the hon. Member for the Coast raised two points. He did not think that sufficient consideration was given to the roads in the African areas, and he also referred to a loss of surfacing material up to four inches, mentioned in the Road Authority Annual Report and considered if only to prevent that waste, such roads should be bituminized.

As regards the first point, Sir, I invite the hon. Member for the Coast to read the report of the African Survey Team; it would give him a little light reading during some of these Sessions of Council. (Laughter.) I think on reading this he will see that there is a great deal of consideration being given to the roads in the African areas.

As regards his second point; he is, of course, quite right, but the main reason that this has not been done is that the Road Authority has not had all the capital funds at its disposal that it would like.

On page 6, I think it is, of the Annual Report of the Road Authority, he will see some figures quoting the cost of bituminization and he will see that a figure of something between £2,500 and £7,000 per mile is involved depending on certain conditions as to the availability of hard stone and so on, but there is no doubt that the bituminization of the main roads of Kenya is the most

[The Director of Public Works] important road development which we have now got to face and put in hand.

The hon. and gracious lady for Nyanza brought up one or two points which I think one might class as habitual or local to her province, which appeared to be largely lack of supervision and a mix-up as to the spheres of influence. Now, that is true, I believe there has been a slight disorderliness of spheres of influence in that area, but I believe to a large degree it has, as she said, been tidied up. The question of lack of supervision is one that is always with us until we get a thoroughly reliable and capable African staff, it is a thing which is very difficult to battle with.

Mr. Deputy Speaker, Sir, I support the Motion. (Laughter.) (Applause.)

Mr. NATHOO: Mr. Deputy Speaker, Sir, I rise to support the Motion moved by the hon. Member Mr. Ohanga, the African Representative Member, and I welcome the statement of the hon. Member, the Director of Public Works Department, when he says we must consider the various roads as roads—not as Asian, European or African roads or such. But, Sir, in the past from the authorities this view has not been taken, as I will proceed to give an instance. About two years ago, Sir, a large sum of money, almost £200,000, was taken from the cotton cess funds for spending in the cotton area. Now, Sir, this money primarily came from African areas and should have been spent, I maintain Sir, first on the development of the industry from which these funds came. Instead of that, Sir, except for a sum of a meagre £1,000, the rest of the money was spent on hospitals and other welfare schemes in that area. I agree, Sir, that hospitals and such other welfare schemes are necessary all over the place but, Sir, when the sum of money is coming out of a certain earmarked industry I maintain, Sir, that primarily the money should have been spent in the cotton areas for the development of the industry. (Hear, hear.)

For the last many years, representations have been made through the Agricultural Department and the Provincial Commissioner that roads and bridges in those areas are in such a

terrible state that thousands of pounds a year are wasted in wear and tear on lorries which move about, and part of the time, Sir, these lorries and vehicles are unable to move when there are rains in that district. In spite of the fact that at the time this money was allocated to other schemes—I would like to know what reason there was to spend only £1,000 out of nearly £200,000 which came from that fund. If that is not negligence of the African roads, I should like to know what it is. (Hear, hear.)

Mr. HAVELOCK: Mr. Deputy Speaker, I have no doubt the hon. Members opposite will reply to the question by the hon. Mr. Nathoo, which I do not really think has anything to do with the Road Authority as such. (Laughter.) It has been pointed out to me that in the Motion it states "other authorities" and therefore they will deal with it, no doubt.

If the hon. Member for Legal Affairs cannot hear I have no doubt he does not wish to reply.

Now, Sir, there are one or two points I should like to comment on that were made by the hon. Mover. I will not take very long and before I do that I do wish to say that I believe the speech made by the hon. Mover was a very excellent speech, obviously well studied and very much in the right vein. (Applause.) In fact I will say straightaway that I am standing up to support the Motion. (Hear, hear.)

Sir, there was a suggestion by the hon. Mover that the European District Councils were the largest spenders of public money. I do think that one should correct that remark which is not true. The figures given by the hon. Director of Public Works for 1952, I think, will underline that that was a misstatement of the hon. Mover's. He also stated that main roads going through African areas are less cared for than those going through European areas. Well, I do not know, myself, of many cases of that, and I would be interested if the hon. Mover would tell me of them. I know of one isolated instance where there is no doubt that the main road is narrower going through African areas, and therefore not quite as efficient as it is through European areas, but the

[Mr. Havelock]

reason for that is the difficulty in obtaining land for widening the road because of different land tenures, etc. and complications to do with that.

But I must immediately support the principle which the hon. Mover has stated that any main road should be a through road and that if there are any impassable patches on it, either in African areas or any other, then they should be first priority so that traffic can flow easily right through from one end to the other. That particular aspect has been very much in mind with the Mombasa-Nairobi road, and the Road Authority has lately allocated a considerable amount of money to try and make the Mombasa-Nairobi road all-weather, in that the drifts will not hold up the flow of traffic during the heavy rains. But of course that is not the only example. There are numbers of others and it is very difficult for the Road Authority to pick out the priorities, especially these types of priority all over the country, with the very small and limited funds at their disposal. However, the principle is most certainly accepted and we shall go ahead with it.

Now, Sir, the hon. Member the hon. Mover, mentioned the fact that the factor of vehicles using a road was an extremely important one with regard to the money that should be allocated to it, and the figures have been supplied to me which I think are of interest, although again I should say that it is not the whole story by any means at all. Taking the money spent—recurrent money spent—on African roads, including all the roads going through African areas under other authorities than African District Council, I am told that the amount is in the region of £220,000 and the number of vehicles which use those roads is approximately 2,250. That works out—I have not worked it out myself but I trust that the man who gave me the figures is right—at £98 per vehicle. Now on other roads throughout the Colony, £825,000 approximately is spent for the use of 42,750 vehicles. So on other roads outside African areas it costs £19 per vehicle. I will just repeat those two figures—£98 in African areas and £19 in other areas. I want to stress that this is not the whole story and it is not only on vehicle licences that the Road

Authority should, or does, allocate the money, but it does give an indication of the fact that one must keep very much in mind that where there is only light traffic it becomes at a certain stage uneconomic to spend any very considerable sums of money on roads only being used by few vehicles.

The hon. Director of Public Works I think has given an excellent disposition of the allocation of funds and the whole principle that the Authority works on, and I will not repeat anything that he has said, merely to congratulate him and thank him on behalf of the Road Authority for putting up such an excellent case for us.

He did touch on the matter of bituminization and therefore I will not emphasize it but I must admit I was staggered when I heard the hon. Mover say that he wanted permanent, hard surface roads which would not be wasted, and of course that is, as the hon. Director of Public Works said, quite impossible without a bitumen cover.

There is one very interesting suggestion by the hon. Mover on which I should like to comment: in fact it was divided into two parts. One was that the Road Authority should have closer contact with the African District Councils, and the other was that the road-making authorities in the provinces should have closer contact between each other on the construction of roads. The hon. Director of Public Works has stated that he hopes—and so do I—that a member will be appointed to the Road Authority who can give that Authority considerable advice on African District Council matters. With regard to the other point, I personally would welcome very much a—shall we say—joint committee of African District Councils and European County Councils or District Councils within a province so that they can coordinate both their work and their allocation and their future planning of roads which of course, as has been stated, have got to be non-racial. I would welcome that very strongly and I will certainly bring that suggestion to the notice of the Association of District Councils and I hope that perhaps the hon. Mover and myself may discuss the matter in more detail and I am sure that the Government would help in that regard.

[Mr. Havelock]

There is only one other point I wish to make, Sir, and it is referring back to this matter of construction of roads without bitumen, which will be more or less permanent. The hon. Mover referred to the roads in Uganda. We know that the Uganda roads had a very good reputation for a considerable number of years. They had a good policy at that time which resulted in maintaining the roads to a good standard for a fairly low number of vehicles. I think that it will be found now that the Uganda Government is getting very worried with regard to their roads. They cannot keep the roads in the condition they were kept in the past with the continual gangs working on them and filling up little holes with murrum, which was their policy. They cannot do it now with the number of vehicles using their roads, and they are turning to the same policy we are following here, and that is bitumen. In fact in these modern days, with so many vehicles on the road, I am afraid their former policy is now no longer practicable, except in certain areas, and again it has always been the case in this country that the authorities—the Road Authority and the Public Works Department—who have anything to do with roads have always been criticized and Uganda has been held up as an ideal—we should go there and learn from them and so on. I do want to make one point—Uganda has been very fortunate, and I am sure the hon. Chief Secretary will agree with me; in the fact that road material has been very much more easily obtainable in Uganda than it is through large stretches of Kenya.

Now, Sir, that brings me to another point again, that is the saving of the surface of our roads and I do not think it is outside this particular Motion because I am thinking of one road which does serve African areas as well as go through European areas, and I am extremely worried at the moment about the Nairobi-Sagana new road which the Public Works Department have built—aligned very nicely—with only a gravel surface, which has been used in the last six or nine months or more by heavy military convoys, speeding along at a great speed, and the surface has just gone—blown away. It is now cracking up. We have spent a considerable amount of

money on that road and made a good job of it, but we never had the money to surface it with bitumen, and with the extra heavy, speeding traffic using it lately I am very concerned that the money we have already spent may be lost to us if we cannot find more to hard surface or bituminize that road. Whether the money should come from the Road Authority's allocation—which I cannot see any possibility of—or whether it should come from the Emergency Fund—which I think is really the reason the road is getting to the state it is—is a question which the hon. Member for Finance and the hon. Member for Development will have to argue with himself!

Sir, I merely wish to say that I appreciate the way this Motion was moved and although the practical difficulties, I am sure, are apparent to the hon. Mover, I support the fact that we should hard surface roads in the African areas and I support the Motion, provided that in his reply—and I am sure he will—he makes it clear that the Motion is not a motion of censure on the Road Authority but rather a guiding Motion for the Road Authority's future policy.

I beg to support.

Mr. Cowie: Mr. Deputy Speaker, Sir, the hon. Mover, I am quite sure, intends this Motion to relate mostly to roads in African areas and probably does not include these main trunk roads like the road to Namanga and the road to Mombasa, because if he did I would have quite a lot to say—as I think this hon. Council knows—but I want to commend to the hon. Mover that there is a sense of responsibility which Africans must accept if they do endeavour to promote better and bigger roads in African areas. In other words, they will have to recognize that it is not possible for an African to walk along a road and see an enormous great rock lying in the middle of it and have no feeling of responsibility that that rock ought to be moved. Another thing is—if an African sees a great hole in a road I think what he should do is fill it in or mark it for the next vehicle that comes along. Also an African should recognize that he should not stop a lorry without a tail light at a dangerous corner at night. It is not only Africans who do those things—everyone does—and there is always this

[Mr. Cowle]

problem in every country of the world to educate people to be traffic-minded.

What I suggest to him is—if you are going to have better roads and greater and faster traffic in African areas, the Africans themselves must accept a greater sense of responsibility for their own safety, otherwise they themselves will be killed and their goats and their chickens and their cattle, which normally run across the road, will also be killed.

Mr. Crosskill: I support the Motion and fully believe that the criteria determining whether a road is necessary should be the same in African as in European areas—first development, or prospective development, and then traffic density. There is, however, one matter of principle I wish to raise—that of a chain only being as strong as its weakest link—and in this connexion I should like to say that if the hon. Director of Public Works does not do something quickly about the road between Rongai and Mau Summit, the hon. Mover will not be able to get home to Nyanza at all.

I beg to support.

Council adjourned at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

Mr. Awoyo: Mr. Deputy Speaker, since I understand that the Government has accepted this Motion, I do not think this side need take more time. However, in supporting the Motion, I have two points to raise.

The first one concerns the roads in African areas, particularly during the rains. There are certain strips which are really unsatisfactory, and I wonder whether it would be practicable, although we understand it is very expensive, to bitumalize roads. Perhaps it could be done that where there are bad strips, only those strips should be tar-maced. Sir, I have seen this done on certain roads in Uganda and it has been found practicable. I would like the Road Authority to consider that matter.

The second point, Sir, is the question of road signals in African areas. At present we do not have any road signals

at all as they do on trunk roads and roads in European areas. You find when driving you can never know where there is a bend, or a bridge and I think that the Road Authority should be able to advise the African District Councils who are responsible for the construction of these roads to see that they give the necessary signals wherever there is a school, etc. Sometimes, Sir, we do not have any signals for cattle-crossings and in African areas, people driving collide with a cow or a goat or any other animal. If proper cattle-crossing signals were given, the African District Councils would advise the people in their areas that when herding cattle they should see that the herd boys pass the cattle only at those places where there are cattle-crossings.

Mr. Deputy Speaker, I have only those two points to raise to the Council. I beg to support the Motion.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, speaking in this particular instance as the Member for Works rather than the Member for Finance, I would like to deal with a few of the points that have been raised in this debate.

The hon. Mover has been congratulated by one or two hon. Members on the reasonable way he has put his arguments forward in support of this Motion, and I would like to add mine to those that he has received. If, indeed, a number of our Motions could be put forward in that particular spirit, in the recognition that there is a problem and that two sides getting together are more likely to solve the problem than two sides arguing about the problem, we should go, I think, much further in this country.

Now, Sir, I would like to take this opportunity if I might to pay a tribute to my hon. friend, the Director of Public Works. This is liable to be his last sitting in this Council because he will be leaving us very shortly. It may be that he may be here for the next sitting, but as this is a suitable opportunity to pay a tribute to him, I would like to do so. (Hear, hear.) (Applause.) This Council is a very hard-hitting Council and very often where it is hitting hardest, it comes out, if I may say so, with the most platitudinous

[The Member for Finance and Development]

bestitudes that any Council could, but in this particular case, Sir, I would like to pay a personal tribute to a man who has set a standard of service to this Colony which I hope will be followed by the civil servants not only in his department, but in most of the departments of this country. (Hear, hear.) He never hesitates to face unpopularity with his own staff and his own people when he considers it in the interests of the country; when he has been pressed for measures for economy or he has been pressed on questions of efficiency or inefficiency, he has never hesitated to take the most drastic action necessary. On the other hand, and I speak here as one who has had dealings with him as the Member for Works for some time past, he has never hesitated to stand four-square for the interests of his staff in anything that he has thought was just, right and proper.

Sir, when we lose my hon. friend Mr. Taylor, this Colony loses a man who, in the short time that he has been with us, has indeed set us an example as to what unselfish service should be in so far as the best interests of this country are concerned. (Hear, hear.) (Applause.) In saying that, Sir, I am making no "public gesture"; I am saying something which I think every Member of the Government, who has had anything to do with Mr. Taylor, would support wholeheartedly and sincerely. When he does leave us, he will leave on record very good and solid comments on the question of the reorganization of the Public Works Department which will be of value to Members of the Government and Members of this Council I think for some time to come when they have to face and assess what the future of that department will be.

Now, Sir, turning to the Motion, I would like first of all to deal with the point raised by my hon. friend, the Muslim Member for Western Electoral Area, on the £200,000 and point out to him that this indeed has nothing to do with the Road Authority, or anything to do with any other authority which has anything to do with roads directly. This money is money which is placed at the disposal of the African Land Development Board and I will certainly

see that the hon. Member's comments are conveyed in that regard.

My hon. friend, the Member for Kiambu, who I am sorry to see is not here, took advantage of course of this Motion to put the special plea forward for the Road Authority, for expenditure on the Thika-Sigana road. I can give him no answer other than that the matter will be considered.

The hon. Mover spoke about development following roads. That of course we recognize as being quite true, quite correct. Where roads and communications are good, development follows. The ideal plan would be to put in roads and all the communication services into an area and face the fact that it might be sometime before the money would bring you in any return and before development would take place. Of course that is not possible with restricted finance. It is true that development follows roads. It is equally true that money follows development, and we get ourselves into a bit of a circle once again, a circle which we have tried in this country to get out of.

The hon. Member referred to the alteration of priorities and my hon. friend, the Director of Public Works, has dealt with that to some extent and I think very well. I would like to say of course, and those of my colleagues on both sides of the Council who are members of the Planning Committee know well enough, that priorities can never be static. They are a continual and changing thing as the circumstances of the time alter. The development plan that was laid down in 1943 or 1946, is no longer the development plan that can be followed to-day—not only on the question of roads, but on the question of many other things.

My hon. friend, the Mover, also dealt with the question of the hypothecation of revenue. Now it is correct to say, Sir, that in this country, we have agreed to the hypothecation of certain revenue to the Road Authority. The principle of hypothecation of revenue is never one which, shall we say, brings joy to the heart of a Member for Finance in any case, but I will speak now not as the Member for Finance, but as the Member for Works and say that we have agreed to the hypothecation of

[The Member for Finance and Development] revenue. But on what principle have we agreed to that hypothecation? What is the group of revenue which goes into the coffers of the Road Authority? It is of course essentially revenue derived from road users, and I would remind the hon. Member of this particular point at a little later stage in the argument I am trying to develop.

Of course, Sir, the Government can accept the Motion. Whatever may have been the faults in the past, and I doubt whether the faults have ever been as grievous as they have been made out to be, there is no doubt in my mind that to-day the Road Authority is taking a particular interest in roads in African areas and in African District Council's facilities to supervise and keep those roads at good level. But even to-day, in the year 1954, some 80 miles of roads in African areas will be hard surfaced by the three agencies—the African District Councils, the Public Works Department and the County Councils and the European District Councils, so that the work is indeed already continuing.

Now, Sir, in fairness to the Road Authority, this is of course an unofficial body in the majority—the member of the Government in this particular case is defending a Committee which has an unofficial majority—must go back to what was the principle of hypothecation of revenue, the point the hon. Member raised himself. It was that money should be taken from the road users partly to be used on a limited system of development for the country, i.e. the betterment of roads, and partly for the benefit of the road users, because it is the road users group of taxes that is taken specifically for this activity. Now approximately 5 per cent of vehicle licences are taken out by Africans. That of course can be tempered to some extent by saying that the roads that are used by those 5 per cent are not only in African areas, but that they use roads outside African areas, or they use roads such as main roads which are the responsibility of the Public Works Department. But there is this factor that, if you allow them the complete usage, then only 5 per cent of that money would be available to be spent on the road user basis in African areas. Now the

Road Authority took to revenue from licences, etc., about £760,000 in 1953 plus a special contribution from general revenue of £150,000.

Now let us look at the burden that the Road Authority has to carry inside that and I will touch on the capital question a little later. There are some 4,000 miles of main roads maintained by the Public Works Department which can be called, if you like, outside the African areas, but remembering of course that main roads do pass through, there are 2,800 miles of secondary roads in European district and County Council areas, and municipalities, and remember that in the municipalities the greater proportion of the roads are maintained and constructed completely at the ratepayers' expense. In other words there is the recognition that local people must pay for local benefits. But let us at any rate say that that is a total of some 7,000 miles. Now in African areas, that is excluding the Northern Frontier Province, there are approximately 10,000 miles of classified public roads, 1,700 classified as secondary roads, 6,042 miles as minor and 2,429 miles classified as administrative roads plus an appreciable mileage, as the hon. Member will know, of unclassified roads.

Now, let us look at the cost of maintaining those roads at an earth standard if the work could be done. It is reckoned that to maintain at a hard surface standard, a secondary road needs an average spent on it of £46 per mile; a classified minor road about £25.16/- and the administrative road about £5 per mile. Now, if we were to maintain those roads at even an earth standard at the target rate of expenditure, the annual charge for that work alone would be over a quarter of a million pounds. The hon. Members will remember the figures of the available funds. To hard surface the secondary roads throughout, and the secondary roads only, would cost about £750,000 and to hard surface all the roads would cost about £3,000,000. Now no one could possibly say otherwise than that it would be desirable that this should be done, but these things must also be placed against the priorities of other moneys, particularly when one comes into the field of capital expenditure. Indeed it is one of the tragedies of our present troubles that money will have

[The Member for Finance and Development] to be spent on the expansion of other services, which we none of us wish to expand, and money will have to be taken away from services of this kind; even though we recognize their vital importance to our economic development.

Now having stated the size of the problem in that way, let us take the basis of revenue, or let us take, as we should, first the traffic basis which the Road Authority has to use in assessing the need to keep roads up to a certain standard. Against this, I would ask the hon. Member to remember this five per cent of vehicle licensees, who are also users of the main roads generally throughout the Colony. The figures show that in African areas there is one vehicle to every 4½ miles of road. In other areas, excluding military vehicles, the figure is about six vehicles per mile; that is one to 4½ as against six to one. It will be obvious, I think, to the hon. Member that the more heavily used a road is, the prior claim it must have upon the money available for maintenance. I am not arguing, and I do not think any hon. Member would argue, that expenditure should be on an area basis nor that it should be related strictly to traffic, but I am pointing out facts to the hon. Member to show him that there are certain things which bring with them compulsory trends of expenditure and which have immediate economic demand for the priority of that expenditure. I would ask him to remember again that the great majority of this statutory revenue comes from users and they have a right, once you have accepted the principle of hypothecation, to say that if they contribute the greater part of the money, they should have the greater part of the expenditure in maintaining the roads that they, the payers, are using.

Now some rural areas have already accepted the principle of paying for, or towards, local district roads. By some rural areas, I mean European as well as African, and I express a personal hope here that more will recognize the need to face local contributions to maintain and heighten the standard of mainly local roads. I think that is a factor which must grow in importance and against that we must remember that the African District Councils contribute themselves from what I would call the nearest approach to

rates we can get—about £120,000 to roads. Municipalities and townships already spend over £300,000 a year on roads; money provided from local rates, and I think that it is inevitable that the time will come when local authorities, who wish to have a higher standard of roads than the taxpayers' or central government provision will allow, will have to contribute more in order to arrive at that standard.

Now it might be of interest to hon. Members to know that, in the 1954-1956 plan which has been submitted by the Road Authority to the Planning Committee, as capital required for that period—something which has not been settled, a decision which I cannot anticipate because this honourable Council will have the right to debate that report when it is finally laid on the Table of the Council; but to show the trend of the Road Authority's thought, I think I can disclose the fact that in that plan which they have put forward, 11 per cent of that capital expenditure in the 1954-1956 period was to be spent on African District Councils' roads, work and plant including something for this most vital provision for a training school for African road supervisors and road workers. Now 13 per cent was the figure allowed for Europeans—I am now thinking of County Councils which cover townships as well—County Councils and District Councils—some 13 per cent was allowed for them and 76 per cent was for the Public Works Department for main roads for all users, which I think we will all agree must be removed completely from any atmosphere of (a), (b) or (c) groups of users; although, of course, we do know that much of that mileage passes through African areas. There is very little to be gained from conducting an inquest into the past; we are, I think, facing the fact that the Road Authority has recognized and is going forward with as much as can reasonably be done in African areas, but just to show that the position has not been static, let us take the actual expenditure figures, on shall we say, secondary roads in 1947. I raise this because the hon. Member spoke about "falling back".

In 1947 the Public Works Department maintenance road work in African areas was £7,600 and the grants to local Native Councils were £40,582, making a total in

[The Member for Finance and Development] 1947 of some £48,000. But in 1953, although it would be correct to say that the grant to the now called African District Councils, instead of local Native Councils, has dropped from the 1947 figure of £40,482 to £35,000, it is equally correct to say that the Public Works Department vote and expenditure on that particular item has risen from £7,600 to £39,299, so that the overall increase has been from £48,000 to £74,299 for expenditure on secondary roads; I would underline that—secondary roads alone. For 1954 again the grants to the African District Council have again been stepped up at a rate of £7,000 per annum. No-body pretends this is sufficient, but I am trying to point out that the problem is being recognized by the people who are dealing with it. I think everybody recognizes the need for better roads; indeed I have already pointed out that no agricultural plan has got a real basis unless there is road provision to enable the sellers and the buyers and trading people to move in and out, otherwise the plan can be something on paper but will not have anything like its full economic weight.

Sir, I do not intend to keep Council any longer for I am sure that the Road Authority will continue its policy of paying more and more attention to the African areas. I would draw the attention of the hon. Mover and his colleagues to the fact that the Estimates of the Road Authority are laid on the Table of this Council every year and that that is probably the best opportunity of getting a review or of making comment upon that policy—at the time that the estimates are being laid. So that there is, after all, already a provision inside the procedure of the Council for a continuing chance of criticism and constructive suggestion. I can assure hon. Members that I personally take a very great interest in this problem and that as long as I am Member for Works I will keep it under continual review and, when I cease to be Member for Works, if I am still Member for Finance, I will still keep it under review because it is of great economic importance to the country.

I have great pleasure, on behalf of the Government, in accepting this Motion.

MR. A. B. PATEL: I beg to move that the question be now put.

MR. COOKE seconded.

THE DEPUTY SPEAKER: I will call on the hon. Mover to reply because in a debate of this kind, it is fairer for him to be able to do so.

MR. OHANGA: Mr. Deputy Speaker, Sir, I think first of all I would like to say how very grateful I am to the Government for accepting this Motion and also to say how grateful I am to both sides of Council for the realistic attitude which they have taken towards this Motion from beginning to end.

Mr. Deputy Speaker, it seems to me that I have got a few notes which I might follow through but, in view of the fact that this debate has had a very fair ventilation from both sides, it may be unnecessary. Nevertheless, there are certain points which I think I should reply to because they were specifically asked for.

The first one is this, which comes from the hon. Director of Public Works—to whom I am so grateful for the kind words which he said about my Motion and the way I moved it and also for the figures and statistics which he brought to the notice of this Council.

Now, Mr. Deputy Speaker, he wished to know if I held the view that by roads in African areas I meant also roads that are not necessarily serving the African areas alone, but are main roads or trunk through roads which serve a wider purpose. That is, I think, to a certain extent, true, though when I put "African areas" I meant African areas. I realize that we have certain main or trunk roads which traverse the land from Nairobi, say, to Nakuru, like this big main road here and it certainly passes through the Kiambu African land unit and serves everybody.

A road of that type, I recognize, is a general useful road to all and, by all means, should be kept at the highest standard, but at the same time I would like to make this point, that by roads in African areas, I meant those available to the African areas which need not necessarily be through roads that serve a wider purpose than those within the African land units and I would like to emphasize that attention should be given to those roads in the African areas which serve that particular community either

[Mr. Ohanga] because of some agricultural developments or any other developments that are going on within those particular African areas. I would like to make that quite clear.

The second point with which I should like to deal is that one about the Provincial Councils—the Provincial Advisory Boards which I thought might be a useful service in co-ordinating the demands of the African District Councils and also stand as liaison between the Provincial areas and the Road Authority in Nairobi. I am sorry to see that he is not prepared to take a more practical view on that one because I think there is a real purpose which it concerns. Although the presidents of the local councils, with the African District Councils or European District Councils, are kept in close association with the affairs of the Road Authority, I do not think that the present district commissioners, who are the presidents of the African District Councils, as men, would have sufficient time—and they are not members of the Authority, let us remind ourselves—to pay great attention in detail to all that is going on about the roads themselves, as such. In any case—

THE MEMBER FOR FINANCE AND DEVELOPMENT: I apologize to the hon. Member. In attempting to cut my speech as short as possible, I probably did not cover the point that he is referring to. I will, of course, refer it to the Road Authority and I need hardly say—judging by the remarks of the hon. Member for Kiambu—that the Road Authority will consider this sympathetically. There is, indeed, a provision in the County Councils Bill whereby joint committees can be set up between adjoining local government authorities to get this type of work put on a joint basis. I would say that I think this would be a most valuable thing if African District Council adjoining County Councils could work together on practical work of this kind.

MR. OHANGA: Mr. Deputy Speaker, I am grateful to the hon. Member for Finance for his assurance that that will be considered.

Secondly, I am in a hurry to assure the hon. Member for Kiambu that my Motion was not meant to be a censure on the Road Authority's service, but at

the same time, it is recognized that it was a bit of criticism on their past operations and plans and I would like that to be recognized because, had we been completely satisfied with what has been going on, I do not think this Motion would have been necessary at all. But I want to bring to the notice of the Road Authority the fact that, so far as the African areas are concerned, we are not completely satisfied with what has been going on and a Motion of this kind, if it can assist in focussing their attention a little bit more on the African land units, it would do just the thing I wanted and I hope perhaps it will serve that purpose from the kind words that have already been said by the Member for Kiambu who, I know, is a member of the Road Authority.

Now, to go back to the hon. Director of Public Works. I most heartily welcome the suggestion which he put forward as having been made by the survey team of the Government in providing for the training of Africans who would work on the roads under the care of the African District Councils. It is true that many African District Councils now have responsibility over many miles of roads but they have men who, though accepting full responsibility for the maintenance of roads, do not necessarily have the necessary technical qualifications to enable them to carry out their duties easily and if, in the future, we could have a school particularly set aside for the training of these men, I am quite sure it would be a big step forward and I would like to say that I am grateful for that suggestion and I hope that it will come to reality.

There are only a few more points which I think I should touch on before I come to the close. I would like to support the suggestion of the hon. Member for Nyanza for emphasizing the present policy by which one whole road has different authorities for its maintenance—I think in the long run it is wasteful and very often it does not work out smoothly. If arrangements could be made to make quite sure that roads could belong to one authority from beginning to end, I think it would assist to improve matters. I know of roads in my own province where the responsibility of the Public Works Department ends rather badly in the middle of the country. I

[Mr. Ohanga] refer to the main trunk road between Kisumu and Busia. The road goes from Kisumu to Sidindi and then somebody else has to carry on; whereas the traffic plying between Kisumu and Busia has the same traffic density from Kisumu to Busia and I can never understand why it was necessary for Government to accept responsibility only up to Sidindi and then leave the rest to somebody else. Perhaps later on I could get a reply to that one at a more convenient time.

Now, with these words, Mr. Deputy Speaker, I would like to commend my Motion to Council. Before I close I would like to associate myself with the words that have been said about the hon. Director of Public Works who we are sorry to hear is about to retire not only from this Council but also from the responsible duties which he has held very well for many years in this country. We would like to wish him a good time when he goes out of this place and a happy and prosperous long life. (Hear, hear.)

With these words, I beg to commend the Motion to Council. (Applause.)

The question was put and carried.

MOTION

FACILITIES FOR AFRICAN LEADERS TO HOLD MEETINGS IN NAIROBI

MR. AWORI: Mr. Deputy Speaker, Sir, I beg to move that in the opinion of this Council responsible African leaders should be given the immediate facilities to hold public meetings in Nairobi in order to influence African public in favour of law and order.

Sir, I intend to be very brief in this Motion. It is nothing new but we, on this side, the African Members felt that at this juncture it would be appropriate for us to ask the assistance of the Council to approve of this Motion so that African leaders in this country would be able to play a greater part in influencing the African public to respect law and order.

It is known, Sir, that African Members of Legislative Council have been granted permission by Government to hold public meetings although they might be restricted. That is why in my Motion I do not restrict it to the African Members

of Council, but to African leaders. Now, Sir, by the African leaders, I mean the African Members on this side of Council. I mean the African loyal chiefs who are dealing with the Emergency in their areas, I mean the African clergymen, the African City Councillors and so many others who are concerned with the trend of events in this country.

Long before the Emergency, Nairobi was the centre of much propaganda through public meetings and I should say that a good amount of this propaganda misled the Africans in Nairobi. That is why I feel that once more there should be greater meetings, more meetings in Nairobi to try and influence the thousands of Africans who have been misled in the past. It is known, Sir, that Nairobi is the key point in the prosecution of the Emergency and that is why, in my submission, I feel that while we fight the Emergency physically, we should also start a psychological war. In my opinion, Sir, I feel that the majority of Africans in Nairobi, particularly the Kikuyu, have been misled and at present they do not have a chance of listening to some of the leaders who would influence them, to know that violence would never pay.

We all know, Sir, in this Council and in the country at large that whatever *Mau Mau* is doing, it will be crushed; we know that we have got a number of changes now that have taken place during the past three months; that the forces of law and order are winning the battle and the *Mau Mau* are losing. But, Sir, I do not think that it is enough in itself if we crush these people but we do not educate them to understand why we are crushing this evil called *Mau Mau*. That is why, Sir, I feel that at the present time, if African leaders who are trusted by the Government and who understand their people were to be given facilities in Nairobi to hold meetings and to talk to their people, there might be changes among the waverers and those die-hards of *Mau Mau*.

I said in the Motion the word "facilities" because I do not think at the moment there are enough facilities in Nairobi for holding meetings. The public halls that used to be meant for holding meetings are now not available and if it would be possible for Government to make arrangements where meetings could be held somewhere outside or in the

[Mr. Awori] some places, we would be able to appreciate it.

There is much, Sir, that I could say about the havoc that has been brought up by *Mau Mau* but we all know and we have discussed it over and over in this Council. That is why I do not feel I should take more time of the Council by repeating what we have said before and what we have read in the Press and what we have witnessed.

Going back, Sir, to what I said about Nairobi being the chief point—we have seen what is happening. There is a population of over 100,000 Africans of whom I should say about 50,000 to 60,000 are members of other tribes. Now these people have been misled by the evil *Mau Mau* who are in Nairobi. We have seen the boycott of buses, the boycott of certain restaurants, the boycotts of smoking, and the boycott of beer. Now the other tribes and the other loyal Kikuyu are not happy with this situation. They would appreciate it if African leaders could rally the whole of the public, not only Kikuyu but members of all tribes, together and discuss whether to boycott and the killings will be able to help us at all. The loyal Kikuyus and other tribes have been victimised and they are not too happy to stay in Nairobi and they are not too sure of their lives. Much of what they used to have has gone; some who had shops and other businesses have had to sell and go. There is no entertainment because of the fear, of the terror of *Mau Mau*. I believe, Sir, that, despite the risks that might be involved, Government should be able to take greater measures of avoiding all these risks when public meetings are held.

There is one other point, Sir, why I would like and we on this side would like at the present moment that facilities should be given for holding meetings and that is that we would like to influence the African public not only to respect law and order but also Government policy. We would like them to know what Government is proposing to do for the Africans and what Government is doing now. Yesterday the hon. Member for Kiambu mentioned, when we were debating about wages, that it should be made clear to the Africans that they should not think that it is because of

the pressure of *Mau Mau* that the wages have been raised—that is true. Through these meetings we will be able to tell the Africans that *Mau Mau* has not made any difference—this has been one of Government's policies from the beginning and the committee had such findings that the rise should be made.

It is not only through the Information Services that all these can be made, but through meetings which should be mass meetings as those which were being held previously long before the Emergency.

At the same time, Sir, through these meetings, we would like to consult the Africans in Nairobi to ask them why they are carrying guns and why they are beating and intimidating the people, and why they are boycotting businesses and things of that nature? I am sure they would be able to reply and tell us why they are doing all this evil. When you are far from the people it is difficult to understand their point of view. Even we, ourselves, besides meeting people in the streets and talking to them it is very difficult to know the inside opinion of the masses because we cannot meet them as we used to meet them in the past. I think that if Government could be able to consider this request which we have put forward and we have brought in good faith in that we would like to help the Government in the prosecution of the Emergency—not all of us can carry guns and go to the Aberdares—we can be able to help not only by carrying guns but also by influencing the African public to respect law and order. I am afraid, Sir, that if we do not convince the Africans at this stage, even when we crush *Mau Mau*, it will merely go underground and may be at a later stage it might come up again. But now, when we are fighting physically we should also use some means of convincing these people in their minds so that this thing will not be repeated at all. We in this country have pronounced and condemned *Mau Mau*, because instead of helping the African public to go forward it is only returning them to barbarism and savagery, and we are not happy at all. We feel that the African mind should be rehabilitated now so that when *Mau Mau* is crushed we shall be able to build a more peaceful country than what it is!

Mr. Deputy Speaker, with these words I beg to move the Motion. (Applause.)

Mr. JEREMIAH seconded.

Question proposed.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Deputy Speaker, Sir, I welcome—and I propose to follow—the hon. Mover's opening precept when he recommended brevity, which I continue to advocate, Sir.

I also welcomed many of the sentiments expressed by him and in particular, the assurances of co-operation and support that he made on behalf of responsible African leaders. I should also like to say that Government propose to accept this Motion—(Applause)—but at the same time I must remind the hon. Mover and hon. Members of this Council of the permanent legislation under the Police Ordinance, which lays down that a permit must be obtained for public meetings.

The hon. Member did refer to the backgrounds of terrorism and the dangerous situation which has existed, and still does, in Nairobi, and against these backgrounds, Sir, it will be necessary to lay down conditions in giving a permit for such public meetings, and it will, particularly in times such as this, Sir, be necessary to ensure that these conditions are strictly observed. The conditions which it may be necessary to impose are to lay down the place and time at which such meetings may be held, and to ensure the prior submission of an agenda for approval and a list of the names of speakers. Other conditions may be necessary under particular circumstances at the time, but these are normal requirements for allowing a public meeting of this sort at this time.

The hon. Mover referred to facilities for such meetings and I do regret that it has been necessary—not so much necessary from this point of view of holding public meetings, but recreational facilities—it has been necessary to take over many of the halls that have been used for this purpose. I trust that they will, in the not too distant future, be released for their original purposes.

The hon. Mover also referred to mass meetings held previous to this Emergency. I will not dwell on the history of that; I only hope that meetings such as those which will not be held again in Nairobi. (Hear, hear.)

I will conclude by assuring the hon. Mover that—the Officer-in-Charge, Nairobi, and the District Commissioner, in close consultation with the police, will welcome and will give support to reasonable meetings by responsible African leaders for the purposes of this Motion, Sir. (Applause.)

THE DEPUTY SPEAKER: If no other Member wishes to speak—

MR. COVENTRY: Mr. Deputy Speaker, Sir, there is only one point I want to make. I hope that the Chairman, when he opens the meeting, will start off with—Gentlemen, you may speak.

MR. AWORI: Mr. Deputy Speaker, I do not feel that there is any point arising out of this debate to which I should like to reply. I appreciate the expressions made by the hon. Member for African Affairs and although I was very much doubtful of the Government's acceptance of this Motion, I am glad they have done so. I do not wish to say more, except to thank the Government for having accepted the Motion, and I move it.

The question was put and carried.

MOTION

MEMBERSHIP OF EXECUTIVE AND LEGISLATIVE COUNCILS—NEED FOR INCREASE

MR. PATEL: Mr. Deputy Speaker, I beg to move:—

That this Council requests the Government to convey to the Rt. Hon. The Secretary of State for the Colonies that the time has come for—

(i) enlarging Asian, African and Arab Unofficial Membership of this Council;

(ii) enlarging Asian and African Membership of the Executive Council; and

(iii) appointing an Arab Member on the Executive Council.

Sir, when Mr. James Griffiths, the then Secretary of State for the Colonies, came here and increased the number of membership on the Unofficial side, the increase made was of three Europeans, two Africans and one Asian. That was done at the time in order to maintain parity between the European Members

[Mr. Patel]— and the non-European Members. It was done for a temporary purpose only. It was made very clear at the time that it would not be binding when discussions took place which were then anticipated to take place some time in May 1953, but owing to the Emergency these discussions were postponed and have not taken place. It was felt that owing to the Emergency the prospects of the success of an inter-racial conference which was intended to be held in May, 1953, were not good, and therefore such a conference has not taken place.

However, Sir, many things have been said, at least from one section of the population of this country, in regard to the changes which should be made in the system of the Government and other things. In fact, Mr. Deputy Speaker, Sir, the feeling among the non-European community is that opportunity has often been taken and pressure has often been brought to bear upon the Government to make changes in the system of the Government during the time of Emergency. Now if discussions can take place for the purpose of making changes in the system of Government, I do not see any reason why a case cannot be examined for the purpose of seeing if it is necessary to increase the membership of the African, Asian and Arab communities on the Unofficial side.

Now, Sir, I am speaking, I think, not only on behalf of the Asian Unofficial Members but I am voicing the feelings of the other sections of the non-European community—that the time has come when this question should be examined. As every hon. Member of this Council knows, in the Uganda Protectorate the new Council has, on the Unofficial side, 14 African Members, 7 European Members and 7 Asian Members, and it is well known also that in the near future Tanganyika intends to have racial parity on the Unofficial side by having 7 African Unofficial Members, 7 European Members and 7 Asian Members. It may be that parity may be of 6 instead of 7.

Now, Sir, it is the general feeling that it is necessary to allow the increase of the Asian, African and Arab Unofficial membership in the Legislative Council and also on the Executive Council. Sir, I know it from my own knowledge, that

it has been often said from the European side—at any rate by some of the European Elected Members—that parity must be maintained between the European and non-European Members at any cost. Some of them have expressed several times that *status quo* will have to be maintained and that as far as the representation of the non-European communities is concerned—they have expressed sometimes, "Thus far and no further".

Now, Sir, in the changing circumstances, such an attitude of mind does not create confidence in the minds of the non-European communities. One cannot always apply the same rule which may have been applicable, say, a decade back. Circumstances have altered and as the other communities make progress in education, sense of responsibility and other things, the case must be examined for the purpose of increase of their representation.

Now, Sir, it has been argued several times that it is quality and merit which should count in regard to the representation of the various communities. Now if that was the principle in operation, I personally would not have pressed for increase of racial representation of Asian, African and Arab communities. At present we can have one or the other; either we recognize the principle of quality, ability and character for the purpose of representation, or we recognize the principle of racial representation. Whether one likes it or not, it was at the request and demand of the European community in the past that the principle of racial representation on this Council was accepted by the United Kingdom Government. The Asian community had even then pleaded for recognition of the principle of merit by pressing for Common Roll. They were prepared to go so far as to suggest that they would be happy even if their voters were 10 per cent of the European voters on the Common Roll. They were happy to accept, at that time, very high qualifications for allowing one to go on a Common Voters' Roll, but that was not accepted and therefore the United Kingdom Government, largely due to the pressure of the European community in this country, accepted the principle of racial representation.

(Mr. Patel)

Now when one hears often in this Council the question of representation on merit and ability and character and qualification, one fails to understand that attitude. You cannot have it both ways. You cannot blow cold and hot at the same time. Either merit should be recognized or racial representation should be recognized.

Now, Sir, in this country until the European community is in a position to make up its mind for the purpose of acceptance of Common Roll, with the qualification of franchise which should be discussed and agreed upon, the fact must remain that there is racial representation in this Council and that racial representation will require examination from time to time. As it is well known that Asian, African and Arab communities came into the Legislative Council after it was started with unofficial European representation, the case had to be examined from time to time. As is well known, at one time we had no direct African representation. Now we have six unofficial African Members on this Council. In the same way, at one time we had only one Arab Member on the Unofficial side, now we have two Arab Members. As other communities make progress, it is necessary to readjust things in fairness to all, otherwise what will happen is that the Asian, African and Arab communities will be compelled to hold public meetings and make demonstrations in order to persuade the Government that we seriously mean what we say—that the time has come for the increase of non-European representation in this Council.

Sir, I would like to make one point clear, that I, in regard to the representation on the Executive Council, would say that the Arab claim should receive priority—should be considered in priority to the claim for increase in the Asian and African membership on the Council—because there is no Arab representative at this time. I think this claim should be considered as early as possible.

Mr. Deputy Speaker, I do not think it is necessary for me to speak at great length on a Motion like this. If there is an attitude of fairness in this Legislative Council, then I am quite certain that the point of view expressed by me will be favourably considered, but at any rate examined.

I personally would like to say that there is no merit in the question of saying parity must be maintained between the European and non-European communities. I do not see any merit in that claim. The question of representation, as I say, must be examined either on the needs of the various communities on a racial basis or on the question of representation on merit. If representation on merit could be accepted, I, for one, would stand in favour of recognition of representation by merit, but, as far as I see, the European community is not prepared at present to accede to that and therefore, Mr. Deputy Speaker, with all the strength that I can command, I press for this Motion and say that the Asian, African and Arab Members are entitled to increased representation as has been suggested by this Motion. (Applause.)

MR. MAHUR: Mr. Deputy Speaker, Sir, I beg to second the Motion and in doing so I should like to associate myself with the remarks of the hon. Mover. I think I can say this—that the intention behind this Motion is that all communities living here should be adequately associated with the public affairs of this country, both in this Council and in the Executive Council. We do think that adequacy of representation would work for greater co-operation and greater unity of the communities that make this country.

I would like also, Sir, to underline the point that was underlined by the hon. Mover in regard to the Arab representation on the Executive Council.

The Arab community played a very important part in the development of this country and historically, I think they are very closely associated with that development. We do think they should be given an opportunity of having their views heard on the Executive Council. (Hear, hear.) Now, as far as the African and Asian Members of the Executive Council are concerned, I do think there is a case and the matter should be re-examined, at any rate as far as the Asian community is concerned, for a representative of the Muslim community on the Executive Council; as far as the African representative is concerned, I do think, as I have said many times in this Council before, when you have one person representing a community of 6,000,000 in the Executive Council, trying

(Mr. Mathu)

to cover all the needs of those people, it is almost an impossible task and the burden and the sense of responsibility weighs very heavily on one individual who has to cover all the various needs that are necessary.

Now, to come, Sir, briefly to comment on the question of the representation on the legislature; I, like the hon. Mover, feel that enlarging the membership of the non-Europeans on this Council is extremely important. If, as he said, discussions can go on in regard to certain changes in the present Government, discussions also can go on in regard to the change in the constitution as was promised by Mr. James Griffiths when he was Colonial Secretary. I can see no reason why those discussions cannot go on, because the other discussion would require the agreement of all the communities to be affected. The Inter-Racial Conference which was contemplated in the proposal by the then Secretary of State also I think could go on and receive the agreement of all the people.

Mr. Deputy Speaker, I beg to second the Motion.

Question proposed.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I would like to move an amendment to the Motion before the Council; that the Motion be amended by the deletion of all the words following the words "Of this Council" and by substituting therefor the following words: "Noting that in the opinion of the African, Arab and Asian Members, the time has come for (i) enlarging African, Asian and Arab Unofficial Membership of this Council; (ii) representation to the Arab community on the Executive Council; (iii) increasing the non-European Membership on the Executive Council and request the Government to convey their opinion of those members to the Right Hon. Secretary of State for the Colonies."

Now, Sir, some hon. Member opposite murmured "A distinction without a difference." I would like hon. Members to look at the very big difference that there is with the Motion: the Motion as it stands before the Council requests the Government to convey to the Right Hon. Secretary of State for the Colonies

that the time has come for certain things to happen. That Motion could only be decided one way or the other by a division in this Council at the present moment—something, Sir, which would place a large number of Members in an extremely difficult position. It would, of course, be impossible for the Government at this particular stage to express its opinion on a number of these factors.

We have heard from the hon. Mover that the original suggestion was that an Inter-Racial Conference should be held. If such a Conference is to be held, it would again be highly improper from the point of view of Government to express an opinion on this matter before the Conference was held.

Nevertheless, we recognize the deep feelings of the hon. Members who have moved this Motion and we recognize, I think—and I think this Council should be grateful to them for the fact—that they have chosen this constitutional method of expressing their opinion to the Legislative Council of the country—(Hear, hear)—and we have therefore suggested, Sir, a channel whereby this Council will be able to allow them to express, through a constitutional channel in this Council, their opinion and ask the Government rightly to convey that opinion to the Secretary of State for the Colonies.

I suggest, Sir, the distinction is a very big one and it is the difference. In fact we recognize the constitutional channel for expression of opinion and recognize that when groups have deep opinions of this kind it is to this Council that they should express those opinions, and that they have the right to ask that this Council should express their opinions, as their opinions, to the Government, and through the Government to the Secretary of State for the Colonies.

I hope, Sir, that the hon. Mover, my hon. friend the Member for Eastern Area and his seconder will find it possible to accept this amendment.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

Question proposed.

MR. PATEL: Mr. Deputy Speaker, Sir, as the amendment intends to convey our views to the Right Hon. the Secretary of

(11.15.54)
The Committee of Enquiry into the
Education of the Coloured People
in the Cape Province.

Mr. DE VRIES: I am glad to see that
the Committee of Enquiry into the
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I express now an opinion on the merits
or demerits of the proposal—it may be
good or bad. It is for instance, the
proposal to bring an Act into the
Executive Council, but I believe it would
be untimely in the present moment and
against the gentleman's agreement we
made with the late Secretary of State.

Therefore I oppose the amendment.
Mr. BRUNDELL: Mr. Deputy Speaker,
the group which I represent believes that
this Motion is ill-timed and unfortunate.
We believe that matters of this sort in a
multi-racial community are not best
discussed by using the Legislative Council
as a method of expressing opinions,
because of the tensions and emotions
which are inevitably aroused. We also
believe the Motion is unfortunate in this

respect, that from the point of view
of the Government, the Motion is
unfortunate. I believe that the
Government will be interested in
the report. I am sure that the
Council will be interested in the
report. I am sure that the Council
will be interested in the report.

The question was put and carried.
The question that the Motion should
be adopted was put and carried.

AMBIGUITY

The Deputy Secretary, The Hon. Mr.
de Vries, has asked the Council to
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Committee of Enquiry into the
Education of the Coloured People
in the Cape Province.

Thursday, 4th March, 1954

Convened at 10.30 minutes
The Deputy Speaker in the Chair

PRAYERS
ORAL ANSWERS TO QUESTIONS

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[Mr. Ohangwa]

In hand for hard surfacing the whole of this road between Mau Summit and Kisumu?

THE MEMBER FOR FINANCE AND DEVELOPMENT: As the hon. Member is aware, priorities of road work are primarily the concern of the Road Authority.

A preliminary investigation of the re-alignment of the section of the Mau Summit-Kisumu Road between Koru and Londiani has already been undertaken, resulting in an estimate that the cost would not be less than £200,000. In view of this, the Road Authority has not found it possible to include this work in its plans for the period 1954-6.

Minor re-alignments are, however, being carried out where practicable. Some £63,000 has been spent in the last two years on improvements to various sections of the road. £18,000 has been allocated in the Road Authority's estimates for the first half of 1954 for additional minor re-alignments.

The whole of the road between Mau Summit and Kisumu is hard-surfaced, but there are certain stretches where more murrum or stone is required. These are being progressively attended to.

MRS. SHAW: Mr. Deputy Speaker, Sir, arising out of that answer I should be grateful if the hon. Member—for Finance could give me an assurance—or possibly the hon. Director of Public Works—that local opinion and advice will be taken into consideration as to which priority should be accorded to the various bad corners and gradients.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am afraid I cannot give the hon. and gracious lady any such assurance because this is a matter for the Road Authority which has, of course, an unofficial majority of which one of her hon. colleagues is a member. (Laughter.) I have no doubt, however, that the hon. Member who is sitting on the front bench on the opposite side listening will express his opinion on the hon. and gallant lady's question.

MR. HAVELOCK: I am afraid I must have notice of that question. (Laughter.)

QUESTION No. 70

MR. BLUNDELL asked the Chief Secretary: In view of the statement in the *Hindu Weekly Review* of 18th January, that the Government of Kenya is engaged in dividing Asians into Hindus, Muslims and Sikhs in order to weaken those leaders who claim to speak for all Asians, will the hon. Chief Secretary state:—

(a) The reasons for the creation of separate Muslim and Non-Muslim Electoral rolls.

(b) Whether formal or informal representations have been made by Government to the Sikh Community in this regard.

THE CHIEF SECRETARY:—

(a) The creation of separate Muslim and Non-Muslim Electoral rolls was occasioned by the difficulty which arose from the growing differences of opinion between the Hindu and Muslim communities which developed in Kenya during the preceding years.

It became no longer possible to obtain agreement between the two communities which would allow each to be represented by elections on a common roll.

(b) No, Sir.

MR. BLUNDELL: Mr. Deputy Speaker, arising out of that answer, will the hon. Member note that the *Hindu Weekly Review* with these tendentious, misleading articles is circulated free by the Commissioner of India's Office?

THE CHIEF SECRETARY: I have noted the information given me by the hon. Member for Rift Valley.

MR. A. B. PATEL: Arising out of the answer given by the hon. Chief Secretary in the first instance, will it not be then advisable, Sir, to have Muslim representation on the Executive Council and Central Assembly as they are now treated as a separate community.

THE CHIEF SECRETARY: Mr. Deputy Speaker, I suggest that this is a separate question altogether.

MR. A. B. PATEL: Is it not a right thing that the Muslim community are represented at present in the Executive Council and Central Assembly? (Hear, hear.) (Cries of Answer.)

MR. SLADE: Arising out of the previous answer, would the hon. Member please take the opinion of the hon. Attorney General as to whether this *Hindu Weekly Review* is seditious and if so to see necessary action is taken?

THE CHIEF SECRETARY: I will certainly consult my hon. and learned friend on the matter raised.

MR. BLUNDELL: Will the hon. Member also state whether he considers that this *Weekly Review* is a suitable review for a diplomatic representative to circulate?

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, as I am not a habitual reader of this periodical publication I am afraid I am not able to give an opinion, and in any event, Sir, I believe that a request for an expression of opinion is contrary to Standing Orders. (Hear, hear.)

MR. BLUNDELL: In the interests of the Colony, ought not the hon. Member to acquaint himself with what is going on?

THE CHIEF SECRETARY: If the hon. Member for Rift Valley will arrange for more than 24 hours to be put into one day, I will endeavour to do so. (Laughter.) (Applause.)

MOTION

INTRODUCTION OF SYSTEM OF SUMMARY JUSTICE

Debate resumed.

MR. CHANAN SINGH (Central Electoral Area): Mr. Deputy Speaker, when the debate on this Motion adjourned last week, I was referring to the demand for simplification of rules of evidence and procedure.

Now, Sir, a long time ago, perhaps a thousand years ago, there were laymen's courts in all countries of the world. The rules of procedure and rules of evidence practically did not exist. They came in as a result of the experience of judges. One rule after another was introduced as the demand for justice required. Now, Sir, to suggest that we should have simpler rules of evidence and procedure is, in effect, to suggest that we should go back several hundred years. I believe that every one of the rules of evidence and every one of the rules of procedure has a justification for it and these rules

were introduced because they were definitely required to do justice to the accused.

Now, Sir, during this debate two precedents for laymen's courts have been cited. One is the Field General Court Martial; the second is the African Tribunals in Kenya. I may add a third one: the lay magistrates' courts in England. But I suggest here, Sir, that no one regards these Tribunals as the ideals to be reached, they are rather the relics of old days and exist as a matter of convenience in all cases. There have been suggestions for the re-form of these tribunals. It is a question of expense more than the question of anything else that prevents these tribunals being converted into proper courts presided over by trained lawyers.

Now, I suggest, Sir, that to regard these tribunals as ideals is entirely wrong. It is entirely against what history teaches us. We should be going forward, not going backwards. Again, Sir, it has been suggested that a system of evidence and procedure should have regard to the times in which justice is administered. It is quite true that we are passing through difficult times, but my own view is, Sir, that the test of a system is whether it can stand the strain of times like the present one. The true test is not that a system works properly during normal times but that it works properly during abnormal times. If a system cannot stand the strain of an emergency like the one through which we are passing, I certainly do not think it is good enough even for normal times.

Now, Sir, with regard to the simplification of procedure, if we compare the time taken in going through trials now with the time taken in pre-Emergency days, we will find a very great change has taken place. Very big trials now are completed within a few weeks. Even before this demand for cutting out unnecessary time arose, I was engaged in a criminal trial—that also arose out of the Emergency. There were twelve accused; they were all before the court within a few weeks of the crime. I got the brief on a Friday morning; the case was to commence on Monday. One day was taken in interviewing the various accused. Judgment was given on the following Monday. The hearing lasted four or five days. Now I suggest, Sir, that it is ridicu-

[Mr. Ohanga]

In hand for hard surfacing the whole of this road between Mau Summit and Kisumu?

THE MEMBER FOR FINANCE AND DEVELOPMENT: As the hon. Member is aware, priorities of road work are primarily the concern of the Road Authority.

A preliminary investigation of the re-alignment of the section of the Mau Summit-Kisumu Road between Koru and Londiani has already been undertaken, resulting in an estimate that the cost would not be less than £200,000. In view of this, the Road Authority has not found it possible to include this work in its plans for the period 1954-6.

Minor re-alignments are, however, being carried out where practicable. Some £63,000 has been spent in the last two years on improvements to various sections of the road. £18,000 has been allocated in the Road Authority's estimates for the first half of 1954 for additional minor re-alignments.

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[Mr. Chanan Singh] loud and unjust to ask for time to be cut further still. I suggest it would be a denial of justice to reduce the time so that the advocates for the accused have inadequate time to prepare the cases. After all, the charges in these cases are very serious indeed and unless advocates for the defence have sufficient time, it is not fair to try the accused.

It has also been suggested, Sir, that there is need to be firm and to be swift and that Africans appreciate firmness and swiftness. Now, who does not? I believe that Africans are no different from other human beings.

Sir, in the end I must say that it has been an unpleasant task to criticize a person who was a colleague in the legal profession for many years and whose advice and guidance I personally sought on many occasions, but I feel, Sir, that in moving this Motion the hon. Mr. Slade has been guided more by considerations of politics than by considerations of law and justice.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, I personally believe that the hon. Member for Aberdare when he moved this Motion, he did it in all sincerity and honesty and said what he believed to be right. I also think that he put forward his case for which he felt so intensely, in very moderate language though there are circumstances in his constituency which will exasperate any person.

But, Sir, what I feel surprised is that an advocate of his ability cannot see how unacceptable his proposal would be to any mind who understands the most elementary principles of British justice. In particular, Sir, I was very much shocked when the hon. Member who moved this Motion stated that he would prefer to see ten innocent persons punished in preference to one guilty person acquitted. I am quite sure, Sir, that everyone with a trained mind in justice and even a layman will be shocked at a proposal like that. (Hear, hear.) I personally think, Sir, that perhaps the hon. Member who moved this Motion exhibited a certain—shall I say—lack of understanding of the psychological effect of punishing innocent persons. When an innocent person is punished, he will be the bitterest opponent of the Govern-

ment and the forces of law and order and it will be creating a difficult situation in this country if we go on punishing innocent persons. Sir, that will be tantamount to descending to the level of *Mau Mau* courts. How can one say that to support the course suggested by the hon. Member who moved this Motion is to do justice in a time of stress and strain and excitement? When prejudices and passions are very high I think one should be more careful in asking how justice is administered.

Therefore, Sir, I feel that the hon. Member for Legal Affairs was right in opposing this Motion and I also strongly oppose it. (Applause.)

THE SOLICITOR GENERAL: Mr. Deputy Speaker, Sir, much ground has been covered in the course of this debate and I do not propose to go over it again. I do however wish to make one or two points, particularly arising from speeches which were made before the debate was adjourned the other day.

First, my hon. learned and good friend, the Member for Aberdare, quoted an instance from the times of Henry VIII when he said that Henry VIII hanged his butcher. Well now, apart from any brotherly feeling we may entertain for Henry VIII on occasion, that particular instance is I think a particular reference to a work of fiction. I believe I am right in saying that it comes from a Harrison Ainsworth romance, *Windsor Castle*, which not only relates that incident, but also relates the periodic appearances of a spectre entitled Herne the Hunter—no connexion I understand with our present Chief Justice.

The hon. Member also referred to section 46 of the African Courts Ordinance to indicate that in the African courts, there was to be little regard paid to technicalities. He will, I know, be well acquainted with section 381 of the Criminal Procedure Code which postulates very much the same principle for the ordinary established Civil Courts exercising criminal jurisdiction. That section provides that no error, omission, misdirection or irregularity shall defeat a conviction unless there has been a miscarriage of justice. Moreover, the arguments of principle which have been directed against this Motion, have been concerned with the maintenance of

[The Solicitor General]

basic safeguards, and I do not consider that these basic safeguards—which are what my hon. friend, the Member for Nairobi South, recently described as a fundamental of British administration—I do not think those safeguards can legitimately be described as technicalities.

Now, the hon. Member for Aberdare and the hon. Member for Mount Kenya, both sought to draw some analogy between these laymen's courts which are proposed, and Field General Courts Martial.

I have here a booklet entitled "Notes on Field General Courts Martial, East African Force" which I think my hon. friend knows well. I also have here a booklet on "Courts Martial on Active Service in the Royal Air Force, Middle East Command". I regret I cannot refresh the memory of my hon. friend the Member for Mount Kenya as he is not here, but he will be well aware of that booklet. The contents of the two booklets are very similar and the analogy is, I think quite misconceived. Field General Courts Martial dealing, as we are contemplating in this Motion, with capital cases, never sit without a Judge Advocate who is a qualified lawyer. The Judge Advocate's task is to keep the court on the lines as regards matters of law and to sum up matters of fact. So there we have the actual tribunal governed and assisted by considerations of law expertly put to it. Similarly, in those cases, even in a Field General Court Martial, the prosecutor is a qualified lawyer. The accused has a right to be defended by a qualified lawyer. The rules of evidence have to be observed as strictly as in any other court martial and there is a very strict procedure prescribed which has to be followed. There is, moreover, a right of appeal to the Court Martial Appeal Court which is commonly presided over by the Lord Chief Justice and consists of himself and other judges of the High Court of England. There is, moreover, with the fiat of the Attorney General in the United Kingdom, the right of appeal to the House of Lords.

There can, in my submission, therefore, Mr. Deputy Speaker, be no comparison between the laymen's courts, which are proposed in this Motion and from which it is sought to exclude all expert know-

ledge and advice on law, and courts martial, which are courts of law, which these proposed laymen's courts are not, and could not possibly be regarded as.

The hon. Member for Mombasa who seconded this Motion, referred to African courts and to their jurisdiction which he said was up to life imprisonment. Now I can see that it is potentially so, but in practice African courts derive their jurisdiction from the warrants which constitute them. In practice, no African court has at present, or has had in the past, more than a very limited criminal jurisdiction.

MR. USHER: Will the hon. Member give way? The point I made, Sir, really, was that the principle had been admitted in our own legislation.

THE SOLICITOR GENERAL: Mr. Deputy Speaker, both the Mover and the Seconder of this Motion, referred to suiting justice to the persons and the times to whom, and in which, it is administered, and references were made to the old days in this country when under a paternalistic form of administration, administrative officers dispensed justice, but that, in my submission indicated an inconsistency in their argument. We are not in those days. We have passed, indeed, a very long way from them and what, on their own argument, suited those days, might very well not suit these days. After all, it is only in the course of the last fifty years that the Africans have been in contact with civilized institutions, and those institutions have developed over that period as has the African by reason of his contact with them.

Leaving out questions purely of principle, which, as I say, I feel have already been covered in this debate, the hon. Mover prescribed that one of the purposes of justice, as he put it, is to establish confidence in Government and in the law.

Now, I entirely agree with him that confidence in the system of justice, confidence in the law and in the administration of justice, is vital, and at no time more vital than it is at present—(Hear, hear)—and I refer particularly to confidence on the part of the African; and I do not suggest—I do not agree—that a system which is founded on the acknowledged basis that ten innocent persons may erroneously be convicted and hanged for each one

(The Solicitor General) guilty person who is properly convicted and hanged, can possibly inspire confidence, not a system of justice which is open to such defects.

One applies the subjective test—which is surely the test to be applied in this particular context. If one were an innocent African, and saw this system of justice, as advocated by the hon. Member, applied, it seems to me inevitable that, far from promoting confidence, it could only result in a general feeling of insecurity.

For those reasons, Mr. Deputy Speaker, Sir, and for the many arguments on principle which have already been advanced—and which I do not propose to repeat—I very strongly oppose this Motion.

MR. CROSSKILL: I have been impressed by the forensic logic of the hon. Solicitor General. I do not propose to support the Motion, but I would refer, however, to words spoken earlier in this debate in opposing the Motion. The hon. Member for Legal Affairs was certainly faced with a formidable task in opposing this Motion of the hon. Member for Aberdare. He would have to show, presumably, how it is that civil courts, such as magistrates' courts, and Justices of the Peace who have been dispensing justice very adequately and successfully for more than a hundred years, could not—at least during the period of the Emergency—have been directed to assist the normal machinery of the law. How did he set about this?

I heard no flow of forensic oratory from the hon. Member for Legal Affairs. I heard an emotional appeal—which I deplore—which was directed mainly to my hon. friends on my left.

MR. A. B. PATEL: Question?

MR. CROSSKILL: It had the effect he desired. He had the plaudits and he got the support, but I felt it was unimpressive. He said that it was the hallmark of a totalitarian state, and was not the British way. He referred to the similarity of the courses which were advocated by my hon. friend to those which were behind the Iron Curtain. He said he would have no departure from the principles of British justice. That I consider to be an emotional appeal. I think he must have forgotten not very

long ago he proposed that there should be a departure from the principles of British justice—and justifiably so—it was to meet the special circumstances of the Emergency, and we supported that plea—that was that evidence in certain circumstances, in regard to *Mau Mau* cases, could be taken on affidavit. I think it quite wrong to say that in these special circumstances there should not be special methods of dealing with them.

Therefore, Sir, while I feel I cannot support this Motion, I must deplore the method with which it was opposed.

THE DEPUTY SPEAKER: If no other hon. Member wishes to speak, I shall call upon the hon. Member for Aberdare to reply.

MR. SLADE: Mr. Deputy Speaker, Sir, in every speech that I have heard in answer to this Motion I have been asking myself the same question—more and more insistently. Are we dealing with a rebellion or are we playing in a happy realm of theory? I have heard no answer to that question from any of those speakers.

The hon. Member for Legal Affairs did not, as far as I know, give a direct answer to a single one of the points I made in moving. He did enjoy a happy period of rhetoric and I noticed certain other Members enjoyed it too. I must say I found some entertainment from it—or would have if the matter was not so serious—but what did he talk about? People's courts. I do not quite know what he means by People's courts—whether he meant the sort of courts where you have a verdict given by a tumultuous populace, or whether you have a court in which the decision is given by laymen. If the former, he must have known I was proposing nothing of the sort. If he meant the latter his argument must equally be directed against our jury system, where the verdict is given by laymen. I thought we were rather proud of that system—that it was part of our principles of British justice.

He must have been objecting to courts martial, which I will discuss further in answer to the hon. Solicitor General. He must have been objecting to administration by district commissioners, who have no legal training. Did they behave so disgracefully when they bore the burden of the administration of justice in this

(Mr. Slade) country? If he really means that administration by laymen of proper tradition and proper responsibility is a disgraceful thing, he is condemning what we did in the greatest days of our Empire.

He talked about an Iron Curtain. Well, there is one iron curtain that I see very clearly—that iron curtain behind which the hon. Member and others seem to be hiding. (Hear, hear.) I ask once again for members of Government to come out from behind that curtain and face the situation for what it is. This is an iron curtain of hypocrisy and self-deceit.

He talked of the principles of British justice. We love to hear talk on that, but we do sometimes have to consider what those fine words mean. What does he regard as principles? Is he insisting that the right of appeal is a principle of British justice? I say "no". It is an appendage—a very desirable appendage—in civilized conditions. As I pointed out previously, we were proud enough of our system of courts martial, but for a hundred years there was no right of appeal from them. Is he speaking of the right of being defended by counsel as a principle of British justice? If he is, I say "no", it is not a principle. It is, again, a desirable thing—a desirable appendage. Otherwise, how is it that there have been so many places where justice is administered by Britain where there has been no right to be represented by counsel—or, at any rate, no practical possibility of representation by counsel?

Is he condemning our African Courts Ordinance, under which counsel are expressly excluded from the courts? Does he say that the rule of practice requiring the evidence of accomplices to be corroborated is a principle of British justice? If he does, I give him the lie. It is not even part of our law. It is simply a practice of the courts. Would he say that without that practice of the courts, British justice would be no more?

The truth is that those who insist that we must have lawyers—lawyers everywhere—lawyers on the bench, lawyers to represent the accused are insisting that lawyers are necessary to deal with the intricate technicalities of British justice as we know it—that is true; but I am advocating that we dispense with

technicalities in times like these. If we dispense with those, we had better dispense with lawyers, too. I am asking once again for recognition of that distinction which the African Courts Ordinance recognizes—the distinction between substantial justice and technicalities.

Now, Sir, the one speaker against this Motion whom I must credit with having given a direct answer to many of my points was the hon. Solicitor General. He deserves a fairly detailed reply from me. He took my precedents of lay courts, as I called them, one by one. First of all he talked about Field General Courts Martial. He told us that always, where there is a capital charge, there is a Judge Advocate in attendance. I think he is wrongly informed. I think he knows that it is not prescribed by law for a Field General Court Martial and, in fact, however desirable it may be where Field General Courts Martial are held in peaceful surroundings to have a Judge Advocate, the essence of the Field General Court Martial is that it is a court martial designed for the field, as opposed to the General Court Martial and the District Court Martial. It is a court martial designed for those very circumstances where you cannot have lawyers at your elbow all the time. Trials have to take place in remote places during periods of action, and so on. Though it may be the practice to have a Judge Advocate wherever possible, it is not part of the law.

THE SOLICITOR GENERAL: I agree it is not part of the law, but the instructions are that a Judge Advocate will be appointed wherever possible, and particularly in capital cases. I understand from sources very fully connected and informed with these matters in practice—I think the information was that no Field General Court Martial on a capital charge has been known in recent times without a Judge Advocate—even in the field.

MR. SLADE: The hon. Member makes my point for me—that this attachment of a Judge Advocate to a Field General Court Martial is a matter of administrative instruction as opposed to law; but if it is a principle of British justice, how astonishing that we do not find it in the Statute Book! Exactly the same applies

[Mr. Slade] to what he said about African courts. He admits that African courts, from which lawyers are so excluded, have by law jurisdiction up to life imprisonment, provided that such jurisdiction is delegated to them administratively. It is only by administrative practice, not by law, not by any principle of British justice, that lesser jurisdiction is given to those courts.

I thought we were talking about the principles of British justice—principles, not practice.

Then, in answer to my precedent of the district commissioners who administered the law so well in days gone by—no one has dared to deny that—he said we have moved a long time from those days. Well, have we? How fast are we going back to those days? I think it would be wise if people shook the scales from their eyes and stopped patting themselves on the back that we have moved so very far from conditions of the African fifty years ago. We have tried to move much too fast. We have failed, and we had better recognize the failure.

The hon. Member for Central Area said that I advocated going back seven hundred years. That is precisely what I do advocate. If anyone thinks honestly, it is precisely what he will see is necessary.

The hon. Solicitor General agreed with me that confidence in the strength of Government and in justice and in the administration of the law is an essential thing. I do not think that he quite clearly faced the issue that confidence in justice must be not only confidence that innocent men will be acquitted but also confidence that guilty men will be convicted and punished, and very much especially the latter in times of emergency. He took me up, as other speakers did and quite as I expected to be taken up on my contention that in times of emergency—please note, times of emergency—it is necessary that our cherished principle, that it is better for ten guilty men to escape than one innocent man to be hanged, be cast aside and, indeed, reversed. But I say it again and my reason for saying it, and that is, unless you take such a drastic view as that, you will have an emergency running for maybe five years instead of one and you will have all these unpleasant

modifications of British justice for five years instead of one, and the less you modify the more you will have far far more innocent people dying as a result of the Emergency than you could ever have as a result of the courts. Take your choice.

One hon. Member said, and rightly said, that, in this debate, I am speaking as a politician and not as a lawyer. That is what I am here for. A lawyer's job is to deal with the law as it stands: the politician's job is to contribute his bit in altering the law where it ought to be altered—and that is what I advocate.

The hon. Member for Central Area referred to a case where he appeared in defence of certain men accused of murder. I know that case well and I know something of his performance in it—a very fine performance. It was a dock brief for negligible remuneration but he did everything he could for the accused. And he gave us a very interesting disquisition to-day and when we started this debate on the British law as applied to civilized people, but he fell into the same error as every other speaker that I can see—he seemed to be unable to draw any distinction between substantial justice and technicalities. He showed no sense of proportion or no application of his mind to conditions with which we are dealing now. He referred, as an authority, to the Bush Commission which sat here some 20 years ago and recommended on our system of justice. Well, Sir, that Commission—that Commission's report is an authority for what he says, but it does not mean to say that we have all got to agree with that report. In fact, some of us never did, and I certainly never did and do not now. They fell into the same error of refusing to deal with facts and to apply law to conditions.

The hon. Member for African Interests. Mr. Mathu, belatedly challenged the interpretation of some very strong remarks that appear to have been made at this Inter-Racial Conference recently, but what I would like to ask is whether there is in the Kikuyu language an abstract word for "justice"? There may be, but if so, does that Kikuyu word convey anything that we understand by the principle of British justice? If not, where was the interpretation so wrong if there was no elaboration of exactly what these

[Mr. Slade] other Kikuyu wanted. I very much doubt whether there is any word in the Kikuyu language that would possibly imply the technicalities on which the hon. Member for Central Area discoursed so ably.

There has been reference in more than one speech to the Report of the Parliamentary Delegation which was here for 18 days and decided that summary justice was a bad thing. Well, Mr. Deputy Speaker, that report is the subject of another Motion so I will not discuss it now—I will have something to say about it then.

Mr. Deputy Speaker, the culmination of my reply is this—that the opponents of this Motion have fallen into that error of lawyers which the public justly condemn and which earns lawyers a bad name—the refusal to adapt theory to conditions, worshipping at a shrine and smugly indifferent to the needs of those the law is supposed to serve. Nowhere throughout this debate on the side of those who opposed the Motion, have I discerned a single attempt to face facts as they are to-day. The question I put, Mr. Deputy Speaker, is—do we want a form of justice which the people of this country will understand? Or are we interested only in a form of justice which the people in England will understand and not be likely to criticize? The answer seems obvious enough to me, and if you look back on the history of this Empire you will find the answer too.

Mr. Deputy Speaker, I will conclude by once more beseeching the Government to lift its iron curtain and to face fearlessly and honestly this position that we are in now before it is too late, and I can say we are past the eleventh hour.

The Motion was put and negatived.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Major Cavendish-Bentinck in the Chair]

THE ROAD AUTHORITY (AMENDMENT) BILL

Clauses 1 and 2 agreed to.

Clause 3

Mr. COOKE: I propose that "nine" should read "ten". There should be ten members instead of nine.

May I at the same time propose that (e) should be "six" instead of "five". That would be consequential on that it would be "ten" instead of "nine". Section 3 should be amended as follows: The word "nine" should read "ten" and in subsection (e) thereof, the word "five" should read "six".

I move that the words "nine" and "five" be deleted and be substituted by "ten" and "six".

Question proposed.

The question was put and carried.

Clause 3, as amended, agreed to.

Clauses 4, 5 and 6 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORTS

MAJOR CAVENDISH-BENTINCK: I have to report that the Committee of the whole Council has considered, clause by clause, the Road Authority (Amendment) Bill and has approved the same with amendment.

THE ROAD AUTHORITY (AMENDMENT) BILL

THE CHIEF SECRETARY: I beg to move that the Road Authority (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Road Authority (Amendment) Bill was accordingly read a Third Time and passed.

MOTION

MEMBERSHIP OF EXECUTIVE AND LEGISLATIVE COUNCILS—NEED FOR INCREASE

Debate resumed.

SHEIKH MAHFOOD S. MACKAWI: I rise to support the amendment of the Motion before the Council.

[Sheikh Mahfud S. Mackawi]

Sir, the Arabs have a good case for a Member in the Executive Council as they are not yet represented there. The Arabs have for many years past asked the Government to appoint a Member in the Executive Council but Government has ignored their representations. Now, Sir, as far as the Arab community is concerned, we urge the Government to appoint an Arab Member in the Executive Council and I also ask the Government to increase the Arab membership in this Council, and I feel that both sides of the Council will consider our case.

Sir, I beg to support.

THE DEPUTY SPEAKER: The original Motion proposed by the hon. Member for the Eastern Electoral Area has been amended by Council to the effect that all words after the word "Council" in the original Motion have been omitted and the words in the amended Motion on the Order Paper have been substituted. Therefore, it is now the amendment which is before the Council.

Is there any other Member who wishes to speak? No other Member wishing to speak, I will ask the hon. Mover of the substantive Motion to reply.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, I do not think I have much to say in reply because no Member, either on the Government side or on this side, gave any reply to the merits of the Motion—probably, they had no case to answer my points.

The hon. Member for Rift Valley said that my Motion was ill-timed and unfortunate. He did not give any reasons why it was so, except saying that he did not like that I should have moved this Motion here at a time when the Secretary of State for the Colonies was in the country and we Asian, African and Arab Members could have made representations to him. Well, Sir, I think that the hon. Member for Rift Valley has taken an erroneous view of the use which one can make of the Legislative Council for the purpose of discussing any problem which is important from the point of view of the country as a whole and the representation of various communities is an important problem which it is wise to air and discuss in this Council. In any event, Mr. Deputy Speaker, it gives an opportunity to other people to persuade

us that we are not correct in our attitude or in our belief—which is an advantage of this procedure. If I had spoken these things in a public meeting of the Asian community, my colleagues, the hon. European Members, would have not had an opportunity of replying to me and telling me that I was wrong, but here they have an opportunity of telling me that my argument is fallacious or my demands are unreasonable. They have not done so and therefore it appears that there was a strong force in the request made by the non-European community, and it was thought that it was not wise to answer them. In any event, it looked yesterday in the debate that the European Elected Members did not want to debate this Motion. It looked like two children playing together and one of them gets offended and says "I will not play any more".

In any event, Mr. Deputy Speaker, I think the amendment will be supported by all reasonable persons and I support the amendment.

I beg to move.

The question was put and carried.

MOTION

IMPLEMENTATION OF REPORT OF PARLIAMENTARY DELEGATION

MR. NATHOO: Mr. Deputy Speaker, Sir, I beg to move:

That this Council welcomes the recommendations made and conclusions reached by the six members of the Parliamentary Delegation who recently visited this country and asks the Government to take steps to implement these recommendations and conclusions at an early date.

Sir, the country is aware that the report has recently been published and although the full copies arrived here only a couple of days ago, the main recommendations of the report have been given publicity both in London and in East Africa earlier.

Now, Sir, I wish to state here the actual motive with which I was actuated to move this Motion. Sir, in this country there is a tendency that when some eminent person or a delegation, or a body of persons come here at the request, perhaps originally emanating from the local people to come and

[Mr. Nathoo] examine either a problem or the position of affairs and give their opinion to us on that, in the beginning before they come and when they come, there is enthusiasm, with which they are welcomed, and opinions are expressed that personnel of certain delegations or a number of persons could not have been better. When they are here every effort is made by all sections of the community to afford them every possible opportunity to see the problem at first hand and see what there is to be seen and hear what is there to be talked. In many cases it has happened that soon after the arrival of such persons, enough opportunity is not given to one community or another with the result that these persons return back without having grasped the situation, and the problem from all angles which must of necessity exist in such a multi-racial country.

Now, in connexion with this Parliamentary delegation, I am sure I am voicing the opinion of all non-European people, that contrary to the usual practice these people made a detailed study, not only of the problems, but took ample opportunity to contact all sections of the community individually and collectively, and took their opinion on what has been happening, what is happening and what, in their opinion, would be the solution of the problem which we are facing. Arising out of that, they went back and I am glad to say that contrary to the usual practice, they issued a report in the shortest time that was possible for any human-being to make recommendations on the many problems which exist in this country.

It may be felt, Sir, by certain sections of the community, that the time at their disposal was not enough for them to study the question in full and that within such a short time they would not be competent to give an opinion on what has been happening. Sir, we ought to make up our minds in this country what it is we want. If we want Members of Parliament or other eminent people to come to this country and study the position and give us an opinion. I think it is not quite fair on our part to say that not enough time can be given to them, therefore, they are incompetent to make recommendations. Already, Sir, in certain sections of the Press propa-

ganda has started to insinuate that these people have not studied the questions because there was not enough time given for study. That is one of the reasons why I am standing up here to request the Government that immediate consideration should be given to the report, because from what we see, and all reasonably minded people see, the recommendations contained therein are fair and reasonable and require immediate scrutiny, and immediate action, if they are found to be suitable to this country which I am sure, Sir, after close scrutiny, they will prove them to be.

Now, Sir, it is rather a paradox that this delegation was here for over three weeks and is accused of being not in a position to give recommendations, because they have not been sufficiently long in this country and on the other hand a spokesman of one of the movements which is going on in London was here for four days, and he has already said in other parts of Africa that the report was unconsidered and ill-advised, because the people did not have the time, Sir. It seems that one person with four days in this country had enough time to judge the effort of a number of people of eminence, who have had the opportunity to go out on certain missions, and I am sure they commanded the confidence of the entire House of Commons.

Under the circumstances and without wasting the time of the Council, I beg that Government's immediate attention be given to the report of the Parliamentary Delegation.

I beg to move. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, I have great pleasure to second the Motion before the Council and in doing so I want, first of all, to record by very sincere appreciation of the very good report that these Members of Parliament have been able to produce in such a short time. They were here for just over three weeks, and those who have read the report will and those who have read the report will notice that they had a very big task to go through the country to talk to people, to meet people—individually and otherwise—and, as a result of these contacts, they have produced a very magnificent report.

[Mr. Gikonyo]

There is one particular reason why this report is all the more important. The delegation was composed of the two sides of the House of Commons—the Tories and the Socialists, and, despite the usual differences in their party politics, they were unanimous in their conclusions and recommendations. For that reason, Sir, I think the report should be supported by all people here.

I do know that we, in this Council, have our differences—particularly on this side of the Council—but I think an example has been set for us by these visiting Members of Parliament who have come to a unanimous conclusion in submitting their report on Kenya problems. It seems to me that the report and the recommendations in it, are a genuine endeavour of people who wish to see this country progress, not for the benefit of any one particular race, but for all the races who live in Kenya. (Hear, hear.)

I do hope, Mr. Deputy Speaker, that we will be unanimous, just as the members of the delegation were, in urging the Government to implement the recommendations of the report.

I do not intend to go into detail of their recommendations, because Members have the report and I am sure they have studied it carefully, but I will ask the indulgence of the Council to mention one or two which I feel very strongly about.

Firstly, is the question of land. Knowing, as they did, there is a Royal Commission on Land and Population in this country, the delegation could not help noting the most obvious facts relating to land. They did say that there is over-population in African areas and, at the same time, there is some under-developed and undeveloped land in both European and other areas. Mr. Deputy Speaker, the African people in general, and the African Members of this Council in particular, have, for a long time, shouted at the top of their voices to try and impress upon this Government the seriousness of the overcrowding in African areas, but in vain. Now these people have come out and, within the short period that they have been here, they have seen that that is so, and I hope that the Government will take that recommendation very seriously. I think it

is futile to try to deny that most of our troubles to-day originated more than anything else from the land trouble, land shortage. I will particularly, if I may, mention the Kikuyu people. You find a lot of them in Tanganyika; you find a lot of them in Uganda. They did not go there because they wanted to go to Tanganyika and Uganda; they went there for the sheer necessity that they had no land here. I think it is a shame to see a thing like this happen; by our actions, we have caused trouble to our neighbours when we have land undeveloped in Kenya; I think it is a great shame on our part. I do think, Sir, that if we are realistic about this question, we shall be doing a lot to solve our problems. Recently, at this very talked about Inter-Racial Conference, the loyal chiefs did say that they do not want any more people to be repatriated back into the Kikuyu country because there is no more space for them. It is for the Government—either this Government or the Government of Tanganyika—to do what they want with those fellows and not to return them back into the Kikuyu land. I think this question of land is a very important problem.

The other point, Sir, that I want to raise is the question of education. We have many times said that the African people are not satisfied with the rate of progress of education of their children and the members of the delegation have come to this conclusion: I commend this Government to see whether they cannot do more than they are doing. We appreciate that they are doing all they can, but in our opinion I do not think they are doing as much as we would like to see done.

Mr. Deputy Speaker, I do not want to take up much of the time of the Council, but I will say this. When people talk about partnerships we all agree; let us draw up a Deed of Partnership, have the same shares in the partnership, the same responsibilities and the same liabilities; otherwise if we do not come to that agreement, then there is no use talking about partnerships. I do not think our present policy of selfishness among other things, will take us anywhere.

Mr. Deputy Speaker, I beg to support the Motion.

Question proposed.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, as the hon. Mover pointed out, this report was made available to us this week only. It is true that articles appeared in the Press last week giving an abbreviated account of certain matters in the report, but I submit, Sir, that that was insufficient upon which to make a complete study of the report. (Hear, hear.)

I appreciate the points made by the hon. Mover, Sir, and he did, in fact, refer more than once to "immediate consideration" being given to those matters. In these circumstances, Sir, I should like to move an amendment to the Motion which I hope the hon. Mover will find himself able to accept. In moving this amendment, Sir, I should like to make it clear that action, with a view to consideration, not merely of the recommendations or conclusions but all the details in the report, has already been initiated by Government.

Mr. Deputy Speaker, Sir, I beg to move that the Motion be amended by the deletion of all the words following the words, "this Council", and by the substitution thereof of the following words—"notes with interest the recommendations made and conclusions reached by the six Members of the Parliamentary delegation who recently visited this country, and asks the Government to give early consideration to these recommendations and conclusions".

~~THE MEMBER FOR LEGAL AFFAIRS—~~
seconded.

Question proposed.

MR. COOKE: Mr. Deputy Speaker, Sir, I would like, Sir, to support the amendment. I have been in rather a quandary about this matter because I think it is a very fair-minded report on the whole, but there are certain recommendations in it which, if I read them right, I do not completely subscribe to.

There is also this point, that it would seem that some of the recommendations are long-term and others are short-term, and I would like to have an explanation as to which are long-term and which are short-term recommendations. For instance, I oppose very strongly any constitutional change at the present moment; I have made my position very clear on that point, that is a constitutional advance by any race. But, on the other

hand, I recognize that it is inevitable that these must be a constitutional change later. When that time will be, is a matter for judgment. I do not subscribe to the criticism of these gentlemen; that they were only a few weeks in this country. I have found in my experience that a man who comes with a seeing eye and a hearing ear will probably get a much better impression of this country after a few weeks; than a sort of dumb pan-faced person who has not got any ideas at all, and never will, even if he stayed half a century in this country. In my opinion, Sir, the best book on East Africa ever written was Mr. Churchill's *African Journey*, written fifty years ago and written after a few weeks in this country. Mr. Churchill, as we all know, possesses a seeing eye.

I, Sir, support the amendment.

MR. NATHOO: Mr. Deputy Speaker, Sir, I welcome the very reasonable attitude of the Government in this respect shown in these remarks, and I accept the amendment. I have consulted my seconder, who also will be able to accept the amendment.

THE DEPUTY SPEAKER: I must give a ruling on this. Although the fact that the amendment has been accepted by individual Members may assist the Council in coming to a conclusion, the amendment is in the possession of the Council and it is up to the Council and not an individual Member to decide whether or not they wish to accept it.

THE DEPUTY SPEAKER: The question before the Council is the amended Motion which I read out just before the adjournment.

MR. HAVELOCK: Mr. Deputy Speaker, may I have a ruling from you whether we can speak to both the substantive Motion and the amendment.

THE DEPUTY SPEAKER: In view of the fact that this amendment—as I said before, I cannot formally acknowledge individual acceptance—has been accepted in principle by the proposer, I regard the two Motions as being coupled in somewhat similar terms and I will allow considerable latitude.

MR. HAVELOCK: Mr. Deputy Speaker, I would like to say that I think it was very untimely giving notice of this

[Mr. Havelock]
 Motion, of the original Motion, in that it was based on headlines and extracts from the daily newspaper which, whatever we may think about the reliability of the daily newspaper reports, it is still a daily newspaper and certainly not an official document. I feel, therefore, we can hardly be expected to debate the delegation's report on that basis and, in fact, since the report has been received in the last forty-eight hours, a hurried examination of it shows that some of the headlines and extracts were slightly misleading—(Hear, hear)—with regard to the actual body of the report. I therefore could not possibly have accepted the Motion as it was tabled with regard to the implementation of the recommendations and, indeed, I have grave doubts as to whether I can accept the amendment in that the whole matter, I feel, has been much too hurried and, Sir, I would like to remind the hon. Member—the hon. Mover that I, as Chairman of the Unofficial Members' Organization, have, at times, been pressed by hon. Members on this side of the Council to make every possible effort to persuade Government to delay debates on papers and reports that Government have laid because hon. Members on this side of the Council have not had the opportunity properly to consider such reports.

I therefore throw the ball back to the hon. Mover and say that I think he is trying to rush other hon. Members on this Council into a debate when we certainly have not had time to consider it.

If I can refer shortly to the speeches made to the main Motion, I would really like to say that—and it does tie up with what I have just been saying that it is quite impossible to debate the delegation's report—that is this Motion—without very careful study.

The hon. seconder spoke about the land question. Now, as far as I can see from the short examination I have made of that part of the report, it was most definitely stated by the delegation that there is under-developed land not only in the European area, but in every other area—and that does include the African areas as well. That is the sort of detail which we must have time to consider and think about before we can make any definite decision.

I would like to say, Sir, that the time given by the delegation which was, I think, eighteen days, was perhaps a little short to come to any very conclusive recommendations and, indeed, I think their report has shown that. Their arguments are rather involved and the decisions come to, I think, are rather indecisive. But on the other hand I would like to take this opportunity of saying that hon. Members of this Council, including myself, who have had the opportunity of meeting these men, would say, I think, that they were fair-minded and very open to receive information from Members and the public and ourselves; indeed, I was charmed to have the opportunity to give of my hospitality to some of them. I think their mere presence in the country—no matter what the report may bring forth—will have done a lot of good in that they will have seen how we are in this country and exactly what goes on.

I could say here, Sir, that I would—in spite of my doubts—accept the amendment moved by the Government, but I want to stress that in doing so there must be time given to us to consider all the implications, which are very, very considerable, in the recommendations of this report and that there should, of course, be an opportunity for the Unofficial Members of this Council to give their opinion—not only for Government to give theirs—when the time comes for any further discussion on the delegation's report.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, I rise to support the amendment.

I think this is one of the rare occasions when one gets a document of this nature which is supported by the two main parties of the United Kingdom House of Commons and it is a great advantage to see there is unanimity among the two main parties of the House of Commons. That in itself should compel us to give careful study to the recommendations and conclusions arrived at and to implement those recommendations and conclusions which are in the interest of this country. (Hear, hear.)

Now, Sir, there is, in my opinion, a certain amount of urgency in studying this report and implementing its recommendations and conclusions. I think we

[Mr. A. B. Patel]
 are passing through a very difficult time and it is necessary that remedies which will give a favourable turn, as far as psychology is concerned, should be applied as early as possible. The recommendations which have been made by the Parliamentary delegation are very important and, in my view, will go a long way in creating a better state of affairs as far as this Colony is concerned.

It may be urged that a long time will be required to study the recommendations of the report; but, Sir, when we say that, in the interests of creating a psychology in this Colony which will help the general progress, these recommendations are useful, we must study them and take the necessary steps. I am quite aware that the hon. Members on my right perhaps would have jumped at the report if the conclusions had not been so uncomfortable to them as they are. Anyway, Mr. Deputy Speaker, I think that the Motion moved by the hon. Mover is not untimely because, in regard to the document which is so important, every opportunity should be taken to draw the attention of the hon. Members and also of the country to it so that the recommendations can be studied as quickly as possible with a view to implementing them.

MR. MATHU: Mr. Deputy Speaker, Sir, I rise to support the amendment moved by my hon. friend, the Chief Secretary. In doing so I would like to underline one aspect of this report, Sir, of which I think hon. Members should take special note. It is a short report with only very short paragraphs and twenty very short pages. But the delegation, I think, has got in paragraph 110 exactly what I think the hon. Members of this Council and this country should take to heart. There are only two sentences and I would like to read them out.

"There is a great future ahead of Kenya—a position of responsibility and prosperity and hope. It would be a desertion of high principles and a betrayal of past endeavour if men and women of all races now fail in the one supreme task of co-operation." (Hear, hear.)

Now, Sir, I suggest that that is the challenge that this delegation has put for

this country. It will be a betrayal of the past endeavour of the communities of this country if we fail in this very supreme task of co-operating as the delegation implied. I put to the honourable Council this important remark. This delegation came here mainly to study our Colony in the troubled times and I suggest, Sir, that some of the recommendations they have made in this very short report would go a long way to help us to solve some of the problems which are giving hon. Members and this country as a whole tremendous headache. I therefore, Sir, would like to congratulate the members of the delegation for their actions and the report which I justly think would help to solve the problems which are worrying us. (Hear, hear.)

Sir, I beg to support.

MR. SLADE: Mr. Deputy Speaker, I have to oppose both the amendment and the substantive Motion. It is not my intention to discuss the merits of this report, though I do believe that it contains much that might be as pleasing to members of my community as other parts might be pleasing to other members of other communities. Nor is it my intention to question the intellect and the industry or fair-mindedness of the members of this delegation. Indeed, during the brief time that I had an opportunity of meeting them I had every reason to regard them with great respect and enjoy their company.

It is on a matter of principle, and a very important matter of principle, that I oppose this Motion as amended. Under our system of Colonial Office Government we have been accustomed to Royal Commissions being sent out to examine the particular question at great length, over a considerable period, and report to the Secretary of State. We have been accustomed to various other commissions from time to time being sent out to investigate particular subjects. We have also been accustomed to Members of Parliament visiting this country in order to gain their own impressions of what the country is like and what we are up against and they are always welcome. We have also, of course, been accustomed to unofficial visitors who have written books about the Colony and sometimes in rather a hurry—(Laughter)—but these documents do not acquire

[Mr. Slade]

any official status and we have no right to object to them—at any rate we cannot stop them.

But this is a very different matter. Here we have a delegation consisting of six Members of another Parliament—true it is the Mother of Parliaments, but it is not our Parliament—who come into this Colony for three weeks entrusted with a duty apparently directed to make a report, not on some small thing, but on the whole question of this Emergency and apparently a lot of other things as well. My objection, Mr. Deputy Speaker, is that a report made in such circumstances and on such a wide field should not be accorded any official status whatsoever.

It is for that reason I oppose this Motion. It is a new development, to my mind, inviting six Members of Parliament to make a report of this kind. If you are going to continue this, where are we going to stop? Who is going to govern this country and who is going to advise our Government? I think it is now the time to protest most strongly against this kind of development.

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, I must sincerely congratulate the Government for accepting this Motion in its amended form; even though, to me, it appears a feeble effort, yet I would say that the courage Government has shown in accepting this Motion in the amended form is really very admirable.

I must say this also, Mr. Deputy Speaker, Sir, that had it not been for the freedom of the Press in this country, which is the only instrument in the hands of the Africans and Asians on this side of the Council to let the people of the world at large know the real truth about Kenya, it would not have been known by the publications made by one particular section of the people—the truth about Kenya will be known through the freedom of the Press.

There is only one community in this country which is holding back progress and peace and harmony which could develop, starting from to-morrow, if they come out from the iron curtain which, unfortunately, lies on my right and not in the opposite direction.

Mr. Deputy Speaker, Sir, in this country we have most wonderful oppor-

tunities for the bringing about of an inter-racial society and the bringing about of conditions which can be a lesson for the whole of Africa. But my hon. friends are refusing to even consider things in a manner that they ought to consider things—they are running against the time. Time is moving very fast and if they refuse to do things now, they will have to pay the cost very heavily later on.

I second the Motion most strongly and I compliment the Government for accepting it.

THE DEPUTY SPEAKER: If no other hon. Member wishes to speak to the amendment, I will dispose of the amendment.

The question that the words proposed to be deleted stand part of the Motion was proposed.

The question was put and negatived.

The question that were to be inserted be added proposed.

The question was put and carried.

THE DEPUTY SPEAKER: The amendment is now carried and it is the substantive Motion before the Council and remains open for debate.

MR. NATHOO: Mr. Deputy Speaker, Sir, much of what has been said in opposition to either the original Motion or the amended form has already been replied to. I, Sir, would like to say that whenever Motions of this nature are moved they are considered ill-timed and ill-advised. But, Sir, I would like the hon. Members on my right to know that this is one of the greatest forums we have for voicing our opinions in this country and we are going to make full use of it.

The hon. Members said it was untimely but I have already said I was made to move the Motion by the fact that certain sections of the community are creating a hue and cry against this report, as was evident from the remarks of my hon. friend from the Aberdare. I consider that right from the beginning, the non-European community should record its support of this report in principle here and now and impress upon the Government that they must not lose too much time, as was advocated by the

[Mr. Nathoo]

Member for Kiambu, in debating this report because the time is running out and this is a matter of urgency. (Hear, hear.) I therefore appeal to the Government that it is in the best interests of the Colony that they must consider the report as soon as possible and bring it to Council to be debated at an early date, and I welcome the statement of the hon. Chief Secretary when he say that steps have been taken to initiate some of the things which are already recommended in the report.

THE CHIEF SECRETARY: On a point of explanation, Mr. Deputy Speaker, I said that action had been initiated to consider the Report.

MR. NATHOO: I accept the explanation—that is what I wanted to say. That action by the Government is welcome on this side of Council.

Sir, I beg to move.

The question was put and carried.

MOTION

WAR CABINET

MR. NATHOO: Mr. Deputy Speaker, Sir, I beg to move that this Council is unequivocally opposed to any change in the present system of the Government or to inclusion of any unofficial members as Government Members unless such change or changes are brought about with the agreement of the representatives of three major communities namely, Europeans, Asians and Africans and this Council is strongly opposed to any formation of a War Cabinet as has been suggested in certain quarters.

Sir, at the outset I would like to mention that in the Motion I have moved, I have used the words "Asian" but that includes the Arabs as they form part and parcel of this community in this country. Now, Sir, again I would like to say that the main motive of my moving this Motion is the fact that just about the time the Secretary of State for the Colonies is visiting this country, certain sections of the community have not failed to go to the Press to press for what is called a War Cabinet. Sir, I would like to say here that generally our past experience shows that measures which are taken in times of emergency and

powers which are taken under those conditions generally remain permanent and that is one of the reasons why we, as representing the non-European community in this country, are opposing any move towards a War Cabinet which later on will stand as part and parcel of the Government.

Now, Sir, there are certain opinions in this country as to whether the time is ripe for a constitutional change at this moment or if it is not. You will observe that the hon. Member for the Coast here has said, in no uncertain terms, that he is opposed to any change and I think I must congratulate him on the courage he has shown on this occasion and on many other occasions in expressing his opinion, even when it has been a voice in the wilderness.

Now, Sir, we must make up our minds here whether we want any changes at all and what we say, Sir, has been said by the hon. Mr. A. B. Patel, that the changes which must come should come only after consultation with the other three communities as was promised to us by the former Secretary of State for the Colonies, Mr. Griffiths.

Sir, I do not wish to take up the time of the Council by saying anything more except that we are recording our opinion that we are strongly opposed to any form of a War Cabinet or any changes in the constitution unless it is done by consultation with the other communities and with their consent.

Sir, I beg to move.

MR. A. B. PATEL seconded.

Question proposed.

THE CHIEF SECRETARY: Mr. Deputy Speaker Sir, although this may appear to be a slight repetition of what has been said previously, I do wish to suggest that the present is not a suitable time—for reasons of which most hon. Members will be aware—to debate a Motion in terms such as this before the Council.

In the circumstances, Sir, I should make it clear that if this Motion should come to a vote, the Government will feel it is necessary to abstain from voting on this matter. (Laughter.)

I should, however, Sir, make it clear that in any event the Government would find it difficult to accept, without quali-

[The Chief Secretary]

sification, the phrase "with the agreement of the representatives of the three major communities".

Now, Sir, I do not want to be misunderstood on that. Quite naturally the ideal thing would be to have complete agreement with everybody in the country, and undoubtedly consultation would be necessary. But, Sir, I trust that the hon. Mover will, in all the circumstances, having had his say—and everyone else having had their say, if any—see his way to withdraw his Motion, having put his views on record, Sir.

MR. MACONOCHE-WELWOOD: Mr. Deputy Speaker, I rise to oppose the Motion. I wish to do so as briefly as possible. There is one thing, however, I should like to point out. It is how curiously illogical this Motion is following on the Motion of the hon. Mr. Patel two days ago. The hon. Mr. Patel moved the Motion suggesting that in the opinion of the African, Arab and Asian Members, the time had come for enlarging the membership of this Council by the inclusion of more Africans, Arabs and Asians in the Council. He now moves this Motion which demands a complete standstill.

To my mind, the deplorable thing about all these Motions is that the moment has been chosen when the Secretary of State is here to perform a very difficult task and to arrive at certain conclusions to deal with the Emergency and, if he can do so, to produce harmony between the people of this country, and hon. Members on my left have thought fit to bring three Motions which are most calculated to disturb any consultations that can take place.

Of the second issue raised in this Motion, it seems to me even more deplorable that—on a newspaper report—they should say that they are opposed to the formation of any war cabinet. The hon. Mover said that if you had a war cabinet it would be clamped on to the country for ever. I would put it to them that war cabinets have been set up in all countries in times of war, but how a war cabinet is to continue as a war cabinet if there is not a war to fight, completely baffles me.

It is indeed tragic that the whole issue of the Emergency will deliberately be

forged and prejudiced by Motions such as this. Everybody in this Council who has any feeling for the welfare of this country must feel that politics to-day must take second place and the Emergency first place—(Hear, hear)—and in saying that I am speaking at any rate for all the European Elected Members, although tragically I cannot speak for the hon. Members on my left.

Mr. Deputy Speaker, I beg to oppose the Motion. (Applause.)

Cries of Order.

MR. BLUNDELL: I was calling "Order" because I heard acclamation elsewhere in Council.

MR. COOKE: Mr. Deputy Speaker, I am rising merely to protest against a point made by my hon. friend, the Chief Secretary, the gravity of which I think is profound. If I understood him rightly, Sir, he certainly indicated that Government would force constitutional measures on this country in spite of the fact that they were not agreed to by all races. If I am wrong, the hon. Member will contradict me.

That may have a boomerang effect, as any changes made might be contrary to the interests of the Europeans. I would oppose them very strongly unless they have the agreement of all races. From what I gather from the Chief Secretary's speech, the Secretary of State would be prepared to force constitutional changes even though they were not agreed to by all races.

THE CHIEF SECRETARY: I am not prepared to say that the Secretary of State will force constitutional changes. What I had in mind was that although there might be general agreement it might not be possible to have agreement on all points of detail. I certainly must make it clear that I do not ascribe to the Secretary of State, or to anyone else, the likelihood of forcing constitutional changes.

MR. COOKE: Thank you very much. There is another assurance I want, and that is that no constitutional changes will be enforced until there is a round table conference. Now we have all accepted that and indeed accepted rather more than a gentlemen's agreement—certainly a gentlemen's agreement—and

[Mr. Cooke]

I think it has been accepted by the present Government that there should be no constitutional changes until there is an end of the conflict and I cannot see how the Emergency can impinge on that. I know the function of Government is to govern and if, at a round table conference, we do not agree, the Secretary of State must give a decision, but I protest that to make any decision until there is that conference would be contrary to the Griffith's agreement.

MR. USHER: As a point of order, what happens . . . (inaudible) . . . remarks of the hon. Member for the Coast completely out of order.

MR. COOKE: I was dealing with points made by my hon. friend, the Chief Secretary.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to give the assurance for which the hon. Member for the Coast asked, that is that there is no question of going back on what was previously agreed with the predecessor of the present Secretary of State and endorsed by the present Secretary of State.

MR. A. B. PATEL: Mr. Deputy Speaker, Sir, I rise to support the Motion moved by my hon. friend, Mr. Nathoo. Now, Sir, the hon. Member for Uasin Gishu said that this Motion is quite contrary to the Motion which was moved by me yesterday, Sir, it appears that he has misread the Motion which I moved. The Motion I moved asked for the enlargement of the Unofficial Membership of this Council and also of the Executive Council, while the present Motion refers to "any change in the present system of Government".

Obviously it should be known to the hon. Member for Uasin Gishu that this would mean participation of the Unofficial Members in the Government and changing the present system of the Government; that is to say that the control of the Colonial Office may be reduced, however, slightly. It may mean that the Unofficial Members may hold portfolios. That is a different proposition to what had been moved by me, and it should also be clear to him that in this Motion we are opposing the formation of a war cabinet.

Now, Sir, it is asked why the hon. Mover moved this Motion at this juncture, and it is stated that it was not right for him to do it. Well, I am prepared to give reasons, Mr. Deputy Speaker, why the Asian Members had to decide to introduce this Motion in Council at this juncture. We have been noticing for some time that the Government in this country is unable to rule as they ought to because they give in too much when there is pressure from the Unofficial European community, and they brush aside any views which may be put forward by the non-European community, as we saw when the question of the membership of the Emergency Committee was raised. Also, Sir—it may be questioned by hon. Members on my right—but I would like to say that pressure tactics have been used for many months now for the purpose of compelling the Government to allow Unofficial Members to participate in the Government, and for that reason it was necessary for us to come to this Council and tell how grieved we feel at these pressure tactics, and how offended we will feel if any change is brought about without taking us into consultation.

Sir, as far as the war cabinet is concerned, we are definitely opposed to it because we have already experienced that, in the name of merit and ability and so on, the non-European Membership will be brushed aside as has been done in the case of the Emergency Committee and that will be taken as a precedent for the continuation of only Unofficial European Members to participate in Government. What we have experienced in this country, Mr. Deputy Speaker, time and again, warns us, and therefore we are obliged to move this Motion.

The hon. Member for Uasin Gishu also said that we are, by moving this Motion, prejudicing the work of the Emergency and that we are putting politics first in preference to the Emergency. Now, Sir, there again he has misinterpreted our intentions in this regard. As a matter of fact, Mr. Deputy Speaker, if the Government or the Secretary of State for the Colonies would take the step of giving any portfolios to Unofficial European Members only, without consultation with the non-European Members or a war cabinet was brought into existence, as has been suggested in certain quarters,

[Mr. A. B. Patel] then the greatest damage would be done to this country and the work of fighting the Emergency, because non-Europeans will be highly aggrieved and the situation in this country will grow worse, and I think that by warning the Government in time we are serving the best interests of the country.

MR. MATHU: Mr. Deputy Speaker, Sir, I rise to support this Motion very strongly, and in doing so I am very sorry indeed, Sir, that these Motions are held to be . . . (inaudible) . . . on this side of Council. It is a pity, Sir, that the Unofficial European Members . . . (inaudible). Surely it is not in the European interest to split the community in opposing every move that the non-Europeans bring here.

I suggest, Sir, that the matter is serious. The gist of this Motion is that all communities agree. Surely, Sir, that is very sensible. A man living in this country, in a multi-racial society, who seeks agreement for all communities—surely that is the ideal on which we must live in this country.

My hon. friend, the hon. Member for Uasin Gishu, tells us that is politics. What politics is there here—seeking co-operation and agreement between communities? Is that politics? Is it politics if we have been touring the country asking for membership—on that side—asking for membership of a war cabinet? My hon. friend the Member for Uasin Gishu would not deny that—we may not have a discussion along the lines I am suggesting now—that is politics, not Emergency.

I therefore suggest to my hon. friend, please let us try and agree to work together but not hammer on the heads of one another—that will not end the Emergency. I think this Motion is quite a sensible one. If there are changes, let us come together and agree, at any rate, on the broad outlines of what the changes will be.

That is not politics and I therefore support this Motion.

MR. TYSON: I would like to support the appeal made by the hon. Chief Secretary to the hon. Member for Western Area to withdraw this Motion, for reasons which I think to some extent

have been supported by what the hon. Member for African Interests has just said. Earlier on it was agreed that the report of the Parliamentary Delegation should be given consideration, to which the Member for the Western Electoral Area agreed.

Now it seems to me he wants to complicate the issue by a Motion which, if he has had time to read the report, he will find is contrary to paragraph 50 and I would suggest to him that if this report of the Parliamentary Delegation is going to receive consideration on the lines which have already been agreed, it can do nothing but confuse the issue to press the Motion which is before us.

For that reason, I would appeal to the hon. Member to withdraw it.

MR. NATHOO: Sir, there is only one point to which I would like to reply—the point raised by the hon. Member for Uasin Gishu. He is preaching to us to put the Emergency before politics, and has accused us of putting politics before the Emergency. Now, Sir, by their own demand the Europeans are demanding leadership of this country and as such, Sir, perhaps the other non-European communities, whether they accept that leadership or not, being placed as they are, follow some of the examples which the European community in this country adopt. The policy adopted by the European community about the war cabinet—of kicking up a row in public in the Press—was the only reason which actuated us to move this Motion. So, Sir, I would like the hon. Member for Uasin Gishu and the European community to set an example of what we should do, rather than preach to us one thing and in practice follow something else. (Hear, hear.) That, Sir, is my appeal to them, not only on this point but on all other points.

Now, Sir, I have heard the opinions in the Council on both sides and, Sir, the object for which I made this Motion having been served, in the best interest of the country, Sir, I would like your leave to withdraw my Motion. (Applause.)

THE DEPUTY SPEAKER: I will put the question for the withdrawal of the Motion to Council.

The question was put and carried.

MOTION

FUTURE ATTITUDE TOWARDS THE KIKUYU LOYALISTS

MR. MATHU: Mr. Deputy Speaker, Sir, I beg to move that:—

Whereas statements have been made that no Kikuyu can be trusted, and whereas other statements have also been made that the fight against *Mau Mau* will be finished only with the help of the Kikuyu themselves, and whereas the Kikuyu in large numbers are fighting, dying, and losing their property, including schools and churches, in the battle on the side of law and order—

BE IT RESOLVED that this Council wishes to record its appreciation of the services rendered by the Kikuyu loyalists in their great endeavour to restore law and order in the country and reassures them of continued support by the Government in this regard.

MR. DEPUTY SPEAKER, Sir, in all the communities in the world—in all human communities in the world—there are some people who are bad and there are others who are good; now that is definitely true in regard to the Kikuyu in Kenya. Some are bad and the others are good. I do say that out of nearly one and a half million Kikuyus living in Kenya to-day, you will find a very large number of good people who want to lead decent and lawful lives as members of the community in Kenya. When stories are told in the Press and in public meetings that the whole of the Kikuyu community—one and a half million of them—that they are all bad, rebels, criminals all of them; men, women and children; you can see the tremendous damage these expressions have on the good sections of the Kikuyu people.

Meetings have been held in this country, in various parts, to make this general condemnation of the Kikuyu tribe.

I would like to hasten to say here that the purpose of my Motion is not to condone any of the evil-doers of my own community. They must be dealt with ruthlessly, but I do know that a substantial number of people on the side of law and order would be discouraged, not encouraged, by statements such as I have included in the first part of my Motion.

Suggestions have been made, as a result of this suggestion, to remove Kikuyu from all over the place. We have done it in our own Colony here, Sir, from the European settled areas, from individual towns and from all over, and we have done that in some cases very indiscriminately and usually the results have given us headaches. It has been done also in the neighbouring Territories, in Tanganyika and Uganda; but when it is done indiscriminately, that is where I think the harm is done, because first of all where this general propaganda is that all the Kikuyu are bad and cannot be trusted and, of course, those views have an impression on the minds of those who have the hold on the reins of Government in various territories, therefore, action is taken on a matter of this kind.

I say there is nothing that is prolonging the Emergency more than deeds done as a result of this untrue generalization that all the Kikuyu are bad. In this connexion, with your permission, I would like to quote from a broadcast which was made by Dr. Leakey, Curator of the Coryndon Museum, a broadcast which is an excellent presentation of our present situation. This was published in the *East African Standard* on the 27th of last month. He said this: "On the other hand, it is also necessary that we should take care not to adopt or bring into force any measure which will adversely affect the loyal Kikuyu or those who have been sitting on the fence and who are beginning to come over or those who have already come over from the other side. There must be much more, not less, discrimination between the good and the bad Kikuyu, more must be done to give hope and encouragement to the loyal members of the tribe and to the waverers, both of which groups are far more numerous than many people think". I do like to think that no person in this country can say that Dr. Leakey has not got the best interest of this country at heart, nobody can say that he has not helped this country, a great deal during the time of this Emergency; words from his mouth like that are words I think that must be respected. I do like to take this opportunity to pay him a tribute for getting water over the fire when a fire has been lighted by others elsewhere. (Hear, hear.)

[Mr. Mathu]

Of the people that I am speaking for now—loyal Kikuyu—there are loyal Kikuyu to be found in every walk of life, among the homes of hon. Members, their servants who are serving them very loyally indeed under very difficult conditions—intimidation by *Mau Mau*—they are sticking to their masters, helping them every day in their homes. There are loyal Kikuyu helping in hotels as domestic servants. Again some of them with tremendous difficulty in the way of intimidation and so on. There are others, also loyal Kikuyu, who are serving this country as farm labourers in European farms; as forest squatters, developing our forest estates. There are also loyal Kikuyu in private business houses, Government departments and departments under the High Commission; also in the Railways and in the Post Office. There are loyal Kikuyu in this country who are supporting the Christian Church—the Clergymen, the Elders. It is such Kikuyu men and women—ordinary Christians—who have stood against the *Mau Mau* more than anybody else. If you say that all Kikuyu are bad, including those men, I do think we will be reaching a point where we will be very illogical. There are school teachers who have supported the Education Department in running the schools of this country, who are absolutely loyal to this Government and to our country, without them we cannot run schools for the African children. Are we going to lump them together with all the bad ones, when we say they are all bad and that no Kikuyu can be trusted? We trust our children to these teachers—men and women teachers in this country.

We also find loyal elements among the Kikuyu people, among the traders who keep shops, among the peasants who run small *shambas* around the countryside.

Now to the most important lot of them all. We have chiefs, the headmen who have supported the Government, have died, some of them, as a result of supporting the Government. When those alive now hear in a report in the Press that a meeting is being held in Gilgil or Kitale or a meeting where you like, saying that all Kikuyu are bad including those chiefs—can they get any heart? They become very discouraged. They

read newspapers or their sons read for them, if they are illiterate. If you discourage them, they find it difficult to support. What about the Kikuyu guard? We have nearly 20,000 of them throughout the tribal areas. Twenty thousand who are used not only as home guards, but as combatant units who are dying, who are being very successful in their operation against *Mau Mau*. In combination with the military and police. Are we going to say those Kikuyu who have been in actual battle cannot be trusted, that they are bad—some 95 per cent are *Mau Mau*? I say that it will be a great disservice to this country if we give the impression or we say that categorically, as some of the newspaper reports have said, that the Kikuyu guard cannot be trusted, he is a bad man; also those who are serving with the police and armed forces.

What about the Kikuyu who are helping the district officers, the temporary district officers in the screening camps, are they not Kikuyu? Are they disloyal? When they work practically day and night to help the Government and the country to find out who are and who are not loyal. I say it will be wrong to say so.

Finally, as far as the classes of people are concerned, I would like to come to assessors. In our administration of justice the Africans are not tried by jury, the magistrate or judge uses what are called assessors. There is a large number of Kikuyu assessors who are picked out by the judges to help them arrive at the decision, in the cases connected with offences committed by *Mau Mau* against those laws we have laid down. These people discharge their work, in a majority of cases, very loyally indeed. I think it would be unfair to describe them as bad or as disloyal.

Now recently we learnt in the mouth of one hon. Member on the other side of Council that since the Emergency, 930 loyal Africans have been murdered. That, I suggest, is not a complete picture. These are murders that we happen to know about; what about the murders when these gangsters put ropes around people and put them into sacks and bury them without our knowing? For there must be a large number of Africans murdered by *Mau Mau*, these are people who are on the side of law and order.

[Mr. Mathu]

Twenty-one Asians have been reported. Twenty-two, I think, European—was the number given as those who have been murdered. That at the rate of nearly 1,000 loyal Kikuyus who have died because of wanting to stand on the side of law and order, then they hear a general condemnation that none of them are to be trusted. You can see the psychological effect that would be—not that these 930 or more have been murdered—their families in some cases have gone, their homes and the contents of them have been destroyed because they are on the side of law and order. Their livestock, their schools and their churches have been destroyed by *Mau Mau* because they are on the side of law and order.

We read in the newspaper, we hear people shouting that every Kikuyu is bad, none of them can be trusted. Now, Sir, what is really the thing that is really going to help end the Emergency? I suggest, that it is to get the support of every person in this country to stand on the side of law and order. I suggest, when you give this general condemnation of the Kikuyu people of whom it is said only through their help, we can end this Emergency, I think it will be very wrong. I suggest it does not encourage most of the Kikuyu to come on the side of law and order and appreciate what the loyal Kikuyu have done to give every assistance possible so that the waverer—and those who stand on the fence, on the side of law and order, should come to our side to help us when we come to the end of the Emergency. Not the way we are doing it now. We must give hope to the loyalists, give them the encouragement they desire.

Before I sit down, I would like to suggest that we want more positive action, not general condemnation of a people who are dying every day, from both sides. Any hope we can give to these loyalists, we should do so as a Government and those who influence the decisions of Government. There was at one time, when the hon. Member for Agriculture and Natural Resources had some scheme of settling some of those Kikuyus in the Shimba Hills, Transmara and Samburu, I do suggest that the Member for Agriculture and Natural Resources should push ahead with schemes such as this, it may be labour

camp, push ahead with this. I do think the Member for Agriculture and Natural Resources would be doing exactly what the loyalists want to do. I do think that what we want here is encouragement that Government should say and ourselves behind them, "We have faith in these people, we know they are going to help us, their future is bright". If we did that we would be coming nearer the end of our trouble.

I do hope the hon. Member for Uasin Gishu will not think I have made a political speech.

I beg to move.

MR. OHANGA seconded.

Question proposed.

ADJOURNMENT MOTION

GENERAL "CHINA"

MR. BLUNDELL: Mr. Deputy Speaker, Sir—I have moved the adjournment of Council in order to raise a matter—so that I may record my very deep concern at the decision that has been made and announced in the Press today over the convicted criminal called "China". (Hear, hear.)

Let me record, Mr. Deputy Speaker, Sir, that no consultation whatsoever was made with myself, in my official capacity, in association with Government, until it was no longer possible to conceal the decision that had been made and the Commander-in-Chief himself was speaking to representatives of the Press on the matter.

There are, I believe, in this regard, two issues. The first is this, Sir—I believe it most unwise to make decisions of this nature without consulting the Members of the Executive Council. (Hear, hear.)

I would like to record here and now that as far as I know, no official consultation whatsoever took place at the time of the decision with any Member of Executive Council.

Now consultation with Executive Council would be advisable on two issues: first, on the actual decision; second, on whether the sentence on this criminal should have been carried out—and I note in the Press to-day that there is this record: "that His Excellency carried out the normal procedure of consulting Members of Executive Council, as laid down by the Royal Instructions, and

[Mr. Blundell]—of those dealing with such questions approved of the reprieve”.

Let me record that I cannot tell this Council whether that is true or not—nor can I say whether the majority approved or not—because as a Member of the Executive Council I was not asked to be there. If this is referring to a reprieve on the sentence that was advised by a small sub-committee of that Council because of the great pressure of work which comes before it arising out of Emergency cases, I do submit that it was completely wrong and improper that a matter of this magnitude should have come before a sub-committee of that Council. (Hear, hear.) In any case, because of the decision that had been made earlier without reference to Executive Council, the matter was inevitably prejudiced before it went to the Council in the matter of reprieve. (Hear, hear.)

The second point I want to deal with is this: consistently throughout the Emergency hon. Members opposite have refused to treat the *Mau Mau* movement as either a rebellion or a war. Now it would be perfectly legitimate for hon. Members to treat with rebels or with enemies but I submit to this Council it is utterly wrong and improper to treat with criminals, because, that in fact, is what the hon. Members are doing.

If this Council would examine the record to which “China” has been a party—the murders, the butchery, the arson and the filth of the oaths—I believe that hon. Members on this side of the Council will inevitably draw the conclusion that hon. Members opposite have the hallmark of expediency as the principle of their Government and no principles at all.

Mr. Deputy Speaker, I would like to record what I believe the ordinary citizen of this country will feel in the matter, not the hon. Members of this Council, who are constantly in touch with the various associations with Government, with the march of events, but the ordinary citizen of any colour, of any race, of any culture, anywhere, who is remote from what is happening. He will become inevitably convinced by this action that Government has become a party to those brutalities, to those

murders and to those filthy oaths. (Applause.)

MR. SLADE: Mr. Deputy Speaker, a reprieve of this convicted criminal for the purpose of inducing rebels to surrender raises issues of importance, both from the moral side and the practical side. On the moral side, I would put to this Council that the reprieve of a convicted criminal for the purpose of expediency only can never be justified. We have heard it said often enough in this Council that political considerations are never to be allowed to interfere with the course of justice.

On the practical side, I ask once again—as we have often asked before—when will Government appreciate that there are, as it were, two wars. There is the war against the gangs, but there is a much greater and more difficult war to recover the confidence and respect of the African people all over Kenya and all over East Africa and even beyond. That is the real war.

Now the war against the gangs is important enough and must be finished. One of the reasons it has been prolonged is the loss of respect for Government which has led Africans to help the gangsters instead of standing firm against them. Now, even if this unholy plan succeeds and the reprieve of this criminal results in the surrender of many gangsters, the price is far too great. (Hear, hear.) It may shorten the war against the gangs, it will most certainly prolong the greater war for respect and confidence in Government. (Hear, hear.) You have only to ask any African who is really on the side of law and order wherever you go—and not only Africans, as the hon. Member for Rift Valley said, peoples of all races—and you will get the same answer. Have we a Government that can win this war, or have we not? They have to let off all the leaders of the rebels, all the greater criminals with blood on their hands. Do they have to treat in order to win?

It is not only now this appalling action with the criminal “China” that I read in the *East African Standard*, but it is proposed there should be conferences with *Mau Mau* leaders to discuss terms. I do hope, Mr. Deputy Speaker, that every one of us here anyhow will make up our minds firmly to resist and protest against any negotiation with *Mau Mau* leaders

[Mr. Slade]

which brings further discredit on this already discredited Government.

MR. COOKE: I rise as an independent Member to associate myself with everything that has been said by my hon. friend the Leader and by the last speaker. (Hear, hear.)

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Deputy Speaker, Sir, I find myself shocked by the myopia running through the rather hysterical oratory with which the hon. Member for Rift Valley approached this very serious and very delicate business. (Applause.) We are, Sir, now accustomed, and have been particularly accustomed during this last week, to attacks on Government—to attacks designed to undermine the confidence both of the constituents of the hon. Members opposite and, I suppose, designed to undermine the confidence of the loyal Africans in Government. (Hear, hear.)

The hon. Member for Rift Valley, Sir, particularly attacked the Government on grounds of not consulting hon. Members opposite or members of the Executive Council in this matter. I can say, Sir, that no government in a situation such as this could accept the obligation to discuss matters of an operational nature, and this indeed was a most delicate one of an operational nature, Sir, outside the most limited circle of the highest authorities. This decision, Sir, was taken after a review of both the long-term and the short-term implications, after review of all the information available; Sir, this decision was taken by His Excellency the Governor and the Commander-in-Chief.

These principles, Sir, and indeed the practice of observing strict secrecy in such vital and such important matters is surely not unknown in times such as this—surely not unknown in the War Cabinet during the war in England.

I referred to the myopia displayed by the hon. Member for the Rift Valley, Sir. Surely hon. Members must realize that there is a surrender policy—that there has been a surrender offer put out in pamphlet form to these terrorists in the forest. They will surely realize that in deciding to use this *Mau Mau* leader who calls himself “China” to get into touch with his terrorist leaders and

terrorist followers in the forest, that Government was merely wishing to stimulate this—to achieve a reduction in the number of terrorists at large by surrender with their arms—and that this object was solely designed to shorten the Emergency—designed, Sir, in the best interest of this country, designed in shortening the Emergency, Sir, and it would be realized surely by hon. Members opposite that this must be the aim and the main policy of this Government. They should also realize also that every day this Emergency continues is more and more disastrous to the economy and the whole state of this country.

The hon. Member referred also to the question of the reprieve of this man who calls himself “China” and I will, Sir, leave that to my hon. friend the Solicitor General to deal with. The hon. Member for Aberdare also made much point of what he described as a policy to let off murderers and thugs and terrorists. This, Sir, is far from the truth when you analyse this surrender policy. These terrorists, Sir, who surrender will certainly not be let off or let loose on their own community. This has been made quite clear to the loyal Kikuyu who are fighting the battle now. These surrenders will be detained in camps; their arms will be removed from them; there is no question of letting them loose on the community. The hon. Members opposite, I think, are well aware of the principles behind the surrender policy.

I repeat, Sir, that no Government with any sense of responsibility, with the information available to us—and I say here, Sir, that there is behind this very delicate matter a great deal of information known to us of the progress of events and arrangements being made that cannot possibly in the public interest be disclosed in a debate like this—and I suggest, therefore, that the matter raised by the hon. Member for Rift Valley was indeed ill-timed. As I was saying, no Government with any sense of responsibility could possibly have ignored taking into consideration, as I have said, Sir, both the long-term and the short-term implications of this matter. They could not possibly have ignored an opportunity such as this which may well, if successful—and I say “if successful” Sir, because the arrangements are still

[The Member for African Affairs] under consideration and they have not come to any fruition and I cannot, Sir, predict how this operation will go on but I say, Sir, no Government could ignore an opportunity to shorten the Emergency.

Mr. A. D. PATEL: Mr. Deputy Speaker, Sir, I am happy about one thing at least, Sir, that the Government at last on one occasion has shown the courage of doing what they thought right. It cannot be said that they always do so because they work under great tension on their minds on account of what has been continually said outside. Sir, I would like to say that the Government in this country should, in time of Emergency, rule—and rule by deciding matters in the manner they think right—and in such important questions I would say, Sir, I would have greater confidence in the judgment of His Excellency the Governor and the Commander-in-Chief, Sir George Erskine, than some of the Members who are decrying the decision which has been taken.

Mr. Deputy Speaker, Sir, I believe that the prestige and respect of the Government has been lowered by those who have, out of season and in season, attacked Government in regard to decisions they have to take and, in fact, the Government in my view, Mr. Deputy Speaker, has hesitated on many occasions to take decisions because they are afraid of criticism which may come from a very vociferous section of the Kenya community.

Therefore, I do not associate myself with the criticism which has been made of the Government action.

Mr. MAHUI: Mr. Deputy Speaker, Sir, I would like first of all to say that, as a member of the Executive Council, I was not consulted like my hon. friend, the Member for Rift Valley, and for that reason, therefore, I can look at this with a clear mind as I have not committed myself at all—(Applause)—and I think that would mean that it would put me in a better position to enjoy... (inaudible)...

My hon. friend the Member for Rift Valley talks about the need to end the Emergency and the Member for African Affairs tells us that when the consultations took place they saw a possibility of shortening the Emergency. Surely that

supports my hon. friend, the Member for Rift Valley in his attack on Government more than once in regard to their not taking decisions quickly and so I do suggest that the Motion moved by my hon. friend the Member for Rift Valley is most ill-timed and it was unfortunate that he had, to move this Motion on the Adjournment.

However, I personally think that the time has come that in certain matters Government should decide and take action when they know it is for the interest of this country because any dallying about these matters will prolong the Emergency and the only person who is going to suffer will be the Kikuyu and as soon as the thing is over I think the better for the Kikuyu and the rest of the communities in this country.

LADY SHAW: Mr. Deputy Speaker, Sir, I believe that we have heard the most surprising remarks in this Council to-day. Obviously, the other side of Council was surprised about what the hon. Member for Rift Valley said. I am not surprised by him because I know the feeling engendered in many people of shock and surprise by this recent action of the Governor and the Commander-in-Chief. But, Sir, what is most of a surprise to me is this scurrying and scuttling out of the way in order to, what is called, "finish the Emergency". No consideration is given to the feelings of the people who have been harried by this man for months and months and months. No consideration is given to coming out of this Emergency in some way, please God, with honour—honour. (Hear, hear.) Peace we may get, hasten the end we may—and I can think of lots of other ways in which we might hasten the end—complete scurrying away may hasten the end, but it would hardly finish the matter and leave us with any semblance of honour, I think, at all. (Hear, hear.) We are betraying the loyal Kikuyu, of whom we have heard so much, of whom I know there are many. I can think of no way of extricating ourselves—if you wish to extricate yourselves—from this deplorable situation with less honour than by dealing with this matter in the way it has been dealt with of late.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I am going to be extremely brief on this matter. May I say how

[Group Capt. Briggs]

entirely I support what the hon. and gracious Lady has said. This criminal, "China", has been operating in my constituency; he has murdered a number of my constituents in the most disgusting and revolting circumstances and I know very well the extent of the indignation which my constituents will feel over this. I know the indignation which loyal Kikuyus will feel over this. I think it is a most disgraceful chapter in history.

THE SOLICITOR GENERAL: Mr. Deputy Speaker, Sir, I believe that to raise this matter at this present juncture is not only tragically ill-advised, it is also unconstitutional. The matter of a reprieve, a commutation of a death sentence, is a matter of the Prerogative. This Council is bound by the Constitution.

MR. BLUNDELL: On a point of order. I misled the hon. Member—I would like to ask him to give way for a moment.

I detected from something that the hon. Member for African Affairs said that the hon. Member has misunderstood me. I merely raised that question because the Press report said categorically that the matter came before the Executive Council. I merely raised it as it had not.

THE SOLICITOR GENERAL: I am obliged to the hon. Member for his explanation but other speakers in this same debate have seen fit to challenge a decision taken in exercise of the Prerogative, and one which under our Constitution—and may I remind Members that our Constitution binds this Council?—is a decision for his Excellency the Governor and one which he is expressly enjoined by the Royal Instructions to take in the exercise of his own independent judgment, whether or not that judgment be in accord, or in conflict, with the advice which he may receive from his Executive Council.

I draw a distinction between that Prerogative decision, which I appreciate from my hon. friend, the Member for Rift Valley's explanation that he was acting to seek to raise specifically, and the policy of using this man "China" for the purpose for which the present operation involving him has been mounted.

As regards the consultation with the Executive Council in making the decision of policy to use him for those

operational purposes, without wishing to be too legalistic, I must nevertheless draw attention to the instructions—the Royal Instructions—which also bind us expressly in this Council and which enjoin the Governor to refrain from consulting his Executive Council in cases—and I quote—"which may be of such a nature that in his judgment"—his judgment, Sir—"Our service would sustain material prejudice by consulting the Council thereupon".

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, from time to time we heard said in this Council many ill-advised things. I doubt, Sir, whether I have heard any more ill-advised things said than have been said in the last half-hour. Amongst perhaps the most disastrous things that were said, is the suggestion that the Government is betraying the loyal Kikuyu. Now, Sir, for that to go out from the Council, which must accept in regard to this Emergency a responsible attitude, is little short of a disaster and must be refuted. (Hear, hear.) There can be absolutely no question, but that the Government is taking every possible precaution to safeguard the loyal Kikuyu and support them in this trouble, and any suggestion, Sir, that because the Government has chosen this particular channel to try and hasten the end of the Emergency, it is betraying the loyal Kikuyu, is something which needs the most strong and the most emphatic denial.

Sir, I am surprised at some of the attitudes that have been taken. We have said here, Sir, for days and we have said mouths say to the Government "Urgency—the need to end the Emergency—we will support all measures necessary to end the Emergency". But, when the Governor and the Commander-in-Chief, who carry on their shoulders the operational responsibility of ending this Emergency, take a decision which they believe may hasten the end of the Emergency and save the lives of people in this country, they are immediately criticized because they have taken action, because they have not consulted the Executive Council.

The Executive Council—I would like some hon. Members to look back over their consciences and their speeches of the past week or two in this Council about

[The Member for Finance and Development] consultation. I would remind them of how they spoke on the Motion moved by the hon. Mr. Mathu on the question of need for security. When action is necessary in a thing like this an immediate decision has to be taken—that decision has to be kept as close as possible to the people who have to carry that decision.

Now, just for one second, let me turn to this question that the hon. Member for Aberdare has raised about the confidence of the African in the Government, confidence that the Government will win this war. Have I not sat on the front bench of this Council and heard day after day that we are losing this war? Have I not heard it said time and time again that Government is not winning the war because some hon. Member wants to make a political point in the debate? (Hear, hear.) When the facts, the facts speak for themselves, that Government is winning this war? Does any hon. Member believe that the gangs in the forest and the gang leaders would be surrendering if they did not think Government are winning the war? (Cries of "Are they?")

If they do, they will shorten this Emergency. I repeat the words of my friend the hon. Member for African Affairs—no Government which carries this solid responsibility of this Government would be correct if it did not take every means, every action within its power to end this Emergency and to see that the lives of our people are safe.

Now, the hon. Member for the Coast says in his usual flamboyant way "Kill them all". Does he, does the hon. Member for Aberdare, does any hon. Member in this Council believe that we can go on month after month, year after year, until we have killed them all? Does he believe that is a possibility, that we have indeed to hang on and hang on and hang on when, if this move, if this action succeeds, we may indeed see a position brought about where the Emergency can be shortened, not by hours, not by days, but by months?

I do not believe that this is entirely representative of the opinion of the people of this country. Indeed, I would like to tell this Council that I was rung up

on the telephone last night by a very well-known businessman in this country who congratulated Government on taking a step which might indeed bring the possibility of peace a few minutes nearer. Remember that with every hour of this Emergency that passes, the toll of bitterness for the future will grow. Every action that reduces this Emergency by one hour will contribute, not only to the short-term of peace to-day, but to the possibility of peace.

HON. MEMBER: With honour?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Yes, with honour and respect for all our people. (Cries of "Hear, hear", "No, no", etc.)

THE DEPUTY SPEAKER: Hon. Members, the time given to the Motion moving the adjournment has now elapsed. I am in some difficulty because we have still on the Order Paper a Motion under debate which has not been disposed of. I am in your hands but I suggest it might be possible, more especially as I do not think there will be much debate on the Motion, that if one of the *ex officio* Members on the Government Bench would care to suggest suspension of the Standing Orders we might dispose of Mr. Mathu's Motion and terminate the business on the Order Paper to-day, but, I repeat, I am in the hands of hon. Members.

ADJOURNMENT

THE DEPUTY SPEAKER: The Council will stand adjourned until 9.30 a.m. to-morrow.

Council rose at One o'clock.

Friday, 5th March, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following paper was laid on the Table:—

The Accounts of the Colony for the year ending 31st December, 1953.

(BY THE MEMBER FOR FINANCE AND DEVELOPMENT)

according to the operational situation but the position at present is approximately as follows:—

	Full-time	Part-time
Kiambu ..	900	2,400
Fort Hall ..	4,500	1,000
Nyeri ..	6,000	2,000
Embu ..	1,600	400
Meru ..	1,800	5,000*
Total	14,800	10,800

* Mostly in reserve

THE MEMBER FOR FINANCE AND DEVELOPMENT: These accounts have not yet been audited and the audited accounts together with the Report of the Director of Audit will be laid in due course, but I thought it important that the Accounts as presented to me should be placed before this Council at the earliest possible moment, particularly in view of the early laying of the Budget statement this year. (Applause.)

ORAL ANSWERS TO QUESTIONS

QUESTION No. 50

MR. MATHU asked the Chief Secretary to state: The number of Kikuyu, Embu and Meru guards—

- employed full and part time in the operations against *Mau Mau* in each of the districts concerned in the Central Province, and the form and extent of their compensation for services rendered;
- in each of the five districts of the Central Province who have been exempted from the Special Tax, and whose children have had their school fees paid for them by the Government;
- employed full- and part-time in the Nairobi Extra-Provincial District, and the form and extent of their compensation for the work they do?

THE MEMBER FOR AFRICAN AFFAIRS (on behalf of the Chief Secretary):—

(a) There are now approximately 25,600 Kikuyu, Embu, and Meru guards. The number and distribution of those on full-time operational duty and of those on part-time or in reserve changes daily

Food is issued to all guards who for operational reasons are unable to feed themselves; and, although no uniform scale has been laid down, the issue is normally 2 lb. *posho* per man per day plus meat and vegetables as required. Expenditure on this account has in the past been about £4,000 per month.

Clothing—khaki drill shirts and shorts, raincoats or greatcoats—has been issued to guards in forward posts, approximately 50 per cent of those on full-time duty, and a further issue will be made if considered necessary.

Guards are eligible for operational rewards on the police scales, and in addition approximately £1,000 per month is spent on rewarding good work and purchasing miscellaneous comforts, such as woollens and blankets, sugar and tea, etc. 150 "Saucepan" radio sets have been purchased for awarding as prizes to outstanding posts. The force is, of course, composed of volunteers.

(b) The approximate number of guards who have been exempted so far from paying the Special Tax is as follows:

[The Member for African Affairs] Klambo 900; Fort Hall 4,500; Nyeri 5,500; Embu 1,600; Meru 1,800. Total: 14,300, the grounds for exemption being proof of service.

The Government has undertaken to pay the school fees of up to three children for every Kikuyu, Embu, and Meru guard on full-time duty in operational areas. The number involved by districts is not yet known, but it is estimated that the total will not be more than 40,000, and that this service may cost up to £60,000 per annum.

All these various measures work out, in cash and kind, at approximately Sh. 15 per month for every Kikuyu, Embu, and Meru guard on full-time duty in operational areas.

(c) There are, of course, no Kikuyu, Embu, or Meru guards in the Nairobi Extra-Provincial District. The movement there is known as the Nairobi home guard and, apart from several Muslim Kikuyu, there are only three Kikuyu in the force. The present strength is 182.

The organization is much the same as the European and Asian units and all are volunteers and employed on part-time duty. Tea is provided free every evening; cinema shows are occasionally organized and inter-village home guard football matches played and a home guard dance is to be held in the near future. There is keen competition to join the movement. Approximately £130 per month is spent on amenities and rewards, or about Sh. 14 per man per month.

THE MEMBER FOR AFRICAN AFFAIRS: I apologize for the length, but it seemed necessary to go into some detail.

MR. MATHU: Arising out of that reply, Sir, can the hon. Member do something to increase the numbers as far as the Nairobi Extra-Provincial District is concerned? The home guard are a very small number—perhaps that is why we have all the trouble in Nairobi.

THE MEMBER FOR AFRICAN AFFAIRS: Sir, I agree the numbers are small but the Nairobi home guard started later in the day than the others. They have now got home guard officers operating, and I hope, with the stimulation given, this force will be more effective.

MR. HAVELOCK: Arising out of the first answer, would the hon. Member consider giving an allowance to Kikuyu guards operating at a distance from their homes for any length of time?

THE MEMBER FOR AFRICAN AFFAIRS: Yes, Sir, certainly. I think this is normally very frequently done and there is certainly no reason why it should not be done. Funds are available.

MR. TYSON: Mr. Deputy Speaker, Sir, would it not be more satisfactory if a definite scale of pay could be laid down for the home guard, whether they were near their homes or not?

MR. MATHU: Arising out of the original reply, is Sh. 15 really sufficient for a home guard who is in the operational areas and who has a family to look after? Fifteen shillings a month?

THE MEMBER FOR AFRICAN AFFAIRS: I would say this matter has been very carefully considered, stage by stage, as the Kikuyu guard has developed, and at this stage I still think that what is being done is adequate and that is still the opinion of the district commissioners concerned. I am going up to Nyeri to-day to talk to the district commissioners about this and other points, and I would assure hon. Members that if they feel more should be done—more will be done, Sir.

QUESTION No. 52

MR. MATHU asked the Member for African Affairs: As it appears that the intention of the Emergency Regulation 4b is to deny supplies to the inhabitants of a municipal area or township, and as these areas have very many shops of communities other than Kikuyu, Embu or Meru, will the Chief Secretary say whether the application of the regulation in question to close down shops of the tribes mentioned in Nairobi or Nanyuki or any other urban area is having the desired effect?

Can the Chief Secretary also state what justification there can be of singling out only the trading class of the tribes concerned to apply this form of punishment and leaving out the rest of the "inhabitants" of an area in a municipality or township where an incident has taken place?

THE MEMBER FOR AFRICAN AFFAIRS: The hon. Member is under a misapprehension. The intention of Emergency Regulation 4b is not to deny supplies to the inhabitants of any urban area but to inconvenience them should they support the *Mau Mau* cause, either actively or passively, by failing to take reasonable steps to assist the security forces.

There is ample evidence to show that the majority of Kikuyu, Embu, and Meru tribesmen in Nairobi are either willingly or through fear assisting the *Mau Mau*.

It is in the main persons of these tribes who have deliberately closed their eyes when an incident has taken place in their vicinity. Persons of other tribes when not terrorized by Kikuyu, Embu, and Meru have volunteered information to the Security Forces, but in scarcely any instance has a single item of useful information been contributed by a Kikuyu, Embu, or Meru.

As part of their policy to establish control over the African locations in urban areas, and particularly in Nairobi, *Mau Mau* leaders have ordered all Kikuyu, Embu, and Meru to patronize only those shops belonging to their own tribes to the exclusion of those of other tribes, many of whom have been forced out of business. They have imposed a boycott on non-Kikuyu, Embu, and Meru eating-houses and have ordered *Mau Mau* gunmen to endeavour to close Asian businesses, and there is evidence to show that the Kikuyu, Embu, and Meru trading classes in urban areas are very largely implicated in *Mau Mau*.

Government, therefore, considers that there is ample justification for applying this form of punishment to Kikuyu, Embu, and Meru trading classes in urban areas as, when shops are closed, Kikuyu, Embu, and Meru tribesmen have either to do without or else break the boycott on other shops. It would be unjust to close shops belonging to other tribes who are in the minority and who cannot be said to have failed to take reasonable steps to prevent crimes being committed or to have furthered the objects of *Mau Mau*.

Orders under this Regulation closing shops conducted by Kikuyu, Embu, and Meru in urban areas and particularly in

Nairobi are having the desired effect. Whenever the closure of such shops has been ordered, particularly on a large scale, incidents have for the time being at any rate, decreased.

MR. MATHU: Mr. Deputy Speaker, Sir, arising out of that reply, can my hon. friend tell me why those who own no shops—the wage earners—in an area where an incident takes place, why they should not be punished?

THE MEMBER FOR AFRICAN AFFAIRS: I suggest, Sir, this does not really arise out of this question but, so far as I understand, it refers to the closing of shops. The other question raises another issue.

MR. MATHU: Mr. Deputy Speaker, Sir, arising out of that reply, can my hon. friend tell me why, for example, the shops along the junction between Government Road and River Road were not closed the other day when an Indian was shot and all the communities—Europeans, Africans and Asians—were there and none of them came forward to give information. Why, Sir, were the shops not closed?

THE MEMBER FOR AFRICAN AFFAIRS: It may be, Sir, that the officer responsible showed undue leniency on this occasion.

MR. MATHU: My hon. friend, why should he show undue leniency, Sir? Regulation 4b does definitely lay down that inhabitants of an area where an incident takes place must come forward to give information, otherwise their shops will be closed down. Why is leniency shown only when European and Asian shops are concerned?

THE MEMBER FOR AFRICAN AFFAIRS: Sir, I would have to consult my officers responsible on a question such as that.

MR. HARRIS: Will the hon. Member, arising out of that reply, agree that if that system were adopted, *Mau Mau* would invariably take their victims to the premises of some other tribe's shops before shooting them? (Laughter.)

MR. MATHU: Arising out of that reply, can my hon. friend tell me how this regulation 4 (d) can justifiably be applied to Kikuyu, Embu and Meru shops, particularly when there are other peoples' shops in between, when an incident takes place. Surely the other communities—such as the Indians and Europeans—

Mr. Mathu] have eyes to see the gunman shoot and have ears to hear the gun?

THE DEPUTY SPEAKER: The hon. Member must not make a speech. He can ask a supplementary question relevant to the question before the Council.

MR. MATHU: Mr. Deputy Speaker, Sir, I think it is relevant.

THE DEPUTY SPEAKER: I did not say it was not relevant; I asked you kindly not to make a long speech.

MR. MATHU: I beg your pardon, Sir. Can my hon. friend say why only those particular tribes can see the gunman or hear the gun exploding and other people cannot hear?

THE MEMBER FOR AFRICAN AFFAIRS: I thought in my reply I had made it fairly clear that orders such as this are based on information available concerning the particular shops which are closed and these have been very largely Kikuyu, Embu and Meru.

MR. MATHU: I disagree entirely.

THE MEMBER FOR AFRICAN AFFAIRS: It may be, Sir, that the hon. Member has not got all the information available to me.

MR. MATHU: Can the hon. Member give me the information, Sir?

THE MEMBER FOR AFRICAN AFFAIRS: Not always, it often comes from secret sources.

QUESTION No. 69

MR. BLUNDELL asked the Chief Secretary: In view of the statement in the *Hindu Weekly Review* of February 8th that the recent Parliamentary Delegation had no formal or informal contact with Asians, and their meetings with Africans were few, will the hon. Chief Secretary state—

(a) the number of formal meetings arranged, at which representatives, whether political or not, of each racial group were able to meet the Delegation, giving the numbers of racial groupings;

(b) the number of official meetings with non-racial bodies such as the British Council and Local Government bodies;

(c) the number of days spent—

(i) in the African land units; and
(ii) the so-called European Highlands;

(d) whether the officer in charge of the arrangements for the Delegation, made no provision for informal contacts for both Asians and Africans?

THE CHIEF SECRETARY:

(a) Twenty-one formal meetings, eight for Europeans, five for Asians, seven for Africans, one for Arabs;

(b) six official meetings with non-racial bodies;

(c) (i) seven days in the African land units; (ii) four days in the so-called European Highlands;

(d) during the tours of the Delegation the conducting officers took every opportunity of arranging informal contacts with Asians and Africans.

MR. BLUNDELL: Arising out of that answer, Mr. Deputy Speaker, will the hon. Member note that the newspaper which is guilty of these misrepresentative articles is issued free from the office of a diplomatic representative?

THE CHIEF SECRETARY: Yes, Sir, I note the information given to me by the hon. Member for Rift Valley.

QUESTION No. 71

MR. BLUNDELL asked the Chief Secretary: In order to maintain continuity, will the hon. Chief Secretary state whether it is Government's intention to retain officers in the field in their posts as long as possible?

THE CHIEF SECRETARY: Yes, Sir, due regard being had to the requirements of the Colony and Protectorate as a whole, and to the circumstances of each case, e.g., suitability for the particular posting, health, promotion and varied experience.

MR. HAVELOCK: Arising out of that reply, Mr. Deputy Speaker, Sir, does the hon. Member realize that there have been at least four changes in the police force in Thika in the last few weeks and considerable changes are going on all over the country, especially in the police force?

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I knew that there have been three changes in Thika within the last few months; two of those changes being on health grounds.

MR. BLUNDELL: Mr. Deputy Speaker, Sir, is the hon. Member aware, arising out of his answer, of the very numerous changes which have recently taken place in the Rift Valley Province—apart altogether from the needs of the Emergency—mainly the officers in the Agricultural Department and the administrative services in such places as Tambach and Kabinet?

THE CHIEF SECRETARY: I am aware that certain changes have taken place but I am unable to specify each particular case in the various departments, Sir. I am quite sure there were good reasons for the changes which have taken place.

MR. BLUNDELL: I should be only too happy to give the hon. Member details of the changes which have taken place.

THE CHIEF SECRETARY: I am grateful to the hon. Member for his offer of information, Sir. (Laughter.)

QUESTION No. 74

MR. TAMENO asked the Member for Education and Labour: In view of the Government's statement declaring its intentions to encourage trade unionism in Kenya, would the Member please state the reasons why trade union leaders were refused permission to visit Kitale where the police had also cancelled a permit allowing the Municipality employees to hold a meeting in February this year?

THE MEMBER FOR EDUCATION AND LABOUR: On 3rd February the Labour Department received a request from the Kenya Federation of Registered Trade Unions to obtain a travel permit for one of the Federation's officials to visit various places in the Central, Rift Valley and Nyanza Provinces in company with other trade unionists. This request necessitated applications in writing to no less than ten district commissioners, but the permits were issued in time to enable the party to begin their tour on 11th February.

When the party arrived at Bungoma on 19th February the District Commissioner, Kitale, cancelled the permit to visit Kitale

where they wished to hold a meeting the next day: since there are no members of trade unions in Kitale the question of a private meeting of trade unionists could not arise, and the District Commissioner was not agreeable to the holding of a public meeting.

The proposed meeting was identical with that in respect of which the police granted permission to the Municipal employees; but at the time when permission was given to these employees to hold a meeting it was not known that the purpose of the meeting was to meet the trade unionists.

MR. TAMENO: Arising out of that answer, Mr. Deputy Speaker, would the hon. Member tell us whether it would not be possible for trade union leaders to visit areas where there are no trade unions and start some trade union movement?

THE MEMBER FOR EDUCATION AND LABOUR: Yes, of course it would be possible for them to do so.

MR. TAMENO: Why was it then, Sir, they were refused permission to go to Kitale?

THE MEMBER FOR EDUCATION AND LABOUR: I am now discussing this particular case with the Provincial Commissioner of the Rift Valley and I prefer not to make any statement on this particular case until I have finished that discussion with him.

MOTION

FUTURE ATTITUDE TOWARDS THE KIKUYU LOYALISTS

Debate resumed.

THE DEPUTY SPEAKER: At the time of the adjournment yesterday, Mr. Jeremiah was on his feet and before he resumes his speech, I would like to explain to him—because he raised the matter yesterday—that the precise wording of this Motion was changed as from the form in which it first appeared on the Order Paper. It was changed, with my consent, because the changed form is very similar to the original Motion.

MR. JEREMIAH: Mr. Deputy Speaker, Sir, thank you for that information. At the adjournment of Council yesterday I was trying to compare the Motion as it was then tabled and as it is now. Now,

[Mr. Jeremiah]

Sir, the Motion as originally worded requested the Government to make a statement regarding the present and future attitude towards the Kikuyu loyalists. The Motion as it is now only records the appreciation of the Council for the services rendered by the Kikuyu loyalists and reassures them of continued support by the Government in this regard.

I am very glad, Sir, that the hon. Member thought it fit to change the Motion as he did because if the Motion is accepted I am sure it will go a long way to reassuring the loyalists of the assistance they may expect to receive from the Government and therefore they will continue with vigour to carry on with the fight.

I also further agree, Sir, that it would have been very difficult for the Government to comply with the Motion as it was worded before, but nevertheless I believe that the main important point of the Motion is left out in this one and that is the future of the loyalists. In my view, Sir, the present Motion is that the Government will help the loyal Kikuyus and will continue to help them as regards the Emergency measures, but what about the future, Sir. I think Government also should be in a position to say what would be the assistance which Government would be in a position to offer to the Kikuyu loyalists in the future. I might perhaps have misunderstood the meaning of the Motion, but I believe, Sir, it would be more encouraging if the Motion could be worded a bit clearer than it is at present, and I therefore suggest that the last two words of the present Motion be deleted. I beg to move an amendment—that is that the words "every respect" should be substituted for the words "this regard". I believe, Sir, that is a very minor amendment, but one which I believe, in my view, will make it very clear that the Government is not concerned with helping the loyalists only during the Emergency, but long after the Emergency.

Sir, I beg to move.

MR. GIKOYO seconded.

Question proposed.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Deputy Speaker, Sir, I should like to congratulate my hon. friend, Mr. Mathu,

on his able and convincing exposition of the case for the Kikuyu loyalists, and I should like to say, Sir, that the Government will certainly warmly support this Resolution and, indeed, the amendment proposed by the hon. Mr. Jeremiah.

I am quite certain that it is becoming more and more important for the people of this country to exercise due discrimination in recognizing that there are both good and bad Kikuyu, and not to stigmatize the whole tribe indiscriminately as a lot of "so and so" or other words applied in meetings to Kikuyu indiscriminately in the heat of the moment. I think greater care should be exercised because if people could visualize the sort of battle put up by these Kikuyu loyalists in their own reserves along the forest edge day after day, night after night, we could hardly stigmatize the whole tribe and say that no Kikuyu is to be trusted. I believe that would be extremely damaging, particularly when we do all realize and, I trust, appreciate—as the hon. Member said in the preamble to his Resolution—that the *Mau Mau* will be finished only with the help of the Kikuyu themselves.

MR. MACONOCHE-WELWOOD: Mr. Deputy Speaker, Sir, I rise to support the Motion—(Applause)—but in doing so, I want to make a few observations to clear up what I think is a misunderstanding by the hon. Member of the attitude that has sometimes been taken in this Council—and outside it—towards the Kikuyu.

I think in his opening speech he said it was always said that all the Kikuyu are bad. I have not heard that said. What I have heard said is that it is impossible to know what Kikuyu to trust and that, in fact, is unfortunately and tragically still the position. No matter where he may be or however highly placed a Kikuyu may be, you cannot be quite certain whether at some time or other, he has taken the oath. That is the difficulty that we have been dealing with in the whole matter of *Mau Mau*.

It seems to me, in a way, that the Kikuyu and the hon. Member have become perhaps unduly sensitive in this regard; and have rather forgotten that whatever the rights or wrongs of this case, however many Kikuyu have come over now to the Government side, it was a movement of the vast bulk of the

[Mr. Maconochie-Welwood]

Kikuyu people and under those circumstances, inevitably people will say things about the whole tribe which may be resented by individuals who know they are loyal—but the only people who know they are loyal are themselves. Even within the Kikuyu guard you will hear it said that they themselves can never be quite certain if the man next to them is truly loyal, or whether he is of doubtful loyalty. The same applies on farms. That is why you get this occasional demand for the removal of all Kikuyu. It is not because people think all Kikuyu are bad; it is because of the despair they feel in finding every now and again a Kikuyu who appears to have most loyally supported Government to have been at the root of the whole *Mau Mau* movement in the area.

There is one other point I would particularly like to make with reference to something the hon. Member said in his opening speech, and that is with regard to the total removal of Kikuyu being asked for in certain areas. I should like to take this opportunity of saying personally that I would regard the total removal of Kikuyu as a disaster. (Hear, hear.) I, as much as the hon. Member, believe that it is with the assistance of loyal Kikuyu, not only in the home guard, but by giving information and by their tacit resistance to *Mau Mau* in private, that we shall conquer the movement and, having said that, it would seem to me illogical—and it will always seem to me illogical—to remove the whole of the Kikuyu from the European Highlands. Obviously, it is essential to continue to remove, either into work camps or back to the reserves, those Kikuyu who are in any way implicated with *Mau Mau*, because to leave them, not only is a source of infection to the Kikuyu in the settled areas, it is also a source of danger to those who want to come over to the Government side. This is a matter which I, personally, consider of the most vital importance to the country and that is why I have taken this opportunity of giving my own views in the matter, in order that there should be no doubt in the mind of the hon. Member that I, at any rate, do not believe in the wholesale removal of the Kikuyu. It may be, that at the beginning of the Emergency, that step might have been

wise, but you cannot ask people to assist, get their assistance in some cases, and then tar them all with the same brush.

I beg to support the amendment. (Applause.)

MR. COOKS: Mr. Deputy Speaker, I should like also to join with the hon. Member for African Affairs in congratulating the hon. Mr. Mathu. I would go further than this. I think we have not recognized what a great strain the hon. Member, Mr. Mathu, has been under for the past two or three years—probably more than any other hon. Member of this Council. I think we should pay tribute to him for having comported himself, as he has, with dignity and restraint, at all times.

I am going to say I told you so as I sometimes do in this Council. On the 23rd of August, 1952, before this country was seized with what was almost hysteria, before the Emergency Acts were passed, I wrote a letter to the papers of the country pointing out and quoting Edmund Burke, as I often do, that Burke had said he did not know a method of drawing up an indictment against a whole people. I said there was in my opinion a mass of the Kikuyu people who were loyal, decent people and unless we got them on our side, we would not win the war.

I think one of the greatest mistakes—and I blame Government for this—was not making enough use at an early time of the loyal people. I think the Government allowed them to drift into a state where they became absolutely frustrated and they did not really know where they were being led or by whom they were being led. I do not blame a lot of the Kikuyu people for the state of frustration in which they found themselves. However, it is evident that a new spirit is abroad. I, for one, welcome it very much. I deplore—and think nothing has done more to prolong the Emergency than the tacit acquiescence by Government of the wholesale removal or trek of the Kikuyu from the settled areas. I believe it drove a great many of those people who wished to be loyal into the hands of the disloyal elements.

I do hope Government will now do its very best to retain the loyalty of these people, because in post-Emergency times

[Mr. Cooke]

we shall heed all the friends that we can get and the only way to ensure this is to—as I have always said—to hit and hit very hard at the hard core but let us hit a bit less hard at the people who would, if they had a chance, be on our side.

I beg to support the Motion.

MR. HAVELOCK: Mr. Deputy Speaker, Sir, I merely rise to say that the hon. Member for Uasin Gishu did not make it clear in regard to his support of the Motion that he was speaking for all the European Elected Members.

We do, as a group, support the Motion whole-heartedly. It has always been our policy that the loyal Kikuyu must be given every possible support, every encouragement. They are the people who are going to see the end of this *Mau Mau* movement through.

MR. NATHOO: Mr. Deputy Speaker, Sir, I rise to support the Motion, and to make a point that this Motion is very timely. I hope it will be useful in stopping the wild allegations generally made about the Kikuyu as a whole. I think, in the home papers, on and off, and by some of these Sunday weeklies, which revel, I suppose, in sensation, they publish things, which, if people read them without the background of authentic news, they would think this country is overrun by wild Kikuyu and that all of them are nothing but savages who took pride in arson, murder and these things.

I hope this Motion, if nothing else, will tend to curb these people—papers—that are apt to make these wild allegations.

MR. CIYANAN SINGH: Mr. Deputy Speaker, Sir, I support this amendment and the original Motion.

The Kikuyu people who are fighting against the *Mau Mau* are showing very considerable moral courage. They are exposing themselves to loss of property, to loss of life—in fact, the figures that have been put before this Council will show that a large number of Kikuyu has died at the hands of the *Mau Mau*.

I think that all the encouragement and assistance that we can give to these people is well deserved. Their position is very difficult indeed because *Mau Mau*, it is

quite apparent, is not just a terrorist movement; it gives people the impression that it is a political movement. It must be very difficult for these Kikuyu living in the reserves to oppose them but, nevertheless, they have shown courage in taking up cudgels against the *Mau Mau*, and they deserve all the encouragement and assistance that we can give them.

MR. BLUNDELL: I only wish to intervene on one small point. It was obvious recently, in conversation with some of the loyalist Kikuyu leaders, that they were extremely anxious about the effect of any mass exodus from the Highlands or the forest areas. I would like to record—and I speak for all the European Elected Members—that I said that we shall do our utmost to prevent any such mass exodus. (Hear, hear.) (Applause.)

THE DEPUTY SPEAKER: We have the amendment still in the possession of the Council, of which I should like to dispose.

The question is that the words which it is proposed be omitted stand part of the question.

The question was put and negatived.

The question is that the words of the amendment be substituted instead thereof.

The question was put and carried.

MR. DEPUTY SPEAKER: It is the amended Motion that is the substantive Motion now before the Council. If no other hon. Member wishes to speak, I will call upon the hon. Member to reply.

MR. MATHU: Mr. Deputy Speaker, Sir, I should like to thank the hon. Members who have spoken and supported this Motion. I should, in particular, like to thank my hon. friend, the Member for African Affairs, in his very short but very convincing speech in support of this Motion.

I have a very few points to reply to, and I think the major point is that put forward by the hon. Member for Uasin Gishu, when he said that it is not that people say that all the Kikuyu are bad, but that it is not possible to ascertain whether all the Kikuyu are good.

Well, Sir, I do not think there should be any difficulty about that, but I should like to tell my hon. friend that, at the meeting held—I think it was—in Gilgil

[Mr. Mathu]

recently, and reported in the *East African Standard* of 26th February, a speaker— a Member of this Council, incidentally—is reported to have said—"One of the measures that is still necessary to end the Emergency is the removal of the Kikuyu from all over the place"—and he went on to say—"We are now in the position that all but five per cent of the Kikuyu are on the rebels' side. Because we cannot hold them, we cannot trust them, we have got to put them out of mischief".

It is one of the statements, that I referred to in my opening speech, which makes the position of the Kikuyu loyalist very difficult indeed. It is sweeping and my hon. friend, the Member for Aberdare is reported to have said these words, Sir. It makes the position of the Kikuyu loyalists very difficult indeed. I quote that to just give an indication to the hon. Member for Uasin Gishu that there is a reason why I did say that certain statements have been made. I do think now that the hon. Member for Uasin Gishu and the hon. Member for Kiambu and the hon. Member for Rift Valley have spoken on behalf of the European Elected Members—I think the hon. Member for Aberdare will perhaps look at this paper again and see whether he cannot, perhaps, retrace his steps for the over-statements of this kind.

As I say, I do not think there is any other point to make because all the other hon. Members who spoke in support of this Motion did confirm the suggestion that I made—that we should not condemn the whole tribe, but discriminate between those who are doubtful and those who are implicated in *Mau Mau*, either in the Highlands or in the Kikuyu reserve, or anywhere. I have no sympathy

whatever for them—I think we ought to deal with those—I am not speaking for those. I was speaking for those who have stood on the side of law and order. I think we ought to give them credit and I think we ought to reassure them that Government will continue to support them, not only in the fight, but in other respects as the hon. Mr. Jeremiah has made the amendment.

Before I sit down, I would like to refer to two speeches—one by the hon. Member for the Coast—to thank him for the good words that he spoke about me and of my own position in this trouble. The other speech is that of the hon. Member for Rift Valley—I think it was most encouraging to me to hear him say that he and his colleagues would do what they can to avoid this mass movement of Kikuyu, irrespective of whether they are bad or good. I do know he keeps his word and I do suggest to him that if we can help him and his colleagues to avoid this mass movement of the Kikuyu going to nowhere, we will give that support willingly. I do think there is an opportunity here for co-operation between the European Elected Members and ourselves. I think I had better on my own behalf and that of my colleagues thank him for what he has said in this matter.

Mr. Deputy Speaker, I beg to move.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper and the business of this Sitting. I therefore adjourn the Council *sine die*.

Council rose at twenty-five minutes past Ten o'clock, a.m.

WRITTEN ANSWERS TO QUESTIONS

No. 27

Mr. USHER (Member for Mombasa) to ask the Member for Health, Lands and Local Government to state:—

How many applications to take action for eviction have been made by landlords to the Rent Control Board under the Eviction of Tenants (Control) Ordinance, 1948?

Will he institute inquiries with a view either to reducing the area scheduled in the Ordinance or give notice that it is not Government's intention to bring a Motion for the renewal of the Ordinance after the end of 1954.

REPLY:—

1. 136 applications.

2. The possibility of reducing the area to which the Ordinance applies or of allowing the Ordinance to disappear entirely is constantly under review. The Government is not prepared at this stage to indicate what its views will be towards the end of this year but will undertake that it will not seek a renewal of the Ordinance unless convinced of the necessity of its continued operation and that it will consider in the light of local advice a reduction of the area to which it applies before arriving at any decision.

No. 30

Mr. M. BLUNDELL (Member for Rift Valley) to ask the Member for Education to state:—

The estimated number of European children at present receiving education at Government Schools?

Will the hon. Member further state the estimated number of children of Government servants (European) who are receiving education at Government Schools?

REPLY: The number of European children receiving education at Government schools at the beginning of the first term of 1954 was 5,432 (Primary, 3,852, Secondary 1,580).

The estimated number of children of European Government servants who are receiving education at Government schools in Kenya is as follows:—

Kenya Government	913
Uganda Government	91
Tanganyika Government	48
Zanzibar Government	20
High Commission	529
Total	1,601

No. 57

Mr. N. F. HARRIS (Member for Nairobi South) to ask the Member for Health, Lands and Local Government to state:—

(a) The circumstances under which Plot No. 279/1-3 and 2289 L.R. 209 was transferred from restricted use to open use.

(b) Whether the Nairobi City Council, as the Town Planning Authority concerned, was consulted before a change in user was authorized.

(c) If the answer to (b) is in the affirmative what was the recommendation of the Nairobi City Council?

(d) Whether it is a fact that the independent and largely professional body known as the Town Planning Panel for the City Square area made the recommendation that this area is not yet ripe for development?

(e) Whether it is a fact that the Town Planning Committee of the Nairobi City Council also made the recommendation that the area is not yet ripe for development?

(f) Did the Member use his power to overrule these two bodies and, if so, why?

REPLY: The hon. Member refers to events which mainly took place in 1951. Plots 279/1-3 and 2289 of L.R. 209 were held by the Church Missionary Society from the Crown on long lease for a church, office, residences and a bookshop. The land became unsuitable for these purposes for the following reasons:—

(a) A strip was acquired for the East African Highway necessitating the demolition of some of the buildings.

(b) To have put up new buildings on the reduced site would have produced a result inconvenient to the Missionary Society and probably unsuitable for the Highway frontage.

(c) The land values and in consequence the municipal rates due on the plots had risen to a level beyond the sums which the Missionary Society could afford to pay or could be expected to pay for the use to which the land was being put, i.e. the municipal site value rating system had achieved one of its objects of inducing redevelopment of land.

2. Following negotiations the Government and the Missionary Society agreed as follows:—

(a) The Crown would lift the restricted user to enable the Missionary Society to dispose of the land. In consideration of this a rental of £1,800 per annum would be payable to the Crown.

(b) An adjustment of boundary would take place involving a slight reduction of area directed to increasing the curtilage of the new Parliament Building already projected at that time.

(c) The Crown would grant plots to the Church for residential purposes and an African Church elsewhere in the town on normal terms.

(d) A time limit of five years was placed on completion of the exchange.

3. The Missionary Society subsequently sold the land to a private purchaser.

4. With reference to sub-paragraph (b) of the question, as the area has not been subject to any order under the Town Planning Ordinance there is in fact no statutory planning authority in full planning control of this development. The Commissioner of Lands has certain powers of controlling subdivisions under section 24 of the Ordinance and the City Council has other powers of control under by-laws. The City Council was not consulted as City Council because the proposition bore every appearance of conforming to the land's correct use and any development on it would in any case need to conform to the City Council's by-laws.

5. No answer is required to sub-paragraph (c).

6. With reference to sub-paragraph (d), it is a fact that the Town Planning Advisory Panel for the City Square area made the recommendation that this area

except for two sub-plots fronting Whitehouse Road, was not yet ripe for development, but this recommendation was made in April, 1953, long after the change of user and the grant of an unrestricted title had been approved by the Government. The Town Planning Advisory Panel did not disagree with the proposed use of the land, but only as to whether it was ripe for development. The developer of the land was satisfied that would-be purchasers existed, and this was taken as adequate evidence of the ripeness of the land for subdivisional approval and sale.

7. With reference to sub-paragraph (e), it is a fact that the Town Planning Committee of Nairobi City Council also made a recommendation that the area was not yet ripe for development, but the consideration in the preceding part of (d) of the answer equally apply.

8. The Member used no powers to overrule other bodies with advisory or regulatory rights in the matter. In reply to the opinion expressed by the Town Planning Committee of the City Council, the Commissioner of Lands had informed the Council that any reasonable subdivisional scheme for the area submitted by the owner would be approved in exercise of powers held under section 24 of the Town Planning Ordinance.

No. 73

Mr. HAVELOCK (Member for Klambu) to ask the Hon. Member for Agriculture and Natural Resources:—

To state when the projected Agricultural Bill will be published.

REPLY: It is Government's intention that the draft Agriculture Bill should be published in time for the first reading to be taken during the May sitting of Legislative Council.

No. 77

Mr. W. E. CROSSKILL (Member for Mau) to ask the Hon. Member for Agriculture and Natural Resources to state:—

When he intends to lay on the table the Government White Paper on the Troup Report.

REPLY: A White Paper is in course of preparation, but there are a number of financial recommendations in the Report the repercussions of which have not been finally assessed.

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10th Council—Third Session—Second Sitting VOLUME XIX

16th February, 1954, to 5th March, 1954

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